

Refugees in Ireland, the EU and Worldwide

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Note 2: Refugees in Ireland

This is the second of a series of three Notes concerning Refugees in Ireland, the EU and worldwide. This Note:

- provides an overview of the legal and policy framework governing the treatment of refugees in Ireland, including:
 - refugees who enter the State as asylum seekers,
 - refugees who enter the State under the Irish Refugee Protection Programme,
 - refugees who enter the State under the Afghan Admission Programme, and
 - refugees from Ukraine afforded temporary protection in Ireland; and
- discusses, by way of a case study, the refugee crisis triggered by the armed conflict in Syria and the actions undertaken by Ireland in response thereto.

The other Notes in this series:

- examine the protections afforded to refugees under international law and discuss the global context [[Note 1](#)]; and
- examine relevant legal and policy developments at the EU level concerning asylum seekers and migrants [[Note 3](#)].



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Summary	2
Refugees in Ireland: Legal and Policy Framework	4
Ireland's obligations under International Law.....	4
The Common European Asylum System.....	4
Refugees who enter the State as Asylum Seekers.....	4
The Application Process	5
Family reunification and unaccompanied minors.....	13
Revocation of Refugee Status or Subsidiary Protection.....	13
Volume of applications, processing times and acceptance rates	13
Revised international protection procedure	15
The legal rights of asylum seekers in Ireland	16
White Paper to end Direct Provision	23
Programme Refugees	25
Irish Refugee Protection Programme (IRPP).....	26
Afghan Admission Programme.....	28
Refugees from Ukraine afforded Temporary Protection in Ireland	29
Syria Case Study	30
Syrian Refugee Crisis	30
The Humanitarian Crisis inside Syria	32
Ireland's Response to the Syrian Crisis.....	33
Humanitarian support for those in need inside Syria	33
Syrians relocated to Ireland under the IRPP	34
Contact:	35

Table 1: Glossary and Abbreviations

Term	Meaning
1999 Act	<i>Immigration Act 1999, as amended</i>
2002 Act	<i>Ombudsman for Children Act 2002, as amended</i>
2015 Act	<i>International Protection Act 2015, as amended</i>
2020 Act	<i>Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020</i>
AIDA	Asylum Information Database
DCEDIY	Department of Children, Equality, Disability, Integration and Youth
EAC	Emergency Accommodation Centre

Term	Meaning
EROC	Emergency Reception and Orientation Centre
FRHAP	Family Reunification Humanitarian Admission Programme
HIQA	Health Information and Quality Authority
IDP	Internally Displaced Person
IOM	International Organization for Migration
IPAS	International Protection Accommodation Services
IPAT	International Protection Appeals Tribunal
IPCP	International Protection Child Payment
IPO	International Protection Office
IRPP	Irish Refugee Protection Programme
MENA	Middle East North Africa
OCHA	United Nations (UN) Office for the Coordination of Humanitarian Affairs
OCO	Ombudsman for Children's Office
OHCHR	UN Office of the High Commissioner for Human Rights
TFEU	Treaty on the Functioning of the EU
UNCOI	Independent International Commission of Inquiry on the Syrian Arab Republic
UNHCR	UN Refugee Agency

Summary

This Note is the second of a series of three Notes, which provide information concerning refugees in Ireland, the EU and worldwide. This Note discusses the legal and policy framework governing the treatment of refugees in Ireland, including:

- refugees who enter the State as asylum seekers,
- programme refugees who enter the State under the Irish Refugee Protection Programme,
- refugees who enter the State under the Afghan Admission Programme, and
- refugees from Ukraine afforded temporary protection in Ireland pursuant to the [Temporary Protection Directive](#).

The Note also discusses, by way of a case study, the refugee crisis triggered by the armed conflict in Syria, and the actions undertaken by Ireland in response thereto. Syria was chosen because it represents “one of the world’s most complex humanitarian and protection emergencies”.¹ As of

¹ OCHA, ‘Global Humanitarian Overview 2022: Syria’ (30 November 2022) available [here](#), last accessed 21 November 2023.

mid-2023, Syria was the country of origin for the most refugees worldwide, 6.5 million.² The first [Note](#) in this series discusses the protections afforded to refugees under international law and considers the global context. The [third Note](#) examines recent legislative and policy developments at the EU level concerning asylum seekers and migration.

Table 2: Key Terms

- A **refugee** is “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion” ([UNHCR](#)).
- An **asylum seeker** is a person seeking international protection, in the form of refugee status or subsidiary protection, in a State outside of their country of origin/habitual residence and whose application has yet to be determined by the authorities.
- The term “**irregular migrant**” does not have a universally accepted definition under international law. It “is generally used to identify persons moving outside regular migration channels. The fact that they migrate irregularly does not relieve States from the obligation to protect their rights” ([International Organization for Migration](#)).
- A non-EU national or a stateless person who does not qualify as a refugee in Ireland may nevertheless be granted a “**subsidiary protection**” declaration enabling them to remain in the State if substantial grounds are shown to exist for believing that if they were returned to their country of origin/former habitual residence, they would face a real risk of suffering serious harm and that they are unable or, owing to such risk, unwilling to avail of the protection of their country of origin/former habitual residence.
- Where an asylum seeker is not granted a refugee declaration or a subsidiary protection declaration, the Minister for Justice will then consider whether to afford the applicant “**permission to remain**” for a humanitarian or other compelling reason.
- Under the “**family reunification**” mechanism, individuals granted refugee status or subsidiary protection can apply to the Minister for Justice for permission for certain close family members to be allowed to join them in Ireland.
- Applicants for international protection who lack the means to rent privately are usually accommodated in **direct provision centres** operated by private contractors on a for-profit basis and, more recently, in **emergency accommodation centres**.
- A “**programme refugee**” is a refugee who is resettled in a third country pursuant to a refugee resettlement programme.
- The **non-refoulement** principle is the cornerstone of international refugee law and provides that refugees and asylum seekers may not be expelled or returned to countries or territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion.

² UNHCR, ‘UNHCR, ‘Mid-Year Trends 2023’ (2023), p. 2, available [here](#), last accessed 23 November 2023.

Refugees in Ireland: Legal and Policy Framework

Ireland's obligations under International Law

As discussed in the [first Note](#) in this series, Ireland owes obligations to refugees under customary international law and as a State party to numerous international and regional treaties. Indeed, Ireland was one of the earlier States to accede to the 1951 Refugee Convention ([29 November 1956](#)) and the 1967 Protocol ([6 November 1968](#)).

The Common European Asylum System

As an EU Member State, Ireland also has obligations under EU law concerning the treatment of asylum seekers. Article 78 of the [Treaty on the Functioning of the EU](#) (TFEU) requires the European Parliament and the European Council to adopt measures for a Common European Asylum System. Since 1999, the EU has had a [Common European Asylum System](#) to provide for “common standards and co-operation to ensure that asylum seekers are treated equally in an open and fair system – wherever they apply” within the EU territory. The system’s legal framework is centred around a number of core legislative instruments, including the Reception Conditions Directive (recast) (see [here](#) and [here](#)), which seeks to ensure common standards for reception conditions for asylum seekers across the EU; and the Dublin III Regulation (see [here](#) and [here](#)), which is intended to enhance the protection of asylum seekers during the process of establishing the State responsible for examining an application for international protection.

In accordance with [Protocol 21](#) to the TFEU, Ireland may decide whether or not to opt-in to a proposed EU legislative measure in the area of freedom, security and justice (which includes migration) within three months of the proposal being presented to the Council of the EU.³ Ireland may also indicate its desire to participate in the legislative measure at a later date after the measure has been adopted. In accordance with Article 29.4.7° of the 1937 [Constitution of Ireland](#), the exercise of this opt-in power is subject to the approval of both Houses of the Oireachtas. Ireland has opted-in to a number of relevant EU legislative measures, including the Reception Conditions Directive and the Dublin III Regulation.

Refugees who enter the State as Asylum Seekers

The [International Protection Act 2015](#) (the “2015 Act”) is the main domestic statute regulating the application process for individuals seeking international protection in Ireland either in the form of refugee status or subsidiary protection. Other relevant primary legislation includes the [Immigration Act 1999, as amended](#); the [Immigration Act 2003, as amended](#); the [Immigration Act 2004, as amended](#); the [Illegal Immigrants \(Trafficking\) Act 2000](#); and the [European Convention on Human Rights Act 2003](#).⁴

[Section 2\(1\)](#) of the 2015 Act provides a definition for a refugee, which is based on the definition included in Article 1 of the [1951 Refugee Convention](#).

³ DOJ, ‘European Affairs’, available [here](#), last accessed 6 December 2023.

⁴ For a list of relevant statutory instruments as of 31 December 2022, see: Asylum Information Database (AIDA), ‘Country Report Ireland: 2022’ (2023), available [here](#), last accessed 27 November 2023.

A refugee “means a person, other than a person to whom section 10 applies, who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside his or her country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it” [section 2 of the 2015 Act].

A non-EU national or a stateless person who does not qualify as a refugee may nevertheless be granted a “**subsidiary protection**” declaration enabling them to remain in Ireland. In order to be granted subsidiary protection, substantial grounds must be shown to exist for believing that if the person were returned to their country of origin/former habitual residence, they would face a real risk of suffering serious harm and that they are unable or, owing to such risk, unwilling to avail of the protection of their country of origin/former habitual residence.⁵ This includes a real risk of being subjected to the death penalty or execution, torture or inhuman or degrading treatment, or a “serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict”.⁶

[Section 10](#) and [section 12](#) of the 2015 Act provide that certain persons shall automatically be excluded from being recognised as a refugee or eligible for subsidiary protection under the Act, including where there are serious reasons for considering that they:

- committed a war crime, a crime against humanity or a crime against peace;
- committed a serious non-political crime outside the State; or
- have been guilty of acts contrary to the purposes and principles of the United Nations.

The Application Process

An application for international protection may be lodged either at the airport or seaport of entry or directly at the [International Protection Office](#) (IPO). The IPO is an office within the Immigration Service Delivery (the Irish Immigration Service) with responsibility for examining and processing applications for international protection. [Section 74](#) of the 2015 Act permits the Minister for Justice to authorise international protection officers within the IPO to perform certain functions under the Act and stipulates that they shall be independent in the performance of these functions.

Applications should be lodged as soon as possible as any unreasonable delay could prejudice the application ([section 28 \(7\)\(d\)](#) of the 2015 Act). An application may be made even where the applicant does not possess official documents, for example, a passport, as it can be impossible for those fleeing armed conflict or persecution to obtain such documents. Applicants must be at least 18 years of age and present in the State. Applications include dependent children.

Applicants must submit an initial application form and complete a preliminary interview with an international protection officer or an immigration official to establish basic information and

⁵ International Protection Office (IPO), ‘International Protection and Permission to Remain’, available [here](#), last accessed 6 December 2023.

⁶ Legal Aid Board, ‘Best Practice Guidelines’ available [here](#), last accessed 6 December 2023.

determine admissibility.⁷ Applicants should be issued a temporary residence permit within three working days of making their application ([section 17](#)) and referred to [International Protection Accommodation Services](#) if they have no other means of accommodating themselves. Applicants should also be advised of their right to obtain free legal assistance from the Legal Aid Board subject to the satisfaction of eligibility requirements.⁸

Transfer Decisions

During their preliminary interview, applicants are fingerprinted and photographed, and their details are checked against the Interpol, Europol and Eurodac databases.⁹ The latter is an international database, which helps to determine whether applicants have already applied for asylum elsewhere in the EU. If an applicant's details show up on Eurodac, they may be called for a personal interview with an international protection officer to determine whether their application should be transferred to another responsible EU Member State.¹⁰

In accordance with the [Dublin III Regulation](#), Ireland may request another EU Member State that has agreed to the Regulation (a "Dublin State") to "take charge of" or "take back" an application in certain circumstances.¹¹ Where the requested EU Member State agrees, the international protection officer may issue a transfer decision under the [European Union \(Dublin System\) Regulations 2018](#).

