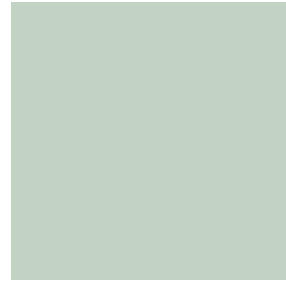


2023 UPDATE



REPUBLIC OF
IRELAND



COUNTRY REPORT

Acknowledgements & Methodology

Since 2021, updates to this report have been written by Hayley Dowling, Caseworker at the Irish Refugee Council Information and Advocacy Service with support from Nick Henderson, Chief Executive of the Irish Refugee Council. The first edition of this report was written by Sharon Waters, Communications and Public Affairs Officer with the Irish Refugee Council and was edited by ECRE. The first and second updates of this report were written by Nick Henderson, Legal Officer at the Irish Refugee Council Independent Law Centre. The third and fourth updates were written by Maria Hennessy, Legal Officer at the Irish Refugee Council Independent Law Centre. The 2017 update was written by Luke Hamilton, Legal Officer with the Irish Refugee Council Independent Law Centre. The 2018 and 2019 updates were written by Luke Hamilton, Legal Officer with the Irish Refugee Council Independent Law Centre and Rosemary Hennigan, Policy and Advocacy Officer with the Irish Refugee Council. The 2020 update was written by Nick Henderson and Brian Collins, with the assistance of Carmen del Prado.

This report draws on information obtained through a mixture of desk-based research and direct correspondence with relevant agencies, and information obtained through the Irish Refugee Council's own casework and policy work. Of particular relevance throughout were the latest up-to-date statistics from the International Protection Office (IPO) and the International Protection Accommodation Service (IPAS), including their annual and monthly reports; data from the International Protection Appeals Tribunal (IPAT); as well as various reports and statements from stakeholders such as the Irish Human Rights and Equality Commission, UNHCR Ireland and NGOs working on the ground with refugees and asylum seekers. The Irish Refugee Council is grateful to all colleagues for their assistance in obtaining information used to compile this report.

The information in this report is up to date as of 31 December 2023 unless otherwise stated.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. It covers 23 countries, including 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 4 non-EU countries (Serbia, Switzerland, Türkiye, and the United Kingdom). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



This report is part of the Asylum Information Database (AIDA), partially funded by the European Union's Asylum, Migration and Integration Fund (AMIF) and ECRE. The contents of this report are the sole responsibility of ECRE and can in no way be taken to reflect the views of the European Commission.



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Glossary & List of Abbreviations

AfHAP	Afghan Humanitarian Admissions Programme
CERD	United Nations Committee for the Elimination of Racial Discrimination
CJEU	Court of Justice of the European Union
Co.	County
CPT	European Committee for the Prevention of Torture
Dáil Éireann	Dáil Éireann refers to the lower house and principal chamber of the national parliament of Ireland.
DP	Direct Provision – System for the material reception of asylum seekers
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ELA	Early Legal Advice
EMN	European Migration Network
EROC	Emergency Reception and Orientation Centre
ESRI	Economic and Social Research Institute
FLAC	Free Legal Advice Centres
Garda Síochána	Irish Police Force
GNIB	Garda National Immigration Bureau
GRETA	Group of Experts on Action against Trafficking in Human Beings
HIQA	Health Information and Quality Authority
HSE	Health Services Executive
IFPA	Irish Family Planning Association
IHAP	IRPP Humanitarian Admission Programme
IHREC	Irish Human Rights and Equality Commission
INIS	Irish Naturalisation and Immigration Service
IPA	International Protection Act 2015
IPAS	International Protection Accommodation Services
IPAT	International Protection Appeals Tribunal
IPO	International Protection Office
IRC	Irish Refugee Council
IRPP	Irish Refugee Protection Programme
ISD	Immigration Service Delivery
JRS	Jesuit Refugee Service
MLR	Medico-Legal Report
MASI	Movement of Asylum Seekers Ireland
OPMI	Office for the Promotion of Migrant Integration
ORAC	Office of the Refugee Applications Commissioner
PILA	Public Interest Law Alliance, a project of FLAC
RAT	Refugee Appeals Tribunal
RCNI	Rape Crisis Network Ireland

RIA	Reception and Integration Agency
RLS	Refugee Legal Service
SHAP	Syrian Humanitarian Admission Programme
SI	Statutory Instrument
SPIRASI	NGO specialising in assessing and treating trauma and victims of torture
TD	Teachta Dála (Irish equivalent term for Member of Parliament)
TUSLA	Irish Child and Family Agency
UNHCR	United Nations High Commissioner for Refugees

Statistics

Overview of statistical practice

Since January 2017, the International Protection Office (IPO) has been responsible for receiving and examining applications. The IPO publishes brief monthly statistical reports on international protection applications.¹ The Immigration Service Delivery (ISD) (formerly Irish Naturalisation and Immigration Service (INIS)) is part of the Department of Justice and Equality and provides data about asylum and managed migration in Ireland to Eurostat, the statistical office of the European Union. This data is published on the EU open data portal along with data from other European countries.²

Applications and granting of protection status at first instance: 2023

	Applicants in 2023 (1)	Pending at end of 2023	Total decisions in 2023 (2)	Total rejection	In merit rejection	Refugee status	Subsidiary protection	Humanitarian permission to remain (3)
Total	13,276	18,314	8,442	5, 342	5, 197	2,477	237	531
Breakdown by countries of origin of the total numbers								
Nigeria	2,084	2,637	215	-	-	-	-	-
Algeria	1,462	2,673	62	-	-	-	-	-
Afghanistan	1,106	1,250	579	-	-	-	-	-
Somalia	1,097	1,588	854	-	-	-	-	-
Georgia	1,065	1,824	221	-	-	-	-	-
Zimbabwe	774	-	228	-	-	-	-	-
Pakistan	624	-	50	-	-	-	-	-
South Africa	492	-	127	-	-	-	-	-
Bangladesh	445	-	-	-	-	-	-	-
Botswana	343	-	-	-	-	-	-	-

Source: International Protection Office, April 2024.

Note 1: “Applicants in year” refers to the total number of applicants, and not only to first-time applicants.

Note 2: Statistics on decisions cover the decisions taken throughout the year, regardless of whether they concern applications lodged that year or in previous years.

Note 3: ‘Leave to remain’ takes account of criteria such as humanitarian considerations and/or the person’s connections to the State, to determine whether there are compelling reasons to allow the person permission to remain in Ireland. This assessment is conducted in the event that both a claim for refugee and subsidiary protection are ultimately refused.

¹ IPO, *Statistics*, available at: <https://bit.ly/3JCrQzS>.

² ISD, *Open Data*, available at: <https://bit.ly/3X5r5T4>.

Applications and granting of protection status at first instance: rates for 2023

	Overall rejection rate	In merit rejection rate	Overall protection rate	Refugee rate	Subsidiary protection rate	Humanitarian protection rate
Total	62%	62%	38.08%	29%	2.8%	6.28%

Breakdown by countries of origin of the total numbers

Somalia	-	-	-	-	-	-
Afghanistan	-	-	-	-	-	-
Zimbabwe	-	-	-	-	-	-
Georgia	-	-	-	-	-	-
Nigeria	-	-	-	-	-	-
South Africa	-	-	-	-	-	-
Ukraine	-	-	-	-	-	-
Syrian Arab Republic	-	-	-	-	-	-
Algeria	-	-	-	-	-	-
Pakistan	-	-	-	-	-	-

Source: International Protection Office, April 2024

Gender/age breakdown of the total number of applicants: 2023

	Men	Women	Not specified
Number	8, 511	4, 754	10
Percentage	64%	36%	0.001%

Source: International Protection Office, April 2024.

	Adults	Children	
		Accompanied	Unaccompanied
Number	10, 387	2, 707	182
Percentage	78%	20%	1.37%

First instance and appeal decision rates: 2023

It should be noted that, during the same year, the first instance and appeal authorities handle different caseloads. Thus, the decisions below do not concern the same applicants.

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions	8,442	-	1,392	-
Positive decisions	3,245	38.43%	423	30.3%
• <i>Refugee status</i>	2,477	30%	389	27.95%
• <i>Subsidiary protection</i>	237	2.8%	34	2.44%
• <i>Humanitarian leave to remain</i>	531	6.2%	-	-
Negative decisions	5,197	61.56%	969	69.61%

Source: International Protection Office, April 2024.
International Protection Appeals Tribunal, January 2024.

Overview of the legal framework

The most recent version of relevant national legislation is available at: <http://bit.ly/2kneBnp>.

Main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection

Title (EN)	Web Link
International Protection Act 2015	http://bit.ly/2inFha1
Immigration Act 1999	http://bit.ly/1SFAWqw
Immigration Act 2003	http://bit.ly/1CTTd1H
Immigration Act 2004	http://bit.ly/1Kovj0V
Illegal Immigrants (Trafficking Act) 2000	http://bit.ly/1lifDWh
European Convention on Human Rights Act 2003	http://bit.ly/1g8Sks4

Main implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions, detention and content of protection

Title (EN)	Web Link
S.I. No. 32 of 2024 International Protection Act 2015 (Safe Countries of Origin) (Amendment) Order 2024.	https://bit.ly/3JgoRMg
S.I. No. 541 of 2022 The European Communities (International Protection Procedures) Regulations 2022	https://bit.ly/3unpuvU
S.I. No. 542 of 2022 The International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022	https://bit.ly/3un6w8Q
S.I. No. 86 of 2022 Immigration Act (Visas) (Amendment) Order 2022	https://bit.ly/3H2VBZn
S.I. No. 364 of 2022 Immigration Act 2004 (Visas) (Amendment) (No. 2) Order 2022	https://bit.ly/3uns98S
S.I. No. 725 of 2020 International Protection Act 2015 (Safe Third Country) Order 2020	https://bit.ly/3cgp1nc
S.I. No. 436 of 2020 Disability, Equality, Human Rights, Integration and Reception (Transfer of Departmental Administration and Ministerial Functions) Order 2020	https://bit.ly/2NAaNDF
S.I. No 409 of 2017 European Union (Subsidiary Protection) Regulations 2017	http://bit.ly/2E7pPbd

S.I. No 116 of 2017 International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017	http://bit.ly/2xoWEz8
S.I. No 230 of 2018 European Communities (Reception Conditions) Regulations 2018	https://bit.ly/2KW1T09
S.I. No 134 of 2016 Immigration Act 1999 (Deportation) (Amendment) Regulations 2016	http://bit.ly/2DFrK9N
S.I. No. 62 of 2018 European Union (Dublin System) Regulations 2018	https://bit.ly/2H4mj2y
S.I. No 121 of 2018 International Protection Act 2015 (Safe Countries of Origin) Order 2018	https://bit.ly/2I9j2Cm
S.I. No 668 of 2016 International Protection Act 2015 (Deportation) Regulations 2016	http://bit.ly/2E8uN7G
S.I. No 667 of 2016 International Protection Act 2015 (Travel Document) Regulations 2016	http://bit.ly/2GfErpC
S.I. No 666 of 2016 International Protection Act 2015 (Places of Detention) Regulations 2016	http://bit.ly/2rDSkL0
S.I. No 665 of 2016 International Protection Act 2015 (Voluntary Return) Regulations 2016	http://bit.ly/2GeKxGL
S.I. No 664 of 2016 International Protection Act 2015 (Permission to Remain) Regulations 2016	http://bit.ly/2rFcFiP
S.I. No 662 of 2016 International Protection Act 2015 (Temporary Residence Certificate) (Prescribed Information) Regulations 2016	http://bit.ly/2Gh8WLO
S.I. No 661 of 2016 International Protection Act 2015 (Establishment Day) Order 2016	http://bit.ly/2GhLyhl
S.I. No 660 of 2016 International Protection Act 2015 (Application for International Protection Form) Regulations 2016	http://bit.ly/2FeRwy5
S.I. No 663 of 2016 International Protection Act 2015 (Commencement) (No.3) Order 2016	http://bit.ly/2GhLBd1
S.I. No 133 of 2016 International Protection Act 2015 (Commencement) (No. 2) Order 2016	http://bit.ly/2nbsOht
S.I. No 26 of 2016 International Protection Act 2015 (Commencement) Order 2016	http://bit.ly/2FeTbnj
S.I. No 518 of 2006 European Communities (Eligibility for Protection) Regulations 2006	http://bit.ly/1OpPpWj
S.I. No. 81 of 2017 Civil Legal Aid (International Protection Appeals Tribunal) Order 2017	https://bit.ly/2BezlvK
S.I. No 55 of 2005 Immigration Act 1999 (Deportation) Regulations 2005	http://bit.ly/1frafsP
S.I. No 708 of 2003- Aliens (Visas) Order 2003	http://bit.ly/1lme8uH
S.I. No 103 of 2002- Immigration Act 1999 (Deportation) Regulations 2002	http://bit.ly/1MM0BMq

The International Protection Act 2015 has repealed many of the previous statutory instruments and regulations pertaining to the Irish asylum system³. Now the Minister has the power to make new regulations under Section 3 for any matter referred to in the International Protection Act 2015.

³ For further information regarding previous regulations, please see: ECRE and Irish Refugee Council, *AIDA Country Report: Ireland*, February 2015, available at: <https://tinyurl.com/3xz98vtm>.

Overview of main changes since the previous report update

This report was previously updated in **May 2023**.

International protection

- ❖ **Key Asylum Statistics:** In 2023, 13,276 asylum applications were lodged.⁴ The International Protection Office (IPO) issued a total of 8,442 decisions, 38% of which were positive.⁵ Among these, 2,714 decisions granted international protection to applicants, while 531 granted humanitarian permission to remain⁶ (see [Statistics](#)).
The median processing time for cases processed to completion in 2023 was 13 months⁷ under the ordinary procedure and 8 weeks under the accelerated procedure.⁸ The average processing time for appeals before the International Protection Appeals Tribunal in 2023 was 5.5 months.⁹ A total of 9,740 personal interviews were conducted throughout the year¹⁰ (see [Regular procedure](#)).

Asylum procedure

- ❖ **EU Asylum and Migration Pact:** On the 27th of March 2024, it was announced that the Minister for Justice, Helen McEntee TD, had secured government approval to seek the necessary agreement from the Houses of the Oireachtas (Houses of Parliament) to opt-in to measures in the EU Asylum and Migration Pact.¹¹ Subsequently, on the 30th of April 2024, the Irish Refugee Council appeared before the Oireachtas Justice Committee in order to make submissions regarding the Pact. The Irish Refugee Council expressed concern that the reforms contained within the Pact reflect an effort to limit access to the protection process for those seeking asylum in Ireland. Of particular concern is the proposed increased use of detention whereby applicants arrive without documentation or cross the border without valid permission. The use of detention is something which the state has heretofore relied upon only in very limited circumstances, and it is the Irish Refugee Council's opinion that, if approved, these measures will result in less safeguards in respect of those seeking protection in Ireland, and ultimately, an asylum procedure which does not respect basic rights.¹²
- ❖ **Processing of applications:** The International Protection Office issued 8,442 decisions in 2023.¹³ There was a total of 13,276 applications for international protection made throughout 2023.¹⁴ According to latest available statistics, the number of international protection applications throughout 2023 has decreased slightly when compared with the previous reporting period (13,651 applications throughout 2022)¹⁵ (see [Regular procedure](#)).
- ❖ **Length of procedure:** Throughout 2023, the median processing time for first instance decisions was approximately 13 months for all cases decided pursuant to the ordinary procedure. This marks a slight decrease in the overall processing time compared with the previous reporting period (18 months

⁴ Minister for Justice, Response to Parliamentary Question No 1104, 17 January 2024, available at: <https://bit.ly/4biVhll>.

⁵ Information provided by IPO, April 2024.

⁶ *ibid.*

⁷ *ibid.*

⁸ *ibid.*

⁹ Minister for Justice, Response to Parliamentary Question No 587, 12 December 2023, available at: <https://bit.ly/3SISobw>

¹⁰ Information provided by IPO, April 2024.

¹¹ Department of Justice, 'Minister McEntee secures approval from Government to in to masures of the EU Pact on Migration and Asylum, 27 March 2024, available at: <https://tinyurl.com/yc38fb7y>.

¹² Irish Refugee Council, 'Briefing paper to Oireachtas Justice Committee members on the EU Migration and Asylum Pact', 19 April 2024, available: <https://tinyurl.com/3jzyjwue>.

¹³ Information provided by IPO, January 2024.

¹⁴ Information provided by IPO, April 2024.

¹⁵ International Protection Office, March 2023.

for all applications under the ordinary procedure).¹⁶ The median processing time for cases decided pursuant to the accelerated procedure was 8 weeks as of April 2024.¹⁷ However, processing times under the ordinary procedure remained lengthy in view of the commitment by the Department of Justice to reduce the overall processing time to 6 months in line with the recommendations of the Expert Advisory Group.¹⁸ The median waiting period for appeals before the IPAT was 5 months¹⁹ (see [Regular procedure](#))

- ❖ **Access to procedure:** In January 2023, it was reported that the Irish Government were considering the introduction of 'stronger border control measures' in order to facilitate stricter immigration checks with regard to arriving passengers.²⁰ Subsequently, in February 2023, it was reported that Gardaí had established a practice of travelling to international airports so as to ensure persons travelling to Ireland for the purposes of seeking international protection were in possession of the correct travel documentation, as well as for the purpose of examining 'patterns and flows' of persons travelling into the state. Additionally, Gardaí begun meeting passengers at the steps of arriving aircraft at Dublin airport for the purposes of checking their passport and details.²¹ While the Irish Refugee Council has not received any direct reports of persons being refused access to the international protection process on arrival in the State, it is nevertheless of significant concern that individuals may be refused leave to land before any opportunity to seek protection arises (see [Access to the procedure and registration](#)).
- ❖ **International protection appeals:** The vast majority of appeals before the IPAT proceeded on a remote basis via audio-video link throughout 2023. In circumstances where an appeal was deemed unsuitable to proceed remotely, the appeal proceeded by way of an on-site oral hearing. This usually occurred in situations whereby to proceed with the appeal remotely would be contrary to the interests of justice or whereby the applicant requested an onsite oral hearing. Throughout 2023, the IPAT issued a total 1,582 appeal decisions.²² Of these decisions, 389 applicants were granted refugee status, 34 were granted subsidiary protection status and the remaining 969 appeals were rejected on their merits.²³ As of the 1st of December 2023, a further 3,343 appeals were pending before the Tribunal.²⁴ The average median duration of the appeal procedure in 2023 was 5.5 months²⁵ (see [Appeal](#)).
- ❖ **Accelerated procedure:** On 8 November 2022, the International Protection Office introduced a revised international protection application procedure in accordance with the European Communities (International Protection Procedures) Regulations 2022. Under the revised procedure applicants from so-called 'safe countries of origin' now receive a date for their substantive interview within four to six weeks of making their initial application. The accelerated procedure continued to operate throughout 2023. The Irish Refugee Council received several concerning reports from applicants subject to the procedure. Numerous applicants reported that they had not had the opportunity to seek legal advice prior to undergoing their personal interview. This was partly due to the short turn-around time between the applicant's initial application and interview, and partly due to applicants not being advised at the

¹⁶ Information provided by International Protection Office, April 2024.

¹⁷ Information provided by IPO, April 2024.

¹⁸ Advisory Group on Direct Provision, Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, 21 October 2020, available at: <https://bit.ly/3qgSmC3/>.

¹⁹ Minister for Justice, Response to Parliamentary Question No 587, 12 December 2023, available at: <https://bit.ly/3SISobw>.

²⁰ The Journal, 'Taoiseach says Govt will be examining tougher border controls to prevent illegal immigration', 11 January 2023, available at: <https://rb.gy/fuekggh>.

²¹ Irish Examiner, 'Gardaí to travel to international airports to check refugee documents', 6 February 2023, available at: <https://rb.gy/5h7o79>.

²² Information provided by the International Protection Appeals Tribunal, January 2024.

²³ *ibid.*

²⁴ Minister for Justice, Response to Parliamentary Question No 385, 14 December 2023, available at:

²⁵ Information provided by the International Protection Appeals Tribunal, January 2024.

time of making their application of their right to seek free legal advice from the Legal Aid Board.²⁶ Additionally, many applicants subjected to the accelerated procedure were prevented from accessing the labour market in circumstances whereby they received a negative first-instance decision on their international protection application prior to becoming eligible for labour market access. Applicants in such circumstances may then be subject to a protracted appeals process whereby they do not have any entitlement to engage in employment. Newly arrived protection applicants from 'safe countries' who were not offered accommodation on arrival and in many cases, consequently street homeless, were also subject to the accelerated procedure. In some cases, applicants were scheduled for their substantive interviews prior to having been offered accommodation by IPAS.²⁷ Interaction with such a complex legal process, without the provision of adequate legal advice, is extremely challenging and in the opinion of the Irish Refugee Council, it is completely inappropriate that an applicant be required to undertake a substantive interview while experiencing street homelessness. In January 2024, the Irish Refugee Council wrote to the International Protection Office requesting that applicants subject to the accelerated procedure and experiencing homelessness be given the option to postpone their protection application until such time as they are offered accommodation, however, in a subsequent response, the International Protection Office indicated that the option to pause one's interview would not be considered on the basis to do so would be 'detrimental to the interests of applicants' and could result in further delay to the applicant's application²⁸ (see [Accelerated procedure](#)).

- ❖ **Updated list of 'safe countries' of origin:** In June 2023, the Department of Justice announced that it was to conduct a review of the list of so-called 'safe countries of origin', as established pursuant to the International Protection Act 2015 (Safe Countries of Origin) Order 2018.²⁹ The review proposed the addition of several countries to the existing list. Under Irish law, a country may be designated as 'safe' whereby it can be demonstrated that there is no persecution, torture or inhumane or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or armed conflict.³⁰

In October 2023, the Department of Justice invited submissions from relevant stakeholders with regard to the proposed changes. The Irish Refugee Council provided its observations, stating that for each proposed addition, the circumstances in the relevant country did not meet the threshold of 'no persecution or other ill treatment'. The IRC also expressed its concern that the changes made pursuant to the accelerated procedure in November 2023 had the consequence of removing specific procedural safeguards from the application process, particularly in respect of applicants originating from designated safe countries. In January 2024, the Minister for Justice announced that, following the conclusion of the review process, two countries, **Algeria** and **Botswana**, would be added to the safe countries list.³¹ The rationale for this, according to the Minister for Justice, was to make the international protection process more efficient and to deter people from using Ireland's asylum system as a route for 'economic migration'³² (see [Safe country concepts](#)).

- ❖ **Modernisation of International Protection Process:** In July 2023, in response to the significant increase in international protection, and further to the recommendations established in the Catherine Day Report, the Department of Justice published a report on the international protection modernisation programme for 2023 and 2024. This programme was established with a view to enhancing efficiencies and throughput, as well as improving the application, interview and decision -

²⁶ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

²⁷ *ibid.*

²⁸ Email response from International Protection Office, 23 April 2023.

²⁹ The Journal, 'Irish officials to review 'safe countries of origin' designation on 8 nations within next year', 3 June 2023, available at: <https://tinyurl.com/2jhz2r6m>.

³⁰ Section 72, IPA 2015.

³¹ Department of Justice, 'Minister McEntee announces new measures to expedite international protection application processing', 30 January 2024, available at: <https://bit.ly/3vODsLA>.

³² Breakingnews.ie, 'Safe countries list update aimed at deterring economic migration – McEntee', 30 January 2024, available at: <https://tinyurl.com/4a9h4fk6>.

making process for applicants.³³ As part of the reform strategy, the Department is aiming to increase decision making targets to 1,000 first instance decisions per month by spring 2024. Additionally, both the IPO and IPAT's operational capacity is currently being significantly expanded to meet increased caseloads and decision-making output. Additional resources are also being deployed through increasing staffing at both the IPO and the IPAT. These reforms are being supported by a significantly increased budget allocation of approximately € 34m in 2024 to so as to continue to scale up processing.³⁴

- ❖ **Revised age assessment process:** In correspondence with the Irish Refugee Council in February 2022, it was confirmed that Tusla did not have a national policy or approved internal guidelines on age-assessments for use in determining the age of unaccompanied minors or separated children referred from IPO or Dublin Airport. Following further correspondence from the Irish Refugee Council and the Jesuit Refugee Service, Tusla engaged in a deliberative process in conjunction with its operational and legal services to determine an eligibility procedure for receipt of Tusla services. Tusla subsequently circulated a draft procedure amongst stakeholders and sought observations regarding the draft policy. As of January 2023, the policy had yet to be published. However, in April 2023, a finalised policy document, 'Eligibility for Services for Separated Children Seeking International Protection' was circulated amongst relevant stakeholders. While it is evident from the Irish Refugee Council's recent attendance at eligibility assessments that the policy has now been implemented, it is noted that the policy document is not publicly available on Tusla's website or elsewhere.³⁵ The policy seeks to provide procedural guidance to Tusla social work staff on undertaking an intake eligibility assessment. The revised intake eligibility assessment is underpinned by best practice and is, according to Tusla, undertaken to determine if the individual is a child in need to services provided by Tusla's Separated Children Seeking International Protection team. The principles underpinning the new assessment process are a child centred approach, with primary consideration of the best interests of the child at the core of the assessment, as well as the dignity and respect of the child concerned, and the safety of other children in care. Additionally, the person is treated as a child during the assessment process and is given the benefit of the doubt throughout both the assessment and appeal stage, even whereby there is uncertainty as to whether they are a child³⁶ (see [Age Assessment of Unaccompanied Minors](#)).

- ❖ **Unaccompanied minors seeking international protection:** In January 2024, it was reported that there had been, according to Tusla, the child and family agency, an 'unprecedented increase' in the number of unaccompanied children presenting to its Separated Children Seeking International Protection Service (SCSIP Service).³⁷ According to statistics, in the period between January and August 2023, 280 unaccompanied minors had arrived in Ireland and sought international protection.³⁸ In 2022, Tusla received 597 referrals to its SCSIP service. 301 of these referrals were minors from Ukraine, while 227 were from other countries including Afghanistan, Algeria, Congo, Georgia, Somalia and Zimbabwe, and involved children ages 12-17 years old.³⁹ In response to the recent increase in arrivals, Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman stated that he was due to receive a stakeholders' group report on the issue in mid-January 2024 and would consider its recommendations.⁴⁰ Tusla stated that it had also scaled up services and increased staffing levels.⁴¹

³³ Department of Justice, 'Minister McEntee publishes International Protection Modernisation Strategy', 5 July 2023, available at: <https://tinyurl.com/4xnjejv5>.

³⁴ *ibid.*

³⁵ Information provided by Irish Refugee Council Independent Law Centre, January 2024.

³⁶ Information provided by Tusla, April 2023.

³⁷ Irish Times, 'Unprecedented' increase in unaccompanied children seeking asylum in Ireland', 15 January 2024, available at: <https://bit.ly/3SHzw7S>.

³⁸ Irish Examiner, '280 unaccompanied children have sought international protection this year', 14 October 2023, available at: <https://bit.ly/3SDAMsT>.

³⁹ *ibid.*

⁴⁰ Irish Times, 'Unprecedented' increase in unaccompanied children seeking asylum in Ireland', 15 January 2024, available at: <https://bit.ly/3SHzw7S>.

⁴¹ *ibid.*

Separately, it was reported that 200 unaccompanied children living in state care had been accommodated in unregulated Special Emergency Accommodation.⁴² Throughout 2023, a shortage of places in group care homes and foster caring arrangements meant that Tusla became increasingly reliant on emergency arrangements, whereby unaccompanied minors were housed in B&Bs, rental properties or holiday homes. While providers of accommodation for unaccompanied minors are generally required to register with Tusla prior to caring for minors, there exists an exception under the Child Care Act 2001, whereby a child is at risk of imminent homelessness and Tusla is satisfied that 'there is not accommodation available elsewhere.'⁴³ Whereby it is later determined that the placement is suitable as an ongoing accommodation arrangement for the child, the provider will then be required to register the setting with Tusla as a children's residential care centre.⁴⁴ According to reports, an internal Department of Children briefing concerning the unregulated emergency accommodation settings express concern that such placements 'may not adequately meet the needs of children' and further meant that 'vulnerable children could be placed with private organisations without oversight for a period of up to three months.'⁴⁵

Concerns were also raised regarding the number of unaccompanied children seeking international protection who went missing from state care. Throughout 2023, 49 children were reported missing from State care and as of January 2024, 20 of those children had not returned or been accounted for.⁴⁶ An investigation conducted by The Journal determined that in many cases, no public appeals for the missing children were made by An Garda Síochána⁴⁷ (see [Age Assessment of Unaccompanied Minors](#)).

- ❖ **Response to situation in Afghanistan:** In August 2021, in response to the emerging humanitarian crisis in Afghanistan, the Department of Justice confirmed that it would begin prioritising international protection applications from Afghan nationals in line with updated advice provided by UNHCR. The Department also confirmed that applications for family reunification made by Afghan nationals pursuant to the International Protection Act 2015 would now be prioritised and fast-tracked to completion, with full consideration given to the humanitarian context.⁴⁸ The extent to which prioritisation continued throughout 2023 varied in practice. While some applicants were indeed prioritised, others were required to wait long periods for a determination on their application.⁴⁹

In September 2021, the Irish Government also approved the introduction of the Afghan Admissions Programme, enabling current or former Afghan nationals legally resident in Ireland on or before 1 September 2021 to apply to nominate up to four close family members – either living in Afghanistan or who have recently fled to neighbouring territories - to apply for temporary residence in Ireland. The programme envisages the admission of up to 500 Afghan nationals to Ireland. While welcoming the introduction of the programme, the Irish Refugee Council, along with several other migrant rights organisations, highlighted various points of concern, including the limited number of places available and the restrictive eligibility criteria.

The programme opened for applications on the 16th of December 2021 and closed on the 11th of March 2022. There was a total of 528 applications under the programme. As of 8th November 2023, the Department of Justice had issued 234 positive decisions in respect of 623 beneficiaries. A further

⁴² Irish Times, 'Government concern over 'formalised' emergency Tusla accommodation', 9 October 2023, available at: <https://bit.ly/3SpiFp>.

⁴³ *ibid.*

⁴⁴ *ibid.*

⁴⁵ *ibid.*

⁴⁶ Irish Times, 'Unprecedented' increase in unaccompanied children seeking asylum in Ireland', 15 Jan 2024, available at: <https://bit.ly/3SHzw7S>.

⁴⁷ The Journal, 'Over 60 Migrant Children Missing from State Care', 14 December 2023, available at: <https://bit.ly/3SGYxQT>.

⁴⁸ *ibid.*

⁴⁹ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

32 negative decisions in respect of 109 individuals had been issued. In addition, 68 applicants had been informed that their applications in respect of 183 individuals were not eligible under the terms of the Programme. As of 8 November 2023, 178 applications in respect of 555 beneficiaries were pending.⁵⁰ While initially anticipated that AAP would largely be concluded by the end of 2023, as of January 2024, the Department of Justice continues to process remaining applications.⁵¹ In the period between January and October 2023, a total of 476 Long Stay Join Family were also issued to Afghan nationals⁵² (see [Differential treatment of specific nationals in the asylum procedure](#)).

- ❖ **Response to war on Gaza:** In October 2023, following the escalation of conflict in Gaza, the Irish Refugee Council wrote to the Taoiseach, the Minister for Justice and the Minister for Children Equality, Disability, Integration and Youth. In its correspondence, the Irish Refugee Council supported the call for a ceasefire and the free flow of humanitarian aid into Gaza. Additionally, IRC recommended that personal interviews in respect of international protection applicants from the Occupied Palestinian Territories be dispensed with where possible, that statutory-based and discretionary family reunification applications be expedited and that the establishment of a humanitarian admissions or resettlement scheme be considered.⁵³ Subsequently, in January 2024, the Department of Justice stated, in response to a Parliamentary Question, that it was working in conjunction with the Department of Foreign Affairs to 'ensure a coordinated national response' to the evolving situation in Gaza. This included 'work to evacuate Irish citizens and their families' from the region. Additionally, the Department of Justice stated that it is in regular contact with the Embassy of Ireland in Israel regarding a number of visa applications from residents of Gaza. According to the Department of Justice, the Embassy are actively engaging with applicants to gather the required documents so as to ensure that the Visa Division have everything required to progress such applications. It was also implied that no specific visa scheme or humanitarian programme would be established with a view to providing temporary Irish residence to persons affected by the ongoing offensive⁵⁴ (see [Differential treatment of specific nationals in the asylum procedure](#)).

Reception conditions

- ❖ **Reception capacity:** Capacity within the Direct Provision accommodation system remained a significant issue throughout the year. 2023 saw a significant number of individuals seeking international protection in Ireland, many of whom sought accommodation from IPAS. Accommodation capacity was therefore extremely constrained. On several occasions during the year, IPAS exhausted its accommodation stock, resulting in many international protection applicants being refused accommodation on arrival in the state. Most recently, on the 4th of December 2023, the International Protection Accommodation Service announced that it would not be in a position to provide accommodation to all international protection applicants due to a severe shortage in accommodation capacity. As a result, all single male international protection applicants who presented to the International Protection Office were assessed by IPAS and HSE staff for any significant vulnerabilities or health issues and prioritised for accommodation as necessary. Whereby no significant vulnerabilities were identified, male applicants were not provided with accommodation.⁵⁵ This resulted in many applicants having no option but to sleep on the street for prolonged periods, often during bouts of inclement weather conditions and amidst a period of increased anti-immigrant sentiment.⁵⁶

⁵⁰ Minister for Justice, Response to Parliamentary Question No 333, 14th November 2023, available at: <https://bit.ly/3Oq7jjr>.

⁵¹ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

⁵² Minister for Justice, Response to Parliamentary Question No 370, 10th October 2023, available at: <https://bit.ly/3w8IOAY>.

⁵³ Information provided by Irish Refugee Council Policy Officer, January 2024.

⁵⁴ Minister for Justice, Response to Parliamentary Question No 1084, 17th January 2024, available at: <https://bit.ly/3SITZJO>.

⁵⁵ Department of Children, Equality, Disability, Integration and Youth, 'Statistics on International Protection Applicants not offered accommodation', 12th December 2023, available at: <https://bit.ly/3SrOCgx>.

⁵⁶ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

At the time of updating, the Irish Refugee Council was aware of several individuals sleeping on the street for a period of approximately 2 months.⁵⁷

IPAs who were not provided with accommodation received a temporary increase of €75 to their Daily Expense Allowance (DEA). This increased the allowance to €113.80 a week for eligible applicants.⁵⁸ Applicants were also advised that they could make an application for an Additional Needs Payment (ANP), to cover essential needs such as food, transport, or accommodation, however, the extent to which this was made available to applicants in practice remained unclear at the time of updating.⁵⁹

As of 14th May 2024, 1, 780 newly arrived international protection applicants were without any state-provided accommodation.⁶⁰ Families with children and single women continued to be offered accommodation.⁶¹

Separately, in April 2023, following judicial review proceedings initiated by the Irish Refugee Council Independent Law Centre, the Irish High Court declared that the State's failure to provide accommodation, food, and basic hygiene facilities to newly arrived international protection applicants was unlawful and breached the applicant's right to dignity under the Charter of Fundamental Rights of the European Union. In finding a breach of the Reception Conditions Regulations, Mr Justice Meenan stated that "Directing persons such as the applicant to private charities to receive supports which the Minister is obliged to give cannot be seen as anything other than completely unacceptable" and that it "does not come remotely close to what is required by law". He concluded that "Even though the Minister is making efforts to secure accommodation this does not absolve him of his obligations under the Regulations"⁶² (see [Housing](#)).

- ❖ **Deterioration in reception standards:** Additionally, throughout of 2023, there was a significant and continuous deterioration in the standard of accommodation provided to international protection applicants. 2023 continued to see a movement away from the traditional use of hotel and guest house accommodation and an increased reliance by the State on so-called 'emergency centres.' In January 2023, it was announced that Kilbride Army Camp, a former army barracks in a remote area of Co. Wicklow, would be utilised as accommodation for male international protection applicants.⁶³ Many residents reported sub-standard, overcrowded living conditions which posed a risk to the personal safety, health, and wellbeing of individuals living at the facility. Residents were initially advised that they would spend a period of 6 weeks at the facility, however, it subsequently transpired that many individuals would spend indefinite periods at the camp, in some cases following periods of homelessness on arrival in the State.⁶⁴ Residents also reported an apparent lack of governance and oversight within the camp, particularly regarding the needs of the residents, with no central manager present on site. The isolated location of the camp, as well as lack of public transport links also meant that residents had difficulty accessing employment in addition to basic services. The levels of stress, anxiety and frustration amongst residents were also apparent, with many residents reporting a significant deterioration in their mental health since arriving at the facility. In November 2023, it was reported that some residents engaged in a hunger strike in protest of the conditions at the camp. It is understood that IPAS officials visited the camp, and an agreement was reached that those residents engaged in hunger strike would be transferred elsewhere.⁶⁵ In November 2023, the Irish Refugee

⁵⁷ *ibid.*

⁵⁸ Department of Children, Equality, Disability, Integration and Youth, 'Statistics on International Protection Applicants not offered accommodation', 12th December 2023, available at: <https://bit.ly/3SrOCgx>.

⁵⁹ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

⁶⁰ Department of Children, Equality, Disability, Integration and Youth, 'Statistics on international Protection Applicants not Offered Accommodation', 14th May 2024, available at: <https://tinyurl.com/4a8tsnab>.

⁶¹ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

⁶² *S.Y. (A minor suing by his next friend Aoife Dare) v. Minister for Children, Equality, Disability, Integration and Youth & Ors.* [2023] 175 JR, available at: <https://bit.ly/3w6USmy>.

⁶³ Irish Times, 'Army camp in Co Wicklow being used to house asylum seekers', 28th January 2023, available at: <https://bit.ly/3SIZ5di>.

⁶⁴ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

⁶⁵ *ibid.*

Council wrote to the Minister for Children, Equality, Disability, Integration and Youth, Roderic O’Gorman, outlining its concern in relation to conditions at the facility and providing recommendations for improvement of conditions at the camp.⁶⁶

Throughout 2023, the State also continued to use tented accommodation to accommodate international protection applicants at various locations around the country. While initially intended as a temporary measure, many applicants spent months residing in wholly unsuitable accommodation which did not meet their basic needs and at times exposed them to freezing and wet weather conditions. Following the decommissioning of all tented accommodation in the State in late 2022, on 5th of January 2023, it was reported that tented accommodation was once again being used to house international protection applicants at Knockalisheen in Co Clare.⁶⁷ Additionally, on the 1st of February 2023, it was reported that Columb Army Barracks, Co. Westmeath was to be used as a site for the establishment of 15 further tents for the accommodation of approximately 120 male international protection applicants for a period of 12 months.⁶⁸ Subsequently, in June 2023, it was announced that a site located at the former Central Mental Hospital in Dundrum, Co. Dublin, was also approved for use as tented accommodation for up to 176 international protection applicants.⁶⁹ As of January 2024, there were 346 international protection applicants, all single males, living across the three centres.⁷⁰

Throughout 2023, the State continued to rely on emergency centres comprised of disused offices, large conference rooms, schools, and sports halls in which to accommodate international protection applicants. Applicants were often accommodated in congregated and overcrowded settings without access to basic public services. The Irish Refugee Council was alerted to numerous grievous risks to vulnerable residents accommodated in these centres, including to women and minor children.⁷¹ Citywest Hotel and Convention Centre also continued to operate throughout the year as both a transit hub for the processing of beneficiaries of Temporary Protection, as well as for the accommodation of newly arrived international protection applicants. As of January 2024, there were 574 international protection applicants resident in the centre⁷² (see [Conditions in Reception Facilities](#)).

- ❖ **Suspension of vulnerability assessment pilot project:** Regulation 8 of the European Union (Reception Conditions) Regulations 2018 provides for the establishment of a vulnerability assessment process. Until January 2021 no standardised assessment was carried out in respect of vulnerable international protection applicants in Ireland, despite this being a clear requirement under EU law. At the end of January 2021, a pilot project to assess the vulnerability of applicants was established at Baleskin reception centre in Dublin.⁷³ The pilot scheme was subsequently extended to all newly arrived international protection applicants, as well as existing applicants, and aims to determine whether the applicant has special reception needs arising from any vulnerabilities identified. From 1st February 2021 to 1st November 2023, **4,050** vulnerability assessments were undertaken.⁷⁴

On the 8th of March 2024, IPAS announced that the pilot scheme would be suspended until further notice, citing ongoing demands on the Resident Welfare Team’s service due to the increased numbers of arrivals of protection applicants in the State as well as constraints on available accommodation across the IPAS portfolio. It was not clear at the time of updating when, or indeed if,

⁶⁶ Information provided by Irish Refugee Council’s Policy and Advocacy Officer.

⁶⁷ *ibid.*

⁶⁸ RTÉ, ‘Columb Barracks to be used for temporary refugee accommodation’, 1 February 2023, available at: <https://bit.ly/3YmGteH>.

⁶⁹ Irish Times, ‘Asylum seekers to be housed in tents at former Central Mental Hospital in Dundrum’, 8th June 2023, available at: <https://bit.ly/3SOidIO>.

⁷⁰ Information provided by IPAS, January 2023.

⁷¹ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

⁷² Information provided by IPAS, January 2024.

⁷³ Minister for Children, Equality, Disability, Integration and Youth Roderic O’Gorman, Response to Parliamentary Question No 80, 31 July 2021, available at: <https://bit.ly/3Jnok9W>.

⁷⁴ Information provided by IPAS, December 2022.

assessments would resume.⁷⁵ The Irish Refugee Council is extremely concerned that the suspension of the pilot scheme amounts to a breach of the aforementioned Reception Conditions Regulations. This is particularly the case whereby the instance of vulnerability within the asylum-seeking population continues to increase amidst deteriorating reception standards and significant levels of homelessness in respect of newly arrived male protection applicants (see [Identification of Vulnerable Applicants](#)).

- ❖ **HIQA Inspections of IPAS Accommodation:** As of 09 January 2024, the Health Information and Quality Authority (HIQA) assumed the responsibility for monitoring and inspecting International Protection Accommodations Service centres against the legally binding National Standards for Accommodation Offered to People in the Protection Process. This function was provided to HIQA by an amendment to the European Communities (Reception Conditions) Regulations 2018 by way of the European Communities (Reception Conditions) (Amendment) Regulations 2023 (S.I. No. 649 of 2023).⁷⁶

Whereby centres are subject to inspection, a HIQA inspector will visit the IPAS centre and speak with residents, members of staff and centre managers in order to gain an insight into how the service is run. Inspectors will also examine records held by IPAS centres. Some inspections will be announced, while others will be unannounced. After the inspection, HIQA inspectors will prepare a report in respect of the centre and determine the quality of the services and support provided. Inspection reports will be published on HIQA's website under the [inspection reports section](#). On the 18 April HIQA published its first reports on four centres.⁷⁷ If improvements are required in IPAS centres, the service provider will be required to submit a plan on how and when these improvements will be made. The implementation of these plans will be closely monitored by HIQA.⁷⁸

While the commencement of HIQA's inspection and monitoring function is welcomed, the Irish Refugee Council remains deeply concerned regarding the exclusion of emergency centres from HIQA's remit. In the experience of the IRC, the most difficult conditions persist within 'emergency' and 'pre-reception' facilities, and not in permanent centres. Additionally, the number of emergency centres operating in the country has far surpassed that of permanent centres. As of February 2024, IPAS operated 270 properties across the State, of which just 49 were permanent centres (see [Direct Provision Centres Management and Evaluation](#)).

- ❖ **Labour Market Access Delays:** As a consequence of the significant increase in the number of international protection applicants arriving in the state throughout 2023, there were very high volumes of applications received by the Labour Market Access Unit in respect of permission to work. This resulted in significant processing delays of approximately 145 days for first time permission applications.⁷⁹ Thus, while applicants are generally eligible for labour market access permission 6 months after their initial application for protection, many applicants are waiting up to 9.5 months in order to access the labour market.⁸⁰ In the view of the Irish Refugee Council this may constitute a breach of the Reception Conditions Directive which requires that an applicant be permitted access to the labour market within nine months of their initial application for protection. The Irish Refugee Council has written to the Minister for Justice in relation to this issue, however, no response had been received at the time of updating.⁸¹

⁷⁵ Information provided by IPAS, March 2024.

⁷⁶ HIQA, 'International Protection Accommodation', January 2024, available at: <https://bit.ly/49pGe8b>.

⁷⁷ HIQA, 'HIQA publishes first inspection reports on International Protection Accommodation Service centres', 18 April 2024, available at: <https://tinyurl.com/4rjb6ym6>.

⁷⁸ HIQA, 'International Protection Accommodation', January 2024, available at: <https://bit.ly/49pGe8b.y>

⁷⁹ Labour Market Access Unit, 'Labour Market Access Permission', available at: <https://tinyurl.com/2p9ta6xy>.

⁸⁰ Information provided by Irish Refugee Council Information and Advocacy Service, February 2024.

⁸¹ Information provided by Irish Refugee Council Policy Officer, February 2024.

The lengthy delays are particularly concerning in circumstances whereby an applicant is subject to the accelerated procedure on the basis that, owing to delays in the granting of labour market access permission, applicants may receive a negative first-instance decision on their application prior to becoming eligible for labour market access. Applicants who receive a negative first-instance decision may then be subject to a protracted appeals process whereby they do not have any entitlement to engage in employment.⁸²

According to the latest available statistics, from 2018 to present, the Labour Market Access Unit has received 24, 392 first-time applications for labour market access permission. Of these applications, 20,288 first-time applications were granted, while 3, 361 applications were refused. Moreover, as of January 2024, there were 3,000 applications pending before the Labour Market Access Unit⁸³ (see [Access to Labour Market](#)).

Content of international protection

- ❖ **Family Reunification delays:** Throughout 2023, there were persistent delays in the processing of family reunification applications. These delays occurred both in the issuing of questionnaires, and in the acknowledgment and processing of applications for family reunification, meaning that in many cases, applicants were required to wait lengthy periods for a decision to be issued in respect of their application. In the experience of the Irish Refugee Council, such delays have a detrimental impact on the enjoyment of family life for both applicants and their family members, who continue to face separation for prolonged periods. This is particularly concerning in cases whereby family members were vulnerable or facing persecution in their country of origin.

According to statistics released by the Department of Justice, 820 applicants applied for 2,330 family members throughout 2023. At the end of the year, 923 applications for 2,924 family members were awaiting a decision. The average processing time for applications, according to the Department of Justice, was 12 months throughout 2023. However, in the experience of the Irish Refugee Council, processing times were often much longer in practice, in many cases taking at least 18 months and, in some cases, up to 28 months⁸⁴ (see [Family Reunification](#)).

- ❖ **Homelessness in respect of persons with status:** Throughout 2023, many individuals with international protection status or humanitarian leave to remain who were residing in Direct Provision accommodation after receiving their status were served with notice to source their own accommodation or failing this, be transferred to alternative IPAS accommodation, usually to emergency or tented accommodation. The purpose of the policy was to release accommodation capacity for those in the international protection process who were awaiting determination on their application. However, transfers of this nature gave rise to significant issues for those affected. In the experience of the Irish Refugee Council, many people who received transfer notices left Direct Provision without arranging a sustainable tenancy. Many stayed with friends or family temporarily and given the precariousness of such arrangements, this often led to homelessness. Whereby individuals took up the transfers, progress in education and employment, as well as other integration indicators, were lost when people were transferred. Many people were transferred several hours away from where they worked or had educational opportunities, or indeed where they have made local connections in the community, to an isolated, unknown area. This meant that they lost the social capital which could assist them when searching for somewhere to live.⁸⁵ Finally, the policy also failed to acknowledge the reality of the housing market. According to available statistics, just 27 properties were available to rent within the discretionary rate of the Housing Assistance Payment (HAP) scheme

⁸² *ibid.*

⁸³ Minister for Justice and Equality, Response to Parliamentary Question No. 1076, 17 January 2024, available at: <https://bit.ly/3TVI62n>.

⁸⁴ Minister for Justice and Equality, Response to Parliamentary Question No. 796, 20 March 2024, available at: <https://tinyurl.com/yvrdvvyw>

⁸⁵ Information provided by Irish Refugee Council Housing Officer, February 2024.

as of September 2023.⁸⁶ The Irish Refugee Council wrote to IPAS and the Department of Housing to outline these concerns, however, at the time of updating, the policy continued to operate.⁸⁷ As of December 2023, there were 5,960 persons with status residing in Direct Provision centres around the country⁸⁸ (see [Housing](#)).

Case law summary:

The following notable decisions were issued by the Irish courts during the review period:

- ❖ **Access to reception: *S.Y. (A minor suing by his next friend Aoife Dare) v. The Minister for Children, Equality, Disability, Integration and Youth & Ors. [2023] 175 JR***. The decision in *S.Y.* was delivered by the Irish High Court on the 21st of April 2023. The case concerned a 17-year-old international protection applicant who, on arrival in the State, was refused accommodation by the International Protection Accommodation Service due to lack of capacity within the direct provision system. The applicant was instead provided with a 25 euro supermarket voucher and was forced to sleep on the street for a period of three weeks, during which he endured inclement weather, hunger, significant risk to his personal safety, and theft of his personal belongings. The applicant was one of over 900 protection applicants who, at the time of proceedings, had not been offered accommodation upon arrival in the State. Mr Justice Meenan heard the matter as a 'lead case' in order to determine the legal issues and entitlements following a number of similar applications made by international protection applicants who found themselves in the same circumstances as the applicant. Giving judgment in the matter, Mr. Justice Meenan declared that the State's failure to provide accommodation, food, and basic hygiene facilities to newly arrived international protection applicants was unlawful and breached the applicant's right to dignity under the Charter of Fundamental Rights of the European Union and the Reception Conditions Regulations. Mr Justice Meenan stated that "*Directing persons such as the applicant to private charities to receive supports which the Minister is obliged to give cannot be seen as anything other than completely unacceptable*" and that it "*does not come remotely close to what is required by law*". He concluded that "*Even though the Minister is making efforts to secure accommodation this does not absolve him of his obligations under the Regulations.*"⁸⁹
- ❖ **Access to the labour market: *A (A Minor) -v- International Protection Appeals Tribunal (Labour Market Access) [2023] IEHC 141***. This case concerned two parents and their minor child. The parents previously applied for international protection and their applications were denied. Thereafter, they were issued with deportation orders. The couple's child was born in April 2021 and thereafter, an application for international protection was made in respect of the child. The parents sought to argue that they should be granted labour market access as provided for in the European Communities (Reception Conditions) Regulations 2018, on the basis that their child was an international protection applicant. At the time of proceedings, the child had since been granted refugee status and the parents' status was regularised as part of the Regularisation Scheme for Undocumented Migrants in September 2022. The parents challenged the refusal to grant them labour market access permission by way of judicial review in the High Court. Giving judgment Mr. Justice Simons considered that the parents did not have a vicarious right to work derived from their child. He re-stated that the normal age limitations with regard to work apply to all children in the State also applied to all children in the State also applied to the child in this case, and that the child concerned did not have a right to work. With regard to whether the parents had derived a right to work, Mr. Justice Simons noted that the CJEU had previously held that the parents of a minor EU citizen may enjoy a derived right of

⁸⁶ The Journal, 'Just 27 properties available to rent within HAP discretionary rate last month, report shows', 25th October 2023, available at: <https://tinyurl.com/y2cyjj48>.

⁸⁷ Information provided by Irish Refugee Council Housing Officer, February 2024.

⁸⁸ Minister for Children, Equality, Disability, Integration and Youth, Response to Parliamentary Question No. 705, 12th December 2023, available at: <https://tinyurl.com/bdcvun7f>.

⁸⁹ *S.Y. (A minor suing by his next friend Aoife Dare) v. Minister for Children, Equality, Disability, Integration and Youth & Ors. [2023] 175 JR*, available at: <https://bit.ly/3w6USmy>.

residence and permission to work vis-à-vis their child. However, in this case the claimants had asserted that in order to meet the special reception needs of the child, and moreover, in order to ensure that the child had an adequate standard of living, as was required by the Recast Reception Conditions Directive 2013/33/EU, the parents ought to have been granted labour market access. Mr. Justice Simons dismissed this argument, concluding that under the Directive, the obligation was upon the Member State to provide material reception conditions and this did not include access to the labour market for persons who are not themselves international protection applicants. Accordingly, the case was dismissed and it was determined that in circumstances whereby a minor child does not have a right to work in the state, their parents cannot vicariously exercise such a right to labour market access, nor could they derive a right to work from the child.⁹⁰

- ❖ **Exclusion from international protection: *T (Russian Federation) v. International Protection Appeals Tribunal* [2023] IEHC 271.** This case concerned an Muslim international protection applicant from the Caucasus region of Russia. He applied for international protection in Ireland and asserted that he was being targeted by the Federal Security Service (“FSB”) of the Russian Federation and that the FSB had made false accusations of terrorism against him due to his failure to co-operate with them. The applicant further alleged that if he were to be returned to Russia, he would be sentenced to prison for a long period and that the FSB would ultimately engineer his death and report it as a suicide or natural causes. The International Protection Appeals Tribunal made a finding that the applicant had a well-founded fear of persecution on the grounds of religion, imputed political opinion and membership of a particular social group, but thereafter, concluded that the applicant was excluded from refugee status on the basis that there were serious reasons for considering that he had committed a serious non-political crime. The applicant challenged the Tribunal's decision by way of judicial review. In *Simons J.*, giving judgment in the High Court, concluded that the Tribunal failed to carry out the required individualised assessment in respect of the applicant and that its decision was thus invalid. In particular, it was noted that the Tribunal Member had failed to adequately establish the nature of the crimes the applicant was believed to have committed and thus, there had been no analysis of whether the crime was ‘serious’, ‘non-political’ or whether the applicant was personally responsible for the commission of the crimes concerned. The decision of the IPAS was thus quashed and remitted to the IPAT for reconsideration.⁹¹
- ❖ **Access to adequate reception conditions: *S.A and R.J v Minister of Children, Equality, Disability, Integration and Youth, Ireland and the Attorney General* [2023] IEHC 717.** The applicants in this case sought international protection in the State in early 2023. Upon application, they were not provided with accommodation by the International Protection Accommodation Service due to lack of capacity within the Direct Provision system. They were provided with supermarket vouchers, as well as information relating to charities providing day services, including meals, showers, etc. From March 2023, the applicants were permitted to access the Daily Expense Allowance (DEA) in the amount of €38.80 and could also obtain an Additional Needs Payment at the discretion of the social welfare service. While the State accepted that it did not meet the applicant's entitlement to accommodation pursuant to the European Communities (Reception Conditions) Regulations 2018 (S.I. 230/2018) and it accepted that declaration of a breach of the applicant's rights was appropriate in the circumstances. The applicants thus claimed damages on this basis, however, this was opposed by the State on the basis that the failure to provide the applicants with accommodation arose from *force majeure*, namely due to lack of available capacity within the IPAS system. These circumstances stemmed from ‘unforeseeable’ and ‘unprecedented’ events which arose, including the influx of Ukrainian refugees, as well as a large increase in the number of international protection applicants in the state. The State submitted that it has used the ‘greater part’ of available resources to find solutions and that Ireland was not unique in experiencing difficulties in providing accommodation as this difficulty persisted throughout the European Union. The applicant's

⁹⁰ *A (A Minor) v. International Protection Appeals Tribunal (Labour Market Access)* [2023] IEHC 141, available at: <https://tinyurl.com/4bjsbr4n>.

⁹¹ *T (Russian Federation) v. International Protection Appeals Tribunal* [2023] IEHC 271, available at: <https://tinyurl.com/ym38t6s9>.

cases were test cases for a group of 50 similar cases.

In assessing the claim for damages and the *force majeure* claim, the High Court first examined the *Francovich* test, which establishes the requirements for damages to be awarded against a State for breach of EU law. Ferriter J. recalled that if damages were to be awarded for a breach, the relevant provision must have been intended to confer rights on individuals, the breach must be sufficiently serious and there must be a direct causal link to the State's obligations and the damages sustained. The applicants claimed that the test had been met, whereas the State sought to claim a defence of a situation of *force majeure*.

The Court reviewed EU case law on situations of *force majeure* and stated that same can be understood differently depending upon the legal context in which it operates. The case law is nevertheless consistent in the requirement that force majeure can only arise in relation to an abnormal and unforeseeable circumstances outside the control of the party seeking to rely on the defence. There were nonetheless some differences in the expression of the precise limits of the defence, and generally, the CJEU has taken a strict approach to the availability of the defence. Giving judgment, Ferriter J. recognised that the Reception Conditions Directive does not expressly provide for a defence of *force majeure* whereby a State fails to provide material reception conditions. The provision of such conditions are mandatory in nature. Even whereby such a defence were available, the question remained as to whether it was available whereby inviolable rights pursuant to the Charter of Fundamental Rights of the EU are concerned, in this case, Article 1 of the Charter relating to human dignity. Moreover, the Court recognised the parameters for such a defence were unclear. On this basis, it was held that the situation was not *acte claire* in EU law. Proceedings were thus stayed in order to make a reference to the Courts of Justice of the European Union.⁹²

- ❖ **Dublin transfers: *AC v. The International Protection Appeals Tribunal & Ors* [2024] IEHC 77.** Giving judgment in the case of *AC v. The International Protection Appeals Tribunal & Ors*, a case concerning the proposed return of an applicant to Spain pursuant to the Dublin III, Hyland J. noted that despite the large amount of litigation which Article 17 of the Dublin III Regulation had generated, and the numerous judicial observations made regarding the lack of any appeals procedure, it appeared that the position had not altered. It remained the case, according to the Judge, that no guidelines existed for applicants as to when they ought to make a request pursuant to Art 17, how to make such a request, the criteria to be considered in determining such a request, or the timeframe in which such a request ought to be decided. The judge further noted that 'given that there is a bifurcated system, it is surprising that the Minister has not identified how the two systems should operate in harmony to avoid undermining the aims of the Dublin III Regulation insofar as transfers are concerned.'⁹³
- ❖ **Citizenship: *T.R.I. (A Minor Suing by his Mother and Next Friend L.B) v. The Minister for Foreign Affairs and the Minister for Justice* [2024] IEHC 86.** The case concerned a three year old child born in Ireland in September of 2019, to a mother who holds subsidiary protection status. In August 2021, the applicant's mother applied for an Irish passport on behalf of her child. Section 6A(1) of the Irish Nationality and Citizenship Act 1956 states that a person born on the island of Ireland "*shall not be entitled*" to Irish citizenship unless their parent has, during the four years immediately preceding the birth, a period of reckonable residence of not less than three years. However, Section 6A(2)(d)(i) qualifies that s.6A(1) does not apply to a child born in Ireland if one parent is entitled to reside in the State "*without any restriction*" on their residence. As the mother is a subsidiary protection holder, it was argued that she fell within this subsection of persons who are entitled to reside in the State without any restriction on their period of residence and therefore, the child would be entitled to Irish citizenship by birth, even though the mother had less than three years'

⁹² *A and R.J v Minister of Children, Equality, Disability, Integration and Youth, Ireland and the Attorney General* [2023] IEHC 717, available at: <https://tinyurl.com/4cxzuz6j>.

