

DÁIL ÉIREANN

AN COISTE UM ACHAINÍOCHA ÓN BPOBAL

COMMITTEE ON PUBLIC PETITIONS

Déardaoin, 16 Meán Fómhair 2021

Thursday, 16 September 2021

Tháinig an Comhchoiste le chéile ag 12.30 p.m.

The Joint Committee met at 12.30 p.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Pat Buckley.	Jerry Buttimer,
	Eugene Murphy.

Teachta / Deputy Martin Browne sa Chathaoir / in the Chair.

Business of Joint Committee

Chairman: I welcome everyone to this virtual public meeting using Microsoft Teams. Apologies have been received from Deputies Devlin and O'Donoghue and Senator Warfield. I do not think we have received any other apologies.

Senator Jerry Buttimer: Deputy Griffin is attending Leaders' Questions in the Dáil.

Chairman: I thank the Senator. The Ceann Comhairle of the Dáil, Deputy Ó Feargháil, and the Cathaoirleach of the Seanad, Senator Mark Daly, have appealed to everyone in the parliamentary community to continue to follow public health advice, to wear a mask and to maintain social distancing. I request that members, witnesses and staff use the wipes and hand sanitisers provided to clean seats and desk that are shared so as to supplement regular sanitisation. This will help to mitigate the risk of Covid-19, including the Delta variant, spreading among the parliamentary community.

The first item on the agenda is the approval of the minutes of the previous meeting. I propose that we approve the minutes of the private and public meetings of 8 July 2021 which have already been approved in the virtual meeting this morning. We must do it for procedural reasons. Is that agreed? Agreed.

Direct Provision Policy and Related Matters: Discussion (Resumed)

Chairman: I must read out some formal notices. I remind members of the constitutional requirements that members must be physically present within the confines of the place in which Parliament has chosen to sit, namely, Leinster House and-or the Convention Centre Dublin, in order to participate in public meetings. I ask members to let the secretariat know they are on campus. I will not permit a member to participate where they are not adhering to the constitutional requirement. Therefore, any member who attempts to participate from outside the precincts will be asked to leave the meeting.

Senator Jerry Buttimer: Given we are no longer going to be in the convention centre, why was it included in the Chairman's notice? Could we have that reference transferred to include our places of residence or offices in the constituency, given that the convention centre is no longer applicable, in my interpretation?

Chairman: The convention centre should have been left out of the minutes now that we are back on campus. The campus here applies.

Senator Jerry Buttimer: I meant to raise this matter in the private meeting. I apologise for not doing so and I will not hold up the meeting for much longer. Could we get clarification regarding the situation as it relates to our constituency offices or places of residence, given that the whole issue around Covid-19 has changed and considerations around parliamentary privilege notwithstanding? Perhaps we could get an update on that matter in our next private meeting. I apologise for not making that point earlier.

Chairman: We got advice on that issue during the year to the effect that members must attend the meeting from what is deemed to be the campus of Leinster House. An allowance was made in respect of the convention centre because the Houses were meeting there. The issue of

constituency offices came up previously and the advice received from a senior counsel was that members could not join from their offices.

I will explain some of the limitations to parliamentary privilege and the practices of the House regarding reference that may be made to another person in evidence. The evidence of witnesses physically present, or who give evidence from within the parliamentary precincts, is protected pursuant to both the Constitution and statute by absolute privilege. However, they are giving their evidence remotely from a place outside the parliamentary precincts and, as such, may not benefit from the same level of immunity from legal proceedings as a witness physically present does. Witnesses may think it appropriate to take legal advice on this matter.

Members are again reminded of the long-standing parliamentary practice that they should not criticise or make charges against any person or entity, by name or in such a way as to make him, her or it identifiable, or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks. It is imperative that they comply with any such direction.

I move to No. 2 on our agenda. This is the fourth meeting of the committee in respect of direct provision policy and related matters. We have already met the Ombudsman and the Ombudsman for Children, as well as representatives of Doras and the Irish Refugee Council. I am delighted to extend a warm welcome on behalf of the committee to our witnesses today. From the Irish Human Rights and Equality Commission, IHREC, we are joined by Ms Sinéad Gibney, chief commissioner, Mr. Colm O'Dwyer SC, commission member, and Professor Kathleen Lynch, commission member. From the Law Society of Ireland, we are joined by Mr. Stephen Kirwan, member of the Law Society human rights and equality committee.

Before we hear from our witnesses, I propose that we publish their opening statements on the committee website. Is that agreed? Agreed. I suggest that our witnesses make their opening statements for five to ten minutes. We will then have questions and comments from members. I suggest that each member takes five minutes, which will leave time for members to ask supplementary questions later in the proceedings. I welcome Ms Gibney and invite her to make her opening statement. Her colleagues may also wish to contribute.

Ms Sinéad Gibney: My thanks to the committee for its focus on direct provision. It is really important to ensure continued Oireachtas oversight on the progress of the Government's White Paper. While welcoming the White Paper, the personal commitment of the Minister, Deputy O'Gorman, to its implementation and the establishment and first meeting of the dedicated programme board, we note that some commitments are slipping. Any delays in the progress envisaged under the White Paper will see people continue to languish in this system, which deprives them of so much. It is a system that was designed as a short-term measure 21 years ago. Information from the Department shows that approximately 4,430 international protection applicants were awaiting interview at the end of June. That is a substantial backlog that, obviously, was exacerbated by Covid restrictions.

In December, we published our recommendations for the White Paper, in line with our mandate to make recommendations to the Government to strengthen and uphold human rights and equality in the State. We have also raised the need for progress on international protection reforms as part of Ireland's upcoming review by the UN Human Rights Committee under the universal periodic review process due in early 2022. What we are focused on in respect of Ireland's international protection system is not only immediate protection, but also the realisation

of longer term human potential and human dignity.

For people in direct provision, every day that passes is more potential lost as people who want to be active and engaged in our society are held in stasis. An RTÉ reporter recently spoke to direct provision residents in Salthill, County Galway. Their words speak louder than mine ever could. Joy Ojo, a mother living in direct provision, told the reporter, Teresa Mannion, “I wanted to offer my services as a nurse or carer but my dream is being shattered living in direct provision with no end in sight.” Innocent Togu, a father of four who works the small plot of land behind his direct provision centre said:

I have no opportunity for employment here for the foreseeable future so I work in the garden. It soothes my soul and cools my brain. Otherwise I get very depressed with my situation.

In December, we set out the principles that we consider the State needs to adopt in reforming its international protection system. This includes a focus on integration from day one, access to on-site education and training, and early and effective access to the labour market. It is welcome that elements of these recommendations are reflected in February’s White Paper, but progress on some of the relatively simple fixes appears to be already behind schedule, for example on access to driving licences.

The White Paper set out that:

International Protection applicants will be granted the right to apply for an Irish driving licence. Legislation giving effect to this will be introduced before summer 2021.

As we appear today, the commission is not aware of any specific legislative amendment having been introduced to allow applications for driving licences. As a commission, we continue to use our legal powers and resources to pursue this issue, including in a case now before the High Court where the commission is acting as *amicus curiae*, or adviser to the court.

The various legal cases we have been involved in illustrate the problem clearly. One involved a single mother living in a rural direct provision centre. A holder of a full driver licence in her country of origin, she applied for a learner permit so that she could learn to drive to access work and childcare. At the time, she was undertaking a costly and lengthy bus and rail commute with her child from Munster to get to her work as a housekeeper in Dublin. The woman’s employers had even offered to buy her a car if she could secure a driving licence. She passed her driver theory test and her eyesight exam at a cost of over €100. When she applied for her learner permit, however, she was told she needed to provide evidence of full or permanent residency permission, which, as an asylum seeker by definition, she could not. Let us be in no doubt. Being barred from even being able to apply for a driving licence is a major State-built barrier to seeking and securing employment.