The applicant and their legal representatives, if known, must be notified of the transfer decision and of their entitlement to submit an appeal to the International Protection Appeals Tribunal (IPAT) within ten days of receiving the decision ([Regulations 5 and 6](#)). IPAT may convene an oral hearing upon receipt of a request from the applicant or in the interests of justice ([Regulation 6](#)).

In a [written answer](#) to a parliamentary question on 31 January 2023, Minister for Justice, Simon Harris T.D., stated:

"I can confirm that there were 24 outgoing transfer decisions made in 2022 under the Dublin Regulation and a total of 3 people were returned in 2022 on foot of a Dublin Convention transfer order. While the numbers of transfers effected appear low, it should be noted that Dublin III transfers can be challenging to enforce due to a number of factors including potential legal challenges and transfer arrangements which need to be made with the returning country.

In addition a person can make submissions to the Minister requesting for their case to be dealt with in Ireland which can further impact on the timeframes and numbers transferred."

⁷ For more information, see AIDA, 'Country Report Ireland: 2022' (2023), pp. 32-33, available [here](#), last accessed 27 November 2023.

⁸ Currently, the applicant's income, minus certain allowances, must be less than €18,000 per annum. See: *ibid.*, p. 45.

⁹ An exception to the fingerprinting requirement arises in respect of unaccompanied applicants believed to be under the age of 14 years old. See *ibid.*, p. 50.

¹⁰ Regulation 4, European Union (Dublin System) Regulations 2018 (S.I. 62/2018), available [here](#).

¹¹ The Dublin States are the EU Member States, Iceland, Switzerland, Norway and Liechtenstein. The Dublin III Regulation is discussed in more detail in the third Note in this series.

Inadmissible Applications and Return Orders

Under [section 21](#) of the *2015 Act*, an application will be deemed inadmissible where:

- another EU Member State has already granted the applicant refugee status or subsidiary protection; OR
- the applicant has been recognised as a refugee by a non-EU Member State, being a “first country of asylum”, and can still avail of that protection or otherwise enjoys sufficient protection in that country, including against *refoulement*.

[Section 21](#) was amended by *section 119* of the *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (the “*2020 Act*”). It now also provides that an application may also be deemed inadmissible where the applicant has arrived from a country that is a “safe third country” for the applicant, namely, where an applicant:

- has a sufficient connection with the country so that it is reasonable for them to return there;¹²
- will be re-admitted to the country; and
- will not be subjected to the death penalty, torture or inhuman or degrading treatment or punishment upon return to the country.

[Section 122](#) of the *2020 Act* inserted a new *section 72A* into the *2015 Act*, permitting the Minister for Justice to designate a State as a safe third country where the State concerned meets certain conditions relating to the treatment of applicants for international protection. The UK was designated a safe third country for the purposes of *section 21* of the *2015 Act* in 2020.¹³ Where an international protection officer recommends to the Minister that an application be deemed inadmissible, the applicant and their legal representatives, where known, are notified in writing. The notification includes the reasons for the recommendation and information regarding the applicant’s right to submit an appeal (without an oral hearing) to IPAT within ten days of receiving the decision.¹⁴ According to the [Asylum Information Database](#), 18 applications were deemed inadmissible in 2020, as compared with two in 2021.¹⁵

[Section 51A](#) of the *2015 Act* requires the Minister for Justice to issue a Return Order where an application is found to be inadmissible by an international protection officer (as upheld by IPAT upon appeal, where applicable). The applicant and their legal representative, where known, are notified. For the purpose of facilitating the return, an immigration officer or a member of An Garda Síochána may require the unsuccessful applicant to comply with certain conditions ([Section 51B](#)). For example, they may be required to surrender their passport and remain in a particular place pending the return. An unsuccessful applicant can also be arrested without warrant and detained for up to seven days where there is considered to be a significant risk of them absconding. The

¹² The factors that may be taken into account when determining if an applicant has a sufficient connection with the third country concerned are outlined in *section 21 (18)* and include, for example, the period of time the applicant spent in the country, either lawfully or unlawfully.

¹³ See: International Protection Act 2015 (Safe Third Country) Order 2020 (S.I. No. 725/2020), available [here](#).

¹⁴ [Section 21](#) of the *2015 Act*; and AIDA, ‘Country Report Ireland: 2022’ (2023), p. 55, available [here](#), last accessed 27 November 2023.

¹⁵ AIDA, ‘Country Report Ireland: 2022’ (2023), p. 55, available [here](#), last accessed 27 November 2023.

Minister's power to issue return orders is subject to the *non-refoulement* rule, as explicitly provided for in [section 50A](#) of the 2015 Act and discussed in more detail later in this Note.¹⁶

Admissible Applications

Where an application is deemed admissible, the applicant must complete a comprehensive questionnaire. The IPO's information booklet for applicants stresses that it is very important that applicants "seek legal advice as required".¹⁷ However, according to the Irish Refugee Council, some applicants who registered with the Legal Aid Board were advised that the Legal Aid Board was only able to review completed applications due to capacity constraints.¹⁸

After submitting the questionnaire, the applicant must undergo a substantive interview with an international protection officer. The applicant may be accompanied by their legal representative and interpretation services must be provided, if necessary. The international protection officer then prepares a report for the Minister for Justice recommending that the applicant:

- (i) should be given a refugee declaration;
- (ii) should not be given a refugee declaration and should be given a subsidiary protection declaration; or
- (iii) should be given neither a refugee declaration nor a subsidiary protection declaration.¹⁹

Each application is assessed individually taking into account subjective factors related to the applicant's own account or personal history, objective factors related to the applicant's country or place of origin, and any supporting documentation received from the applicant.²⁰

Permission to Remain

In accordance with [section 49 of the 2015 Act](#), where an international protection officer recommends that an applicant should not be granted either refugee status or subsidiary protection, the Minister for Justice must then decide whether or not to grant the applicant "**permission to remain**" in Ireland for a humanitarian or other compelling reason, for example, family circumstances. In making this decision, the Minister must consider the applicant's right to respect for their private and family life, the nature of their connection with the State, humanitarian considerations, the applicant's character and conduct outside the State, considerations of national security and public order, and other considerations regarding the common good.

Notification of Outcome

Applicants and their legal representatives, if known, are informed in a single communication regarding the outcome of their application for international protection and, where relevant, of the Minister for Justice's decision concerning whether or not to grant them permission to remain. Where an applicant is refused refugee status or both refugee status and subsidiary protection,

¹⁶ The "non-refoulement" rule is more comprehensively discussed in [Note 1](#) of this series of L&RS Notes.

¹⁷ IPO, 'Information Booklet for International Protection Applicants' (November 2022), p. i, available [here](#), last accessed 3 December 2023.

¹⁸ AIDA, 'Country Report Ireland: 2022' (2023), pp. 35 and 46, available [here](#), last accessed 27 November 2023.

¹⁹ [Section 39 of the 2015 Act](#).

²⁰ Department of Justice (DOJ), 'International Protection Decisions', see [here](#), last accessed 6 December 2023.

they are provided with a statement of the reasons for the decision, the IPO report and information on how to submit an appeal to IPAT. An applicant who is also refused permission to remain will be provided with a statement outlining the reasons for the decision.

The Right of Appeal

Applicants have a right of appeal to the [International Protection Appeals Tribunal](#) (IPAT) under [Part 6 of the 2015 Act](#) against a recommendation by an international protection officer not to grant them refugee status or not to grant them refugee status and subsidiary protection. IPAT is comprised of a Chairperson, two Deputy Chairpersons and such ordinary members as the Minister for Justice, subject to the consent of the Minister for Public Expenditure and Reform, considers necessary to perform IPAT's functions. IPAT performs quasi-judicial functions and its members must have at least five years' experience as a practicing barrister or solicitor.

Appeals must generally be submitted within 15 working days of receiving a negative decision unless the application is refused on the basis of one of the reasons outlined in [section 39 \(4\)](#) of the *2015 Act*,²¹ in which case the time limit is reduced to 10 working days from the date of the decision.²² IPAT may convene an oral hearing where it is considered to be in the interests of justice or upon the request of the applicant, having regard to the interests of justice ([section 42](#)).

IPAT may decide to affirm an international protection officer's recommendation or set it aside, in whole or in part ([section 46 of the 2015 Act](#)). For example, IPAT may decide to affirm an international protection officer's recommendation that the applicant should not be given a refugee declaration, set aside the part of the recommendation that recommends that the applicant should not be given a subsidiary protection declaration and recommend that the applicant be given a subsidiary protection declaration.

A decision by the Minister for Justice not to grant permission to remain may not be appealed to IPAT. If the appeal to IPAT is unsuccessful and there has been a material change in the applicant's circumstances in the period between the Minister's initial refusal to grant permission to remain and IPAT's decision, the applicant must submit additional relevant information to the Minister within five days of IPAT's decision. Having reviewed this information, the Minister may then decide to afford the applicant permission to remain for a specific period.

Granting of Refugee Declaration/Subsidiary Protection Declaration

[Section 47 of the 2015 Act](#), subject to subsection (3), requires the Minister for Justice to grant, or refuse to grant, a refugee declaration or a subsidiary protection declaration pursuant to a recommendation of an international protection officer (which is not the subject of an appeal) or a recommendation of IPAT. Subsection (3) permits the Minister to refuse to grant a refugee declaration where:

- there are reasonable grounds for regarding the applicant as a danger to State security; or
- where the applicant is considered a danger to the community because they have been convicted of a particularly serious crime.

²¹ For example, the applicant's representations were inconsistent or contradictory.

²² AIDA, 'Country Report Ireland: 2022' (2023), p. 42, available [here](#), last accessed 27 November 2023.

Voluntary Returns

[Section 48](#) of the 2015 Act concerns voluntary returns. Where an applicant is refused a refugee declaration, a subsidiary protection declaration or permission to remain, they may elect to voluntarily return to their country of origin without the need for a formal deportation order. The Minister for Justice may not issue a deportation order to a person who, acting in accordance with [section 48](#), confirms their intention to voluntarily return to their country of origin for so long as that person is making reasonable efforts to leave the State. An exception arises where the person is considered to pose: (i) a danger to State security or; (ii) a danger to the community because they have been convicted of a serious offence.

A person who voluntarily returns to their country of origin may return to Ireland at a future date if they establish a legal basis for doing so, unlike a person who is the subject of a deportation order.²³ The [Department of Justice](#) provides administrative and other supports to persons wishing to return voluntarily, upon request. The [International Organization for Migration Ireland](#) also provides assistance to individuals who wish to return voluntarily but do not have the means to do so, including assistance with obtaining the necessary travel documentation and financial assistance to cover travel costs.

Deportation Orders

Where an individual is denied a refugee declaration, a subsidiary protection declaration or permission to remain, and they fail to voluntarily return to their country of origin, the Minister for Justice is required under [section 51 of the 2015 Act](#) to issue a deportation order requiring the individual to leave the State within a specified period and thereafter remain outside of the State. [Section 51 \(4\)](#) provides that a deportation order issued under [section 51](#) shall be deemed to be a deportation order made under [section 3 \(1\) of the Immigration Act 1999, as amended](#), and, accordingly, the 1999 Act shall apply to the order (save as where otherwise stated in [section 51](#)).

[Section 3 \(11\)](#) of the 1999 Act permits the Minister, by order, to amend or revoke a deportation order. An applicant for international protection may submit an application under [section 3 \(11\)](#) including representations and supporting documentation setting out any new or changed circumstances that were not previously presented to the Minister.

Non-refoulement

The “**non-refoulement**” principle under international refugee law provides that refugees and asylum seekers may not be expelled or returned to countries or territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion.

The Minister for Justice’s power to issue deportation orders and return orders is subject to the *non-refoulement* principle. Accordingly, [section 50](#) and [section 50A](#) of the 2015 Act expressly provide that an individual may not be expelled or otherwise returned to a country:

- where their life or freedom would be threatened for reasons of race, religion, nationality, membership of a particular social group or political opinion; or

²³ DOJ, ‘Voluntary Returns’, available [here](#), last accessed 6 December 2023.