⁹³ *AC v. The International Protection Appeals Tribunal & Ors* [2024] IEHC 77, 12 February 2024, available at: <https://tinyurl.com/ytytw64u>.

reckonable residence in the four years immediately prior to the child's birth. The child's application for an Irish passport was refused on the basis that s.6A (2)(d)(i) of the 1956 Act does not apply to a person with subsidiary protection. The Applicant, by his mother, challenged this decision by way of Judicial Review proceedings in the High Court. It was argued that the mother is entitled to reside in the state without restriction, as her permission "shall" be renewable, and it is thus not in any way restricted. Giving judgment, Bolger J. concluded that it was open to the Minister for Foreign Affairs to conclude that the child did not meet the requirements for an Irish passport on the basis that subsidiary protection was a restricted residence. The boy was refused a passport on the basis that a subsection of section 6A(1) of the Irish Nationality and Citizenship Act of 1956 does not cover people with subsidiary protection as they are not entitled to reside in the State without any restriction on their period of residence. Bolger J. stated that although the law states that the subsidiary protection permission "shall be renewable", its renewal is in fact conditional; firstly on the continuation of the circumstances that justified the grant of subsidiary protection in the first place, and secondly on there being no compelling reasons of national security or public order.⁹⁴

Temporary protection

The information given hereafter constitute a short summary of the Annex on Temporary Protection for this report, for further information, see [Annex on Temporary Protection](#).

Temporary protection procedure

- ❖ **Key statistics:** As of 4 February 2024, 104,870 individuals had registered for temporary protection in Ireland since 4 March 2022.⁹⁵ Women and men, aged 20 and over, made up 46% and 23% respectively of arrivals to date, while 31% were people aged under 20. As of 14th April 2024, 49,595 beneficiaries of temporary protection were residing in state-provided accommodation.⁹⁶ The number of beneficiaries staying in private accommodation arrangements as of 14th April 2024 was 18,352.⁹⁷ As of the 4th of April 2024, 18,182 individuals had accessed the labour market.⁹⁸ As of February 2024, there were 18,185 Ukrainian students enrolled in primary and secondary education in Ireland. Of these, 11,312 were enrolled in primary education and 6,873 enrolled in secondary education.⁹⁹ There were 17,310 arrivals enrolled in further education and training courses on 01 February 2024, of which 14,186 were enrolled in further education English language courses.¹⁰⁰

Content of temporary protection

- ❖ **Revised Accommodation Protocol:** In March 2024, in response to a shortage in available accommodation, the Department of Children, Equality, Disability, Integration and Youth, announced changes to the accommodation of newly arrived beneficiaries of temporary protection. Legislation

⁹⁴ *T.R.I. (A Minor Suing by his Mother and Next Friend L.B) v. The Minister for Foreign Affairs and the Minister for Justice* [2024] IEHC 96, available at: <https://tinyurl.com/hz569f9d>.

⁹⁵ Central Statistics Office, 'Arrivals from Ukraine in Ireland Series 12, 4 February 2024, available at: <https://tinyurl.com/2r53f25n>.

⁹⁶ Department of Children, Equality, Disability, Integration and Youth, 'Accommodation of Beneficiaries of Temporary Protection – Weekly Statistics', 15 April 2024, available at: <https://tinyurl.com/bdrypvkf>.

⁹⁶ Central Statistics Office, 'Arrivals from Ukraine in Ireland Series 12, 4 February 2024, available at: <https://tinyurl.com/2r53f25n>.

⁹⁷ *ibid.*

Note: This figure includes both persons who have moved into pledged accommodation, as well as those who have moved into Offer a Home scheme accommodation.

⁹⁸ Central Statistics Office, 'Arrivals in Ireland Series 12, 4 February 2024, available at: <https://tinyurl.com/2r53f25n>.

⁹⁹ Central Statistics Office, 'Arrivals in Ireland Series 12, 4 February 2024, available at: <https://tinyurl.com/2r53f25n>.

¹⁰⁰ *ibid.*

was introduced pursuant to the Social Welfare and Civil Law (Miscellaneous Provisions) Act 2024, in order to give effect to these changes.¹⁰¹ Under the revised approach, anyone who registers for temporary protection in the State and seeks state-provided accommodation, will be accommodated by IPAS for a maximum period of 90-days. During this period, beneficiaries of Temporary Protection will be provided with food, laundry, other services, and integration supports in Designated Accommodation Centres. At present six accommodation centres have been identified as 'Designated Accommodation Centres' and these centres are located throughout the country. Accommodation comprises of tents, modular buildings and large halls. While living at designated centres, there will be a focus on orientation with regard to living and working in Ireland, as well as options for sourcing accommodation independently or through pledged or hosted accommodation.¹⁰² Following 90 days, applicants must leave the designated accommodation and will not be permitted to return. Applicants are required to source independent accommodation in the community and will continue to be permitted to access rent supplement, however, cannot apply for Housing Assistance Payment or access homeless services. Applicants may also continue to access pledged accommodation or hosting arrangements.¹⁰³ Applicants will also have access to education, health services and employment support while resident in designated centres, however, whereby children require access to primary and secondary education, it is advised that school places are sought only when children move to longer term accommodation. Vulnerable residents, residents with small children or residents who are pregnant will have access to family units.¹⁰⁴

- ❖ **Reduction in social welfare payment:** Social welfare payments are reduced under the revised arrangements. Previously, beneficiaries of Temporary Protection living in state-provided accommodation were entitled to social welfare supports equivalent to those available to Irish citizens. However, under the revised accommodation arrangements, a weekly allowance of €38.80 per adult and € 29.80 per child is provided to residents while accommodated in designated centres. Beneficiaries of Temporary Protection remain entitled to child benefit payment (€ 140.00 per child per month). Whereby an individual subsequently leaves the designated centre, or whereby they make their own accommodation arrangements on arrival, they will be entitled to apply for social welfare assistance, equivalent to that which is offered to Irish citizens, subject to meeting the requisite eligibility conditions.¹⁰⁵

¹⁰¹ Social Welfare and Civil Law (Miscellaneous Provisions) Act 2024, s.11, available at: <https://tinyurl.com/567z7pnm>.

¹⁰² Department of Children, Equality, Disability, Integration and Youth, 'Changes to Accommodation for People Fleeing War in Ukraine', 13 March 2024, available at: <https://tinyurl.com/44wyeshh>.

¹⁰³ Information provided by Department of Children, Equality, Disability, Integration and Youth, 7th March 2024.

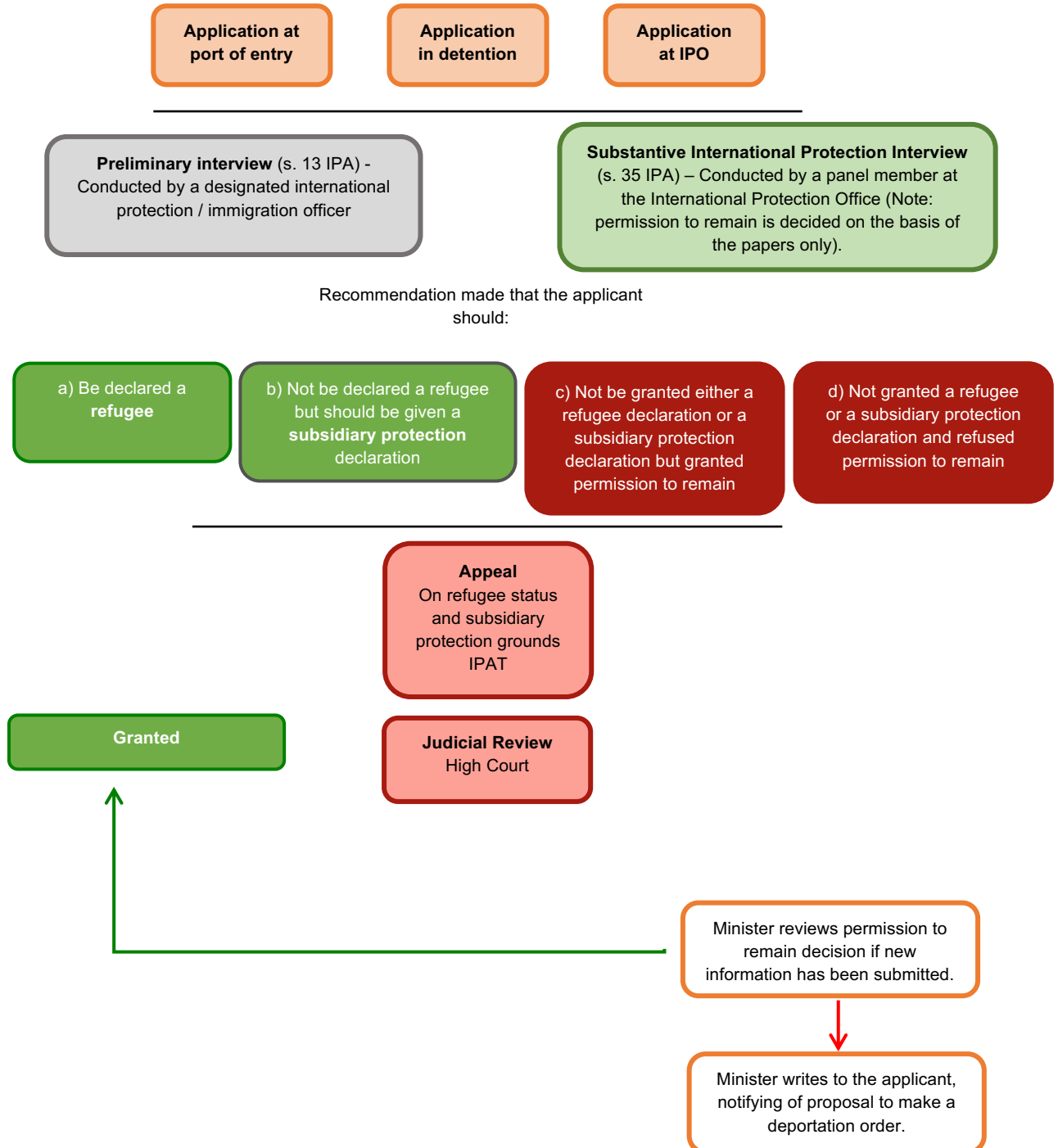
¹⁰⁴ Information provided by Department of Children, Equality, Disability, Integration and Youth, 7th March 2024.

¹⁰⁵ Department of Children, Equality, Disability, Integration and Youth, 'Changes to Accommodation for People Fleeing War in Ukraine', 13 March 2024, available at: <https://tinyurl.com/44wyeshh>.

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

Which types of procedures exist in your country?

- | | | |
|----------------------------|---|--|
| ❖ Regular procedure: | ☒ Yes | ☐ No |
| ▪ Prioritised examination: | ☒ Yes | ☐ No |
| ❖ Fast-track processing: | ☐ Yes | ☒ No |
| ❖ Dublin procedure: | ☒ Yes | ☐ No |
| ❖ Admissibility procedure: | ☒ Yes | ☐ No |
| ❖ Border procedure: | ☐ Yes | ☒ No |
| ❖ Accelerated procedure: | ☒ Yes | ☐ No |
| ❖ Other: | | |

Are any of the procedures that are foreseen in the law, not being applied in practice? ☐ Yes ☒ No

3. List of authorities that intervene in each stage of the procedure

Stage of the procedure	Competent authority (EN)
Application at the border	Garda National Immigration Bureau
National security clearance	Garda National Immigration Bureau
Dublin procedure	International Protection Office (IPO)
Accelerated procedure	International Protection Office (IPO)
Refugee status determination	International Protection Office (IPO)
Appeal	International Protection Appeals Tribunal (IPAT)
Judicial review	High Court
Subsequent application (admissibility)	The Minister for Justice and Equality in the Department of Justice and Equality

4. Number of staff and nature of the determining authority

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the determining authority?
International Protection Office (IPO)	396.14 ¹⁰⁶	Department of Justice	☐ Yes ☒ No

The International Protection Office (IPO) is the body responsible for registering asylum applications and making the first instance decisions.

The IPO's role involves making recommendations to the Minister for Justice on an applicant's eligibility for refugee status, subsidiary protection and permission to remain under the single procedure. This system replaces the previous multi-layered process overseen by ORAC that was fraught with administrative delays and backlogs.¹⁰⁷

At the end of 2020, the IPO was composed of a total of 148.1 staff members. Of the 148.1 staff, there were 27.6 staff directly involved in making first instance determinations on applications for international protection at year end.¹⁰⁸ Data for 2021 was not available at the time of updating. At the end of 2022, the IPO was composed of a total of 201.1 staff members (full-time equivalents). Out of the 201.1 staff members, a total of 40 individuals were involved in the decision-making process.¹⁰⁹ At the end of 2023,

¹⁰⁶ International Protection Office, April 2024.

¹⁰⁷ AIDA Country Report: Ireland 2015, available at: <https://bitly.ws/36GJl>.

¹⁰⁸ Information provided by the International Protection Office, April 2021.

¹⁰⁹ International Protection Office, March 2023.

the International Protection Office was comprised of **396.14** full-time staff. Out of this number, **170** officials were involved in the decision making process.¹¹⁰

In July 2023, in response to the significant increase in the number of applications for international protection, and further to the recommendations established in the Catherine Day Report, the Department of Justice published a report on the international protection modernisation programme for 2023 and 2024. This programme was established with a view to enhancing efficiencies and throughput, as well as improving the application, interview and decision -making process for applicants.¹¹¹ As part of the reform strategy, the Department is aiming to increase decision making targets to 1,000 first instance decisions per month by spring 2024. Additionally, both the IPO and IPAT's operational capacity is currently being significantly expanded to meet increased caseloads and decision-making output. Additional resources are also being deployed through increasing staffing at both the IPO and the IPAT. These reforms are being supported by a significantly increased budget allocation of approximately €34m in 2024 to so as to continue to scale up processing.¹¹²

Quality assurance and control

While the authors are not aware of any specific quality assurance or control mechanisms in place within the IPO, the UNHCR, in line with its advisory role, states that it regularly works in conjunction with the IPO with a view to improving the quality of decision making. This work includes the development and delivery of training, and the review of decisions and other support initiatives and draws on the best practice developed by the UNHCR through activities implemented in other EU Member States and internationally.¹¹³

5. Short overview of the asylum procedure

The International Protection Act 2015 (IPA) is Ireland's key legislative instrument enshrining the State's obligations under international refugee law. The final version of the IPA was signed into law by the President of Ireland in December 2016 and officially commenced on 6 January 2017.¹¹⁴ As of 2022, the IPO had dealt with the "backlog" of transitional cases.

The IPA introduced a single procedure where refugee status, subsidiary protection, and permission to remain are all examined together in one procedure compared to the previous bifurcated system under the Refugee Act, 1996. Under the IPA, an application for international protection may be lodged either at the port of entry, or directly at the International Protection Office (IPO). If the applicant made a claim for international protection status at the port of entry, they must proceed to the IPO to complete the initial asylum process and attend a preliminary interview under Section 13 IPA.

The application should be lodged at the earliest possible opportunity as any undue delay may prejudice the application and the applicant may be required to explain the reasons for the delay.¹¹⁵ Moreover, failure to lodge an application at the earliest opportunity could impact an applicant's credibility, without a formal presumption being made against the applicant.¹¹⁶

¹¹⁰ International Protection Office, April 2024.

Note: This number is comprised of staff who make both recommendations and decisions within the meaning of the Single Procedure provided for by the International Protection Act 2015.

¹¹¹ Department of Justice, 'Minister McEntee publishes International Protection Modernisation Strategy', 5 July 2023, available at: <https://tinyurl.com/2pz4k2ns>.

¹¹² *ibid.*

¹¹³ UNHCR, Ireland Fact Sheet – January – December 2019, available at: <https://bit.ly/3naOy4N>.

¹¹⁴ International Protection Act 2015 (Commencement) (No. 3) Order 2016.

¹¹⁵ Section 28(7) IPA.

¹¹⁶ *ibid.*

Application

Upon lodging an application for international protection, the applicant first fills out an application form and is given a short preliminary interview conducted either by an international protection officer, or by an immigration official – depending on where the application is lodged.

Under Section 21 IPA an application for international protection may be found inadmissible and a recommendation shall be made to the Minister by an international protection officer to this effect. Inadmissibility decisions are made on the grounds that another Member State has granted refugee status or subsidiary protection status to that person, or a country other than a Member State is considered to be a “first country of asylum” for that person.¹¹⁷ A person has the right to an appeal to the International Protection Appeals Tribunal (IPAT) regarding an inadmissibility decision.

Under the [revised international protection procedure](#), as of the 8th of November 2022, an applicant attending at the IPO in order to make an application for international protection is now required to complete their International Protection Questionnaire (IPO2) onsite, in addition to completing their preliminary interview.¹¹⁸

The application questionnaire shall include, as held in Section 15(5) IPA, all relevant information pertaining to the grounds for the application, as well as relevant information pertaining to permission to remain for the applicant, family reunification and right to reside for family members already present in the State, in case such considerations arise at later stages in the process. The information provided in the detailed application form will be duly considered throughout the assessment of the application, including in the applicant's substantive interview. Given the weight afforded to information provided in this questionnaire in determining the outcome of a person's application, the IPO recommends that applicants seek legal advice before completing the questionnaire.¹¹⁹ In this respect, applicants are encouraged to avail themselves of the services of the State-funded Legal Aid Board, which can provide legal advice on the international protection process. However, the extent to which the Legal Aid Board is able to assist prior to the submission of the questionnaire is unclear, particularly having regard to the introduction of the revised procedure.

Throughout 2022, the Irish Refugee Council's Independent Law Centre provided ongoing legal representation for 280 international protection applicants. 48 clients received refugee status in 2022, while 24 received permission to remain. 67 clients were represented in family reunification applications, while a further 22 clients were reunited with their families following positive family reunification decisions.¹²⁰

Dublin Regulation

An application for international protection status may be subject to the Dublin Regulation by the IPO if it appears that another Member State may be responsible for the examination of the protection application.¹²¹ During the initial appointment at the IPO, an applicant's fingerprints are taken and are entered into the Eurodac database. The applicant is also advised that they may obtain legal assistance from the Legal Aid Board. As per the regular procedure, the applicant is issued a Temporary Residence Certificate and referred to the International Protection Accommodation Service (IPAS) for accommodation if they have no other means of accommodating themselves. At this point, the applicant will be taken to an IPAS reception centre in Dublin and later dispersed elsewhere to another Direct Provision centre. If the

¹¹⁷ A first country of asylum is defined under Section 21(15) IPA.

¹¹⁸ International Protection Office, 'The European Communities (International Protection Procedures) Regulations 2022 and the International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022 – Information Note', 8th November 2022, available at: <https://bit.ly/3jyYBTI>.

¹¹⁹ *ibid*, para. 3.7.2.

¹²⁰ Information provided by the Irish Refugee Council Independent Law Centre, December 2022.

¹²¹ S.I. No. 62 of 2018 European Union (Dublin System) Regulations 2018.

applicant's details are flagged on the Eurodac database, they may be called for a personal interview to assess the applicability of a transfer to another responsible Member State.¹²²

Throughout 2023, there were 592 outgoing transfer decisions made pursuant to the Dublin Regulation, while a total of 3 people were returned pursuant to a transfer order.¹²³

Regular procedure

After registering at the IPO and submitting the questionnaire, applicants are notified by post of the date and time of their substantive interview before the IPO. The purpose of the interview is to establish the full details of their claim for international protection. Under the revised procedure, applicants from 'safe countries of origin' will now undergo their substantive interview within four to six weeks of making their initial international protection application. It should also be noted that, pursuant to the relevant regulation, this accelerated procedure may also be applied to **any** application subject to the need for fairness and efficiency and whereby the International Protection Office considered to be necessary and expedient.¹²⁴ The applicant may have a legal representative and an interpreter present at the interview, if necessary.

Throughout 2023, the median processing time for first instance decisions was approximately **13 months** for all cases decided pursuant to the ordinary procedure. This marks a decrease on the previous reporting period (18 months)¹²⁵ The median processing time for cases decided pursuant to the accelerated procedure was **8 weeks** as of April 2024.¹²⁶ However, processing times under the ordinary procedure remained lengthy in view of the commitment by the Department of Justice to reduce the overall processing time to 6 months in line with the recommendations of the Expert Advisory Group.¹²⁷ The median waiting period for appeals before the IPAT was **5 months**.¹²⁸

After the substantive asylum interview, a so-called draft "s.39" report is compiled by the authorised officer based on the information raised at the interview and that provided in the application questionnaire, as well as relevant country of origin information and/or submissions by UNHCR and/or legal representatives. The draft report must then be considered and finalised by a civil servant within the IPO and once this has been done a recommendation is issued from the IPO. The finalised recommendation (s.39 report) contains a recommendation as to whether or not status should be granted:

- ❖ If a positive recommendation is made with regard to refugee status, the applicant is notified and the recommendation is submitted to the Minister for Justice, who makes a declaration of refugee status.
- ❖ If a positive recommendation is made with regard to subsidiary protection, the applicant is notified and the recommendation is submitted to the Minister for Justice, who makes a declaration of subsidiary protection. The applicant can also seek an upgrade appeal to the International Protection Appeals Tribunal (IPAT) for refugee status.
- ❖ If the recommendation is negative, the applicant is provided with the reasons for such a decision. The implications of a negative recommendation depend on the nature of the recommendation.

¹²² Regulation 4 European Union (Dublin System) Regulations 2018.

¹²³ Information provided by International Protection Office, April 2024.

¹²⁴ IPO, 'The European Communities (International Protection Procedures) Regulations 2022 and the International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022, available at: <https://bit.ly/3mnDwg4>.

¹²⁵ Information provided by International Protection Office, April 2024.

¹²⁶ Information provided by International Protection Office, April 2024.

¹²⁷ Advisory Group on Direct Provision, Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, 21 October 2020, available at: <https://bit.ly/3qgSmC3/>.

¹²⁸ Minister for Justice, Response to Parliamentary Question No 587, 12 December 2023, available at: <https://bit.ly/3SISobw>.

The applicant will be advised of their right to appeal any negative decision before IPAT and their right to seek legal advice if they have not done so already. Under the single procedure, where a person is found ineligible for refugee status or subsidiary protection, the decision-maker also considers whether or not there are humanitarian grounds to recommend a grant of permission to remain. This decision is made on the basis of information provided in the applicant's questionnaire, as well as in any submissions made by or on behalf of the applicant throughout the procedure. There is no right of appeal on permission to remain decisions.

In general, the Minister for Justice will defer to the IPO's recommendation as to whether or not status should be granted. However, it should be noted that there are rare cases whereby, following additional examination and investigation, the Minister may refuse to follow the recommendation of the IPO if it is determined that the applicant in question may be deemed to be a security risk.

Appeal

Under the IPA an applicant may make an appeal to the IPAT against: (i) a recommendation that the applicant should not be given a refugee declaration; or (ii) a recommendation that the applicant should be given neither a refugee declaration nor a subsidiary protection declaration. An appeal under those two categories may be lodged before the IPAT in writing, laying out the grounds of appeal within a time limit prescribed by the Minister under Section 41(2)(a) IPA. They may request an oral hearing before the IPAT; if an oral hearing is not requested the appeal will be dealt with on this basis of the papers unless a member of the Tribunal finds it in the interests of justice to hold such an oral hearing. Free legal representation can be obtained through the Legal Aid Board. The deadline for submitting an appeal will be prescribed by the Minister in consultation with the Chairperson of the IPAT.¹²⁹

If the IPAT decides to set aside the IPO decision, the file will also be transferred to the Department of Justice so the Minister can declare the applicant a refugee or a beneficiary of subsidiary protection. If the IPAT decides to affirm the IPO decision, the individual will be sent a notice in writing stating that the application for a declaration as a refugee and/or subsidiary protection beneficiary has been refused. If an application for international protection is ultimately unsuccessful the applicant will be sent a notice in writing stating that the application for international protection has been refused and that the Minister proposes to make a deportation order under Section 3 of the Immigration Act 1999 requiring that the person leave the State within a given timeframe.

An applicant may seek to have a refugee or subsidiary protection recommendation of the IPO or a decision of the IPAT judicially reviewed by the High Court under Irish administrative law, for example where there has been an error of law in the determination process. It is expected that an applicant will exhaust all available remedies before applying for judicial review and, therefore, most judicial reviews are of appeal recommendations, rather than first instance decisions. Applicants must be granted permission (known as leave) to apply for judicial review before proceeding to a full judicial review hearing.

The High Court can affirm or set aside the decision of the first instance or appellate body. If the applicant is successful, their case is returned to the original decision-making body for a further determination. Because of the volume of judicial review cases that have been brought to challenge decisions over the last number of years, and the procedure of having both pre-leave and full hearings, there is a large backlog of cases awaiting determination.

The latest available statistics demonstrate a further decrease in new asylum cases lodged before the High Court, down from 360 in 2021 to 336 in 2022. A total of 349 cases were decided by the High Court, with a total of 20 cases settling outside of Court, marking a 6% decrease in the number of asylum matters

¹²⁹ Section 77 IPA.

resolved by the Court compared with the previous year.¹³⁰ Statistics in relation to asylum cases lodged in 2023 are expected to be published in the Courts Service Annual Report in 2024.

Permission to Remain

Throughout all stages of the asylum process, prior to receiving a final decision on their claim, the applicant is encouraged to inform the IPO of any circumstances arising that may give rise to the Minister granting the applicant permission to remain in the event that the applicant has been denied both refugee status and subsidiary protection. This status is commonly referred to as 'leave to remain' and takes account of criteria such as humanitarian considerations and/or the person's connections to the State in order to determine whether or not there are compelling reasons to allow the person permission to remain in Ireland. This assessment is conducted in the event that both a claim for refugee status and subsidiary protection are ultimately refused. However, permission to remain can also be issued at first instance at the IPO examination stage and there is an opportunity to put forward any preliminary grounds for permission to remain in a dedicated section of the application questionnaire. The applicant has the right to submit any information relating to their permission to remain (or consideration for international protection more generally) at any point after the submission of their questionnaire. There is no oral hearing with regard to permission to remain at the interview stage at first instance, but it is important that the applicant includes all relevant information in writing concerning their grounds for being granted permission to remain. It is important to note that if an applicant is refused permission to remain, they do not have a right to appeal this decision.

B. Access to the procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☒ Yes ☐ No
2. Is there a border monitoring system in place? ☐ Yes ☒ No
3. Who is responsible for border monitoring? ☐ National authorities ☐ NGOs ☐ Other
4. How often is border monitoring carried out? ☐ Frequently ☐ Rarely ☐ Never

A person who arrives in Ireland seeking entry may be refused leave to land and due to the lack of independent oversight and transparency at airports or ports of entry, it is unclear whether or not a person refused leave to land had protection grounds or had intended to apply for asylum. There is currently no access for independent authorities or NGOs at air or land borders in order to monitor the situation, nor do there appear to be any plans to allow such access in the future.

Anecdotal evidence received by the Irish Refugee Council Independent Law Centre in 2019 suggested that some people may be refused leave to land and to enter Ireland even when they have grounds for protection. The Irish Refugee Council's services have witnessed a number of cases of applicants describing that they had only been permitted entry for the purposes of seeking asylum subject to rigorous examination by border authorities. The Irish Times reported in December 2019 that "Airlines have been told to take such individuals back on a return flight before any opportunity to claim international protection arises." The Irish Refugee Council wrote to the Minister for Justice and Equality, Charlie Flanagan TD, in January 2020 requesting clarification about these instructions, criteria used and how they adhere to Ireland's legal obligations. A written response from the Department of Justice stated that the purpose of checks on arrival was to determine if a person is allowed leave to land rather than any assessment of asylum. The response added that checks conducted at the point of exit from the plane have "always been

¹³⁰ Courts Service, *Annual Report 2022*, 28 September 2023, available at: <https://bit.ly/3Ha0L4I>.

a part of immigration control and as a standard procedure it complies with all legal obligations not impeding persons from claiming asylum.” A freedom of information request made by the Irish Refugee Council for information on the policies and procedures on this issue was declined.

In October 2022, it was reported that a unit was to be established at Dublin Airport in order to facilitate stricter immigration checks in respect of arriving passengers. The establishment of the unit was reported to be part of a range of measures introduced by Government with a view to reducing the number of individuals claiming international protection in Ireland.¹³¹

Further reports in September and October 2022 indicated that additional immigration control measures had increased at Dublin Airport, targeting in particular individuals seeking to disembark from arriving aircraft with false documentation.¹³² One such report indicated that ‘before the flight landed, the crew asked passengers to get out their passports for immigration checks...Once it touched down, border control officers came on the plane.’¹³³ When passengers queried the practice, they were advised that Immigration Officers were ‘looking for people without visas.’¹³⁴ Despite indications from the Department of Justice in recent years that this practice had been largely scaled back, such reports suggest that the policy continues to operate in practice as of 2023.

Subsequently, in February 2023, it was reported that the Government had sanctioned the ‘resumption’ of passport checks at the steps of aircraft in an attempt to address ‘the significant numbers of asylum seekers who had lost or destroyed their travel documents while flying into the State.’ According to the report, the Garda National Immigration Bureau are carrying out so-called ‘doorstep operations’ on a twice-weekly basis in order to check travel documents of passengers disembarking flights at Dublin Airport.¹³⁵

According to statistics published by Eurostat, in 2020, 2,221 individuals were refused leave to land at Dublin Airport.¹³⁶ 2,333 people were refused leave to land at Dublin Airport between 1 January and 14 November 2021. The reduction in refusals of leave to land for 2020 and 2021 was a consequence of travel restrictions implemented following the onset of the COVID-19 pandemic. In the first nine months of 2022 out of a total of 5,662 persons refused leave to land, 4,969 persons indicated an intention to claim asylum to the Border Management Unit in Dublin airport.¹³⁷ The top 5 nationalities refused leave to land in 2022 were Georgian, Somali, Zimbabwean, Syrian and Kuwaiti.¹³⁸ As of November 2023, there had been a total of 4,606 refusals of leave to land at Dublin Airport.¹³⁹ The nationalities of those refused were not known at the time of updating.

The Irish Refugee Council has previously raised concerns in relation to the increasing number of individuals being refused leave to land from active zones of conflict that are demonstrably unsafe and has urged the government to show proactivity in ensuring effective access to the asylum procedure.¹⁴⁰

¹³¹ Irish Examiner, ‘Stricter asylum checks, more deportations, and more basic shelter in bid to control migration’, 24 October 2022, available at: <https://bit.ly/3GNNmjh>.

¹³² Dublin Inquirer, ‘The Government says it’s bringing back stricter asylum checks, but what does that mean?’, 2 November 2022, available at: <https://bit.ly/3VQ1YTv>.

¹³³ *ibid.*

¹³⁴ *ibid.*

¹³⁵ Irish Times, ‘Gardai resume checks at aircraft steps to tackle arrivals with no travel documents’, 6 February 2023, available at <https://bit.ly/3S7JgIT>.

¹³⁶ European Migration Network, Detention and Alternatives to Detention in International Protection and Return Procedures in Ireland, November 2021, available at: <https://bit.ly/3HtGu8h>.

¹³⁷ Minister for Justice Helen McEntee, Response to Parliamentary Question No 272, 27 October 2022, available at: <https://bit.ly/3GZ7ZYx>.

¹³⁸ Dublin Inquirer, ‘The Government Says It’s Bringing in Stricter Asylum Checks, but What Does This Mean?’, 2 November 2022, available at: <https://bit.ly/3ZPRC9n>.

¹³⁹ Minister for Justice and Equality, Response to Parliamentary Question Nos 411 and 412, 28 November 2023, available at: <https://tinyurl.com/4h6k7rsf>.

¹⁴⁰ Irish Times, Rise in people from war torn countries refused entry to the State, 2 August 2021, available at: <https://bit.ly/3Fq2a3x>.

Section 78 IPA amends Section 5 of the Immigration Act 2004 in a way which allows for people to be detained for short periods of time in facilities at ports of entry and/or airports instead of being placed in custody in police stations (see [Detention of Asylum Seekers](#)).

In December 2021, according to a statement made by the Minister for Justice, Helen McEntee, the dedicated immigration facility at Dublin Airport was opened for use in circumstances where an individual is refused leave to land at the air border. The facility houses the newly opened Dublin Airport Garda Station and the Garda National Immigration Bureau. The Garda Station contains four single person cells and two additional detention rooms. The facility was reported to be fully operational as of March 2022.¹⁴¹ However, it is not known whether immigration detainees are advised and facilitated in seeking legal advice from detention.

1.1. Border monitoring

There is currently no access for independent authorities or NGOs at air or land borders in order to monitor the situation, nor do there appear to be any plans to allow such access in the future.

1.2. Legal access to the territory

Under Irish law, there is no general procedure under which an applicant can apply for a humanitarian visa with the intention to apply for international protection on arrival in the State. However, in September 2015, the Irish Government established the Irish Refugee Protection Programme (IRPP). Under the second phase of IRPP (IRPP II), established in 2019, it was planned that 2,900 Syrian refugees located in Jordan and Lebanon would be resettled in the State through a combination of resettlement and community sponsorship initiatives.¹⁴² However, the State experienced significant challenges in meeting this target, due in part to the Covid-19 pandemic, as well as the issuing of humanitarian visas to Afghan nationals following the crisis of September 2021.¹⁴³ As a result, a total of just 448 resettled refugees arrived in the State between 2020 and 2022.¹⁴⁴ This is in addition to a further 564 humanitarian visas issued to Afghan nationals, bringing the total number of resettlements made under IRPP to 1012 in the years 2020 to 2022.¹⁴⁵ Statistics regarding resettlement for 2023 were not available at the time of updating. Applicants arriving under resettlement receive programme refugee status.

Ireland's pledge for resettlement and humanitarian admissions, along with forecasted resettlement numbers for 2024-2025 was submitted to the European Commission on the 7th of October 2023. Ireland has pledged to support the arrival of 800 refugees under the UNHCR resettlement process from Lebanon and Jordan, with a further 100 humanitarian admissions from Afghanistan.¹⁴⁶

See also sections on [Family reunification](#), [Afghan Admissions Programme](#), [Irish Humanitarian Admissions Programme](#) and [Community Sponsorship](#).

¹⁴¹ Department of Justice, Minister McEntee attends Official Opening of Dublin Airport Garda Station, 6 May 2022, available at: <https://bit.ly/3J1InwY>.

¹⁴² Department of Children, Equality, Disability, Integration and Youth, Irish Refugee Protection Programme, 29 January 2021, updated 10 February 2023, available at: <https://bit.ly/48EKBvK>.

¹⁴³ *ibid.*

¹⁴⁴ Minister for Children, Equality, Disability, Integration and Youth, Response to Parliamentary Question No. 1324, 18 April 2023, available at: <https://bit.ly/47tSray>.

¹⁴⁵ *ibid.*

¹⁴⁶ Department of Children, Equality, Disability, Integration and Youth, Irish Refugee Protection Programme, 29 January 2021, updated 10 February 2023, available at: <https://bit.ly/48EKBvK>.

2. Registration of the asylum application

Indicators: Registration

- | | |
|---|--|
| 1. Are specific time limits laid down in law for making an application?
❖ If so, what is the time limit for making an application? | ☐ Yes ☒ No
N/A |
| 2. Are specific time limits laid down in law for lodging an application?
❖ If so, what is the time limit for lodging an application? | ☐ Yes ☒ No
N/A |
| 3. Are making and lodging an application distinct stages in the law or in practice? | ☐ Yes ☒ No |
| 4. Is the authority with which the application is lodged also the authority responsible for its examination? | ☒ Yes ☐ No |
| 5. Can an application for international protection for international protection be lodged at embassies, consulates or other external representations? | ☐ Yes ☒ No |

The right to apply for asylum is contained in Section 15 IPA. When a person presents themselves either at the IPO or at the frontiers of the State seeking international protection, they shall go through a preliminary interview at a time specified by an immigration officer or an international protection officer. That time limit is not, however, specified in the IPA.

In the case of families applying for international protection, all adult family members must make their own applications. An adult who applies for protection is deemed to be applying on behalf of their dependent children where the child is not an Irish citizen and is under the age of 18 years and present in the State or is born in the State while the person is in the protection procedure or, not having attained the age of 18 years, enters the State while the parent is still in the protection procedure. There is no separate right for accompanied children to apply for asylum independently even if they have different protection grounds to their parents.

Preliminary Interview

Once an applicant presents to the IPO, the applicant makes a formal declaration that they wish to apply for international protection, outlined under Section 13 IPA. The applicant is interviewed by an authorised officer of the IPO to establish basic information. The preliminary interview takes place in a room where other applicants are waiting and being interviewed and is conducted by an official who sits behind a screen. If necessary and possible, an interpreter may be made available. Interpreters are provided by the IPO and typically must be requested in advance. Whereby an applicant presents without having requested an interpreter and an interpreter is not available, it is usually the case that the applicant's basic details are taken by the IPO and they are then called back at a later stage, once an interpreter can be arranged.

The information provided by the applicant at this interview is inserted into a standard form entitled 'IPF1' by the IPO officer. The IPF1 contains the applicant's biographical data, including their name, address and nationality, as well as the route travelled to Ireland and a brief summary of their asylum claim. The contents of the form are read back to the applicant, who is then required to sign it, and a copy is provided to them.

The purpose of this initial interview is to establish the applicant's identity; country of origin; nationality, details of the journey taken to Ireland, including countries passed through in which there was an opportunity to claim asylum and any assistance obtained over the journey and the details of any person who assisted the person in travelling to the State; the method and route of entry into the state (legally or otherwise); brief details of why the applicant wishes to claim asylum, their preferred language and whether the application could be deemed inadmissible under Section 21 IPA (see [Admissibility](#)). This interview usually takes place on the day that the person attends the IPO. During 2020 and 2021, due to restrictions associated with the COVID-19 outbreak and resultant delays, applicants were sometimes called back for their initial interview on a separate day following registration of their claim. In such circumstances, the

time period between a claim being registered and the initial interview taking place varied on a case-to-case basis. Typical waiting periods were approximately 2-4 weeks. However, the Irish Refugee Council Information and Referral Service became aware of cases whereby it took clients up to 2 months to complete their preliminary interview and receive their Temporary Residence Certificate. In a press release published on 8 April 2022, the Irish Refugee Council noted that in many cases, these applicants were staying in emergency accommodation where they had limited access to support and information. Moreover, without a Temporary Residence Certificate, applicants were unable to obtain PPS numbers and consequently, were not receiving their Daily Expense Allowance, thereby forcing individuals to live in abject poverty for long periods of time. In some instances, children were unable to access education, despite having arrived in the State several months previously.¹⁴⁷ A parliamentary question answered by Minister Roderic O’Gorman in April 2022 revealed that as many as 1,200 applicants are awaiting an appointment to complete their preliminary interview.¹⁴⁸ In the latter half of 2022, the IPO worked through the backlog of applicants awaiting registration. As of January 2024, applicants were facilitated in registering their application and undergoing their preliminary interview on the same day.¹⁴⁹

It should be noted that under Irish law, whereby the applicant presents to the IPO, makes a formal declaration that they wish to apply for international protection, and undergoes a preliminary interview, this amounts to ‘lodgement’ of the application for the purposes of Art 6 of the Recast Asylum Procedures Directive 2013.

The applicant is required to be photographed and fingerprinted. If the applicant refuses to be fingerprinted, they may be deemed not to have made a reasonable effort to establish their true identity and to have failed to cooperate. If an applicant is deemed to have failed to cooperate with the international protection process, in accordance with s.38 of the IPA 2015, the Minister for Justice shall send a written notice to the applicant and their legal representative, if known, of their opinion that the applicant has failed to cooperate. The Minister will invite the applicant to furnish, within 10 working days of the notice, their observations on the Minister’s opinion. The Minister will also require the applicant to confirm in writing within 10 days of the notice that they wish to continue with their application for international protection, while also reminding the applicant of their duty to cooperate. Where the applicant fails to submit their written observations, or whereby, having considered the applicant’s written observations, the Minister believes that the applicant remains in default of co-operation, the application can be considered based only on the information provided by the applicant prior to the written notice being issued by the Minister.

¹⁵⁰

The information taken at the screening interview enables the IPO to ascertain if the person applying for asylum has submitted an application for asylum in, or travelled through, another EU country by making enquiries through Eurodac which will assist in determining if the Dublin III Regulation is applicable or not.

Application for International Protection Questionnaire:

In accordance with the revised international protection procedure, pursuant to the European Communities (International Protection Procedures) Regulations 2022, an applicant attending at the International Protection Office in order to make an application for international protection is now required to complete their International Protection Questionnaire onsite at the IPO following the conclusion of their preliminary interview.¹⁵¹ The international protection questionnaire has been reduced significantly to just 24 questions in order to enable applicants to complete the questionnaire at the time of making their application. The revised questionnaire is considerably shorter than its predecessors at just 19 pages long and comprised of 11 sections. The questionnaire is available in English only and must be completed by the applicant in

¹⁴⁷ Irish Refugee Council, ‘Press Release: Irish Refugee Council calls for clarity and action on the registration of asylum applications’, 8 April 2022, available at: <https://bit.ly/3LLFy1c>.

¹⁴⁸ Minister for Justice Helen McEntee, Response to Parliamentary Question Nos 612 and 613, 5 April 2022, available at: <https://bit.ly/3uCtvO9>.

¹⁴⁹ Information provided by Irish Refugee Council Information and Advocacy Service, January 2023.

¹⁵⁰ Section 38, IPA 2015.

¹⁵¹ *ibid.*

English. Whereby the applicant is unable to speak English, they must seek the assistance of a Cultural Mediator to complete the questionnaire.¹⁵²

Section 1 gathers the principal applicant's basic biographical details (full name, identification numbers, address, former addresses).

Section 2 requests information pertaining to the applicant's family, specifically their spouse/civil partner.

Section 3 collects information on the applicant's education and employment history, including formal education/training and employment/self-employment.

Section 4 focuses on the basis of the claim for protection, allowing space for the applicant's personal testimony; questions on any grounds for both refugee status and subsidiary protection, the applicant's fears if returned, as well as reasons why their dependants fear persecution.

Section 5 focuses on state protection and asks whether the applicant reported what happened to them in their country of origin, seeks details on the applicant's criminal record as well as information regarding whether the applicant or their dependants have ever been issued with a passport.

Section 6 deals with permission to remain. In the event that the applicant should be refused both refugee status and subsidiary protection, the minister will consider the person's personal circumstances in order to determine whether they may be permitted leave to remain on the basis of humanitarian considerations. The applicant is encouraged to notify the IPO of any new information or circumstances pertaining to permission to remain at any stage they might arise in the process, including following an appeal at the IPAT, which adds an extra degree of responsibility upon the applicant. It is important to note that under S.I. 664/2016 International Protection Act (Permission to remain) Regulations 2016 an applicant only has a five-day period to provide a further submission on permission to remain after the IPAT decision.

Section 7 requires information as to any serious medical conditions the applicant or their dependants or both, have, as well as any documentary evidence of same.

Section 8 of the questionnaire contains information relating to the s.35 interview and asks the applicant about any special requirements they might have for the duration of the interview. It also requests that the applicant provide all available supporting documentation that may be relevant to their claim for both international protection and permission to remain in the State.

Sections 9-11 of the questionnaire ask for information about the completion of the questionnaire, including details of the applicant's legal representative, if applicable.

Previously, the applicant received a more in-depth questionnaire, comprised of 34 questions, in their preferred language, which was required to be completed by the applicant and returned within 20 working days.

According to the IPO, the rationale for the new procedure is to ensure that international protection applications, particularly those from safe countries of origin, are dealt with in a timelier manner so as to increase processing capacity and reduce delays.¹⁵³ However, the Irish Refugee Council has written to the Minister for Justice, addressing numerous significant concerns in relation to the appropriateness of the revised procedure. Such concerns relate particularly to applicants who may have had traumatic experiences prior to their arrival in the state. These applicants are required to complete and submit their questionnaire in an open-plan waiting area at the IPO, an environment which is often extremely busy,

¹⁵² Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

¹⁵³ International Protection Office, The European Communities (International Protection Procedures) Regulations 2022 and the International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022 FAQ's, 8th November 2022, available at: <https://bit.ly/40qKe4G>.

noisy and tense. This raises significant concern in relation to the applicant's privacy and personal data protection. Moreover, it is an extremely inappropriate physical space for applicants to complete such a significant document and gives rise to a risk of re-traumatisation insofar as particularly vulnerable applicants are concerned. Additionally, the revised process completely removes the applicant's practical access to legal advice prior to the submission of their international protection questionnaire. Unless an applicant is accompanied to the IPO by a lawyer when making their application, they do not have the benefit of legal advice in advance of submitting their international protection questionnaire, a document upon which significant reliance is placed in the applicant's substantive interview.

Translation services, as well as Cultural Mediators are available to applicants in order to assist applicants in the completion of their questionnaire,¹⁵⁴ however, it is not clear what exactly the role of the Cultural Mediator involves or the extent of the assistance they can provide to applicants in the completion of their questionnaire. Having accompanied clients to apply for international protection on several occasions following the establishment of the revised procedure, in the Irish Refugee Council's experience, Cultural Mediators have not been present to assist applicants in the completion of their questionnaires, while the standard of translation services provided has been unsatisfactory given the importance of the questionnaire in the overall application process. Applicants who are unable to read or write will also be assisted by Cultural Mediators, who will complete the Questionnaire on the applicant's behalf.¹⁵⁵

Following submission of their international protection application, applicants are directed to the international protection unit within the Legal Aid Board for free legal assistance and support completing the questionnaire once they have entered the international protection process. However, the Irish Refugee Council assisted a number of people who had registered with the Legal Aid Board and had been told to complete the questionnaire by themselves due to a general lack of capacity within the Legal Aid Board or a lack of capacity within the solicitors on the Legal Aid Board panel. Anecdotal reports show that the level of funding provided to the panel is insufficient to cover the number of hours required to give comprehensive representation.¹⁵⁶ This issue persisted as of January 2024, with many applicants waiting approximately 5-6 weeks to be assigned legal representation by the Legal Aid Board.¹⁵⁷

In 2022, the Irish Refugee Council Independent Law Centre provided ongoing representation to 280 applicants at various stages in the international protection process. 48 clients received refugee status, while 24 clients received permission to remain. A further 67 clients received representation in respect of their family reunification application, and 22 clients were reunited with their family members following a positive family reunification decision.¹⁵⁸

In 2023, the Irish Refugee Council Independent Law Centre provided ongoing legal representation to 157 people in international protection process and 70 clients in family reunification applications. 40 individuals were recognised as refugees, and 9 individuals received positive Permission to remain decisions. There were also 12 positive family reunification decisions and 18 positive decisions under Afghan Admissions Programme. The Law Centre also provided legal representation to 550 clients in respect of Reception Conditions, and 21 age-disputed minor clients in age assessments.¹⁵⁹

Upon registering and lodging their claim, the applicant is issued a Temporary Residence Certificate, which comes in the form of a plastic card and is referred to the International Protection Accommodation Services (IPAS).

Previously, if the applicant required accommodation, they would usually be taken to **Balseskin** Reception Centre in Dublin (near Dublin airport), where the applicant could then avail themselves of voluntary

¹⁵⁴ *ibid.*

¹⁵⁵ Information provided by Irish Refugee Council Independent Law Centre, April 2024.

¹⁵⁶ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

¹⁵⁷ *ibid.*

¹⁵⁸ Information provided by Irish Refugee Council Independent Law Centre, December 2022.

¹⁵⁹ *ibid.*, April 2024.

medical screening and counselling. However, due to a very significant lack of capacity in the Direct Provision system, all applicants are instead brought Citywest Transit Hub, located on the outskirts of Dublin. Owing to limited bed capacity, many international protection applicants were forced to sleep on the floor of the Convention centre or on chairs for periods of up to 6 weeks while awaiting transfer to more permanent accommodation.¹⁶⁰ Many applicants residing at Citywest have reported sub-standard, overcrowded living conditions, as well as significant child protection concerns, posing a risk to the personal safety, health and wellbeing of adults and children living at the facility.¹⁶¹

Applicants may also make their own arrangements for accommodation if they have the financial resources to do so, however it is crucial that they keep the IPO apprised of their address as any correspondence in relation to their claim will be sent to that location.

C. Procedures

1. Regular procedure

1.1. General (scope, time limits)

Indicators: Regular Procedure: General

- | | |
|--|---|
| 1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: | None |
| 2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? | ☒ Yes ☐ No |
| 3. Backlog of pending cases at first instance as of 31 December 2023: | 18, 314 ¹⁶² |
| 4. Median length of the first instance procedure in 2023: | 13 months ¹⁶³ |

The International Protection Act 2015 governs the law regarding the entry into and presence of persons seeking international protection in Ireland.

There is no time limit in Irish law for the IPO to make a decision on an asylum application at first instance.¹⁶⁴ Under Section 39(5) IPA, if a recommendation cannot be made within six months of the date of the application for a declaration, the IPO may, upon request from the applicant, provide information on the estimated time within which a recommendation may be made. However, there are no express consequences for failing to decide the application within a given time period. Applicants can be called back for a subsequent interview in relation to their claim, occasionally a number of months after their initial s.35 interview was conducted.

The Irish Refugee Council has repeatedly raised concerns regarding increasing delays in the Irish protection process.

¹⁶⁰ Information provided by Irish Refugee Council Information and Advocacy Service, January 2023.

¹⁶¹ RTÉ, 'Child Safety Concerns at Citywest Transit Hub', 19th December 2022, available at: <https://bit.ly/3QAuqrq>.

¹⁶² Information provided by International Protection Office, April 2024.

¹⁶³ *ibid.*

¹⁶⁴ There is no time limit in law. Alan Shatter, then Minister for Justice, stated in July 2013 that a reason Ireland was not opting into the recast Asylum Procedures Directive was because the recast proposed that Member States would ensure that the examination procedure was concluded within 6 months after the date the application is lodged, with a possible extension of a further 6 months in certain circumstances. Alan Shatter stated that these time limits could impose additional burdens on the national asylum system if there was a large increase in the number of applications to be examined in the State, especially considering previous increases in the period 2001 to 2003, available at: <http://bit.ly/1Lwomep>.

The median processing time for cases processed to completion in 2023 was **13 months**¹⁶⁵ under the ordinary procedure and **8 weeks** under the accelerated procedure.¹⁶⁶

1.2. Prioritised examination and fast-track processing

Prioritisation is dealt with under Section 73 IPA, giving the Minister power to “accord priority to any application”, or “to any appeal” in consultation with the chairperson of the Tribunal. Under Section 72(2) the Minister may have regard to certain matters such as whether the applicant is a person (unaccompanied child) in respect of whom the Child and Family Agency is providing care and protection. The grounds for prioritised applications are not explicitly set out in the IPA but Section 73(2) states that in according priority the Minister may have regard to the following:

- (a) whether the applicant possesses identity documents, and if not, whether they have provided a reasonable explanation for the absence of such documents;
- (b) whether the applicant has provided a reasonable explanation to substantiate their claim that the State is the first safe country in which they have arrived since departing from their country of origin;
- (c) whether the applicant has provided a full and true explanation of how they travelled to and arrived in the State;
- (d) where the application was made other than at the frontier of the State, whether the applicant has provided a reasonable explanation to show why they did not make an application for international protection, or as the case may be, an application under section 8 of the Refugee Act 1996 (as amended) immediately on arriving at the frontier of the State unless the application is grounded on events which have taken place since their arrival in the State;
- (e) where the applicant has forged, destroyed or disposed of any identity or other documents relating to their application, whether they have a reasonable explanation for so doing;
- (f) whether the applicant has adduced manifestly false evidence in support of their application, or has otherwise made false representations, either orally or in writing;
- (g) whether the applicant has adduced manifestly false evidence in support of their application, or has otherwise made false representations, either orally or in writing;
- (h) whether the applicant, without reasonable cause, has made an application following the notification of a proposal under Section 3(3)(a) of the Immigration Act 1999;
- (i) whether the applicant has complied with the requirements of Section 27(1) IPA;
- (j) whether the applicant is a person in respect of whom the Child and Family Agency is providing care and protection;
- (k) whether the applicant has, without reasonable cause, failed to comply with the requirements of paragraphs (a), (c) or (d) of Section 16(3) IPA which refers to reporting obligations.

Applications from certain nationalities can also be accelerated, which leads to a quicker determination of the application and the curtailment of appeal rights. See **Accelerated Procedure** for further information.

On 27 January 2017 UNHCR issued a statement in conjunction with the International Protection Office on the prioritisation of applications, which remains in effect as of January 2023.¹⁶⁷ Under the IPA, the scheduling of interviews occurs under two processing streams, which run concurrently on the basis of ‘oldest case first’ and according to specific criteria warranting prioritisation.

According to the UNHCR and the IPO statement setting out the prioritisation procedure:¹⁶⁸

¹⁶⁵ Minister for Justice, Response to Parliamentary Question No 587, 12 December 2023, available at: <https://bit.ly/3SISobw>.

¹⁶⁶ Information provided by IPO, April 2024.

¹⁶⁷ IPO and UNHCR, *Prioritisation of applications for international protection under the International Protection Act 2015*, available at: <https://bit.ly/3n4bUv>.

¹⁶⁸ *ibid*.

1. Stream one will comprise the majority of applications, which will be scheduled mainly on the basis of **oldest cases first**. This includes new applications made after the commencement of the IPA as well as those cases that were under processing prior to the new procedures coming into force. Within this stream, cases will be scheduled according to the following stages and order of priority:
 - (i) pending subsidiary protection recommendations;
 - (ii) pending appeal at the former Refugee Appeals Tribunal;
 - (iii) pending refugee status recommendations.
2. Stream two will also be processed on the basis of **oldest case first**. Stream two pertains to both cases that were open before the commencement of the IPA and those lodged after that meet specific prioritisation criteria:
 - (i) The age of applicants – under this provision the following cases will be prioritised: unaccompanied minors in the care of Tusla; applicants who applied as unaccompanied minors, but who have now aged out; applicants over 70 years of age, who are not part of a family group;
 - (ii) the likelihood that applications are well-founded;
 - (iii) the likelihood that applications are well-founded due to the country of origin or habitual residence (specifically, Syria, Eritrea, Iraq, Afghanistan, Iran, Libya and Somalia);
 - (iv) health grounds - applicants who notify the IPO after the commencement date that evidence has been submitted, certified by a medical consultant, of an ongoing severe/life threatening medical condition will be prioritised.

In August 2021, in response to the emerging humanitarian crisis in Afghanistan, the Department of Justice confirmed that it would begin prioritising international protection applications from Afghan nationals in line with updated advice provided by UNHCR.¹⁶⁹ Anecdotal evidence indicates that prioritisation for cases of Afghan nationals took place in practice throughout 2023 for some, but not all, applicants.¹⁷⁰

1.3. Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the regular procedure? ☒ Yes ☐ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never
4. Can the asylum seeker request the interviewer and the interpreter to be of a specific gender? ☒ Yes ☐ No
 - ❖ If so, is this applied in practice, for interviews? ☒ Yes ☐ No

The IPA allows for a preliminary interview of the applicant upon arrival on the territory of the State in order to, among other things, capture basic information about the applicant before they formally register an application for international protection. Section 13 IPA enables an immigration officer or an IPO officer to conduct the preliminary interview. It is not clear from the legislation when it would be an immigration officer or an IPO officer conducting the interview, but the immigration officer must furnish a record of the interview to the Minister. Under Section 13 IPA, the preliminary interview seeks to establish, among other details: whether the person wishes to make an application for international protection, as well as the grounds for that application; the identity, nationality and country of origin of the person; the route travelled by the

¹⁶⁹ RTÉ, Department of Justice to prioritise international protection applications from Afghan Nationals, 18 August 2021, available at: <https://bit.ly/3tbpAYi>.

¹⁷⁰ Information provided by the Irish Refugee Council's Independent Law Centre and Information and Advocacy Service, January 2023.

person and other travel details, and whether any initial inadmissibility grounds arise in the case. If differences occur in the statements furnished by the applicant in the preliminary and substantive personal interviews, a negative credibility finding may be made in respect of the applicant's claim.

The substantive interview is conducted by an International Protection Officer who will have extensively reviewed the applicant's questionnaire and relevant country of origin information in advance. The purpose of this interview is to establish the full details of the claim for international protection and address any issues or inconsistencies arising from the questionnaire and other material supplied to the IPO for the purposes of the case. The interview can last a number of hours, depending on the circumstances of the particular case. A legal representative can attend the interview and is asked to sign a code of conduct to be observed when attending the interview. Private practitioners who are funded by the Legal Aid Board to provide legal representation to applicants are not funded to attend the interview. The Irish Refugee Council's Independent Law Centre attends interviews with their clients. The vast majority of substantive personal interviews are conducted face to face at the IPO in **Dublin city centre**, however a small number of face-to-face interviews were also held outside of Dublin in 2019, in **Tipperary Town**, under a pilot process, however this was discontinued due to difficulties in accessing public transport. Subsequently, in August 2023, as part of the International Protection Office's Modernisation Programme, a new interview hub was established in **Tallaght, Dublin 24**.¹⁷¹

Following the implementation of measures to restrict the spread of COVID-19, the IPO began to pilot remote video conferencing interviews. 90 interviews were carried out remotely.¹⁷² Applicants were required to attend a designated centre in Co. Cork in order to conduct their interview via secure web conferencing software, while interviewers attended at the IPO offices in Dublin. In the experience of the Irish Refugee Council, this process led to some difficulties with regard to legal representatives' attendance at client interviews. Following the easing of Covid-19 restrictions, in February 2022, the IPO recommenced in-person interviews. In-person interviews remained the only mode of interview available to applicants throughout 2023. However, in accordance with the International Protection Modernisation Programme, it was announced in July 2023 that consideration would be given to the implementation of video interviews as part of the programme.¹⁷³

Since the commencement of the IPA on 31 December 2016, consideration of eligibility for refugee status, subsidiary protection and permission to remain is given under a single interview, as held in Section 35 IPA.

A personal interview may be dispensed with where the IPO officer is of the opinion that:¹⁷⁴

- ❖ based on the available evidence, the applicant is a person in respect of whom a refugee declaration should be given;
- ❖ where the applicant has not attained the age of 18 years, they are of such an age and degree of maturity that an interview would not usefully advance the examination; or
- ❖ the applicant is unfit or unable to be interviewed owing to circumstances that are enduring and beyond their control.

In the experience of the Irish Refugee Council, interviews were rarely dispensed with in practice, save for in exceptional circumstances. The Irish Refugee Council advocated for greater use of this power during the pandemic. Subsequently, the IPO dispensed with interviews in numerous cases of applicants from prioritised countries in 2021. Many of these applicants were issued with a declaration of refugee status on a papers-only basis in circumstances where they had established their identity and nationality. This

¹⁷¹ International Protection Office, 'Modernisation Programme 2023-2024', 5 July 2023, available at: <https://bit.ly/3SbUCeD>.

¹⁷² Information provided by IPO, April 2021.