The right to seek employment was hard-won by asylum seekers in the Supreme Court case of a determined Burmese man known as NHV. The constitutional rights of asylum seekers were vindicated, but that victory is made hollow by such administrative barriers as access to driving licences.

The issue of vulnerability assessments is also important and forms the basis of a trauma-informed approach to international protection. This is an obligation under the EU’s reception conditions directive, and consequently, for a number of years, Ireland was in effective breach of EU law through inaction. It is good news that a vulnerability assessment pilot commenced in December 2020 and was extended to all new applicants from the beginning of February 2021.

However, figures provided to the Oireachtas in April, show that 268 applicants had entered the vulnerability assessment process with 161 assessments completed and 107 then ongoing. This obviously needs to be significantly scaled up, considering figures published to the end of July by the International Protection Office show 886 applications received this year alone. At the moment, we run a serious risk of people who have suffered immense trauma slipping through administrative gaps and not getting the specific supports that they need.

The commission has stated the need to see vulnerability assessed in proper reception centres on arrival, but also on an ongoing basis in order to proactively deliver appropriate health, accommodation and other support services to vulnerable applicants. This should include reasonable accommodation for people with disabilities and supports that are sensitive to people's gender and sexual orientation.

On Tuesday, we published new research focused on monitoring people's access to adequate housing. This sets out that in excess of 70% of direct provision residents had been living there for one year or more, with a quarter of all residents living there for three years or more. For the same period, to the end of July 2020, there were 1,957 children living in direct provision. More than eight out of ten of those children were aged 12 or under. As a signatory to the UN Convention on the Rights of the Child, Ireland recognises the right of every child to a standard of living adequate for that child's physical, mental, spiritual, moral and social development. We must ask what kind of a platform we are providing to those children to fulfil their potential, when we consider that associated with accommodation problems for people in direct provision are a broader set of factors, such as healthcare, educational access and decent work, all of which are impacted by living conditions.

I again thank members of the committee. We will be very happy to take their questions. My colleague Colm O'Dwyer is a senior counsel and does a lot of legal work in this area so he might be able to take some of the legal questions members' have.

Chairman: I thank Ms Gibney. I invite Mr. Stephen Kirwan, member of the Law Society and Irish Human Rights and Equality Commission, to make his opening statement.

Mr. Stephen Kirwan: I thank the Chairman for the opportunity to discuss the Law Society's recommendations on the White Paper on direct provision and related matters concerning international protection. The Law Society welcomed the publication of the White Paper in February of this year and the Government's commitment to ending direct provision and creating a new system grounded in the principles of human rights and respect for diversity, privacy and family life. The society has advocated for an end to the non-statutory system of direct provision for many years and has recommended the introduction of an alternative system to accommodate and support those seeking international protection in the State. Key to any discussion on an alternative system is the need to address practical concerns over the present system. Doing so is, of course, a vital component in improving that system.

I understand my written submission is due to be published on the Oireachtas website so I do not plan on going through the various points that are addressed in it in any great detail. I will, however, provide a brief summary for the members who are here today. The first aspect in the submission is the question of benefiting from legal advice at an early stage. This is mentioned in the White Paper as a target for completion. It has been discussed frequently. The goal, in the Law Society's view, is to ensure that legal advice is routinely provided as early as reception stage. Given the administrative pressures that are currently on law centres and private practitioners, it is absolutely the case that it is not automatically being provided. It often happens that

legal advice is provided at a very late stage, including when international protection questionnaires have been completed.

In the experience of our members, it is key to seek early legal advice. That will often aid in the smooth administration of the system itself, in guiding applicants through the system, and ensuring there are no particular difficulties.

The committee will be aware that if individuals arrive in the State seeking international protection, they are particularly vulnerable, often unaware of their rights and in fear of deportation or detention. In such circumstances, early access to a solicitor would safeguard their right to liberty and help with the smooth running of the system while also ensuring a necessary balance would be brought to the international protection system as a whole.

The next area our submission covers is the question of delays in the international protection process. Again, the White Paper recognises the importance of a fair and efficient international protection procedure. We heard this morning from Ms Gibney about the frustrations of practitioners in this area over the implementation of the White Paper and some of its recommendations. We call on the Department of Justice and implore Members of both the Seanad and Dáil to try to help us to push a certain suggestion that I believe is urgent and pragmatic. There is a growing backlog due to Covid-19. This backlog was seen long before Covid-19 in that individuals were waiting for as long as three, four or five years in direct provision. We reiterate some of the calls made in previous reports of advisory groups on granting leave to remain to those who have been in the direct provision system or international protection system for more than two years. If we are going to start considering reforms, it is important to consider who is in the system currently and get rid of the backlog. This is not just the humane thing to do because it also makes sense in terms of practical administration.

The next area that the Law Society has focused on concerns the assistance of a solicitor at international protection interviews. Welcome changes have been brought about under the International Protection Act to allow for the support of a legal representative at interviews and hearings. The difficulty is that there is a complete lack of guidance on the role of the solicitor in these interviews. It certainly varies from case to case. As far as we are aware, there is no particular guideline or guidance on disclosure or the role that a solicitor can have. Again, that creates unnecessary complications. We ask that consideration be given to putting appropriate guidance on a statutory footing. That would ensure consistency, transparency and fairness for all international protection applicants and would limit the intervention of solicitors and legal representatives at later stages in the process, which can often cause massive delays.

The next thing the Law Society of Ireland has advocated for is the availability of translated questionnaires. It has noted, very fairly, that these questionnaires are now more routinely available in a variety of languages, but that list is not comprehensive. We ask that in any review being undertaken by the Department, or if Deputies or Senators are intervening with regard to making petitions on this issue, there is a whole scale review of the operation of questionnaires and the availability of questionnaires in all languages.

The next issue is a resource implication one. The White Paper makes a very strong recommendation in respect of setting up a fully funded legal aid unit to deal with international protection claims. That would be a marked departure from the current practice, which is that private practitioners, who make up a large number of the referrals under the scheme, would be referred cases from the Legal Aid Board. The Law Society of Ireland is emphasising that the current level of fees payable to private practitioners, given the amount of work and the complexity

involved, has meant that a number of practitioners with excellent expertise have decided to opt out of the scheme. Given the fact that solicitors are involved in the administration of justice and, in fact, our colleagues in the Bar Council of Ireland who assist in certain hearings are involved in giving specialist expertise and given the fact that both the International Protection Office and the International Protection Appeals Tribunal are administering justice, we argue that they are providing a much-needed service and that it is a fundamental aspect of human rights. That should be looked at in terms of any model in the future.

The next issue the Law Society of Ireland looked at is the question of the adequacy of translation services. The White Paper contains a commitment to have an accreditation test for interpreters working in the international protection process and it calls upon the Department of Justice to implement relevant training and competency standards. We welcome this call and suggest that this be put on the appropriate statutory footing.

Finally, the committee heard from Ms Gibney about the barriers to integration, including access to the labour market. The Law Society of Ireland and the human rights committee are very concerned about the fact that there are significant invisible barriers to access to the labour market and to integration. While there is certainly a limited welcome to the fact that asylum seekers are now in a position to work after periods of six months, the White Paper contained important recommendations on access to banking services and access to driver licences for people in the international protection process. With regard to the bank account issue, the Irish Human Rights and Equality Commission has done great work on this issue, as it has on most issues. However, on this issue, it and the Department of Justice have been engaging with key stakeholders to resolve some of the difficulties regarding access to bank accounts. We call for fairness by all service providers. There are numerous instances of financial institutions causing problems by putting barriers that possibly should not be there.