- where there is a serious risk that they would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

In such circumstances, where the individual concerned would otherwise be the subject of a deportation order, they must be afforded permission to remain in the State (*section 50 (4)*). Where the individual concerned would otherwise be the subject of a return order, their application should be treated as an admissible application (*section 50A (4)*).

Judicial Review

An unsuccessful applicant for international protection may seek leave (permission) from the High Court to have an aspect of the administrative decision-making process judicially reviewed by the High Court. This might include, for example, a judicial review of a recommendation by an international protection officer or a decision by IPAT that an applicant should not be granted a refugee declaration or a subsidiary protection declaration, a decision by the Minister for Justice not to grant permission to remain, or a decision by the Minister to issue a deportation order or a return order. A refusal by the Minister to grant a beneficiary of international protection permission for certain close family members to join them in Ireland under the family reunification mechanism (discussed below) may also be subjected to judicial review.

An applicant will be expected to have exhausted all available remedies before seeking leave to make a judicial review application. Accordingly, most judicial reviews occur after IPAT has issued a decision.²⁴ A judicial review is different to an appeal based on the facts. It involves an investigation of whether the decision-making processes used by administrative bodies were in accordance with law. Special rules apply in respect of judicial reviews of decision-making processes in the context of international protection applications.²⁵ The High Court can affirm the decision in question or set it aside and return it to the original decision-making body for a further determination.²⁶ Judicial review is a lengthy and costly process.²⁷

Prioritisation of Applications

[Section 73](#) of the 2015 Act allows for the prioritisation of certain categories of applications, subject to the consent of the Minister for Justice and having regard to the need for fairness and efficiency in dealing with all applications. Prioritisation only relates to the scheduling of interviews and will not pre-determine any decision made. *Section 73* also permits the Minister, having consulted with the Chairperson of IPAT, to request the Chair to accord priority to any appeal.

The IPO has published a statement on its website, based on advice received from the UN Refugee Agency (UNHCR), which indicates that certain categories of applications may be prioritised based on the following criteria:

- the **age of applicants**, this category includes
 - unaccompanied minors in the care of Tusla (the Child and Family Agency),
 - applicants who applied as unaccompanied minors, but who have aged out, and
 - applicants over 70 years of age, who are not part of a family group;

²⁴ AIDA, 'Country Report Ireland: 2022' (2023), p. 29, available [here](#), last accessed 27 November 2023.

²⁵ See, for example, Practice Direction 81 and General Notice (20 February 2020) available on the website of the Courts Service, see [here](#), last accessed 6 December 2023.

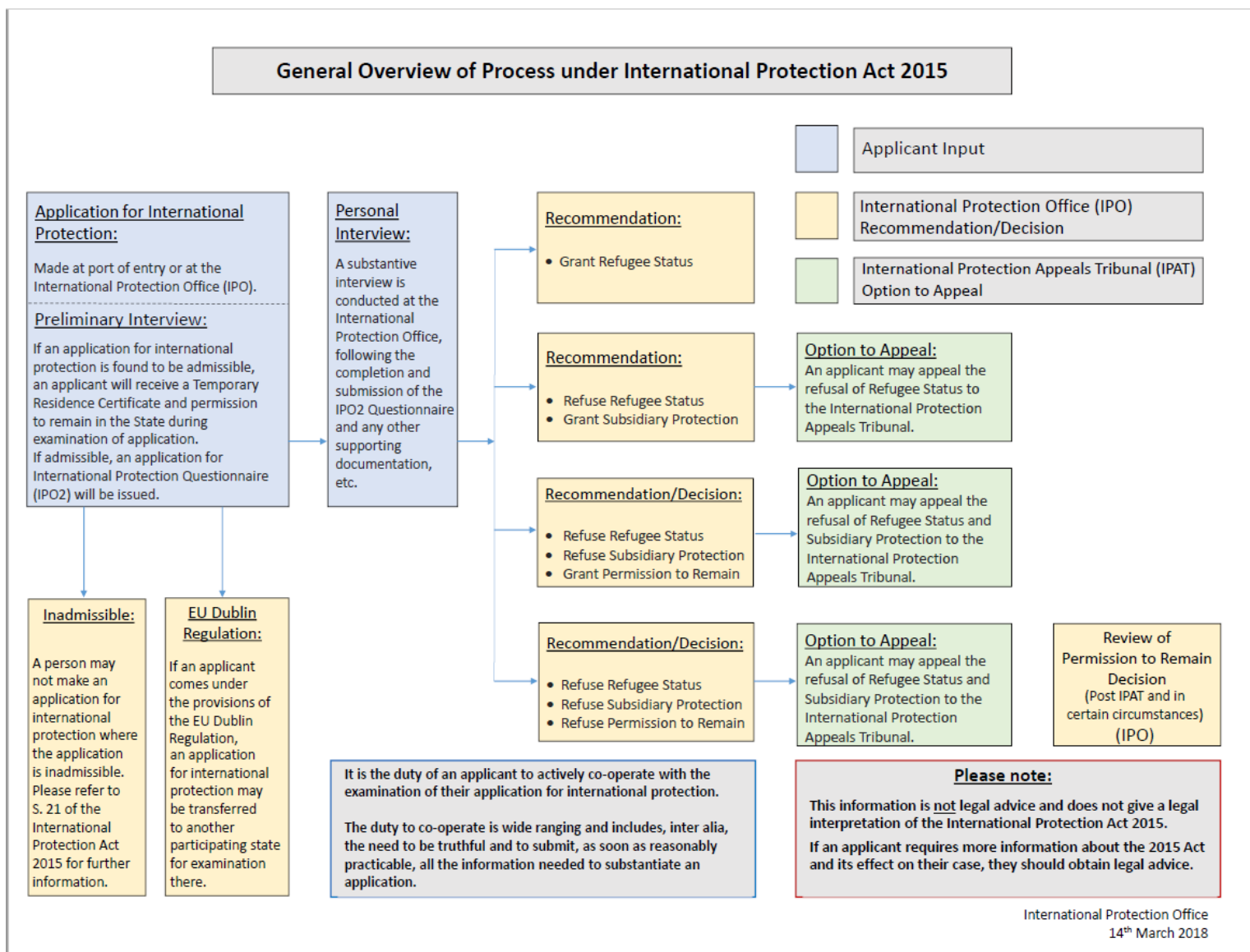
²⁶ AIDA, 'Country Report Ireland: 2022' (2023), p. 29, available [here](#), last accessed 27 November 2023.

²⁷ *Ibid.*, p. 45.

- the **likelihood that applications are well-founded**, either based on the contents of a Medico-Legal report or the use of the IPO's discretion on a case by case basis;
- the likelihood that applications are well-founded based on the **country of origin or habitual residence** of the applicants. The list of countries currently includes Syria, Eritrea, Afghanistan, Libya, Somalia, Sudan and Yemen; and
- **health grounds** where evidence has been submitted, and certified by a medical consultant, that the applicant has an ongoing, severe/life threatening medical condition.²⁸

The general rule that applications from family members are processed together applies in respect of both prioritised and non-prioritised applications.²⁹

Table 3: Application Process for International Protection³⁰



²⁸ IPO, 'Prioritisation of Applications for International Protection under the International Protection Act 2015 (Amended)' (last updated 14 June 2021), available [here](#), last accessed 21 November 2023.

²⁹ Ibid.

³⁰ The Table is available on the IPO website; see [here](#), last accessed 6 December 2023.

Family reunification and unaccompanied minors

The *2015 Act* includes family reunification provisions, which allow beneficiaries of international protection (individuals granted refugee status or subsidiary protection) to apply to the Minister for Justice for permission for certain close family members to be allowed to join them in Ireland, subject to certain criteria being satisfied. However, the [Irish Human Rights and Equality Commission](#) observed in June 2023 that these family reunification provisions are not as generous as those enjoyed by Ukrainian refugees afforded temporary protection in the State under the [Temporary Protection Directive](#). It has called for a [reform](#) of the existing legal framework so as to ensure that the more generous provisions afforded to Ukrainian refugees are also extended to beneficiaries of international protection and programme refugees.

A minor (an individual who appears to be under 18 years of age) who arrives in the State unaccompanied by a responsible adult, will be referred to TUSLA. Taking into account the child's best interests and on the basis of all the available information, including legal advice, TUSLA may decide to apply for international protection on behalf of the child. TUSLA may also consider whether family reunification or family tracing is an option.³¹

Revocation of Refugee Status or Subsidiary Protection

[Section 52 of the 2015 Act](#) outlines the circumstances in which the Minister for Justice can revoke a refugee declaration or a subsidiary protection declaration, including where a person:

- ceases to satisfy the eligibility criteria;
- misrepresented or omitted certain facts that were central to the decision to grant the status in question; or
- should have been excluded from eligibility under *section 10 or section 12*, for example, where there are serious reasons for considering that they constitute a danger to the community or to the security of the State.

Where the Minister proposes to revoke a refugee declaration or a subsidiary protection declaration, they must notify the person concerned and their legal representative, if known. The notification should outline the reasons for the proposal and the person's right to make written submissions to the Minister regarding the proposal within 15 working days of the sending of the notice. The Minister must take any such representations received into account before making a final decision. Where the Minister decides to revoke a declaration under *section 52*, they must notify the individual concerned of the decision, the reasons for the decision and the individual's right to submit an appeal to the Circuit Court within 10 working days of the date of the notice. The Circuit Court may affirm the Minister's decision or direct the Minister not to revoke the declaration.

Volume of applications, processing times and acceptance rates

[According to the Irish Refugee Council](#), Ireland received 0.4 per cent of the EU's applications for international protection in 2021. The number of applications received in EU Member States increased significantly in 2022. According to an RTÉ article published on 9 June 2023, almost

³¹ See: IPO, 'Information Booklet for International Protection Applicants' (November 2022), section 9, available [here](#), last accessed 6 December 2023.

one million asylum requests were made across the EU in 2022, a record high since 2016.³² The article notes that whilst “historically Ireland's level of asylum applications were low compared with other European countries, this changed last year”.³³ The Department of Justice has advised that:

“According to Eurostat, to end September 2022 the proportion of international protection applications in Ireland as a percentage of the total population was 0.18%. ... For comparison the percentages for some other EU States were: 0.63% for Austria, 0.23% for Belgium, 0.21% for Bulgaria, 1.57% for Cyprus and 0.28% for Luxembourg.”³⁴

13,651 people submitted applications for international protection in Ireland in 2022, the highest number on record³⁵ and a 186 per cent increase on 2019, the last year in which applications were not impacted by the Covid-19 pandemic.³⁶ Research published by the [Economic and Social Research Institute](#) in November 2022 found that there is no one reason for this increase; rather it may be attributable to a combination of the following factors:

- catch-up migration following the lifting of travel restrictions imposed to combat the spread of the Covid-19 virus;
- the knock-on effects of the Russian invasion of Ukraine in February 2022;
- deteriorating conditions in countries of origin, for example, Somalia and Afghanistan;
- the movement of refugees from other EU Member States to Ireland, for example, for the purpose of reuniting with family members;
- the knock-on effect of a significant increase in applications for international protection in the UK; and/or
- conditions in Ireland, including current labour market shortages and a long-term social network effect following increasing immigration to Ireland during the past 30 years.³⁷

According to the Asylum Information Database, the IPO issued 4,402 decisions in 2022, including 1,452 decisions granting international protection to applicants and 2,081 decisions granting permission to remain on a humanitarian ground.³⁸

Prior to the introduction of the single application procedure under the *2015 Act*, an applicant could only apply for subsidiary protection once their application for refugee status had been refused. This gave rise to lengthy delays with the overall process taking over five years for some applicants at a considerable cost to their wellbeing.³⁹

³² Laura Fletcher, ‘EU’s ‘historic’ asylum seeker hosting deal explained’ (RTÉ, 9 June 2023) available [here](#), last accessed 6 December 2023.

³³ Ibid.

³⁴ DOJ, ‘International Protection Modernisation Programme 2023-2024’ (2023) pp 13-14, available [here](#), last accessed 6 December 2023.

³⁵ AIDA, ‘Country Report Ireland: 2022’ (2023), available [here](#), last accessed 27 November 2023.

