



Rialtas na hÉireann
Government of Ireland

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

September 2020



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Foreword

In preparing this Report, the Advisory Group decided to carry out a complete review of the whole process, from the day a person first applies for international protection in Ireland until their case is finally decided. Taking a step back from the day to day operation of direct provision, the Group is able to make recommendations for a new, permanent system to replace the current model that has grown up over the past 20 years but which most commentators, including those experiencing the system first hand, agree has become dysfunctional.

Two important events took place while we were preparing this Report:

- The COVID-19 pandemic which had a direct impact on direct provision centres, underlining their unsuitability as long-term accommodation for large groups of people and;
- The Government decision to end direct provision as part of the programme for government and to publish a White Paper by the end of 2020.

Two key concerns dominated our work – the length of time people spend in the system and the type of accommodation and support they receive while awaiting a final decision. We are proposing a new, time-limited system to ensure faster decision-making so that people spend less time waiting for the outcome of their applications. We make clear proposals to end the current direct provision system of accommodating individuals and families in often unsuitable congregated settings by helping them to move quickly into own-door accommodation in local communities. Finding new sources of accommodation will be a challenge and it will take time to implement our recommendations in an organised way. That is why we are proposing a graduated approach. We believe the proposed new system, which will deliver a more humane service to extremely vulnerable people, should be fully in place by mid-2023. We make proposals for interim changes along the way which will help those in direct provision as the alternative is being delivered.

To give effect to our recommendations, the State will need to make political and practical commitments to the new system. Delivering this by mid-2023 will require a “whole of Government” approach, involving close, ongoing co-operation between Ministers, Departments and State agencies. This will bring challenges and require the Government to make choices where there may be differing views on possible solutions. Past, well thought out recommendations for change fell because there was no clear implementation plan, supported by the necessary staffing and operational financing, and no adequate monitoring mechanisms that gave early warning of emerging problems so that remedial action could be taken quickly. There was also a lack of clarity about cross-Government responsibility. We must not make these mistakes again.

By following the recommendations in this Report, Ireland has the opportunity to shape our system of international protection in a way that fully respects our EU and international obligations and the dignity and human rights of people in the process. Our recommendations emphasise the need for early integration of protection applicants into local communities. There is great goodwill and eagerness to support this process in local communities and wider civil society. In the course of our work we met with many NGOs and civil society organisations working in this area which are keen to be part of a different reception system for those seeking international protection. This should be supported and woven into future policy so that newcomers who are granted residence are welcomed and helped to make their new lives in Ireland. The outcome should make us proud of the way we treat very vulnerable people, often at the lowest point in their lives.

I would like to pay tribute to the work and continuing advocacy of Dr Bryan McMahon, whose seminal report in 2015 set out the problems in the direct provision system and proposed many of the solutions that we have further elaborated in our Report. I would like to thank the members of the Advisory Group who so generously devoted their time and expertise to our work because they were convinced of its importance and believe that Ireland can do better. We are very grateful for all the submissions and inputs we received from representative groups and from a wide range of Government Departments and agencies. Most of all, I would like to thank the officials in the Secretariat who worked closely with us on our Report. Their openness, willingness to help design change and create a new system, reflects the commitment and dedication of many people in the administration which will be crucial for the implementation of our recommendations.

Catherine Day

Chair of the Advisory Group

September 2020

Executive Summary and Key Recommendations

Key Findings

The direct provision system has been in place in Ireland for 20 years. During that time it has been repeatedly criticised by international and national human rights organisations, including the Irish Human Rights and Equality Commission (IHREC), by people in the system and in a number of Oireachtas Committee and independent reports. In its Programme for Government of June 2020 the Government stated it is “committed to ending the direct provision system and will replace it with a new international protection accommodation policy centred on a not-for-profit approach”.¹

Given the extensive critiques of the system in the public domain, this Report is focused on recommending a new, permanent system to replace direct provision rather than repeating the analyses already well done by others. The Report highlights the key linkage between the time taken to process international protection applications and time spent in accommodation provided by the State. It makes long term recommendations together with proposals for transition to the new system.

In preparing this Report the Advisory Group took stock of the current situation in relation to the international protection system and the State’s approach to providing for the reception needs of protection applicants. It concluded that a system which places applicants for long periods in segregated, congregated accommodation with little privacy or scope for normal family life is not fit for purpose. The arrival of COVID-19 in Ireland highlighted the risks of congregated living in direct provision and emergency centres and has added emphasis to the need to end the current system.

The Advisory Group adopted guiding principles in line with Ireland’s EU and International obligations and developed recommendations for a permanent, sustainable and agile system that would meet those guiding principles. It then examined ways to ensure an orderly and efficient transition from the current situation to the proposed permanent scheme.