The other issue we have highlighted in our opening statement relates to the driver licence question. That was also raised by Ms Gibney in her opening statement. We are not aware of any measures that necessarily restrict the ability to resolve the driver licences issue. The Minister recommended the introduction of legislation before summer 2021, but there is no sign of that. We are very anxious to make sure that is implemented.

If there are questions, members should feel free to ask them. Mr. O'Dwyer is here also, who, again, is an excellent expert in the area of international protection. I am sure he would be happy to answer any questions as well.

Chairman: As Senator Buttimer has another meeting, I will ask him to ask his questions now.

Senator Jerry Buttimer: I thank the Chair. I have a meeting at 1 p.m. and I hope to come back again. I thank our witnesses for their presentations. As Senator Craughwell and I also are members of the transport committee, we are aware there is a delay in the issuing of driver theory tests and driving tests. Is that linked to the Covid-19 delay or is it a different matter? That is my first question. Maybe Ms Gibney could come back to me on that first.

Ms Sinéad Gibney: It is a separate delay, as far as I am aware. We have been pushing for this across Government. I believe that the appropriate legislative amendments are due in the upcoming transport Bill. It was due before the summer but it was delayed. Unfortunately, for people in direct provision that delay is still a daily barrier to them accessing work-----

Senator Jerry Buttimer: If I may, I ask Ms Gibney come back to me on that issue. As a member of the transport committee, I would like to pursue that important issue as well. On the vulnerability assessment, can Ms Gibney explain that a bit more in the context of her presentation and in light of the commentary that we have seen today and during the past couple of weeks from people who are living in direct provision? Their sense of hope or optimism does not seem as positive as that of some of us who are working hard, as are the witnesses. I commend all our witnesses today on their work, their advocacy, their recommendations and on the challenging positions they are putting forward.

It is important that we take the bona fides of the Minister for Children, Equality, Disability, Integration and Youth, Deputy O’Gorman, and that we work with him. I certainly hope we can. Ms Gibney might respond on the vulnerability assessment. I apologise that I have to go but I have another commitment. I will try to get back again at the end of the meeting.

Ms Sinéad Gibney: I am happy to follow up on the transport issue. Perhaps Mr. O’Dwyer might elaborate further. To give the headline on our submission, as we said, the State was effectively in breach of EU obligations by not having vulnerability assessments until recently. This underpins what we have outlined as a principle that we believe should underpin our whole international protection system, namely, a trauma-informed approach. We are dealing with people who are coming to this country with significant trauma. Vulnerability assessments should be done on arrival and throughout their experience because that trauma plays out. We need to make sure that this is not only conducted in an appropriate reception centre as they arrive but that it continues to follow them throughout in order that services can be tailored specifically to their needs. As Mr. O’Dwyer has more detail, I invite him to contribute as well.

Mr. Colm O’Dwyer: I thank members for having us today. Something that has been missed, even in our own statements, is that vulnerability assessments are not something new. These were already meant to be done. In fact, the reception conditions directive was implemented here through the European Communities (Reception Conditions) Regulations 2018. I do not know whether Senator Buttimer is aware but regulation 8 of that instrument provides that a vulnerability assessment will be done within 30 working days of an application for asylum or international protection. Mr. Kirwan works in this field as well. He will be able to tell you that this simply was not happening. A pilot program began in 2020, but the obligation has existed since 2018. It arises from EU law. Therefore, a pilot program in 2020 seems very late. That is being followed through, to a certain extent but Ms. Gibney has already given the figures. Obviously, the vast majority of asylum seekers and people seeking international protection who have come over the past couple of years have not had a vulnerability assessment.

Senator Jerry Buttimer: The reason I asked the question was I thought it had to be done as a matter of form. That is why I am surprised.

Mr. Colm O’Dwyer: This is what I find. Perhaps our own petition does not lay this out precisely but the Senator is correct. It has been in place for two years and what is called a pilot programme only began last year. Mr. Kirwan and I have been involved in cases where obviously vulnerable people, including very disabled people, people in wheelchairs or people with severe PTSD, have not had any vulnerability assessment. Sometimes I take the following example. I cannot really talk about the individual case but it concerns a person in a wheelchair put in a direct provision centre comprising mobile homes where the reception is an awful long way away. These are simple examples. The vulnerabilities assessment for that person would show that because of her severe disability, it would be particularly difficult to be in that type of direct provision centre. She needs something different and more suitable for her disability.

There were legal proceedings about that and eventually a vulnerability assessment was done. There have been a large number of such cases. Mr. Kirwan may be able to elaborate on that. There have been a fair number of cases where people have had to effectively sue the Minister. These are asylum seekers who are very vulnerable in some cases. They have had to sue the Minister to get a vulnerability assessment. Even then, the way the assessment is set up is a two-stage process. Applicants do an initial, very limited interview and then there is what I would think of as the vulnerability assessment as a second stage. There can be an even longer delay. I do not know if the numbers Ms Gibney has given are for this first instance interview, which is very short, or the second, more substantial stage where the applicant meets medical practitioners and they come up with a plan of what would be suitable.

I can go into more details about this but it has been a failing. This was in existence before the White Paper. The White Paper has emphasised the fact these will be done and are important in deciding where people end up and what kind of accommodation is necessary for them. It should be happening. It should be a matter of course and done in accordance with our own regulations. It should be done within 30 working days of the application for asylum. That is one of the key points. If the new system as envisaged is to work properly, this would be a key part of it. They need to ramp it up. Given what we have said about the numbers, there must be a huge backlog. If only a couple of hundred people have had a vulnerability assessment and several thousand people have applied for asylum, there must be a huge backlog building up in that area as well as other areas in the process.

Chairman: I have three quick questions for each group before I let in anybody else. Can Ms Gibney or one of the representatives of IHREC advise on why momentum to implement the recommendations set out in the White Paper seems to be slipping? Second, who decides if an asylum seeker is vulnerable?

Over the past month, the world has been watching while the citizens of Afghanistan have become subject to the Taliban again. Every one of us, I would say, has been heartbroken to hear accounts of how the rights of women and children are being eroded again and they are being denied education and freedom. When a child under the age of 12 manages to flee to a safe haven and apply for asylum, we can only imagine the emotional damage they are suffering. Can the witnesses outline to us the suite of supports that should be there for a child and his or her family in the ideal system? Could they describe the ideal process that would be involved in progressing them through the international protection system from the moment they arrive?

Does Mr. Kirwan believe that all asylum seekers should be provided with legal supports as soon as they enter the country? What other ancillary services are lacking under the Legal Aid Board scheme? He said that the fees paid are inadequate given the volume and complexity of the work involved in protection cases. He also mentioned that without proportionate fees, lawyers with the appropriate skills may not get involved. With all this in mind and given the fact that there are 4,430 applications awaiting interview, is a lack of available legal representation contributing in any way to the backlog?

Ms Sinéad Gibney: I will share these answers with my colleagues. I will take care of the question about delay asked by the Chairman and then talk about the suite of supports we envisage. The question about why they are slipping is one the committee needs to put to the Minister. I believe the Minister is due to appear before this committee very shortly, so I would encourage it to do that. To provide more detail about what we are concerned in terms of that slippage, I mentioned the issue of driver licences, which has such a significant impact on access to employment. This is about integration from day one and allowing people to start really contributing to

society. If they do not have a driver licence, they cannot then access employment in many cases and their integration is delayed as a result.

Inspections are another issue about which I would have concerns. I would encourage members to follow this up with the Minister. We have called on the State to develop a robust independent inspection mechanism to ensure that the new national standards for accommodation offered are fully implemented, including in emergency accommodation centres. To our knowledge, this has not yet begun so that is something we need to see followed up.