³⁶ Dáil debate, ‘Department of Justice and Equality: Departmental Data’ (31 January 2023), available [here](#), last accessed 6 December 2023.

³⁷ ESRI, ‘Key drivers behind increase in international protection applications identified in new ESRI research’ (24 November 2022), available [here](#), last accessed 6 December 2023.

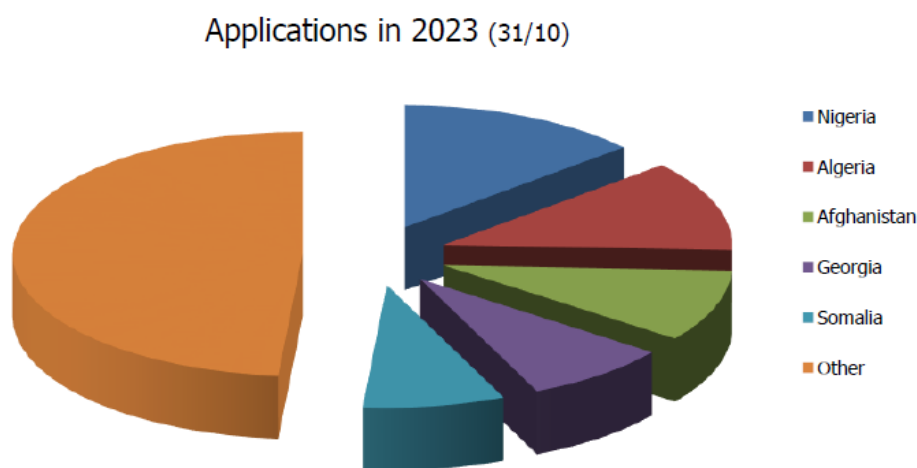
³⁸ AIDA, ‘Country Report Ireland: 2022’ (2023), p. 12, available [here](#), last accessed 27 November 2023.

³⁹ See, e.g., McMahon Report (2015), available [here](#), last accessed 22 November 2023.

In a written answer to a parliamentary question on 22 November 2023, [Minister for Justice, Helen McEntee T.D.](#), reported that recently introduced “reforms are having a significant impact with the median processing time for first-instance decisions reducing from 18 months in 2022 down to 15 months in 2023. The median processing times for appeals is also down from 15 months at the beginning of 2022 to five months in 2023”. An [Irish Independent article](#) published on 4 July 2023 reported that the IPO was processing 750 decisions per month, as compared with 200 decisions per month in 2021. More information on processing times is available [here](#).

The IPO publishes statistics on the number of applications received for international protection each month. The table below demonstrates that 10,386 applications have been received for the year-to-date as of 31 October 2023. In comparison, 11,140 applications were received during the period from 1 January to 31 October 2022.⁴⁰ This represents a 6.8 per cent year-on-year decrease in the number of applications received.⁴¹

Table 4: Applications for International Protection from 1 January to 31 October 2023⁴²



Nationality	Applications	% of total
Nigeria	1416	13.6
Algeria	1251	12.0
Afghanistan	991	9.5
Georgia	851	8.2
Somalia	823	7.9
Other	5054	48.7
Total	10386	100.0

Revised international protection procedure

In November 2022, a [new procedure](#) was introduced by the IPO pursuant to the [European Communities \(International Protection Procedures\) Regulations 2022](#) whose main purpose is to accelerate the application process, in particular, for applicants from designated “safe countries of

⁴⁰ IPO statistics report for October 2023, accessible [here](#), last accessed 6 December 2023.

⁴¹ Ibid.

⁴² The Table is included in ibid.

origin", with a view to reducing overall processing delays. Prior to the introduction of the new procedure, over 25 per cent of applications were made by asylum seekers from so-called designated safe countries of origin, including Bosnia and Herzegovina, North Macedonia, Georgia, Kosovo, Montenegro, Albania, Serbia and South Africa.⁴³ According to an [Irish Independent article](#) published on 4 July 2023, the new procedure resulted in a reduction in the number of applications made by individuals from designated safe countries of origin from 210 in November 2022 to 64 in May 2023.

Under the new procedure, individuals attending the IPO office to make an application for international protection must complete their questionnaire onsite. The questionnaire has been considerably shortened under the revised procedure. According to the IPO website, applicants from designated safe countries of origin should have their substantive interview within "a matter of weeks" of submitting their application.⁴⁴ Where an international protection officer recommends that an application be refused based on one of the reasons contained in [section 39\(4\) of the 2015 Act](#),⁴⁵ the timeframe for submitting an appeal is reduced to ten working days from the date of the recommendation and any appeal will be decided without an oral hearing save where IPAT considers that an oral hearing is necessary in the interests of justice.⁴⁶

The Irish Refugee Council has expressed concerns regarding the new procedure asserting that the requirement to complete personal questionnaires in the busy, open-plan waiting areas of IPO offices could risk retraumatising vulnerable applicants and also raises issues concerning privacy and the protection of their personal data.⁴⁷ It notes that, unless an applicant is accompanied to the IPO by a lawyer when making their application, they will be unable to obtain legal advice before submitting their questionnaire.⁴⁸ It has also asserted that "Cultural Support Officers have not been present to assist applicants in the completion of their questionnaires, while the standard of translation services provided has been unsatisfactory".⁴⁹

International Protection Modernisation Programme 2023-2024

On 5 July 2023, Minister for Justice, Helen McEntee, T.D., published the [International Protection Modernisation Programme 2023-2024](#). It introduces the following three targets with a view to expediting the processing of applications for international protection:

- processing prioritised cases in under three months by Quarter 3, 2023;
- establishing an enhanced quality control process by Quarter 4, 2023; and
- finalising 1,000 cases per month by Quarter 1, 2024.

The legal rights of asylum seekers in Ireland

International protection applicants have the right to remain in the State until their application is determined and to obtain legal assistance where their income falls below a certain threshold

⁴³ IPO, 'Frequently Asked Questions on the New Procedure', accessible [here](#), last accessed 6 December 2023.

⁴⁴ Ibid.

⁴⁵ For example, where there are inconsistencies in the applicant's representations,

⁴⁶ AIDA, 'Country Report Ireland: 2022' (2023), pp. 58-59, available [here](#), last accessed 27 November 2023.

⁴⁷ Ibid., p. 59.

⁴⁸ Ibid.

⁴⁹ Ibid.

(currently €18,000 per annum minus certain allowances). Applicants who have no means of accommodating themselves are referred to International Protection Accommodation Services ([IPAS](#)), a division of the Department of Children, Equality, Disability, Integration and Youth (DCEDIY). In accordance with the EU recast-Reception Conditions Directive, applicants for international protection must be afforded access to material reception conditions, including accommodation, food, clothing, health care and education for minors. They must also be allowed to work within 9 months of making their application. In Ireland, the reception services are provided by multiple Government departments, including:

- DCEDIY, which is responsible for ensuring the provision of:
 - accommodation, meals and utilities to applicants residing in direct provision centres operated by private contractors on a for-profit basis and, more recently, in emergency accommodation centres; and
 - access for eligible children to the free pre-school scheme, the Early Childhood Care and Education programme;
- the Department of Social Protection, which pays a [daily expenses allowance](#) to residents of accommodation provided by IPAS (and those on waiting lists for such accommodation) and covers any exceptional needs;
- the Department of Education, which provides school places for children resident in direct provision centres; and
- the Health Service Executive, which provides mainstreamed health services to residents.⁵⁰

Some of the rights afforded to asylum seekers in Ireland were granted following legal challenges. In *N.V.H. v. Minister for Justice and Equality*,⁵¹ the Supreme Court found that a legislative ban on asylum seekers taking up employment whilst their application was being processed, coupled with the absence of a temporal limit on the asylum process, was incompatible with the right to work as guaranteed under Article 40.1 of the 1937 [Constitution of Ireland](#). Following the decision, asylum seekers were afforded the right to apply for permission to access the labour market six months after making their application for international protection if their application was still pending. Approximately 8,000 asylum seekers have been given permission to work since 2018.⁵²

In 2021, the High Court ruled that asylum seekers are entitled to apply for driver licences. The Road Safety Authority had refused two asylum seekers permission to exchange their full driver licences, issued by their country of origin, for Irish driving licences on the grounds that they had not produced evidence that they were “normally resident” in the State. Mr Justice Mark Heslin stated in the High Court:

“I feel obliged to reject the proposition that someone who, in fact, resides in this State month after month and with permission so to do and who complies with all conditions of that permission should not be considered, for the purposes of exchanging their driving licence, lawfully resident in the context of the legislative scheme at issue in the present proceedings.”⁵³

⁵⁰ DCEDIY, ‘About IPAS’ (last updated 3 February 2023), available [here](#), last accessed 22 November 2023.

⁵¹ [2017] IESC 35.

⁵² Irish Refugee Council, FAQs, see [here](#), last accessed 22 November 2023.

⁵³ KOD Lyons press release, ‘Asylum seekers win High Court challenge over driving licences’, available [here](#), last accessed 22 November 2023.

However, it should be noted that asylum seekers are not entitled to social welfare as they are not considered to satisfy the habitual residence criterion for social welfare, namely, the requirement for an established connection to Ireland.⁵⁴

Since April 2021, following formal engagement between the Irish Human Rights and Equality Commission and high street banks, asylum seekers may open a bank account using State-issued papers for asylum seekers.⁵⁵

Daily Expenses Allowance and calls for a Child Payment

Since 2018, the daily expenses allowance for asylum seekers has been €38.80 per week per adult and €29.80 per week per child.⁵⁶ In October 2023, the Irish Refugee Council published the findings of new independent [research](#), involving a multilingual survey that elicited 192 responses from parents living in direct provision centres as well as nine focus groups with mothers living in direct provision centres. 88 per cent of the parents surveyed indicated that the daily expenses allowance was insufficient to cover basic needs such as food and healthcare,⁵⁷ and over 80 per cent indicated that the allowance was insufficient to cover many of their children's basic needs.⁵⁸

The Irish Refugee Council has called for the daily expenses allowance to be increased in line with inflation.⁵⁹ The [Children's Rights Alliance](#) has also called for an increase arguing that the allowance for children "falls short of a minimum essential standard of living".

On 7 November 2023, in a [written answer](#) to a parliamentary question, Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman, T.D., stated that:

"the introduction of an International Protection Child Payment (IPCP) is a key commitment in the White Paper to End Direct Provision....

...It is proposed the IPCP will be a payment of €140 per month, or €32.11 per week, to be paid in respect of each International Protection Applicant child up to the age of 18, who are residing in IPAS accommodation and are awaiting a decision. This payment would be in addition to the child Daily Expenses Allowance of €29.80 a week.

As part of the Budget process, I secured €4.7m to provide for the IPCP in 2024. A business case for sanction on the establishment of the IPCP has now been prepared and submitted to the Department of Public Expenditure, National Development Plan Delivery and Reform."

As of the date of writing, the IPCP has yet to be introduced. On 5 December 2023, [Minister O'Gorman](#) advised that the Government had agreed to increase the weekly

⁵⁴ See: Dáil Éireann debate, 'Social Welfare Code' (24 October 2023), available [here](#), last accessed 22 November 2023.

⁵⁵ IHREC, 'Access to Bank Accounts confirmed for Asylum Seekers' (11 April 2021) available [here](#), last accessed 22 November 2023.

⁵⁶ Ibid.

⁵⁷ Sara Cid, 'Living in International Protection Accommodation: Exploring the Experiences of Families and Children in Direct Provision (2023) available [here](#), last accessed 21 November 2023.

⁵⁸ Ibid.

⁵⁹ Irish Refugee Council, 'New research sheds light on income inadequacy faced by children and families living in international protection accommodation' (5 October 2023) available [here](#), last accessed 21 November 2023.

payment for asylum seekers who are not offered accommodation by IPAS by €75 per week for as long as those asylum seekers were not accommodated by IPAS.

Criticism of the Direct Provision System

Numerous Government-commissioned and independent reports have criticised the direct provision system, which was initially established in 1999 as a temporary measure to accommodate people seeking international protection.