¹⁷³ Department of Justice, 'Minister McEntee publishes International Protection Modernisation Strategy', 5 July 2023, available at: <https://tinyurl.com/4xnye5v5>.

¹⁷⁴ Section 35(8) IPA.

was something the Irish Refugee Council recommended in the report “Hanging on a Thread” (published in July 2021), and has been hugely welcomed.

Where an applicant does not attend their scheduled interview, the application may be deemed to be withdrawn. However, the IPO will first contact the applicant to find out if there is a reasonable cause for their failure to attend the interview.

An applicant may make representations in writing to the IPO in relation to any matter relevant to the investigation following the interview and the International Protection Officer shall take account of any representations that are made before or during an interview under Section 35 IPA. Representations may also be made by UNHCR and by any other person concerned.

International Protection Officers are required to “be sufficiently competent to take account of the personal or general circumstance surrounding the application, including the applicant’s cultural origin or vulnerability” and must provide the services of “interpreters who are able to ensure appropriate communication between the applicant and the person who conducts the interview.”¹⁷⁵ Whilst this is not laid down in legislation, in practice the applicant may request the IPO officer and/or interpreter be of a particular gender.

Unaccompanied children are usually accompanied by their social worker or another responsible adult. Where this is the case, the officer conducting the interview will require the accompanying adult to prove that they are responsible for the care and protection of the applicant. Section 35(5)(a) IPA states that interviews are conducted without the presence of family members save in certain circumstances where the International Protection Officer considers it necessary for an appropriate investigation. Anecdotal evidence suggests that such circumstances rarely occur.¹⁷⁶

The interview is the primary opportunity for the applicant to give their personal account of why they are seeking international protection and cannot return home.

Interviews are always conducted separately and individually, even in respect of couples or persons from the same family. Children are not permitted to be present in the interview room with their parents. Whereby a child’s parents have been interviewed, generally, children will not be interviewed themselves.¹⁷⁷

A total of 1,116 personal interviews were conducted throughout 2020.¹⁷⁸ A total of 1,214 personal interviews were conducted in 2021.¹⁷⁹ Throughout 2022, the IPO conducted a total of 3,913 personal interviews, while 606 applications were decided without the applicant having to undergo a personal interview.¹⁸⁰ A total of 9,740 personal interviews were conducted throughout 2023, while 905 applications were decided without the applicant having to undergo a personal interview.¹⁸¹

1.3.1. Interpretation

Section 35(2) IPA states that an applicant who is having a substantive interview shall, whenever necessary for the purpose of ensuring appropriate communication during the interview, be provided by the Minister or International Protection Officer with the services of an interpreter. As mentioned above the IPA requires that interpreters are fully competent and able to ensure appropriate communication between the applicant and the interviewer. If an interpreter is deemed necessary for ensuring communication with an applicant, and one cannot be found, the interview is usually postponed until one can be found. There

¹⁷⁵ Section 35(3) IPA.

¹⁷⁶ Information provided by Irish Refugee Council Information and Advocacy, January 2024.

¹⁷⁷ Information provided by Irish Refugee Council Independent Law Centre, April 2024.

¹⁷⁸ Information provided by IPO, April 2021.

¹⁷⁹ Information provided by IPO, April 2022.

¹⁸⁰ International Protection Office, March 2023.

¹⁸¹ International Protection Office, April 2024.

are no known languages of countries from which protection applicants in Ireland typically originate for which interpreters are not available. If issues arise between the applicant and the interpreter during the interview (for example, in circumstances where the interpreter speaks a different dialect of the language requested by the applicant, or where the applicant is uncomfortable with the interpreter provided for any reason), the applicant is encouraged to indicate this to the International Protection Officer and/or their legal representative. This may involve postponing the interview until the issue can be resolved and/or another interpreter can be found. Under ordinary circumstances, where requested, interpreters are obliged to attend international protection interviews in person at the International Protection Office. However, throughout 2021, owing to the COVID-19 pandemic and associated restrictions, interpretation services have typically been provided to applicants on a remote basis whereby interpreters have been required to dial in to client interviews via telephone. As previously mentioned, this significantly affected the sound quality of interviews. It was also not possible for the applicant to see the interpreter. The software being used meant that calls often dropped numerous times throughout the interview and had to be reconnected. Efforts were made to address these concerns through the introduction of new software, in December 2021.

As of February 2022, in-person international protection interviews recommenced following the easing of Covid-19 restrictions.¹⁸²

As it stands, there is no recognised qualifications framework or established standards, set out in legislation or elsewhere, on the recruitment of interpreters by public bodies, including the IPO. Most interpreters are sourced from a private company that has a contract to provide access to interpreters, with such contracts typically valid for between 2 and 4 years. The result is that quality of interpreting, in the experience of Irish Refugee Council, varies significantly, with anecdotal reports of interpreters interpreting in the 3rd person, having a standard of English which is lower than that of the applicant, or having insufficient or inappropriate vocabulary to deal with particular claims – e.g., claims related to sexual orientation or gender identity or religious conversion claims.¹⁸³

Since 2016, the Irish Refugee Council has rolled out an interpreter training programme for French and Arabic interpreters that focuses on promoting best practice interpreting techniques, interpreting practice, terminology used in the asylum process, and ethics and a code of conduct.¹⁸⁴ The training also provides interpreters with practical exposure through role-playing, involvement in Irish Refugee Council casework and an overview of the asylum process. In 2023, nine persons underwent interpreter training remotely. Additionally, five persons attended training on how to effectively work with interpreters.¹⁸⁵

1.3.2. Recording and report

Typically, the officer conducting the interview makes a record of the information given and that information is read back to the applicant periodically during the interview or at the end of the interview. The applicant is requested to sign each page to confirm that it is accurate or to flag any inaccuracies. In the event that typographical errors are present in the record, the applicant may amend the record and initial the change in the margin; for more substantial changes the page may be re-printed or a supplementary page may be printed. The interview is usually recorded via hand-typed transcription on a desktop. There is no system for independent recording of the interviews (interviews are not audio or video recorded), even where a legal representative is not present. A copy of the interview record is not given to the applicant or their legal representative until and unless the applicant receives a negative decision. If a negative decision is issued, then the applicant and the legal representative automatically receive a copy of the interview record. In some cases, a subsequent interview is required, for example if there are further questions that need to be asked or if the authorised officer has done further research. Interviews may on occasion be adjourned in the event that there is a problem with interpretation or illness.

¹⁸² Information provided by IRC Independent Law Centre, February 2022.

¹⁸³ Information provided by Irish Refugee Council, January 2024.

¹⁸⁴ Irish Refugee Council, *Interpreter Training Programme*, available at: <https://bit.ly/2XLb9ZB>.

¹⁸⁵ Information provided by Resettlement Officer, April 2024.

1.4. Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?

- ❖ If yes, is it
 - ❖ If yes, is it automatically suspensive

☒ Yes
☐ Judicial
☒ Yes

☐ No
☒ Administrative
☐ Some grounds
☐ No
2. Average processing time for the appeal body to make a decision: 5 months¹⁸⁶

1.4.1 Appeal before the International Protection Appeals Tribunal (IPAT)

Decisions of the IPO may be challenged before the International Protection Appeals Tribunal (IPAT) within 15 working days of receiving a negative decision.¹⁸⁷ However, pursuant to the International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022, whereby the IPO recommends that an applicant's application for refugee or subsidiary protection should be refused on the basis of one of the reasons established pursuant to s.39(4) of the International Protection Act 2015, the timeframe in which to submit an appeal is shortened to 10 working days from the date of the decision.¹⁸⁸ Such reasons are whereby a finding is made by the International Protection Office that the issues raised in the application were not relevant to the applicant's eligibility for international protection, whereby the applicant's representations have been inconsistent or contradictory, whereby the applicant failed to make the application as soon as they could without good reason, whereby a finding is made that the applicant did not require international protection due to the possibility of safe internal relocation within their country of origin, or whereby the application is refused and the applicant comes from a safe country of origin.¹⁸⁹ In such cases, an applicant's appeal will be decided without an oral hearing, unless IPAT believes that it is in the interests of justice to hold an oral hearing.¹⁹⁰

The IPAT is the second-instance decision making body for the Irish asylum process. The IPAT is a quasi-judicial body and, according to the IPA, it shall be independent in the performance of its functions. Under Section 41 IPA, the IPAT may hear appeals against recommendations that an applicant not be given a refugee declaration, or recommendations that an applicant should be given neither a refugee declaration nor a subsidiary protection declaration. The IPA also hears appeals regarding Dublin III Regulation transfers and on papers only, inadmissibility appeals. Applications to the IPAT must be made in writing, within a given time frame, including the grounds of appeal and whether or not the applicant wishes to have an oral hearing.

Section 61(4) IPA states that the Minister shall appoint members of the IPAT. They work and are paid on a per case basis. The IPAT consists of a Chairperson, two deputy chairpersons, and such number of ordinary members appointed on a whole time or part-time capacity as the Minister for Justice and Equality, with the consent of the Minister for Public Expenditure & Reform, considers necessary for carrying out the extent of the casework before the Tribunal.

Following the onset of the COVID-19 pandemic in March 2020, all appeals before the IPAT were suspended. Appeals recommenced for a short period in July 2020, however, in October 2020, following the reimplementing of restrictions, all scheduled appeals were postponed from 22 October until 10 December, in line with government guidelines. Restrictions were re-introduced in late December 2020 and with effect from 30 December 2020, all appeals were once again cancelled until further notice.¹⁹¹

¹⁸⁶ Minister for Justice, Response to Parliamentary Question No 587, 12 December 2023, available at: <https://bit.ly/3SISobw>.

¹⁸⁷ Section 41(2)(a) IPA; Section 3(c) International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017.

¹⁸⁸ International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022.

¹⁸⁹ International Protection Act 2015, s.39(4).

¹⁹⁰ International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022.

¹⁹¹ IPAT, *Covid-19 – Latest update*, 29 January 2020, available at: <https://bit.ly/3di1Ucy>.

The IPAT subsequently announced that it was in a position to conduct some appeal hearings remotely by way of audio-video link. Throughout 2021, all appeals before the IPAT which were deemed suitable proceeded on a remote basis via audio-video link. In circumstances where an appeal was deemed unsuitable to proceed remotely, the appeal was postponed and subsequently rescheduled. From the 4th October 2021, the Tribunal began facilitating a limited number of oral hearings on-site in situations whereby to proceed with the oral appeal hearing via audio-video link would be unfair to the appellant or would be contrary to the interests of justice. Otherwise, the Tribunal continued to conduct appeal hearings remotely via audio-video link.¹⁹²

As of January 2023, the vast majority of appeals continued by way of remote hearing, save at the request of the applicant or whereby to conduct the appeal remotely would be contrary to the interests of justice.

In 2022, the IPAT received a total of 1,175 appeals against negative first instance decisions. Additionally, 5 appeals were lodged against decisions made pursuant to the European Communities (Reception Conditions Regulations 2018). There were 1,881 appeals scheduled for hearing, 766 of which proceeded remotely. There were 1,300 decisions issued, as well as 5 decisions issued in respect of the European Communities (Reception Conditions) Regulations 2018. Of these decisions, 443 applicants were granted refugee status, 34 were granted subsidiary protection, 6 were dismissed as inadmissible and 761 appeals were rejected on their merits. 118 decisions were decided without an oral hearing.¹⁹³

Throughout 2023, there were a total of **4, 769** appeals lodged against negative first instance decisions on international protection applications (including refugee status, subsidiary protection, inadmissibility (s.21), subsequent (s.22) and Dublin III decisions). Additionally, 6 appeals under the European Communities (Reception Conditions) Regulations 2018 were lodged.¹⁹⁴

There were a total of **2, 091** appeal hearings scheduled throughout 2023, while a total of **1, 582** decisions were issued. Of these decisions, **389** applicants were granted refugee status, **34** were granted subsidiary protection status and the remaining 969 appeals were rejected on their merits. The total number of completed appeals was **1, 701**, including **113** appeals that were withdrawn or deemed to be withdrawn.¹⁹⁵

The total number of remote appeal hearings conducted by videoconferencing software was 1, 137, while the total number of decisions taken without an oral hearing, including s.21 (inadmissibility), s.22 (subsequent) and s.43 (accelerated) appeals was **438**. The average median duration of the appeal procedure in 2023 was **5.5** months.¹⁹⁶

As of the 1st of December 2023, a further **3, 343** appeals were pending before the Tribunal.¹⁹⁷

Where an oral hearing is held, these are conducted in a relatively informal manner and in private. The applicant's legal representative may be present as well as any witnesses directed to attend by the Tribunal. Witnesses may attend to give evidence in support of the appeal, e.g., a country of origin expert or a family member. The Presenting Officer for the IPO also attends. UNHCR may attend as an observer, however, this rarely occurs in practice. Pursuant to section 42(8)(d) of the Act of 2015, and in line with the Chairperson's Guideline 2019/1 on Taking Evidence from Appellants and other Witnesses, the Tribunal may require all persons (over the age of 14) giving evidence before it to give that evidence on oath. Appellants and other witnesses whom the Tribunal requires to give evidence in this manner will be given

¹⁹² International Protection Appeals Tribunal, *COVID-19 - Latest update*, 11 October 2021, available at: <https://bit.ly/3H4r3Dj>.

¹⁹³ International Protection Appeals Tribunal, January 2024.

¹⁹⁴ Information provided by the International Protection Appeals Tribunal, January 2024.

¹⁹⁵ *ibid.*

¹⁹⁶ *ibid.*

¹⁹⁷ Minister for Justice, Response to Parliamentary Question No 385, 14 December 2023, available at: <https://tinyurl.com/428v9rya>.

the opportunity to affirm if they are a non-believer or if the taking of an oath is incompatible with the person's belief.¹⁹⁸

Section 42(6)(c) IPA provides for the services of an interpreter to be made available whenever necessary for the purpose of ensuring appropriate communication during the interview.

Before reaching a decision, the Tribunal considers, among other things:

- ❖ Notice of Appeal submitted by the applicant or their legal representative;
- ❖ All material furnished to the Tribunal by the Minister that is relevant to the case;
- ❖ Any further supporting documents submitted by the applicant or their legal representative, as well as any observations made to the Tribunal by the Minister or the UNHCR;
- ❖ Where an oral hearing is being held, the representations made at that hearing.

The length of time for the Tribunal to issue a decision is not set out in law. In 2018, the average length of time taken by the IPAT for processing and issuing a decision on an international protection appeal was approximately 154 days.¹⁹⁹ The average processing time for appeals to the IPAT in 2019 was 23 weeks.²⁰⁰ The IPAT had a target median processing time of 12 weeks for appeals at the beginning of 2020, however, this was impacted as a result of the pandemic and the resulting suspension of oral hearings before the Tribunal.²⁰¹ The median processing time for appeals in 2020 was, on average, 9 months.²⁰² The median processing time for appeals in 2021 was, on average, 13.5 months.²⁰³ The median processing time for appeals in 2022 was, on average, 10.5 months.²⁰⁴ The median processing time for appeals in 2023 was 5 months.²⁰⁵

Under Section 49(7) IPA, where the Tribunal confirms a recommendation from the IPO that an applicant is not declared a refugee nor in need of subsidiary protection, the Minister may reassess the eligibility of the applicant to be granted permission to remain. For the purposes of such a review, the applicant may submit documentation or information to the IPO about a change of circumstances relevant to a review of permission to remain (such as evidence of an established connection to the State, information indicating humanitarian reasons to grant permission to remain, etc.). Such information must be submitted within a period of time prescribed by the Minister under Section 49(10) IPA, however, no such time period has been prescribed by the Minister since the coming into force of the 2015 Act.

On 11 March 2014, the Chairperson of the RAT issued a Guidance Note (No: 2014/1) which stated that from that date any person may access the archive of Tribunal decisions for any lawful purpose.²⁰⁶ The Note also stated that all matters that might identify a person as an applicant for refugee status have been removed/omitted so that the identity of applicants is kept confidential; if removal could not sufficiently protect the identity of an applicant, the decision would not be published. This is a significant change in practice; a major criticism of the RAT in the past has been that decisions were not publicly available. Access to the online Tribunal decisions archive requires completion of a simple registration process upon which the user is furnished with a password valid for one year for use with the database.²⁰⁷

¹⁹⁸ IPAT Administrative Practice note, available at: <https://bit.ly/2XTnFc3>.

¹⁹⁹ *Ibid*, 44.

²⁰⁰ Minister for Justice and Equality, Response to Parliamentary Question No 84, 27 June 2019, available at: <https://bit.ly/3atrRkf>.

²⁰¹ Minister for Justice Helen McEntee, Response to Parliamentary Question No. 33, 10 December 2020, available at: <https://bit.ly/3bDspZ4>.

²⁰² Minister for Justice Helen McEntee, Response to Parliamentary Question No 632, 27 January 2020, available at: <https://bit.ly/2NqoHlv>.

²⁰³ Information provided by IPAT, February 2022.

²⁰⁴ Information provided by IPAT, January 2023.

²⁰⁵ Minister for Justice, Response to Parliamentary Question No 587, 12 December 2023, available at: <https://bit.ly/3SISobw>

²⁰⁶ Guidance Note No: 2014/1, Access to Previous Decisions of the Tribunal, 11 March 2014.

²⁰⁷ International Protection Appeals Tribunal Decision Archive, available at: <http://bit.ly/2B4bsRz>.

Information on the number of individuals (and relative nationalities) that were issued a return decision but cannot return due to ongoing appeals, moratorium on returns, deportation ban or other was not available at the time of updating.

1.4.2 Judicial Review

A decision of the IPAT (as with the IPO) may be challenged by way of judicial review in the High Court. This is a review on a point of law only under Irish administrative law and cannot investigate the facts. In addition, the applicant must obtain permission (also called 'leave') to apply for judicial review. This is a lengthy and costly process.

Cases are listed before the High Court "Asylum List." Cases on the "Asylum List" also include judicial review of decisions in relation to other immigration matters such as EU treaty rights, naturalisation and family reunification.

The latest available statistics demonstrate a further decrease in new asylum cases lodged before the High Court, down from 360 in 2021 to 336 in 2022. A total of 349 cases were decided by the High Court, with a total of 20 cases settling outside of Court, marking a 6% decrease in the number of asylum matters resolved by the Court compared with the previous year.²⁰⁸ Statistics in relation to asylum cases lodged in 2023 are expected to be published in the Courts Service Annual Report in 2024.

1.5. Legal assistance

Indicators: Regular Procedure: Legal Assistance

1. Do asylum seekers have access to free legal assistance at first instance in practice?
☒ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover:
☐ Representation in interview
☒ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
☒ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover:
☒ Representation in courts
☒ Legal advice

The Legal Aid Board, an independent statutory body funded by the State, provides a dedicated service for international protection applicants. To qualify for legal services in respect of their asylum application, the applicant's income (less certain allowances) must be less than €18,000 per annum. Applicants in Direct Provision (the state system of reception, accommodation and support for protection applicants) are generally eligible for legal services at the minimum income contribution but may apply to have some of the contribution waived, at the discretion of the Legal Aid Board. Strictly speaking, there is a small fee to be paid of €10 for legal advice and €40 for representation, but this is invariably waived by the Legal Aid Board whereby an applicant does not have the means to cover the fee.

While prior to the covid 2019 pandemic, respectively 2,079 and 2,539 persons sought legal services from the Board for international protection applications in 2018 and 2019,²⁰⁹ the number decreased significantly in 2020 to 1,174,²¹⁰ likely accounted for by the significant reduction in applications for international protection as a result of the COVID-19 pandemic. The total number of applications for Legal Aid from International Protection clients in 2021 was 1,222.²¹¹ This figure refers to the Dublin Law Centre only. Figures relating to the Cork and Galway Law Centres were not available at the time of updating. The total number of applications for Legal Aid from International Protection clients across all

²⁰⁸ Courts Service, *Annual Report 2022*, 28 September 2023, available at: <https://bit.ly/3Ha0L4l>.

²⁰⁹ Legal Aid Board, *Annual Report 2019*, 8 October 2020, available at: <https://bit.ly/39cRIE6>.

²¹⁰ Legal Aid Board, *Annual Report 2020*, 21 October 2020, available at: <https://bit.ly/3tslP0n>.

²¹¹ Information provided by Legal Aid Board, February 2022.

three law centres for 2022 was 6, 858.²¹² The total number of applications for Legal Aid from international protection clients throughout 2023 was 9, 959.²¹³

Asylum applicants can register with the Legal Aid Board as soon as they have made their application to the IPO. All applicants are assigned a solicitor and a caseworker. There are three branches of the Legal Aid Board that have dedicated international protection units, with law centres located in **Cork**, **Galway** and **Dublin** cities, including a specific unit in the Dublin law centre that deals with international protection applications made by children. The Legal Aid Board has normally provided services only at the appeal stage but since 2014, they are also including services in-house for early legal advice (ELA) and via a Private Practitioners' Panel whereby private solicitors provide ELA for the Legal Aid Board for a set fee. The ELA service normally does not cover attendance at the actual personal interview with the applicant and only covers guidance on completing the Questionnaire rather than actual assisting with the completion of the Questionnaire form itself. The Legal Aid Board has established some best practice guidelines under the new procedure.²¹⁴

Since 2011, the Irish Refugee Council Independent Law Centre has run a free ELA service which involves providing intensive legal assistance to the applicant at the very early stages of the asylum process.²¹⁵ The ELA package offered by the Irish Refugee Council Law Centre provides an initial advice appointment with a solicitor (preferably prior to the application for asylum being made), accompaniment to lodge an application, assistance with the completion of the in-depth application questionnaire and drafting of a personal statement based on the applicant's instruction, attendance at the substantive interview and submission of representations. In November 2015, following the success of the Irish Refugee Council's ELA programme, the Law Centre published a manual on the provision of ELA to persons seeking protection.²¹⁶ The manual is geared towards promoting best practice towards practitioners working in the EU asylum context. In 2022, the Law Centre (with a staff team of one managing solicitor, two solicitors and a legal officer) provided ongoing representation to 280 clients at various stages of the international protection process. Additionally, 48 clients received a declaration of refugee status, while 24 clients received permission to remain. 67 clients were provided with ongoing representation in respect of family reunification, while 22 clients were reunited with their families following positive family reunification decisions.²¹⁷

In 2023, the Irish Refugee Council Independent Law Centre provided ongoing legal representation to 157 people in international protection process and 70 clients in family reunification applications. 40 individuals were recognised as refugees, and 9 individuals received positive Permission to remain decisions. There were also 12 positive family reunification decisions and 18 positive decisions under Afghan Admissions Programme. The Law Centre also provided legal representation to 550 clients in respect of Reception Conditions, and 21 age-disputed minor clients in age assessments.²¹⁸

Free legal aid for appeals to the IPAT is available through the Legal Aid Board. In the event that an appeal to the IPAT is unsuccessful, the applicant must first of all seek the assistance of a private practitioner to get advice about challenging the decision by way of judicial review in the High Court. If they cannot get such private legal assistance, the Legal Aid Board will consider the merits of the application for judicial review and may apply for legal aid to cover the proceedings but it is important to note that judicial review

²¹² Information provided by Legal Aid Board, January 2023.

²¹³ Minister for Justice and Equality Helen McEntee, Response to Parliamentary Question No 529, 30 April 2024, available at: <https://tinyurl.com/mrx64n5d>.

²¹⁴ The best practice guidelines are available at: <https://bit.ly/2Xjl4Gz>.

²¹⁵ For further information, see The Researcher, 'Early Recognition of People in Need of International Protection: The Irish Refugee Council Independent Law Centre's Early Legal Advice and Representation Project', October 2013.

²¹⁶ Irish Refugee Council Independent Law Centre, *A Manual on Providing Early Legal Advice for Persons Seeking Protection*, available at: <https://bit.ly/3gEzYie>.

²¹⁷ Information provided by Irish Refugee Council Independent Law Centre, December 2022.

²¹⁸ *ibid*, April 2024.

will only be an appropriate avenue in some circumstances and should not be viewed as an appeal procedure.

Since the enactment of the Reception Conditions Regulations, transposing the Reception Conditions Directive, the Legal Aid Board has responsibility for providing legal assistance to international protection applicants in matters pertaining to reception conditions (such as appeals on decisions made in relation to withdrawal or restriction of reception conditions, or refusal of a work permit, etc.)²¹⁹ The Legal Aid Board guidance states that it is generally open to solicitors to “provide legal advice in relation to a matter covered by the Regulations, and in line with the further guidance provided below in relation to specific matters. Unless an application is received from an applicant who is not an existing client of the Board, it is not to be regarded as a separate matter and should be dealt with as part of the international protection file.”²²⁰ No information is available about how this has worked in practice.

2. Dublin

2.1. General

Dublin statistics: 1 January – 31 December 2023

Outgoing procedure			Incoming procedure		
	Requests	Accepted		Requests	Accepted
Total	68	44	Total	38	9
Take charge			Take charge		-
Austria	1	1	Austria	-	-
Belgium	-	-	Belgium	1	-
Bulgaria	-	-	Bulgaria	-	-
Croatia	1	-	Croatia	-	-
Czech Republic	-	-	Czech Republic	-	-
Cyprus	0	-	Cyprus	14	1
Estonia	-	-	Estonia	-	-
Finland	-	-	Finland	-	-
Denmark	-	-	Denmark	1	-
France	4	4	France	1	-
Germany	-	-	Germany	4	1
Greece	3	-	Greece	2	-
Hungary	-	-	Hungary	-	-
Italy	43	28	Italy	-	-
Iceland	-	-	Iceland	3	2
Latvia		-	Latvia	-	-
Lichtenstein		-	Lichtenstein	-	-
Lithuania		-	Lithuania	-	-
Luxemburg		-	Luxemburg	-	-
Malta	-	-	Malta	-	-

²¹⁹ Regulation 6(8) Reception Conditions Regulations 2018.

²²⁰ Legal Aid Board Circular on Legal Services European Communities (Reception Conditions) Regulations 2018, available at: <https://bit.ly/2NBxu7w>.

Norway	1	-	Norway	3	-
Poland	-	-	Poland	-	-
Portugal		-	Portugal	-	-
Romania	1	-	Romania	-	-
Slovak Republic	-	-	Slovak Republic	-	-
Slovenia	-	-	Slovenia	-	-
Spain	13	10	Spain	-	-
Sweden	-	-	Sweden		1
Switzerland	-	-	Switzerland	3	1
The Netherlands	1	1	The Netherlands	5	3
Total	524	227	Total	39	10
Take back			Take back		-
Austria	32	13	Austria	2	-
Belgium	19	16	Belgium	3	1
Bulgaria	22	5	Bulgaria	-	
Czech Republic	-	-	Czech Republic	-	-
Croatia	5	2	Croatia	-	-
Cyprus	11	1	Cyprus	-	-
Denmark	7	-	Denmark	1	-
Estonia	2	-	Estonia	-	-
Finland	5	4	Finland	-	-
France	52	29	France	13	4
Germany	84	43	Germany	9	1
Greece	62	-	Greece	-	-
Hungary	2	-	Hungary	-	-
Iceland	1	-	Iceland	2	1
Italy	73	27	Italy	-	-
Latvia	-	-	Latvia	-	-
Lichtenstein	-	-	Lichtenstein	-	-
Lithuania	0	-	Lithuania	-	-
Luxemburg	2	-	Luxemburg	-	-
Malta	4	1	Malta	-	-
Norway	3	-	Norway	1	-
Poland	1	1	Poland	-	-
Portugal	1	1	Portugal	1	-
Romania	8	2	Romania	-	-
Slovenia	3	2	Slovenia	-	-
Slovak Republic	-	-	Slovak Republic	1	-
Spain	28	21	Spain	-	-

Sweden	52	41	Sweden	-	-
Switzerland	19	6	Switzerland	5	3
The Netherlands	26	12	The Netherlands	1	-

Source: International Protection Office, April 2024.

Three outgoing transfers were effectively implemented pursuant to a transfer order, while nine incoming transfers were effectively implemented pursuant to a transfer order.²²¹

Outgoing Dublin requests by criterion: 2023		
Dublin III Regulation criterion	Requests sent	Requests accepted
“Take charge”: Articles 8-15:	68	44
Article 8 (minors)	-	-
Article 9 (family members granted protection)	-	-
Article 10 (family members pending determination)	-	-
Article 11 (family procedure)	2	1
Article 12 (visas and residence permits)	7	6
Article 13 (entry and/or remain)	59	36
Article 14 (visa free entry)	-	-
“Take charge”: Article 16	-	-
“Take charge” humanitarian clause: Article 17(2)	-	-
“Take charge” : Application lodged in another Member State: Art 18(1)(a)	-	1
“Take back”: Article 18	524	227
Article 18 (1) (b)	521	82
Article 18 (1) (c)	1	11
Article 18 (1) (d)	2	132
Article 20(5)	-	2

Incoming Dublin requests by criterion: 2023		
Dublin III Regulation criterion	Requests received	Requests accepted
“Take charge”: Articles 8-15	38	9
Article 8 (minors)	10	-
Article 9 (family members granted protection)	2	-
Article 10 (family members pending determination)	-	-
Article 11 (family procedure)	1	-
Article 12 (visas and residence permits)	12	6
Article 13 (entry and/or remain)	2	-
Article 14 (visa free entry)	-	1
“Take charge”: Article 16	-	-
“Take charge” humanitarian clause: Article 17(2)	11	2
“Take back”: Articles 18 and 20(5)	39	10

²²¹ International Protection Office, April 2024.

Article 18 (1) (b)	37	10
Article 18 (1) (c)	-	-
Article 18 (1) (d)	1	-
Article 20(5)	1	-
Article 24	1	-

Source: International Protection Office, April 2024.

The Dublin Regulation is implemented by the Dublin Unit of the IPO. The unit is responsible for determining whether applicants should be transferred to another State or have their application assessed in Ireland. The unit also responds to requests from other Member States to transfer applicants to Ireland. The Arrangements Unit of the Immigration Service Delivery is responsible for handling outgoing transfers under the Dublin Regulation.

The European Union (Dublin System) Regulations 2018 (S.I. No. 62 of 2018) were adopted in 2018 and govern the regulation of the Dublin procedure in Ireland.

2.1.1. Application of the Dublin criteria

Family provisions: Information regarding how the family unity criteria (Articles 8-11), as well as the evidential requirements, are applied in practice was not available at the time of updating.

Frequently used criteria: The most frequently invoked criterion with regard to outgoing ‘take charge’ requests was Article 13, entry and/or stay in another member state. A total of 59 requests were made pursuant to this criterion. With regard to outgoing ‘take back’ requests, the most frequently invoked criterion was Art 18(1)(b), whereby an applicant has made an application for international protection in another member state. A total of 521 requests were made pursuant to this criterion.²²²

The most frequently invoked criterion with regard to incoming ‘take charge’ requests was Art 12, whereby another Member State has issued a visa or residence document to the applicant. A total of 12 requests were made pursuant to this criterion. With regard to incoming ‘take back’ requests, Article 18(1)(b) was the most the most frequently invoked criterion. A total of 37 requests were made pursuant to this criterion.²²³

Rejection of outgoing requests: Of the 106 outgoing requests made in 2023, 53 were rejected.²²⁴ The reasons for rejection, however, were unclear at the time of updating.

2.1.2. The discretionary clauses

The criteria followed by the authorities in applying the Art 17(1) and Art 17(2) of the Dublin III Regulation is unclear in practice (see [Dublin - Appeal](#) for further information).

²²² International Protection Office, April 2024.

²²³ *ibid.*

²²⁴ *ibid*

2.2. Procedure

Indicators: Dublin: Procedure

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications?
☒ Yes ☐ No
2. On average, how long does a transfer take after the responsible Member State has accepted responsibility?
7 months²²⁵

As part of the general application procedure, all applicants are photographed and fingerprinted (with the exception of applicants believed by the relevant officer to be under the age of 14 years old and not accompanied by a parent or guardian) during their initial interview with the IPO (see section on [Registration](#)). As part of the process applicants and dependent children are required to have photographs taken. They are also required to have their and their dependent children's fingerprints taken. Fingerprints may be disclosed in confidence to the relevant Irish authorities and to asylum authorities of other countries which may have responsibility for considering the application under the Dublin Regulation.

Section 19 IPA sets out the procedure for members of the Garda Síochána or immigration officers to take fingerprints for the purposes of (a) establishing the identity of a person for any purpose concerned with the implementation of the IPA, and (b) checking whether the person has previously lodged an application for international protection in another Member State.²²⁶ Where a person refuses to provide their fingerprints, they shall be deemed not to have made reasonable efforts to establish their identity and shall be deemed to have failed to fulfil their obligation to cooperate with the application process.²²⁷ The IPA does not legislatively provide for the use of force to take fingerprints, however, as not volunteering to provide fingerprints is viewed as a failure to make reasonable efforts to establish one's identity (in line with Section 20(1) IPA setting out grounds for detention), applicants who refuse to be fingerprinted may be detained. Additionally, negative credibility findings may be made against applicants in circumstances whereby their identity may not be accepted and the persons may not be recognised as a refugee or beneficiary of subsidiary protection.²²⁸

In relation to specific guarantees for children in the Dublin procedure, the IPO is required under Regulation 3(b) of the European Union (Dublin System) Regulations 2018 to consult with Tusla, the Irish Child and Family Agency, on the best interests of the child particularly with respect to the child's well-being and social development and the views of the child. No information is available on the practice under the new single procedure.

Following the implementation of measures to restrict the spread of COVID-19, transfers under the regulation continued, albeit at lower numbers. These transfers occurred notwithstanding a stay being placed on the vast majority of deportations for the duration of the COVID-19 pandemic. The Government justified the continuation of transfers on the basis that no deportation order is made in respect of Dublin III cases and the individual concerned is not returned to their country of origin.²²⁹

2.2.1. Individualised guarantees

It was not clear at the time of updating whether individualised guarantees were sought by the authorities prior to transfers taking place.

²²⁵

ibid.

²²⁶

Section 19(1) IPA.

²²⁷

Section 19(4) IPA.

²²⁸

Information provided by Irish Refugee Council Independent Law Centre.

²²⁹

RTÉ News, 'Concerns over rise in deportations to UK ahead of Brexit', 18 December 2020, available at: <https://bit.ly/3nNoQlu>.

2.2.2. Transfers

Of the 106 outgoing transfer requests made in 2023, a total of 53 were accepted by Member States. A total of 3 transfers were effectively implemented pursuant to a transfer order, one transfer to Italy, one to Germany and one to Switzerland.²³⁰

The average duration of the Dublin procedure in 2023 from the time the outgoing request is issued until the applicant is transferred to the Member State responsible was 8 months.²³¹

2.3. Personal interview

Indicators: Dublin: Personal Interview

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the Dublin procedure? ☒ Yes ☐ No
2. If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

At any time during the initial asylum process, the IPO may determine that a person is subject to the Dublin III Regulation and hold a separate personal interview where necessary to conduct the Dublin procedure.²³²

Limited information is available on how Dublin procedure interviews are conducted in practice, but applicants are provided with the common information leaflet stating that they are in the Dublin procedure. However, it is not always clear that the asylum seeker understands that they are having a specific Dublin procedure interview. Anecdotal evidence continues to suggest that Dublin procedure interviews are presented merely as an interview just asking questions about the person's journey to Ireland without fully explaining the implications in terms of which country is responsible for the person's asylum application and that it means that the person may be transferred there.²³³ The onus is placed on the asylum seeker to be able to read the Dublin information leaflet rather than ensuring that it is properly explained by the caseworker and not the interpreter at the Dublin personal interview.²³⁴

2.4. Appeal

Indicators: Dublin: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure?

☒ Yes	☐ No
☐ Judicial	☒ Administrative
☒ Yes	☐ No
- ❖ If yes, is it
❖ If yes, is it suspensive

The appeal against a transfer decision must be lodged within 10 working days and has suspensive effect.²³⁵

The IPAT shall have regard to both the facts and law when considering appeals under the Dublin III Regulation. This is in accordance with Article 27 of the Dublin III Regulation which requires that a person shall have the right to an effective remedy, in the form of an appeal or a review, in fact and in law, against a transfer decision, before a Court or Tribunal.

²³⁰ International Protection Office, April 2024.

²³¹ *ibid.*

²³² Regulation 4 European Union (Dublin System) Regulations 2018.

²³³ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

²³⁴ *ibid.*

²³⁵ Regulations 6 and 8 European Union (Dublin System) Regulations 2018.

If the IPAT overturns the decision of the IPO, the applicant and their legal representative and the Commissioner and Minister are notified in writing. The IPAT may either affirm or set aside the transfer decision. When submitting a Dublin appeal to the IPAT, the person concerned can request that an oral hearing is conducted and the Tribunal may additionally hold an oral hearing even if the person concerned has not requested it if the IPAT is of the opinion that it is in the interests of justice to do so. No information is available on the current practice as the Irish system recently changed under the IPA.

There is no onward appeal of an IPAT decision on the Dublin Regulation. However, judicial review of the decision could be sought.

There has been a long running issue over the remit of the IPAT's appeal and whether they can apply the sovereignty clause under Article 17 themselves. In November 2017, the High Court referred a number of questions to the Court of Justice of the European Union (CJEU) on the application of the Dublin Regulation including on the issue of application of Article 17.

Some of the questions referred included: whether the words "determining Member State" in the Dublin III Regulation includes a state exercising an Article 17 function and whether the functions of a Member State under Article 6 (best interests of the child) include the discretion under Article 17 not to transfer. The CJEU delivered its ruling in January 2019 and stated that Member States are free to entrust to different authorities the task of applying the criteria defined by that Regulation relating to the determination of the Member State responsible and the task of applying the discretionary clause set out in that Regulation.²³⁶ The Court of Appeal considered this issue in the case *N.V.U & Ors -v- The Refugee Appeals Tribunal & Ors*.²³⁷ Justice Baker stated - in a judgment delivered in June 2019 - that she was not persuaded by the arguments made by the Irish Government, namely that a departure from the plain meaning of the Irish Regulations of 2014 was justified or that the authority to exercise discretion as to whether to assume jurisdiction pursuant to Art 17(1) may be exercised by the determining body, now the IPO and IPAT.

This decision was subsequently appealed by the State to the Irish Supreme Court. In a judgment delivered on 24 July 2020, Justice Charleton held that the discretionary power established pursuant to Article 17 had not been vested in the International Protection Office and in turn, the International Protection Appeals Tribunal, by virtue of Regulation 3(1) (a) of the EU (Dublin System) Regulations 2014. Consequently, it is now evident that the Minister for Justice retains sole discretion in considering the transfer of applications pursuant to Article 17 of the Dublin III Regulation.²³⁸

Following the ruling, the precise position regarding the procedure for making an appeal pursuant to Article 17 remains ambiguous. In this regard, the practice of the Irish Refugee Council Independent Law Centre has been to make ad-hoc submissions on behalf of clients directly to the Minister for Justice.

In January 2021, following engagement with the Department of Justice, the Dublin Transfer Unit has indicated in correspondence with the Irish Refugee Council that the Minister for Justice is currently in the process of establishing a procedure to deal with applications pursuant to Article 17. It is understood that, as of March 2022, a specific division within the Dublin III unit was established in order to examine applications pursuant to Article 17, however, information on the exact process and procedures followed by the division in determining such applications are not clear. This remained the case as of February 2024.

In February 2024, giving judgment in the case of *AC v. The International Protection Appeals Tribunal & Ors*, a case concerning the proposed return of an applicant to Spain pursuant to the Dublin III, Hyland J. noted that despite the large amount of litigation which Article 17 had generated, and the judicial observations made regarding the lack of any appeals procedure, it appeared that the position had not

²³⁶ C-661/17, *M.A., S.A., and Z.A. v Ireland*, Judgment of 23 January 2019, available at: <https://bit.ly/2Rrhard>.

²³⁷ *N.V.U & Ors -v- The Refugee Appeals Tribunal & Ors*, Judgment of 26 June 2019, available at: <https://bit.ly/3JQdQDC>.

²³⁸ *N.V.U & Ors -v- The Refugee Appeals Tribunal & Ors* [2020] IESC 46, available at: <https://bit.ly/3nJhCyZ>.

altered. It remained the case, according to the Judge, that no guidelines existed for applicants as to when they ought to make a request pursuant to Art 17, how to make such a request, the criteria to be considered in determining such a request, or the timeframe in which such a request ought to be decided. The judge further noted that ‘given that there is a bifurcated system, it is surprising that the Minister has not identified how the two systems should operate in harmony to avoid undermining the aims of the Dublin III Regulation insofar as transfers are concerned.’²³⁹

2.5. Legal assistance

Indicators: Dublin: Legal Assistance

☐ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?

☒ Yes	☐ With difficulty	☐ No
---	--	-----------------------------

 - ❖ Does free legal assistance cover:

☒ Representation in interview
☒ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a Dublin decision in practice?

☒ Yes	☐ With difficulty	☐ No
---	--	-----------------------------

 - ❖ Does free legal assistance cover

☒ Representation in courts
☒ Legal advice

An applicant who is subject to the Dublin Regulation may access legal information through the Legal Aid Board. Technically this is not completely free legal representation as there is a small amount (€10) to be paid. The Legal Aid Board has also issued guidance on the role of Private Practitioners on their panel as regards legal advice, which shows that it also applies in the context of the Dublin procedure.²⁴⁰ This assistance also applies to the appeal where legal representation is available. There are no reported differences in the quality of service provided between the Dublin procedure and the regular procedure (see section on [Regular Procedure: Legal Assistance](#)).

2.6. Suspension of transfers

Indicators: Dublin: Suspension of Transfers

1. Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries?

☐ Yes	☒ No
------------------------------	--
2. If yes, to which country or countries?

N/A

There is no blanket suspension of transfers to any Member State in either law or policy.

Transfers to **Greece** were suspended following the European Court of Human Rights’ decision in *M.S.S. v. Belgium and Greece* in 2011.²⁴¹

In response to a Parliamentary Question from February 2017 enquiring whether the Department of Justice was intending to implement the 2016 European Commission proposal that States gradually resume transfers to Greece, previous Minister for Justice Frances Fitzgerald stated that “No transfers of unaccompanied minors are foreseen for the time being. The resumption of transfers is not to be applied retroactively and will only apply to applicants who have entered Greece irregularly from 15 March 2017 onwards or for whom Greece is responsible from this date under the Dublin Regulation criteria.”²⁴²

In 2022, in response to a request by the Irish Refugee Council, the IPO indicated that there were 2 “take charge” requests and 137 “take back” requests to Greece. However, of the two outgoing transfers

²³⁹ *AC v. The International Protection Appeals Tribunal & Ors* [2024] IEHC 77, 12 February 2024, available at: <https://tinyurl.com/ytytw64u>.

²⁴⁰ See further Legal Aid Board, *Best practice guidelines*, February 2017.

²⁴¹ *M.S.S. v. Belgium and Greece*, Application no. 30696/09, 21 January 2011, available at: <https://bit.ly/2OIGRG5>.

²⁴² Response to Parliamentary Question 155, 28 February 2017, available at: <http://bit.ly/2DiG5YV>.

effectively implemented, neither were to Greece.²⁴³ In 2023, the IPO indicated that there were 3 outgoing ‘take charge’ requests and 62 “take back” requests, however, of the three transfers effectively implemented, none were to Greece.²⁴⁴

In August 2021, in response to the emerging humanitarian crisis in Afghanistan, the Department of Justice announced that Afghan nationals facing transfers to other EU countries pursuant to the Dublin III procedure would have their applications for international protection examined in Ireland on compassionate grounds.²⁴⁵ However, the extent to which this applied, or continues to apply in practice, remains unclear as data regarding the nationalities of those subject to the Dublin procedure is not readily accessible.

2.7. The situation of Dublin returnees

In response to a request by the Irish Refugee Council, the IPO indicated that they comply with the provisions of Article 31 (Exchange of relevant information before a transfer is carried out) and Article 32 (Exchange of health data before a transfer is carried out) of the Dublin Regulation in relation to incoming transfers.²⁴⁶

Irish law provides that Dublin returnees are permitted access to the accommodation system on the same basis as other international protection applicants, provided their application for international protection remains open before the IPO. It should be noted however, that due to the current lack of capacity within the IPAS accommodation system, single male applicants under 55 without identified vulnerabilities will not be offered accommodation on arrival in the state.²⁴⁷

Whereby an individual has already had a finally determined asylum application and seeks to make a subsequent asylum application, they would have to make an application to the Minister under Section 22 IPA (see section on **Subsequent Applications**). It is possible that the authorities could invoke Section 5 of the Immigration Act 2003 which states that a person whom an immigration officer or a member of the Garda Síochána, with reasonable cause, suspects has been unlawfully in the State for a continuous period of less than three months, be removed from Ireland.

3. Admissibility procedure

3.1. General (scope, criteria, time limits)

Section 21 IPA contains provisions outlining the circumstances under which an application may be deemed inadmissible by the presiding International Protection Officer. According to Section 21(2) IPA, an application for international protection may be deemed inadmissible where:

- a. Another Member State has granted refugee status or subsidiary protection to the applicant; or
- b. A country other than a Member State is a **First Country of Asylum** for the applicant.

Where the international protection officer is of the opinion that the above inadmissibility criteria are met, they shall make a recommendation to the Minister that the application be deemed inadmissible. In such circumstances, the Minister shall notify the applicant and their legal representative of the recommendation, including a statement of the reasons for the recommendations, a copy of the international protection officer’s report and a statement informing the person of their entitlements,

²⁴³ International Protection Office, March 2023: Of the 2 transfers that took place, 1 was to Belgium and 1 was to Sweden.

²⁴⁴ International Protection Office, March 2024: Of the 3 transfers that took place, 1 was to Germany, 1 was to Italy and one was to Switzerland.

²⁴⁵ RTE, Department of Justice to prioritise international protection applications from Afghan Nationals, 18 August 2021, available at: <https://bit.ly/3tbpAYi>.

²⁴⁶ Information provided by IPO, August 2017.

²⁴⁷ Department of Children, Equality, Disability, Integration and Youth, ‘Statistics on International Protection Applicants not offered accommodation’, 12th December 2023, available at: <https://bit.ly/3SrOCgx>.

including the right to an appeal (without an oral hearing) to the IPAT within ten days of receiving the decision.

Throughout 2023, 145 applications for international protection were deemed inadmissible. 138 of these applications were deemed inadmissible on the grounds that another Member State had granted international protection to the applicant, while 45 applications were deemed inadmissible on the basis of the 'safe third country' concept, all in respect of the United Kingdom. No application was deemed inadmissible on the basis of the 'safe first country' concept.²⁴⁸

The Irish Refugee Council wrote to the IPO, IPAS and HSE in March 2021 stating that a person who has received a recommendation that their application for international protection be inadmissible continue to receive reception conditions as no final determination had been made. Following engagement by IRC with the relevant stakeholders, it was determined that an individual remains an 'applicant' within the meaning of the 2015 Act unless and until the Minister declares their application to be inadmissible pursuant to s.21(11), therefore entitling them to material reception conditions. From September 2021, the IPO began applying this interpretation to all individuals subject to the inadmissibility procedure and this remained the case at the time of updating.²⁴⁹

3.2. Personal interview

Indicators: Admissibility Procedure: Personal Interview

☐ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the admissibility procedure?

☒ Yes	☐ No
☒ Yes	☐ No
☒ Yes	☐ No

 - ❖ If so, are questions limited to nationality, identity, travel route?
 - ❖ If so, are interpreters available in practice, for interviews?
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

All applicants upon lodging an application for international protection at the IPO are granted a preliminary interview to obtain basic information about the applicant and their claim. This preliminary interview may also be carried out by an immigration officer and it is unclear from the wording of the legislation if this could occur at the frontiers of the State at ports of entry. Section 13(2) IPA states that a preliminary interview with the applicant shall be conducted to ascertain, among other things, whether any circumstances giving rise to inadmissibility considerations may arise. If any of the inadmissibility criteria arising under Section 21(2) IPA are identified, then a recommendation is made by the IPO to the Minister that the application be deemed inadmissible and an application for international protection may not proceed. The applicant (and their legal representative where applicable) is advised of this recommendation in writing and is informed of their entitlement under s.21(6) of the IPA 2015 to appeal to the International Protection Appeals Tribunal against the recommendation.²⁵⁰

²⁴⁸ International Protection Office, April 2024.

²⁴⁹ Information provided by Irish Refugee Council Information and Advocacy Service, December 2023.

²⁵⁰ Section 21(4) IPA 2015.

3.3. Appeal

Indicators: Admissibility Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision?

- | | | |
|--|---|---|
| ❖ If yes, is it | ☒ Yes | ☐ No |
| ❖ If yes, is it automatically suspensive | ☐ Judicial | ☒ Administrative |
| | ☒ Yes | ☐ Some grounds ☐ No |

Where an inadmissibility recommendation is made, the applicant may make an appeal against that decision within a timeframe designated by the Minister. The time limit for appealing inadmissibility decisions has been set at ten working days according to International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017 (S.I. No. 116/2017), prescribing specific time periods for different classes of appeal.²⁵¹ In 2019, the IPAT received 26 appeals against inadmissibility decisions. As of September 2020 the IPAT had received 6 appeals²⁵². Data in respect of appeals for 2021, 2022 and 2023 was not available at the time of updating.

Under Section 21(6) IPA, a person who receives notification from the Minister detailing the inadmissibility of their case, at the same time receives a written statement setting out the reasons for the inadmissibility finding and informing the person of their entitlement to appeal to the IPAT against such a recommendation.

The appeal procedure against inadmissibility decisions differs from the [Regular Procedure: Appeal](#) insofar as there is no option for an oral hearing.²⁵³

3.4. Legal assistance

Indicators: Admissibility Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance during admissibility procedures in practice?

- | | | | |
|-------------------------------------|---|--|-----------------------------|
| | ☒ Yes | ☐ With difficulty | ☐ No |
| ❖ Does free legal assistance cover: | ☒ Representation in interview | | |
| | ☒ Legal advice | | |

2. Do asylum seekers have access to free legal assistance on appeal against an inadmissibility decision in practice?

- | | | | |
|------------------------------------|--|--|-----------------------------|
| | ☒ Yes | ☐ With difficulty | ☐ No |
| ❖ Does free legal assistance cover | ☒ Representation in courts | | |
| | ☒ Legal advice | | |

All asylum applicants can register with the Legal Aid Board as soon as they have made their application to the IPO. Information and guidance on legal advice is contained in Section 3.14 of the Information Booklet provided to applicants with the questionnaire that they are required to fill out as part of their application. Applicants who access the Legal Aid Board are assigned a solicitor and a caseworker.

However, if the inadmissibility procedure happens prior to being provided with a Questionnaire or at the frontiers of the State, it is likely that the applicant will not know how to avail themselves of legal advice so in practice may not receive assistance in an admissibility procedure. Furthermore, the guidance issued

²⁵¹ Section 21(6) IPA; Section 3(a) International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017.

²⁵² Minister for Justice Helen McEntee, Response to Parliamentary Question No 720, 29 September 2020, available at: <https://bit.ly/3sVirZu>.

²⁵³ Section 21(7) IPA.

by the Legal Aid Board to solicitors on its private practitioner's panel appears to indicate that legal advice is only available once the applicant has been admitted into the single procedure.²⁵⁴

3.5. Suspension of returns for beneficiaries of protection in another Member State

There is no blanket suspension on returns for beneficiaries of protection to any Member State in either law or policy.

However, transfers to **Greece** were suspended following the European Court of Human Rights' decision in *M.S.S. v. Belgium and Greece* in 2011.²⁵⁵ In the experience of the Irish Refugee Council, it remains the case as of 2023 that applicants who previously held international protection status in Greece are generally not subject to the inadmissibility procedure.²⁵⁶

In August 2021, in response to the emerging humanitarian crisis in Afghanistan, the Department of Justice announced that Afghan nationals facing transfers to other EU countries pursuant to the Dublin III procedure would have their applications for international protection examined in Ireland on compassionate grounds.²⁵⁷ However, the extent to which this applied, or continues to apply in practice, for Afghan applicants who previously held international protection status in another state remains unclear.

4. Border procedure (border and transit zones)

The IPA does not provide for a border procedure. A person who is at the frontiers of the State and indicates that they need asylum shall undergo a preliminary interview by an International Protection Officer or immigration officer under Section 13 IPA. They should then be given permission to enter and remain in the State as an applicant of international protection under Section 16 IPA and upon arrival at the IPO premises are granted a temporary residence certificate.

5. Accelerated procedure

5.1. General (scope, grounds for accelerated procedures, time limits)

Certain cases may be prioritised under Section 73 IPA under 10 grounds, as mentioned in the section on [Prioritised Examination](#).

Following the introduction of the revised procedure, other nationalities (currently applicants from Bosnia and Herzegovina, Republic of North Macedonia, Georgia, Kosovo, Montenegro, Republic of Albania, Republic of Serbia and Republic of South Africa) may also find themselves subjected to a truncated procedure on the grounds that those countries have been designated by the Minister for Justice and Equality as [Safe Countries of Origin](#). Under the revised procedure, applicants from safe countries of origin will now receive a date for their substantive interview within four to six weeks of making their initial international protection application. It should also be noted that, pursuant to the relevant regulation, this accelerated procedure may also be applied to **any** application subject to the need for fairness and efficiency and whereby the international protection office considered same necessary and expedient.

²⁵⁴ Legal Aid Board, *Best Practice Guidelines, Information Note for Private Practitioners*, February 2017, available at: <https://bit.ly/2ZVaxTW>.

²⁵⁵ *M.S.S. v. Belgium and Greece*, Application no. 30696/09, 21 January 2011, available at: <https://bit.ly/2OIGRG5>.

²⁵⁶ Information provided by Irish Refugee Council Information and Advocacy Service, February 2024.

²⁵⁷ RTE, Department of Justice to prioritise international protection applications from Afghan Nationals, 18 August 2021, available at: <https://bit.ly/3tbpAYi>.

All applications will continue to be examined individually and all applicants will retain the right to appeal a negative recommendation by the IPO to the International Protection Appeals Tribunal.²⁵⁸ However, pursuant to the International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022, whereby the IPO recommends that an applicant's application for refugee or subsidiary protection should be refused, and the applicant originates from one of the designated safe countries of origin, the timeframe in which to submit an appeal is shortened to 10 working days from the date of the decision. An applicant's appeal will be decided without an oral hearing, unless IPAT believes that it is in the interests of justice to hold an oral hearing.²⁵⁹ Moreover, if an applicant is from a country designated a safe country of origin, a burden is placed on the applicant to rebut the presumption that they are not in need of international protection (see section on [Accelerated Procedure](#)).

From 8th of November to the 31st of December 2022, 448 cases have been processed under the accelerated procedure with applicants originating from Georgia, South Africa, Albania and Kosovo. The median processing time for cases under the accelerated procedure was 33.75 days.²⁶⁰ Throughout 2023, 1, 491 decisions were taken under the accelerated procedure. 120 applicants were granted subsidiary protection, 2 applicants were granted subsidiary protection and 60 applicants were granted permission to remain. 1, 309 applications were refused. The median processing time for cases under the accelerated procedure was 8 weeks.²⁶¹

Whereas that prioritisation of cases does not generally entail different procedural guarantees, Section 43 IPA foresees different rules for appeals in cases where the applicant:²⁶²

- ❖ In submitting their application and in presenting the grounds for their application in their preliminary interview or personal interview or any time before the conclusion of the examination, has raised only issues that are not relevant or are of minimal relevance to their eligibility for international protection;
- ❖ Has made inconsistent, contradictory, improbable or insufficient representations which make their claim to be eligible for international protection clearly unconvincing;
- ❖ For a reason related to the availability of internal protection,²⁶³ is not in need of international protection;
- ❖ Failed to make an application as soon as reasonably practicable, without reasonable cause;
- ❖ Comes from a [Safe Country of Origin](#).

The existence of an internal protection alternative as a potential ground for accelerating appeals under Section 43 IPA raises serious concerns as if such a finding is made, it may significantly increase the number of persons who are subject to accelerated appeals.

There were 237 applications for international protection prioritised in accordance with s. 43 IPA during 2020.²⁶⁴ Data for 2021, 2022 and 2023 was not available at the time of updating.

On the 8th of November 2022, the International Protection Office introduced a revised international protection application procedure.²⁶⁵ In accordance with the European Communities (International Protection Procedures) Regulations 2022, an applicant attending at the International Protection Office in

²⁵⁸ International Protection Office, 'The European Communities (International Protection Procedures) Regulations 2022 and the International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022 – Information Note', 8th November 2022, available at: <https://bit.ly/3jyYBTI>.

²⁵⁹ International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022

²⁶⁰ International Protection Office, March 2023.

²⁶¹ International Protection Office, April 2024.

²⁶² Section 43 IPA, citing Section 39(4) IPA.

²⁶³ Section 32 IPA.

²⁶⁴ Information provided by IPO, April 2021.

²⁶⁵ International Protection Office, 'The European Communities (International Protection Procedures) Regulations 2022 and the International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022 – Information Note', 8th November 2022, available at: <https://bit.ly/3jyYBTI>.

order to make an application for international protection is now required to complete their International Protection Questionnaire onsite at the IPO, in addition to completing their preliminary interview.²⁶⁶ The international protection questionnaire has been reduced significantly to 24 questions in order to enable applicants to complete the questionnaire at the time of making their application.²⁶⁷

Under the revised procedure applicants from so-called 'safe countries of origin' will now receive a date for their substantive interview within four to six weeks of making their initial application. Additionally, whereby an applicant receives a first-instance refusal, they may also be subject to an accelerated appeals procedure. It should also be noted that, pursuant to the relevant regulation, this accelerated procedure may also be applied to **any** application subject to the need for fairness and efficiency and whereby the International Protection Office considered same necessary and expedient.

Vulnerable applicants are not exempt from the accelerated procedure. Additionally, The Irish Refugee Council received several concerning reports from applicants subject to the accelerated procedure. Numerous applicants reported that they had not had the opportunity to seek legal advice prior to undergoing their personal interview. This was partly due to the short turn-around time between the applicant's initial application and interview, and partly due to applicants not being advised at the time of making their application of their right to seek free and impartial legal advice from the Legal Aid Board.²⁶⁸ Additionally, many applicants subjected to the accelerated procedure were prevented from accessing the labour market in circumstances whereby they received a negative first-instance decision on their application prior to becoming eligible for labour market access. Applicants who receive a negative first-instance decision may then be subject to a protracted appeals process whereby they do not have any entitlement to engage in employment. Newly arrived protection applicants from 'safe countries' who were not offered accommodation on arrival and in many cases, consequently street homeless, were also subject to the accelerated procedure. In some cases, applicants were scheduled for their substantive interviews prior to having been offered accommodation by IPAS.²⁶⁹ Interaction with such a complex legal process, without the provision of adequate legal advice, is extremely challenging and it is complete inappropriate that an applicant be required to undertake a substantive interview while experiencing street homelessness. In January 2024, the Irish Refugee Council wrote to the International Protection Office requesting that applicants subject to the accelerated procedure and experiencing homelessness be given the option to postpone their protection application until such time as they are offered accommodation, however, at the time of updating, no response from the IPO had yet been received.