We spoke about the backlog. I also recall some of the testimony the committee received from Nick Henderson in July who provided figures of approximately 5,000 people awaiting a first instance decision. The medium length of stay in direct provision is 27 months and there are approximately 1,800 unrelated people who are sharing bedrooms at the moment. Those are the concerns we have around delays. I cannot answer as to why they are happening. I think it is really a question for the Minister. I appreciate that Covid has presented significant and unique challenges for everybody to deal with, including the Minister, in the advancement of the White Paper but nonetheless these are commitments made and must be delivered upon.

To answer the question about the suite of supports we want to see in place, behind that is a mindset change. It is about really moving towards informing our international protection system with a mindset that we are lucky to welcome many of the aspirant citizens who want to come to this country. We need to invite them and offer them integration from day one. We need to see and value the contribution they can make to our society. When we do that, we will start to see a system that is informed by trauma, understands the trauma people have been through and provides wraparound supports that are tailored to their needs and any trauma they may have suffered before they arrived on our shores. Those fundamental principles we outlined in our submission are what we want to see. We want to see families arriving from the Afghan situation mentioned being provided with appropriate accommodation that allows them as families to continue to live and support each other and access society in a way that is appropriate - schools, work and so on. Employment is critical among those. That is what we are looking for in terms of the suite of supports. I will hand over to Professor Kathleen Lynch who will address some of the other questions.

Professor Kathleen Lynch: I will address some of the questions the Chairman raised about children and education in particular. The first thing I will say is that we should remember that there are almost 2,000 children in the direct provision system. With Afghanistan, we will be bringing in a whole new suite of children because of asylum policy to help bring in families. For example, under Ireland's programme for Syrian refugees we already have nearly 2,000 people who are from Syria, 40% of whom are children under the age of 18. DCU and my university, UCD, have done considerable research with children and their integration especially children from Syria.

We know there are many issues, as Ms Gibney said. There is the question of integration from day one. That is a key policy issue. It is very important to look at the children and their families as resources for our society. They come from different cultures. They are traumatised. Some members of the committee may have read the novel, *The Beekeeper of Aleppo*, about the Syrian refugee crisis. It tells in a very personalised way what people go through before they get here.

Children need, for example, wrap-around supports in schools and in the places where they live. They need appropriate accommodation where they are not retraumatised. Retraumatisa-

tion is a very big issue. If they go to school, as most of them will, we have the very serious issue of language and the availability of interpreters and other people to support them in our schools. There are no particular support services in schools. We have additional needs assistants but they are not assigned to schools on the basis of the number of children within them who are in a refugee or asylum position. That is a very serious question.

If children are to settle, they must also settle emotionally. It is not just a matter of settling in educationally even though that is very important. They must settle in emotionally and they must make friends. They cannot make friends if they have no language and no support. We must take an holistic view of the child and their families in this system, which is very challenging. Very little money is allocated to this - €29.8 million is very little given that the Irish League of Credit Unions this year has documented that for the average Irish family the cost of having a child in primary school for a year is €1,000 and 70% of low-income families are borrowing significantly. Additional language support is crucial for children in primary and secondary schools. Those would be some of the more fundamental things we need for children. I thank the members for their questions.

Mr. Colm O'Dwyer: Ms Gibney mentioned delays. I have some of the recent figures that have been quoted. The commission and any lawyers involved in the area would think that one of the most significant obstacles to what we welcome in the White Paper actually being realised is the delays in the international protection system as it stands. Ms Gibney mentioned that approximately 5,000 people - maybe more now - are awaiting their first-instance decision from the International Protection Office. The Irish Refugee Council has advised that the median time to get a first-instance decision is now 26.9 months. Effectively, it takes more than two years for people to get just their first-instance decision - and that is just the median. If we all remember our leaving certificate maths, that means that some people are waiting considerably longer.

We do not really hear so much about the delay in the appeals tribunal. The Irish Refugee Council has advised that at the moment the processing time for an appeal is approximately ten months. It has increased from nine months. Earlier in the summer there was a backlog of 1,655 appeals. Compared with the IPO, that may not seem like a huge number, but one of the problems on a practical level is that, as some members may be aware, the protection tribunal has a premises beside Pearse Street and there are physical constraints. There are only, I think, five courtrooms, if you want to call them that, or conference rooms where the hearings can take place and there are restrictions on the number of sittings that can take place in a day. Even the maximum is probably about eight on any given day. That would be four in the morning and maybe four in the afternoon. The premises has five rooms. How a backlog of 1,700 plus all the cases that will probably come through from the IPO now as it ramps up will be dealt with is really a challenge.

We have been focusing on the Minister, Deputy O'Gorman, but, to be fair, and as the committee may be aware, these are actually challenges for the Department of Justice as opposed to the Department of Children, Equality, Disability, Integration and Youth because the former in effect has control over those systems. Those delays really have to be dealt with before most of the White Paper can be implemented. Mr. Kirwan mentioned the idea of granting people leave to remain if they have been two years in the system. The committee will probably be aware that Catherine Day had recommended that that be done at the end of this year but, obviously, if there are now thousands of people in those backlogs, many of them will be at the two-year stage at the end of this year, so we would be talking about granting leave to remain to many thousands of people. The White Paper is not as explicit on that and seems to talk about doing

that in 2022, in the hope, I suppose, that the backlogs will have gone down by then. We are not seeing action on these backlogs at present, and I do not think Covid is really the explanation. In fact, the backlogs are only getting worse, partially due to Covid. It is clear that these backlogs were already there when the White Paper was being developed. Maybe they were not quite as bad, but certainly, before Covid, neither the IPO nor the IPAT was anywhere near the target of six months as the median time it would take to get a decision. The White Paper to a certain extent is built on that being the timescale and, clearly, it will be a real struggle to get it down to that level. The alternative is to grant all the people in the backlog at least the option of leave to remain but, really, those are areas within the ambit of the Department of Justice rather than the Department of Children, Equality, Disability, Integration and Youth, so perhaps the committee's queries about those things might be better aimed towards the Minister for Justice rather than the Minister for Children, Equality, Disability, Integration and Youth.

Mr. Stephen Kirwan: I thank the Chairman for his very insightful questions. Again, he has hit on the nub of the opening statement, so I appreciate his time in that regard.

The first question he asked was whether or not the Law Society believes legal aid should be granted to all asylum seekers at reception stage, and our answer is "Yes". What we have often relied on when we have had public documents or when we have published or gone to meetings with key stakeholders is the analogy with criminal legal aid. If someone is involved in a police detention, for example, legal aid is routinely given to him or her, and we would say that a Garda station detention would certainly be of the same level of priority as someone looking to claim international protection. It is always controversial when lawyers turn up asking for more money - it is not a positive contribution at times - but, really, we have to look at this as a systemic thing. If problems are caused by translation difficulties or a lack of proper legal advice at the start, these cases inevitably take longer. Problems that arise at first instance are often dealt with on appeal, but they could easily have been dealt with six months or a year previously. That happens time and again. Mr. O'Dwyer mentioned cases that we have been involved with. We see this all the time. The backlog is not only caused by lack of resources. There are other issues and early preventative measures could save the Exchequer money in the long run. I know it is rich to have a lawyer advocating for more money, but it is not just that. It is more about looking at the holistic system and it is a false economy to not provide it, so I believe it should be provided.