The 2015 Report of the 'Working Group to Report to Government on Improvements to the Protection Process including Direct Provision and Supports to Asylum Seekers' (the "[McMahon Report](#)") recommended that the Government establish a standard-setting committee to reflect Government policy across all areas of service in direct provision and an independent inspectorate to conduct inspections of direct provision centres against the newly approved standards.⁶⁰ Pursuant to this recommendation, a Standards Advisory Group consisting of representatives of Government bodies, NGOs and asylum seekers, was established in 2017. The Group drafted National Standards for accommodation offered to people in the protection process, which were published in 2019 and have been applicable since 2021.⁶¹

The National Standards, address issues relating to the following themes: accommodation; food, catering and cooking facilities; individual, community and family life; health, wellbeing and development; social needs; safeguarding and protection; governance, accountability and leadership; contingency planning and emergency preparedness; and responsive workforce. They meet the minimum standards set out in:

- [the European Asylum Support Office Guidance on Reception Conditions: Operational Standards and Indicators](#);
- the recast-EU [Reception Conditions Directive](#); and
- the [European Communities \(Reception Conditions\) Regulations 2018](#) (S.I. No 230/2018).⁶²

The 2019 Report of the Joint Committee on Justice and Equality on Direct Provision and the International Protection Application Process (the "[2019 Joint Committee Report](#)") identified significant issues with the direct provision system, including:

- accommodation that is not fit-for-purpose;
- inadequate supports and services that do not cater to the needs of vulnerable individuals arriving in Ireland;
- long delays in the single application process;
- issues with accessing the labour market; and
- issues relating to children in the direct provision system.⁶³

It concluded that the system "needs root and branch reform, preferably replacement".⁶⁴

⁶⁰ McMahon Report (2015), available [here](#), para. 4.2226, last accessed 22 November 2023.

⁶¹ For an overview of the National Standards, see: the 2019 Joint Committee Report, pp. 17-21, available [here](#), last accessed 22 November 2023.

⁶² Ibid., p. 15.

⁶³ Ibid., p. 3.

⁶⁴ Ibid.

In October 2020, the [Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process](#) was published. It “concluded that a system which places applicants for long periods in segregated, congregated accommodation with little privacy or scope for normal family life is not fit for purpose”.

In November 2021, a [Private Members’ Bill](#) was introduced before Dáil Éireann by Deputy Eoin Ó’Broin (Sinn Féin), which sought to enable the Health Information and Quality Authority (HIQA) to inspect reception centres and accommodation centres for asylum seekers. It is currently before Dáil Éireann (second stage).

The 2023 Special Report of the Ombudsman for Children

In April 2021, the Office of the Ombudsman for Children (OCO) published the results of its investigation into the management of direct provision centres, emergency reception and orientation centres (EROCs), and emergency accommodation centres (EACs), including commercial hotels.⁶⁵ It identified systemic failures in the discharge of IPAS and Tusla’s administrative functions with regard to direct provision centres, EROCs and EACs, which were having an adverse effect on child residents. It made 12 recommendations, which were aimed at addressing 14 core findings.

On 18 October 2023, the OCO published the first ever [Special Report](#) of the Ombudsman for Children pursuant to [section 13 \(7\)](#) of the *Ombudsman for Children Act 2002* (the “2002 Act”).⁶⁶

The Special Report found that “*an overreliance on the private commercial sector accommodation has led to system failures on practical, economic, and legal grounds. Sadly, children are at the sharp end of these failures*” [[OCO Special Report](#) (2023) p. 6].

The [Special Report](#) highlighted three specific recommendations from the OCO’s 2021 investigation, where progress had stalled or regressed. First, it indicated that, based on the available information, the Ombudsman could not be satisfied that IPAS would implement its recommendation to cease the use of commercial hotels and develop a contingency plan to respond to capacity pressures in the short to medium term.⁶⁷

Second, the [Special Report](#) indicated that the Ombudsman could not be satisfied that a robust and adequately resourced quality assurance mechanism was in place, or would be put in place, for the majority of children seeking international protection, which would be capable of monitoring complaints and child protection and welfare concerns.⁶⁸ It noted that whilst the Government had confirmed that HIQA would be performing independent monitoring of designated accommodation centres, the regulations to govern this arrangement had yet to be put in place, would only be in effect for four years, and would exclude EROCs and EACs as they were subject to separate

⁶⁵ OCO, ‘Safety and Welfare of Children in Direct Provision: an Investigation by the Ombudsman’s for Children’s Office’ (2021), available [here](#), last accessed 6 December 2023 [hereinafter “OCO Special Report 2023”].

⁶⁶ *Section 13 (5)* of the *2002 Act* permits the Ombudsman to cause a special report to be laid before each House of the Oireachtas where inadequate measures are undertaken to implement the Ombudsman’s recommendations following an investigation under *section 13 (3)*.

⁶⁷ OCO Special Report 2023, pp. 3-4.

⁶⁸ *Ibid.*, p. 4.

contractual arrangements.⁶⁹ Regarding the latter point, the OCO observed that, according to DCEDIY, 2,441 children seeking international protection were residing in EACs, and 16,804 Ukrainian children who were beneficiaries of temporary protection were also living in hotels.⁷⁰

Third, the [Special Report](#) (2023: p.5) stated that:

“[i]n circumstances where only 10% of children seeking [international protection] had received a statutory vulnerability assessment, with 44% of those assessed as requiring a social work referral, the Ombudsman cannot be satisfied that IPAS has sufficient regard to the vulnerability of children within the international protection process in the planning and provision of their accommodation needs”.⁷¹

In April 2021, IPAS undertook to put in place a procedure to identify children with special reception needs and perform a vulnerability assessment within 30 days of the lodging of an application for international protection on their behalf.⁷² This procedure is required to implement Regulation 7 of the [European Communities \(Reception Conditions Regulations\) 2018 \(S.I. No. 230/2018\)](#), which gives effect to the [EU recast-Reception Conditions Directive](#).

[During a Dáil debate](#) on 30 November 2023, Minister for Children, Equality, Disability, Integration and Youth, Roderic O’Gorman, T.D., provided updates on the three recommendations discussed in the OCO’s 2023 Special Report. Regarding the first recommendation, he stated:

“Due to the significant increase in people requiring accommodation, there has to be a requirement for a blended approach of accommodation options, including commercial and private providers. This ... is an absolute necessity if we are to provide accommodation for those arriving in Ireland.”

Regarding the second recommendation, [Minister O’Gorman](#) confirmed that HIQA’s inspection role would only apply to “permanent” centres contracted by IPAS and stated:

“In advance of the introduction of independent monitoring, IPAS has taken steps to support adherence to the national standards through its contract arrangements with accommodation centres. All properties selected under IPAS’s most recent tender process will be required to implement the national standards.

The request for tenders for the inspection of accommodation provided by this Department was published on eTenders in October, with a closing date of 31 October. Submissions are currently being evaluated and it is hoped that an inspection service will be in place in quarter 1 of 2024. To date, HIQA has completed pilot inspections of the three State-owned IPAS centres.”

Regarding the third recommendation, [Minister O’Gorman stated](#):

“Since 1 February 2021, the IPAS resident welfare team has made a determination regarding vulnerability in the case of more than 4,000 persons. More than 2,600 persons were deemed vulnerable, of whom over 800 were minors...”

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid., p. 5.

⁷² Ibid.

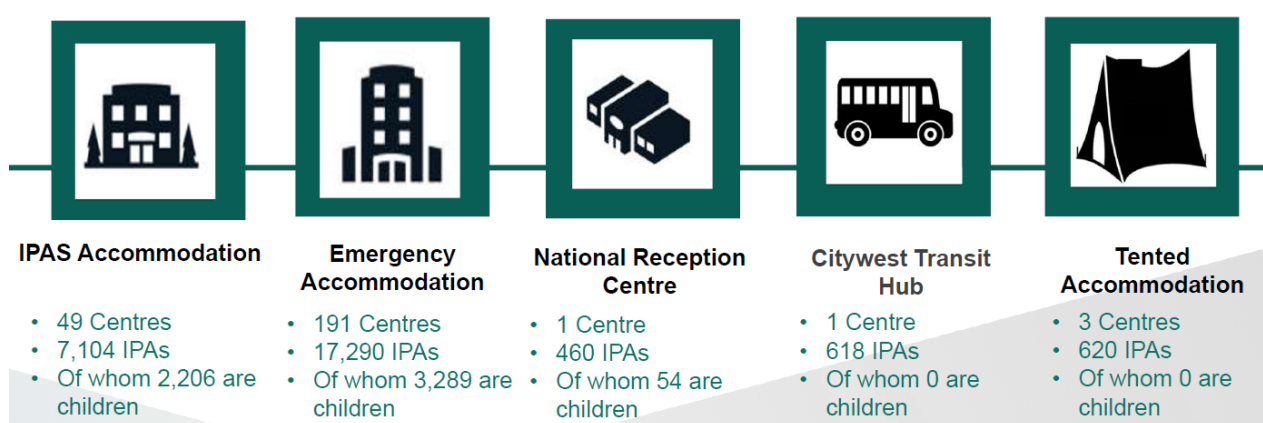
...Ongoing demands on the service due to significantly increased numbers have resulted in wait times for assessments being affected. Given the ongoing challenges faced by IPAS with sourcing accommodation, IPAS works with residents through the vulnerability assessment programme and clinics to signpost people to relevant information and services that may be helpful to them.”

Developments in the past 12 months

Table 5: IPAS Accommodation Overview as of 26 November 2023⁷³

Current IPAS Accommodation Overview

Total Centres 245 Total IPAs 26,092. Of whom Children 5,581



As of 26 November 2023, 26,092 applicants for international protection, including 5,581 children, were being accommodated in 245 centres, including 191 EACs, three tented accommodation centres, one national reception centre, and the Citywest transit hub.⁷⁴ During the past 12 months, various actors, including the [Children's Rights Alliance](#) and the [Irish Refugee Council](#) have expressed concern regarding deteriorating standards in direct provision centres and emergency accommodation facilities.

On 24 January 2023, IPAS announced that due to the combined effects of the arrival of refugees from Ukraine, the increase in applications for international protection in 2022 and the housing crisis, adult applicants for international protection could no longer be accommodated.⁷⁵

In April 2023, Mr Justice Meenan ruled in the [High Court](#) that the failure by the Minister for Children, Equality, Disability, Integration and Youth to provide applicants for international

⁷³ This Table is taken from: DCEDIY, 'IPAS Weekly Accommodation and Arrival Statistics' (26 November 2023) available [here](#), last accessed 5 December 2023.

⁷⁴ Ibid.

⁷⁵ DOJ, '[International Protection Modernisation Programme](#) 2023-2024' (2023) p.15, available [here](#), last accessed 6 December 2023.

protection with material reception conditions, including accommodation, food and hygiene facilities, violates their right to human dignity under Article 1 of the [EU Charter of Fundamental Rights](#). The case concerned an applicant from Afghanistan who was given a supermarket voucher worth €28 and informed that accommodation would only be provided once space was available. As a result, the applicant was homeless for three weeks without State support.

“....even if accommodation facilities are overloaded alternative steps should be taken by the Minister which may include giving ‘financial allowances’ or referring persons, such as the applicant, to ‘bodies within the general public assistance system’ who will provide what the Minister does not.” [Mr Justice Meenan, High Court (2023), see [here](#)].

An [RTÉ news report](#) published on 18 May 2023 indicated that 501 recently arrived asylum seekers were not provided with accommodation by the State, leaving many homeless. This situation attracted criticism from [UNHCR](#), which noted that “providing for the most basic needs of asylum seekers, in particular basic shelter and safety... is a clear legal obligation both under national and European law”.

On 5 December 2023, the [Government advised](#) that it was unable to provide accommodation to all asylum seekers arriving in the State due to a severe shortage of beds. It indicated that it would continue to prioritise housing families. It advised that any asylum seekers who were not afforded accommodation would be provided with tents, sleeping bags and drop-in day services, including hot showers, meals and laundry services, as well as an additional €75 per week on top of the daily expenses allowance. [UNHCR Ireland](#) stated that the news was “extremely concerning”. Several [human rights organisations](#), including the Irish Human Rights and Equality Commission, Amnesty International and the Irish Refugee Council, expressed concerns regarding the human rights implications of the announcement for international protection applicants.