In June 2023, the Department of Justice announced that it was to conduct a review of the list of so-called 'safe countries of origin.' Subsequently, on January 2024, the Minister for Justice announced that, following the conclusion of the review process, two countries, Algeria and Botswana, would be added to the safe countries list.²⁷⁰ The rationale for this, according to the Minister for Justice, was to make the international protection process more efficient and to deter people from using Ireland's asylum system as a route for 'economic migration.'²⁷¹

According to the International Protection Office, all applications will continue to be examined individually and applicants whose applications are examined under the new procedure will retain the right to appeal a negative recommendation by the IPO to the International Protection Appeals Tribunal.²⁷² However, pursuant to the International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment)

²⁶⁶ *ibid.*

²⁶⁷ Information provided by Irish Refugee Council Information and Advocacy Service.

²⁶⁸ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

²⁶⁹ *ibid.*

²⁷⁰ Department of Justice, 'Minister McEntee announces new measures to expedite international protection application processing', 30 January 2024, available at: <https://bit.ly/3vODsLA>.

²⁷¹ Breakingnews.ie, 'Safe countries list update aimed at deterring economic migration – McEntee', 30 January 2024, available at: <https://tinyurl.com/4a9h4fk6>.

²⁷² International Protection Office, 'The European Communities (International Protection Procedures) Regulations 2022 and the International Protection Act 2015 (Procedures and Periods for Appeals)(Amendment) Regulations 2022 – Information Note', 8th November 2022, available at: <https://bit.ly/3jyYBTI>.

Regulations 2022, whereby the IPO recommends that an applicant's application for refugee or subsidiary protection should be refused on the basis of one of the reasons established pursuant to s.39(4) of the International Protection Act 2015, the timeframe in which to submit an appeal is shortened to 10 working days from the date of the decision.²⁷³ Such reasons are where a finding is made by the International Protection Office that the issues raised in the application were not relevant to the applicant's eligibility for international protection, whereby the applicant's representations have been inconsistent or contradictory, whereby the applicant failed to make the application as soon as they could without good reason, whereby a finding is made that the applicant did not require international protection due to the possibility of safe internal relocation within their country of origin, or whereby the application is refused and the applicant comes from a safe country of origin.²⁷⁴ In these cases, an applicant's appeal will be decided without an oral hearing, unless IPAT believes that it is in the interests of justice to hold an oral hearing.²⁷⁵

According to the IPO, the rationale for the new procedure is to ensure that international protection applications, particularly those from safe countries of origin, are dealt with in a timelier manner so as to increase processing capacity and reduce delays.²⁷⁶ However, the Irish Refugee Council has written to the Minister for Justice, addressing numerous significant concerns in relation to the appropriateness of the revised procedure. Such concerns relate particularly to applicants who may have had traumatic experiences prior to their arrival in the state. These applicants are required to complete and submit their questionnaire in an open-plan waiting area at the IPO, an environment which is often extremely busy, noisy and tense. This raises significant concern in relation to the applicant's privacy and personal data protection. Moreover, it is an extremely inappropriate physical space for applicants to complete such a significant document and gives rise to a risk of re-traumatisation insofar as particularly vulnerable applicants are concerned. Additionally, the revised process completely removes the applicant's practical access to legal advice prior to the submission of their international protection questionnaire. Unless an applicant is accompanied to the IPO by a lawyer when making their application, they do not have the benefit of legal advice in advance of submitting their international protection questionnaire, a document upon which significant reliance is placed in the applicant's substantive interview.

Translation services, as well as Cultural Support Officers are available to applicants in order to assist them in the completion of their questionnaire,²⁷⁷ however, it is not clear what exactly the role of the Cultural Support Officer involves or the extent of the assistance they can provide to applicants in the completion of their questionnaire. Having accompanied clients to apply for international protection on several occasions following the establishment of the revised procedure, in the Irish Refugee Council's experience, 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 given the importance of the questionnaire in the overall application process.

²⁷³ International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022.

²⁷⁴ International Protection Act 2015, s.39(4).

²⁷⁵ International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022.

²⁷⁶ International Protection Office, The European Communities (International Protection Procedures) Regulations 2022 and the International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022 FAQ's, 8th November 2022, available at: <https://bit.ly/40qKe4G>.

²⁷⁷ *ibid.*

5.2. Personal interview

Indicators: Accelerated Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the accelerated procedure?
☒ Yes ☐ No
❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☒ No
❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

Personal interviews are conducted for all applicants at first instance. In practice there is no difference between the scope and format of a personal interview in the accelerated procedure and the [normal procedure](#). This remained the case following the onset of COVID-19 and associated restrictions.

5.3. Appeal

Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?
☒ Yes ☐ No
❖ If yes, is it ☐ Judicial ☒ Administrative
❖ If yes, is it suspensive ☒ Yes ☐ Some grounds ☐ No

Where an applicant is subject to the accelerated procedure it should continue like the regular procedure. However, where the recommendation of the IPO includes one of the findings mentioned in the section on [Accelerated Procedure: General](#) there may be accelerated appeals under the IPA.

Under Section 43 IPA, applicants then have 10 working days instead of 15 working days to make an appeal,²⁷⁸ which shall be determined without an oral hearing, unless the Tribunal considers it necessary in the interests of justice to have such a hearing. The appeal is suspensive.

5.4. Legal assistance

Indicators: Accelerated Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?
☒ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover: ☐ Representation in interview
☒ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
☒ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover ☒ Representation in courts
☒ Legal advice

Applicants under the accelerated procedure fall under the same rules for legal assistance as those who are not under the accelerated procedure (see [Regular procedure – Legal assistance](#)). Practical obstacles in giving legal assistance in the accelerated procedure could include that the applicant has difficulty accessing legal representation or the legal representative has difficulty in assisting the applicant in the shorter time period.

²⁷⁸ Section 43(a) IPA; Section 3(d) International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017.

D. Guarantees for vulnerable groups

1. Identification

Indicators: Identification

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers? ☒ Yes ☐ For certain categories ☐ No

Section 58(1) IPA defines as vulnerable persons individuals ‘such as persons under the age of 18 years (whether or not accompanied), disabled persons, elderly persons, pregnant women, single parents with children under the age of 18 years, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape, or other serious forms of psychological, physical or sexual violence.’ The provision, however, applies solely to the application of Sections 53 to 57, which refer to content of international protection.

1.1 Screening of vulnerability

Regulation 8 of the European Union (Reception Conditions) Regulations 2018 provides for the establishment of a vulnerability assessment process. Until January 2021 however, no standardised assessment was carried out in respect of vulnerable international protection applicants, despite this being a clear requirement under EU law. At the end of January 2021, a pilot project to assess the vulnerability of applicants was established at Baleskin reception centre in Dublin.²⁷⁹ The pilot scheme was subsequently extended to all new international protection applicants throughout the state and aims to determine whether the applicant has special reception needs arising from any vulnerabilities identified. As of January 2023, the pilot programme continued. For the period from 1st February 2021 to 1st November 2023, 4,050 vulnerability assessments have been undertaken.²⁸⁰

In September 2022, IPAS published a Vulnerability Assessment Pilot Programme Policy, setting out the nature and purpose of the vulnerability assessment.²⁸¹ Pursuant to the newly established Policy, and, in response to significant pressure on IPAS resources, the vulnerability assessment procedure was also altered substantially. Vulnerability Assessment questionnaires are provided to all individuals making an application for international protection. Questionnaires are made available to applicants in a number of languages, both at their accommodation centres and online via IPAS’ website. A referral form for service providers and third parties working with international protection applicants was also made available and can be completed by the service provider with the applicant’s consent. Both documents contain a series of questions relating to the vulnerability indicators contained within the Reception Conditions Directive.

The applicant, or service provider, is required to return the questionnaire to the IPAS Resident Welfare Team by email or post. Assessment Officers from the Resident Welfare Team review all returned questionnaires to determine the applicant’s vulnerability status. Whereby an assessment indicates that an applicant has one or more vulnerability the Assessment Officer may contact them to discuss their vulnerability further. In some cases, whereby an assessment indicates a high level of vulnerability, the Assessment Officer may also refer the person for further assessment with an IPAS Social Worker.²⁸²

Throughout 2023, in the experience of the Irish Refugee Council, many applicants who have sought vulnerability assessments under the revised procedure have yet to be contacted by IPAS’ Resident Welfare Team, despite numerous applicants presenting with evident and significant vulnerability. The Irish

²⁷⁹ Minister for Children, Equality, Disability, Integration and Youth Roderic O’Gorman, Response to Parliamentary Question No 80, 31 July 2021, available at: <https://bit.ly/3Jnok9W>.

²⁸⁰ Information provided by IPAS, December 2022.

²⁸¹ International Protection Accommodation Service, ‘Vulnerability Assessment Pilot Programme Policy’, September 2022, available at: <https://bit.ly/3ZiFbCS>.

²⁸² *ibid.*

Refugee Council also remains concerned about the lack of information provided to applicants regarding the assessment. It has become apparent in our contact with clients that many individuals undergoing the vulnerability assessment are not aware of the purpose of the assessment, nor do they understand what the information acquired will be used for. In many cases, individuals undergoing vulnerability assessments have recently arrived in the State, often have limited English. The lack of available information is particularly troubling as applicants are not properly equipped to fully communicate their circumstances.

On the 8th of March 2024, IPAS announced that the pilot scheme would be suspended until further notice, citing ongoing demands on the Resident Welfare Team's service due to the increased numbers of arrivals of protection applicants in the State as well as constraints on available accommodation across the IPAS portfolio. It was not clear at the time of updating when, or indeed if, assessments would resume.²⁸³ The Irish Refugee Council is extremely concerned that the suspension of the pilot scheme amounts to a breach of the aforementioned Reception Conditions Regulations. This is particularly the case whereby the instance of vulnerability within the asylum-seeking population continues to increase amidst deteriorating reception standards and significant levels of homelessness in respect of newly arrived male protection applicants.

1.2 Age assessment of unaccompanied children

Section 14 IPA states that where it appears to an immigration officer or an officer of the IPO that a child who is seeking international protection is not accompanied by an adult, the officer shall inform, as soon as practicable, the Child and Family Agency (Tusla) and thereafter the provisions of the Child Care Act 1991 apply.

The IPA contains a number of provisions relating to age assessment and identification of unaccompanied children. Section 24 IPA allows the Minister, or an international protection officer to arrange an examination by an officer of Tusla, to determine the age of an applicant to see if they are under the age of 18 years. An examination is required to be:

- ❖ performed with full respect for the applicant's dignity,
- ❖ consistent with the need to achieve a reliable result, the least invasive examination possible, and
- ❖ where the examination is a medical examination, carried out by a registered medical practitioner or such other suitably qualified medical professional as may be prescribed.

The consent of the applicant and/or the adult responsible for them including an employee or other person appointed by Tusla is required for the age examination. Section 24(6) IPA requires that the best interest of the child is a primary consideration when applying Section 24. Section 25 also provides for an age examination to take place under the direction of a member of the Garda Síochána (national police) or immigration officer if they request the Minister to carry out such an examination when an applicant in detention appears to be under the age of 18 years. Detention for unaccompanied children is prohibited but detention may occur under Section 20(7)(a) IPA if two officials – two members of the Garda Síochána or immigration officers, or one member of the Garda Síochána and one immigration officer – believe the applicant is over 18 years pending an age examination.

The immigrant support organisation, Nasc, has previously highlighted the 'considerable concerns about Tusla's age assessment procedures', more specifically connected to the fact that no sufficient guarantees are in place with respect to age assessment procedures. The organisation was made aware of cases in which age disputed minors were accommodated in Direct Provision centres, with no access to appeal the initial age assessment, which is usually conducted at the frontiers of the State, and therefore unable to

²⁸³ Information provided by IPAS, March 2024.

access the support and aftercare provided to separated children.²⁸⁴ Neither the IPO nor Tusla collect statistics on age assessments conducted in Ireland.²⁸⁵

In correspondence with the Irish Refugee Council in February 2022, it was confirmed that Tusla does not currently have a national policy or approved internal guidelines on age-assessments for use in determining the age of unaccompanied minors or separated children referred from IPO or Dublin Airport. The reason given for this was that there exists no provision in legislation for Tusla to conduct such assessments. The relevant legislation for undertaking such assessments is the International Protection Act 2015, which confers the responsibility for conducting age assessments on the Minister for Justice. Thus, according to Tusla, the conducting of such assessments is not part of its statutory function.²⁸⁶

Whereby cases are referred to Tusla, an assessment is undertaken in order to determine the eligibility of the young person for the provision of services under The Child Care Act, i.e., whether the individual is in need of the care and protection of Tusla. Determination of age is made giving benefit of the doubt where there may be insufficient supporting documentary evidence. If the individual is deemed not to be a child, they are then referred to the IPO in order to claim international protection.²⁸⁷

It was noted that consideration was given to developing guidance to support staff in the area of age assessments, however, following a deliberative process and legal advice this was not progressed into approved national policy or guidance for the agency.²⁸⁸

Tusla subsequently engaged in a further deliberative process in conjunction with its operational and legal services to determine an eligibility criterion for receipt of Tusla services.²⁸⁹ As of January 2023, the policy had yet to be published. However, in April 2023, a finalised policy document, 'Eligibility for Services for Separated Children Seeking International Protection' was circulated amongst relevant stakeholders. Moreover, it is evident from the Irish Refugee Council's attendance at eligibility assessments that the policy has now been implemented. However, it is noted that the policy document is not publicly available on Tusla's website or elsewhere.²⁹⁰

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?

☐ Yes ☒ For certain categories ☐ No

❖ If for certain categories, specify which:²⁹¹ Unaccompanied children, elderly, severely ill

Section 58 IPA states that the specific situation of vulnerable persons shall be taken into account when applying Sections 53 to 57 of the International Protection Act. Sections 53 to 57 relate to the rights granted to beneficiaries of international protection including a travel document, family reunification, the issuing of permission to reside in the State and other rights. In effect, therefore, the requirements of Section 57 only relate to persons who are granted refugee status or subsidiary protection, not persons applying for international protection. It remains to be seen how this will be implemented in practice, including whether these provisions may be applied to persons in the status determination process. Anecdotal information indicates that Section 58 has been applied successfully in the case of a minor who aged-out while awaiting a decision on his asylum case, thereby rendering him an adult for the purposes of the new [Family Reunification](#) provisions contained in Section 56 IPA. By reference to Section 58, the applicant could be

²⁸⁴ *ibid.*, 13.

²⁸⁵ Information provided by Tusla, August 2017.

²⁸⁶ Information provided by Tusla, August 2022.

²⁸⁷ *ibid.*

²⁸⁸ *ibid.*

²⁸⁹ *ibid.*

²⁹⁰ Information provided by Irish Refugee Council Independent Law Centre, January 2024.

²⁹¹ The IPO has produced a prioritisation note, which sets out prioritisation criteria such as age, health and country of origin, available at: <https://bit.ly/2m1Plbi>.

considered vulnerable for the purposes of benefitting from the more favourable family reunification provisions for minors.

2.1. Adequate support during the interview

Section 28(4)(c) IPA states that the protection decision-maker shall take into account, *inter alia*, the individual position and personal circumstances of the protection applicant, including factors such as background, gender and age, so as to assess whether, on the basis of the applicant's personal circumstances, the acts, to which the applicant has been or could be exposed, would amount to persecution or serious harm. The High Court has indicated that a decision maker's failure to have regard to such individual circumstances may amount to an error of law. In a case in 2013 the High Court quashed a decision of the Department of Justice which refused to grant a national of the Democratic Republic of Congo subsidiary protection on the grounds that, *inter alia*, the decision maker had failed to adequately consider the individual position and circumstances of the applicant.²⁹² Similar findings were made in a case involving a Bangladeshi national.²⁹³

Further, Section 35 IPA requires that persons conducting the personal interviews "are sufficiently competent to take account of the personal or general circumstances surrounding the application, including the applicant's cultural origin or vulnerability." There is no publicly available policy reflecting this position and in the experience of the Irish Refugee Council, provisions are made for applicants with special needs on an *ad hoc* basis and usually subject to intervention from legal representatives or other support workers.²⁹⁴

The IPO does not have specialised units or officers dealing with claims by vulnerable groups. However, a group of Panel Members have received specialised training, based on a module developed by UNHCR, on cases involving unaccompanied children. Only officials who have conducted this training can interview unaccompanied children. It is not known how many panel members have undergone this specialised training. The IPO has also issued guidelines on best practices for reporting cases of potential or actual child abuse or neglect ('Children First Guidelines') to its staff.²⁹⁵

Insofar as minor children are concerned, whereby a Panel Member conducting a personal interview consider it necessary, they can interview accompanied children included in a family application.²⁹⁶ However, in general, only children above the age of 16 are interviewed. This is determined on a case-by-case basis.²⁹⁷

Whereby it is determined that a child ought to be interviewed, the International Protection Office may implement a number of safeguards, including the use of specialist staff trained to interview children, adapting language to the age and maturity of the child, and ensuring that the interview is conducted in the presence of the child's parents or guardian, while also ensuring confidentiality of the information shared. Additionally, child-friendly information is provided on the international protection procedure and the purpose of the personal interview, and the child is given the opportunity to indicate the preferred gender of both the interviewing Panel Member and interpreter.²⁹⁸

UNHCR conducts several general training sessions for new staff per year and as requested by the relevant authority. UNHCR also holds information sessions and lectures on topics such as the submission

²⁹² High Court, *E. D-N, L. D. S v Minister for Justice and Equality* [2013] IEHC 447, Judgment of 20 September 2013.

²⁹³ High Court, *Barua v Minister for Justice and Equality* [2012] IEHC 456, Judgment of 9 November 2012.

²⁹⁴ Information provided by Irish Refugee Council, January 2024.

²⁹⁵ Information provided by IPO, August 2017.

²⁹⁶ European Migration Network, 'Accompanied children's right to be heard in international protection procedures' April 2023, available at:

²⁹⁷ *ibid.*

²⁹⁸ *ibid.*

of international protection applications, information sessions for newly arrived asylum seekers and the role of the UNHCR in the international protection process.

Other NGOs, such as Spiritan Asylum Services Initiative (Spirasi) also provide training on working with victims of torture. Such training is however conducted on an *ad-hoc* basis upon request. In 2020, Spirasi conducted two training sessions, one session related to the new model for asylum accommodation, while the other related to resettlement support. Spirasi is also involved in training for the refugee resettlement programme, through which the majority of their training requests come through. Throughout 2021, Spirasi conducted nine training sessions on varying topics related to working with victims of torture.²⁹⁹ Data in respect of trainings conducted by Spirasi in 2022 and 2023 was not available at the time of updating.

The Irish Refugee Council provides dedicated early legal advice to applicants who are deemed vulnerable or in particular need on a case-by-case basis and subject to organisational capacity at the time.³⁰⁰

It should be noted that Ireland has opted in to the first iteration of the Asylum Procedures Directive, which requires that officials carrying out the personal interview of the applicant be suitably 'competent to take account of the personal or general circumstances surrounding the application, including the applicant's cultural origin or vulnerability.'³⁰¹ Besides general training received by all IPO staff, there is no specific reference to vulnerability identification in the IPA and, in practice, there does not seem to be a systematic approach to identification or addressing the needs of vulnerable persons in advance of the substantive interview. As mentioned above, despite being Irish law since July 2018, there had been no vulnerability assessments as required by the reception conditions directive as of December 2020. However, at the end of January 2021, a pilot project to assess the vulnerability of asylum seekers was established at Baleskin reception centre in Dublin. Officials from the International Protection Accommodation Service (IPAS) are carrying out assessments with the assistance of a social worker from the IPO. For the period from 1st February 2021 to 1st November 2023, 4,050 vulnerability assessments have been undertaken.³⁰²

On the 8th of March 2024, IPAS announced that the pilot scheme would be suspended until further notice, citing ongoing demands on the Resident Welfare Team's service due to the increased numbers of arrivals of protection applicants in the State as well as constraints on available accommodation across the IPAS portfolio. It was not clear at the time of updating when, or indeed if, assessments would resume.³⁰³

2.2. Prioritisation and exemption from special procedures

Accelerated procedures do not apply to unaccompanied children but their applications may be prioritised by the IPO. Section 73 IPA grants the Minister power to 'accord priority to any application' or request the International Protection Appeals Tribunal Chairperson to prioritise any appeal, having regard to *inter alia* 'whether the applicant is a person in respect of whom the Child and Family Agency is providing care and protection'.³⁰⁴

In accordance with Section 73 IPA, the IPO (in consultation with UNHCR Ireland), issued a statement setting out prioritisation procedures for scheduling the substantive interviews of certain categories of applicant in February 2017, which remains in effect as of January 2023.³⁰⁵ Under this note, when considering whether to prioritise an application, the IPO may have regard to certain categories of vulnerable applicants with respect to: the age of the applicant (specifically unaccompanied children in the care of Tusla; applicants who applied as unaccompanied children, but who have now aged out; applicants over 70 years of age, who are not part of a family group) and applicants with serious health grounds

²⁹⁹ Information provided by Spirasi, February 2022.

³⁰⁰ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

³⁰¹ Article 13(3)(a) recast Asylum Procedures Directive.

³⁰² Information provided by IPAS, December 2022.

³⁰³ Information provided by IPAS, March 2024.

³⁰⁴ Section 73(2)(i) IPA.

³⁰⁵ IPO and UNHCR, *Prioritisation of Applications for International Protection under the International Protection Act 2015*, 27 February 2017, available at: <http://bit.ly/2m1Plbi>.

requiring prioritisation (specifically, applicants who notify the IPO after the commencement date that evidence has been submitted, certified by a medical consultant, of an ongoing severe/life threatening medical condition will be prioritised). Given that there is no formal vulnerability identification mechanism at any stage in the applicant process, the onus will be on the applicant and/or their representative to request prioritisation.

3. Use of medical reports

Indicators: Use of medical reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm? ☒ Yes ☐ In some cases ☐ No
2. Are medical reports taken into account when assessing the credibility of the applicant's statements? ☐ Yes ☒ In some cases ☐ No

Under Section 23 IPA, a report in relation to the health of the applicant may be furnished if required by the officer of the IPO. This may occur if an officer of the IPO or a member of the IPAT has a question regarding the physical or psychological health of the applicant. The applicant can choose a nominated medical practitioner from a panel established by the Minister for such health reports. The IPA is silent on how the results of the health report will be used and no reference is made to the consent of the applicant being required for such health examinations to be carried out.

It is the duty of the applicant to cooperate in the investigation of their application and to furnish to the IPO any relevant information. Applicants may approach an NGO called Spirasi, which specialises in assessing and treating trauma and survivors of torture, to obtain a medical report. The approach is made through their solicitor. If an asylum seeker is represented by the Legal Aid Board, then the medico-legal report will be paid for through legal aid. If the request is made by a private practitioner, the report must be paid for privately. Spirasi reports receive a fee of €492 per report from the State through the Legal Aid Board's Refugee Legal Service while the cost to produce each report is €1,190. For clients who have private legal representation the cost of a medico-legal report (MLR) can be a barrier to access.³⁰⁶

Spirasi's services include the provision of Medico Legal Reports to the protection process, multidisciplinary assessments of survivors of torture, therapeutic interventions, psychosocial support, outreach and early identification, language and vocational training and training to third parties on survivors of torture. SPIRASI puts the waiting time for appointments for reports at eight-ten months from the date of referral, however it is understood that applicants waiting for a report for an IPAT appeal hearing will be prioritised.³⁰⁷

In their 2017 submission to the UN Committee against Torture, Spirasi expressed concern at victims of torture not being able to access reports to support their asylum application in advance of a first-instance decision in the envisaged shorter process under the single application procedure. Additionally, Spirasi indicated at that time that due to the drain on resources in a climate of reduced funding, they were restricted in their capacity to provide the additional rehabilitative supports required by victims of torture.³⁰⁸

Picking up on these concerns, the UN Committee against Torture in its Concluding Observations on Ireland in August 2017 recommended that the State: 'Provide adequate funding to ensure that all persons undergoing the single procedure under the International Protection Act have timely access to medico-legal documentation of torture, ensure that all refugees who have been tortured have access to

³⁰⁶ SPIRASI, *Submission to the UN Committee against Torture in advance of their review of Ireland*, June 2017, available here: <http://bit.ly/2eNn1Y6>, 14.

³⁰⁷ *ibid.*

³⁰⁸ *ibid.*, 15.

specialised rehabilitation services that are accessible country-wide and to support and train personnel working with asylum-seekers with special needs.³⁰⁹

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for an identification mechanism for unaccompanied children?
☐ Yes ☒ No
2. Does the law provide for the appointment of a representative to all unaccompanied children?
☒ Yes ☐ No

Section 14 IPA states that where it appears to an immigration officer or an officer of the IPO that a child who is seeking international protection is not accompanied by an adult, the officer shall inform, as soon as practicable, the Child and Family Agency (Tusla) and thereafter the provisions of the Child Care Act 1991 apply.

The law provides for the appointment of a legal representative, but the sections of the Child Care Act that would need to be invoked are not in practice. Unaccompanied children are taken into care under Section 4 and 5 of the Child Care Act 1991 as amended. Neither section provides for a legal guardian. There are no provisions stating that a child must be appointed a solicitor, nor is there any legislative provision that a legal representative must be assigned within a certain period. Upon referral to Tusla, each unaccompanied child is appointed a social worker.³¹⁰ Tusla then becomes responsible for making an application for the child, where it appears to Tusla that an application should be made by or on behalf of the child on the basis of information including legal advice in accordance with Section 15(4) IPA. In that case, Tusla arranges for the appointment of an appropriate person to make an application on behalf of the child. There is no legislative or policy guidance setting out how Tusla should make a decision on whether or not an unaccompanied minor should make an international protection application and such decisions appear to be made on a case-by-case basis. The sole decision on whether or not an unaccompanied child may make an application for international protection is entirely at the discretion of the Child and Family Agency, which raises concerns in relation to the child's individual right to seek asylum under Article 18 of the Charter of Fundamental Rights.³¹¹

The provisions on the appointment of a legal representative do not differ depending on the procedure (e.g. Dublin). The Dublin III Regulation is engaged once an application is made. However, the assignment of the Member State responsible for the examination of a child's claim differs from that of adults under Article 8 of the Dublin III Regulation. At that point, the child will typically have a solicitor, whose duty it is to provide advice and legal representation to the child. If the child is in care, they will also have a social worker whose duty it is to provide for the immediate and ongoing needs and welfare of the child through appropriate placement and links with health, psychological, social and educational services.

³⁰⁹ UN Committee against Torture, *Concluding Observations on the Second Periodic Report of Ireland*, August 2017, available at: <http://bit.ly/2hPIVem>, para 12(c).

³¹⁰ International Protection Office, *Information Booklet for Applicants of International Protection*, January 2017, available at: <https://bit.ly/3jRnZ2P>, 29.

³¹¹ Irish Refugee Council, *Submission to the UN Committee against Torture on its Review of Ireland's National Report*, June 2017, available at: <http://bit.ly/2w2dzU6>, 11.

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? ☒ Yes ☐ No
2. Is a removal order suspended during the examination of a first subsequent application?
 - ❖ At first instance ☒ Yes ☐ No
 - ❖ At the appeal stage ☒ Yes ☐ No
3. Is a removal order suspended during the examination of a second, third, subsequent application?
 - ❖ At first instance ☒ Yes ☐ No
 - ❖ At the appeal stage ☒ Yes ☐ No

Section 22 IPA sets out that a person who wishes to make a subsequent asylum application must apply to the Minister for permission to apply again. The application must set out the grounds of the application and why the person is seeking to re-enter the asylum process including a written statement of the reasons why the person concerned considers that the consent of the Minister should be given. The application is made in writing and there is no oral interview. The Minister shall consent to a subsequent application being made when: new elements or findings have arisen or have been presented by the person concerned, which makes it significantly more likely that the person will qualify for international protection, provided that the person was incapable of presenting those elements or findings for the purposes of their previous application for a declaration; as well as when the person was an applicant whose previous application was withdrawn or deemed withdrawn through no fault of their own and therefore they are incapable of pursuing their previous application. If the Minister refuses to consent to a subsequent application in a written decision, the applicant can submit an appeal to the IPAT within ten working days.³¹² The Tribunal shall make its decision without an oral hearing.

Section 22 IPA states that the Minister shall, as soon as practicable after receipt of an application, give to the person concerned a statement in writing specifying, in a language that the person may reasonably be supposed to understand (a) the procedures that are to be followed (b) the entitlement of the person to communicate with UNHCR (c) the entitlement of the person to make submissions in writing to the Minister, (d) the duty of the person to co-operate with the Minister and to furnish information relevant to their application, and (e) such other information as the Minister considers necessary to inform the person of and of any other relevant provision of the International Protection Act and regulations made under it.

If the Minister consents to the person making a subsequent asylum application, they are subject to the single procedure in the normal way.

On 13 October 2020, the Supreme Court of Ireland handed down a judgment in the case of *Seredych v. The Minister for Justice* [2020] IESC 62. This case concerned the question of whether the Minister for Justice and Equality is obliged to revoke a deportation order or otherwise facilitate a person to enter the State, in circumstances where that person has been granted consent to make a subsequent application for international protection under section 22 of the International Protection Act 2015. Justice Baker, giving judgment for the Court, adopted the analysis of the Court of Appeal of England and Wales in *R (on Application of AB) v. The Secretary of State for the Home Department* [2018] EWCA Civ 383,³¹³ which indicated that there is nothing within the Procedures Directive (Directive 2013/32/EU) that obliges a Member State to readmit to its territory an applicant who had previously chosen to leave the State while their application remained pending.³¹⁴

³¹² Section 22(8) IPA; Section 3(b) International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017.

³¹³ *R (on Application of AB) v. The Secretary of State for the Home Department* [2018] EWCA Civ 383, 6 March 2018, available at: <https://bit.ly/3u8W1Vc>.

³¹⁴ *Seredych v. The Minister for Justice* [2020] IESC 62, available at: <https://bit.ly/3ssE96R>.

In 2020, 53 applications were made pursuant to s.22 IPA. The top five countries of origin of subsequent applicants were Pakistan, Georgia, Bangladesh, Brazil and Nigeria.³¹⁵ In 2021, 38 subsequent applications were made.³¹⁶ The top five countries of origin of subsequent applicants were made included Pakistan, Georgia, Bangladesh, Nigeria and the Democratic Republic of Congo.³¹⁷ Throughout 2022, there were a total of 15 subsequent applications for international protection pursuant to s.22 of the IPA 2015.³¹⁸

Throughout 2023, there were a total of 50 subsequent applications pursuant to s.22 of the IPA 2015.³¹⁹

Breakdown of the total number of subsequent applicants in 2023 by nationality:³²⁰

Total	
Georgia	14
South Africa	≤ 5
Zimbabwe	8
Albania	≤ 5
Algeria	≤5
Other (Pakistan, Nigeria, Ukraine, Vietnam, Angola, Bahrain, Cameroon, Egypt, Venezuela, and Yemen).	14

F. The safe country concepts

Indicators: Safe Country Concepts

- Does national legislation allow for the use of “safe country of origin” concept?
 - ❖ Is there a national list of safe countries of origin?
 - ❖ Is the safe country of origin concept used in practice?
- Does national legislation allow for the use of “safe third country” concept?
 - ❖ Is the safe third country concept used in practice?
- Does national legislation allow for the use of “first country of asylum” concept?

☒ Yes ☐ No
☒ Yes ☐ No
☒ Yes ☐ No

☒ Yes ☐ No
☒ Yes ☐ No

☒ Yes ☐ No

1. Safe country of origin

Under Section 72 IPA the Minister may make an order designating a country as safe and it should be deemed a safe country of origin for the purposes of the single procedure. In deciding to make such an order the Minister must be satisfied that, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict. In making the assessment, the Minister shall have regard to the extent to which protection is provided against persecution or mistreatment by (a) the relevant laws and regulations of the country and the manner in which they are applied, (b) observance of the rights and freedoms laid down in the European Convention on Human Rights (ECHR), International Covenant on Civil and Political Rights (ICCPR) and UN Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) ECHR; (c) respect for the *non-refoulement* principle in accordance with the Geneva Convention,

³¹⁵ Information provided by IPO, April 2021.

³¹⁶ Information provided by IPO, April 2022.

³¹⁷ *ibid.*

³¹⁸ International Protection Office, March 2023.

³¹⁹ International Protection Office, April 2024.

³²⁰ International Protection Office, April 2022.

and (d) provision for a system of effective remedies against violations of those rights and freedoms. The Minister's decision shall be based on a number of sources of information including, in particular, information from other Member States, the European Union Agency for Asylum (EUAA, former European Asylum Support Office), the High Commissioner, the Council of Europe and such other international organisations as the Minister considers appropriate.

The Minister may amend or revoke any such order and shall review on a regular basis the situation of any country designated under Section 72.

South Africa was previously designated as a safe country of origin under the Refugee Act 1996 (Safe Countries of Origin) Order 2004 (S.I. No. 714 of 2004). In April 2018, the Minister for Justice commenced S.I. No. 121 of 2018, which revoked the 2004 Order. S.I. No 121 updated the safe country of origin list to include **Albania, Bosnia and Herzegovina, North Macedonia, Kosovo, Montenegro, Serbia, Georgia and South Africa**.³²¹

In June 2023, the Department of Justice announced that it was to conduct a review of the list of so-called 'safe countries of origin', as established pursuant to the International Protection Act 2015 (Safe Countries of Origin) Order 2018.³²² Subsequently, in January 2024, the Minister for Justice announced that, following the conclusion of the review process, two countries, **Algeria** and **Botswana**, would be added to the safe countries list.³²³ The rationale for this, according to the Minister for Justice, was to make the international protection process more efficient and to deter people from using Ireland's asylum system as a route for 'economic migration'.³²⁴

The safe country of origin list continues to be applied in practice, namely in response to a significant increase in the numbers of applicants to Ireland from those countries since 2017. According to application figures for 2020, South Africa was amongst the top 5 countries of origin for international protection in Ireland, with 77 applications, accounting for 5.5% of the total applications, as of November 2020.³²⁵ As of December 2022, Georgia and South Africa were once again amongst the top 10 countries of origin, with 2,710 and 450 applications respectively.³²⁶ In 2023, Nigeria and Georgia were amongst the top 5 countries of origin with 2,084 and 1,065 applications respectively. Algeria also featured amongst the top 5 countries of origin with 1,462 applications, accounting for 11% of the total applications.³²⁷

Where it appears to the IPO that an applicant is a national or has a right of residence in a designated safe country then the country will be deemed to be a safe country of origin for the purposes of an assessment of an applicant's international protection application only where: (a) the country is the country of origin of the applicant; and (b) the applicant has not submitted any serious grounds for considering the country not to be a safe country of origin in their particular circumstances and in terms of their eligibility for international protection.³²⁸ There is no appeal against a designation that a person comes from a designated safe country of origin.

Under the revised procedure applicants from so-called 'safe countries of origin' will now receive a date for their substantive interview within four to six weeks of making their initial application. For details on how this impacts the asylum procedure, see [Accelerated procedure](#).

³²¹ S.I. No. 121 of 2018, International Protection Act 2015 (Safe Countries of Origin) Order 2018.

³²² The Journal, 'Irish officials to review 'safe countries of origin' designation on 8 nations within next year', 3 June 2023, available at: <https://bit.ly/4cVids5>.

³²³ Department of Justice, 'Minister McEntee announces new measures to expedite international protection application processing', 30 January 2024, available at: <https://bit.ly/3vODsLA>.

³²⁴ Breakingnews.ie, 'Safe countries list update aimed at deterring economic migration – McEntee', 30 January 2024, available at: <https://bit.ly/4aSDUqY>.

³²⁵ IPO, *November Statistics*, November 2020, available at: <https://bit.ly/3sLrCM2>.

³²⁶ Acting Minister for Justice Simon Harris, Response to Parliamentary Question No 558, 31 January 2023, available at: <https://bit.ly/3X56bmM>.

³²⁷ IPO, 'Monthly Statistical Report December 2023, December 2023, available at: <https://tinyurl.com/4xcyemdv>.

³²⁸ Section 33 IPA.

2. Safe third country

The Withdrawal of the United Kingdom from the European Union (Consequential provisions) Act 2020 inserted into the International Protection Act 2015 section 72A, providing for the Designation of safe third countries. The United Kingdom was designated a 'safe third country' pursuant to s. 72A in 2020.³²⁹

Section 21 IPA is amended by the enactment of the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020. Section 119 of the Act of 2020 amends s. 21(2) IPA by the insertion of subsection (c) which states that an application for international protection may be determined inadmissible whereby the applicant arrives in the State from a safe third country that is regarded as a safe country for that person.³³⁰ A "safe country" will be regarded as such whereby:

- a. The individual has a sufficient connection with the country concerned on the basis of which it is reasonable for them to return there;
- b. They will not be subjected to the death penalty, torture or inhuman or degrading treatment or punishment if returned to the country concerned;
- c. The applicant will be readmitted to the country concerned pursuant to the Dublin Regulation.³³¹

According to s.119(d), in determining whether an individual has "sufficient connection with the country concerned, regard will be had for the period the individual has spent in the country, whether lawfully or unlawfully, any relationship between the individual and persons in the country concerned, including nationals and residents of that country and family members seeking to be recognised in that country as refugees, the presence in the country concerned of any family members, relatives or other family relations of the individual concerned and the nature and extent of any cultural connections between the individual and the country concerned."³³²

Section 122 of the Act makes provision for s.72A IPA, permitting the Minister for Justice to designate a particular state as a safe third country whereby the state concerned meets certain conditions relating to safety and asylum practices.³³³ In 2020 the United Kingdom was designated a safe third country for the purposes of s.119.³³⁴

In February 2022, it was confirmed that no return orders were issued to the United Kingdom in 2021, or to-date in 2022, pursuant to s.51A of the International Protection Act 2015, in circumstances whereby an applicant's application was deemed inadmissible under s.21.³³⁵ As of March 2023, 29 inadmissibility decisions were made pursuant to s.51A. It is not clear whether return orders were effected in respect of such decisions.³³⁶ As of April 2024, 45 inadmissibility decisions were made pursuant to s. 51A. It is not clear whether return orders were effected in respect of such decisions.³³⁷

In February 2024, the High Court began hearing submissions in two lead cases challenges to legality of the Minister for Justice's designation of the UK as a "safe third country" on the basis that the Minister's designation was unlawful and ultra vires her powers due to the absence of certain safeguards required

³²⁹ S.I. No. 725/2020 - International Protection Act 2015 (Safe Third Country) Order 2020, available at: <https://bit.ly/3nYIJpW>.

³³⁰ Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020, s.119, available at: <https://bit.ly/3o4SP8X>.

³³¹ *ibid.*, s. 119(d).

³³² *ibid.*

³³³ *ibid.*, s.122.

³³⁴ S.I. No. 725/2020 - International Protection Act 2015 (Safe Third Country) Order 2020, available at: <https://bit.ly/3nYIJpW>.

³³⁵ Minister for Justice and Equality Helen McEntee, Response to Parliamentary Questions No 564, 15 February 2022, available at: <https://bit.ly/3D9gVbu>.

³³⁶ International Protection Office, March 2023.

³³⁷ International Protection Office, April 2024.

by EU law.³³⁸ Both applicants, from Iraq and Nigeria respectively, had been refused asylum in the UK, and challenged by way of judicial review the lawfulness of the Minister's designation, having regard for the UK's Rwanda policy, pursuant to which the UK government has agreed to transfer asylum seekers to Rwanda for processing of their protection claims.

Delivering judgment for the High Court in April 2024, Ms. Justice Siobhán Phelan concluded that the failure to require the Minister for Justice to be satisfied that a person would not be subject to serious harm on transfer to a third country, if designated as safe, meant that Ireland was in breach of the requirements of EU law, specifically Art 3(3) of the Dublin III Regulations. Accordingly, the High Court granted declarations that the designation of the UK as a safe third country pursuant to the 2020 Order was contrary to the State's obligations pursuant to EU law. Moreover, the decisions made by the respondents in respect of the applicants on the basis of this designation were squashed.³³⁹

3. First country of asylum

Under Section 21(15) IPA a country is a first country of asylum for a person if they: (a) have been recognised in that country as a refugee and can still avail themselves of that protection, or otherwise enjoy sufficient protection in that country including benefiting from the principle of non-*refoulement*; and (b) will be re-admitted to that country.

An application for international protection is inadmissible if a country is deemed to be a first country of asylum for an applicant. There have been anecdotal reports that persons who have been deemed inadmissible by the IPO may have difficulty accessing legal representation from the Legal Aid Board, however the full impact of the inadmissibility provisions in practice in Ireland remains to be seen.

In July 2019, the Irish High Court referred three questions to the CJEU regarding the application of this concept in *M.S. (Afghanistan) v. The Minister for Justice and Equality*; *M.W. (Afghanistan) v. The Minister for Justice and Equality*; *G.S. (Georgia) v. The Minister for Justice and Equality*, following the Minister's refusal of the appellants' applications for international protection on the grounds that they had benefitted from subsidiary protection from another state.³⁴⁰ Delivering judgment on 10 December 2020, the CJEU determined that Article 25(2) of the Procedures Directive 2005 must be interpreted as not precluding the enactment of legislation in a Member State, which render inadmissible an application for international protection in circumstances whereby the applicant benefits from subsidiary protection in another Member State.³⁴¹

³³⁸ Breaking News, 'UK's Rwanda policy does not legally exist, State claims in asylum seeker actions', 21 February 2024, available at: <https://tinyurl.com/3tsjz4k5>.

³³⁹ *A v. Minister for Justice & Ors, B v. International Protection Appeals Tribunal & Ors* [2024] IEHC 183, available at: <https://tinyurl.com/v7zemzfe>.

³⁴⁰ *M.S. (Afghanistan) v The Minister for Justice and Equality; M.W. (Afghanistan) v The Minister for Justice and Equality; G.S. (Georgia) v The Minister for Justice and Equality*, (Approved) [2019] IEHC 477, 2 July 2019, available at: <https://bit.ly/2N7aY9z>.

³⁴¹ Case C-616/19, *M.S., M.W. and G.S. v. Minister for Justice and Equality*, ECLI:EU:C: 2020:1010, available at: <https://bit.ly/3iBvHhc>.

G. Information for asylum seekers and access to NGOs and UNHCR

1. Provision of information on the procedure

Indicators: Information on the Procedure

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? ☐ Yes ☒ With difficulty ☐ No

❖ Is tailored information provided to unaccompanied children? ☐ Yes ☐ No

A person who states an intention to seek asylum or an unwillingness to leave the state for fear of persecution is interviewed by an immigration or international protection officer as soon as practicable after arriving, depending on the location where such an intention is expressed. The relevant officer informs the person that they may apply to the Minister for Justice and Equality for protection and that they are entitled to consult a solicitor and UNHCR. Where possible this is communicated in a language that the person understands. With respect to persons seeking protection at the border, as noted in [Access to the territory and push backs](#), it appears that people may sometimes be refused leave to land even when there are clear indicators of the fact that they might have protection needs.

Where a person is detained, the immigration officer or member of the Garda Síochána shall inform the person of the power under which they are being detained; that they shall be brought before a court to determine whether they should be detained or released; that they are entitled to consult a solicitor; that they are entitled to notify the UNHCR of the detention; that they are entitled to leave the state at any time; and that they are entitled to the assistance of an interpreter.

The IPO, as soon as possible after receipt of an application shall give the applicant a statement in writing, specifying in a language that the applicant may reasonably be supposed to understand:

- a) the procedures to be observed in the investigation of the application;
- b) the entitlement to consult a solicitor;
- c) the entitlement of the applicant under the International Protection Act to be provided with the services of an interpreter
- d) the entitlement to make written submissions to the Commissioner in relation to his/her application;
- e) the duty of the applicant to cooperate and to furnish relevant information;
- f) the obligation to comply with the rules relating to the right to enter or remain in the state and the possible consequences of non-compliance;
- g) the possible consequences of a failure to attend the personal interview.

The IPO provides written information to every asylum seeker and there is a copy of the information booklet available on the recently established IPO website and is available in 18 languages.³⁴²

All applicants are given recently issued information leaflets from IPO and the European Commission entitled 'Information about the Dublin Regulation for applicants for international protection pursuant to Article 4 of Regulation (EU) No 604/2013', a guide to the Dublin process in general. A separate information leaflet is also provided to persons who are subject to the Dublin procedure, entitled 'I'm in the Dublin procedure – what does this mean? Information for applicants for international protection found in a Dublin procedure, pursuant to Article 4 of Regulation (EU) No. 604/2013'. A separate information leaflet aimed specifically at unaccompanied children is also available, entitled 'Children asking for international protection, information for unaccompanied children who are applying for international protection pursuant to Article 4 of Regulation (EU) No 604/2013'.³⁴³ However, anecdotal evidence suggests that it is not always clear that the asylum seeker understands that they are being subject to the Dublin procedure. The onus is at all times placed on the asylum seeker to read and understand the content of the Dublin

³⁴² IPO, *Publications*, available at: <http://bit.ly/2mWLkmK>.

³⁴³ All information leaflets are available online at: <http://bit.ly/2IGDCL9>.

information leaflet, rather than ensuring that it is properly explained to the applicant by a caseworker or Authorised Officer.

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☐ With difficulty ☒ No
2. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
3. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No

There are a wide variety of non-governmental organisations providing legal, social and integration assistance to international protection applicants and refugees in Ireland.³⁴⁴ In general, NGOs and UNHCR do not have access to the airport or the International Protection Office. However, on several occasions since the introduction of the revised international protection procedure, the Irish Refugee Council has been facilitated in accompanying vulnerable applicants when making their application for protection at the International Protection Office.³⁴⁵ Additionally, legal representatives are permitted to accompany applicants when they undergo their substantive interview at the International Protection Office. However, in practice this rarely occurs, save for in the case of particularly vulnerable applicants.³⁴⁶

H. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☐ Yes ☒ No
❖ If yes, specify which:
2. Are applications from specific nationalities considered manifestly unfounded?³⁴⁷ ☒ Yes ☐ No
❖ If yes, specify which: Albania, Bosnia and Herzegovina, FYROM, Kosovo, Montenegro, Serbia, Georgia, South Africa, Algeria and Botswana.

Legislation in Ireland does not single out any application from a specific nationality as manifestly well-founded in the context of the regular procedure. However, with respect to the scheduling of substantive interviews of applicants, the IPO may prioritise cases of certain nationalities on the basis of 'the likelihood that applications are well-founded due to the country of origin or habitual residence of applicants.'³⁴⁸ The Department of Justice has specified that applications from persons from Syria, Iraq, Afghanistan, Iran, Libya, Eritrea and Somalia may be prioritised on the basis 'of country of origin information, protection determination rates in EU member states and UNHCR position papers indicating the likely well-foundedness of applications from such countries.'³⁴⁹ Prioritisation of protection applicants from these states continued throughout 2023.

Protection applicants who arrived through the EU relocation scheme in 2016 and 2017, predominantly Syrian nationals, had to complete the application questionnaire but were subject to an expedited procedure and usually received a decision within three months of arrival in the State. At the beginning of the relocation process, some were subject to a personal interview but latterly they were not. By March

³⁴⁴ UNHCR, 'Non-Governmental Organizations in Ireland', available at: <https://bit.ly/3JhSjl2>.

³⁴⁵ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

³⁴⁶ *ibid.*

³⁴⁷ Whether under the "safe country of origin" concept or otherwise.

³⁴⁸ IPO and UNHCR, 'Prioritisation of Applications for International Protection under the International Protection Act 2015', 27 February 2017, available at: <http://bit.ly/2m1Plbi>.

³⁴⁹ *ibid.*

2018, the majority of Ireland's commitments under the EU relocation scheme had been fulfilled. Overall, 1,022 asylum seekers were successfully relocated in the state.³⁵⁰

In August 2021, in response to the emerging humanitarian crisis in Afghanistan, the Department of Justice confirmed that it would begin prioritising international protection applications from Afghan nationals in line with updated advice provided by UNHCR. In the experience of the Irish Refugee Council, the IPO dispensed with interviews for many Afghan nationals, who were subsequently issued with Declarations of Refugee status on a papers-only basis. This practice continued throughout 2023 in some, but not all cases. It was also announced that Afghan nationals facing transfers to other EU countries pursuant to the Dublin III procedure would have their applications for international protection examined in Ireland on compassionate grounds.³⁵¹ However, the extent to which this applied, or continues to apply in practice, remains unclear as data regarding the nationalities of those subject to the Dublin procedure is not readily accessible.

The Department also confirmed that applications for family reunification made by Afghan nationals pursuant to the International Protection Act 2015 would now be prioritised and fast-tracked to completion, with full consideration given to the humanitarian context.³⁵² However, in the experience of the Irish Refugee Council, this has not been the case in practice. In one case, an application for family reunification was substantially delayed owing to difficulties in acquiring the requisite identification documents for the proposed beneficiaries, as well as a refusal on the part of the Family Reunification Unit to accept copy documentation, despite the obvious issues associated with obtaining original documentation from Afghanistan.

Additionally, as of February 2022, the Irish government had provided visa waivers to approximately 532 persons fleeing Afghanistan, with the first group of evacuated refugees arriving in August 2021.³⁵³ Approximately 425 Afghans had arrived in Ireland as of February 2022.³⁵⁴ Newly arrived Afghan refugees were accommodated at one of three Emergency and Orientation Reception Centres in Mosney, Co. Meath, Clonea, Co. Waterford and Balaghaderren, Co. Roscommon.

Subsequently in September 2023, the Irish Refugee Protection Programme announced that this emergency response had ceased. It stated that it would continue to register requests for access to the programme and would accept 'a limited number of refugees from Afghanistan in a more limited manner dependent on capacity and the application of objective criteria'. It further noted that at present, IRPP resources were at capacity in terms of accommodation and pressures from ongoing commitments from other strands of the resettlement programme. Therefore, applications under the programme would be considered only whereby potential beneficiaries had verifiable accommodation and integration supports already available within their community.³⁵⁵

In September 2021, the Irish Government also approved the introduction of the Afghan Admissions Programme with a view of admitting up to 500 Afghan nationals to Ireland. The programme opened for applications on 16 December 2021 for an eight-week period. The programme enables current or former Afghan nationals legally resident in Ireland on or before 1 September 2021 to apply to nominate up to four close family members, who are living in Afghanistan or who have recently fled to neighbouring

³⁵⁰ Department of Justice, *Ministers Flanagan and Stanton welcome final arrivals from Greece under EU relocation programme*, 23 March 2018, available at: <https://bit.ly/3u3RQK7>.

³⁵¹ RTE, Department of Justice to prioritise international protection applications from Afghan Nationals, 18 August 2021, available at: <https://bit.ly/3tbpAYi>.

³⁵² *ibid.*

³⁵³ The Journal, 'First group of evacuated Afghan refugees to arrive in Ireland this evening', 23 August 2021, available at: <https://bit.ly/3F3dSkE>.

³⁵⁴ Minister for Children, Equality, Disability, Integration and Youth Response to Parliamentary Question Nos 135, 146 and 173, 3 February 2022, available at: <https://bit.ly/36O6WMU>.

³⁵⁵ Irish Refugee Protection Programme, 'Afghan Response', 23 September 2023, available at: <https://tinyurl.com/2b8e946w>.

territories, including Iran, Pakistan, Turkmenistan, Uzbekistan or Tajikistan, to apply for temporary residence in Ireland.

Sponsors are required to list their four nominated family members in order of priority, in terms of their vulnerability and risk to their freedom and safety. The Department of Justice indicated that information provided in respect of each family member will be important in assisting the determination of who is deemed most vulnerable in view of prioritising their application. The programme outlines which family members are to be covered by the scheme. The list includes spouses, civil partners, *de facto* partners, minor and adult children whereby they are unmarried and without dependants, grandparents, related minor children without parents for whom the applicant has parental responsibility and vulnerable close family members who do not have a spouse, partner or another close relative to support them. The eligibility criteria requires that the sponsor be able to maintain their nominated family members upon their arrival in Ireland, including providing them with suitable accommodation. It should also be noted that the four-beneficiary limit applies per household, instead of per sponsor. Thus, where two or more sponsors live together as part of the same household, they will be entitled to nominate up to four beneficiaries in total, as opposed to four per person.³⁵⁶

While the introduction of the programme is certainly a welcome development in the Government's overall response to the evolving humanitarian situation in Afghanistan, the Irish Refugee Council raised numerous concerns regarding some aspects that may undermine the overall efficacy of the programme.³⁵⁷ Firstly, based on initial interest in the programme from potential sponsors, the 500 places on the programme falls short of demand; a second concern is that the four-beneficiary limit per household may impact family unity. For this reason, the Irish Refugee Council called upon the government to apply this limit in a flexible manner, to ensure that families with more than four members are permitted to stay together.³⁵⁸ Additionally, the requirement that sponsors be able to maintain their family members upon arrival in Ireland risks excluding persons who were recently recognised as refugees and have not yet had adequate time to establish themselves, as well as those with disabilities or caring responsibilities. Finally, it will be necessary for the Government to operate the programme in such a way that successful beneficiaries who do not have a valid passport are issued with an Irish travel document so as to enable safe passage to Ireland.

The programme opened for applications on the 16th of December 2021 and closed on the 11th of March 2022. There was a total of 528 applications.³⁵⁹ As of 8 November 2023 the Department of Justice had issued 234 positive decisions in respect of 623 beneficiaries. A further 32 negative decisions in respect of 109 individuals had been issued. In addition, 68 applicants had been informed that their applications in respect of 183 individuals were not eligible under the terms of the Programme. As of 8 November 2023, 178 applications in respect of 555 beneficiaries were pending.³⁶⁰ While initially anticipated that AAP would largely be concluded by the end of 2023, as of January 2024, the Department of Justice continues to process remaining applications.³⁶¹ In the period between January and October 2023, a total of 476 Long Stay Join Family were also issued to Afghan nationals.³⁶²

³⁵⁶ Department of Justice, *Afghan Admissions Programme Open for Applications*, 16 December 2021, available at: <https://bit.ly/3n9EB91>.

³⁵⁷ Irish Refugee Council, Press Release: Irish Refugee Council Welcome Afghanistan Admission Programme but Flag Key Requirements, 14 December 2021, available at: <https://bit.ly/3sualYm>.

³⁵⁸ *ibid.*

³⁵⁹ *ibid.*

³⁶⁰ Minister for Justice, Response to Parliamentary Question No 333, 14th November 2023, available at: <https://bit.ly/3Oq7jjr>.

³⁶¹ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

³⁶² Minister for Justice, Response to Parliamentary Question No 370, 10th October 2023, available at: <https://bit.ly/3w8IOAY>.

Reception Conditions

Short overview of the reception system

International protection applicants are offered accommodation by the Irish State in reception centres under a system known as 'Direct Provision.' The State directly provides accommodation and board, along with a weekly allowance for personal requisites (currently € 38.80 for adults and € 29.80 for children), a medical card and ancillary supports for individuals awaiting a decision on their application for international protection. The Direct Provision system is overseen by the International Protection Accommodation Service (IPAS), a subdivision of the Department of Justice and Equality.

Upon lodging an application for international protection, applicants are referred to IPAS. Previously, applicants were initially accommodated at Baleskin Reception Centre near Dublin Airport for a number of weeks so as to facilitate a preliminary interview at the IPO, as well as health screening and registration for Community Welfare Service assistance. However, owing to capacity constraints within the international protection accommodation system, from March 2022, Citywest Hotel and Convention Centre was contracted by the International Protection Accommodation Service and repurposed as a transit hub for the processing of beneficiaries of [Temporary Protection](#), as well as for the accommodation of some newly arrived international protection applicants.

Over the course of 2023, there was also a consistent deterioration in the standard of accommodation provided to international protection applicants. throughout 2023, there was a significant and continued deterioration in the standard of accommodation provided to international protection applicants. 2023 continued to see a movement away from the traditional use of hotel and guest house accommodation and an increased reliance by the State on so-called 'emergency centres'.³⁶³

Throughout 2023, the State also continued to use tented accommodation to accommodate international protection applicants at three locations around the country. While initially intended as a temporary measure, many applicants spent months residing in wholly unsuitable accommodation which did not meet their basic needs and exposed them to at times freezing and wet weather conditions. As of January 2024, there were 346 international protection applicants, all single males, living across three centres.³⁶⁴

Other emergency centres established in 2023 comprised of disused offices, large conference rooms, schools, and sports halls. Applicants were often accommodated in congregated and overcrowded settings without access to basic public services. The Irish Refugee Council has been alerted to numerous grievous risks to vulnerable residents accommodated in these centres, including to women and minor children. These reports included significant child protection issues and very serious privacy concerns.³⁶⁵

In September 2018, the Direct Provision estate reached capacity and consequently, no accommodation was available for newly arrived international protection applicants. Due to shortage of bed space, a number of individuals were accommodated in temporary, emergency accommodation, including hotels, bed and breakfasts and holiday homes. This remained an ongoing issue throughout 2021, 2022 and 2023, with accommodation centres still at capacity.

2023 continued to see a significant number of individuals seeking international protection in Ireland, as well as the arrival of large numbers of beneficiaries of [Temporary Protection](#), many of whom sought accommodation from IPAS. Accommodation capacity therefore remained extremely constrained. At numerous times throughout the year, IPAS exhausted its accommodation stock, resulting in many newly-

³⁶³ RTE, 'Concern over use of tents for asylum seekers', 16 October 2023, available at: <https://tinyurl.com/2t974pj9>.

³⁶⁴ Information provided by IPAS, January 2024.

³⁶⁵ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

arrived single male international protection applicants being refused accommodation on arrival in the state.³⁶⁶

As of February 2024, there were 27,106 persons accommodated within the IPAS system, 18,702 of which were accommodated in emergency accommodation.³⁶⁷

While there is no obligation on an asylum seeker to remain in Direct Provision during the status determination process, if they do opt to leave or stay elsewhere Direct Provision allowance payments are withdrawn. Applicants who opt to reside in Direct Provision centres are accommodated until they are granted some form of status and are subsequently integrated into the community. However, in practice, a significant number of individuals who have been granted status have been unable to move out of Direct Provision owing to a lack of available and affordable housing. The housing crisis in Ireland continues to exacerbate the situation. According to latest available figures, as of December 2023, there were 5,960 persons with status residing in Direct Provision centres around the country.³⁶⁸

The transposition of the Reception Conditions Directive

Until 2018, Ireland had not been party to the Reception Conditions Directive.³⁶⁹ However, the Supreme Court in its judgment in *N.V.H. v. Minister for Justice and Equality*, which dealt with the situation of an asylum seeker who had been living in Direct Provision for eight years with no access to employment, declared that the indefinite prohibition on employment for people in the asylum process was unconstitutional. The Court provided the State with a six-month period within which to review the ban on employment (see [Access to the Labour Market](#)) and to make proposals for providing effective access to the labour market for people in the asylum process. In its response, the Government announced on 22 November 2017 that it would opt into the recast Reception Conditions Directive.³⁷⁰

While the prohibition on seeking employment was struck down on 9 February 2018, opt into the Directive was only crystallised by the adoption of the European Communities (Reception Conditions) Regulations 2018 on 6 July 2018. Transposition was done by way of secondary legislation, a statutory instrument, enacted by the Minister for Justice and Equality.