With regard to ancillary services, the Chairman mentioned the Afghanistan crisis and the fact that it is obviously in the *zeitgeist* at present. That is a powerful example of where we would have a number of clients who would be entitled to family reunification. When somebody is granted asylum there is a right to apply for certain family members to join the person here. Of course, it is a much more limited scheme now since the introduction of the International Protection Act. Under the old 1996 Act, a much wider gamut of people could apply for family reunification, but that has been quite limited. We definitely see that problem now with the Afghanistan crisis and the Minister's response to trying to expedite certain claims that, unfortunately, were somewhat hemmed in by a scheme and very much reliant on discretion. In the context of such services, when a client comes to either the Legal Aid Board or a private practitioner, these things are not covered by legal aid. My view is that while it appears to be ancillary to the main claim, in reality it is central. I know the Minister has to prioritise certain schemes but, for me, that would be absolutely fundamental. We are a nation of high emigration. I am a product of it myself, being a dual citizen with my parents having had to leave and so forth many years ago. For a country that is so proud of its emigrants and about providing supports, it appears to be very contradictory that we have something that could be easily implemented and that would not cost a massive amount of money to do or to facilitate, yet we ignore it and, in fact, limit that right. That

is something the Law Society of Ireland has been advocating and other organisations, including the Irish Human Rights and Equality Commission, have campaigned on it fiercely.

Another question asked was about the level of fees payable. The Law Society of Ireland has suggested on previous occasions, with regard to the fee payable, that the criminal courts would probably be the easiest analogy to draw. Mr. Nick Henderson of the Irish Refugee Council has spoken about this previously and calculated that it can take up to 30 hours to work through an asylum file from start to finish. That is 30 hours one would be billing for as the core, but it does not count the countless telephone calls, the emails and things out of hour. That is the problem. What has happened is that many very conscientious practitioners have unfortunately moved on. As they do not have the time and resources, they have not been able to dedicate or felt professionally competent or able to provide the support that is required and have simply just turned away from the scheme. I know of some of the best human rights practitioners in the country, particularly in Dublin, who are no longer taking on legal aid claims, and it is a shame. It is shame because it is doing clients a disservice and it is also heaping more pressure onto an already understaffed legal aid system and onto the law centres.

I cannot necessarily say or I do not have any information about whether the lack of availability of legal aid or legal services is necessarily causing further delay in terms of getting appeals or first instance decisions. From practice, and certainly from experience, I can inform the committee that very few officers would be willing to proceed without ensuring that someone has received legal aid or has tried to facilitate that. That definitely has to be a contributing factor. As I said, I only have my knowledge, or what is heard through the grapevine. I do not know if anything has been published specifically on this but it would make sense to me and it is an obvious point. If deciding officers are waiting on legal advice to be given and are withholding appeals, or are not proceeding when legal advice is not available and if it is very hard to get practitioners, then it makes perfect sense.

The other problem is the regional variants. There are certain regional towns, and certainly provinces one would nearly say at this stage, where there is little to no coverage at all. I know from my own practice that we have clients coming from as far as Donegal and Sligo. I try to meet them halfway in Kinnegad which is not as hospitable. Some people have to travel distances just to get basic legal advice. That is, again, because of the unattractiveness of the scheme but also because practitioners are trying their best to be diligent and to only take on a certain number of cases, given the amount of work that is involved. I hope that answers the questions in some way.

Chairman: I thank Mr. Kirwan. Was Professor Lynch hoping to come in there before I bring other members in? Her hand is raised.

Professor Kathleen Lynch: I will follow up quickly on what Ms Gibney just said in response to what the Chairman asked as to why there is perhaps not a sense of urgency about this. Speaking as a social scientist, I see this as a wider problem. People do not fully appreciate the value of what people can bring to Ireland. The people who come here want to come here. Usually, they have travelled long and horrendous journeys and have decided that they want to come and settle. We certainly know that there is research done with Syrian refugees who feel welcome here. We need to tell people what has been done in certain areas. For example, in the direct provision centre in Rosslare, there is a social inclusion and community activation programme that has been very successful with the local community. There are places of good practice and good example. We have a wider appreciation and I definitely think that is improving. People are beginning to appreciate that people have something to offer. Many of them are

skilled people.

The other danger is - it is a very real danger and we often talk about this in academic life - that if one is out of one's degree or skill programme for five years or more, one is often almost completely de-skilled. We must ensure that people are received and integrated as soon as possible.

For the family reasons Mr. Kirwan mentioned, emotional and mental health is an enormous issue for people who have been through war and conflict. Picking up on Mr. Kirwan's point, bringing their family here is so crucial to their well-being because they are very family-oriented. For example, research with Syrian children and their parents show that they find it very strange in Ireland that people will greet a person on the street but will never invite that person into their house. They will be very polite and will say "hello" when they meet them but they will never ask such a person in as it almost has to be a formal arrangement. This may not be the case in rural areas but even there it has changed. Their family is so central to their existence and that is very important to remember but also the value that people can bring. Different cultures bring different views of life, different politics and different understandings of our own humanity. It is very important that we welcome them because of their value and do not to see them as a burden. I thank the committee.

Chairman: I thank Professor Lynch and call Deputy Buckley to speak.

Deputy Pat Buckley: Good afternoon. I thank everyone for their honesty and for their time. Much has been covered but I want to return to what Mr. O'Dwyer said about waiting lists on appeals and such matters. It struck me straight away and it reminds me of the local housing issue. Even though between 1,600 and 1,700 people are waiting, in the next month there will be an influx of more. If that list is not going down, which it clearly is not, we could be back here in 12 months and the witnesses may be saying there are 3,400 people on appeal. I am looking at this and making comparisons with other sectors in society where there are waiting lists, in particular in the health system and in housing. We know what the problems are. Many of our witnesses spoke about how we could resolve these problems. It is a question of resources, obviously. I cannot understand why people must wait so long. Mr. O'Dwyer mentioned waiting two years for a first decision. It is like going for a job interview and being told they will get back to you in two years so you should sit around and do nothing. That system is mind-boggling. When we have people like the witnesses appear before committees, we learn of this and at least it then is getting into the public domain. A lot of stuff here is about information versus misinformation.

What Professor Lynch spoke about there always strikes me as well in respect of the majority of people who seek asylum in our country. Our reputation is as a welcoming and a so-called prosperous nation. The witnesses rightly said many of these people come from unbelievable turmoil, abuse and war. They are damaged when they come in here and the first thing they face when they walk in, hoping it will be to open arms, is a block wall and problems. Obviously, with these people being so damaged, trust is a massive issue. They have reached out for help but we basically are saying we cannot do it, not now. That is a massive bar and it really worries me.

The vulnerability assessment should be a no-brainer. They are not coming here for a holiday; they are coming because it is necessity. Professor Lynch is right that bringing families together grounds people and gives them a sense of security. We have heard other witness statements in this committee about direct provision and how people feel trapped in there. A number

of people there are qualified doctors, nurses, people who drove buses, you name it. We have heard repeatedly in other committees that employers cannot get or retain staff. It is like the proverbial greyhound. The bell is after ringing, the hare is running and they cannot get out of the trap to involve themselves in society. We will see that more.

I think Professor Lynch mentioned an example in Waterford but if something is working, why can we not target that as a pilot project? We have an awful habit here of trying to fix something that is not broken. If there is a system that works and is well resourced, that can be modelled and mirrored around the country. My big issue, and I have seen it in the mental health system over the years, is that we are trying to do it all together and we know we do not have the resources. However, we have the information and the witnesses have it. Target the most vulnerable first and whatever the most demand is and reduce that. When it is proved that it is working, it is easy for Ministers to buy into it.