White Paper to end Direct Provision

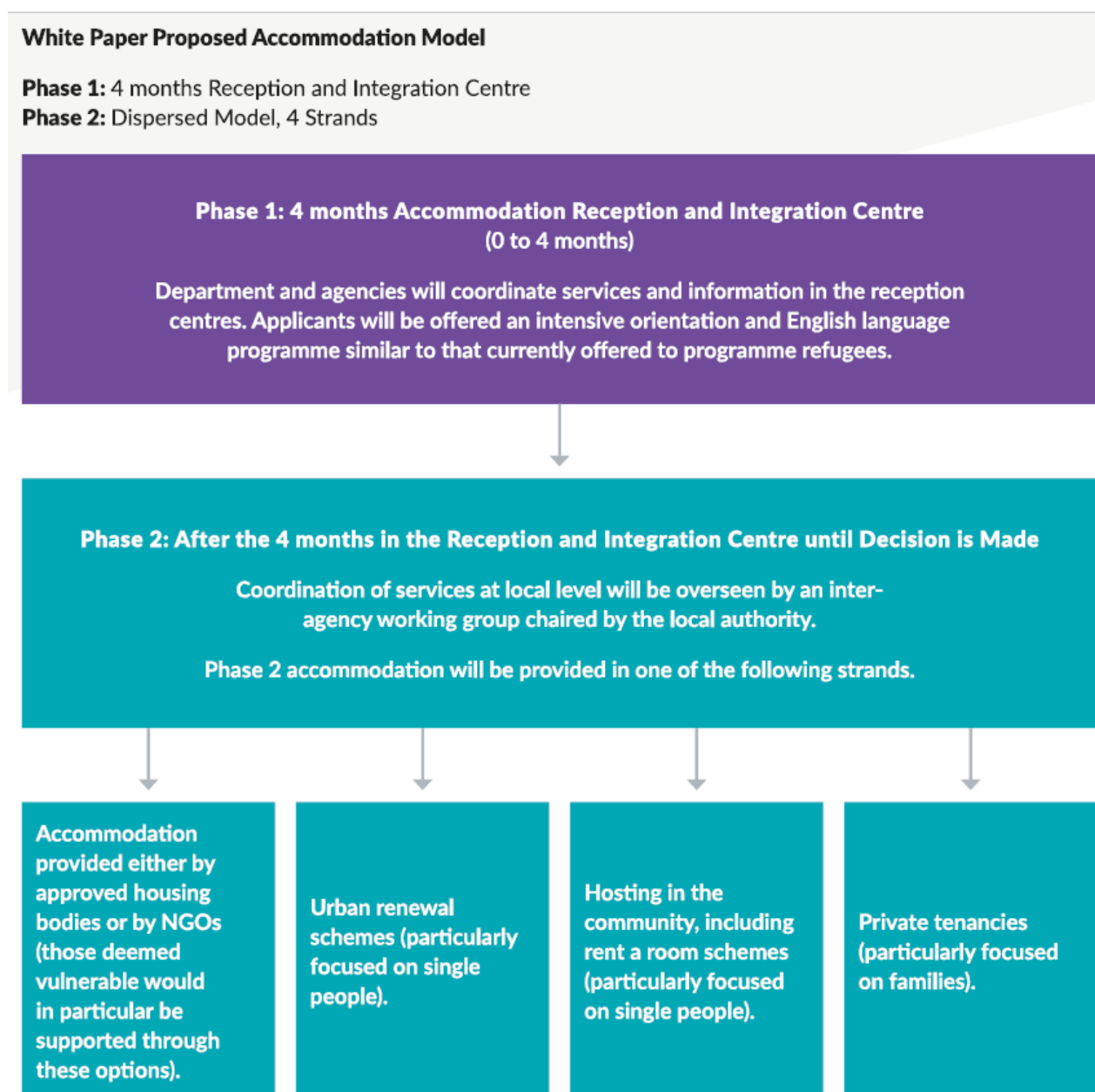
The [Programme for Government, Our Shared Future](#), includes a commitment to replace the direct provision system with a new system based on a not-for-profit approach. A [White Paper](#) to end direct provision and establish a new International Protection Support Service was published by the Government in February 2021. In the [Foreword](#), Minister for Children, Equality, Disability, Integration and Youth, Roderic O’Gorman, T.D., states:

“Direct Provision was established in 1999 as a temporary response to accommodating people seeking International Protection. In the decades since, it has proven expensive, inefficient, and ill-equipped to respond to shifting trends in international migration. More worryingly, it failed to respect the dignity and human rights of individuals, something which has rightly been subject to criticism from human rights organisations, activists, and those who are in it and have passed through it.”

The proposed new model of accommodation for international protection applicants is based on a human rights-based approach and is meant to encourage integration, whilst supporting applicants to live independently. It was intended that the new model would be implemented on a phased basis between 2021 and 2024. However, in [January 2023, Minister O’Gorman indicated](#) that ending the direct provision system by 2024 would be very difficult to achieve in the contemporary context given the impact of the Ukraine conflict.

In a written answer to a parliamentary question on [14 November 2023](#), Minister O’Gorman advised that the underlying assumptions of the White Paper had to be re-examined as it was originally based on 3,500 new arrivals per year. He anticipated that an ongoing review of the White Paper would be completed in the coming weeks. In the written answer, Minister O’Gorman also provided an update on progress to date in fulfilling commitments made in the White Paper under the three core main strands: accommodation, integration and supports (available [here](#)).

Table 6: White Paper Proposed Accommodation Model⁷⁶



⁷⁶ The Table was published on the website of the Department of Children, Equality, Disability, Integration and Youth on 2 February 2023; see [here](#), last accessed 6 December 2023.

Programme Refugees

The term “programme refugee” is used when referring to a refugee who is resettled in a third country under a refugee resettlement programme. Resettlement is “the voluntary transfer of refugees from the country where they are registered to another country that agrees to admit them as refugees and grant them a residence permit”.⁷⁷ Resettlement is not a legal right but may be available to refugees who have a continued need for international protection because their fundamental human rights are at risk in their country of refuge.⁷⁸ The Government established a refugee resettlement programme, the [Irish Refugee Protection Programme](#) (IRPP), in September 2015. Even prior to this, for several years Ireland had been admitting refugees under resettlement programmes, as apparent from the Table below.

Table 7: Resettled Refugees Admitted to Ireland 2000-2016⁷⁹

Resettled Refugees admitted to Ireland 2000 - 2016 (Pre-IRPP) (by Country/Region of Origin)																			Total
Special Resettlement (ex Malta)							General Resettlement												
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016		
Afghan	19	8	0	2	0	0	0	0	0	1	0	0	0	31	0	0	0	61	
Burma- Karen	0	0	0	0	0	0	0	97	0	0	3	0	0	0	0	0	0	100	
Burma- Rohingya	0	0	0	0	0	0	0	0	0	82	0	0	0	0	0	0	0	82	
Cameroonian	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Chadian	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
Chechen	0	0	0	15	29	41	0	0	2	0	0	0	0	0	0	0	0	87	
Chinese	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	
Congolese	0	10	11	15	0	7	1	0	0	0	0	0	1	0	0	0	0	45	
Cuban	0	0	0	0	0	0	0	0	12	3	0	0	0	0	0	0	0	15	
D.R. Congolese	0	0	0	0	0	0	0	7	0	84	0	0	20	31	7	0	0	149	
Egyptian	0	0	0	0	0	0	0	0	0	0	0	0	5	0	0	0	0	5	
Eritrean (ex Malta)	0	0	0	0	0	0	0	2	0	0	0	9	0	0	0	0	0	11	
Eritrean (ex Ethiopia)	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	
Ethiopian	0	0	0	0	11	0	0	0	3	0	0	5	3	0	0	0	0	22	
Ethiopian (ex Malta)	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	
Iranian	0	1	0	0	0	0	0	0	6	0	0	0	0	0	0	0	0	7	
Iranian Kurd	6	15	12	10	0	46	180	0	0	8	0	0	5	0	0	0	0	282	
Iraqi	0	3	3	6	0	0	0	0	5	7	16	6	0	0	0	27	0	73	
Ivory Coast (ex Malta)	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	3	
Liberian	3	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	7	
Moroccan	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	
Palestinian (Syrian)	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	3	
Palestinian / Iraqi	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	
Palestinian / Jordanian	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	4	
Russian	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Rwandan	6	0	0	0	0	9	0	0	0	0	0	0	0	0	0	0	0	15	
Serbian	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
Somali	0	4	1	0	10	10	0	0	0	0	0	0	0	5	0	0	0	30	
Somali (ex Malta)	0	0	0	0	0	0	0	0	0	0	0	0	10	10	0	0	0	20	
Sri Lankan (ex Malta)	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	5	
Sudanese	1	1	0	0	5	0	0	0	71	0	0	23	0	5	0	0	0	106	
Syrian	0	0	0	0	0	0	0	0	1	0	1	0	0	0	89	149	13	253	
Stateless	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	3	
Togolese	0	0	0	0	3	2	0	0	0	0	0	0	0	0	0	0	0	5	
Tunisian	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	
Genral Resettlement Total	35	52	28	50	58	115	184	104	101	192	20	35	39	76	96	176	13	1374	
Special Resettlement Total	0	0	0	0	0	0	0	10	0	0	0	10	10	10	0	0	0	40	
Total all refugees	35	52	28	50	58	115	184	114	101	192	20	45	49	86	96	176	13	1414	
Cumulative total	35	87	115	165	223	338	522	636	737	929	949	994	1043	1129	1225	1401	1414		

⁷⁷ UNHCR, ‘Resettlement, see [here](#), last accessed 6 December 2023.

⁷⁸ Ibid.

⁷⁹ The Table was available on the Department of Justice website (which previously had responsibility for Equality, Immigration and Integration), see [here](#), last accessed 27 June 2023.

Resettlement “can be a tangible expression of international solidarity and a responsibility sharing mechanism, allowing States to help share responsibility for refugee protection, and reduce problems impacting the country of asylum” [UNHCR [Resettlement Handbook](#) (2011), p. 3].

Irish Refugee Protection Programme (IRPP)

The IRPP was established in September 2015 in response to the humanitarian crisis that developed in the Mediterranean and Southern Europe as a result of mass migration triggered by armed conflicts in the Middle East and Africa. Under the new Programme for Government, responsibility for the IRPP transferred from the Department of Justice to DCEDIY in 2020.⁸⁰ Under the IRPP, the Government initially undertook to accept 4,000 refugees from Syria, Eritrea, The Bahamas, Bahrain, Bhutan, Qatar, United Arab Emirates and Yemen, including:

- 2,622 asylum seekers (relocated from either Greece or Italy) under the EU Relocation Programme established by EU Council [Decisions EU/2015/1523](#) and [EU/2015/1601](#);
- 1,040 programme refugees registered with UNHCR in Lebanon and Jordan under a refugee resettlement programme led by UNHCR;
- up to 200 unaccompanied minors from an unofficial camp in Calais, France; and
- up to 530 immediate family members of refugees from established conflict zones, under a Family Reunification Humanitarian Admission Programme (FRHAP).⁸¹

There transpired to be a shortfall of available persons for the EU Relocation programme, which ultimately terminated on 26 September 2017.⁸² The Government undertook to fill the shortfall by increasing the number of individuals accepted under the UNHCR-led refugee resettlement programme and the FRHAP.⁸³ A Department of Justice press release on 17 December 2019 indicated that 3,151 persons had already arrived in Ireland under the IRPP entailing:

- 1,022 refugees relocated to Ireland under the EU Relocation programme;
- 1,858 individuals resettled to Ireland under the UNHCR-led refugee resettlement programme (with 55 more expected by the end of 2019);
- 159 family members under the FRHAP; and
- 112 refugees under other mechanisms (Search and Rescue Missions, Unaccompanied Minors from Greece, and the Calais Special Project).⁸⁴

A Community Sponsorship Ireland programme has also been operational since 2018. Under the pilot scheme, five refugee families (17 persons in total) were welcomed into host community

⁸⁰ Dáil Éireann debate, ‘Departmental Funding’ (26 April 2022) available [here](#), last accessed 6 December 2023.