Although this has placed the reception system on a legislative footing for the first time, the practice which preceded the Regulations continues to govern the approach to reception for people seeking international protection. In July 2019, the Irish Refugee Council published a report analysing the transposition of the Directive one year later.³⁷¹ Particular concerns were the absence of a vulnerability assessment and the rapid increase in the number of people dispersed to *ad hoc* emergency accommodation premises due to the lack of available bed spaces in Direct Provision accommodation. As of 2022, the extent to which the provisions of the Regulations have been implemented in practice continues to vary significantly.

At the end of January 2021, a pilot programme for the conducting of vulnerability assessments was established at Baleskin reception centre in Dublin. Officials from the International Protection Accommodation Service (IPAS) are carrying out assessments with the assistance of a social worker from the IPO. The pilot scheme initially assessed applicants seeking accommodation from the State and was

³⁶⁶ *ibid.*

³⁶⁷ IPAS, *DCEDIY IPAS – Weekly Stats*, 4th February 2024, available at: <https://tinyurl.com/ycyu37a3>.

³⁶⁸ Minister for Children, Equality, Disability, Integration and Youth, Response to Parliamentary Question No. 705, 12th December 2023, available at: <https://tinyurl.com/2bf5pbvt>.

³⁶⁹ Irish Refugee Council, 'The Reception Conditions Directive: One Year On', July 2019, available at: <https://tinyurl.com/mwf423x5>.

³⁷⁰ Department of Justice and Equality, 'Government agrees framework for access to work for International Protection Applicants', 21 November 2017, available at: <http://bit.ly/2BgSGXj>.

³⁷¹ Irish Refugee Council, 'The Reception Conditions Directive: One Year On', July 2019, available at: <https://tinyurl.com/mwf423x5>.

subsequently extended to all new applicants seeking international protection.³⁷² The pilot programme continued as of January 2023 (see [Screening of vulnerability](#)).

The “McMahon Report” and Direct Provision reform

In relation to the establishment of a Working Group on the Protection Process and Direct Provision, the Report on the Working Group to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, was published in June 2015 and included over 170 recommendations. It represented the first review of the protection process since the establishment of the Direct Provision system 15 years ago. The Chair of the Working Group, Bryan McMahon, upon publication of the report stated that the “single most important issue to be resolved was the length of time that many of those in the system have to wait before their cases are finally determined.”³⁷³ Former Minister Fitzgerald in launching the report acknowledged that successful implementation of key recommendations is dependent on the early enactment of the IPA.³⁷⁴

To date, the Government has published three progress reports on the implementation of these recommendations, with the final report having been published in July 2017.³⁷⁵ On releasing the report, Minister for Justice Charlie Flanagan stated that “133 recommendations have been reported as fully implemented and a further 36 are in progress or partially implemented. This represents 98% full or partial implementation.”

In an article published in June 2020, former members of the Working Group noted that many of the key recommendations of the report “have only been partially implemented. Overall, the implementation process was “uneven, delayed and at times only reluctantly undertaken.”³⁷⁶

In 2018, building on the Report on the Working Group to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, the Working Group on National Standards produced a draft document consisting of a set of proposed national standards for accommodation centres in Ireland. The National Standards aim to introduce further reforms of the Direct Provision system. The National Standards were subject to a public consultation process which closed on 25 September 2018.³⁷⁷ The final draft of the Standards was published in August 2019.³⁷⁸

The National Standards are designed to constitute a set of standardised rules for every Direct Provision accommodation in Ireland. The draft National Standards cover ten themes including:

1. Governance, Accountability and Leadership
2. Responsive Workforce
3. Contingency Planning and Emergency Preparedness
4. Accommodation
5. Food, Catering and Cooking Facilities
6. Person Centred Care and Support
7. Individual, Family and Community Life
8. Safeguarding and Protection

³⁷² *ibid.*

³⁷³ Department of Justice and Equality, *Chair’s remarks on the publication of the report to Government*, 30 June 2015, available at: <http://bit.ly/1MxniZe>.

³⁷⁴ Department of Justice and Equality, *Speech by Minister Fitzgerald: Publication of the Report of the Working Group on the Protection Process*, 30 June 2015 available at: <http://bit.ly/1XDJEKi>.

³⁷⁵ Department of Justice, ‘Third and Final Progress Report on the implementation of the Justice McMahon Report recommendations’, 17 July 2017, available at: <http://bit.ly/2DsuuXW>.

³⁷⁶ Irish Times, ‘Five years since McMahon report and 7,700 still in Direct Provision’, 30 June 2020, available at: <https://bit.ly/3dgtCGA>.

³⁷⁷ Department of Equality and Justice, *Consultation on National Standards for accommodation offered to people in the protection process*, available at: <https://bit.ly/2DtyHcv>.

³⁷⁸ National Standards for accommodation offered to people in the protection process, available at: <https://bit.ly/2u5cOy0>.

9. Health, Wellbeing and Development

10. Identification, Assessment and Response to Special Needs

The National Standards are aimed at the private operators of Direct Provision centres. They are, however, distinct from the tendering process and contractual relationship between private actors and IPAS. Furthermore, the mechanism for assessing adherence to the National Standards is a self-auditing process. There is no provision for oversight of adherence by IPAS or any independent monitoring body. While an important next step to the reforms proposed by the McMahon report, compliance with the National Standards, as currently proposed, lacks any oversight or enforcement mechanism, which may undermine their usefulness. While welcoming the introduction of a set of coherent accommodation standards, the Irish Refugee Council expressed concern at the lack of accountability mechanisms in its submission to the Standards Advisory Committee during the public consultation.³⁷⁹

The National Standards became legally binding and enforceable on 1 January 2021. It was hoped that a mechanism for independent monitoring of the implementation of the standards would be established soon thereafter. Instead, inspections continued to be carried out by IPAS and a private contractor engaged by IPAS. In October 2021, Minister O’Gorman confirmed that that Direct Provision Accommodation Centres are to be monitored by the Health Information and Quality Authority (HIQA) for compliance with the National Standards. The Department of Children, Equality, Disability, Integration and Youth is currently engaging with HIQA and the Department of Health with a view to undertaking the preparatory work with regard to HIQA’s monitoring role.³⁸⁰ In parallel with this process, the Health (Inspection of Emergency Homeless Accommodation and Asylum Seekers Accommodation) Bill is currently before the Dáil with a view to placing HIQA’s monitoring role on statutory footing.³⁸¹

Throughout 2022, the Department of Children continued its engagement with HIQA and various other stakeholders regarding HIQA’s proposed monitoring of IPAS centres against the National Standards, which became legally binding in January 2021. An Expert Advisory Group was established, comprising of a range of different stakeholder organisations, service providers and service users, in order to inform this process and several meetings of the group were held throughout the year.³⁸² Concurrently, in consultation with the Office of the Attorney General, the Department of Children drafted a Regulation to provide the necessary legal basis for HIQA’s monitoring role.³⁸³

As of 9 January 2024, the Health Information and Quality Authority (HIQA) assumed the responsibility for monitoring and inspecting International Protection Accommodations Service centres against the legally binding National Standards for Accommodation Offered to People in the Protection Process. This function was provided to HIQA by an amendment to the European Communities (Reception Conditions) Regulations 2018 by way of the European Communities (Reception Conditions) (Amendment) Regulations 2023 (S.I. No. 649 of 2023).³⁸⁴

Whereby centres are subject to inspection, a HIQA inspector will visit the IPAS centre and speak with residents, members of staff and centre managers in order to gain an insight into how the service is run. Inspectors will also examine records held by IPAS centres. Some inspections will be announced, while others will be unannounced. After the inspection, HIQA inspectors will prepare a report in respect of the centre and determine the quality of the services and support provided. Inspection reports will be published on HIQA’s website under the [inspection reports section](#). If improvements are required in IPAS centres,

³⁷⁹ Irish Refugee Council, *Submission on the Draft National Standards for Direct Provision Centres*, 3 October 2018, available at: <https://bit.ly/2MIXX7T>.

³⁸⁰ Minister for Children, Equality, Disability, Integration and Youth Roderic O’Gorman, Response to Parliamentary Question No 107, 7 October 2021, available at: <https://bit.ly/3EDRL46>.

³⁸¹ Health (Inspection of Emergency Homeless Accommodation and Asylum Seekers Accommodation) Bill 2021.

³⁸² Minister for Children, Equality, Disability, Integration and Youth Roderic O’Gorman, Response to Parliamentary Question No 1361, 26th July 2022, available at: <https://bit.ly/3Xd3sc3>.

³⁸³ *ibid.*

³⁸⁴ HIQA, ‘International Protection Accommodation’, January 2024, available at: <https://bit.ly/49pGe8b>.

the service provider will be required to submit a plan on how and when these improvements will be made. The implementation of these plans will be closely monitored by HIQA.³⁸⁵

While the commencement of HIQA's inspection and monitoring function is welcomed, the Irish Refugee Council remains deeply concerned regarding the exclusion of emergency centres from HIQA's remit. In the experience of the IRC, the most difficult conditions persist within 'emergency' and 'pre-reception' facilities, and not in permanent centres. Additionally, the number of emergency centres operating in the country has far surpassed that of permanent centres.

Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process

In November 2019, the Government announced a new expert advisory group to look at a 'long term approach to how people seeking asylum are accommodated and supported'. The group, chaired by former European Commission secretary general Dr. Catherine Day, was tasked with making a series of recommendations to end the Direct Provision system and transform the international protection process.

Following an extensive review process, the group's report was published on 21 October 2020. Launching the report, the group's chair Dr. Catherine Day stated that a "whole-of-government approach" is required in order to successfully replace the system. She further added that "continued political oversight" was crucial in implementing the new system.³⁸⁶

The Advisory Group was concerned with two primary issues - the length of time that asylum seekers spend in the system and the type of accommodation and the support they receive while awaiting a final determination on their application for international protection.³⁸⁷

Amongst the most significant of the Advisory Group's recommendations is the abolition of the "congregated and segregated accommodation" of applicants for international protection by mid-2023.³⁸⁸ Instead, applicants ought to be initially housed in a designated State-owned reception centre for a three-month period. An onsite multi-service centre should assist applicants in accessing the necessary services and entitlements, including legal aid and post-reception centre housing placement.³⁸⁹ During this period, applicants should also be provided with a weekly cash allowance, a Temporary Residence Card, PPS number and access to ancillary supports such as a medical card, education and training. Applicants should also receive medical and vulnerability assessments within 30 days of making their application for international protection. Following the implementation of the revised vulnerability assessment policy discussed above, newly arrived applicants are required to self-refer, or be referred by a support service, so as to undergo a vulnerability assessment. The Irish Refugee Council also remains concerned about the lack of information provided to applicants regarding the assessment. It is evident in our contact with clients that many individuals undergoing the vulnerability assessment are not aware of the purpose of the assessment, nor do they understand what the information acquired will be used for. It is thus apparent that many newly-arrived applicants have not yet undergone an assessment upon arrival in the State.

Following the initial 3-month reception period, applicants ought to be provided with own-door accommodation in a local community and be permitted to access a Housing Assistance Payment (HAP) equivalent. The Department of Housing, Local Government and Heritage would be responsible for securing housing placements. Social welfare allowance would be aligned with mainstream income

³⁸⁵ *ibid.*

³⁸⁶ The Journal, 'Catherine Day: 'Continued political oversight' needed to end Direct Provision', 21 October 2020, available at: <https://bit.ly/3o2e76M>.

³⁸⁷ Advisory Group on Direct Provision, Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, 21 October 2020, available at: <https://bit.ly/3qgSmC3>, 5.

³⁸⁸ *ibid.*, 8.

³⁸⁹ *ibid.*, 12.

supports and multi-service support would be provided with work placement, access to education and training, medical card and integration support for a period of up to 18 months following a positive decision.

In the event that a negative determination is made and in circumstances whereby all avenues of appeal are exhausted, an applicant ought to be provided with own-door accommodation and housing allowance for a period of 3-6 months pending removal from the State. Social welfare allowance would be aligned with mainstream income supports for up to 6 months, while multi-service support would also continue during this period.³⁹⁰

The report also makes a number of recommendations that ought to be implemented in the short-term, until the new, permanent system enters into force. These include appointing the Health Information and Quality Authority (HIQA) as an independent inspectorate to examine conditions in Direct Provision centres and ensure that the National Standards are being adequately implemented.³⁹¹ Further immediate recommendations include facilitating access to driving licences and bank accounts, as well as removing restrictions on the right to work.³⁹²

The report also makes significant recommendations regarding shorter processing times for applications for international protection. According to the Report, binding deadlines must apply for each stage of the international protection process. It is recommended that the IPO and IPAT should issue decisions within 6 months.³⁹³ In order to clear the backlog of existing cases, the report recommends that a simplified approach ought to be taken whereby an individual has been in the protection process for over 2 years by the end of 2020. In such circumstances, the individual ought to be offered permission to remain for a five-year period without prejudice to their pending application for international protection.³⁹⁴

The recommendations of the Advisory Group were assessed by relevant Government Ministers and their departments and informed the development of the Government's White Paper on replacing the Direct Provision system. The White Paper was published on 26 February 2021.³⁹⁵

Government White Paper on Ending Direct Provision

The Government's long-awaited White Paper on Ending Direct Provision was published on 26 February 2021. The paper establishes a variety of measures aimed at ending the system of Direct Provision and replacing it with a not-for-profit model. The paper broadly reflects the recommendations of the Advisory Group's report and sets out a roadmap towards establishing a new international protection accommodation policy, to be in place by 2024.³⁹⁶

The new model proposes a two-phased approach to accommodating applicants for international protection. In Phase One, it is proposed that the applicant will be accommodated in a designated Reception and Integration Centre for a period of four months. The focus during this phase will be on identifying the applicants' particular needs and linking them with appropriate support services. Accommodation in Reception and Integration Centres will be own-door for families and own-room for single people, with specific accommodation tailored to individuals with identified vulnerabilities. Applicants are to be provided with comprehensive information about the International Protection process, including information regarding Legal Aid Board services, Health services, Education supports, Childcare and Employment activation. An intensive orientation and English language programme will also be provided. Vulnerability Assessments will be carried out in order to determine particular accommodation and support

³⁹⁰ *ibid.*

³⁹¹ *ibid.*, 12.

³⁹² *ibid.*, 80.

³⁹³ *ibid.*, 56.

³⁹⁴ *ibid.*, 56.

³⁹⁵ Department of Children, Equality, Disability, Integration and Youth, *White Paper on Ending Direct Provision*, 26 February 2021, available at: <https://bit.ly/3t2Xqv6>.

³⁹⁶ Department of Children, Equality, Disability, Integration and Youth, *White Paper on Ending Direct Provision*, 26 February 2021, available at: <https://bit.ly/3t2Xqv6>.

needs and applicants will be linked with appropriate services accordingly. Applicants will continue to receive a bespoke allowance while in the Reception and Integration Centre, similar to that currently provided. In total, six Reception and Integration Centres will be established and operated by the newly established International Protection Support Service.³⁹⁷

Under Phase Two, it is proposed that all accommodation provided will be own-door, self-contained houses or apartments for families, with single people housed in either own-door or own-room accommodation. Accommodation will be located in all counties and the location and number of applicants to be accommodated in each county will be determined according to a national settlement pattern. Different supports will apply to the applicant depending on the accommodation strand provided. For vulnerable persons, supports will be provided by not-for-profit organisations contracted and funded by the Department of Children, Equality and Disability, Integration and Youth to provide the service in a particular location. Whereby the applicant is not deemed vulnerable, resettlement workers, overseen by the Department of Children, Equality, Disability, Integration and Youth, will act at county level to link applicants with supports and services. Applicants and their families will have the right to access mainstream services, including education and health services. Access to further intensive English language supports will also be provided.³⁹⁸

The report has been widely welcomed by migrant rights groups in that it goes some way towards developing an all-government approach to ending the system of Direct Provision. However, a major weakness identified in the paper is that it fails to incorporate the Day Advisory Group recommendation in relation to offering permission to remain to people who are two or more years in the system. One of the issues associated with the current process is that the processing of applications takes too long, the result being that asylum seekers spend years waiting for a decision on their application, effectively putting their lives on hold. This ultimately causes considerable capacity issues within the system and, unless the current sizable backlog of cases is resolved, implementation of the Paper's key recommendations will be significantly hampered.

Following the publication of the White Paper, a team was established in the Department of Justice in order to lead the transition to a new accommodation model for international protection applicants. Additionally, the Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman appointed a programme board, including officials from the relevant Departments and agencies and independent members from various non-governmental organisations tasked with overseeing the transition to the new model. The programme board has met four times since it was established, with a fifth meeting scheduled for mid-December 2021. Minister O'Gorman also appointed a three-person external advisory group to act as an independent observer and oversee the implementation of the new model. Additionally, it was announced that the Department of Children, Equality, Disability, Integration and Youth, working with the Housing Agency, had begun the acquisition of properties for use during phase 2, that is, after people have completed an initial four months in a reception and integration centre and are moved into the community. It was envisaged that applicants would move into this accommodation beginning in 2022 and for this process to accelerate in the following years as more properties are acquired.³⁹⁹ However, in light of the continuing accommodation crisis, it has become apparent that the Government's aim of ending Direct Provision by 2024 is no longer feasible.⁴⁰⁰ Following a review conducted by the Department of Integration of projected timelines and deliverables contained in the White Paper, and a reassessment of the projections underpinning proposed reforms,⁴⁰¹ the Minister for Integration announced that bring a revised White Paper to Cabinet in November 2023 setting out a longer-term plan to end the system of Direct

³⁹⁷ *Ibid*, 42.

³⁹⁸ *Ibid*, 43.

³⁹⁹ Minister for Children, Equality, Disability, Integration and Youth Roderic O'Gorman, Response to Parliamentary Question Nos 12, 14, 74, 77 and 82, 3 December 2021, available at: <https://bit.ly/33ZH4vX>.

⁴⁰⁰ The Irish Times, 'Plan to end direct provision by 2023 set to be watered down amid pressure from Ukraine war', 20th October 2022, available at: <https://bit.ly/3k4juWS>.

⁴⁰¹ Minister for Children, Equality, Disability, Integration and Youth Roderic O'Gorman, Response to Parliamentary Question No 436, 13th December 2022, available at: <https://bit.ly/3w5owFe>.

Provision.⁴⁰² On the 27 March 2024 the Department of Children, Equality, Disability, Integration and Youth published a 'Comprehensive Accommodation Strategy for International Protection Applicants'.⁴⁰³ The Irish Refugee Council stated in a press release⁴⁰⁴ that, while the plan has several positive elements such as confirmation of a child benefit style payment and accommodation for vulnerable groups, it is extremely light on detail, dependent on funding that is not yet confirmed, and crucially, does not demonstrate a sufficiently urgent way to end the current homelessness crisis.

Joint Committee on Justice and Equality

In December 2019, the Joint Committee on Justice and Equality of the Oireachtas published the 'Report on Direct Provision and the International Protection Application Process December 2019'.⁴⁰⁵ This report called for a fundamental reform of the Direct Provision system and describes it as 'not fit for purpose'.

The members of the Committee found that 'shared, institutionalised living fails to fully respect the rights to privacy and human dignity of those placed in these centres. The issues pointed out in the report of the all-party group include:

- ❖ Inadequate support 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.⁴⁰⁶

The report made 43 conclusions and recommendations and followed a series of public hearings with stakeholder groups and the receipt of more than 140 written submissions and visits by the Committee to Direct Provision centres in Mosney and Monaghan. Amongst its recommendations there was the change to 'own door' accommodation units for individuals and families; leaving behind the current 'for profit' running of direct provision, and the involvement of approved housing bodies in the provision of accommodation and services.⁴⁰⁷ The work of the Joint Committee ceased with the dissolution of the 32nd Dáil in January 2020. However, many of the findings made by the Committee subsequently informed the work of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process.

Committee for the Elimination of Racial Discrimination

In 2019, the UN Committee for the Elimination of Racial Discrimination (CERD) in its Concluding observations on the combined fifth to ninth reports of Ireland expressed its concerns about Ireland's Direct Provision system, referring to its continuous failure to provide adequate accommodation for protection applicants and in particular regarding:

- (a) The lengthy stay in inadequate living conditions in Direct Provision centres and its significant impact on mental health and family life of protection applicants;

⁴⁰² Irish Times, 'New plan to end direct provision to be set out in revised White Paper', 23 October 2023, available at: <https://tinyurl.com/yfh4r28r>.

⁴⁰³ Department of Children, Equality, Disability, Integration and Youth, 'Comprehensive Accommodation Strategy for International Protection Applicants' 27 March 2024, available at: <https://tinyurl.com/fc6jbkxj>.

⁴⁰⁴ Irish Refugee Council, 'Press release: Irish Refugee Council express concern over pact opt in and international protection accommodation plan and raise serious alarm about risk of homeless women and children', March 2024, available at: <https://tinyurl.com/2s3bpd7v>.

⁴⁰⁵ Houses of the Oireachtas, Joint Committee on Justice and Equality report finds Direct Provision 'not fit for purpose' and calls for fundamental reform of 'flawed' international protection application process, 12 December 2019, available at: <https://bit.ly/2GdKzzW>.

⁴⁰⁶ *ibid.*

⁴⁰⁷ *ibid.*

- (b) The operation of Direct Provision centres by private actors on a for-profit basis without proper regulation or accountability mechanisms;
- (c) The extensive use of emergency accommodation for lengthy periods due to the capacity limit of Direct Provision centres and the housing crisis, the substandard living conditions of emergency accommodation and the lack of necessary services and support provided therein;
- (d) The reported lack of transparency regarding the deaths of persons residing in these centres (art.5).⁴⁰⁸

After expressing such concerns the CERD made the recommendation to Ireland to phase out the Direct Provision system and develop an alternative reception model, with a series of interim measures:

- (a) Improve living conditions in Direct Provision centres and reduce the length of stay in the centres;
- (b) Set up clear standards of reception conditions for Direct Provision centres; regulate and inspect the operation of Direct Provision centres; and hold those responsible accountable in case of breach of standards;
- (c) Halt the emergency accommodation as soon as possible and develop a contingency planning framework with a view to effectively responding to capacity pressures;
- (d) Ensure transparency regarding the deaths in Direct Provision centres and collect and publish data on the deaths in the centres.⁴⁰⁹

STAD (Standing Against Direct Provision) Coalition

The STAD coalition was founded by eight NGOs in January 2022 with a view to lobbying the Government to deliver on the commitment to bring an end to direct provision in the next two years. Membership is comprised of Nasc, Amnesty International Ireland, Crosscare, Cultúr, Doras, the Immigrant Council of Ireland, the Irish Refugee Council, and the Movement of Asylum Seekers in Ireland. The coalition's primary aim is to replace Direct Provision with an alternative system by 2024, ensure that all emergency reception centres are closed as an immediate priority and reduce processing times for international protection applications and appeals. STAD has also called for HIQA to be provided with a mandate to independently inspect Direct Provision centres while they remain operation and for urgent measures identified in the Catherine Day report to be implemented immediately, such as an increase in the daily expenses allowance, making the right to work available after three months, and the provision a comprehensive vulnerability assessment to all applicants for international protection.⁴¹⁰

In October 2023, the STAD coalition called upon the government to publish and implement a new White Paper on Direct Provision without delay. They called for a new roadmap to set out clear timelines for ending the use of the Direct Provision accommodation system, and for a human rights compliant alternative.⁴¹¹ At the time of updating, no such revised Paper was forthcoming.⁴¹² The coalition also renewed its appeal for access to early legal advice for all those applying for international protection, independent HIQA inspections of all Direct Provision and emergency accommodation centres, and renewed efforts to ensure homelessness is not a recurring issue for international protection applicants and those who have received immigration status in Ireland.⁴¹³

⁴⁰⁸ UN CERD, Concluding observations on the combined fifth to ninth reports of Ireland, 12 December 2019, CERD/C/IRL/CO/5-9, available at: <https://bit.ly/3dZHrpU>.

⁴⁰⁹ *Ibid.*

⁴¹⁰ STAD, Coalition to end Direct Provision launched by leading not-for-profit groups, 26 January 2022, available at: <https://bit.ly/3uFkzrp>.

⁴¹¹ STAD, Call for new White Paper on Direct Provision to be published without delay', October 13 2023, available at <https://tinyurl.com/2au3s3sf>.

⁴¹² Information provided by Irish Refugee Council Policy and Advocacy Officer, February 2024.

⁴¹³ STAD, Call for new White Paper on Direct Provision to be published without delay', October 13 2023, available at: <https://tinyurl.com/2au3s3sf>.

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law allow for access to material reception conditions for asylum seekers in the following stages of the asylum procedure?

❖ Regular procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Dublin procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Accelerated procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ First appeal	☒ Yes	☐ Reduced material conditions	☐ No
❖ Onward appeal	☒ Yes	☐ Reduced material conditions	☐ No
❖ Subsequent application	☒ Yes	☐ Reduced material conditions	☐ No
2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions?

☒ Yes	☐ No
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Under the Reception Conditions Regulations, access to reception conditions is provided to a person who has given an indication of intention to seek asylum where they do not have sufficient means to have an adequate standard of living.⁴¹⁴ An asylum applicant is defined by the International Protection Act 2015 as a person who has made an application for international protection in accordance with section 15, or on whose behalf such an application has been made or is deemed to have been made. A recipient is a person who has indicated a wish to apply for international protection or someone who has lodged their claim, and who has not ceased to be a recipient. The Regulations do not apply to persons who fall outside of the scope of the EU Recast Reception Conditions Directive (e.g. people living in Direct Provision accommodation with status or people who have been issued deportation orders, who are not considered 'recipients' for the purposes of reception).

Throughout much of 2021, newly arrived asylum seekers were subject to medical checks at Dublin airport. Applicants were screened on the basis of health questionnaires, subject to temperature checks and were required to self-report symptoms of COVID-19. Applicants were then transferred to designated facilities, usually hotels, for the purposes of self-isolation. According to government policy, newly arrived applicants were required to self-isolate for a two-week period, however, in the experience of the Irish Refugee Council, individuals and families were often kept in quarantine for extended periods, sometimes up to 28 days. This delayed the commencement of the protection process for many applicants and consequently, access to PPS numbers, medical cards, Daily expenses allowance (DEA) etc. Following the easing of public health restrictions associated with Covid-19, mandatory quarantine ceased for all newly arrived applicants in September 2021.

Additionally, in the experience of the Irish Refugee Council, at the outset of the COVID-19 a number of clients experienced difficulty in accessing accommodation at the very early stages of the pandemic. The Irish Refugee Council Independent Law Centre assisted several individuals who had their material reception conditions withdrawn after being refused re-entry to Direct Provision accommodation centres. In many cases, there was no written reason provided by IPAS for the withdrawal of accommodation. Residents were told that in order to re-access accommodation, they would be required to make a formal request to IPAS.

Individuals were prevented from accessing emergency accommodation and owing to delays in re-accommodation, a number of clients became street homeless or were forced to stay in cars or with friends. Some clients had to wait up to 10 days prior to accommodation being restored and this only occurred after IRC entered direct written correspondence with IPAS, with intervention by IRC's CEO to senior IPAS staff. With advocacy and assistance from IRC, reception conditions were restored in the vast majority of cases.

⁴¹⁴ Regulations 2 and 4(1) Reception Conditions Regulations 2018.

Provision of reception conditions at a designated place

The entitlement to Reception Conditions is expressly subject to two requirements:⁴¹⁵

- ❖ Material reception conditions are made available only at a designated accommodation centre or a reception centre (which is an initial accommodation centre where protection applicants are first accommodated before another accommodation centre is designated). In effect, this guarantees that reception conditions are provided through the existing system of Direct Provision.
- ❖ The recipient complies with the house rules of the accommodation centre. The house rules are defined in the Regulations as rules made by the Minister for Justice under the Regulations. To date, house rules have not been made under the Regulations, although house rules made prior to the Regulations continue to be applied in Direct Provision centres. Since house rules made prior to the introduction of the Regulations are not house rules made under the Regulations, this raises a question about the legal relationship between the current house rules and the Regulations; in particular, enforceability of the current house rules for the purposes of, for example, withdrawing material reception conditions (see [Reduction or withdrawal](#)).

The Regulations provide that reception conditions are only available within the structure of the existing system known as Direct Provision.⁴¹⁶ This means that in order to receive material reception conditions, an asylum seeker must live in Direct Provision accommodation and must live in the particular accommodation centre designated by the authorities.⁴¹⁷ In designating an accommodation centre for recipients of reception conditions, the Regulations provide that the Minister will take a number of factors into account (see [Freedom of Movement](#)). While the Regulations provide a new statutory basis for Direct Provision, in many respects, the transposition of the Reception Conditions Directive has not changed the existing structure of reception in Ireland.

Protection applicants are not obliged to use IPAS accommodation and may source their own accommodation or stay with relatives or friends. However, to do so means that the individual is not entitled to material reception conditions (which cover housing but also food, clothing and a daily expenses allowance) or State social welfare supports, e.g. rent allowance, etc. Persons living outside Direct Provision are still legally eligible to access a medical card in line with Regulation 18 of the Reception Conditions Regulations 2018 pertaining to the Right to Health. However, in practice, access to medical cards for those living outside of Direct Provision had not been facilitated. Following numerous complaints by IRC to the Department of Health and the Ombudsman, the HSE's Medical Card Unit recently amended their policy to enable international protection applicants who are not living in Direct Provision to obtain medical cards. Consequently, international protection applicants living outside of Direct Provision are now permitted to access medical care and prescription medication on the same basis as those living in the Direct Provision system (see [Health Care](#)).

Provision is made to exceptionally allow for a deviation from the prescribed form of reception under the Regulations in exceptional circumstances where: (a) a vulnerability assessment needs to be carried out to assess special reception needs; or (b) where the accommodation capacity is temporarily exhausted.⁴¹⁸

⁴¹⁵ Regulation 4(2) Reception Conditions Regulations 2018.

⁴¹⁶ The system of Direct Provision has been in place since 2000. The increase in the numbers applying for asylum in the 1990s prompted a decision by the then government to withdraw social welfare from protection applicants and to provide for their basic needs directly through a largely cash-less system. This became known as Direct Provision, which is the system of accommodation for persons in the international protection application process in Ireland today. It continues to be the system pursuant to which material reception conditions are provided under the Regulations. Prior to the introduction of the Regulations, Direct Provision had no statutory basis. The Reception and Integration Agency (RIA) (now IPAS) was set up as a division within the Department of Justice to manage Direct Provision. While the drafting of the Regulations refers to the "Minister", defined as the Minister for Justice and Equality, powers are exercised by RIA in practice. RIA has no statutory basis and the decision to establish it is not a matter of public record. Originally, it was intended that protection applicants would spend no more than six months living in Direct Provision.

⁴¹⁷ Regulation 7(1) Reception Conditions Regulations 2018.

⁴¹⁸ Regulation 4(5) Reception Conditions Regulations 2018.

The Regulations require that an alternative method of accommodation must be for as short a period as possible and must meet the recipient's basic needs.⁴¹⁹

On lodging an application for asylum with the IPO, the applicant is referred to IPAS. Previously, applicants were brought to a reception centre near Dublin Airport named **Balseskin**. However, as noted above, in March 2022, Citywest Hotel and Convention Centre was contracted by the International Protection Accommodation Service and repurposed as a transit hub for the processing of beneficiaries of Temporary Protection, as well as for the accommodation of newly arrived international protection applicants. Owing to limited bed capacity, many international protection applicants were forced to sleep on the floor of the Convention centre or on chairs for periods of up to 6 weeks while awaiting transfer to more permanent accommodation.⁴²⁰ Many residents reported sub-standard, overcrowded living conditions, as well as significant child protection concerns, posing a risk to the personal safety, health and wellbeing of adults and children living at the facility.⁴²¹ Citywest Convention Centre continued to operate throughout 2023 as both a transit hub for the processing of beneficiaries of Temporary Protection, as well as for the accommodation of newly arrived adult international protection applicants. As of January 2024, there were 574 international protection applicants resident in the centre.⁴²²

After a person has applied for asylum, they will be issued with a Temporary Residence Certificate, in the form of a plastic card, which sets out the person's personal details and contains their photograph. When the Temporary Residence Certificate has been received, they will be referred to the IPAS office within the IPO building. Applicants are usually accommodated at Citywest Convention Centre for a period of approximately six weeks prior to being transferred to more permanent accommodation.

In 2019, significant numbers of people were accommodated in emergency accommodation immediately after lodging an application for international protection. Capacity in Direct Provision continued to be a significant issue throughout 2023. Despite a commitment by the Minister for Children, Equality, Disability, Integration and Youth to decommission the use of emergency accommodation prior to the end of 2022,⁴²³ the number of emergency accommodation centres increased to from 79 centres in January 2023 to 216 centres in February 2024. A total of 18,702 international protection applicants, 3,942 of which were children resided in these centres located throughout the country.⁴²⁴ (see [Housing](#)).

The assessment of resources

Irish law provides, pursuant to Regulation 4(1) of the Reception Conditions Regulations 2018, that a recipient shall be entitled to receive the material reception conditions whereby they do not have sufficient means to attain an adequate standard of living. In practice, prior to receiving material reception conditions, protection applicants are asked to sign a declaration stating that they do not have sufficient independent means to maintain an adequate standard of living.

With the introduction of [Access to the Labour Market](#) for the first time under the Reception Conditions Regulations 2018, provision has been made for a reduction in the daily expenses allowance commensurate with income derived from employment, as well as for a contribution towards the material reception conditions received.

- **Regarding the daily expenses allowance:** After an initial twelve-week period in employment, the relevant portion of a person's weekly income is to be assessed.⁴²⁵ To calculate the relevant

⁴¹⁹ Regulation 4(6) Reception Conditions Regulations 2018.

⁴²⁰ Information provided by Irish Refugee Council Information and Advocacy Service, December 2022.

⁴²¹ RTE, 'Child Safety Concerns at Citywest Transit Hub', 19th December 2022, available at: <https://bit.ly/3QAuqrq>.

⁴²² Information provided by IPAS, January 2024.

⁴²³ *ibid.*

⁴²⁴ IPAS, *DCEDIY IPAS – Weekly Accommodation and Arrival Statistics*, 4 February 2024, available at: <https://bit.ly/3vRtaKF>.

⁴²⁵ Regulation 5(1) and Schedule 1 Reception Conditions Regulations 2018.

portion, the first € 60 is disregarded. The relevant portion is equal to 60% of the remaining weekly income. That relevant portion is then deducted from the asylum seeker's daily expenses allowances. If the amount of the relevant portion exceeds the amount of the daily expenses allowance, the daily expenses allowance is no longer paid.⁴²⁶ It is unclear in practice whether this power has been implemented.

- **Contribution towards the material reception conditions:** If an asylum seeker is in employment and their income exceeds a particular threshold, they are required to pay a contribution towards the material reception conditions received. The cost of accommodation services is stated in the Regulations as constituting € 238 per week. Income up to € 97 does not meet the threshold for the payment of a financial contribution. Income in excess of € 97 attracts a liability, which is scaled upwards as a percentage of the weekly cost of accommodation. For income of € 600.01 or over, the contribution rises to 100% of the cost, meaning that € 238 per week is payable. At the upper limit, this liability comprises € 952 per month for bed and board in a shared room.⁴²⁷ It is not clear the extent of which this is implemented in practice.

The Regulations empower the Minister to serve notice in writing of a requirement to refund all or part of the cost of material reception conditions, with the possibility of recovering the amount as a simple contract debt in any court of competent jurisdiction.⁴²⁸ This will arise in circumstances where the Minister becomes aware that a person had the means to provide an adequate standard of living or concealed financial resources.⁴²⁹

Reception for other categories of persons

IPAS also provides overnight accommodation to citizens of certain EU States who are destitute and who have expressed a wish to return to their own country. Victims of trafficking who are not protection applicants are also accommodated during a 60-day reflection period.⁴³⁰ During this period, individuals are entitled to access health and psychological services through the Health Service Executive and legal advice through the Legal Aid Board. A range of community and voluntary organisations also provide support, information and advice to victims of human trafficking.

IPAS provides accommodation for applicants up to their return to their country of origin following a negative decision. However, the increasing numbers of people remaining in Direct Provision after being granted status is causing significant strain on IPAS in the context of stretched capacity. In February 2024, it was confirmed by IPAS that persons residing in Direct Provision who had been granted status would be given 12 months in which to access private rented accommodation (24-months for families),⁴³¹ prior to being transferred to alternative IPAS accommodation, typically usually to emergency or tented accommodation.⁴³²

In the experience of the Irish Refugee Council beneficiaries of international protection are finding it increasingly difficult to access the private rental market in the context of an ongoing housing and homelessness crisis (see [Content of Protection: Housing](#)).

⁴²⁶ Regulation 5(2) Reception Conditions Regulations 2018.

⁴²⁷ Schedule 2 Reception Conditions Regulations 2018.

⁴²⁸ Regulation 5(4) Reception Conditions Regulations 2018.

⁴²⁹ Regulation 5(3) and (6) Reception Conditions Regulations 2018.

⁴³⁰ The purpose of the reflection period is to allow a victim of trafficking to recover from the alleged trafficking, and to escape the influence of the alleged perpetrators of the alleged trafficking so that they can take an informed decision as to whether to assist Gardaí or other relevant authorities in relation to any investigation or prosecution arising in relation to the alleged trafficking. See 'Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking', available at: <http://bit.ly/1HTRdmE>.

⁴³¹ Confirmed in correspondence with IPAS, February 2024.

⁴³² Information provided by Irish Refugee Council Information and Advocacy Service, February 2024.

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum seekers as of 31 December 2023 (in original currency and in €):
€ 155.20 for adults
€ 119.20 for children

The Reception Conditions Regulations 2018 define “material reception conditions” as: (a) housing, food and associated in-kind benefits; (b) the daily expenses allowance; and (c) financial allowance for clothing.⁴³³

2.1. Daily expenses allowance

The Direct Provision allowance, referred to as the daily expenses allowance under the Reception Conditions Regulations, is a payment made to protection applicants for personal and incidental expenses. The rate of the payment remained static until 2019 and was consistently the subject of criticism, including by the McMahon Working Group. The criticism stated that the weekly allowance was wholly inadequate to meet essential needs such as clothing including for school going children and it did not enable participation in social and community activities. The weekly allowance was also often used to supplement the food provided at Direct Provision centres. The Working Group recommended that the weekly allowance be increased for adults from € 19.10 to € 38.74 and increased from € 9.60 to € 29.80 for children.⁴³⁴ In 2023, protection applicants received a weekly allowance of € 38.80 per adult and € 29.80 per child. A group of migrant advocacy organisations called for the daily expenses allowance to be increased during the pandemic. This request was refused.

2.2. Other financial support

Section 15 of the Social Welfare and Pensions (No. 2) Act 2009 states that an individual who does not have a “right to reside” in the State shall not be regarded as being habitually resident in the State. As protection applicants do not have a right to reside in Ireland, they are excluded from social welfare. Under the IPA this prohibition remains unless a person has a pre-existing right to work on their previous status in Ireland.

The Working Group report noted that “apart from the weekly allowance, residents are not eligible to apply for other social protection supports with the exception of Exceptional Needs Payments (ENPs) and the Back to School Clothing and Footwear Allowance.”⁴³⁵

The Exceptional Needs Payment is a discretionary payment made by a Welfare Officer on receipt of an application for a one-off payment, rather than an ongoing liability. It is relied upon by protection applicants because it is an exception to the general rule regarding habitual residence. For example, it is often the only way to pay for transport costs. However, it is a highly discretionary payment with a limited appeals mechanism. In the experience of the Irish Refugee Council, there is anecdotal evidence that there can be wide differences in how the Exceptional Needs Payment is administered, depending on which centre the asylum seeker is living in.

At the onset of the COVID-19 pandemic, the Pandemic Unemployment Payment (PUP) was not made available to individuals who were employed and living in Direct Provision on the basis that the payment was tied to jobseekers’ allowance and constituted a form of social welfare payment for the purposes of s.15 of the Social Welfare and Pensions (No. 2) Act 2009. More than 40 organisations jointly wrote to the

⁴³³ Regulation 2 Reception Conditions Regulations 2018.

⁴³⁴ Working Group to report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, *Final Report June 2015*, para 5.30, 208.

⁴³⁵ Working Group to report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, *Final Report June 2015*, para 5.5, 203.

Minister for Social Protection requesting a € 20.00 increase of the Daily Expense Allowance provided to international protection applicants living in Direct Provision. This request was refused on budgetary grounds.⁴³⁶ However, in August 2020, following sustained advocacy from various migrant rights groups, the PUP was extended to people living in Direct Provision as well as applicants for international protection who live outside the Direct Provision system.⁴³⁷ The payment was payable whereby an individual met the criteria of the scheme and the rate payable depended on the wages of the affected individual.⁴³⁸ From 22 January 2022, the Pandemic Unemployment Payment closed to new applicants.

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions? ☒ Yes ☐ No
2. Does the law provide for the possibility to withdraw material reception conditions? ☒ Yes ☐ No

The Reception Conditions Regulations provide that reception conditions can be reduced or withdrawn by the Minister of Justice in one of the following four situations, where the applicant:⁴³⁹

1. Has not cooperated with the protection application such that the failure to take a first instance decision can be attributable in whole or in part to the applicant. The Regulations detail that delay can be attributed to the applicant when they: fail to make reasonable efforts to establish identity; act in some way which causes delay to processing of applications without reasonable excuse; or otherwise fail to comply with an obligation relating to the asylum application.⁴⁴⁰
2. Has not complied with some aspect of the asylum procedure. This ground is particularly vague as it refers to “an obligation under an enactment relating to the application” rather than any specific aspect of the IPA.⁴⁴¹ Hypothetically, this means that a failure to comply with any aspect of the application process – no matter how insignificant – could be a ground for reducing or withdrawing reception conditions, so long as the Minister is satisfied that the applicant has failed to provide a “reasonable excuse”.
3. Has seriously breached the house rules of the place of accommodation.
4. Has engaged in seriously violent behaviour. “Seriously violent behaviour” is not defined in the Regulations, which raises a question of when violent behaviour will reach the level of being sufficiently serious to warrant the reduction or withdrawal of reception conditions. It is therefore left to the Minister to determine when behaviour will meet the threshold of being “seriously violent”.

In addition to the Minister for Justice having power to reduce or withdraw reception conditions under the circumstances specified in the Regulations, the Minister for Employment Affairs and Social Protection is also empowered to reduce or withdraw the daily expenses allowance provided to a recipient on the same grounds.⁴⁴²

⁴³⁶ The Irish Times, ‘No temporary increase in weekly asylum payment during pandemic’, 29 May 2020, available at: <https://bit.ly/3beob8J>.

⁴³⁷ The Journal, ‘Direct provision residents will now be eligible for pandemic unemployment payment’, 6 August 2020, available at: <https://bit.ly/3u2kpaX>.

⁴³⁸ Department of Social Protection, *Covid-19 Pandemic Unemployment Payment*, 16 June 2020, available at: <https://bit.ly/2Nv1CUS>.

⁴³⁹ Regulation 6(1) Reception Conditions Regulations 2018.

⁴⁴⁰ Regulation 27 Reception Conditions Regulations 2018.

⁴⁴¹ The corresponding EU law provision, Article 20(1)(b) recast Reception Conditions Directive, refers to non-compliance with reporting duties or information requests, or failure to appear for personal interviews.

⁴⁴² Regulation 6(2) Reception Conditions Regulations 2018.

Both Ministers, when making a decision to withdraw or reduce reception conditions, must have regard to the individual circumstances of the recipient and, in particular, whether they are a vulnerable person.⁴⁴³

The Ministers must also have regard to any explanation provided by the recipient for the conduct which has been deemed to ground the reduction or withdrawal of reception conditions.⁴⁴⁴

The Regulations also provide that a decision to reduce or withdraw material reception conditions shall only be taken in exceptional circumstances where no other action can be taken to address the conduct of the recipient.⁴⁴⁵

Where a decision is taken to reduce or withdraw reception conditions, the Minister nonetheless must ensure the person in question has access to health care and a dignified standard of living, where the person does not have means to provide for themselves.⁴⁴⁶ Since it is a requirement of the Regulations that a person will only receive material reception conditions where they do not have sufficient means to otherwise provide an adequate standard of living, it is unclear what safeguarding a dignified standard of living would entail in practice, outside of the Direct Provision system. Arguably, every person receiving material reception conditions would, by definition, require further assistance from the Minister to ensure they are not left destitute. Furthermore, the use of “dignified” rather than “adequate” standard of living in the drafting of this provision raises a question of whether a different standard would be applied to assistance provided to a person for whom reception conditions have been reduced or withdrawn. Neither term is defined which leaves no guidance on what this would entail in practice.

Decisions reducing or withdrawing reception conditions can be challenged by means of review before the Minister for Justice within ten working days,⁴⁴⁷ or the Minister for Employment Affairs in case of reduction or withdrawal of the Direct Provision allowance.⁴⁴⁸ The decision of the review officer can then be challenged before the IPAT within ten working days.⁴⁴⁹ The IPAT has 15 working days to decide on the appeal.⁴⁵⁰

In 2019, the Ombudsman received five complaints about warning letters sent by IPAS for continued breach of House Rules prior to involuntary removals from accommodation centres.⁴⁵¹ In 2020, the Ombudsman received one such complaint.⁴⁵² Although it was pointed out that these letters only referred to allegations of a breach and the residents concerned had the option to engage with IPAS before things progressed,⁴⁵³ in the Irish Refugee Council’s casework there have been instances of people being notified of their removal from accommodation centres due to unjustified absences, without being given any chance to provide an explanation. In 2021, the IPAT received 12 appeals in relation to decisions made under the European Communities (Reception Conditions) Regulations 2018.⁴⁵⁴ In 2022, the IPAT received 5 appeals pursuant to the European Communities (Reception Conditions Regulations 2018).⁴⁵⁵ In 2023, the IPAT received 6 appeals pursuant to the European Communities (Reception Conditions Regulations 2018).⁴⁵⁶

⁴⁴³ Regulation 6(3)(a) Reception Conditions Regulations 2018.

⁴⁴⁴ Regulation 6(3)(b) Reception Conditions Regulations 2018.

⁴⁴⁵ Regulation 6(5) Reception Conditions Regulations 2018.

⁴⁴⁶ Regulation 6(6) Reception Conditions Regulations 2018.

⁴⁴⁷ Regulation 20(1)(d) Reception Conditions Regulations 2018.

⁴⁴⁸ Regulation 20(2)(d) Reception Conditions Regulations 2018.

⁴⁴⁹ Regulation 21(1) Reception Conditions Regulations 2018.

⁴⁵⁰ Regulation 21(4)(a) Reception Conditions Regulations 2018.

⁴⁵¹ Ombudsman, ‘The Ombudsman & Direct Provision: Update for 2019’, April 2019, available at: <https://bit.ly/2Xku2Dr>.

⁴⁵² Ombudsman, ‘The Ombudsman & Direct Provision: Update for 2020’, March 2021, available at: <https://bit.ly/2PbgkSe>.

⁴⁵³ Ombudsman, ‘The Ombudsman & Direct Provision: Update for 2019’, April 2019, available at: <https://bit.ly/2Xku2Dr>.

⁴⁵⁴ Information provided by IPAT, February 2022.

⁴⁵⁵ Information provided by IPAT, January 2023.

⁴⁵⁶ Information provided by IPAT, January 2024.

The Irish Refugee Council assisted several individuals who had their material reception conditions withdrawn after being refused re-entry to Direct Provision accommodation centres at the onset of the pandemic. This occurred in circumstances where clients had been absent from their centre for more than one night, in order to visit family or friends, or for the purposes of employment. In many cases, there was no written reasoning provided for the withdrawal and the possibility of withdrawal of accommodation on the basis of absences was not communicated widely prior to the policy being implemented by IPAS. Residents were told that in order to re-access accommodation, they would be required to make a formal request to IPAS.

Individuals were prevented from accessing emergency accommodation and owing to delays in re-accommodation, a number of clients became street homeless or were forced to stay in cars or with friends. Some clients had to wait up to 10 days prior to accommodation being restored and this only occurred after IRC entered direct correspondence with IPAS, with intervention by the CEO to senior IPAS staff. With advocacy and assistance from IRC, reception conditions were restored in the vast majority of cases.

Throughout 2022, the Irish Refugee Council also assisted approximately 147 international protection applicants at risk of, or experiencing, homelessness. A number of these individuals had been staying in private rented accommodation since their arrival in the State and had never accessed state-provided accommodation, while others lost their accommodation within the Direct Provision system due to alleged breaches of the House Rules. In the experience of the Irish Refugee Council, in the vast majority of these cases, requests for re-accommodation went unanswered by IPAS for several weeks, sometimes months. During this period, many applicants were forced to sleep on the street, without access to food or shelter and often in very severe weather conditions.

With regard to the second cohort of applicants, those evicted from their accommodation for alleged breaches of the House Rules, it should be noted that pursuant to Regulation 6 of the Reception Conditions Regulations 2018, the State can only withdraw or reduce an applicant's reception conditions in a very limited set of circumstances. Moreover, the Minister must inform the applicant in writing of the decision and the reasons for it. In the vast majority of the above cases, the applicant's alleged breach could not be said to fall within the limited set of circumstances established pursuant to Article 6. Moreover, the vast majority of applicants receive nothing in writing notifying them of the withdrawal of their reception conditions or the reasons for same, thus making it practically impossible to appeal or review the withdrawal.

While many clients were ultimately re-accommodated following sustained advocacy and intervention by the organisation's CEO, the above practices amount to a clear breach of the State's obligations pursuant to the Reception Conditions Regulations. Such breaches continued to occur throughout 2023.⁴⁵⁷

4. Freedom of movement

Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country?
☒ Yes ☐ No
2. Does the law provide for restrictions on freedom of movement? ☒ Yes ☐ No

4.1 Dispersal across Direct Provision centres

The policy of dispersal of protection applicants to Direct Provision centres around the country has persisted with the transposition of the recast Reception Conditions Directive. Following the initial transposition of the Reception Conditions Regulations 2018, the previous practice continued, whereby protection applicants were first accommodated in **Balseskin** Reception Centre, where they usually spent

several weeks, before being dispersed to one of the other accommodation centres, usually outside of Dublin.

However, an acute shortfall in available accommodation throughout 2022 resulted in the use of Citywest Convention Centre as the central processing and transit hub for both international protection applicants and beneficiaries of [Temporary Protection](#). In July 2022, the State also began to use tented accommodation, in which applicants were accommodated in marquee-style structures at various locations around the country. In some cases, applicants were transferred directly to tented accommodation from Citywest, while in other cases, applicants were accommodated in tented accommodation following a period of homelessness. While initially intended as a temporary, many applicants spent months residing in wholly unsuitable accommodation which did not meet their basic needs and exposed them to at times to inclement weather conditions. This practice continued throughout 2023.⁴⁵⁸

The State also increasingly relied on the use of emergency centres, often comprised of disused offices, large conference rooms, schools, and sports halls in order to accommodate international protection applicants. The Irish Refugee Council has been alerted to numerous grievous risks to vulnerable residents accommodated in these centres, including to women and minor children. These reports included significant child protection issues and serious privacy concerns.

The Minister for Justice and Equality may exceptionally provide the material reception conditions in a manner that is different to that provided for in these Regulations where (a) an assessment of a recipient's specific needs is required to be carried out, or (b) the accommodation capacity normally available is temporarily exhausted. However, it remains to be seen whether the use of such accommodation meets an applicant's 'basic needs' as is required by Regulation 4(6) (b) the Reception Conditions Regulations 2018.⁴⁵⁹

As of June 2021, 1,360 protection applicants, 174 of whom were children, were housed in emergency accommodation.⁴⁶⁰ As of January 2023, this figure had increased exponentially to 11,414 protection applicants..⁴⁶¹ As of February 2024, a total of 18,702 protection applicants, 3,924 of whom were children, were accommodated in 216 emergency accommodation centres throughout the State.⁴⁶²

The amount spent on hotel and guest house beds in emergency locations from January to the end of November 2019 was € 27.14m.⁴⁶³ The amount spent on emergency accommodation from January up to the end of December 2020 was € 59.7m paid to 32 providers.⁴⁶⁴ The total expenditure on emergency accommodation for the years 2021 and 2022 was not available at the time of updating, however, according to figures released by the Department of Children, Equality, Disability, Integration and Youth, the total expenditure in respect of the Direct Provision system was €190,856,000 for 2021 and €356,554,000 for 2022.⁴⁶⁵ Figures in respect of 2023 were not available at the time of updating.

⁴⁵⁸ *ibid.*

⁴⁵⁹ SI No 230/2018 European Communities (Reception Conditions) Regulations 2018, Regulation 4(6)(b).

⁴⁶⁰ Irish Times, Department to close 24 accommodation centres for asylum seekers, 8 June 2021, available at: <https://bit.ly/3sFwSmA>.

⁴⁶¹ IPAS, *DCEDIY IPAS – Weekly Stats*, 29 January 2022, available at: <https://bit.ly/3y42E372>.

⁴⁶² IPAS, 'DCEDIY IPAS – Weekly Accommodation and Arrival Statistics', 4 February 2024, available at: <https://tinyurl.com/ycyu37a3>.

⁴⁶³ Minister of State at the Department of Justice and Equality, David Stanton, Reply to Parliamentary Question No 271, 10 December 2019, available at: <https://bit.ly/2RG2xAi>.

⁴⁶⁴ Minister for Children, Equality, Disability, Integration and Youth Roderic O'Gorman, Response to Parliamentary question nos 469, 470, 2 February 2021, available at: <https://bit.ly/37rcwID>.

⁴⁶⁵ Minister for Children, Equality, Disability, Integration and Youth Roderic O'Gorman, Response to Parliamentary question no 977, 18 January 2023, available at: <https://bit.ly/3jpKMal>.

The exact location of emergency accommodation is not publicly available in order to protect the identity of international protection applicants.⁴⁶⁶ Some emergency accommodation centres have been in place for longer than five years.

Designation of an accommodation centre

In designating an accommodation centre for recipients of reception conditions, the Reception Conditions Regulations provide that a number of factors will be taken into account: (a) maintaining family unity; (b) gender and age-specific concerns; (c) the public interest; (d) public order; (e) the efficient processing and effective monitoring of the recipient's application for international protection.⁴⁶⁷

The special reception needs of an asylum seeker, identified following a vulnerability assessment, shall also be taken into account in designating an accommodation centre. However, in the experience of the Irish Refugee Council, such vulnerabilities are, in practice, rarely considered in the allocation of accommodation.⁴⁶⁸

The Regulations provide that where a recipient is a minor, the need to accommodate the minor together with parents, unmarried siblings, or an adult acting *in loco parentis* will be considered, subject to consideration of the best interests of the minor in question. A further factor to be considered for minor recipients is whether the proposed accommodation centre is suitable to meet their needs.⁴⁶⁹

No definition of "the public interest" or "public order" is provided in the Regulations, making it difficult to determine how those factors may be adjudged in designating an accommodation centre.

An applicant does not have a choice regarding where they are sent. In practice, due to the ongoing shortage of spaces in the Direct Provision estate, requests for transfers to other accommodation centres were not granted throughout 2023, except in exceptional circumstances; typically, where a significant medical vulnerability is identified. However, an applicant may be moved to a different accommodation centre where the Minister considers it necessary. Subsequently, in January 2024, IPAS introduced a Protocol for Medical Transfer Requests. The Protocol applies whereby an applicant is in hospital and following discharge, is required to attend frequent ongoing appointments at the hospital and needs to live within reasonable travelling distance or whereby placement in alternative accommodation is essential in supporting the international protection applicant in accessing specialist treatment. The Protocol requires that an applicant seeking transfer on medical grounds submit a letter from a consultant doctor at an Irish hospital which outlines the nature of the individual's condition, as well as a recommendation that indicates that the transfer request is essential for the person's health status. The letter should also address how their current accommodation is impeding their physical and/or mental health.⁴⁷⁰ Whereby such a letter is supplied, IPAS will then forward medical documentation to an 'Independent Medical Referee', usually a GP contracted by IPAS, who will make a recommendation regarding the transfer. IPAS will then issue a final decision regarding the transfer, and this will depend on the availability of appropriate accommodation.⁴⁷¹

In 2019, the Ombudsman, in his report on Direct Provision stated: "I have not accepted refusal of transfer requests from people who wish to avail of educational opportunities that are not available from their assigned centre. In my view denying someone the opportunity to better themselves by availing of a place

⁴⁶⁶ Minister of State at the Department of Justice and Equality, David Stanton, Reply to Parliamentary Question No 290, 5 November 2019, available at: <https://bit.ly/38yWswf>.

⁴⁶⁷ Regulation 7(2) Reception Conditions Regulations 2018.

⁴⁶⁸ Information provided by Irish Refugee Council's Information and Advocacy Service, January 2023.

⁴⁶⁹ Regulation 7(3) Reception Conditions Regulations 2018.

⁴⁷⁰ International Protection Accommodation Service, 'Protocol for Medical Transfer Requests', January 2024, available at: <https://bit.ly/3w07FHw>.

⁴⁷¹ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

on a further education course is unreasonable.”⁴⁷² However, throughout 2023, in the experience of the Irish Refugee Council Information and Advocacy Service, applicants who sought transfers from IPAS in order to avail themselves of educational opportunities were denied on the basis of lack of capacity within the accommodation system.⁴⁷³

IPAS may reallocate a room if it is left unused for any period of time without letting the centre manager know in advance, or if a resident is consistently absent from the centre. An absence occurring over three consecutive nights should lead to a warning letter from centre management that the applicant may lose their accommodation. In the current accommodation crisis and with the continuing lack of capacity in Direct Provision (see [Types of Accommodation](#)), this places applicants at an immediate risk of homelessness. In practice, applicant’s beds are often re-assigned without their knowledge following a period of absences from their designated accommodation. The Irish Refugee Council is aware of numerous cases whereby applicants have returned to their accommodation to find their bed re-assigned following a period of unexplained absence. This occurs in circumstances whereby no warning letter was provided to the applicant in advance of the accommodation being re-assigned. In such cases, applicants often find themselves street homeless until such time as a further offer of accommodation is made by IPAS.⁴⁷⁴

Paragraph 2.15 of the House Rules and Procedures state that the accommodation centre manager is obliged to notify the Community Welfare Office, now known as a Department of Social Protection representative, the official who grants the asylum seeker their weekly allowance, that they have been away without telling management and that this may affect access to the Direct Provision Allowance.⁴⁷⁵ The extent to which this occurs in practice varies considerably.⁴⁷⁶

In August 2021, the House Rules were revised in light of the introduction of the Reception Conditions Regulations.⁴⁷⁷ The Regulations specifically define House Rules as “rules made by the Minister under Regulation 25”. Regulation 25 empowers the Minister to make rules to be complied with by persons who are being accommodated in an accommodation centre or reception centre. Such rules may relate to the operation of the centre and the conduct of residents. Regulation 25(4) further states that the Minister shall make the house rules accessible in a variety of languages on the website of IPAS.