To turn to something slightly different, before the onset of Covid my home town of Middleton used to hold a food festival. I think the last one was three years ago. There is much diversity of culture in most towns, villages and cities now. Someone had the brainchild to bring all the people who had gone through the asylum process into the community hall and showcase their traditional food. There were people from Palestine, Kenya and all over the world. The interaction between members of the public and families gave a sense we were all in it together. Nobody judged anybody. We made good friends. A week or two later, a lady delivered a special dish to my house because I had talked about it so much. It is interaction. What I am trying to say about interaction is that the more information we get out, the more mistruths we will dispel. There is always an attitude of asking, "Why are they coming into this country? Why should they get a house before I get a house?" It is about harmonisation to the point where we as a collective group, we as politicians and the witnesses as members of whatever organisation that is trying to do the right thing, find out how to get a louder voice in order to say, "Look lads, this is the reality here, this is what should be happening, this is what is not happening and this is what has to be done". I know it comes down to money, which Mr. Kirwan spoke very frankly about. Everyone says it is about money. As Mr. Kirwan said, it is not always about money; sometimes it is a case of penny wise and pound foolish. We see a lot of that and we should move away from it.

I am very interested in the fact that Ireland, as a signatory to the Convention of the Rights of the Child, recognises "the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development". Why is that not happening? That is a very straight question. If we signed up to a convention, which includes Europe, why are Europeans not coming in on it? Why is there no joined-up thinking between all the ombudsmen? As was stated, it is not always about children. It could be about issues of justice, health or education.

Is there a possibility in the future of having a national conference on this issue where all stakeholders are brought together? When I say stakeholders, in committees we are used to hearing people saying "bring in the expert". Not to take away from anybody's expertise, but the real experts are the people who lived it and who are seeking asylum in this country. I do not like the word "asylum". It should be about people seeking sanctuary. We are, as a nation, very welcoming. We are a nation that has, possibly, forgotten that emigration is definitely part of our history. We travelled to many parts of the world. We may not always have been welcomed but in the majority of places we were. We built up and contributed to society.

I believe, through listening to the witnesses' statements today, and those of others, that

these people have an awful lot to offer this country and society. We should be working together, collectively, to drive this forward. This craic of having thousands and thousands of people waiting is like saying to them that they will be waiting two years before we ask for their names, we might try to find out what their situation is in the meantime, and there could be delays in that, but they should not worry about it because there is an appeals process, which could take three years, if they are still around. If that was any job interview, the system would be stripped, taken down and a new plan put in place.

I will ask one question. I am always straight to the point and fairly blunt when I talk about this issue. This is a humanitarian, human rights, justice, health and education issue, yet we seem to be bouncing from pillar to post when it comes to individual Ministers. We are very lucky to have a committee that can discuss it. I would love to discuss it further. When we come up with a national plan, like everything it will be down to resources. However, can the witnesses pick a county and say to Minister X, Y or Z that the model there is working? It might be short a little but if we can prove that this model is in pristine condition there is less servicing in it. It is like a car. It does not cost more if you spend prudently at the start. Can the witnesses pick a model anywhere in the country that is working at present that we could see or visit, and then ask the Minister if we could replicate it? You have to be a realist; we know it will not happen overnight. However, what if the witnesses could get a commitment that we will stick to model A that we saw in a County A and that in 12 months' time we could guarantee there will be another model A in County B and we will keep replicating that? As it is replicated, the issues of waiting lists, assessments and vulnerability are resolved. At the same time, that takes pressure off on the legal side. I am very worried about the legal issue because it is, again, very lengthy. I cannot understand why. I know you cannot just get a case officer on every individual who comes in, but there should be something like a revolving door within certain systems whereby when an individual or family comes in the door, all these pieces are put in place. There should be a vulnerability assessment. I am extremely worried as well about anybody coming here with a disability. That strikes me because we have been lagging behind in disability services for years in this country. I am thinking of people coming here totally traumatised and not being able to find even the common, basic understanding that one's individual needs and basic individual rights must be listened to. I am thinking of someone who may not be able to go up a flight of stairs and who therefore needs to be in a place that is suitable for him or her. I think of that a lot and it worries me.

I do not want to take up any more time but I ask the witnesses to respond just to that little question. If there exists a model they could pick out and replicate, where is it? How could we as committee members work in tandem with the witnesses and Ministers to try to put pressure on the latter and to say, "This model works and we need to replicate it", such that we keep replicating it and eventually the fire is put out.

Chairman: I ask Ms Gibney and perhaps Mr. Kirwan to come back to Deputy Buckley.

Ms Sinéad Gibney: I thank Deputy Buckley for his questions and his really thought-provoking comment. If I may, before I answer the specific questions, I will first reflect on some of his comments and on Mr. Kirwan's. We talk about the Irish pattern of emigration and we are very proud of our diaspora and how we have established that diaspora all over the world. Right now there are 18 million people who are displaced, who cannot call a country home. Language is really important here. The Deputy mentioned the word "asylum" and that it jars with him, and it jars with many people, which is why we have moved away from describing people as asylum seekers towards describing them as international protection applicants. That language

is really important because the reality is that they are not being provided adequate security and protection in their home countries; therefore, they are applying internationally to get that security and protection elsewhere. That is why they are in this system. Therefore, although we can compare the Irish experience, it is really important to point out that the reasons for so many leaving their countries are quite different from many of the economic drivers we see leading Irish people to choose emigration. Those are important points to make.

To Deputy Buckley's comments on diversity, it is lovely to hear about his own experiences and the events he described. Our research tells us there is a real appetite for this in Ireland, where 79% of respondents in a survey we recently ran said they believe Ireland benefits from being a diverse community.

The Deputy talks about how we get that louder voice there. I would call on two things. The first is awareness. We run awareness campaigns. We recently ran a very successful anti-racism campaign which got a huge response and which is now getting international recognition, but the budgets we can put behind such a campaign are limited. The Government also has to have an obligation - and fulfil the obligation - to change public awareness and attitudes, particularly in the light of the rise of far-right attitudes across all populations in Europe and beyond. That awareness is a really important Government commitment that I encourage members to push. The other thing I would call on is participation. We are here today and I can talk about some of the experiences of people in direct provision because I have spoken directly to them. However, one of the pillars of human rights and equality is participation. The voices of people who are impacted, who are in the system, who have come through the system and who work in the system must be a part of this. I was quite struck when I came before this committee to realise that there is in 2021 a Dáil committee which has an all-male membership. I was quite surprised by that, I have to say, and I am sure members are aware of that and sure they realise the limitation it places on them to comment on anything relating to gender issues. Similarly, this committee and all Dáil committees need to make sure that that participation is evident and that people who are experiencing the system get the chance to have their voices heard. It is something we do. A year into my role as chief commissioner, I can say one of the most valuable pieces of our work is making sure that that voice is front and centre in all the work we do.

I will outline a couple of things we have been calling for. Since 2016 we have been calling for the establishment of a human rights and equality committee within the Oireachtas which I believe would give strength to some of the things that the Deputy is talking about and would allow the Oireachtas as a Parliament to see these human rights and equality issues or issues in society being developed early on in the process of legislation. There is a real appetite for it now as we emerge out of Covid-19. Many people have seen their own values challenged in this crisis of the pandemic and there is a real appetite to understand human rights and equality values and embed them into the work Oireachtas Members do as legislators.

The Deputy's own constituency of, I believe, Waterford has a very high proportion of people living in direct provision. I worked with a group in Waterford called MUKISA and as far as I am aware some 9% of the people living in direct provision at the time were living in Waterford.

As to models that are working, there is, unfortunately, not one at the moment that can be taken and replicated. In my own interactions with people who live in direct provision there are very different experiences. There are some centres that are run very well or better than others and some people will have good relationships with the management of those centres. There are good practices in existence but I do not think that we have one centre or experience yet that

one could take as a model and replicate. That is why I think that this White Paper is important because it fully acknowledges that this system is not working and needs to be completely overhauled.

There are excellent projects in place like the MUKISA project down in Waterford which does an incredible job of that integration piece in trying to get people who are living in direct provision into education and work opportunities as soon as they can.