⁸¹ Department of Justice, ‘Irish Refugee Protection Programme’, available [here](#), last accessed 27 June 2023. See also: Written Answers by Minister to Parliamentary Questions (25 January 2017) pp. 167-168, available [here](#), last accessed 6 December 2023; and UNHCR, ‘FAQ: Humanitarian Admissions Programme’, available [here](#), last accessed 6 December 2023.

⁸² See Department of Justice, ‘Irish Refugee Protection Programme’, available [here](#), last accessed 27 June 2023.

⁸³ Ibid.

⁸⁴ Department of Justice, ‘Ireland commits to a new Refugee Protection Programme’ (17 December 2019, last updated 5 August 2021) available [here](#), last accessed 6 December 2023.

groups in counties Cork, Waterford and Meath.⁸⁵ Two additional families were welcomed into host communities in Kildare and Dublin in December 2019.⁸⁶ Under the scheme, host communities offer supports to refugees, including by helping them to access housing and state services.⁸⁷ UNHCR selects the refugees who participate in the programme and they are also subjected to a vetting process under the auspices of the IRPP.⁸⁸

On 17 December 2019, the Department of Justice announced the beginning of a new phase of the IRPP.⁸⁹ It indicated that an agreement had been reached with UNHCR and the EU under which 2,900 additional refugees would be welcomed into Ireland between 2020 and 2023 through a combination of resettlement and community sponsorship.⁹⁰ It reported that the European Commission was providing €9 million in funding to support the resettlement of 900 refugees between early 2020 and June 2021.⁹¹ It stated that approximately 1,350 individuals would be granted refuge over the first two years of the programme.⁹² It indicated that this initial group would predominantly be comprised of Syrian refugees based in Jordan and Lebanon as well as a pilot group of 150 Eritrean refugees resident in Ethiopia.⁹³

In contrast to the EU relocation programme, Ireland makes the final decision as regards which refugees are selected for resettlement from Lebanon and Jordan under the UNHCR-led programme.⁹⁴ Applicants undergo an initial screening process by UNHCR, which then provides a list of proposed candidates to Irish officials.⁹⁵ The applicants' backgrounds are reviewed and teams comprised of members of An Garda Síochána and departmental officials travel to Lebanon and Jordan where they hold interviews with applicants and conduct needs assessments and security checks.⁹⁶ They also offer orientation information and medical checks to refugees selected for resettlement.⁹⁷

According to a departmental official, who was cited in an article published in the *Irish Examiner* on 17 September 2021, rejections are very rare and tend to be due to security reasons or strong indications that cultural differences will pose an insurmountable challenge for the applicant.⁹⁸ Resettled refugees are initially hosted at emergency reception and orientation centres (EROCs) in Ireland, where they are provided with an orientation programme before being rehoused in communities across the country.

The Covid-19 pandemic had a negative impact on the resettlement programme with UNHCR imposing an unprecedented worldwide temporary suspension on resettlement departures on 17

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ The press release indicated that this would be achieved through 650 UNHCR resettlements in 2020, 700 in 2021, 750 in 2022 and 800 in 2023. See *ibid.*

⁹¹ Ibid.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Department of Justice, 'Irish Refugee Protection Programme', available [here](#), last accessed 27 June 2023.

⁹⁵ H. McCarthy, 'God willing, we will be in Ireland soon' (*Irish Examiner*, 17 September 2021) available [here](#), last accessed 6 December 2023.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Ibid.

March 2020.⁹⁹ A decision was taken to resume the Irish resettlement programme in November 2020.¹⁰⁰ In a written answer to a parliamentary question on 18 April 2023, [Minister for Children, Equality, Disability, Integration and Youth, Roderic O’Gorman, T.D., indicated](#) that Ireland had received 1,012 refugees under the IRPP between 1 January 2020 and 31 December 2022, including 448 Syrian refugees and 564 refugees from Afghanistan. The [Minister added](#) that Ireland had welcomed over 4,100 refugees in total under the IRPP since its commencement.¹⁰¹ He advised that the influx of Ukrainian refugees in 2022 coupled with the increase in the number of applications received for international protection had posed significant challenges.¹⁰² He indicated that new arrivals under the UNHCR-led programme can only be accommodated once space is freed up in EROCs, which in turn is contingent upon the pace at which local authorities can make housing available for programme refugees exiting such centres.¹⁰³

Afghan Admission Programme

After the Taliban took over control of Afghanistan in August 2021, the Government introduced a targeted immigration programme, which allowed Afghan nationals legally resident in Ireland to apply on behalf of close family members for temporary Irish residence.¹⁰⁴ The beneficiaries of the programme are Afghan nationals whose freedom or safety was at risk and who were resident in Afghanistan or certain neighbouring countries having fled from Afghanistan since August 2021.¹⁰⁵ 500 places were available under the programme, which was closed on 11 March 2022.¹⁰⁶

In a written answer to a parliamentary question on 14 November 2023, [Minister for Justice, Helen McEntee T.D., confirmed](#) that 528 applications had been received for the Afghan Admission Programme in respect of 1,492 potential beneficiaries. She confirmed that the Department of Justice had issued the first approval for an application under the programme on 14 November 2022. She indicated that the Department does not collate data on average processing times and anticipated that the programme would be largely concluded by the end of 2023.¹⁰⁷

The Afghan Admissions Programme reported that, according to the most up-to-date figures available as of 4 December 2023, 236 positive decisions had been issued in respect of 629 beneficiaries; 40 negative decisions had been issued in respect of 133 beneficiaries; and 69 applications had been deemed ineligible under the Programme’s terms in respect of 186 beneficiaries.¹⁰⁸ An appeal may be lodged by email against a negative decision within 20 working

⁹⁹ UNHCR, ‘Ireland Factsheet’ available [here](#), last accessed 6 December 2023.

¹⁰⁰ Ibid.

¹⁰¹ Dáil Éireann debate, ‘Departmental Data’ (18 April 2023) available [here](#), last accessed 6 December 2023.

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ DOJ, ‘The Afghan Admission Programme Information Page’, see [here](#), last accessed 6 December 2023.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Dáil Éireann Debate, ‘Residency Permits’ (14 November 2023) available [here](#), last accessed 6 December 2023.

¹⁰⁸ This information was provided directly to the Oireachtas Library and Research Service by the Afghan Admission Programme within the DOJ by email on 4 December 2023.

days of the date of the decision letter.¹⁰⁹ The Department of Justice's website states that "the Minister's decision following this appeal process will be final".¹¹⁰

It is unclear exactly how many beneficiaries under the Afghan Admission Programme have arrived in the country to date. [Minister for Justice, Simon Harris T.D.](#), advised on 24 May 2023 that data on the number of beneficiaries who have entered the State or registered is not collected by the Department of Justice. In February 2023, Minister Harris confirmed that the Department of Justice is not responsible for relocating beneficiaries.¹¹¹ He indicated that, in accordance with the eligibility criteria for the Programme, applicants must cover the travel costs for beneficiaries and must be able to show that they can maintain their nominated family members, including by providing them with accommodation.¹¹²

In addition to Afghan refugees who enter the State under the Afghan Admissions Programme, in a written answer to a parliamentary question on 18 April 2023, [Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman, T.D.](#), indicated that 564 refugees had also been resettled in Ireland from Afghanistan under the IRPP during 2021 and 2022. Furthermore, in a written answer to a parliamentary question on 10 October 2023, [Minister for Justice, Helen McEntee T.D.](#), confirmed that "476 Type D Long Stay Join Family visas have been issued to Afghan nationals in 2023 to 9 October. This figure comprises all Type D Join Family visas issued to Afghan nationals and are not exclusive to those who are beneficiaries of the Afghan Admission Programme."

Refugees from Ukraine afforded Temporary Protection in Ireland

In response to the armed conflict in Ukraine, on 4 March 2022, the European Council decided to activate Council Directive 2001/55/EC of 20 July 2001 (the "[Temporary Protection Directive](#)"). The Directive was adopted in the aftermath of the Balkans conflict as a way of providing immediate help, in the form of collective protection status, to large groups of people forced to flee their home country due to armed conflict, endemic violence or systematic human rights violations.¹¹³ Temporary protection is granted for an initial period of 12 months and permission may be sought for an extension.¹¹⁴ Beneficiaries are entitled to: a Personal Public Service Number, access to the labour market, access to accommodation or assistance in obtaining housing, education for children under 18 years of age, social welfare income supports, and access to health care services from the HSE.¹¹⁵

An [Irish Examiner newspaper article](#) published on 23 October 2023 reported that almost 97,000 Ukrainian refugees had arrived in Ireland, of whom over 73,000 had been provided with State accommodation. The article indicated that the Government was developing a new policy, which could impact the accommodation and social welfare supports offered to Ukrainian beneficiaries of

¹⁰⁹ DOJ, 'The Afghan Admission Programme (AAP) Appeals', available [here](#), last accessed 6 December 2023.

¹¹⁰ Ibid.

¹¹¹ Dáil Éireann Debate, 'International Protection' (9 February 2023) available [here](#), last accessed 6 December 2023.

¹¹² Ibid.

¹¹³ For more information, see: Rebecca Halpin, 'Temporary Protection: the activation of the Temporary Protection Directive in response to the crisis in Ukraine' (L&RS, April 2022) available [here](#), last accessed 6 December 2023.

¹¹⁴ UNHCR, 'Temporary Protection', see [here](#), last accessed 6 December 2023.

¹¹⁵ Ibid.

temporary protection. According to the [OECD International Migration Division](#), Ireland was ranked seventh out of 34 developed countries, as of June 2023, in terms of the number of Ukrainian refugees per head of population with 17 refugees per 1,000 individuals. According to UNHCR, 5,840,000 refugees from Ukraine were recorded across Europe as of 31 October 2023.¹¹⁶

Syria Case Study

By way of a case study, this section discusses the refugee and humanitarian crisis triggered by the armed conflict in Syria. It also highlights some of the actions undertaken by Ireland in response to the crisis. Syria was chosen because it represents “one of the world’s most complex humanitarian and protection emergencies”.¹¹⁷ The start of the crisis can be traced to 15 March 2011 when protests erupted in Southern Syria in response to the detention and torture of children by security officials.¹¹⁸ Predominantly peaceful pro-democracy protests subsequently spread almost nationwide, which were brutally repressed by pro-Government forces.¹¹⁹ The unrest descended into a protracted and devastating armed conflict involving a variety of State and non-State actors, including ISIS.¹²⁰ The conflict forced millions of Syrians to flee the country making Syria the country of origin for the most refugees in the world (as of mid-2023).¹²¹

Syrian Refugee Crisis

According to UNHCR, there are approximately 6.5 million registered Syrian refugees worldwide.¹²² The vast majority of these refugees (approximately 5.18 million as of 31 October 2023) are hosted in nearby States,¹²³ whilst over a million are hosted in Europe, including 560,000 in Germany.¹²⁴ Some neighbouring States, including Turkey, Lebanon and Jordan, initially operated an open-door policy for Syrian refugees. However, by mid-2016, NGOs such as the [Danish Refugee Council](#) were expressing concerns that few legal routes remained for refugees to exit Syria as borders were increasingly closed.

The armed conflict in Syria contributed to a humanitarian crisis in the Eastern Mediterranean as thousands of Syrian refugees relied upon smugglers to undertake the dangerous sea crossing from Turkey to Greece. The EU and Turkey reached an Agreement on 18 March 2016, which

¹¹⁶ UNHCR, ‘Europe Situations: Data and Trends - Arrivals and Displaced Populations - October 2023’ (7 December 2023), available [here](#).

¹¹⁷ OCHA, ‘Global Humanitarian Overview 2022: Syria’ (30 November 2022) available [here](#), last accessed 6 December 2023.

¹¹⁸ UN General Assembly (UNGA), ‘Report of the independent international commission of inquiry on the Syrian Arab Republic’ (23 November 2011) UN Doc A/HRC/S-17/2/Add.1, para. 27, available [here](#).