4.2 Restrictions on freedom of movement

Freedom of movement is not expressly restricted in law, but the IPAS house rules require residents to seek permission if they are going to be away from their accommodation overnight.⁴⁷⁸

In practice, freedom of movement is restricted due to the very low level of financial support given to protection applicants, which means that, unless transport to and from a centre is free and at a suitable time, it is often too costly to travel. The Irish Human Rights and Equality Commission has described the conditions in some Direct Provision as amounting to deprivation of liberty due to the extent of those restrictions.⁴⁷⁹ The Irish Council for Civil Liberties has also argued that the conditions attached to Direct Provision accommodation amounts to *de facto* detention under the Optional Protocol to the UN Convention against Torture.⁴⁸⁰ The same argument was made by The Global Detention Project in its

⁴⁷² Ombudsman, The Ombudsman & Direct Provision: Update for 2019, April 2019, available at: <https://bit.ly/2Xku2Dr>.

⁴⁷³ Information provided by Irish Refugee Council’s Information and Advocacy Service, January 2024.

⁴⁷⁴ Information provided by Irish Refugee Council information and Advocacy Service, January 2024.

⁴⁷⁵ IPAS, *House Rules and Procedures*, available at: <http://bit.ly/1eiZdFd>.

⁴⁷⁶ Information provided by Irish Refugee Council information and Advocacy Service, January 2024.

⁴⁷⁷ International Protection Accommodation Service, *House Rules and Procedures*, August 2021, available at: <https://bit.ly/3X1hT29>.

⁴⁷⁸ *ibid.*

⁴⁷⁹ Human Rights and Equality Commission, *Ireland and the OPCAT*, September 2017, available at: <http://bit.ly/2fEh5h6>, 32.

⁴⁸⁰ Irish Council for Civil Liberties, ‘Ratify OPCAT and allow inspection of direct provision centres: ICCL’, 26 June 2018, available at: <https://bit.ly/2RLtN3k>.

submission to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in preparation for its visit to Ireland.⁴⁸¹

Asylum seekers were subject to the same public health restrictions as Irish nationals throughout the COVID-19 pandemic, for example the right to exercise within a 5km radius of their accommodation and travel for essential purposes, for instance medical appointments, food and other necessities as established in Government Guidelines. However, particular issues of concern emerged at accommodation centres where outbreaks of coronavirus occurred. Residents reported that they were not permitted to leave their accommodation or were given a strong impression that they could not leave and were required to spend all day in their rooms, even in circumstances where they had tested negative for COVID-19. Moreover, all non-essential visits and activities, including transfers between centres, were cancelled to curb the spread of the virus. Additionally, a two-week quarantine period was imposed for individuals who had left and subsequently returned to their accommodation.

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation	
1. Number of reception centres:	270 ⁴⁸²
2. Total number of places in the reception centres:	27,297 ⁴⁸³
3. Number of emergency accommodation locations:	216 ⁴⁸⁴
4. Total number of places in emergency accommodation:	Unknown
5. Type of accommodation most frequently used in a regular procedure:	
☒ Reception centre ☒ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other	
6. Type of accommodation most frequently used in an accelerated procedure:	
☒ Reception centre ☒ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other	

1.1. Direct Provision centres

Direct provision centres management and evaluation

Available accommodation within the Direct Provision estate has been decreasing since 2016, due to a number of factors, including the expiry of contracts between IPAS and accommodation providers and the ongoing housing crisis, which is reducing available accommodation sites. During 2019, IPAS added 735 bed spaces to their portfolio, through an increase in the capacity of existing centres and with the opening of three new accommodation centres. IPAS also managed the closing of the Hatch Hall accommodation centre in Dublin, therefore the net increase in 2019 of bed spaces was 515 in total.⁴⁸⁵ Despite this, the rise in the number of applicants led to 1,559 protection applicants being placed in temporary accommodation by the end of 2019. As of September 2020, approximately 1,382 individuals were resident in emergency accommodation.⁴⁸⁶ As of December 2021, approximately 1,046 individuals were resident in emergency accommodation.⁴⁸⁷ As of January 2023, the number of individuals resident in emergency

⁴⁸¹ Global Detention Project, Submission to the European Committee for the Prevention of Torture (CPT): Ireland', 25 September 2019, available at: <https://bit.ly/368sFum>.

⁴⁸² IPAS, 'IPAS Statistics Weekly Report', 4 February 2024, available at: <https://bit.ly/4aP5UvN>.

⁴⁸³ Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman, Response to Parliamentary Question No 1184, 17 January 2024, available at: <https://bit.ly/4aP6utf>.

⁴⁸⁴ IPAS, 'IPAS Statistics Weekly Report', 4 February 2024, available at: <https://bit.ly/4aP5UvN>.

⁴⁸⁵ Ombudsman, The Ombudsman & Direct Provision: Update for 2019, April 2019, available at: <https://bit.ly/2Xku2Dr>.

⁴⁸⁶ Minister for Justice Helen McEntee, Response to Parliamentary question No 582, 15th September 2020, available at: <https://bit.ly/3ih594H>.

⁴⁸⁷ Minister for Children, Equality, Disability, Integration and Youth Roderic O'Gorman, Response to Parliamentary Question No 1125, 19 January 2022, available at: <https://bit.ly/3LBICoe>.

accommodation had risen to 11,414.⁴⁸⁸ As of February 2024, the number of individuals resident in emergency accommodation had further increased to 18,702.⁴⁸⁹

In the experience of the Irish Refugee Council in 2020 and 2021, requests for re-entry into Direct Provision under the Regulations by people who had not taken up an initial offer of accommodation or have since experienced a change in their circumstance have been refused on the grounds of a lack of accommodation or have been subject to considerable delays. These delays have been further exacerbated by the COVID-19 pandemic. In some cases, individuals were waiting up to ten days to re-access accommodation in circumstances where they were rendered homeless.

These difficulties persisted throughout 2022 and 2023. Over the course of 2022, the Irish Refugee Council assisted approximately 147 international protection applicants experiencing, or at risk of homelessness. A number of these individuals had not accessed the Direct Provision system upon their arrival in the State and had subsequently been evicted from private accommodation arrangements, while others had lost their accommodation within the Direct Provision system due to alleged breaches of the House Rules. In the experience of the Irish Refugee Council, whereby re-accommodation was requested within the Direct Provision system, such requests went unanswered by IPAS for several weeks, sometimes up to two months. During this period, applicants were left without access to shelter and were forced to sleep on the street, often in inclement weather. This cohort of applicants included individuals with medical vulnerabilities. While many clients were ultimately re-accommodated following sustained advocacy by the Irish Refugee Council's Information and Referral Service and Independent Law Centre, as well as intervention by the organisation's CEO, these practices amount to a clear breach of the State's obligations pursuant to the Reception Conditions Regulations and continues to occur as of February 2024.⁴⁹⁰

The personal circumstances of persons living outside Direct Provision are generally unknown. According to figures supplied by IPAS, as of January 2022, 902 international protection applicants were living outside Direct Provision in private rented accommodation. In terms of people who lived in Direct Provision and then subsequently left it for whatever reasons whilst their asylum application was pending, for example to live with family members, a partner or friends, it is very difficult to access the Direct Provision system again, should their situation change.

As of December 2021, there were 45 Direct Provision accommodation centres located nationwide.⁴⁹¹ There were a further 24 emergency accommodation locations such as in hotels and guesthouses.⁴⁹² Owing to the significant increase in the number of protection applicants arriving in the State in 2022, as of November 2022, there were 47 Direct Provision accommodation centres and a further 79 emergency accommodation centres located nationwide.⁴⁹³ As of February 2024, there were 270 Direct Provision centres located nationwide, including 216 emergency centres and three centres containing tented accommodation.⁴⁹⁴

⁴⁸⁸ IPAS, *DCEDIY IPAS – Weekly Stats*, 29 January 2022, available at: <https://bit.ly/3y42E372>.

⁴⁸⁹ IPAS, 'IPAS Statistics Weekly Report', 4 February 2024, available at: <https://bit.ly/4aP5UvN>.

⁴⁹⁰ Information provided by the Irish Refugee Council's Information and Advocacy Service, January 2023.

⁴⁹¹ Information provided by IPAS, January 2022

⁴⁹² *ibid.*

⁴⁹³ IPAS, *DCEDIY IPAS – Weekly Stats*, 29 January 2022, available at: <https://bit.ly/3Y42e37>.

⁴⁹⁴ IPAS, 'IPAS Statistics Weekly Report', 4 February 2024, available at: <https://bit.ly/4aP5UvN>.

The capacity and occupancy of Direct Provisions centres in 2021, 2022 and 2023 were as follows:

Capacity and occupancy of Direct Provision centres						
	2021		2022		2023	
Centre	Capacity ⁴⁹⁵	Occupancy ⁴⁹⁶	Capacity ⁴⁹⁷	Occupancy ⁴⁹⁸	Capacity ⁴⁹⁹	Occupancy ⁵⁰⁰
Carlow	-	-	-	-	-	244
Cavan	-	-	131	118	-	158
Clare	467	353	474	540	-	726
Cork	1,041	800	1,455	1,313	-	1,639
Donegal	306	252	769	678	-	1,707
Dublin	922	723	-	7,794	-	9,816
Galway	532	393	829	684	-	1,288
Kerry	500	375	-	863	-	805
Kildare	295	213	596	540	-	817
Kilkenny	-	-	-	0	-	147
Laois	265	229	-	491	-	610
Limerick	181	164	-	283	-	402
Leitrim	130	105	130	105	-	87
Longford	82	63	82	69	-	141
Louth	89	85	464	498	-	875
Mayo	266	211	461	453	-	1,353
Meath	600	666	778	944	-	906
Monaghan	280	238	427	485	-	572
Offaly	168	98	232	162	-	259
Roscommon	-	-	83	113	-	194
Sligo	218	168	218	268	-	432
Tipperary	296	210	423	518	-	596
Waterford	412	335	487	498	-	652
Wexford	114	81	102	103	-	591
Westmeath	425	345	657	716	-	828
Wicklow	111	81	890	1,004	-	1,261
Total	7,184	5,691	-	19,240	-	27,106

The 2021 figures were valid as of December 2021. The 2022 figures were valid as of January 2023. The 2023 figures were valid as of February 2024.

As of November 2021, approximately 7,089 people resided in Direct Provision and emergency accommodation.⁵⁰¹ As of January 2023, 19,635 people were accommodated within IPAS system as a

⁴⁹⁵ Data provided by IPAS, January 2022.

⁴⁹⁶ *ibid.*

⁴⁹⁷ IPAS, *DCEDIY IPAS – Weekly Stats*, 29 January 2022, available at: <https://bit.ly/3Y42e37>

⁴⁹⁸ *ibid.*

⁴⁹⁹ According to the Minister for Children, Equality, Disability, Integration and Youth, Figures in respect of capacity for 2023 could not be provided due to “variability of data as a result of the emergency nature of the accommodation”, as well as for reasons of privacy and security. Minister for Children, Equality, Disability, Integration and Youth, Response to Parliamentary Question No. 1080, 20 March 2024, available at: <https://tinyurl.com/2mnz8jsr>.

⁵⁰⁰ IPAS, ‘IPAS Statistics Weekly Report’, 4 February 2024, available at: <https://bit.ly/4aP5UvN>.

⁵⁰¹ Minister for Children, Equality, Disability, Integration and Youth, Response to Parliamentary Question No.405, 7 December 2021, available at: <https://bit.ly/3fdYYgJ>.

whole, 4,082 of which were children.⁵⁰² As of February 2024, 27,106 people resided in Direct Provision, 6,067 of whom were children.⁵⁰³

Of those centres in the IPAS portfolio, only three were built (“system built”) for the express purpose of accommodating protection applicants. The majority of the portfolio comprises buildings which had a different initial purpose i.e., former hotels, guesthouses (B&B), hostels, former convents / nursing Homes, a holiday camp and a mobile home site. IPAS is considering the option of moving towards a capital investment-based approach in the provision of accommodation that would involve building customised facilities.⁵⁰⁴

As of March 2023, there are forty single male only accommodation centres located throughout the country. There are six female-only reception centres located in Kerry, Galway and Dublin.⁵⁰⁵

The **Balseskin** reception centre, with a capacity of 537, was previously designated as a reception centre where all newly arrived protection applicants are accommodated. The centre as of 15 September 2020 had an occupancy rate of 264 out of 537 places.⁵⁰⁶ However, In March 2022, Citywest Hotel and Convention Centre was contracted by the International Protection Accommodation Service and repurposed as a transit hub for the processing of beneficiaries of **Temporary Protection**, as well as for the accommodation of newly arrived international protection applicants. The vast majority of newly arrived protection applicants are now accommodated at Citywest. As of the 12th December 2022, there were 764 international protection applicants residing at the facility.⁵⁰⁷ As of February 2024, 558 applicants were resident at the facility.⁵⁰⁸

Direct provision centres management and evaluation

Seven centres are state-owned: Knockalisheen, **Clare**; Kinsale Road, **Cork**; Atlas House Killarney, Atlas House Tralee, Johnston Marina and Park Lodge, **Kerry**; and Athlone, **Westmeath**. Seven centres are owned by the Irish State with the remainder privately owned. All reception centres are operated by private external service providers who have a contract with IPAS. Executive responsibility for the day-to-day management of reception centres lies with the private agencies, which provide services such as accommodation, catering, housekeeping etc. As of October 2020, there were 26 private companies that have a contract for services with the Department of Justice for the provision of premises that meet required standards and support services for protection applicants. Of these companies, two have a contract to provide management, catering, housekeeping and general maintenance services in state owned accommodation centres.⁵⁰⁹

It is the role of the Department of Children, Equality, Integration, Disability and Youth to oversee the provision of these services. The National Standards developed establish a minimum set of standards for reception centres to meet if they are to continue providing services.⁵¹⁰ The National Standards became legally binding on 1 January 2021.⁵¹¹ It was hoped that a mechanism for independent monitoring of the implementation of the standards would be established soon thereafter, however inspections continued to

⁵⁰² IPAS, *DCEDIY IPAS – Weekly Stats*, January 29, 2023, available at: <https://bit.ly/3y42E37>.

⁵⁰³ IPAS, ‘IPAS Statistics Weekly Report’, 4 February 2024, available at: <https://bit.ly/4aP5UvN>.

⁵⁰⁴ Ombudsman, *The Ombudsman & Direct Provision: Update for 2019, April 2020*, available at: <https://bit.ly/3FzGySz>.

⁵⁰⁵ IPAS, March 2023.

⁵⁰⁶ *ibid.*

⁵⁰⁷ Minister for Children, Equality, Disability, Integration and Youth Roderic O’Gorman, Response to Parliamentary question no 191, 14 December 2022, available at: <https://bit.ly/3HPfqU2>.

⁵⁰⁸ IPAS, ‘IPAS Statistics Weekly Report’, 4 February 2024, available at: <https://bit.ly/4aP5UvN>.

⁵⁰⁹ Minister for Children, Equality, Disability, Integration and Youth Roderic O’Gorman, Response to Parliamentary question nos 469, 470, 2 February 2021, available at: <https://bit.ly/37rcwID>.

⁵¹⁰ Houses of the Oireachtas and Joint Committee on Justice and Equality, *Report on Direct Provision and the International Protection Application Process*, December 2019, available at: <https://bit.ly/3cRtb29>.

⁵¹¹ Department of Justice and Equality, *Spending Review on Direct Provision*, 15 August 2019, available at: <https://bit.ly/3eVBtrx>.

be carried out by IPAS and a private contractor engaged by IPAS. In October 2021, Minister O’Gorman confirmed that that Direct Provision Accommodation Centres are to be monitored by the Health Information and Quality Authority (HIQA) for compliance with the National Standards.⁵¹²

Throughout 2022, the Department of Children continued its engagement with HIQA and various other stakeholders regarding HIQA’s proposed monitoring of IPAS centres against the National Standards, which became legally binding in January 2021. An Expert Advisory Group was established, comprising of a range of different stakeholder organisations, service providers and service users, in order to inform this process and several meetings of the group were held throughout the year.⁵¹³ Concurrently, in consultation with the Office of the Attorney General, the Department of Children drafted a Regulation in which to provide the necessary legal basis for HIQA’s monitoring role.⁵¹⁴

As of 09 January 2024, the Health Information and Quality Authority (HIQA) assumed the responsibility for monitoring and inspecting International Protection Accommodations Service centres against the legally binding National Standards for Accommodation Offered to People in the Protection Process. This function was provided to HIQA by an amendment to the European Communities (Reception Conditions) Regulations 2018 by way of the European Communities (Reception Conditions) (Amendment) Regulations 2023 (S.I. No. 649 of 2023).⁵¹⁵

Whereby centres are subject to inspection, a HIQA inspector will visit the IPAS centre and speak with residents, members of staff and centre managers in order to gain an insight into how the service is run. Inspectors will also examine records held by IPAS centres. Some inspections will be announced, while others will be unannounced. After the inspection, HIQA inspectors will prepare a report in respect of the centre and determine the quality of the services and support provided. Inspection reports will be published on HIQA’s website under the [inspection reports section](#). If improvements are required in IPAS centres, the service provider will be required to submit a plan on how and when these improvements will be made. The implementation of these plans will be closely monitored by HIQA.⁵¹⁶

While the commencement of HIQA’s inspection and monitoring function is welcomed, the Irish Refugee Council remains deeply concerned regarding the exclusion of emergency centres from HIQA’s remit. In the experience of the IRC, the most difficult conditions persist within ‘emergency’ and ‘pre-reception’ facilities, and not in permanent centres. Additionally, the number of emergency centres operating in the country has far surpassed that of permanent centres. As of February 2024, IPAS operated 270 properties across the State, of which just 49 were permanent centres.⁵¹⁷

1.2. Emergency Accommodation Beds

In September 2018, the Direct Provision estate reached capacity and no accommodation was available for newly arriving protection applicants, as the **Balseskin** centre had no available places. A precise figure is not available, but over the course of a single weekend, a minimum of 20 newly arrived protection applicants were not provided with any material receptions and were informed that no accommodation was available, rendering them homeless on arrival in Ireland.⁵¹⁸ After intensive representations and media attention on the issue, alternative accommodation was provided by IPAS on an emergency basis. This involved the contracting of accommodation in hotels and holiday homes to house protection applicants

⁵¹² Minister for Children, Equality, Disability, Integration and Youth Roderic O’Gorman, Response to Parliamentary Question No 107, 7 October 2021, available at: <https://bit.ly/3EDRL46>.

⁵¹³ Minister for Children, Equality, Disability, Integration and Youth Roderic O’Gorman, Response to Parliamentary Question No 1361, 26th July 2022, available at: <https://bit.ly/3Xd3sc3>.

⁵¹⁴ *ibid.*

⁵¹⁵ HIQA, ‘International Protection Accommodation’, January 2024, available at: <https://bit.ly/49pGe8b>.

⁵¹⁶ *ibid.*

⁵¹⁷ IPAS, ‘IPAS Statistics Weekly Report’, 4 February 2024, available at: <https://bit.ly/4aP5UvN>.

⁵¹⁸ Irish Refugee Council, ‘Irish Refugee Council calls for Government to urgently address issue of people seeking asylum being made homeless’, 20 September 2018, available at: <https://bit.ly/2O37Dac>.

on a temporary basis pending IPAS contracting for more permanent accommodation centres.⁵¹⁹ These centres are known as “satellite centres”.

Following the onset of the COVID-19 pandemic, a number of new emergency accommodation centres were opened at extremely short notice in order to enable social distancing and avoid overcrowding. These included the contracting of an additional 650 beds at newly set up centres in Dublin, Galway and Cork, Galway.⁵²⁰ From 18 March 2020, approximately 100 asylum seekers were gradually moved from emergency centres in Dublin to the Skellig Star Hotel in Cahersiveen, Co. Kerry in order to reduce capacity in Direct Provision centres.⁵²¹ This centre subsequently closed, and residents were moved out on a phased basis. It is understood that the last remaining residents were transferred from the centre in September 2020.⁵²² However, given the sustained risk of COVID-19, emergency centres continued to operate so as to enable Direct Provisions residents to socially distance, and reduce over-crowding. These centres were also used to facilitate self-isolation for those who contracted COVID-19.

Additionally, throughout 2021, many newly arrived applicants were transferred to temporary accommodation centres following their isolation period due to lack of capacity in the Direct Provision System. Many newly arrived people - who were quarantined for extended periods and subsequently accommodated in temporary accommodation - found themselves unable to access support and information. New arrivals also experienced delays in completing their s.13 interview at the IPO. Until the completion of this interview, applicants were unable to access PPS numbers, Daily Expense Allowance or medical cards. This had serious implications for applicant’s mental health. Applicants also reported restricted access to food, hygiene products, laundry services and appropriate winter clothing while resident in post-quarantine temporary accommodation.

In 2023, capacity within the Direct Provision accommodation system remained a significant and ongoing issue. 2023 saw the continued reliance on the use of emergency centres. Such centres often comprised of disused offices, large conference rooms, schools, and sports halls in order to accommodate international protection applicants. The Irish Refugee Council has been alerted to numerous grievous risks to vulnerable residents accommodated in these centres, including to women and minor children. These reports included significant child protection issues and serious privacy concerns. Throughout 2023, the State also continued to use tented accommodation to accommodate international protection applicants at various locations around the country. While initially intended as a temporary measure, many applicants spent months residing in wholly unsuitable accommodation which did not meet their basic needs and exposed them to at times freezing and wet weather conditions. As of January 2024, there were 346 international protection applicants, all single males, living across the three centres.⁵²³

As of June 2021, 1,360 protection applicants, 174 of whom were children, were housed in emergency accommodation.⁵²⁴ As of January 2023, 11,414 individuals were housed across 79 emergency centres.⁵²⁵ By February 2024, 18, 702 individuals were residing across 216 centres.⁵²⁶ This marks an increase of almost 92.5 times the number of people in emergency accommodation in 2018, when 202 persons were residing in five hotels.

⁵¹⁹ Irish Times, ‘Hotels in the east being used as temporary direct provision centres’, 19 November 2018, available at: <https://bit.ly/2S4Pvyv>.

⁵²⁰ The Journal, ‘We’ve been firefighting’: Inside the State’s response to Covid-19 in Direct Provision’, 10 May 2020, available at: <https://bit.ly/3b9Okvt>.

⁵²¹ *ibid.*

⁵²² RTÉ News, ‘Dept of Justice denies plans to reuse Skellig Star Hotel’, 27 September 2020, available at: <https://bit.ly/2K8BZrL>.

⁵²³ Information provided by IPAS, January 2024.

⁵²⁴ Irish Times, Department to close 24 accommodation centres for asylum seekers, 8 June 2021, available at: <https://bit.ly/3sFwSmA>.

⁵²⁵ IPAS, *DCEDIY IPAS – Weekly Stats*, 29 January 2022, available at: <https://bit.ly/3y42E372>.

⁵²⁶ IPAS, ‘IPAS Statistics Weekly Report’, 4 February 2024, available at: <https://bit.ly/4aP5UvN>.

The living conditions in these emergency accommodation locations are clearly unsuitable for the needs of protection applicants and fail to fulfil IPAS's obligations under the EU recast Reception Conditions Directive (see [Conditions in reception facilities](#)).

1.3. Emergency Reception and Orientation Centres (EROC)

Emergency Reception and Orientation Centres (EROC) were specifically designed for the accommodation of persons arriving in Ireland through relocation and resettlement.⁵²⁷ There are three EROC located in Waterford, Roscommon, and Meath. As of 31 December 2021, there was a total contracted capacity of 545 places across three EROC centres and 430 individuals resided in the three centres.⁵²⁸ As of 31 December 2022, there was a contracted capacity of 545 places across three EROC centres and 430 individuals resided in the three centres.⁵²⁹ As of March 2024, there was a total contracted capacity of 545 places across three EROC centres and 447 individuals resided in the three centres.⁵³⁰

Capacity and occupancy of EROC						
	2021 ⁵³¹		2022 ⁵³²		2023 ⁵³³	
Centre	Capacity	Occupancy	Capacity	Occupancy	Capacity	Occupancy
Waterford (Clonea)	125	99	125	109	125	110
Roscommon (Ballaghaderreen)	220	163	220	198	220	151
Meath (Mosney)	500	168	200	182	200	186
Total	545	430	545	489	545	447

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

- Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? ☒ Yes ☐ No
- What is the average length of stay of asylum seekers in the reception centres? Not available
- Are unaccompanied children ever accommodated with adults in practice? ☐ Yes ☒ No
- Are single women and men accommodated separately?⁵³⁴ ☒ Yes ☐ No

2.1. Overcrowding and overall conditions

Direct Provision has been under intense scrutiny since its inception in 2000 for the conditions imposed on residents, exacerbated by the fact that systemic delays in the asylum procedure result in people spending

⁵²⁷ INIS, 'Ministers Flanagan and Stanton welcome Syrian refugee families to Ireland', 27 December 2018, available at: <https://bit.ly/2RLydaq>.

⁵²⁸ Minister for Children and Youth Affairs Roderic O' Gorman, Reply to Parliamentary Question No 516, 15 February 2022, available at: <https://bit.ly/3p96RcO>.

⁵²⁹ Minister for Children and Youth Affairs Roderic O'Gorman, Reply to Parliamentary Question No 152, 26 April 2023, available at: <https://bit.ly/3AAEzNB>.

⁵³⁰ Minister for Children, Equality, Disability, Integration and Youth, Response to Parliamentary Question No 1081, 20 March 2023, available at: <https://tinyurl.com/4b4m2h4p>.

⁵³¹ Minister for Children and Youth Affairs Roderic O' Gorman, Reply to Parliamentary Question No 516, 15 February 2022, available at: <https://bit.ly/3p96RcO>.

⁵³² Minister for Children and Youth Affairs Roderic O'Gorman, Reply to Parliamentary Question No 152, 26 April 2023, available at: <https://bit.ly/3AAEzNB>.

⁵³³ Minister for Children, Equality, Disability, Integration and Youth, Response to Parliamentary Question No 1081, 20 March 2023, available at: <https://tinyurl.com/4b4m2h4p>.

⁵³⁴ The extent to which single women and men are accommodated separately varies. There are numerous mixed-sex accommodation centres where both women and men are accommodated together, however, the exact number of such centres was unknown at the time of updating.

far longer in Direct Provision than was originally intended by the State. The system of Direct Provision has been criticised by numerous prominent organisations including the Irish President, Michael D. Higgins, the Ombudsman for Children⁵³⁵, the Irish Human Rights and Equality Commission, the Special Rapporteur for Children, and the Council of Europe Human Rights Commissioner⁵³⁶, as well as UN Treaty Bodies such as the United Nations Committee on Economic, Social and Cultural Rights⁵³⁷ and the Committee for the Elimination of Racial Discrimination.⁵³⁸ Most importantly, people in the protection process themselves have also criticised conditions in Direct Provision. For example, Movement of Asylum Seekers Ireland (MASI) gave detailed criticism of conditions via social media and in their submission to the Joint Oireachtas Committee on Direct Provision.⁵³⁹

Since 2017, the Ombudsman has jurisdiction to hear complaints from residents of accommodation centres regarding the conditions of facilities amongst other matters.⁵⁴⁰ The Ombudsman received a total of 65 complaints from residents in Direct Provision in 2021.⁵⁴¹ This compares with a total of 99 complaints in 2020.⁵⁴² 52 complaints were made against IPAS in 2022. 23 such complaints related to accommodation, 20 to transfers, 7 against centre staff, 1 regarding facilities, 1 in relation to complaint handling and 1 about mail not being correctly redirected.⁵⁴³ Six further complaints were made against Direct Provision centres, of which 2 were regarding accommodation, 2 were in relation to transfers and 2 against centre staff.⁵⁴⁴ Three complaints were made against the HSE by Direct Provision residents, while 3 complaints were issued against the Department of Social Protection and 1 complaint against Dublin City Council.⁵⁴⁵ Data in respect of 2023 was not available at the time of updating.

In appropriate cases, the Ombudsman's office engages with the relevant Government Department or agency to resolve the situation for the individual complainant concerned and in order to avoid any future similar issues arising.

The onset of the COVID-19 pandemic further highlighted the unsuitability of Direct Provision as a means of accommodating asylum seekers. As a congregated setting, individuals in Direct Provision share intimate spaces, including bathrooms, dining areas, communal living spaces and laundries. This means that social distancing was near impossible at the majority of centres.

On 31 March 2020, the Department of Justice announced that an additional 650 beds had been procured in order to support the measures required for vulnerable residents in Direct Provision in the context of the COVID-19 crisis. These included the provision of off-site accommodation for self-isolation, as well as increasing capacity as to accommodate social distancing. However, according to the Irish Refugee Council's 'Powerless' report, which examines the experiences of Direct Provision residents during the pandemic, as of August 2020, 50% of survey respondents were unable to socially distance themselves from other residents. 42% stated that they were still sharing a room with a non-family member, while 46%

⁵³⁵ Ombudsman for Children's Office, 'Special Report: Safety and Welfare of Children in Direct Provision', October 2023, available at: <https://tinyurl.com/2zn6fptp>.

⁵³⁶ Council of Europe Commissioner for Human Rights, 'Ireland: Secure dignified accommodation for all refugees and asylum seekers through a government-wide approach', 17 May 2023, available at: <https://tinyurl.com/bdcmjbw7>.

⁵³⁷ United Nations Committee on Economic, Social and Cultural Rights, 'Third periodic reports of States parties due in 2007 – Ireland', 9 June 2015, available at: <https://tinyurl.com/5ak3u79h>

⁵³⁸ Committee on Elimination of Racial Discrimination, 'Concluding Observations of the Committee on the Elimination of Racial Discrimination', 11 March 2011, available at: <https://tinyurl.com/5439xt52>.

⁵³⁹ Movement of Asylum Seekers in Ireland (MASI), Submission to Justice & Equality Joint Committee, 27 May 2019, available at: <https://bit.ly/2VHPUI2>

⁵⁴⁰ Ombudsman, 'The Ombudsman and direct provision', available at: <https://bit.ly/2LdNfl4>.

⁵⁴¹ Ombudsman, The Ombudsman & Direct Provision: Update for 2021, March 2022, available at: <https://bit.ly/3qCBwjr>.

⁵⁴² Office of the Ombudsman, March 2023.

⁵⁴³ *ibid.*

⁵⁴⁴ *ibid.*

⁵⁴⁵ *ibid.*

shared a bathroom with a non-family member.⁵⁴⁶ As of March 2021, the number of unrelated single residents assigned a shared room in IPAS accommodation was 1,892. This comprised of 1,171 residents in a room assigned to two people and 721 residents in a room assigned to 3 people.⁵⁴⁷ This constitutes an increase of approximately 192 more people than the previous year, despite the onset of the pandemic. Whereby steps were taken to move residents out of Direct Provision so as to permit additional space to social distance, this was largely achieved without consulting residents, while notice provided was extremely short and residents were not informed as to whether the move would be temporary or permanent in nature. Data in respect of the number of unrelated single residents assigned a shared room in IPAS accommodation in 2022 was not available at the time of updating.

Significant outbreaks of COVID-19 occurred at accommodation centres across the country throughout the pandemic.⁵⁴⁸ In August 2020, several Direct Provision centres also reported outbreaks of COVID-19 linked to clusters at meat factories where a number of residents worked. The vast majority of residents were moved to designated facilities to self-isolate.⁵⁴⁹ The Irish Refugee Council also became aware of a number of reports of individuals being transferred from temporary accommodation to communal facilities.

As regards, hygiene and sanitary measures, all accommodation centres, including emergency accommodation centres were required to complete contingency planning for COVID-19 with a view to limiting the possible spread of disease throughout centres. Contingency plans were subject to review by IPAS and HSE Community Healthcare Organisations (CHOs). Public health information was distributed to residents through the circulation of notices in multiple languages. Each centre was also asked to generate a self-isolation capability for use by persons with a positive COVID-19 test result.⁵⁵⁰ Moreover, in September 2020, it was announced that a comprehensive programme of COVID-19 testing was to be established across all Direct Provision and emergency accommodation centres. The testing programme followed numerous outbreaks of COVID-19 within Direct Provision centres throughout the country over the course of the pandemic.⁵⁵¹

Additionally, the HSE established a temporary accommodation scheme for healthcare workers at the outset of the pandemic. Under the scheme, healthcare workers or individuals providing home support who are resident in Direct Provision were entitled to apply for temporary accommodation in certain defined circumstances.⁵⁵² As of May 2020, 40 residents had been granted alternative accommodation under the HSE-provided scheme, while approximately 15 were forced to stop working owing to childcare issues. In the experience of the Irish Refugee Council, while there have been some problems with the scheme, particularly around availability of facilities, the vast majority of residents seeking access to the scheme have been accommodated. In May of 2021, a number of IRC clients were advised by the HSE that the accommodation scheme was shortly to be concluded. However, in January 2022, following an information request from IRC, the HSE confirmed that the programme remained operational and was to be reviewed by the end of Q1 2022.⁵⁵³ It is understood that as of February 2024, this programme had concluded.

⁵⁴⁶ Irish Refugee Council, 'Powerless: Experiences of Direct Provision During the Covid-19 Pandemic', available at: <https://bit.ly/3pXOaGZ>.

⁵⁴⁷ Information provided in correspondence from Minister Roderic O'Gorman to Catherine Connolly TD, further to Parliamentary Questions 602, 603, 612 and 613 of the 3rd of March 2021, available at: <https://bit.ly/3tEMioT>.

⁵⁴⁸ RTÉ News, 'Dept of Justice denies plans to reuse Skellig Star Hotel', 27 September 2020, available at: <https://bit.ly/2K8BZrL>.

⁵⁴⁹ RTÉ News, 'Concern over virus clusters at direct provision centres', 2 August 2020, available at: <https://bit.ly/39kJPag>.

⁵⁵⁰ Health Service Executive, *New Measures to Protect Direct Provision Residents during Covid-19*, 23 April 2020, available at: <https://bit.ly/3sifNwm>.

⁵⁵¹ Department of Justice, Joint Statement from the Department of Justice and Equality and the HSE on Covid testing in Direct Provision Centres, 11 September 2020, available at: <https://bit.ly/2Ke74KI>.

⁵⁵² UNHCR, *Information on Covid-19 for Refugees and Asylum-Seekers in Ireland – updated February 5 2021*, available at: <https://bit.ly/35hNTa8>.

⁵⁵³ Information provided by HSE, January 2022.

Quality of food and lack of self-catering provisions

In approximately half of Direct Provision Centres, residents receive all meals and are not permitted to cook for themselves.⁵⁵⁴ In relation to food, the McMahon Working Group in 2015 recommended that IPAS should: (a) engage a suitably qualified person to conduct a nutrition audit to ensure that the food served meets the required standards including for children, pregnant and breastfeeding women, and the needs of those with medical conditions affected by food, such as diabetes; and (b) include an obligation in new contracts to consult with residents when planning the 28 day menu cycle.⁵⁵⁵

The final National Standards presented in August 2019 include a theme on food in order to improve the quality, diversity and cultural appropriateness of food provided in accommodation centres:

- ❖ Food preparation and dining facilities should meet the needs of residents, support family life and be appropriately equipped and maintained;⁵⁵⁶
- ❖ The service provider commits to meeting the catering needs and autonomy of residents, which includes access to a varied diet that respects their cultural, religious, dietary, nutritional and medical requirements.⁵⁵⁷

According to the Government's progress report on the recommendations of the Working Group Report, 15 of 33 accommodation centres under contract in 2017 had "some form of personal catering", ranging from 'fully fitted kitchens ... for reheating food and preparing breakfast to communal cooking stations.'⁵⁵⁸ The report also indicated that work was ongoing to commence pilots for fully independent living that would "include home cooking within the family accommodation units in some instances and access to communal cooking stations for residents in others." By the end of 2019, over half of all residents in direct provision centres had access to cooking facilities, self-cooking and residents' shops had been established at 18 centres, compared to eight at the end of 2018.⁵⁵⁹ This increase is due to IPAS implementation of changes in its approach to contracting. Unless centres comply fully with the McMahon recommendations to provide self-cooking facilities and residents' shops, no contracts for permanent centres are awarded, or existing contracts renewed.⁵⁶⁰

As the rolling out of IPAS' contract programme is on a regional basis, centres in some regions are getting cooking facilities before those in other places.⁵⁶¹ The Department of Justice stated in August 2019 that "[t]he aim is to have all residents in commercial centres benefitting from independent living (cooking facilities and onsite food hall) by the middle of next year through the ongoing regional procurement process for accommodation centres."⁵⁶² In respect of the seven state-owned accommodation centres, as of July 2019, independent living had already been introduced in Athlone and the Department of Justice had initiated discussions with the Office of Public Works regarding the implementation of independent living in the six remaining state-owned accommodation centres.⁵⁶³ As of October 2020, approximately 52.1% (4,901 of 9,404) of contracted beds in Direct Provision accommodation centres have access to

⁵⁵⁴ Advisory Group on Direct Provision, *Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process*, 21 October 2020, available at: <https://bit.ly/3qgSmC3>, 118.

⁵⁵⁵ Working Group to report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, *Final Report June 2015*, para 4.102, 174.

⁵⁵⁶ Department of Justice and Equality, *Final National Standards*, 15 August 2019, available at: <https://bit.ly/3cLWi6M>, Standard 5.1.

⁵⁵⁷ *ibid.*, Standard 5.2.

⁵⁵⁸ Department of Justice, *Third and Final Progress Report on the Implementation of the Report's Recommendations*, June 2017, available at: <http://bit.ly/2w12bLC>, 9.

⁵⁵⁹ Department of Justice and Equality, *Spending Review on Direct Provision*, 15 August 2019, available at: <https://bit.ly/3eVBtrx>.

⁵⁶⁰ Ombudsman, 'The Ombudsman & Direct Provision: Update for 2019', April 2019.

⁵⁶¹ *ibid.*

⁵⁶² Department of Justice and Equality, *Spending Review on Direct Provision*, 15 August 2019, available at: <https://bit.ly/3eVBtrx>.

⁵⁶³ Minister for Justice and Equality, Reply to Parliamentary Question No 921, 23 July 2019, available at: <https://bit.ly/2Vlpq9C>.

independent living facilities. In respect of the seven state-owned accommodation centres, Athlone remains the only centre in which independent living facilities have been implemented.⁵⁶⁴ Data in respect of independent living facilities in 2021, 2022 and 2023 was not available at the time of updating.

During 2019, the Ombudsman received six complaints concerning food, down from nine in 2018.⁵⁶⁵ This reduction was attributed to the establishment of self-cooking and residents' shops at ten centres in 2019. The lack of communication and engagement of centre's management with residents was identified as the cause of most complaints presented regarding food in Direct Provision centres.⁵⁶⁶ The Ombudsman received two complaints relating to food in 2020.⁵⁶⁷ No complaints on the matter were received in 2021 or 2022.⁵⁶⁸ Data in respect of complaints regarding food throughout 2023 was not available at the time of updating.

All contractors of accommodation centres have the contractual obligation to provide residents with culturally appropriate food options.⁵⁶⁹ The menus prepared have to meet the reasonable dietary needs of the different ethnic groups of residents and the reasonable prescribed dietary needs of any person accommodated at the centre.⁵⁷⁰ It is also a contractual obligation to provide a 28-day menu and to consult residents on it.⁵⁷¹ In addition to this, a vegetarian option must be included in menus and all food products provided must have a traceability system that complies with food safety requirements.⁵⁷² IPAS's House Rules and Procedures document states that, where possible and practical, an accommodation centre will cater for 'ethnic food preferences' and the centre will provide tea and coffee making facilities, and drinking water, outside normal meal times.⁵⁷³ However, complaints about the quality and presentation of food persist across centres, particularly in respect of food served at emergency centres.⁵⁷⁴

In February 2021, approximately 100 residents at Ashbourne House accommodation centre in Co. Cork went on hunger strike in a protest action over the provision of food materials at the centre. It is understood that the centre has a small kitchen area where residents are permitted to cook for themselves, however, management have repeatedly turned down requests by residents for food items they could prepare themselves. The protest began following an unsuccessful meeting with centre management, with residents having subsequently written to the Minister for Children, Equality, Disability, Integration and Youth.⁵⁷⁵ In October 2021, an international protection applicant went on hunger strike for a nine-day period, having been refused international protection status and permission to remain in Ireland. Following the applicant's hospitalisation, his legal team entered into discussions with the Department of Justice on his behalf and received assurances that the individual would not be deported from the State.⁵⁷⁶

⁵⁶⁴ Advisory Group on Direct Provision, *Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process*, 21 October 2020, available at: <https://bit.ly/3qgSmC3>, 118.

⁵⁶⁵ Ombudsman, 'The Ombudsman & Direct Provision: Update for 2019', April 2020, available at: <https://bit.ly/3FzGySz>.

⁵⁶⁶ *ibid.*

⁵⁶⁷ Ombudsman, 'The Ombudsman & Direct Provision: Update for 2020', March 2021, available at: <https://bit.ly/2PbgkSe>.

⁵⁶⁸ Ombudsman, 'The Ombudsman & Direct Provision: Update for 2021', March 2022, available at: <https://bit.ly/3qCBWjr>.

⁵⁶⁹ Minister of State at the Department of Justice and Equality, David Stanton, Reply to Parliamentary Question No 970, 23 July 2019, available at: <https://bit.ly/35fUMaO>.

⁵⁷⁰ *Ibid.*

⁵⁷¹ Minister of State at the Department of Justice and Equality, David Stanton, Reply to Parliamentary Question No 970, 23 July 2019.

⁵⁷² *Ibid.*

⁵⁷³ RIA, *House Rules and Procedures*, available at: <http://bit.ly/1eiZdFd>.

⁵⁷⁴ Information provided by Irish Refugee Council, Information and Advocacy Service, February 2024.

⁵⁷⁵ Irish Examiner, 'Residents at Cork Direct Provision centre refuse meals in protest at standards', 17 February 2021, available at: <https://bit.ly/2ZqHICx>.

⁵⁷⁶ Irish Examiner, 'Cork Asylum Seeker Ends Hunger Strike After Assurances He Will Not Be Deported', 22 October 2021, available at: <https://bit.ly/3JeThw0>.

2.2. Length of stay

One of the primary issues with Direct Provision is the length of time people spend living in a system that was initially conceived to accommodate people for a maximum of six months while their application was processed. The poor standard of accommodation, combined with an asylum procedure riddled with systemic delays (see [Regular Procedure: General](#)), led to a reception environment that has forced people into circumstances of idleness, and exacerbated trauma and mental health issues.⁵⁷⁷ As a result, the system has been subject to national and international scrutiny.⁵⁷⁸

Research has demonstrated that even where applicants are eventually granted status, they face a number of difficulties transitioning out of Direct Provision and into independent living due to the length of time they have spent out of the workforce, with limited opportunity for personal or professional development. This, combined with limited economic resources and Ireland's ongoing employment and housing shortages, has led to a significant challenge for people attempting to leave Direct Provision (see [Content of Protection: Housing](#)).⁵⁷⁹

Data regarding the average length of stay in Direct Provision for 2023 was not available at the time of updating.

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

1. Does the law allow for access to the labour market for asylum seekers?
❖ If yes, when do asylum seekers have access the labour market? ☒ Yes ☐ No
6 months
2. Does the law allow access to employment only following a labour market test? ☐ Yes ☒ No
3. Does the law only allow asylum seekers to work in specific sectors? ☒ Yes ☐ No
❖ If yes, specify which sectors: All except Civil Service, Defence, Garda Siochana etc.
4. Does the law limit asylum seekers' employment to a maximum working time? ☐ Yes ☒ No
❖ If yes, specify the number of days per year
5. Are there restrictions to accessing employment in practice? ☒ Yes ☐ No

In July 2018, Ireland transposed the recast Reception Conditions Directive following a decision of the Supreme Court in *N.V.H. v Minister for Justice and Equality* in which the Court held that an absolute ban on employment was a breach of the right to dignity under the Irish Constitution. With the legislative ban on employment struck down as unconstitutional, the main impediment to transposition of the Directive was removed.⁵⁸⁰

The Reception Conditions Regulations permits a person who has been waiting more than six months for a first instance decision to apply for labour market access.⁵⁸¹ In order to be eligible for labour market access, an applicant must also co-operate with the international protection process, with the condition

⁵⁷⁷ Information provided by Irish Refugee Council, February 2024.

⁵⁷⁸ See e.g. Ombudsman, *The Ombudsman & Direct Provision – the story so far*, January 2018, available at: <http://bit.ly/2FXmJWX>; United Nations Committee on the Rights of the Child, *Concluding observations on the combined third and fourth periodic reports of Ireland*, CRC/C/IRL/CO/3-4, 1 March 2016, available at: <http://bit.ly/1Qetbq6>.

⁵⁷⁹ Dr. Muireann Ní Raghallaigh, Maeve Foreman and Maggie Feeley, *Transition: From Direct Provision to life in the Community*, June 2016, available at: <https://bit.ly/3KiqMPx>.

⁵⁸⁰ *N.V.H. v Minister for Justice and Equality* [2017] IESC 35, available at: <https://bit.ly/3Q43od1>.

⁵⁸¹ Regulation 11(3) Reception Conditions Regulations 2018.

that delays in receiving a first-instance decision must not be attributable to them.⁵⁸² This condition was recently examined in the case of *L.K. v. International Protection Appeals Tribunal & Ors*. In this case, the High Court upheld the applicant's appeal, concluding that the International Protection Appeals Tribunal was wrong to deny the applicant access to the labour market on the basis that there was no evidence that he was responsible for delays in the processing of his international protection application. In September 2019, the applicant applied for international protection in Ireland, however, was unable to complete the process required to lodge his application due to the unavailability of a Georgian interpreter. He was advised that his application would be postponed until such time a Georgian interpreter could be arranged, however, he claimed that he did not hear from the International Protection Office regarding a further appointment date. An appointment was eventually arranged, and the application lodged in December 2020. The applicant was issued with a Georgian questionnaire to complete. He later sought several extensions on the return date for the questionnaire, including for reasons attributable to Covid-19 and also the need to engage a Georgian translator. These requests were granted by the IPO.

In July 2020, the applicant applied for labour market access permission, and this was refused by the Labour Market Access Unit on the grounds that the applicant was responsible for the delays in completing his application for international protection. This decision was appealed to the International Protection Appeals Tribunal, who upheld the decision of the Labour Market Access Unit. The applicant then filed judicial proceedings before the High Court. Upholding the applicant's appeal, the High Court concluded that the LMAU's refusal was unjustified and that there was no evidence that the aforementioned delays were attributable to the applicant. Moreover, it was held that the IPAT's upholding of this judgment was unreasonable in light of the Covid-19 pandemic and associated public health measures.⁵⁸³

Labour market access consists of permission to be self-employed or to be employed in most sectors of the economy, with an absolute ban on employment in public bodies, such as the Civil Service, Local Authorities, or companies/entities majority owned by the Government or established by way of legislation.⁵⁸⁴

As a result of the COVID-19 pandemic, in December 2021, the Minister for Justice, Helen McEntee announced a further and final temporary extension of immigration and international protection permissions, until 31 May 2022. This extension applied to permissions that were due to expire between 15 January 2022 and 31 May 2022 and included permissions that had already been extended by the previous eight temporary extensions since March 2020.⁵⁸⁵ The extension also applied to labour market access permission whereby an applicant had not yet received a final decision on their international protection claim and the applicant held a current, valid permission or a permission that had already been extended under the previous notices issued.⁵⁸⁶

In practice, labour market access applications are accepted once a person has been waiting for five months for a first instance decision in order to prevent delays once the six-month period has elapsed. In order to apply for labour market access, an individual must complete an application form and submit same by email to the Labour Market Access Unit, along with a copy of their Temporary Residence Certificate and details of any identity documentation provided to the IPO to establish their identity or a description of the efforts made to attain same.⁵⁸⁷

As a consequence of the significant increase in the number of international protection applicants arriving in the state throughout 2023, there were very high volumes of applications received by the Labour Market Access Unit in respect of permission to work. This resulted in significant processing delays of

⁵⁸² Immigration Service Delivery, 'Labour Market Access Permission', available at: <https://bit.ly/3Q0AN8i>.

⁵⁸³ *L.K. v. International Protection Appeals Tribunal & Ors* [2022] IEHC 441, available at: <https://bit.ly/4awaP50>.

⁵⁸⁴ Regulation 11(9)(a) and Schedule 6 Reception Conditions Regulations 2018.

⁵⁸⁵ Department of Justice, *Minister McEntee announces further temporary extension of immigration permissions*, 21st December 2021, available at: <https://bit.ly/3HSx3iL>.

⁵⁸⁶ Immigration Service Delivery, *Impact of Covid-19 on Immigration and international Protection: Frequently Asked Questions*, last updated 21st December 2021, available at: <https://bit.ly/3nevVxY>.

⁵⁸⁷ Immigration Service Delivery, 'Labour Market Access Permission', available at: <https://bit.ly/3Q0AN8i>.

approximately 145 days for first time permission applications.⁵⁸⁸ Thus, while applicants are generally eligible for labour market access permission 6 months after their initial application for protection, many applicants are waiting up to 9.5 months in order to access the labour market.⁵⁸⁹ In the view of the Irish Refugee Council this may constitute a breach of the Reception Conditions Directive which requires that an applicant be permitted access to the labour market within nine months of their initial application for protection. The Irish Refugee Council has written to the Minister for Justice in relation to this issue, however, no response had been received at the time of updating.⁵⁹⁰

Once a person has been granted permission prior to receiving a first instance decision, that permission lasts throughout any subsequent appeal process. However, if a person has already received a first instance decision, they will not be able to access the labour market no matter how long they may be waiting for a resolution to an appeal. This means that, despite the right to work constituting a significant positive development for newly arrived protection applicants, those who had been in Ireland the longest and who had already received a first instance decision did not benefit from this change.⁵⁹¹

On 21 October 2020, the government announced revised arrangements for access to the labour market, including a reduction in the waiting period from nine months to six months from the date of first application for international protection.⁵⁹² Further changes include an increase in the validity period of permission to access the labour market from 6 months to 12 months and expanding access to include applicants who received a first instance recommendation prior to the European Communities (Reception Conditions) Regulations 2018 coming into force, provided they meet the criteria established in the Regulations.⁵⁹³ These changes came into effect from 26 January 2021.⁵⁹⁴

In 2019, the Irish High Court referred to the CJEU a preliminary ruling on a number of questions, with the aim of clarifying the right to access the labour market for international protection applicants in the Dublin procedure. On 14 January 2021, in a judgment delivered in the case of *K.S. & Ors v. The International Protection Appeals Tribunal & Ors*, the Court of Justice of the European Union determined that Article 15 of Directive 2013/33 (Reception Conditions Directive) must be interpreted as precluding national legislation whereby such legislation excludes an applicant for international protection from accessing the labour market on the basis that the applicant has been subject to a transfer decision under the Dublin III Regulation.⁵⁹⁵ Following the ruling, persons subject to a Dublin transfer have the right to enter the labour market in Ireland whereby no decision on their substantive protection claim has issued within six months and the individual is not responsible for the delay in progressing their transfer. Taking legal action to challenge the transfer will not be regarded as a delay attributable to the applicant in the circumstances.⁵⁹⁶ Approximately 223 judicial review cases, involving 281 persons, were stayed pending the decision.⁵⁹⁷

There are a number of conditions applying to permission to access the labour market with a criminal sanction applying in the event of a breach. An applicant may not employ any person or enter a partnership with another person. An applicant may not be employed or seek to be employed or enter a contract for services with any of the prohibited bodies.⁵⁹⁸ An applicant must also inform the Minister of their income

⁵⁸⁸ *ibid.*

⁵⁸⁹ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

⁵⁹⁰ Information provided by Irish Refugee Council Policy Officer, January 2024.

⁵⁹¹ Movement of Asylum Seekers in Ireland (MASI), Submission to Justice & Equality Joint Committee, 27 May 2019, available at: <https://bit.ly/2VHPUI2>.

⁵⁹² Department of Justice, *Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process*, 21 October 2020, available at: <https://bit.ly/3qh0v9C>.

⁵⁹³ Irish Legal News, 'Restrictions on asylum seekers access to work to be eased', 22 October 2020, available at: <https://bit.ly/39u6t00>.

⁵⁹⁴ Department of Justice, 'Minister McEntee announces reduced 6 month waiting period for international protection applicants to access work' 28 January 2021, available at: <https://bit.ly/3pGZ6lz>.

⁵⁹⁵ Case C-322/19 and C-385/19, *K.S. and Ors v. The International Protection Appeals Tribunal and Ors*, ECLI:EU:C: 2021:11, available at: <https://bit.ly/2NndwQL>.

⁵⁹⁶ *ibid.*

⁵⁹⁷ Minister for Justice and Equality Charles Flanagan, Response to Parliamentary Question No 382, 3 June 2020, available at: <https://bit.ly/36eiqr>.

⁵⁹⁸ Regulation 11(9)(a) and (10) Reception Conditions Regulations 2018.

and must inform the Minister if they become self-employed or if there is any change to their self-employment.⁵⁹⁹

In addition, employers must inform the Minister within 21 days of employing an asylum seeker in possession of labour market permission and must inform the Minister within 21 days of that employment ceasing.⁶⁰⁰ The employer must also maintain records of the particulars of employment including copies of the person's permission to work, the duration of employment, and remuneration paid. Employers must keep these records for three years from the date on which the applicant ceases to be an employee and must provide a copy of these records within ten working days. These additional obligations on employers, which do not apply to other employees, are administratively onerous and may make it less attractive to employ a person seeking asylum. Indeed, the Irish Refugee Council has received reports of employers not recognising the official documents granting permission to work and not employing protection applicants on this basis. This has been echoed by media reporting on the topic in July 2019.⁶⁰¹ It is an offence under the Regulations to fail to comply with these requirements, with an employer potentially subject to a fine of €5,000 and/or a prison term of 12 months.⁶⁰²

An applicant who breaches the Regulations on access to the labour market is guilty of a criminal offence, which carries a fine of €1,000 and/or a prison term of one month.⁶⁰³ This would also affect their asylum application.

According to the latest available statistics, from 2018 to present, the Labour Market Access Unit has received 24,392 first-time applications for labour market access permission. Of these applications, 20,288 first-time applications were granted, while 3,361 applications were refused. Moreover, as of January 2024, there were 3,000 applications pending before the Labour Market Access Unit.⁶⁰⁴

In practice, protection applicants face significant practical difficulties in accessing the labour market. For instance, many applicants previously experienced barriers in accessing bank accounts due to difficulties in producing satisfactory identity documents for the purposes of anti-money laundering requirements. In April 2021, the Irish Human Rights and Equality Commission announced that following formal engagement with Bank of Ireland, the Bank had agreed to accept State-issued identity documentation, therefore enabling asylum seekers to open a bank account. The Commission used its statutory powers through a formal process known as an Equality Review.⁶⁰⁵ The five major banks in the State - Allied Irish Bank, Bank of Ireland, Permanent TSB, KBC and Ulster Bank -, subsequently confirmed that from 13 May 2021, international protection applicants would be able to provide alternative documentation to prove their identity when seeking to open a bank account.⁶⁰⁶

People in the asylum process also face difficulties in obtaining a driving licence. The Temporary Residence Certificate provided to people seeking asylum is the only official document given to people before they receive their status and this is specifically stated as *not* constituting an identity document and, therefore, cannot be relied upon for the purposes of obtaining a driving licence which inhibits the access to employment, particularly where people live in remote rural areas.

⁵⁹⁹ Regulation 11(9)(b) and (c) Reception Conditions Regulations 2018.

⁶⁰⁰ Regulation 14 Reception Conditions Regulations 2018.

⁶⁰¹ Dublin Inquirer, 'People Seeking Asylum Say They're Funnelled Into Low-Paid Temp Work, Unable to Use Their Skills', 3 July 2019, available at: <https://bit.ly/2WaV1Qm>.

⁶⁰² Regulation 15(2) Reception Conditions Regulations 2018.

⁶⁰³ Regulation 15(1) Reception Conditions Regulations 2018.

⁶⁰⁴ Minister for Justice and Equality, Response to Parliamentary Question No. 1076, 17 January 2024, available at: <https://bit.ly/3TVI62n>.

⁶⁰⁵ Irish Human Rights and Equality Commission, 'Access to Bank Accounts Confirmed for Asylum Seekers', 11 April 2021, available at: <https://bit.ly/3so8Xo5>.

⁶⁰⁶ RTÉ, 'Banks to allow asylum seekers use alternative documents to open accounts', 13 May 2021, available at: <https://bit.ly/3tfvwiF>.

In January 2020, the Workplace Relations Commission found that denying the applicant the means to learn how to drive and therefore earn a living was "indirect discrimination".⁶⁰⁷ In this case, the individual's application for a learner driver licence was refused after he provided his asylum seeker's Temporary Residence Certificate, his public services card, a copy of his passport and his permission from the Minister for Justice to access the labour market. The State appealed the decision of the Workplace Relations Commission and on appeal, the applicant, whose circumstances had changed, sought only to uphold the award of compensation. The appeal was resolved on the basis that the appeal would be allowed but the RSA would make a payment of €4,000 to the applicant.⁶⁰⁸

Subsequently in July 2020, the Dublin Circuit Court overturned a separate Workplace Relations Commission declaration that the refusal to issue driving licences to asylum seekers was discriminatory. This case concerned an applicant who held a full driving licence in her country of origin. She requested a learner's permit so that she could learn to drive in Ireland with a view to accessing better employment and childcare facilities. Justice O' Connor concluded that, on the basis that the respondent was in the State for the purposes of making an application for asylum, the status of her residence meant that she did not enjoy the same rights as an Irish citizen. Moreover, he did not accept that the state had discriminated against the respondent on account of her race in refusing to provide her with a licence.⁶⁰⁹

On 21 October 2020, the Department of Justice announced that legislation would be brought forward by the Minister for Transport prior to year-end in order to ensure access for asylum seekers to driving licences.⁶¹⁰ In February 2021, the Minister of State at the Department of Transport confirmed that officials in the Department of Transport and the Road Safety Authority are working in close collaboration with various stakeholders to ensure the provision of drivers' licences to asylum seekers.⁶¹¹ However, prior to legislation being implemented, two international protection applicants successfully challenged by way of judicial review a decision by the Road Safety Authority (the 'RSA') to refuse them permission to exchange their full driver licences, issued by their country of origin, for Irish licences. The RSA claimed that the applicants were required to produce evidence that they were lawfully resident in Ireland, but had not done so, nor could not do so on the basis that their residence in the State as international protection seekers could not be regarded as 'lawful' within the meaning of the Road Traffic Regulations (Licensing of Drivers) Regulations 2006. Mr. Justice Heslin, giving judgment, stated that "the applicants' presence in this State has, at all material times, been, as a matter of fact, lawful. Their permission to remain may well be on very strict terms and for a specific purpose but it is nonetheless lawful." He concluded that he was "entirely satisfied that the applicants are entitled to declaratory relief that the 2006 Regulations do not require them to establish any further right of residence than they currently have".⁶¹²

Other barriers faced by international protection applicants in sourcing suitable employment include scarcity of employment, lack of access to childcare and discrimination.⁶¹³ In the experience of the Irish Refugee Council, such barriers are often exacerbated by the fact that many applicants are accommodated in rural locations with lack of access to public transport links.⁶¹⁴ Language barriers and cultural differences also play a significant role.⁶¹⁵

⁶⁰⁷ ADJ-00017832 Correction Order issued pursuant to Section 29 of the Equal Status Act 2000 (as amended), available at: <https://bit.ly/3dwAVXS>.