Unfortunately, I do not have a model that one can take and replicate and I understand the idea but I believe that it is the root and branch overhaul of the system that needs to happen. I believe that the seven principles that we have put forward, which I would like to read through now, will help with really overhauling this system properly. These are recognising and investing in the contributions of refugees and international protection applicants to our society; using the EU directives as a floor not a ceiling because we are subject to these EU directives but they are not where we need to get to but are where we need to start from; adopting a trauma-informed approach, which I have mentioned; cultural competency and training, which has also been touched upon; a focus on integration from day one; early and effective access to the labour market; and access to education and training. If one looks at those, they will in some way provide the model that the Deputy is talking about if they are properly embedded into the system, and would deal with many of these issues. I thank the committee.

Chairman: I thank Ms Gibney. Before I bring in Mr. Kirwan I had better correct Ms Gibney as Deputy Buckley is a proud Cork man not Waterford man. He will only be giving out to us for the rest of the day if we do not correct this.

Deputy Pat Buckley: I would not say that today as my wife would kill me because I married a Waterford woman, so the Chairman is safe here.

Chairman: I call either Mr. O'Dwyer or Mr. Kirwan to speak now, please.

Mr. Colm O'Dwyer: Very briefly, what Ms Gibney has said is completely correct. There is not a full rounded system because it is based on the direct provision model for-profit centres and things like that. In terms of integration and community, as well as Waterford I would commend Roscommon where there has been some very good examples in terms of the community's efforts to integrate asylum seekers. The committee might want to look at or hear some more about that. It is not a model for everything but, as to integration, there has been some very good work there and I am sure that the Refugee Council could provide the committee with information about that. I thank the committee.

Chairman: I thank Mr O'Dwyer. Does Mr. Kirwan wish to make any comment on Deputy Buckley's questions?

Mr. Stephen Kirwan: I wish to say again that both Ms Gibney and Mr. O'Dwyer, as always, are bang on the money on this issue. It is a systemic problem. There are individuals doing great work and individual centres such as Knockalisheen in Athlone, and Mr. O'Dwyer mentioned Roscommon, but the system itself is the problem. Until we grapple with that and until we stop - to use Deputy Buckley's words - being penny-wise and pound-foolish and stop taking that attitude, we are never going to get out of this problem. The Day report made it very clear that there is a very significant backlog of applicants. They are not going anywhere or we certainly cannot start to address the problems going forward until we address the systemic issues that are there. I commend my colleagues in IHREC on their fantastic work in the area,

and for highlighting those issues.

Chairman: I thank Mr. Kirwan. Senator Eugene Murphy has had to leave for another meeting. As Senator Buttimer has returned, he may wish to ask more questions.

Senator Jerry Buttimer: I am happy just to review the transcripts. I thank our witnesses for being here. It is an important issue that we must progress and find solutions to because these people deserve our support. The Minister, Deputy O’Gorman, has been with us and has given a commitment. We must work to that timeline and hope that we can bring this issue to a conclusion. It is about quality of life for people, and the key point is that it is about people and their lives. We must work together to ensure that we progress this and bring huge change to direct provision, and not just the policy but also the outcome for people.

I thank our witnesses for being here. I apologise that I had to leave after my contribution. I do not normally do that, as the Chairman knows.

Chairman: I appreciate that, Senator Buttimer. I call Deputy Buckley.

Deputy Pat Buckley: I love these meetings and people’s honesty. No matter what you are doing, information is the key. Without information, whether it is getting it into the public domain to educate people or it is being provided at committee meetings for us to learn what is happening on the ground, and without dialogue, we cannot come up with solutions. I thank the witnesses and look forward to re-engaging at some stage when, hopefully, there is better news.

Chairman: On my behalf and that of the committee, I would like to thank the witnesses. I call Professor Lynch.

Professor Kathleen Lynch: I want to make a small point. It came up in the Day report and it relates to what we have been talking about on costs. It made the point that we are currently in a for-profit system and we are moving from that. That is Government policy and it is very welcome. One of the things that struck me was that it did the costings, which were very revelatory. It showed that well over €100 million would be saved in a non-profit system. We have scope to use that money differently. As Ms Gibney, Mr. O’Dwyer and Mr. Kirwan said, it is costly but part of the cost that is incurred is that we delay everything so long. The problems are exacerbated, one after the other, the longer the delay. If we are rethinking the expenditure, we definitely need to think about where we are going to redeploy this money and about how and for what purpose it will be used. Speeding up the system, such as getting access to justice right from the beginning and being integrated, is not rocket science. It is about making a decision.

My hope is that there will be a timeframe and targets, and that this committee will address this. I know from any big project I have ever been involved in that unless there are clear timeframes, clear targets, monitoring and a plan, it will not happen. There is no use saying it will end by 2024 unless there are clear timeframes for everything. That includes all the issues Deputy Buckley raised. Whether it is about reunification of families, or access to legal provisions Mr. O’Dwyer and Mr. Kirwan mentioned, we have to have a plan for all of those.

I do not know who has this plan. Maybe the committee has raised this. Which Department has responsibility for the plan? It will have to involve all of them at some stage, because it involves housing, health and education. If there is not a plan, it will not happen. When I read the various documents, such as the White Paper and the Day report, I felt that there did not seem to be a strategic plan as to how we were going to achieve this in the timeframe, and that is very important. I thank the committee.

Chairman: I thank Professor Lynch. I do not think anybody would disagree with her that we need a plan that we can aim towards. I invite Ms Gibney, the chief commissioner of the Irish Human Rights and Equality Commission, and her colleagues, to make final comments.

Ms Sinéad Gibney: I have nothing substantive to add. Professor Lynch has added some final thoughts. I thank the committee for the time given to us today. I appreciated hearing the very passionate views from members about the system and the progress they need to see. I would encourage members to approach the Minister and his officials about the urgency around the issues outlined. The principle is that while we are waiting for some of the more significant changes to happen, there are smaller, more aspirational changes to be made to our system to change it from one that is potentially hostile to one that is more welcoming. That can and must now happen. That is what I would encourage the committee to push with the Minister.

Chairman: I thank Ms Gibney. Would Mr. O'Dwyer or Professor Lynch like make any quick statement?

Mr. Colm O'Dwyer: I want to follow up on what Professor Lynch said about timelines and plans. It has struck me, and it would be important for the committee to consider, that a lot of what is planned in the White Paper in terms of accommodation, particularly these reception centres where the people will go initially, although not specifically stated, will have to be built. They will have to be new because of the nature of them. It is not as if we have a provision of existing infrastructure. Given the way planning and other systems are working in terms of building, the way construction is so slow and the difficulties with getting construction workers, but primarily planning, means you really would have to be looking at movement on a lot of these projects now. These will be large reception centres. To have them built, finished and ready, even by 2024, would surely involve a lot of planning work now. There may be objections, of course. There might be all these issues. How are they going to get through planning? Are they going to require planning from the local councils? These are important actions that need to be taken now. We are almost towards the end of 2021. We all know big projects like these nowadays can easily take three years, effectively, from start to finish. Never mind the first sod; I am not talking about that. I am talking about before that: the planning, objections, possible challenges in court, all of this type of thing.

I encourage this committee, when it meets with the Minister, to look to have plans with real stages in them for all of these types of activities, in relation to the capital spend, rather than leaving it until 2023. We do not want a situation where we have not been able to get planning permission for centres, so therefore a number of the centres will not be ready, or anything like that. A lot of the work has to be put in now, as far as I see it. This committee could look closely at that: what would actually be involved today in getting those places, how many of them, where, how will they be built and ready by 2024, what does the Minister say about that, and what are the plans. I commend what Professor Lynch said about this committee trying to assist with or push the issue of actual concrete plans for action on those longer term ideas in the White Paper.