¹¹⁹ *Ibid.*, paras 5-12.

¹²⁰ For ease of reference, the Note refers to “the” armed conflict. However, in reality multiple armed conflicts (both international and non-international) erupted in Syria since 2012. See: RULAC, ‘Syria’ available [here](#), last accessed 6 December 2023.

¹²¹ UNHCR, ‘UNHCR, ‘Mid-Year Trends 2023’ (2023), p. 2, available [here](#), last accessed 23 November 2023.

¹²² *Ibid.* Registered refugees are refugees who are registered with UNHCR or local authorities.

¹²³ UNHCR, ‘Operational Data Portal: Syria Regional Refugee Response’ (updated as of 31 October 2023) available [here](#), last accessed 27 November 2023.

¹²⁴ UNHCR Cyprus, ‘Syria Refugee Crisis – Globally, in Europe and in Cyprus’ (18 March 2021), see [here](#), last accessed 6 December 2023.

resulted in a dramatic reduction in the number of Syrian refugees arriving in Greece.¹²⁵ However, the Agreement was widely criticised by human rights organisations, including Human Rights Watch and Amnesty International.¹²⁶ They argued that Turkey is not a safe country for Syrian refugees, including because they are at risk of being involuntarily returned from Turkey to Syria contrary to the *non-refoulement* principle.¹²⁷

Indeed, the figures included on UNHCR's operational data portal demonstrate that the number of Syrian refugees in Turkey, Lebanon and the greater Middle East North Africa (MENA) region is declining. For example, there were 3,570,234 registered Syrian refugees in Turkey as of 1 December 2022, as compared with 3,274,059 as of 5 October 2023.¹²⁸ There were 814,715 Syria refugees in Lebanon as of 31 December 2022, as compared with 789,842 as of 30 September 2023.¹²⁹ Cumulatively, there were 5,456,945 registered Syrian refugees in the MENA region as of 28 February 2023, as compared with 5,186,884 as of 30 November 2023.¹³⁰

Table 8: Syria Regional Refugee Response – MENA region¹³¹

Total Registered Refugees in MENA region as of 30 November 2023: 5,186,884				
Location	Source	Data Date	Percentage of Total Population of Syrian Refugees in Region	Total Number of Syrian registered refugees
Turkey	Government of Turkey	5 October 2023	63.1 per cent	3,274,059
Lebanon	UNHCR	30 September 2023	15.2 per cent	789,842
Jordan	UNHCR	31 October 2023	12.6 per cent	652,842
Iraq	UNHCR	31 October 2023	5.2 per cent	272,165
Egypt	UNHCR	30 November 2023	2.9 per cent	152,973
Other (North Africa)	UNHCR	31 Dec 2022	0.9 per cent	45,003

Together, Turkey, Lebanon and Jordan currently host over 4.7 million Syrian refugees.¹³² This has not been without its challenges. As documented in an *Irish Times* article published on 4 July 2019, “[e]conomic crises in all three [countries], plus chronic shortfalls in donor funding for the refugees, has intensified resentment among the citizens of these countries and increases

¹²⁵ European Council, ‘Migration flows in the Eastern Mediterranean route’, available [here](#), last accessed 6 December 2023.

¹²⁶ See e.g., ECRE, ‘Greece: HRW Finds Türkiye Increasingly Unsafe for Refugees and Calls for EU Pressure to Repeal JMD’ (28 October 2022) available [here](#), last accessed 6 December 2023.

¹²⁷ Ibid.

¹²⁸ UNHCR, ‘Operational Data Portal: Syria Regional Refugee Response’ (updated as of 30 November 2023) available [here](#), last accessed 6 December 2023. The historic figures were recorded during ongoing monitoring of the data portal.

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ The Table is derived from information accessible at [ibid](#).

¹³² Ibid.

pressure on Syrians to leave”.¹³³ During January and February 2023, UNHCR conducted a survey of Syrian refugees living in Lebanon, Jordan, Egypt and Iraq. The results suggest that whilst the majority of refugees surveyed would like to return to Syria at some point in the future, they did not wish to do so within the next 12 months due in large part to safety and security related concerns.¹³⁴

Turkey’s Ministry of Interior alleges that any Syrians who return to Syria from Turkey do so voluntarily.¹³⁵ However, human rights NGOs and journalists have raised concerns regarding alleged forcible returns of Syrian refugees from both Turkey and Lebanon.¹³⁶ During the EU’s Seventh Brussels Conference on ‘Supporting the future of Syria and the region’, which was held on 14-15 June 2023, it was agreed that: “The conditions for the repatriation of Syrian refugees, as defined by UNHCR, are currently not fulfilled.”¹³⁷

“The conditions for the repatriation of Syrian refugees, as defined by UNHCR, are currently not fulfilled. We will not support organised returns to Syria unless there are credible guarantees that those returns are voluntary and monitored by the international community.”

[EU’s Seventh Brussels Conference on ‘Supporting the future of Syria and the region’
(June 2023) see [here](#)].

The Humanitarian Crisis inside Syria

As [observed by UN Secretary General](#), Antonio Guterres, for over 12 years “Syrians have been subjected to human rights violations on a massive and systematic scale”. There are estimated to have been over 606,000 conflict-related fatalities in Syria since March 2011,¹³⁸ and approximately 25 per cent of the population are believed to have a disability.¹³⁹ Of a total population of approximately 22.2 million, 15.3 million Syrians require humanitarian assistance¹⁴⁰ and 6.7 million are internally displaced.¹⁴¹

¹³³ Michael Jansen, ‘Lebanon, Jordan and Turkey feel the strain of 5.6m Syrian refugees’ (*Irish Times*, 4 July 2019) available [here](#), last accessed 6 December 2023.

¹³⁴ UNHCR, ‘Syrian Refugees’ Perceptions and Intentions on Return to Syria’ (May 2023) available [here](#), last accessed 30 June 2023. Due to the operational context, Syrian refugees in Turkey were omitted from the survey.

¹³⁵ ECRE, ‘Greece: HRW Finds Türkiye Increasingly Unsafe for Refugees and Calls for EU Pressure to Repeal JMD’ (28 October 2022) available [here](#), last accessed 6 December 2023.

¹³⁶ See e.g., *ibid*; Amnesty International, ‘Lebanon: Halt Summary Deportations of Syrian Refugees’ (11 May 2023), available [here](#), last accessed 6 December 2023; and Lorraine Mallinder, ‘Life on the edge for Turkey’s fearful, unwanted Syrian refugees’ (*Irish Times*, 29 April 2023) available [here](#), last accessed 6 December 2023.

¹³⁷ Josep Borrell, ‘The conditions are not met to change the EU’s Policy on Syria’ (EU External Action website, 18 June 2023) available [here](#), last accessed 6 December 2023.

¹³⁸ Syrian Observatory for Human Rights, ‘Total Death Toll’ (1 June 2021) available [here](#), last accessed 6 December 2023.

¹³⁹ WHO, ‘Syrian Arab Republic: Annual Report 2021’ (2022) p. 43, available [here](#), last accessed 6 December 2023.

¹⁴⁰ OCHA, ‘Humanitarian Update for Syria’ (September 2023) available [here](#), last accessed 6 December 2023.

¹⁴¹ UNHCR, ‘UNHCR, ‘Mid-Year Trends 2023’ (2023), p. 18, available [here](#), last accessed 23 November 2023.

Syria is “seeing the *worst surge in violence in more than three years*, leaving civilians killed, maimed and displaced in higher numbers than at any point since 2020”.
[UN Secretary General’s Special Envoy for Syria, [Geir Pederson](#) (30 October 2023)]

Control of Syrian territory is divided between various opposing forces. This poses significant challenges for humanitarian actors who must negotiate access across multiple frontlines in an insecure and dangerous environment.

Ireland’s Response to the Syrian Crisis

Ireland has taken a number of actions in response to the Syrian crisis, including the provision of humanitarian assistance, the adoption of a leadership role concerning cross-border humanitarian access to Syria as a non-permanent member of the UN Security Council, and the resettlement of Syrian refugees in Ireland under the IRPP.

Humanitarian support for those in need inside Syria

On 16 June 2023, the [Government pledged](#) to provide €27 million in humanitarian support to the Syrian people during 2023. This brings Ireland’s overall contribution since 2012 to the humanitarian response both inside Syria and in MENA countries hosting Syrian refugees to €245 million.¹⁴²

In its role as a non-permanent member of the UN Security Council between 2021 and 2022, Ireland was joint co-penholder, along with Norway, for the Syrian humanitarian access file. This means that Ireland and Norway were the primary drafters of important UN Security Council resolutions, which authorised UN humanitarian agencies and their implementing partners to continue delivering aid to Syria via the Bab al-Hawa crossing on the Turkish-Syrian border. The crossing has been described by humanitarian actors such as Médecins Sans Frontières (MSF) as a vital “lifeline” for Northwest Syria.¹⁴³ In order to underline the importance of the border-crossing, in June 2022 Minister for Foreign Affairs, Simon Coveney T.D., undertook a joint visit with his Norwegian counterpart, Anniken Huitfeldt, to the UN’s aid operation at Bab al-Hawa in Turkey. The Department of Foreign Affairs reported that the Syria file was amongst Ireland’s most important initiatives during its 2021-2022 membership term.¹⁴⁴

On 11 July 2023, the UN Security Council failed to adopt a resolution authorising the continuing delivery of cross-border aid via the Bab al-Hawa border crossing. The failure was criticised by humanitarian NGOs, including [MSF](#), who had previously warned that failure to renew the resolution “would have disastrous consequences on the physical and mental health of people” in Northwest Syria. An agreement was subsequently reached between the Syrian Government and the UN, which allowed cross-border aid deliveries to resume via the Bab al-Hawa crossing for six months starting on 19 September 2023.¹⁴⁵

¹⁴² Irish Aid Press Release, ‘Ireland to provide €27 million in humanitarian support for Syria in 2023’ (16 June 2023) available [here](#), last accessed 6 December 2023.

¹⁴³ MSF, ‘Access to healthcare in northwest Syria at risk over potential border crossing closure’ (29 June 2022) available [here](#), last accessed 6 December 2023.

¹⁴⁴ See: ‘Ireland on the UN Security Council 2021-2022’ (Department of Foreign Affairs) available [here](#), last accessed 6 December 2023.

¹⁴⁵ UN News, ‘Syria: UN chief welcomes reopening of life-saving aid corridor’ (19 September 2023), available [here](#), last accessed 27 November 2023.

Syrians relocated to Ireland under the IRPP

According to a Government-commissioned report prepared by the International Organization for Migration Ireland (IOM Ireland), by 2021, 2,108 Syrian refugees had been brought to Ireland from Lebanon and Jordan under the IRRP.¹⁴⁶ In addition, figures provided on 18 April 2023 by [Minister for Children, Equality, Disability, Integration and Youth, Roderic O’Gorman, T.D.](#), indicate that 253 Syrian refugees were relocated to Ireland under the IRPP between 1 January 2021 and 31 December 2022.

As part of their research, IOM Ireland conducted interviews with 153 resettled Syrians with a view to uncovering the extent of their integration into Irish society.¹⁴⁷ The interviews revealed “that integration was particularly strong in respect of refugees security of immigration status, sense of belonging, feelings of safety, housing security, and children’s experiences in education”.¹⁴⁸ In terms of challenges, mental health was identified as a “key concern”, and a link was identified between healthcare quality and the availability of interpretation services.¹⁴⁹

Respondents indicated that a lack of fluency in English, a lack of digital literacy and/or a lack of access to a computer or laptop negatively impacted their ability to access information and employment.¹⁵⁰ The cost of childcare and the absence of extended family posed additional obstacles for women seeking employment.¹⁵¹ The report recorded a small number of incidences of persistent racial harassment; however, overall, respondents expressed “a strong sense of belonging”.¹⁵²

¹⁴⁶ IOM Ireland, ‘Voices of Syrians: resettled refugees in Ireland’ (2021) p. x available [here](#), last accessed 6 December 2023.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

¹⁵² Ibid.

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