⁶⁰⁸ Irish Human Rights and Equality Commission, 'Court Rules that RSA Regulations Block All Asylum Seekers from Getting Driving Licence', 30 July 2020, available at: <https://bit.ly/3nESyJx>.

⁶⁰⁹ *Road Safety Authority v. A.B* [2020] IECC 3, available at: <https://bit.ly/3nGr9XJ>.

⁶¹⁰ Irish Human Rights and Equality Commission, 'Legislation Promised on Driving Licences Fundamental to Access to Employment for Asylum Seekers', 21 October 2020, available at: <https://bit.ly/39v3zrB>.

⁶¹¹ Minister of State at the Department of Transport Hildegard Naughton, Response to Parliamentary Question No 103, 10 February 2021, available at: <https://bit.ly/3u6PpXa>.

⁶¹² *Landsberg & Anor v. National Driving Licence Service & Ors* [2021] IEHC 748, available at: <https://bit.ly/3evRaGY>.

⁶¹³ Information provided by Irish Refugee Council Employment Team, February 2024.

⁶¹⁴ *ibid.*

⁶¹⁵ ESRI, 'Labour Market Integration of International Protection Applicants in Ireland', 24 March 2023, available at: <https://tinyurl.com/2v4rhtjk>.

Additionally, a study from the ESRI published in March 2023 regarding labour market integration of international protection applicants in Ireland concluded that the majority of international protection applicants are in low-skilled jobs which do not match the qualifications they hold.⁶¹⁶ The study found that the largest sector that international protection applicants are employed in is business, sales, and tourism sector with 2,186 persons employed in this industry. Agriculture, animals, and food was the second most common sector with 1,321 people employed.⁶¹⁷

The study also found that applicants are included within mainstream labour market integration policies and can access employment services, such as those provided by Intreo. However, applicants cannot access some employment supports, due to not meeting eligibility requirements, and moreover, cannot access a tailored labour market which would be relevant to their particular qualifications.⁶¹⁸ The ESRI stated that no specific nationwide governance measures to support labour market integration in Ireland were identified in the ESRI's research and Ireland has no specific strategy or policy to support the labour market integration of third-country nationals.⁶¹⁹

2. Access to education

Indicators: Access to Education

1. Does the law provide for access to education for asylum-seeking children? ☒ Yes ☐ No
2. Are children able to access education in practice? ☒ Yes ☐ No

Asylum-seeking children can also attend local national primary and secondary schools on the same basis as Irish children. This has been made an express right under the Reception Conditions Regulations.⁶²⁰

The Irish Refugee Council and other organisations have raised concern about access to education for children living in emergency accommodation. In November 2019, the Newstalk radio station reported that up to 30 children living in emergency Direct Provision accommodation were not attending school.⁶²¹ The Irish Refugee Council, in the report 'Reception Conditions Directive: One Year On' report', called on the Minister for Education to ensure children in emergency centres are enrolled in school, and it said the use of Bed and Breakfasts and hotels to accommodate protection applicants should be phased out as soon as possible.⁶²²

When asked, in December 2019, about the issue of children in emergency accommodation not receiving education, the Minister for Education stated that children of international protection applicants are required to receive an education within a three month period following their arrival in this State, allowing for school holiday period, and that the Department of Education has seconded an official to the Department of Justice and Equality to deal with any queries that schools who are enrolling children from accommodation centres may have.⁶²³

In recent years, Tusla's Education Welfare Service (EWS), has provided support to families living in Direct Provision and emergency accommodation with regard to school attendance, participation, and retention. The Education Welfare Service is staffed with Education Welfare Officers (EWOs). Each regional area is allocated several EWOs. EWOs work with families and children in a child-centred way to overcome barriers with regard to school attendance.⁶²⁴ In respect of children residing in Direct Provision, EWOs can

⁶¹⁶ *ibid.*

⁶¹⁷ *ibid.*

⁶¹⁸ *ibid.*

⁶¹⁹ *ibid.*

⁶²⁰ Regulation 17 Reception Conditions Regulations 2018.

⁶²¹ Newstalk, Up to 30 asylum-seeking children receiving no education at centre in Carrickmacross, 25 November 2019, available at: <https://bit.ly/2TR1qk4>.

⁶²² Irish Refugee Council, 'Reception Conditions Directive: One Year On', July 2019, available at: <https://tinyurl.com/mwf423x5>.

⁶²³ Kildare Street, 3 December 2019, available at: <https://bit.ly/3cokVGa>.

⁶²⁴ Tusla, 'EWS', available at: <https://www.tusla.ie/tess/tess-ews/>.

assist families with acquiring school places for children of school-going age and engaging with local schools to ensure adequate transportation is provided to children from their centres to and from school.⁶²⁵

The City of Dublin Education and Training Board Separated Children's Service has offered educational services and support to separated children since 2001. The most prominent feature of the service is their Refugee Access Programme, which is a transition service for newly arrived separated children and other young people 'from refugee backgrounds'. The programme provides intensive English instruction, integration programmes and assists young people in preparing to navigate the Irish education system. Additionally, the service provides support after transition, including study support, outreach, a drop-in and a youth group.⁶²⁶

Vocational training is now available to protection applicants who have successfully received permission to access the labour market. Such an applicant may access vocational training on the same basis as an Irish citizen.

There is no automatic access to third level education in Universities and Colleges, or to non-vocational further education courses such as post-leaving certificate courses. Protection applicants can access third level education and non-vocational further education if they can cover the costs of the fees, get the fees waived or access private grants or scholarships.

In order to ameliorate the hardship associated with the high fees, which place third level education beyond the reach of many young people in the Direct Provision system, a pilot support scheme was introduced in September 2015, following the publication of the Working Group Report on the Protection Process. The scheme provided support in line with the Student Grant Scheme to eligible school leavers who were in the international protection system (other than those at the deportation order stage) and who were either: asylum applicants; subsidiary protection applicants; or leave to remain applicants. The eligibility requirements were stringent and meant that the vast majority of students did not satisfy the conditions set by the Department of Education. As a result, uptake was very low, despite clear interest in further and higher education.⁶²⁷ Concerns were raised that the pilot scheme was so restrictive in nature that it may be very difficult to access.⁶²⁸ Most notably, in this respect, was the requirement that the applicant must have spent five years in the Irish education system. The Irish Refugee Council recommended that the criteria be amended to reduce the five-year requirement.⁶²⁹ The Irish Human Rights and Equality Commission (IHREC) also recommended that the pilot support scheme for free fees be altered to remove the criterion of five years as this presents for many an insurmountable barrier to accessing affordable third-level education.⁶³⁰

On 10 August 2020, the Department of Further and Higher Education announced significant changes to the student support scheme for asylum seekers. Prospective applicants are no longer required to have completed the Leaving Certificate examination or have attended an Irish school for three years. Applicants are required to have been accepted on an approved third level course, to have been in the protection process for a combined period of three years and to have been resident in the State for a combined period of three years as of 31 August 2020.⁶³¹

⁶²⁵ Information provided by Irish Refugee Council Information and Advocacy Service, February 2024.

⁶²⁶ Separated Children's Services, *Youth and Education Services*.

⁶²⁷ Irish Times, 'Asylum seekers to receive student grants for first time', 28 August 2015, available at: <http://bit.ly/1P1vfpC>.

⁶²⁸ See e.g. Subpri.me, *Access to Education and the McMahon report*, available at: <http://bit.ly/1ipZjNo>.

⁶²⁹ RTE, 'Third level access scheme for asylum seekers extended', 7 September 2018, available at: <https://bit.ly/2CJpRpc>.

⁶³⁰ IHREC, *Ireland and the Convention on the Elimination of All Forms of Discrimination Against Women, Submission to the UN Committee on the Elimination of Discrimination against Women on Ireland's combined sixth and seventh periodic reports*, January 2017, available at: <http://bit.ly/2lAMB4T>.

⁶³¹ Department of Further and Higher Education, *Student Grant Scheme for Asylum Seekers*, 10 August 2020, available at: <https://bit.ly/3slFY5u>.

In August 2021, it was announced that the Student Support Scheme would be expanded to include allow postgraduate applications for the 2021 to 2022 academic year.⁶³²

As of August 2021, there had been a total of 187 applications to the Student Support Scheme since its inception in 2015, with 51 applicants qualifying for support.⁶³³

A total of 108 applications were received under the Student Support Scheme in 2020, with 40 applicants qualifying for support. This was a fivefold increase in the number of applications, when compared to 2019. The successful applicants in 2020 were engaged in a range of studies, including nursing and healthcare, science, IT, engineering and business.⁶³⁴

In 2022, the Student Support Scheme was re-named 'the International Protection Student Scheme' Funding pursuant to the scheme is now administered by SUSI (Student Universal Support Ireland), as opposed to the Department of Further and Higher Education, Research, Innovation and Science. Additionally, the three-year residency requirement is no longer considered as commencing on the 31st of August 2019, but rather the day prior to the course start date.⁶³⁵ Data in respect of the number of applications to the scheme for 2022 or 2023 was not available at the time of updating.

Basic instruction on English and computer skills are offered to residents of some Direct Provision centres. Universities have some flexibility on whether to charge refugees third level non-EU fees or EU fees. Both are expensive but non-EU fees are much more expensive. This makes accessing third level education prohibitive for the majority of protection applicants.

A number of Irish Universities have taken steps to improve access for protection applicants. A total of seven out of the eight Irish universities offered full-time scholarships. 9 of the 11 institutes of technology also offer scholarships or access support.⁶³⁶ The Irish Refugee Council's Education Fund, using donations from members of the public, makes grants to support access to higher education. In the academic year 2023-2024, the Education Fund supported 78 students to gain access to third level education with an average award of €500 per student.⁶³⁷

As regards access to education and vocational training for adults, for protection applicants English language programmes are available but access often depends on the location of the Direct Provision centre. There are local based initiatives such as the SOLAS Orientation and Learning for Asylum Seekers programme in Galway and Mayo, the CREW project in **Carlow** and the Refugee Access Programme in **Dublin**.⁶³⁸

Asylum-seeking children and children with international protection status can access the National Childcare Scheme and the Early Childhood Care and Education Scheme (ECCE). The National Childcare Scheme assists parents to meet childcare costs, including the cost of attending creche or Montessori. The Early Childhood Care and Education Scheme (ECCE) provides early childhood care and education for children of pre-school age.⁶³⁹

⁶³² Department of Further and Higher Education, Research and Skills, *Continuation and expansion of Student Support Scheme for asylum seekers in the international protection system announced by Minister Harris*, 27 August 2021, available at: <https://bit.ly/3qxHL8y>.

⁶³³ *ibid.*

⁶³⁴ *ibid.*

⁶³⁵ Department of Further and Higher Education, Research, Innovation and Science, *International Protection Student Support Scheme 2022-2023*, 26 September 2022, available at: <https://bit.ly/3RyIJNP>.

⁶³⁶ Irish Refugee Council, *The Education System in Ireland: A guide for people seeking asylum, those with refugee status, subsidiary protection or permission to remain*, 15 July 2021, available at: <https://bit.ly/3tH2wk2>.

⁶³⁷ Information provided by Irish Refugee Council's Education Officer, April 2024.

⁶³⁸ For further information see European Commission, ICF study, *Labour market integration of asylum seekers and refugees*, Ireland, April 2016; See also Irish Refugee Council, *Education in Ireland: A guide for protection applicants those with refugee status, subsidiary protection or permission to remain*, 15 July 2021, available at: <https://bit.ly/3tH2wk2>.

⁶³⁹ Information provided by Irish Refugee Council Information and Advocacy Service, February 2024.

D. Health care

Indicators: Health Care

1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?
☒ Yes ☐ No
2. Do asylum seekers have adequate access to health care in practice?
☒ Yes ☐ Limited ☐ No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?
☒ Yes ☐ Limited ☐ No
4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care?
☒ Yes ☐ No

Access to health care is free for protection applicants living in Direct Provision and is expressly provided for in the Reception Conditions Regulations.⁶⁴⁰ The Minister for Health is required to ensure that a recipient has access to emergency health care, treatment for serious illnesses and mental disorders, other health care for maintaining their health, and mental health care assessed as necessary for vulnerable persons.

In practice, a recipient of material reception conditions must apply for a medical card, which allows them to attend a local doctor or general practitioner who are located in or attend the Direct Provision accommodation centres. A person with a medical card is entitled to prescribed drugs and medicines and protection applicants living in Direct Provision are exempt from paying the prescription charges levied on medical-card holders.⁶⁴¹

Following numerous complaints to the Department of Health and the Ombudsman, the HSE's Medical Card Unit have amended their policy so as to enable eligible international protection applicants who are not living in Direct Provision to obtain medical cards and access to free medical services from GPs accepting medical card patients, prescription medicines and hospital care. Under previous policy, international protection applicants residing outside of Direct Provision were deemed ineligible for medical cards, with many struggling to access healthcare as a result.

In 2019, the Ombudsman received 12 complaints against the HSE regarding medical cards. Only one medical sector-related complaint was recorded for 2020. This related to a resident's difficulty in accessing mental health services and getting information on a stay in hospital.⁶⁴² In 2021, the Ombudsman received 16 complaints regarding healthcare. The vast majority of these complaints related to the provision of medical cards.⁶⁴³ In 2022, residents of Direct Provision made three complaints against the HSE regarding medical care.⁶⁴⁴ Data in respect of 2023 was not available at the time of updating.

IPAS's website states that "Health screening is made available in our reception centres to all protection applicants on a voluntary and strictly confidential basis. Screening covers Hepatitis, TB, HIV, immunisation status and any other ailments or conditions that the medical officers feel require further investigation and/or treatment. Screening staff also check the vaccination needs of the resident and their family. Arrangements are in place in various parts of the country to offer this service to those who did not avail of it in Dublin. The outcome of any medical tests undergone by an asylum seeker will not affect their application for a declaration as a refugee in any way."⁶⁴⁵

⁶⁴⁰ Regulation 18 Reception Conditions Regulations 2018.

⁶⁴¹ Citizens Information, 'Prescription Charges for Medical Card Holders', 10 October 2018, available at: <https://bit.ly/2DHShIW>.

⁶⁴² Ombudsman, 'The Ombudsman & Direct Provision: Update for 2020', March 2021, available at: <https://bit.ly/2PbgkSe>.

⁶⁴³ Ombudsman, 'The Ombudsman & Direct Provision: Update for 2021', March 2022, available at: <https://bit.ly/3qCBwjr>.

⁶⁴⁴ Office of the Ombudsman, March 2023.

⁶⁴⁵ RIA, *Medical*, available at: <http://bit.ly/2matETK>.

Specialised treatment for trauma and victims of torture is available through an NGO called **SPIRASI** which is a humanitarian, intercultural, non-governmental organisation that works with protection applicants, refugees and other disadvantaged migrant groups, with special concern for survivors of torture. Spirasi staff have access to certain accommodation centres e.g. **Balseskin** reception centre in Dublin and can help to identify victims of torture. However, no formal arrangements or agreements exist to deal with torture survivors in a way that is different to someone who has not experienced torture.

Applicants who hold a medical card are entitled to access women's health services, including maternity and infant care and family planning free of charge through the applicant's GP or family planning service.⁶⁴⁶ A specialist FGM treatment service is provided by the Irish Family Planning Association. The service includes both medical and psychological care.⁶⁴⁷ The service is provided by the Association's Dublin-based clinics only and patients residing outside of Dublin must travel in order to access the service.

The HSE Women's Health Service (WHS) and Anti-Human Trafficking Team is a statutory service provided by the HSE. The WHS operate a health clinic for women who are victims of human trafficking. Additionally, the AHTT has responsibility for care planning for both male and female victims of trafficking.⁶⁴⁸

In 2018, the constitutional provision which constituted a prohibition on abortion in Ireland was removed by way of referendum. This meant that access to abortion was made available in Ireland up to twelve weeks' gestation from January 2019. The previous ban on access to abortion was a particular difficulty for protection applicants who had to apply for travel documents in order to travel to another jurisdiction such as the United Kingdom. This led to enormous emotional distress, delay, and uncertainty for the women affected. Access to abortion is provided by General Practitioners in the first place, with hospital referrals after nine weeks gestation. If the woman's pregnancy has reached the twelve-week point, abortion will only be available in exceptional circumstances, including where there is a risk to the life or a risk of serious harm to the health of the woman, or a fatal foetal abnormality. A protection applicant who has reached twelve weeks of pregnancy and does not meet one of the exceptional circumstances noted above, may still have to travel outside of Ireland for a termination.

In the experience of the Irish Refugee Council, international protection applicants experience numerous practical and logistical difficulties in accessing healthcare. These include obstacles such as the availability of translation services, which are inconsistent across the Irish health service and create communication barriers for patients. Difficulties with transportation to medical facilities from remote accommodation locations also hinder access to healthcare. This is particularly the case whereby international protection applicants are moved from one centre to another without adequate notice and therefore, continuity of healthcare provision may be lost or disrupted. Moreover, there is no specific mental health service established for the purposes of providing support to international protection applicants. While many voluntary organisations such as those listed above provide specific supports in respect of survivors of torture, sexual violence, and human-trafficking. Mainstream mental health services are already under-resourced and therefore operate long waiting lists. Moreover, they may not have the specialist expertise to effectively deal with the unique experiences of international protection applicants and persons with international protection status.⁶⁴⁹

⁶⁴⁶ Information provided by Irish Refugee Council Information and Advocacy Service, February 2024.

⁶⁴⁷ Irish Family Planning Association, 'Free FGM Treatment Service', available at: <https://tinyurl.com/2n73esn2>.

⁶⁴⁸ HSE, 'Women's Health Service and Anti-Human Trafficking Team', available at: <https://tinyurl.com/3mzpbbx4>.

⁶⁴⁹ Information provided by Irish Refugee Council Information and Advocacy Service, February 2024. For further analysis, see: RCSI Faculty of Public Health Medicine, 'Migrant Health – The Health of Asylum Seekers, Refugees and Relocated Individuals', June 2016, available at: <https://tinyurl.com/yf4x8cbe>.

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?
☒ Yes ☐ No

Regulation 2(5) of the Reception Conditions Regulations defines a vulnerable person as “a person who is a minor, an unaccompanied minor, a person with a disability, an elderly person, a pregnant woman, a single parent of a minor, a victim of human trafficking, a person with a serious illness, a person with a mental disorder, and a person who has been subjected to torture, rape or other form of serious psychological, physical or sexual violence.”

Under the Reception Conditions Regulations, a vulnerability assessment must take place within 30 working days of a person communicating their intention to seek asylum.⁶⁵⁰ However, the form of the assessment is not prescribed in the Regulations and a vulnerability assessment had still not been introduced as of the end of 2020, despite a commitment made by the Government in October 2020 that a formal system of vulnerability assessment would be implemented by year-end.

At the end of January 2021, a pilot programme for the conducting of vulnerability assessments was established at **Balseskin** reception centre in Dublin. As of January 2023, the pilot programme continued, having been extended to all newly arrived, as well as existing international protection applicants. The programme has now been expanded nationwide to applicants residing in centres throughout the country.⁶⁵¹

In September 2022, IPAS published a Vulnerability Assessment Pilot Programme Policy, setting out the nature and purpose of the vulnerability assessment. Pursuant to the newly established Policy, and, in response to significant pressure on IPAS resources, the vulnerability assessment procedure was also altered substantially. Vulnerability Assessment questionnaires were provided to all individuals making an application for international protection. Questionnaires were made available to applicants in a number of languages, both at their accommodation centres and online via IPAS' website. A referral form for service providers and third parties working with international protection applicants was also made available and could be completed by the service provider with the applicant's consent. Both documents contain a series of questions relating to the vulnerability indicators contained within the Reception Conditions Directive.

While the Irish Refugee Council welcomed the introduction of the programme, a number of concerns were raised in respect of both the process and procedure by which vulnerability assessments are currently being conducted. Through its casework, the Irish Refugee Council noted inconsistencies in the manner in which assessments are carried out, as well as a lack of follow-up supports in line with applicant's identified needs.

On the 8th of March 2024, IPAS announced that the pilot scheme would be suspended until further notice, citing ongoing demands on the Resident Welfare Team's service due to the increased numbers of arrivals of protection applicants in the State as well as constraints on available accommodation across the IPAS portfolio. It was not clear at the time of updating when, or indeed if, assessments would resume.⁶⁵²

For more information on the vulnerability assessment process, please see the section [Guarantees for Vulnerable Applicants](#).

While an optional health screening is provided to residents at **Balseskin** and also at **Citywest Transit Hub**, this is only a preliminary health screening and does not constitute a vulnerability assessment. The Regulations also provide for a further assessment to take place at any stage during the asylum process

⁶⁵⁰ Regulation 8(1)(a) Reception Conditions Regulations.

⁶⁵¹ Information provided by Irish Refugee Council Information and Advocacy Service, February 2024.

⁶⁵² Information provided by IPAS, March 2024.

where the Minister considers it necessary to do so in order to ascertain whether the recipient has special reception needs.⁶⁵³

The onset of COVID-19 highlighted the lack of information held by the Government in relation to applicant's vulnerabilities and health issues. When the need to move people out of Direct Provision became apparent at the height of the pandemic, the Department of Justice and Equality lacked adequate data in which it could rely upon to identify residents with particular health conditions or vulnerabilities. In the experience of the Irish Refugee Council, in some cases, centre managers were asked to identify residents with specific health vulnerabilities and many residents reported discomfort at the prospect of having to share their sensitive medical history with a third party.

1. Reception of unaccompanied children

Regulation 9 of the Reception Conditions Regulations provides that in all matters pertaining to the reception of children, "the best interests of the child shall be a primary consideration." For the purposes of assessing a minor's best interests with respect to reception conditions, the Minister shall have regard to:

- Family unity;
- The minor's well-being and social development, taking into account the minor's background;
- Safety and security considerations, in particular where there is a possibility of the minor being a victim of human trafficking;
- The views of the minor in accordance with their age and maturity.

With respect to unaccompanied children, specifically, Regulation 10 states that the provisions of the Regulations shall apply to unaccompanied children who have made an application for international protection and designates Tusla as the minor's representative (see [Legal representation of unaccompanied children](#)) in all matters pertaining to their reception entitlements. Unaccompanied minors are not accommodated in Direct Provision and are either reunited with family or taken into care.⁶⁵⁴

In January 2024, it was reported that there had been, according to Tusla, the child and family agency, an 'unprecedented increase' in the number of unaccompanied children presenting to its Separated Children Seeking International Protection Service (SCSIP Service).⁶⁵⁵ According to statistics, in the period between January and August 2023, 280 unaccompanied minors had arrived in Ireland and sought international protection.⁶⁵⁶ In 2022, Tusla received 597 referrals to its SCSIP service. 301 of these referrals were minors from Ukraine, while 227 were from other countries including Afghanistan, Algeria, Congo, Georgia, Somalia and Zimbabwe and involved children ages 12-17 years old.

Separately, it was reported that 200 unaccompanied children living in state care had been accommodated in unregulated Special Emergency Accommodation.⁶⁵⁷ Throughout 2023, a shortage of places in group care homes and foster caring arrangements meant that Tusla became increasingly reliant on emergency arrangements, whereby unaccompanied minors were housed in B&Bs, rental properties or holiday homes. While providers of accommodation for unaccompanied minors are generally required to register with Tusla prior to caring for minors, there exists an exception under the Child Care Act 2001, whereby a child is at risk of imminent homelessness and Tusla is satisfied that 'there is not accommodation available elsewhere.'⁶⁵⁸ Whereby it is later determined that the placement is suitable as an ongoing accommodation

⁶⁵³ Regulation 8(1)(b) Reception Conditions Regulations.

⁶⁵⁴ Samantha Arnold and Muireann Ní Raghallaigh, 'Unaccompanied minors in Ireland: Current Law, Policy and Practice' (2017) 15:1, Social Work and Society, available at: <https://bit.ly/2Ex2fWX>.

⁶⁵⁵ Irish Times, 'Unprecedented' increase in unaccompanied children seeking asylum in Ireland', 15 January 2024, available at: <https://bit.ly/3SHzw7S>.

⁶⁵⁶ Irish Examiner, '280 unaccompanied children have sought international protection this year', 14 October 2023, available at: <https://bit.ly/3SDAMsT>.

⁶⁵⁷ Irish Times, 'Government concern over 'formalised' emergency Tusla accommodation', 9 October 2023, available at: <https://bit.ly/3SpiFp>.

⁶⁵⁸ *ibid*.

arrangement for the child, the provider will then be required to register the setting with Tusla as a children's residential care centre.⁶⁵⁹ According to reports, an internal Department of Children briefing concerning the unregulated emergency accommodation settings express concern that such placements 'may not adequately meet the needs of children' and further meant that 'vulnerable children could be placed with private organisations without oversight for a period of up to three months.'⁶⁶⁰

Concerns were also raised regarding the number of unaccompanied children seeking international protection who went missing from state care. Throughout 2023, 49 children were reported missing from State care and as of January 2024, 20 of those children had not returned or been accounted for.⁶⁶¹ An investigation conducted by The Journal determined that in many cases, no public appeals for the missing children were made by an Garda Síochána.⁶⁶²

2. Reception of families with children

In addition to regard for the best interests of the child under Regulation 9, Regulation 10 of the Reception Conditions Regulations sets out the standards pertaining to the designation of accommodation, which includes provisions relevant to children and families with children. The Minister shall take account of *inter alia* family unity (where family members of the recipient are recipients and are present in the territory of the State) and gender and age specific concerns.

In particular, when designating accommodation to children, the Minister shall have regard to (a) the need to lodge a child with their parents, unmarried minor siblings or an adult responsible for him or her (provided it is in their best interests), and (b) the need for the accommodation centre to be suitable to meet all of the child's needs.

There are five centres which accommodate families with children; two which accommodate families and single females. Families are otherwise accommodated with the general population. Children are accommodated together with their families in Direct Provision accommodation centres. In his 2019 report to Parliament, the Special Rapporteur on Child Protection, Professor Geoffrey Shannon, criticised the Direct Provision, stating "As noted in numerous other Rapporteur reports, the system of Direct Provision for asylum seekers in Ireland should be abolished."⁶⁶³

In April 2021, the Ombudsman for Children (OCO) published the report of its investigation *Safety and Welfare of Children in Direct Provision*. The investigation was launched following a visit to a Direct Provision Centre by the Ombudsman's Office during which a parent raised concerns regarding overcrowding, nutrition, lack of safe play areas for children and poor communication from centre management about facilities at the designated centre and how to go about making a complaint. While the investigation initially focused on one centre, the OCO subsequently decided to expand its investigation to include all accommodation centres where children were residing. This was largely owing to concerns that IPAS did not have a sufficiently robust oversight mechanism in place to ensure quality of services being provided to children.

Residents of direct provision centres raised concerns about overcrowding and safety issues. Other concerns raised during OCO's investigation included inconsistent heating supply to bedrooms, the nutritional content of food, the poor conditions of facilities - including the lack of safe play areas for children – and lack of information on how to submit complaints. The report also underlined a broader 'culture of fear' in direct provision centres, with residents being reluctant to bring complaints to the authorities'

⁶⁵⁹ *ibid.*

⁶⁶⁰ *ibid.*

⁶⁶¹ Irish Times, "Unprecedented' increase in unaccompanied children seeking asylum in Ireland', 15 Jan 2024, available at: <https://bit.ly/3SHzw7S>.

⁶⁶² The Journal, 'Over 60 Migrant Children Missing from State Care', 14 December 2023, available at: <https://bit.ly/3SGYxQT>.

⁶⁶³ Professor Geoffrey Shannon, *Eleventh Report of the Special Rapporteur on Child Protection: A Report Submitted to the Oireachtas*, September 2019, available at: <https://bit.ly/2AyNV0H>, 81.

attention due to the fear that this may impact on their status or treatment while seeking asylum in Ireland. Interpretation services were also not available in some centres, thus preventing residents from making complaints.

The Report called for IPAS to immediately end the use of commercial emergency hotels and put in place a well-resourced quality assurance mechanism to monitor complaints, child protection and welfare concerns and any other incidents in order to be assured about the quality of services provided to families in all centres. The OCO further called for extensive cultural sensitivity training, as well as training in gender, equality, human and children's rights training for staff working in Direct Provision centres. Finally, it also called on Tusla, the Child and Family agency, to recognise the vulnerability of children within the international protection process and to develop an intercultural strategy.⁶⁶⁴

In its White Paper on Direct Provision, the Government noted that, as part of the revised reception system for international protection applicants, there will be an emphasis on child welfare and child protection. Children and Young People's Services Committees (CYPSCs), which comprise all key statutory and voluntary agencies working with children, will ensure that, among their sub-groups, there is a specific focus on the needs of children, young people and their families in International Protection Accommodation settings. The CYPSCs will receive Tusla's input in the key areas such as Prevention, Partnership and Family Support and Educational Support Services. Parenting supports and child development services will also be made available to applicant families to support child development during the application process.⁶⁶⁵

Subsequently, in October 2023, the Ombudsman for Children's Office (OCO) published a Special Report on the Safety and Welfare of Children in Direct Provision. It is the first report of its kind since the OCO was established in 2004. The Special Report sought to highlight concerns regarding the lack of progress on the OCO's previous three recommendations, issued in 2021 following an investigation into the administrative actions of IPAS and Tusla regarding children residing in IPAS accommodation. The report, while acknowledging that the influx of arrivals from Ukraine has created unprecedented challenges for government in respect of the accommodation system, nevertheless expresses concern for the potential adverse effects on the rights and welfare of children residing within state-provided accommodation. The report establishes three key recommendations to be implemented by IPAS, including, to no longer use commercial hotels for the purpose of accommodating children, and plan for accommodation capacity pressures, to put in place robust quality assurance mechanisms, including an independent inspectorate, and further, to take into account the vulnerability of children within the international protection process when planning and providing for their accommodation needs.⁶⁶⁶

3. Reception of victims of torture, violence or trafficking

Victims of torture have access to NGO support services, such as SPIRASI, who provide ongoing therapeutic interventions and psychosocial supports for victims of torture. However, this is curtailed by the practice of accommodating such applicants in isolated accommodation centres and limited funding for such organisations.

There does not exist any formal policy to prevent mixed-sex accommodation, however, there are numerous single sex centres for both males and females within the IPAS accommodation stock.⁶⁶⁷

⁶⁶⁴ Ombudsman for Children's Office, Safety & Welfare of Children in Direct Provision, 27 April 2021, available at: <https://bit.ly/3FhTHiZ>.

⁶⁶⁵ Department of Children, Equality, Disability, Integration and Youth, White Paper on Ending Direct Provision, 26 February 2021, available at: <https://bit.ly/35Vwebg>.

⁶⁶⁶ Ombudsman for Children's Office, Special Report: Safety & Welfare of Children in Direct Provision, October 2023, available at: <https://tinyurl.com/3sv3jfr6>.

⁶⁶⁷ Information provided by Irish Refugee Council Information and Advocacy Service, February 2024.

In April 2014, IPAS (RIA, as it then was), established a sexual and gender-based violence policy. The policy applies to both centre residents and staff. It notes the duty of care owed to all residents by IPAS staff and further states that an integrated and coordinated response to domestic, sexual and gender-based violence and harassment be implemented. The policy requires that survivors of domestic, sexual and gender-based violence be provided with adequate information and assistance when reporting an incident to IPAS and An Garda Síochána, that survivors be provided with adequate information regarding support services available and that such incidents are properly reported.⁶⁶⁸

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

The Reception Conditions Regulations provide that the Minister must, within 15 working days from the date on which a person indicates their intention to seek asylum, in writing (in a language they understand) inform them of the material reception conditions to which they are entitled under the Regulations and the contact details of relevant organisations who may offer support.⁶⁶⁹

With the current crisis in accommodation for protection applicants, new short-term arrangements have been established as the usual initial reception centre at **Balseskin** has been full (see [Types of Accommodation](#)). One of the many problems which this has created is the absence of information and a clear line of communication regarding the international protection process and entitlements around reception conditions. The Irish Refugee Council and other organisations like Movement of Asylum Seekers Ireland and Jesuit Refugee Service Ireland conducted outreach to emergency centres in an effort to provide applicants with key information.

Information is provided by the IPAS on rights and obligations in reception and accommodation through the House Rules and Procedures, which are available in each centre (but which are not “House Rules” as defined in the Regulations). These rules are available in 10 different languages, aside from English, on the RIA’s website (now IPAS which is pending a website update) and are usually distributed to protection applicants for signature on arrival at their designated centre.⁶⁷⁰ The House Rules and Procedures document was updated in January 2019, in accordance with Regulation 25 of the European Communities (Reception Conditions) Regulations 2018.

According to the IPAS annual report 2017, RIA has established information clinics on a bi-annual basis (at least) to provide information on a one-to-one basis and to review the operation of the Direct Provision centre.⁶⁷¹

It is regrettable that no annual report for 2021, 2022 or 2023 has been published. However, as of January 2023, IPAS has begun publishing weekly reports containing statistics regarding accommodation occupancy, including occupancy by accommodation type, occupancy breakdown by county and nationality.⁶⁷²

At the outset of the COVID-19 pandemic, public health information was distributed to residents through the circulation of notices in multiple languages. However, as previously noted, when steps were taken to move people out of Direct Provision at the height of the pandemic so as to permit residents additional space to social distance, this was largely achieved without consulting residents, while notice provided

⁶⁶⁸ RIA, ‘Policy and Practice Document on Safeguarding RIA Residents against Domestic, Sexual and Gender-based Violence and Harassment, available at: <https://tinyurl.com/534ypwja>.

⁶⁶⁹ Regulation 3 Reception Conditions Regulations 2018.

⁶⁷⁰ RIA, *Reception and Accommodation Centres House Rules and Procedures revised January 2019*, available at: <https://bit.ly/2AgDIFT>.

⁶⁷¹ Department of Justice and Equality, *RIA Annual Report 2016*, available at: <http://bit.ly/2E8mkRy>, 42.

⁶⁷² International Protection Accommodation Service, *DCEDIY IPAS – Weekly Stats*, 29 January 2023, available at: <https://bit.ly/3JEim7o>.

was extremely short and residents were not informed as to whether the move would be temporary or permanent in nature.

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?

☐ Yes

☒ With limitations

☐ No

With the introduction of the Reception Conditions Regulations, there is now an express right of access to accommodation centres, subject to limitations. The Regulations provide access to a list of people and organisations including family members, legal advisors, UNHCR and other relevant NGOs. This access is specifically granted “in order to assist the recipient”.⁶⁷³ This list does not include, for example, friends of applicants or journalists.

The right of access for the people and organisations listed is stated to be limited only to the extent necessary to ensure the security of the accommodation centre and its residents.⁶⁷⁴

The right of access to accommodation centres for guests was the subject of litigation in the case of *C.A. and T.A.*⁶⁷⁵ In that case, the Court held that the complete prohibition on guests in bedrooms was unlawful finding that resident’s rooms could be protected as their ‘home’ under Article 40(5) of the Constitution.⁶⁷⁶

It remains the case in practice that access is granted on a discretionary basis with permission being subject to approval from IPAS or the centre management. Residents may invite guests into the centres, but they are confined to the communal areas. According to the House Rules and Procedures for Reception and Accommodation Centres, visiting is generally allowed between 10am and 10pm (8pm for children unless they are with a parent / guardian). The centre manager may restrict the number of visitors at any one time if they believe there might be a health and safety risk. The centre manager may also refuse entry or ask visitors to leave if s/he has reason to believe they may cause a threat to residents or centre property. In this case, the centre manager will notify IPAS the reasons for such a refusal.⁶⁷⁷

In general, access depends on the relationship between the person seeking access and IPAS or the management of the hostel in question. The Irish Refugee Council for example has previously been refused access to some centres but given access to others. In other anecdotal examples provided by the Irish Refugee Council, some election candidates for local elections were also refused entry to accommodation centres as well as a parish priest in another incident. In November 2019, a candidate in a by-election for the Irish parliament visited a Direct Provision centre to directly meet with protection applicants after claiming children as young as three could have been influenced or manipulated by ISIS before arriving in Ireland. The comments, and the subsequent visit, were widely criticised.⁶⁷⁸ The Working Group report recommended that IPAS ensure in Direct Provision centres that rooms without CCTV are available for receiving visitors, social workers, legal representatives and other advocates.⁶⁷⁹ According to Nasc’s review of the Government’s progress reports on implementation of the Working Group recommendations, implementation of this recommendation could not be verified. No detailed information in relation to this

⁶⁷³ Regulation 7(6)(b) Reception Conditions Regulations 2018.

⁶⁷⁴ Regulation 7(7) Reception Conditions Regulations 2018.

⁶⁷⁵ *C.A. & Anor v. Minister for Justice and Equality and Ors* [2014] IEHC 532, 14 November 2014, available at: <https://bit.ly/3u69tsM>.

⁶⁷⁶ See e.g. PILA, Guest article by Colin Lenihan – ‘High Court finds some Direct Provision house rules unlawful and in breach of ECHR’, November 2014, available at: <https://bit.ly/3dINrcl>.

⁶⁷⁷ House Rules and Procedures for Reception and Accommodation Centres, January 2019.

⁶⁷⁸ Irish Examiner, ‘Verona Murphy won’t be axed from FG ticket as party disassociate themselves from comments’, 20 November 2019, available at: <https://bit.ly/2RIG6KR>.

⁶⁷⁹ Working Group to report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, *Final Report*, June 2015, para.4.122, 176.

information had been provided in any of the Government's three progress reports and IPAS failed to respond to Nasc's request for information.⁶⁸⁰

At the outset of the COVID-19 pandemic, all visits to Direct Provision centres and temporary accommodation centres were suspended, except in circumstances whereby the visit was deemed to be for an essential purpose.

G. Differential treatment of specific nationalities in reception

In the Direct Provision system, no differential treatment of different nationalities has been noted to date. There have been comparisons drawn between Direct Provision and EROC, the latter of which tends to have a wider array of orientation and integration supports to assist relocated and resettled refugees – who are predominantly **Syrian**. Most recently, in December 2020, plans announced for the transfer of 86 Syrian refugees to the Ballaghaderreen Emergency Reception and Orientation centre (EROC) in Co. Roscommon under the Irish Refugee Protection Programme.⁶⁸¹

Following the onset of the humanitarian crisis in Afghanistan, approximately 510 Afghan nationals obtained visas and visa waivers to travel to Ireland pursuant to the Irish Refugee Protection Programme (IRPP). According to most recently available statistics, 394 individuals have travelled to Ireland to-date with this figure expected to increase.⁶⁸² The first group of evacuated refugees arriving in August 2021.⁶⁸³ In the experience of the Irish Refugee Council, as of January 2023, newly arrived Afghan refugees are being accommodated at one of three Emergency and Orientation Reception Centres in Mosney, Co. Meath, Clonea, Co. Waterford and Balaghaderreen, Co. Roscommon.⁶⁸⁴

⁶⁸⁰ Nasc, *Working Paper on the Implementation of the Working Group Recommendations*, December 2017. 48.

⁶⁸¹ RTE, Call for liaison with HSE ahead of refugees' arrival, 2 December 2020, available at: <https://bit.ly/37fxuE7>.

⁶⁸² RTE, 394 Afghan refugees have arrived in Ireland since Taliban took control, 8 December 2021, available at: <https://bit.ly/3JU9CYj>.

⁶⁸³ The Journal, First group of evacuated Afghan refugees to arrive in Ireland this evening, 23 August 2021, available at: <https://bit.ly/3F3dSkE>.

⁶⁸⁴ Information provided by Irish Refugee Council Resettlement Caseworker, January 2023.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2023:	Not available
2. Number of asylum seekers in detention at the end of 2023:	Not available
3. Number of detention centres:	Not available
4. Total capacity of detention centres:	Not available

It should be noted that, in general, Ireland places very few protection applicants or migrants in immigration detention and data for the numbers of people detained who subsequently apply for international protection are not collated.

Protection applicants and immigrants who may be detained generally fall into six categories:

- ❖ Non-nationals who arrive in Ireland and are refused “leave to land” (see [Access to the Territory](#));
- ❖ Protection applicants who are deemed to engage one of the categories of Section 20(1) IPA (see [Grounds for Detention](#));
- ❖ Protection applicants subject to the Dublin Regulation;
- ❖ Non-nationals who cannot establish their identity;
- ❖ Non-nationals with outstanding deportation orders;
- ❖ Non-nationals awaiting trial for a criminal immigration-related offence(s).

According to the latest data from the Irish Prison Service, in 2018 there were 414 committals in respect of immigration issues involving 406 detainees compared to 418 committals involving 396 detainees in 2017.⁶⁸⁵ There is no available data for 2020. However, according to the International Protection Office, 37 applications for international protection were made from persons in detention in 2020. The reason for the applicants’ detention is not known.⁶⁸⁶ In 2021, 20 applications for international protection were made from persons in detention..⁶⁸⁷ According to data provided by the IPO for 2022, 17 applicants for international protection were made from persons in detention. Throughout 2023, 28 applications for international protection were made from detention, however, the reasons for the applicant’s detention were not known.⁶⁸⁸

Furthermore, there are no specially designated detention centres for protection applicants and irregular migrants. Protection applicants are detained within the general prison population, at a Garda Síochána (police) station or another designated place of detention. Places of detention are set out in S.I. 666/2016 – International Protection Act 2015 (Places of Detention) Regulations 2016, which was amended by the Reception Conditions Regulations 2018 to designate places of detention as “Every Garda Síochána Station [and] Cloverhill Prison.”

Following the Council of Europe Committee for the Prevention of Torture’s 7th periodic visit report on Ireland, it was determined that steps ought to be taken to address the unsuitable practice of detaining in prison non-nationals for immigration-related offences.⁶⁸⁹ In December 2021, it was announced that work had been completed on a new Block F in Cloverhill Remand Prison, which is intended to accommodate persons detained for immigration purposes and ensure that they are housed separately from prisoners on remand. Throughout the pandemic, Block F was repurposed as an isolation unit for prisoners who contracted COVID-19, to manage and control infection risk. It is intended that when the pandemic ends, Block F will revert to its original intended use. At the time of updating, it remained unclear whether persons detained for immigration purposes were continuing to be accommodated with the general prison population.

⁶⁸⁵ Irish Prison Service, *Annual Report 2018*, available at: <https://bit.ly/36jyeVu>, 25.

⁶⁸⁶ Information provided by the International Protection Office, April 2021.

⁶⁸⁷ Information provided by the International Protection Office, April 2022.

⁶⁸⁸ International Protection Office, April 2024.

⁶⁸⁹ Minister for Justice Helen McEntee, Response to Parliamentary Question No 485, 16 December 2021, available at: <https://bit.ly/3slJQQM>.

Additionally, a purpose-built immigration facility was opened at Dublin Airport for use in circumstances where persons are refused leave to land. The facility houses the newly opened Dublin Airport Garda Station and the Garda National Immigration Bureau. The Garda station contains four single person cells and two additional detention rooms. As of May 2022, the facility was fully operational.⁶⁹⁰

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

- | | | | |
|---|-------------------------------------|--|---|
| 1. In practice, are most asylum seekers detained | | | |
| ❖ on the territory: | ☐ Yes | ☒ No | |
| ❖ at the border: | ☐ Yes | ☒ No | |
| 2. Are asylum seekers detained in practice during the Dublin procedure? | ☐ Frequently | ☒ Rarely | ☐ Never |
| 3. Are asylum seekers detained during a regular procedure in practice? | ☐ Frequently | ☐ Rarely | ☒ Never |

Detention is not used on a regular basis in Ireland, except in the following circumstances.

1.1. Detention under the International Protection Act 2015

Section 20 IPA provides that protection applicants may be detained by an immigration officer or a member of Garda Síochána and be arrested without warrant if it is suspected that they:

1. Pose a threat to public security or public order in the State;
2. Have committed a serious non-political crime outside the State;
3. Have not made reasonable efforts to establish their identity (including non-compliance with the requirement to provide fingerprints);
4. Intend to leave the State and without lawful authority enter another State;
5. Have acted or intends to act in a manner that would undermine (i) the system for granting persons international protection in the State, or (ii) any arrangement relating to the Common Travel Area;
6. Without reasonable excuse, have destroyed identity or travel documents or is or has been in possession of forged identity documents.

These grounds have remained intact despite the adoption of the Reception Conditions Regulations 2018. Some of the provisions of Section 20 IPA – namely detention based on the commission of a serious non-political crime, the intention to leave the State and unlawfully enter another, acting in a manner undermining the asylum system, or destroying identity or travel documents – are not in conformity with the exhaustive grounds set out in Article 8(3) of the recast Reception Conditions Directive.

Where an asylum seeker is detained, they must be informed, where possible in a language that they understand, that they:

- ❖ Are being detained;
- ❖ Shall be brought before a judge of the District Court as soon as practicable to determine whether or not they should be committed to a place of detention or released pending consideration of the asylum application in accordance with Section 20(2) and (3) IPA;
- ❖ Are entitled to consult a solicitor;
- ❖ Are entitled to seek legal assistance and legal representation;

⁶⁹⁰ Department of Justice, 'Minister McEntee Attends Official Opening of Dublin Airport Garda Station', 6 May 2022, available at: <https://bit.ly/3HzrIrV>.

- ❖ Are entitled to be informed of their entitlement to said legal assistance and representation, and their right to make a complaint under Article 40.4.2 of the Constitution and the procedures for doing so;
- ❖ Are entitled to be given a copy of the warrant under which they are being detained;
- ❖ Are entitled to have notification of their detention, the place of detention and every change of such place sent to the High Commissioner;
- ❖ Are entitled to leave the State at any time during the period of their detention and if they indicate a desire to do so, they shall be brought before a court as soon as practicable. The court may make such orders as may be necessary for their removal;
- ❖ Are entitled to the assistance of an interpreter for the purposes of consulting with a solicitor.

The detaining officer must inform the IPO or IPAT, as relevant, about the detention. The appropriate body then ensures that the application of the detained person is dealt with as soon as possible and, if necessary, before any other application for persons who are not in detention.

It should be noted that the planned establishment of a dedicated detention facility at Dublin Airport could lead to increased detention in practice. While the facility is now operational,⁶⁹¹ owing to a lack of available statistics regarding immigration detention, it is not clear whether the establishment of the facility has led to an increase in the use of such detention.

1.2. Detention for the purpose of removal

Section 5 Immigration Act 1999 provides that in the case of an unsuccessful applicant for whom a deportation order is in force, a person may be detained by an immigration officer or a member of the Garda Síochána, if it is suspected that they:

- ❖ Have failed to comply with any provision of the deportation order;
- ❖ Intend to leave the State and enter another State without lawful authority;
- ❖ Have destroyed identity documents or is in possession of forged identity documents; or
- ❖ Intend to avoid removal from the State.

Section 5(6) of the 1999 Act prohibits detention for any single period of more than eight weeks and multiple detentions for periods of less than eight weeks where the total period exceeds eight weeks. Section 5 Immigration Act 1999 has been amended under Section 78 IPA so that such persons in the category above (Section 78(3)(b)) may be arrested without warrant. Section 78(3)(b) of the 2015 Act also enables persons to be detained at airport and ports of entry for periods not exceeding 12 hours.

1.3. Detention under the Dublin Regulation

The European Union (Dublin System) Regulations 2018 provide the possibility to detain an asylum seeker for the purpose of carrying out a Dublin transfer where an immigration officer or member of Garda Síochána determines that there is a “significant risk of absconding”.⁶⁹² The criteria for determining such a risk have not been spelt out in legislation.

⁶⁹¹ Department of Justice, ‘Minister McEntee Attends Official Opening of Dublin Airport Garda Station’, 6 May 2022, available at: <https://bit.ly/3HzrirV>.

⁶⁹² Regulation 10(4) European Union (Dublin System) Regulations 2018.

2. Alternatives to detention

Indicators: Alternatives to Detention

1. Which alternatives to detention are laid down in the law?
☒ Reporting duties
☐ Surrendering documents
☐ Financial guarantee
☒ Residence restrictions
2. Are alternatives to detention used in practice? ☐ Yes ☒ No

There are no formal alternatives to detention. Section 20(3)(b) IPA could be considered a possible alternative in that it allows an immigration officer or other authorised person to require an applicant for asylum to reside or remain in particular districts or places in the country, or, to report at specified times to an immigration officer or other designated person. However, as of February 2022, there are no known cases of this being applied in practice.

However, the District Court judge when reviewing the applicability of detention may commit the person concerned to a place of detention for a period not exceeding 21 days from the time of their detention or release the person and make such a release subject to conditions, including conditions requiring them to (i) reside or remain in a specified district or place in the State; (ii) report at specified intervals to a specified Garda Síochána station or surrender any passport or other travel document that they hold. The District Court judge may vary, revoke or add a condition to the release on the application of the person, an immigration officer or a member of the Garda Síochána.⁶⁹³

A member of the Garda Síochána may arrest without warrant and detain, in a place of detention, a person who in their opinion has failed to comply with the Court's reporting conditions under Section 20(9) IPA. In such a case the applicant shall be brought before the District Court again and if the judge feels grounds for detention apply under subsection (9) or (3) above then they may commit the applicant for further periods (each period being a period not exceeding 21 days) pending the determination of the person's application for international protection under Section 20(12) IPA. In effect, this means that an applicant can be detained for consecutive 21-day periods of detention, which means the detention may be continuous and indefinite. There is no limit to the number of 21-day periods of detention, which can run consecutively.

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?
☐ Frequently ☐ Rarely ☒ Never
❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☐ No
2. Are asylum seeking children in families detained in practice?
☐ Frequently ☐ Rarely ☒ Never

The IPA specifically prohibits detention of unaccompanied children. There is no available information on whether other vulnerable applicants have been detained, however detention is rarely used in practice in Ireland. If a dependent child is with their parent and that parent is detained under Section 20 IPA, the immigration officer or member of the Garda Síochána concerned shall, without delay, notify Tusla of the detention and of the circumstances thereof. There is no available information as to whether unaccompanied children awaiting age re-assessments have been detained. However, in general, children awaiting age re-assessments are considered to be adults until such time as they under-go reassessment.

⁶⁹³ Section 20(5) IPA.

Regulation 19(9) of the Reception Conditions Regulations sets out standards for the detention of vulnerable persons: “Where a detained applicant is a vulnerable person, the Minister shall ensure, taking into account the person’s particular situation, including their health, that:

- (a) the person is monitored regularly, and
- (b) they are provided with adequate support.”

There is no known case of this provision having been applied as of December 2022.

4. Duration of detention

Indicators: Duration of Detention

- | | |
|--|---------------|
| 1. What is the maximum detention period set in the law: | |
| ❖ Dublin detention | 7 days |
| ❖ Other grounds | None |
| 2. In practice, how long in average are asylum seekers detained? | Not available |

There is no maximum duration for detention set out in the IPA and the Reception Conditions Regulations 2018 fail to include the provision that an applicant “shall be detained for as short a period as possible” in line with Article 9 of the recast Reception Conditions Directive. However, detention under the Dublin Regulation shall not exceed seven days.⁶⁹⁴

Data is not available on how long protection applicants are detained but it is generally considered to be a short period of time pre-removal. The Irish Prison Service data does not break down between detention on other immigration grounds and detention as an asylum seeker.

As noted in [Alternatives to Detention](#), Section 20 IPA shows that District Court judges can apply detention for consecutive 21-day time periods with no upper limit so detention could be indefinite under this provision.

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

- | | | |
|--|---|-----------------------------|
| 1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? | ☒ Yes | ☐ No |
| 2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? | ☒ Yes | ☐ No |

Places of detention are set out in S.I. 666/2016 – International Protection Act 2015 (Places of Detention) Regulations 2016, which was amended by the Reception Conditions Regulations 2018 to designate places of detention as “Every Garda Síochána Station [and] Cloverhill Prison.”

Prior to the Regulations, women were generally detained at the **Dóchas Centre** in Dublin, which has a capacity of 105 places. Men were generally detained at **Cloverhill Prison** in west Dublin that has a capacity of 431. Following the introduction of the Regulations, the Dóchas Centre was not listed as a place of detention, and it is therefore unclear where female detainees are to be held in practice. However, according to reports from various observers, the Dóchas Centre remains the primary detention facility for holding female detainees.⁶⁹⁵

⁶⁹⁴ Regulation 10(4) European Union (Dublin System) Regulations 2018.

⁶⁹⁵ Global Detention Project, *Ireland Immigration Detention Profile*, August 2019, available at: <https://bit.ly/3nQ55tP>.

Section 78(4) IPA states that a person detained under that section (Section 78(1) and (2) i.e. with deportation order in force) may be placed on a ship, railway train, road vehicle or aircraft about to leave the State by an immigration officer or a member of the Garda Síochána and shall be deemed to be in lawful custody whilst so detained and until the ship, railway train, road vehicle or aircraft leaves the State.

This practice of detaining asylum seekers in prisons has been criticised by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and on two occasions by the UN Committee against Torture which found that a prison is by definition not a suitable place in which to detain someone who is neither suspected nor convicted of a criminal offence.⁶⁹⁶ In response, the Irish government stated that they planned to establish a specific immigration detention centre at **Dublin Airport** in 2016. In response to an Irish Times report on the detention of a Brazilian woman at Dochas Women's Prison in July 2017, a Department of Justice Spokesperson stated that work on the dedicated facility was expected to begin on site at Dublin Airport in September 2017 with an estimated timeframe of ten months before becoming operational.⁶⁹⁷ As previously mentioned, the Minister for Justice Helen McEntee announced in a statement in December 2021 that the purpose-built immigration facility has now opened at Dublin Airport for use in circumstances where persons are refused leave to land.⁶⁹⁸ The facility houses the newly opened Dublin Airport Garda Station and the Garda National Immigration Bureau. The Garda station contains four single person cells and two additional detention rooms. As of May 2022, the facility was fully operational.⁶⁹⁹

Moreover, in December 2021, it was announced that work had been completed on a new Block F in Cloverhill Remand Prison intended to accommodate persons detained for immigration purposes; the block was previously used as an isolation unit for prisoners who contracted COVID-19.⁷⁰⁰ At the time of updating, it remained unclear whether persons detained for immigration purposes were continuing to be accommodated with the general prison population.

Beyond those facilities, the Irish Human Rights and Equality Commission in a recent commissioned report on Ireland and the Optional Protocol to the Convention against Torture indicated that Direct Provision could be considered *de facto* detention.⁷⁰¹ This is due to the fact that, while people are free to leave Direct Provision centres at any time, this may be difficult or impossible in practice due to people's limited financial allowance and often isolated location.

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

- | | | |
|---|---|--|
| 1. Do detainees have access to health care in practice? | ☒ Yes | ☐ No |
| ❖ If yes, is it limited to emergency health care? | ☐ Yes | ☒ No |

As mentioned in [Place of Detention](#), the Reception Conditions Regulations amend the places an asylum seeker can be detained to include any police station and **Cloverhill Prison**. Whether this means that female detainees will no longer be detained in a female-only prison is unknown.

Regulation 19 of the Reception Conditions Regulations sets out detention conditions in that detained applicants shall: (a) be kept separately from any prisoner detained in the place of detention; (b) be kept

⁶⁹⁶ CPT, *Report to the Government of Ireland on the visit to Ireland from 16 to 26 September 2014*, Council of Europe, 17 November 2015; United Nations Committee against Torture, *Concluding observations on the second periodic report of Ireland*, August 2017, para 12(d).

⁶⁹⁷ Irish Times, 'Work on Dublin Airport immigration detention centre to begin', 28 July 2017, available at: <http://bit.ly/2r8zKKE>.

⁶⁹⁸ Minister for Justice Helen McEntee, 'Response to Parliamentary Question No 485', 16 December 2021, available at: <https://bit.ly/3slJQQM>.

⁶⁹⁹ Department of Justice, 'Minister McEntee Attends Official Opening of Dublin Airport Garda Station', 6 May 2022, available at: <https://bit.ly/3HzrirV>.

⁷⁰⁰ *ibid.*

⁷⁰¹ Irish Human Rights and Equality Commission, *Ireland and the Optional Protocol to the Convention against Torture*, September 2017, Available at: <http://bit.ly/2fEh5h6>, 32.

separately from other third country nationals who are not applicants and who are detained in the place of detention; and (c) have access to open air spaces.

The Irish Prison Service manages the day-to-day operation of detention facilities in Ireland. All staff entering the prison service receive basic training from the Irish Prison College, including custodial care, equality, diversity, cultural and social awareness, as well as human rights and ethical dimensions to custodial care.⁷⁰²

While there has been some progress in respect of prison conditions in recent years, there remains ongoing issues with regard to overcrowding, with many people sleeping on mattresses and sharing of cells having become a regular feature across the prison estate.⁷⁰³

Prisoners are provided with items such as soap, sanitary towels, toothpaste, a toothbrush, and razors. Prisoners are also entitled to a balanced and nutritious diet. Whereby a prisoner is a member of a particular religion and therefore has particular dietary requirements, the Prison Governor will try, insofar as possible to ensure that appropriate food is available.⁷⁰⁴

According to the Irish Prison Service website, the Irish Prison Service's official mission is 'providing safe and secure custody, dignity of care and rehabilitation to prisoners for safer communities.' In line with this mission, they offer numerous services to prisoners, including, basic education classes, as well as specialised classes in creative arts, technology, life skills and health living. Work and vocational training programmes are also available.⁷⁰⁵

With regard to healthcare, prisoners are entitled to receive the same standard of healthcare as members of the public in possession of a medical card. The Irish Prison Service also has a duty to provide appropriate mental health support to prisoners. The Irish Prison Psychology Service provides mental health treatment and support to prisoners. However, reports indicate that some prisoners are required to wait in excess of two-years to access mental health supports as a result of long waiting lists, lack of investment and resource planning.⁷⁰⁶

With respect to vulnerable applicants who are detained, Regulation 19(9), provides that the Minister shall ensure that the person is monitored regularly and that they are provided with adequate support, taking into account the person's individual situation, including their health.

Under Regulation 19(6), all applicants are entitled to information on (a) the rules applicable to the place of detention and (b) that person's rights and obligations while detained, in a language they can understand, which should include their entitlement to legal representation.

In late November 2020, the European Committee for the Prevention of Torture released its 7th periodic visit report on Ireland. In the report, the Committee reiterated its long-standing call for Irish authorities to suspend the use of prisons for immigration detention, noting that "a prison is by definition not a suitable place in which to detain someone who is neither suspected nor convicted of a criminal offence."⁷⁰⁷ The Committee reported that it had met with several immigration detainees who detailed the harassment and abuse they had received from other prisoners. It noted, for example, a case whereby a "middle-aged

⁷⁰² Irish Prison Service, 'Irish Prison Service College', available at: <https://bit.ly/49AI3ic>.