I thank the committee for having us here today.

Chairman: Does Professor Lynch want to make a comment?

Professor Kathleen Lynch: I will make three points about three State agencies which I think are very important to engage in this process. One is the National Qualifications Authority of Ireland, NQAI, which is a body that validates qualifications. As far as I can see, many

of those bodies are not directly involved with asylum, refugees or those seeking international protection. Like the point Deputy Buckley raised about people with disabilities and Travellers, if people are outside the main frame, especially if they are non-traditional entrants, for want of a better word, and we use that word, then we need a unit within the National Qualifications Authority of Ireland to examine the situation of people under international protection with a view to validating their qualifications. This is not happening at the moment. It is a serious problem for those in that situation. That is one issue that could be addressed: some unit created within that Department to do that.

Another of the agencies is Enterprise Ireland. Enterprise Ireland should have a responsibility to work with minorities. It should be there to support new businesses, new initiatives, and people with disabilities and Travellers - I have raised this matter many times with the commission - who have a different way of doing business. There must be an enormous gulf for people who come from other countries to create new business links, and, therefore, I believe it is necessary. Sometimes those agencies are not called upon to act on issues like this.

On the family side of things, Tusla is the agency involved. What does it do? Does it have a unit that specifically addresses family reunification issues? Issues relating to the care of children are now with the Department of Education, of course. It has a very particular responsibility for the care and well-being of children. Those agencies should have a specific remit and responsibility for those in international protection at present in Ireland.

Chairman: I invite Mr. Kirwan, member of the Law Society human rights and equality committee, to make his final contribution.

Mr. Stephen Kirwan: I thank the members for their time. In this profession - Mr. O'Dwyer will certainly attest to this - there can often be an awful lot of talking going on and ideas thrown around. We are delighted to have representatives of the community here to listen to us and help us to advocate. At the end of the day, the members are representatives of their constituents. The people we spoke about today are their constituents and will be for some time. They are not going away. International protection is not going away. Famine is not going away. War is not going away. The issue of people fleeing persecution is not going away. We can choose between two policy approaches: we can sit back and do nothing, or we can address those concerns. I note that IHREC's proposal and the Law Society's proposal contain a number of cost-neutral measures that could make an immeasurable difference to people's lives.

From the Law Society's perspective, we hope that Senator Buttimer, Deputy Buckley and Senator Murphy, who was present earlier on, will be advocates for change, that they will consider the reasonable proposals provided and that they will see, on the face of things, they are cost neutral. I reiterate what was said today. Without a time proposal in place, or if there is not a practical look at implementation, we could be back before the committee in six months or a year saying the same thing.

Chairman: We all agree that today's discussion has been beneficial and informative. On behalf of the committee, I thank the witnesses for coming here today, even if it was only virtually. We will continue our discussions with the Minister for Children, Equality, Disability, Integration and Youth, Deputy O'Gorman, at a subsequent meeting. I hope the witnesses will be able to visit Oireachtas committees in person in the not-too-distant future. In the meantime, I thank them and ask that they stay safe.

Decisions on Public Petitions Received

Chairman: The next item on our agenda is the consideration of public petitions. We have six petitions for consideration this afternoon. Summary notes and replies from Departments and other bodies were circulated to members. I propose that the petitions considered by the committee at today's meeting and the previous meeting are published, and that the replies from the Departments and other bodies are published. Is that agreed?

Deputy Pat Buckley: I agree.

Chairman: Our first petition is No. 00005/21 entitled "Defective blocks - the systemic failure justification" by Ms Ann Owens. The secretariat advises that the correspondence from the Minister, Deputy Darragh O'Brien, is forwarded to Ms Owens. It advises that the Committee on Public Petitions consider this matter further once the work of the working group is complete. Do members have any views on this or do they agree with the recommendations?

Deputy Pat Buckley: I agree with the recommendations; they are excellent.

Chairman: Our second petition is No. 00006/21 entitled "The right to marry" by Mr. Colm O'Keeffe. The secretariat advises that the correspondence from the Department of Justice has been forwarded to Mr. O'Keeffe and that it has advised him that there are no plans to amend the law to provide for the indissolubility of any marriage. The secretariat further advises that the committee deems this petition closed as nothing further can be done to assist this petitioner. Do members have any view or are they in agreement with the secretariat's advice?

Deputy Pat Buckley: There is agreement on the recommendations.

Chairman: Our third petition is No. P00016/21, from Carles Pujol, concerning the international investigation on the terrorist attacks in Barcelona and Cambrils. The secretariat advises that the correspondence from the Department of Foreign Affairs, along with a copy of the letter received on 30 August 2019, is forwarded to Mr. Pujol and that the committee deem this petition closed as this is a matter of Spanish national sovereignty. Have members any views or are they in agreement with the secretariat's advice?

Deputy Pat Buckley: We are in agreement.

Chairman: Our fourth petition is No. P00020/21, from Ms Philomena Geoghegan, stating "Why we need to dispel old illogical lunacy laws in Ireland, and which have been amended and repealed. This is not enough. They need to be put beyond use by being dispelled. They are the epitome of injustice." The secretariat advises that a letter has been drafted and will be sent, along with a copy of the correspondence from Mr. Robert Watt, once permission is given by the committee. In addition, the secretariat advises that a letter from the Department of Health be forwarded to Miss Geoghegan advising her that we will correspond with the Department of Children, Equality, Disability, Integration and Youth on her behalf. Have members any views or are they in agreement with the secretariat?

Deputy Pat Buckley: We are in agreement with the secretariat.

Chairman: Our fifth petition is No. P00022/21, from Mr. Neil Copland, stating that we "Require more than a simple Majority to enact legislation that restricts the personal liberty of the population as a whole." The secretariat advises that correspondence from the Office of the Attorney General is not forwarded to Mr. Copland and the committee instead waits until a

further response has been provided. Have members any view or are they in agreement with the secretariat?

Deputy Pat Buckley: We are in agreement with the secretariat.

Chairman: Our final petition is No. P00025/21, on the “Request for a feasibility study on ‘The Dublin Loop’ underground tunnels and multipurpose adaptable autonomous electric vehicles”, from Mr. Cormac McKay. The secretariat advises that correspondence from Ms Anne Graham, chief executive officer of the National Transport Authority, NTA, be forwarded to the petitioner and the committee deem this petition closed as the NTA does not propose to undertake any such study. Do members have any views or are they in agreement with the secretariat’s advice?

Deputy Pat Buckley: We are in agreement with the secretariat’s advice.

Chairman: That concludes our consideration of public petitions. I invite members of the public to submit petitions via our online portal. A petition may be submitted to the Houses of the Oireachtas on a matter of general public concern or interest in relation to our legislative powers or the issuing of a public apology.

Do members have any final comments under any other business?

Deputy Pat Buckley: I will come in briefly. The committee, during the lifetime of this Dáil and that which preceded it, received a petition regarding unauthorised development on the Shannon Estuary. The most recent correspondence the committee received in this regard arrived more than three months ago. We have not had anything back from Meath County Council or Inland Waterways. Is there any update on that matter?

Chairman: No, there is no update. We will ask to secretariat to write to Westmeath County Council - it is not Meath County Council - to ask for an update before our next meeting.

Deputy Pat Buckley: I thank the Chair. That is much appreciated.

Chairman: The committee is adjourned until Thursday, 30 September 2021 at 11 a.m. for a virtual private meeting. This will be followed by a public meeting at 12.30 p.m., when we will meet the Ombudsman, Mr. Peter Tyndall.

The joint committee adjourned at 2.09 p.m. until 12.30 p.m. on Thursday, 30 September 2021.