⁷⁰³ Irish Penal Reform Trust, 'Progress in the Penal System', 26 May 2023, available at: <https://bit.ly/49DVrll>.

⁷⁰⁴ Irish Council of Civil Liberties and Irish Penal Reform Trust, 'Know Your Rights as a Prisoner', 2012, available at: <https://bit.ly/4cScun4>.

⁷⁰⁵ Irish Prison Service, 'Irish Prison Education Service', 2018, available at: <https://bit.ly/4cV9iXJ>.

⁷⁰⁶ The Journal, 'Some Irish Prisoners Facing waits of over two years to access mental health treatments', 7 July 2023, available at: <https://bit.ly/3xAqqSz>.

⁷⁰⁷ European Committee for the Prevention of Torture, *Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 23 September to 4 October 2019, 24 November 2020*, available at: <https://bit.ly/3p2o2La>, 17.

diminutive foreign national was placed in a cell with two young remand prisoners who allegedly attempted to rape him as well as physically aggressed and verbally intimidated him.”⁷⁰⁸

Particular issues of concern also emerged regarding the spread of COVID-19 in prisons that are used to hold immigration detainees. In this regard, a number of measures were implemented in prisons in an attempt to combat the spread of COVID-19, including the provision of information leaflets and newsletters to prisoners and staff regarding the risks posed by COVID-19 in a custodial environment,⁷⁰⁹ COVID-19 screening measures at all prisons and self-isolation facilities. The Irish Prison Service has opened a specific unit at Cloverhill Prison to allow for the isolation of confirmed positive cases among the prison population. This unit is used to accommodate symptomatic prisoners until such a time as they are cleared from isolation through the COVID-19 testing process.⁷¹⁰ As of January 2022, the total number of prisoners tested positive for COVID-19 since March 2020 was 413.⁷¹¹ As of February 2022, statistics regarding outbreaks of Covid-19 in Irish prisons were no longer made publicly available.

3. Access to detention facilities

Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to

- | | | | |
|-------------------|---|----------------------------------|-----------------------------|
| ❖ Lawyers: | ☒ Yes | ☐ Limited | ☐ No |
| ❖ NGOs: | ☒ Yes | ☐ Limited | ☐ No |
| ❖ UNHCR: | ☒ Yes | ☐ Limited | ☐ No |
| ❖ Family members: | ☒ Yes | ☐ Limited | ☐ No |

Regulation 19(4) of the Reception Conditions Regulations states that a detained applicant “shall be entitled to communicate with and receive visits from, in conditions that respect privacy – (a) representatives of the UNHCR, (b) [...] family members, legal representatives and representative of relevant, non-governmental organisations.”

Limitation on the above is permitted in circumstances where such restriction is deemed “necessary to ensure the good governance of, or safe or secure custody in, the place of detention,” however, the extent to which this is respected in practice is not known.

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention

- | | | |
|---|---|-----------------------------|
| 1. Is there an automatic review of the lawfulness of detention? | ☒ Yes | ☐ No |
| 2. If yes, at what interval is the detention order reviewed? | 21 days renewable | |

Where an asylum seeker is detained, they must be informed, where possible in a language that they understand, that they shall be brought before a District Court judge as soon as practicable to determine whether or not they should be committed to a place of detention or released pending consideration of the asylum application under Section 20 IPA.

If the District Court judge commits the person to a place of detention, that person may be detained for further periods of time (each period not exceeding 21 days) by order of a District Court. However, if during

⁷⁰⁸ *ibid*, 17.

⁷⁰⁹ Department of Justice, *Information regarding the Justice Sector COVID-19 plans*, 13 November 2020, available at: <https://bit.ly/3aoww9r>.

⁷¹⁰ *ibid*.

⁷¹¹ Irish Prison Service, *Confirmed Cases of Covid 19 in Irish Prisons*, 21 January 2021, last updated 11 January 2022, available at: <https://bit.ly/3arJKDg>.

the period of detention the applicant indicates a desire to voluntarily leave, they will be brought before the District Court in order that arrangements may be made.

The lawfulness of detention can be challenged in the High Court by way of an application for *habeas corpus*.

The question of whether grounds for detention continue to exist must be re-examined by the District Court judge every 21 days. In addition to this form of review, a detained asylum-seeker can challenge the legality of the detention in *habeas* proceedings under Article 40(4) of the Constitution in the High Court. The Legal Aid Board provides representation for those detained in the District Court under Section 20 IPA.

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?
☒ Yes ☐ No
2. Do asylum seekers have effective access to free legal assistance in practice?
☒ Yes ☐ No

Regulation 19 of the Reception Conditions Regulations 2018 provides that a detained applicant has access to representatives of the UNHCR, as well as “family members, legal representatives and representatives of relevant, non-governmental organisations.” A consultation with a representative may take place in the sight but out of the hearing of a member of the Garda Síochána.

Section 20 IPA states that when a person makes an application for asylum, regardless of whether that application is made from detention or elsewhere, they should be informed of their rights to consult a lawyer and UNHCR.

Where an asylum seeker is detained under Section 20 IPA, Section 20(15) states that an immigration officer or a member of the Garda Síochána (police) must give an asylum seeker certain information without delay. Such information includes that the person is being detained, that they shall, as soon as practicable, be brought before a court which shall determine whether or not they should be committed to a place of detention or released pending consideration of that person's application for international protection, that they are entitled to consult a solicitor (and entitled to the assistance of an interpreter for such a consultation), that they are entitled to have notification of their detention sent to UNHCR, that they are entitled to leave the State. The information should be given, where possible, in a language that the person understands.

The Legal Aid Board can provide legal assistance to protection applicants who are detained. No NGO provides routine legal assistance to detained protection applicants, however the Irish Refugee Council Law Centre, as well as private practitioners working in asylum law, may provide such support. Legal representatives may be accompanied by an interpreter when providing legal assistance to persons in detention.⁷¹²

E. Differential treatment of specific nationalities in detention

No distinctions are made between different nationalities in detention. There is no indication that some nationalities are treated less favourably compared to others in the context of detention.

⁷¹² Information provided by Irish Refugee Council Independent Law Centre, April 2024.

A. Status and residence

1. Residence permit

Indicators: Residence Permit

1. What is the duration of residence permits granted to beneficiaries of protection?

❖ Refugee status	1 year
❖ Subsidiary protection	Specified period, usually 3 years

Refugees and subsidiary protection beneficiaries in Ireland receive a 'Stamp 4' residence permit.⁷¹³ For **refugees** this grants permanent residency and an Irish Residence Permit (formerly the Garda National Immigration Bureau (GNIB) card) is issued firstly for one year and then renewed for three years renewable. Refugees are able to apply for naturalisation after three years from the date of their asylum application (see [Naturalisation](#)).

Subsidiary protection beneficiaries also receive a 'Stamp 4' residence permit. This allows them to stay in Ireland for a specified period of time, which is normally of three years' renewable duration. They have a right to apply for naturalisation after five years from the date they were granted subsidiary protection.

In 2016, the Department of Justice introduced a new online booking system to address the long queues that migrants living in Dublin faced outside the ISD office at Burgh Quay to register for or renew their residence card. However, issues are still being reported using the online booking system, although a set of software fixes were introduced in September 2018 to prevent the booking of block appointments with internet bots. The Department of Justice announced in 2018 that there would be a tender to replace this system but by the end of 2019, it stated that the tender would not be advertised until the New Year.

In June 2020, an online immigration permission renewal system was launched. The system was initially made available to students living and studying in Dublin and has subsequently been extended to all applicants living in the Dublin area. Under the new online system, applicants must complete their renewal form online, upload copies of supporting documents and pay the applicable fee.⁷¹⁴ It should be noted that applicants living outside of Dublin must still appear in person at their local Garda station in order to renew their immigration status, while first-time registrations must also be done in person, regardless of where the applicant lives.

A revised online appointment booking system was established in December 2020 for applicants living outside of Dublin.⁷¹⁵

In January 2022, a new Immigration Service appointment scheduling system, which will streamline and further improve the registration process, was announced. The interim ISD Registration office Burgh Quay created a free phone number to call, so applicants resident in Dublin could book a first-time registration appointment.⁷¹⁶ As of January 2023, the revised appointment and scheduling system was fully operational, however, applicants continued to experience significant delays in obtaining appointments in order to register their permission.⁷¹⁷ As of February 2024, these delays had largely alleviated with most applicants waiting approximately 2-4 weeks for an appointment to register.⁷¹⁸

⁷¹³ INIS, *Permission, stamps & conditions*, available at: <http://bit.ly/2lcU71L>.

⁷¹⁴ Irish Times, *Wait for immigration renewals drops to 2-3 weeks – Minister for Justice*, 2 December 2020, available at: <https://bit.ly/2NdAgmu>.

⁷¹⁵ *ibid.*

⁷¹⁶ Information provided by ISD, January 2022.

⁷¹⁷ Information provided by Irish Refugee Council Information and Advocacy Service, January 2023.

⁷¹⁸ Information provided by Irish Refugee Council Information and Advocacy Service, February 2024.

Regularisation scheme

On 3 December 2021, the Minister for Justice announced the establishment of a scheme to regularise long-term undocumented migrants which opened for applications on 31 January 2022. The scheme enables applicants and their eligible dependants to remain and reside in Ireland and to regularise their residence status whereby the applicant has a period of 4 years residence in the State without an immigration permission, or 3 years for applicants with minor children, immediately prior to the date on which the scheme opens for applications. Those with an existing Deportation Order were also permitted to apply whereby they met the minimum undocumented residence requirement. Additionally, international protection applicants who had an outstanding application for international protection and had been in the asylum process for a minimum of 2 years were also permitted to apply pursuant to a separate application process. Applications for those in the International Protection strand opened on 7 February 2022.⁷¹⁹ According to data released by the Department of Justice, 6,548 applications in respect of 8,311 people were submitted under the Long-Term Undocumented strand of the scheme, including 1,108 applications in respect of minors, submitted as a part of family applications. As of the 12 December 2022, 4,857 decisions had been issued to applicants and of these 4,796 (97%) were positive decisions and 94 (2%) were negative decisions, while 47 (1%) applications had been withdrawn by applicants for various reasons.⁷²⁰

Under the International Protection strand of the scheme, 3,198 applications were received. 1,434 grant decisions had been issued, while a further 1,020 applications were accepted but applicants were granted an alternative immigration permission such as refugee or subsidiary protection status or permission to remain.⁷²¹

The establishment of the regularisation scheme has been hugely welcomed by NGOs, stakeholders, and perhaps most significantly, the undocumented community in Ireland, many of whom have resolutely campaigned for over a decade to achieve the realisation of such a scheme.⁷²² However, NGOs have noted a number of gaps in the scheme. For instance, in circumstances where a person has spent time in the protection process and subsequently received a negative decision, the time spent in the protection process does not count towards time spent 'undocumented' for the purposes of the mainstream regularisation scheme. Similarly, persons who were previously undocumented and are now in the protection process cumulatively may have been in Ireland for more than two years but do not qualify for either the undocumented strand or the international protection strand of the scheme.

2. Civil registration

The Civil Registration Service, operating under the Health Service Executive, maintains all records of births, deaths and marriages in the State.⁷²³ With respect to registration of births it is legally required in Ireland that all births that take place on the territory of the State are registered with the local Registrar's Office within three months of the birth taking place.⁷²⁴ The mother of the child will be provided with a "Birth Notification Form" at the hospital where the birth took place before being discharged and the parents must then proceed to the Registrar's Office to complete the registration. A valid photo ID (such as a passport or temporary residence card, in the case of international protection applicants) must be provided. Information on the birth registration process is available in a number of languages, including Arabic, Chinese and French.⁷²⁵

⁷¹⁹ Department of Justice, *Regularisation of Long Term Undocumented Migrant Scheme*, 13 January 2022, available at: <https://bit.ly/3nsCtJL>.

⁷²⁰ Acting Minister for Justice Heather Humphreys, Response to Parliamentary Question No 290, 15 December 2022, available at: <https://bit.ly/3slJQQM>.

⁷²¹ Information provided by Department of Justice and Equality, January 2023.

⁷²² Migrant Rights Centre of Ireland, Justice for Undocumented wins major victory after 11 year campaign, 3 December 2021, available at: <https://bit.ly/3olsEI5>.

⁷²³ Civil Registration Service, information available at: <https://bit.ly/2usn7M7>.

⁷²⁴ *ibid.*

⁷²⁵ Civil Registration Service, *Translated Information*: <https://bit.ly/2pLwGkr>.

For a marriage to be considered legal in Ireland, the relevant Registrar's Office must be notified, in person, at least three months in advance of a marriage taking place, irrespective of whether or not that marriage is a religious or civil ceremony. The same procedural requirements apply to beneficiaries of international protection as to Irish citizens.

3. Long-term residence

Ireland has not opted into the Long-Term Residents Directive. Under the Irish national system, long-term residency can be granted through a Stamp 4 permission to remain which is valid for five years. This applies to persons who have been legally resident in the State for a minimum of five years on a work permit, work authorisation or working visa conditions. Applications for long-term residency do not apply for persons granted refugee status or granted permission to remain on humanitarian grounds. It also does not apply for people who entered the State under a family reunification scheme.⁷²⁶

4. Naturalisation

Indicators: Naturalisation	
1. What is the waiting period for obtaining citizenship?	
❖ Refugee status	3 years
❖ Subsidiary protection	5 years
2. Number of citizenship grants in 2023 (as of October 2023):	12, 500 ⁷²⁷

Section 16(1)(g) of the Irish Nationality and Citizenship Act 1956 gives the Minister the power to dispense with certain conditions of naturalisation in certain cases, including if an applicant has refugee status or is stateless. It should be noted that the issuing of a certification of naturalisation is at the discretion of the Minister for Justice and Equality in Ireland. There are different criteria in place for non-EEA nationals and refugees.

People with **refugee status** can apply for naturalisation after three years' residence in the State from the date they arrived in the country, not from the date when they were granted refugee status. For other non-EEA nationals (including beneficiaries of subsidiary protection), the residence required is five years. To apply for citizenship a form entitled 'Form 8' must be completed by the person concerned and submitted to ISD. This amended form was introduced in September 2016 and now applicants must submit their original national passport with their application for naturalisation.⁷²⁸ It must include accompanying evidence of the applicant's residence in Ireland and a copy of the declaration of refugee status. Whereby an applicant is not in possession of their national passport, they may instead submit a travel document. In respect of minor children, naturalisation does not automatically extend to the child of an adult who has been granted naturalisation. A child cannot make an application by themselves. The application must be made by the child's parent or legal guardian. A minor child's application may be submitted whereby they have accumulated the reckonable residence and one of their parents have already been naturalised.⁷²⁹

There are no fees for **refugees**, stateless persons or programme refugees to apply for naturalisation except for the €175 application fee. Once the application is granted the certification of naturalisation is free for refugees. For other adults (including beneficiaries of subsidiary protection) the cost for issuing a certificate of naturalisation is €950.

⁷²⁶ INIS, *Permission, stamps & conditions*, available at: <http://bit.ly/2lcU71L>.

⁷²⁷ Minister for Justice and Equality Helen McEntee, Response to Parliamentary Question No. 424, 28 November 2024, available at: <https://tinyurl.com/ybbds7mt>.

⁷²⁸ The application form is available at: <https://bit.ly/2BlhnrX>.

⁷²⁹ Information provided by Irish Refugee Council Information and Advocacy Service, January 2024.

As of November 2021, there were 22,721 applications for citizenship on hand and the average processing time for applications was 23 months.⁷³⁰ There were approximately 11,000 grants of citizenship throughout 2021.⁷³¹ As of February 2023, there were approximately 26,000 applications on hand at the Citizenship Unit at various stages of processing. The median processing time for applications was 19 months.⁷³² As of October 2023, there had been 12,500 grants of naturalisation. The median processing time for applications remained at 19 months.⁷³³ An exact breakdown of the number of individuals with refugee and subsidiary protection status who became naturalised was not available at the time of writing.

According to research published by the European Migration Network in August 2020, Ireland has more favourable conditions for acquiring citizenship by naturalisation than many other EU Member States. However, long processing delays and lack of clarity regarding eligibility conditions have been raised as issues of significant concern by NGOs and in parliamentary debate.⁷³⁴ Moreover, the onset of the COVID-19 pandemic and associated restrictions have resulted in significant disruption to the delivery of services by the Citizenship Division of the Immigration Service Delivery.

Significant changes were introduced for applicants regarding the number of proofs required to establish identity and residency for the purposes of making a naturalisation application. From January 2022, the Department employed a scorecard approach in the assessment of identification and residence history. Applicants are now required to reach a score of 150 points in each of the years of proof of residency required according to their particular circumstances. This can be done by submitting proofs with a predetermined point value until the applicant reaches the required score of 150 for each year of residency claimed. Applicants must also accumulate a total of 150 points for establishing identity in order to meet the appropriate standard.⁷³⁵ The introduction of the scorecard approach was broadly welcomed in providing further clarification for applicants on the required documentation when submitting their applications for citizenship.

Additionally, from January 2022, new applicants for citizenship are not required to submit their original passport with their initial application. Instead, applicants can now provide a full colour copy of each page of their passport and all previous passports containing stamps which contribute towards the period of reckonable residency claimed. The colour copy must be certified by a solicitor, commissioner for oaths or notary public and submitted along with the application form.⁷³⁶

In August 2023, the Courts and Civil Law (Miscellaneous) Provisions Act 2023 was enacted and established a range of amendments and updates in relation to Irish nationality and citizenship law. Children born in Ireland who do not have an automatic right to citizenship were previously required to reside in Ireland for a minimum of 5 years before applying for citizenship. Under the Act, this requirement has been reduced to 3 years, but the law stipulates that the minor must have a period of one year's continuous residence in Ireland immediately prior to the date of their application and during the eight years immediately preceding that period, have had a total residence amounting to two years.⁷³⁷ Additionally, all applicants for citizenship, including minors, are now permitted to be outside Ireland for a minimum of 5 years prior to applying for citizenship. This is an increase from the previous permissible 6 weeks.

⁷³⁰ Minister for Justice Helen McEntee, Response to Parliamentary Question no 494, 14 December 2021, available at: <https://bit.ly/3zWAgUu>.

⁷³¹ Minister for Justice Helen McEntee, Response to Parliamentary Question no 485, 30 November 2021.

⁷³² Minister for Justice and Equality Simon Harris, Response to Parliamentary Question No. 195, 1 February 2023, available at: <https://bit.ly/3HUmKYO>.

⁷³³ Minister for Justice and Equality, Response to Parliamentary Question No 424, 28 November 2023, available at: <https://tinyurl.com/5dnz7kzf>.

⁷³⁴ European Migration Network, *Pathways to citizenship through naturalisation in Ireland*, 7 December 2020, available at: <https://bit.ly/3oJ7Puc>.

⁷³⁵ Department of Justice, *Scorecard approach being introduced for Citizenship Applications from January 2022*, 31 December 2021, available at: <https://bit.ly/3l0UqXD>.

⁷³⁶ Department of Justice, *Further Guidance on new Passport Process for Citizenship from 1st January 2022*, 31 January 2022, available at: <https://bit.ly/3qnYcEt>.

⁷³⁷ Courts and Civil Law (Miscellaneous) Provisions Act 2023.

Additionally, in October 2023, it was announced that citizenship application process had begun to operate digitally with a view to reducing processing times. The online application service allows applicants to complete the necessary supporting documentation and pay the application fee online.⁷³⁸ The extent to which this has reduced processing times in practice remains to be seen.

5. Cessation and review of protection status

Indicators: Cessation

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure? ☐ Yes ☒ No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☒ Yes ☐ With difficulty ☐ No

Cessation is permitted under Irish law but it is not often applied in practice so limited information is available on it in Ireland.

The IPA provides for cessation of **refugee status** and subsidiary protection under Section 9 and 11 of the Act respectively. A person ceases to be a refugee if they:

- ❖ have voluntarily re-availed himself or herself of the protection of the country of nationality;
- ❖ having lost their nationality, have voluntarily re-acquired it;
- ❖ have acquired a new nationality (other than as an Irish citizen), and enjoy the protection of the country of their new nationality;
- ❖ have voluntarily re-established himself or herself in the country which they left or outside which they remained owing to fear of persecution;
- ❖ can no longer, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, continue to refuse to avail themselves of the protection of their country of nationality / country of former habitual residence if stateless. There is an exception to (e) in that it shall not apply if the person is able to invoke compelling reasons arising out of past persecution for refusing to avail of protection in their country of nationality.

Cessation of **subsidiary protection** occurs when the circumstances which led to a person's eligibility for subsidiary protection have ceased to exist or have changed to such a degree that international protection is no longer required. An exception to this is if there are compelling reasons arising out of past persecution for refusing to avail of protection in the applicant's country of nationality. No information is available on the amount of decisions relating to cessation in 2018 or 2019. According to data released by the Department of Justice, there were no decisions relating to cessation of refugee or subsidiary protection status in 2020.⁷³⁹ There were no cessations of refugee status and subsidiary protection status under sections 9 and 11 of the International Protection Act 2015 in 2021. There was one person excluded from refugee protection and subsidiary protection pursuant to sections 10 and 12 of the International Protection Act 2015 in 2021.⁷⁴⁰ Statistics provided by the International Protection Office indicate that less than 5 decisions were made in relation to cessation of and exclusion from refugee or subsidiary protection status throughout 2022, however, an exact figure was not provided.⁷⁴¹ Throughout 2023, there were less than 5 decisions made in relation to cessation of and exclusion from refugee or subsidiary protection status, however, an exact figure was not provided.⁷⁴²

⁷³⁸ Minister for Justice and Equality, Response to Parliamentary Question No 424, 28 November 2023, available at: <https://tinyurl.com/5dnz7kzf>.

⁷³⁹ Minister for Justice Helen McEntee, Reply to Parliamentary Question No. 693, 3 March 2021, available at: <https://bit.ly/3t25jB1>.

⁷⁴⁰ Minister for Justice, Helen McEntee, Reply to Parliamentary Question No. 565, 15 February 2022, available at: <https://bit.ly/3BYsCkM>.

⁷⁴¹ International Protection Office, March 2023.

⁷⁴² International Protection Office, April 2024.

The IPA indicates the procedure for cessation under the procedure of revocation under Section 52. According to Section 52(4), the Minister shall send a notice in writing of the proposal to revoke and of the reasons for it to the applicant, including information regarding the person's entitlement to make written representations to the Minister in relation to the notice within 15 working days. Where a declaration that the person's status be revoked is made, the individual may appeal to the Circuit Court, which may then either affirm the revocation or direct the Minister to withdraw it. There is no legislative provision for an oral hearing as part of this procedure.

6. Withdrawal of protection status

Indicators: Withdrawal

1. Is a personal interview of the beneficiary in most cases conducted in practice in the withdrawal procedure? ☐ Yes ☒ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☒ Yes ☐ With difficulty ☐ No

Revocation of status is also provided in the IPA under Section 52 on grounds such as where the person has misrepresented or omitted facts, whether or not including the use of false documents, and that was decisive in the decision granting the person a refugee declaration. Revocation has an established procedure in place under Section 52 and the applicant can appeal to the Circuit Court if necessary. Even though no personal interview of the beneficiary is conducted, they can submit information in writing. There is no information on withdrawal or revocation of protection status to date and it would appear to be a rare occurrence in the Irish context. Data provided by the International Protection Office in March 2023 indicated that less than 5 decisions were made in respect of withdrawal of international protection status throughout 2022.⁷⁴³ 6 decisions were made in respect of withdrawal throughout 2023.⁷⁴⁴

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification? ☐ Yes ☒ No
 - ❖ If yes, what is the waiting period?
2. Does the law set a maximum time limit for submitting a family reunification application? ☒ Yes ☐ No
 - ❖ If yes, what is the time limit? 12 months
3. Does the law set a minimum income requirement? ☐ Yes ☒ No

1.1. Family reunification under the International Protection Act 2015

Sections 56 and 57 establish the law in relation to family reunification for refugees and beneficiaries of subsidiary protection. A beneficiary of international protection must apply for family reunification within 12 months of being issued with a refugee declaration or subsidiary protection declaration. Adult applicants may apply for a spouse or minor children under the age of eighteen. Applicants who arrived in the State as an unaccompanied minor may apply for their parents or minor siblings. No reference is made in the

⁷⁴³ International Protection Office, March 2023.

⁷⁴⁴ International Protection Office, April 2024.

legislation to any income or health insurance requirement, nor is there any requirement for the applicants to be residing outside of the State when the application is made. It is the duty of the sponsor (refugee or subsidiary protection beneficiary) and the person who is the subject of the application (family member) to co-operate fully in the investigation including by providing all relevant information in their possession, control or procurement which is relevant to the family reunification application.

The 12-month time limit for family reunification was the subject of a challenge of constitutionality before the Supreme Court in the case of *A v. Minister for Justice & Equality & Ors, S v. Minister for Justice & Equality & Ors and I v. Minister for Justice & Equality & Ors*. [2020] IESC 20. The case concerned an applicant who became estranged from her family in 2011 and travelled to Ireland as an unaccompanied minor. She subsequently applied for, and was granted, international protection in 2014. After resuming phone contact with her family in 2018, she applied for family reunification with her parents and sister but the applicant was refused on the basis that it was not brought within the 12-month time frame specified by s.56(8). In a judgment delivered on 8 December 2020, Justice Dunne determined that the 12-month time limit established pursuant to s.56(8) of the 2015 Act was not unconstitutional nor was it incompatible with the ECHR. The Court noted in its decision that it remained open to the applicant to apply under the 2016 Family Reunification Policy Document, whereby the Minister for Justice can exercise her discretion to grant family reunification on humanitarian grounds.⁷⁴⁵

No differences exist between the right to apply for family reunification for refugees and subsidiary protection beneficiaries.

In order to apply for family reunification, the sponsor must request questionnaires in respect of the beneficiaries from the Family Reunification Unit, a division of the Department of Justice. Once the questionnaires are issued, the sponsor must complete them in submit them, along with the relevant supporting documents to the Family Reunification Unit for processing. Occasionally, the Family Reunification Unit may seek further documentation or clarification from the applicant regarding their family circumstances. Whereby the applicant is applying for family reunification with their minor children, they may be asked if they would consent to DNA testing with their children in order to prove biological relationship. This process is initiated by the Family Reunification Unit, who partner with testing services in the beneficiary's country of origin in order to facilitate the testing. There is no charge for the service. In practice, DNA testing is only required whereby there is doubt or difficulty in establishing children's parentage.⁷⁴⁶

There is no time established in law for the issuing of a decision in respect of an application for family reunification. However, on average, an application will be processed within 12-18 months. Whereby an application is successful, an applicant must apply for visas for their family to enter the state, unless the family originate from a country which is not visa required. Family members are required to enter and reside in the state by the date specified on the decision letter. While there is no application fee associated with the family reunification process, a fee does apply for the subsequent visa application (approximately €60.00 per visa). Where an application for family reunification is refused, it is possible to seek a review. Alternatively, it is open to the applicant to seek judicial review in respect of a refusal.⁷⁴⁷

Once a family reunification application has been granted that permission will cease to be in force if the family member does not enter and reside in the State by a date specified by the Minister when giving the permission in accordance with Section 56(5) IPA. It remains to be seen how this will be applied in practice.

Under the 2015 Act, there is no possibility for beneficiaries of international protection to apply for dependent family members i.e. adult children, parents of adult applicants, nieces, nephews who are dependent on the refugee or are suffering from a mental or physical disability to such extent that it is not

⁷⁴⁵ *A v. Minister for Justice & Equality & Ors, S v. Minister for Justice & Equality & Ors and I v. Minister for Justice & Equality & Ors*. [2020] IESC 20, available at: <https://bit.ly/3oHD5JW>.

⁷⁴⁶ Information provided by Irish Refugee Council Information and Advocacy Service, February 2024.

⁷⁴⁷ *ibid*.

reasonable for them to maintain themselves. Under the previous Refugee Act 1996 as amended it was possible for the Minister to use her discretion to grant family reunification in such circumstances. There is no reference to dependent family members in the IPA.

In July 2017, a group of Senators presented the International Protection Act (Family Reunification Amendment) Bill 2017 to the Government. The content of the bill seeks to reinstate the dependency provision contained in the Refugee Act 1996.⁷⁴⁸ The bill would amend the IPA with a view to enabling a wider range of family members to apply for family reunification, including grandparents, siblings, children (over the age of 18), grandchildren, where dependency can be demonstrated. The bill went before the Seanad in November 2018 where it was passed by 29 votes to 17.⁷⁴⁹ The bill proceeded to the Dáil and was considered by the Oireachtas Justice and Equality Committee. The Committee called on the Government to support legislation which would give refugee families the chance to apply for their loved ones to join them in Ireland and that a 'money message' be granted and that the bill proceed to Dáil committee stage. This 'money message' was denied. The bill subsequently lapsed with the dissolution of the Dáil.

The Irish Refugee Council and other organisations advocated for it to be placed back on the Dáil order paper. On 9 December 2020, it was announced that the Bill would be restored for further debate before the Dáil. As of December 2023, the Bill remained at the third stage before the Dáil, during which time the Bill is examined in detail by section and further amendments are proposed.⁷⁵⁰

Following the onset of COVID-19 and associated restrictions, applicants experienced significant delays in the processing of applications for family reunification. DNA testing was suspended, which has further delayed a number of cases. DNA testing subsequently resumed following the easing of restrictions associated with COVID-19 in late March 2021.

Throughout 2023, there were persistent delays in the processing of family reunification applications. These delays occurred both in the Issuing of questionnaires, and in the acknowledgment and processing of applications, meaning that in many cases, applicants were required to wait lengthy periods for a decision to be issued in respect of their application. In the experience of the Irish Refugee Council, such delays have a detrimental impact on the enjoyment of family life for both applicants and their family members, who continue to face separation for prolonged periods. This is particularly concerning in cases whereby family members were vulnerable or facing persecution in their country of origin.

According to statistics released by the Department of Justice, 820 applicants applied for 2,330 family members throughout 2023. At the end of the year, 923 applications for 2,924 family members were awaiting a decision. The average processing time for applications, according to the Department of Justice, was 12 months throughout 2023. However, in the experience of the Irish Refugee Council, processing times were often much longer in practice, in many cases taking at least 18 months and, in some cases, up to 28 months.⁷⁵¹

1.2. The Irish Humanitarian Admission Programme (IHAP)

On 14 November 2017, the government announced the introduction of a Family Reunification Humanitarian Admission Programme (FRHAP), which was later renamed the Irish Humanitarian

⁷⁴⁸ Irish Times, 'Senators seek expanded family reunification rights for refugees', 19 July 2017, available at: <http://bit.ly/2tM049C>.

⁷⁴⁹ Oxfam Ireland et al., 'Refugee family reunification bill progresses to the Dáil', 5 December 2018, available at: <https://bit.ly/2ZTj89B>; See also Oireachtas, *International Protection (Family Reunification) (Amendment) Bill 2017*, available at: <https://bit.ly/2TeGzUN>.

⁷⁵⁰ International Protection (Family Reunification) (Amendment) Bill 2017, available at: <https://bit.ly/34DI2iU>.

⁷⁵¹ Minister for Justice and Equality, Response to Parliamentary Question No. 796, 20 March 2024, available at: <https://tinyurl.com/yvrdvvyw>

Admission Programme (IHAP).⁷⁵² As the programme has been developed within the ambit of the Minister's discretion, it will allow for reunification for immediate family members who would normally fall outside of family reunification provisions held in the IPA.

UNHCR's Information Note on the IHAP sets out more information on the rationale behind the scheme:

"The IHAP is additional and complimentary to existing rights and entitlements to family reunification under Irish law. The programme will provide an opportunity to Irish citizens and persons with Convention refugee status, subsidiary protection status, and programme refugee status, who have immediate eligible family members from the top 10 major source countries of refugees, to propose to the Minister for these family members to join them in Ireland.

Up to 530 persons will be given the opportunity to join immediate family members in Ireland under the programme."⁷⁵³

The ISD website sets out the eligibility criteria.⁷⁵⁴ On the one hand, proposed beneficiaries of the programme must be nationals of one of ten countries: **Syria, Afghanistan, South Sudan, Somalia, Sudan, DRC, Central African Republic, Myanmar, Eritrea or Burundi.**

In addition, proposed beneficiaries must be eligible family members i.e. one of the following:

- ❖ Unmarried adult child without dependants;
- ❖ Unmarried minor child who is not eligible for family reunification under IPA;
- ❖ Parent who is not eligible for family reunification under IPA;
- ❖ Grandparent;
- ❖ Related unmarried minor child without parents for whom the sponsor has parental responsibility e.g. orphaned niece, nephew, sibling;
- ❖ Vulnerable close family member who has no spouse / partner or other close relative to support them;
- ❖ Spouse or civil partner as recognised under Irish law who is not eligible for family reunification under IPA, or *de facto* spouse.

The programme also takes into account a sponsor's existing living arrangements and their capacity to accommodate family members under the scheme.

The first open calls for proposals ran from 14 May to 30 June 2018. A larger number of applications than were anticipated were received, however, just 80 applications were granted.⁷⁵⁵ A second call for proposals was opened on 20 December 2018 and ran until 8 February 2019. The Department of Justice was aiming to finalise all IHAP 2 decisions by the end of 2020. It is understood that as of December 2021, all IHAP decisions have been finalised. There is no appeal mechanism against a negative IHAP decision though there is anecdotal evidence that some negative decisions were overturned following an administrative review.

⁷⁵² INIS, 'Minister Flanagan and Minister of State Stanton announce new Family Reunification Scheme in support of refugees and their families under the Irish Refugee Protection Programme', 14 November 2017, available at: <http://bit.ly/2A4u6Nh>.

⁷⁵³ UNHCR, *FAQ: What is the Humanitarian Admissions Programme 2 (IHAP)*, 2018, available at: <https://bit.ly/2TeH4OF>.

⁷⁵⁴ INIS, *Irish Refugee Protection Programme Humanitarian Admission Programme 2 (IHAP)*, available at: <https://bit.ly/2wEuoJJ>.

⁷⁵⁵ Irish Times, 'Refugee reunification scheme re-opens with second call for applicants', 21 December 2018, available at: <https://bit.ly/2RJY3vp>.

1.3. Community Sponsorship Ireland (CSI)

In 2018, Community Sponsorship Ireland (CSI) was established as a complementary refugee resettlement stream to the traditional state-centred model. CSI has been developed in cooperation with the Government of Ireland, Refugees and Citizenship Canada (IRCC), and civil society organisations such as: UNHCR, the Irish Red Cross, NASC, Irish Refugee Council and Amnesty International Ireland. This programme gives private citizens and community-based organisations an opportunity to directly support a refugee family newly arrived to Ireland.

Through CSI, sponsoring communities support integration into Irish society of refugee families by providing a home and offering opportunities to connect with the local services they need, such as English language tuition, employment, and education pathways.

A pilot CSI programme commenced in December 2018 has now concluded. During this pilot phase, 5 refugee families (17 persons) were warmly welcomed by host community groups in counties Cork, Waterford and Meath. A further family is to be received by a host community in Dublin in December. After this successful pilot scheme an evaluation review was undertaken to inform the development of a scaled-up national programme. On 15 November 2019, Minister of State, David Stanton, officially launched the Community Sponsorship Ireland Scheme.⁷⁵⁶

Throughout 2022, the Irish Refugee Council engaged with 14 community sponsorship groups, providing training on best practices for community sponsorship. A further 7 workshops were organised for refugee-hosting communities in order to share information and resources. A total of 38 refugees were welcomed by 8 community sponsorship groups across the country.⁷⁵⁷

Throughout 2023, the Irish Refugee Council's Community Sponsorship Team provided training to six community sponsorship groups and welcomed 15 resettled persons, supported by four different community sponsorship groups.⁷⁵⁸

2. Status and rights of family members

Family members must enter and reside within the State within a specified period of time issued by the Minister for Justice and Equality. They are entitled to the same rights and privileges as their sponsors as specified under Section 53 IPA. The permission to reside in the State is linked to the sponsor so if the family member is a spouse or civil partner that permission shall cease to be in force where the marriage or civil partnership concerned ceases to exist.

C. Movement and mobility

1. Freedom of movement

Beneficiaries of international protection can reside anywhere in the State and are not restricted to particular areas, although social housing shortages can mean that it can be difficult for them to locate in heavily populated areas such as **Dublin**.

Beneficiaries of international protection are entitled to the same medical care and social welfare benefits as Irish citizens so the provision of material conditions is not subject to actual residence in a specific place

⁷⁵⁶ Department of Justice and Equality, 'Minister Stanton Officially Launches Refugee Community Sponsorship Ireland', 15 November 2019, available at: <https://bit.ly/3f4FgCR>.

⁷⁵⁷ Information provided by Irish Refugee Council Community Sponsorship Officer, December 2022.

⁷⁵⁸ Information provided by Irish Refugee Council Community Sponsorship Officer, March 2024.

but there is a shortage of available and suitable accommodation which impacts both Irish citizens and refugees alike at the moment in Ireland.

Beneficiaries of international protection were subject to the same public health measures as Irish nationals throughout the COVID-19 pandemic. For example, as of March 2021, this included a limit on exercise within a 5km radius of one's home and travel for essential purposes only, such as medical appointments, food and other necessities as established in Government Guidelines.

2. Travel documents

According to Section 55 IPA, the Minister for Justice and Equality, on application by the person concerned, shall issue a travel document to a qualified person and their family member. The Minister for Justice may not, however, issue a travel document if the person has not furnished the required information as requested by the Minister, or the Minister considers that to issue it would not be in the best interests of national security, public health or public order or would be contrary to public policy.

Both refugees and beneficiaries of subsidiary protection in Ireland are entitled to apply for travel documents, which is done by application form to the ISD Travel Document Section. The application requirements differ slightly between the two categories of applicant, in that the applications of subsidiary protection beneficiaries are subject to the Minister's satisfaction that the applicant is "unable to obtain a travel document from the relevant authority of the country of their nationality or, as the case may be, former habitual residence."⁷⁵⁹ While this does not reflect an overt distinction in theory, in practice, it means that beneficiaries of subsidiary protection are required to demonstrate that they have made every effort to prove that they are unable to obtain a travel document from another relevant authority before they are issued with an Irish travel document.

Beyond that, the travel document application process for both refugees and beneficiaries of subsidiary protection is uniform. Applicants are required to fill out an application form, submit four passport-sized photographs, a copy of documentation from the Department of Justice issuing permission to remain in the state, a copy of the applicant's Garda Naturalisation and Immigration Bureau registration card, and an €80 application fee.⁷⁶⁰

According to the ISD, the validity of travel documents for a holder of a "1951 Convention Travel Document" (person with **refugee status**) is ten years, in line with the validity of Irish passports.⁷⁶¹

Travel Documents granted pursuant to **subsidiary protection** are issued for the duration of their permission to remain. This is generally for a period of three years from when status is granted under Section 23 of the European Union (Subsidiary Protection) Regulations 2013.⁷⁶² The travel document is renewed in line with the period of permission granted after that by the person's local Registration / Immigration Office.⁷⁶³ Furthermore, Schedule 3 of the Subsidiary Protection Regulations states that the "maximum validity of a travel document is 10 years."

The primary limitation on use of travel documents is that the country of origin/persecution of the holder is not permitted for the purposes of travel.⁷⁶⁴ Other than that, beneficiaries of refugee or subsidiary protection status in Ireland are both equally entitled to travel in or out of the State with their respective travel documents. While this enables travel to most EU Member States without a visa, it is impressed upon document holders to enquire with the embassy of their intended travel destination in advance, in order to

⁷⁵⁹ Regulation 24(2) European Union (Subsidiary Protection) Regulations 2013.

⁷⁶⁰ Department of Justice and Equality, *Travel Document Application Form*, available at: <https://bit.ly/2MgK7DY>; INIS, *Travel Document Photo Requirements*, available at: <https://bit.ly/2pNZUhK>; INIS, *Travel Document Information Note*, available at: <https://bit.ly/2lb8miT>.

⁷⁶¹ *Ibid.*

⁷⁶² Regulation 23 European Union (Subsidiary Protection) Regulations 2013.

⁷⁶³ Information provided by INIS, March 2018.

⁷⁶⁴ Information provided by INIS, March 2018.

ascertain the necessity to obtain a visa as each State may have individual requirements based on nationality, etc..⁷⁶⁵ Holders of Irish refugee and subsidiary protection documents do not require a re-entry permit upon return to Ireland.⁷⁶⁶

In July 2022, the State suspended for a period of 12 months visa-free entry for individuals with refugee status traveling on Convention Travel from 20 so-called ‘safe’ European countries. Previously, pursuant to the European Agreement on the Abolition of Visas for Refugees, those with refugee status could travel to and within Ireland for up to 90 days without requiring a visa or prior clearance. Following the suspension, those seeking to travel to Ireland are now required to apply for a visa in order to enter Ireland, facing processing times of approximately 8-14 weeks.⁷⁶⁷ The measure has been implemented with a view to protecting the ‘integrity’ of the immigration system, according to the government, who cited an increase in those who had already received refugee status in another European country travelling to Ireland applying for asylum.⁷⁶⁸ According to statistics released by the Department of Justice, 479 such applications were made, representing 7% of the overall applications for international protection during that period.⁷⁶⁹ In July 2023, the suspension was renewed for a further 12 months and will be reviewed once again in July 2024.⁷⁷⁰

D. Housing

Indicators: Housing	
1. For how long are beneficiaries entitled to stay in reception centres?	Not defined
2. Number of beneficiaries staying in reception centres as of December 2023:	5,960 ⁷⁷¹

As mentioned above (see [Criteria and restrictions to access reception conditions](#)), it should be noted that the definition of “recipient” for the purposes of benefiting from entitlements under the Reception Conditions Regulations 2018 does not cover beneficiaries of international protection, or those on deportation orders.

The main source of accommodation is social (public) housing or private rental accommodation. Local authorities are the main providers of social housing but people need to be on housing lists, which can take a considerable amount of time.

According to the Minister of State, David Stanton ‘Once some form of status is granted, residents cease to be ordinarily entitled to the accommodation supports provided through RIA. Notwithstanding this fact, RIA have always continued to provide such persons with continued accommodation until they secure their own private accommodation. IPAS are particularly mindful of the reality of the housing situation in the State and the pressures on the Community Welfare Service in respect of Rent Supplement or the City and County Councils in respect of Housing Assistance Payments and Housing Lists. The Government is committed to ensuring that persons who are availing of State provided accommodation, including those who have come to Ireland under the Irish Refugee Protection Programme, are supported in sourcing and securing private accommodation.’⁷⁷²

⁷⁶⁵ Citizens Information, *Travel documents for people with refugee or subsidiary protection status*, available at: <https://bit.ly/2GjMhIN>.

⁷⁶⁶ INIS, *Travel Document Information Note*, available at: <https://bit.ly/2lb8miT>.

⁷⁶⁷ European Commission, *Suspension of Visa-free Movement Programme for Refugees*, 18 July 2022, available at: <https://bit.ly/3wjqJNu>.

⁷⁶⁸ Government of Ireland, *Government agrees to temporarily require refugees travelling to Ireland from safe European countries to hold visas*, 18 July 2022, available at: <https://bit.ly/3XINtZc>.

⁷⁶⁹ European Commission, *Suspension of Visa-free Movement Programme for Refugees*, 18 July 2022, available at: <https://bit.ly/3wjqJNu>.

⁷⁷⁰ Department of Justice, ‘*Visa-free travel for people with refugee status further suspended*’, 11 August 2023, available at: <https://tinyurl.com/3eudbwmn>.

⁷⁷¹ Minister for Children, Equality, Disability, Integration and Youth, *Response to Parliamentary Question No. 705*, 12th December 2023, available at: <https://tinyurl.com/2bf5pbvt>.

⁷⁷² Response to Parliamentary Question by Minister for State David Stanton, 26 January 2017, available at: <http://bit.ly/2lBeDgu>.

Over the past number of years, difficulties have persisted for beneficiaries on accessing housing once status is granted as there is currently a housing crisis in Ireland, which affects Irish citizens and international protection applicants alike. This means that beneficiaries have difficulty leaving Direct Provision and finding suitable housing. This is exacerbated by the accommodation crisis in Ireland, where waiting lists for social housing are long and rental costs exceed the amounts paid in rent supplements.⁷⁷³ Discrimination and racism is also reported in the rental market.⁷⁷⁴

The situation for beneficiaries of international protection who are finding difficulty obtaining independent accommodation exacerbates the concurrent lack of capacity in Direct Provision centres.

Throughout 2023, many individuals with international protection status or humanitarian leave to remain who were residing in Direct Provision accommodation after receiving their status were served with notice to source their own accommodation or failing this, be transferred to alternative IPAS accommodation, usually to emergency or tented accommodation. The purpose of the policy was to release accommodation capacity for those in the international protection process who were awaiting determination on their application. However, transfers of this nature gave rise to significant issues for those affected. In the experience of the Irish Refugee Council, many people who received transfer notices left Direct Provision without arranging a sustainable tenancy. Many stayed with friends or family temporarily and given the precariousness of such arrangements, this often led to homelessness. Whereby individuals took up the transfers, progress in education and employment, as well as other integration indicators, were lost when people were transferred. Many people were transferred several hours away from where they worked or had educational opportunities, or indeed where they have made local connections in the community, to an isolated, unknown area. This meant that they lost the social capital which could assist them when searching for somewhere to live.⁷⁷⁵ Finally, the policy also failed to acknowledge the reality of the housing market. According to available statistics, just 27 properties were available to rent within the discretionary rate of the Housing Assistance Payment (HAP) scheme as of September 2023.⁷⁷⁶ The Irish Refugee Council wrote to IPAS and the Department of Housing to outline these concerns, however, at the time of updating, the policy continued to operate.⁷⁷⁷ As of December 2023, there were 5,960 persons with status residing in Direct Provision centres around the country.⁷⁷⁸

In January 2023, persons living at particular Direct Provision Centres, whereby points or vouchers are issued to residents to cover the cost associated with purchasing groceries, were advised by IPAS that any resident who had obtained international protection status or permission to remain in Ireland and remained living in IPAS accommodation for a period of 8 weeks or more, would have their points or vouchers revoked. Residents were advised that this new policy would be rolled out on a phased basis and persons affected would be provided with 8 weeks' notice prior to their points being removed.⁷⁷⁹ This policy continues to operate as of February 2024.⁷⁸⁰

The Department of Justice has a specific team who work in collaboration with DePaul Ireland, the Jesuit Refugee Service, the Peter McVerry Trust, officials in the Department of Housing, Planning and Local Government, and the City and County Managers Association to collectively support residents with status

⁷⁷³ For further information, see Irish Research Council in partnership with the Irish Refugee Council, *Transition from Direct Provision to life in the community*, June 2016, available at: <https://bit.ly/2AlwPTX>.

⁷⁷⁴ The Journal, Ignored at viewings because they're black or Asian: Dozens of asylum seekers facing homelessness, 24 February 2019, available at: <https://bit.ly/2H4SBwo>; See also: Dublin Inquirer, Some ex-asylum seekers say they're stuck in Direct Provision because Dublin landlords won't accept them, 30 September 2020, available at: <https://bit.ly/3jW2JZX>.

⁷⁷⁵ Information provided by Irish Refugee Council Housing Officer, February 2024.

⁷⁷⁶ The Journal, 'Just 27 properties available to rent within HAP discretionary rate last month, report shows', 25th October 2023, available at: <https://tinyurl.com/yckx7hvp>.

⁷⁷⁷ Information provided by Irish Refugee Council Housing Officer, February 2024.

⁷⁷⁸ Minister for Children, Equality, Disability, Integration and Youth, Response to Parliamentary Question No. 705, 12th December 2023, available at: <https://tinyurl.com/2bf5pbvt>.

⁷⁷⁹ Information provided by IPAS, January 2023.

⁷⁸⁰ Information provided by Irish Refugee Council Information and Advocacy, February 2024.

or permission to remain to access housing options. By the end of 2019, a total of 732 people transitioned out of accommodation centres, of which 500 did with the assistance of the services and support mentioned above.⁷⁸¹ Figures for 2021, 2022 and 2023 were not available at the time of updating.

In April 2019 the Department of Housing, Planning and Local Government released a document titled: Social Housing and HAP Supports Available to Assist Households in Direct Provision Who Have Been Granted “Leave To Remain” And Are Eligible For Social Housing. The paper confirms that people leaving Direct Provision are entitled to ‘Homeless Housing Assistance Payment’ which gives additional supports such as access to a deposit, advance rent and a discretionary 20% addition to the existing HAP rent. The Department also released, in partnership with the City and County Managers Association and IPAS, a document titled ‘Information paper on supporting people with status/leave to remain’ which contained information on how people will receive assistance to leave Direct Provision.⁷⁸²

In the experience of the Irish Refugee Council, the COVID-19 pandemic and associated restrictions resulted in significant obstacles to securing housing for beneficiaries of international protection. Restrictions on the operation of local authorities and administrative bodies have resulted in delays in the processing of social housing applicants and entry on to housing lists. This in turn impedes individuals’ ability to access Housing Assistant Payment (HAP) and ultimately, secure housing. Caseworkers have noted, however, that the pandemic has positively impacted the availability of housing for beneficiaries of international protection in that a decrease in demand for rental property has opened up the market significantly for HAP tenants.

E. Employment and education

1. Access to the labour market

According to Section 53(a) IPA, beneficiaries of international protection are entitled to seek and enter employment, to engage in any business, trade or profession and to have access to education and training in the State in the like manner and to the like extent in all respects as an Irish citizen. There are few schemes specifically devised and tailored for beneficiaries of international protection to access employment within the Department of Social Protection but they can avail of the support provided to Irish citizens. The ESRI have reported that refugees in Ireland can face many challenges in navigating the system of mainstream service provision.⁷⁸³ Information barriers can make it difficult for beneficiaries to navigate the system to access employment support and the support available varies from region to region.

An example of the tailored schemes available is Employment for People from Immigrant Communities (EPIC), a project run by the Business Community of Ireland and is a labour market programme aimed at assisting migrants including beneficiaries of international protection to enter the labour market. EPIC was launched in 2014, since then this initiative has helped over 3,000 people from 101 nationalities. Over 68% of the people involved in the programme have found jobs, entered training or are volunteering. The programme is part supported by the Department of Justice and Equality and the European Social Fund (ESF) as part of the Programme for Employability, Inclusion and Learning (PEIL) 2014-2020. As regards recognition of qualifications, the Irish National Academic Recognition Information Centre (NARIC Ireland) facilitates the recognition of foreign qualifications in Ireland by advising clients on how these qualifications compare to the Irish qualifications on the National Framework of Qualifications.⁷⁸⁴ The Irish Refugee Council also has employment programmes for women in the protection process and refugees.

⁷⁸¹ Minister of State at the Department of Justice and Equality, David Stanton, Reply to Parliamentary Question No 278, 3 December 2019, available at: <https://bit.ly/3bTO7pi>.

⁷⁸² These documents are not currently available online.

⁷⁸³ ESRI, EMN, *Integration of Beneficiaries of International Protection into the Labour Market, Policies and Practices in Ireland*, available at: <http://bit.ly/2lbCXof>.

⁷⁸⁴ Available at: <http://bit.ly/2lbKT90>.

The onset of the COVID-19 pandemic resulted in significant loss of employment across a wide variety of sectors. According to research published by the Economic and Social Research Institute, migrant workers are over-represented in sectors severely affected by COVID-19 closures, including accommodation and food provision.⁷⁸⁵ For those who lost their job as a result of COVID-19, a social welfare payment known as Pandemic Unemployment Payment, was made available. Under s. 53(b) IPA, beneficiaries of international protection are entitled to access this payment on the same basis as Irish citizens.

In October 2023, it was announced that holders of “Stamp 4” residence permission holders, including refugees, beneficiaries of subsidiary protection and leave to remain, would be permitted to take up employment in the civil service. The expansion of eligibility criteria comes following research undertaken by the Public Appointment Service (PAS) and a government interdepartmental working group seeking to increase diversity across the civil service.⁷⁸⁶

2. Access to education

People who have been granted refugee or subsidiary protection status have the right to access education and training in a similar manner to Irish citizens.⁷⁸⁷ However, reports show that people transitioning from Direct Provision having been granted an international protection status often face practical barriers to further education such as their English competency not being at the required level, previous qualifications not being recognised, not being eligible for grants, not understanding admission procedures and having missed deadlines for college applications.⁷⁸⁸

Some organisations have stepped in to support student access to third-level education. For example, in the Irish Refugee Council a volunteer administers donations made by the public to help with education access. The funds are then spent on course fees, books, transport and other related expenses.⁷⁸⁹ Some Universities have also assisted protection applicants such as the National University of Ireland, Galway (NUIG) which announced in June 2016 that it would provide four scholarships for protection applicants or refugees, subsidiary protection beneficiaries or those persons with permission to remain in Ireland.⁷⁹⁰ In 2019, NUIG became a University of Sanctuary due to its further commitment.⁷⁹¹ In December 2016, Dublin City University (DCU) was also designated as a University of Sanctuary due to its commitment to welcome protection applicants and refugees into the university community. DCU has offered fifteen academic scholarships available at either undergraduate or postgraduate level. It also has established a number of other welcoming initiatives such as a Langua-Culture Space initiative where DCU students teach beginners level English to protection applicants and refugees. In 2017, the University of Limerick and in 2018, University College Cork, became designated Universities of Sanctuary, respectively – granting scholarship access to a limited number of protection applicants and refugees. DCU, University Limerick, UCC, UCD, NUI Galway and Maynooth University have received the University of Sanctuary Award, and Athlone IT is the first College of Sanctuary in Ireland.⁷⁹²

As regards preparatory courses to access school, the Refugee Access Programme is part of the City of Dublin ETB’s Separated Children Service, which prepares newly arrived separated children seeking

⁷⁸⁵ ESRI, *Covid-19 and non-Irish nationals in Ireland*, 15 December 2020, available at: <https://bit.ly/37IFnlf>.

⁷⁸⁶ EMN, ‘Holders of ‘Stamp 4’ residence permission new eligible for civil service roles’, 24 October 2023, available at: <https://tinyurl.com/msuy7hc4>.

⁷⁸⁷ Department of Justice and Equality, *Your Guide to Living Independently*, An information booklet for people who have been granted refugee or subsidiary protection status or permission to remain, 2016.

⁷⁸⁸ Irish Research Council in partnership with the Irish Refugee Council, *Transition from Direct Provision to life in the Community*, the experiences of those who have been granted refugee status, subsidiary protection or leave to remain in Ireland, June 2016.

⁷⁸⁹ Irish Times, ‘No asylum in Ireland’s education system’, 25 October 2016. Doras Lumni and NASC along with the Irish Refugee Council support third-level education access for asylum seekers.

⁷⁹⁰ NUIG, *Inclusive Centenaries Scholarship Scheme*, Announcement, 17 June 2016.

⁷⁹¹ University Times, ‘NUI Galway becomes a University of Sanctuary’, 19 September 2019, available at: <https://bit.ly/3aMdR5v>.

⁷⁹² Places of Sanctuary Ireland, *Universities and Colleges of Sanctuary*, available at: <https://bit.ly/3aMiexi>.

asylum and other young people from refugee backgrounds for mainstream school and life in Ireland. The programme lasts from 12 to 20 weeks.

F. Social welfare

Section 53(b) IPA states that a beneficiary of international protection “shall be entitled... to receive, upon and subject to the same conditions applicable to Irish citizens, the same medical care and the same social welfare benefits as those to which Irish citizens are entitled.”

As such, there are a broad range of social welfare entitlements to which a beneficiary of international protection may avail themselves, including: access to jobseeker’s allowance, for those who are unemployed but actively seeking work; access to disability allowance for those unable to provide for themselves due to disability or illness; access to the one-parent family payment for single parents, and access to child benefit for parents/guardians. Application for various grants is carried out at the individual’s local office of the [Department of Employment Affairs and Social Protection](#).

International protection applicants living in Direct Provision who are recognised as refugees or granted alternative status are not entitled to full social welfare payments while they remain in Direct Provision in. Taking into consideration the difficulties they encounter accessing the housing market, being entitled to full payment would enable them to better plan for transition to other accommodation.⁷⁹³ As of November 2021, there were 1,640 persons with some form of protection status residing in Direct Provision.⁷⁹⁴ As of December 2023, there were 5,960 persons with status residing in Direct Provision centres around the company.⁷⁹⁵

For those who lost their job as a result of COVID-19, a social welfare payment known as Pandemic Unemployment Payment, was made available. Under s. 53(b) IPA, beneficiaries of international protection were entitled to access this payment on the same basis as Irish citizens. In order to access the payment, an individual must have been in employment prior to the 13 March, lost their employment owing to the pandemic and are not in receipt of any income from their employer. The rate payable under PUP depends on the wage the individual was paid prior to losing their employment. Whereby an individual earned less than € 200 per week, the rate payable is € 203 per week. Whereby an individual earned between € 200 - € 300 per week, the rate payable is € 203 and whereby an individual earned over € 300, the rate payable is € 250.⁷⁹⁶ From January 2022, the welfare measure closed to new applicants in line with the arising of public health restrictions.

G. Health care

Beneficiaries of international protection are entitled to the same medical care as Irish citizens in accordance with Section 53(b) IPA. Access to health care for protection applicants is also on the same basis as Irish citizens and they are eligible for medical cards subject to a means test and can register with local GPs.

⁷⁹³ Citizens Information Board, Submissions to the Joint Oireachtas Committee on Justice and Equality for the Review of Direct Provision and the International Protection Application Process, May 2019, available at: <https://bit.ly/2VP3rhe>.

⁷⁹⁴ Minister for Justice Helen McEntee, Reply to parliamentary question no. 582, 15 September 2020, available at: <https://bit.ly/39EA5Yo>.

⁷⁹⁵ Minister for Children, Equality, Disability, Integration and Youth, Response to Parliamentary Question No. 705, 12th December 2023, available at: <https://tinyurl.com/bdcvun7f>.

⁷⁹⁶ Department of Social Protection, *Covid-19 Pandemic Unemployment Payment*, 16 June 2020, available at: <https://bit.ly/2Nv1CUS>.

Beneficiaries of International protection are included within national measures to stop the spread of COVID-19 and are therefore entitled to access to COVID-19 tests and vaccinations on the same basis as Irish nationals. The rollout of COVID-19 vaccines in Ireland is currently underway.⁷⁹⁷ There were no registered differences amongst the vaccination rates for beneficiaries of international protection and Irish citizens.

⁷⁹⁷ HSE, 'Rollout of Covid-19 vaccinations in Ireland', 16 February 2021, available at: <https://bit.ly/37mk7ll>.

ANNEX I – Transposition of the CEAS in national legislation

Directives and other CEAS measures transposed into national legislation

Ireland has not opted into the recast Qualification Directive or the recast Asylum Procedures Directive.

Directive	Deadline for transposition	Domestic law provision	Official title of corresponding act	Web Link
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	6 July 2018	European Communities (Reception Conditions) Regulations 2018, S.I. No 230 of 2018	https://bit.ly/2KW1T09