A key recommendation of the Advisory Group is that high level political commitment and active follow up on the basis of a clear implementation plan will be needed to give effect to the recommendations in the Report. The mistakes of the past in not following through on recommendations have been clearly catalogued and the State should avoid repeating them. The Programme for Government (2020) sets out a welcome commitment to end the direct provision system but change will only be delivered through an ongoing political and system-wide focus on implementation. It will take time, high level political commitment and sufficient financial and staff resources to move fully to the permanent scheme but if decisions are taken rapidly it will be possible to make ongoing improvements during the transition.

1 See Programme for Government – Our Shared Future, June 2020.

The Advisory Group recommends:

- A holistic approach to how Ireland handles applications for international protection, from day one to the end of the process. We recommend that Ireland move away from a system that is largely reactive, based on regarding international protection as a temporary phenomenon, and instead put in place a permanent system that accepts Ireland will need to process around 3,500 new applications for international protection every year. This will require the State to step up its direct responsibility for providing humane reception conditions, such as housing, including where the State contracts out part of that responsibility to the private sector, non-governmental organisations (NGOs) and private citizens.
- Shorter processing times for international protection applications must be set with binding deadlines for different stages in the process. We recommend that first instance decisions should be taken within 6 months of the date of application. We also recommend a 6-month deadline for the appeals stage of the process. (The only part of the process where we do not recommend fixing a deadline is at the judicial review stage since this is a matter for the courts, which are constitutionally independent in the administration of their business). However, if implemented as recommended, the proposed new time limits would ensure the conclusion of almost all cases within a 12-month period.
- Ending the congregated and segregated accommodation of applicants for international protection and providing own-door accommodation sourced through the local authorities within three months of an application for protection.
- Applying the new system from mid-2023 after a transition period to process the current case load and ensure that the new system starts unencumbered by any legacy backlog. This did not happen when the International Protection Act 2015 entered into force in late 2016. The date of mid-2023 has been chosen to allow sufficient time to deal with the legacy backlog, recruit qualified staff for the proposed time limited procedures, introduce new Information Technology (IT) procedures and to build an accommodation model that can meet the 3-month time limit proposed for stays in reception centres.
- Starting transition to the proposed new system as soon as possible. Chapter 6 sets out areas where improvements can be introduced almost immediately. Transition to the new system should be completed by no later than mid-2023.

A guiding principle of the work of the Advisory Group has been to promote integration of those seeking international protection into local communities from the earliest stage in the process (i.e. the reception phase). This will be beneficial for both the State and for those who receive permission to remain in the State. For those whose applications are refused, after a full and fair consideration of their cases and after all avenues of appeal have been exhausted, the aim should be to ensure that their time in Ireland has enhanced their capabilities when they return, or are returned, to their countries of origin.

The recommendations made by the Advisory Group have been costed by the Department of Justice Research and Data Analytics Unit using input provided by key Departments and agencies involved in supporting applicants in the international protection process. The details are set out in Chapter 8. In 2019 the current system cost the State in the region of €178.5 million. The combination of increasing numbers of applicants and the lack of suitable accommodation, which required increased use of emergency accommodation, demonstrates that the current core direct provision system is inadequate and very expensive. The system recommended for the future offers a more efficient, more humane and cost-effective way of providing a permanent international protection system that would meet Ireland's European Union (EU) and international obligations. It is estimated that if the new system had applied in 2019 it would have cost in the region of €142.6 million. This compares to the higher actual cost of €178.5 million for direct provision in 2019 and would have delivered a difference of €35.9 million (see Chapter 7).

To ensure that the new system delivers as recommended, the Advisory Group stresses the need for a permanent "whole of Government" approach with regular political oversight at the level of a Cabinet Committee. An independent body should also be created, with an independent Chair, to monitor progress on an ongoing basis, to evaluate the functioning of the system and to identify blockages and areas where change is required and remedial action is needed.

Legislative changes will be needed, across several policy areas and Departments, to give effect to the proposals set out in the recommendations. A key requirement will be the need for a **focused Implementation Plan** involving all Departments and agencies involved in the implementation of the recommendations in this Report. A lead Department should be tasked with coordinating such a plan. Unless implementation is given high priority, backlogs will build up in the system and the time bound system we recommend will fail.

Summary of General Recommendations²

- The current system of direct provision is not fit for purpose and should be ended. There is a need for a new, permanent system to determine international protection applications within fixed time limits and which respects the guiding principles set out in this Report. The proposed permanent system should be equipped with the capacity to process and accommodate around 3,500 new applicants for international protection annually. The transition to the new system should begin immediately and be completed by no later than mid-2023.
- The new system must integrate a whole of Government approach which will require ongoing political oversight and close co-ordination between different Departments, State agencies and local authorities charged with delivering the proposed permanent protection system.
- Some legislative changes will be necessary to implement the recommendations made. The aim should be to have new legislation in place by the end of 2021.
- Ireland should opt into all of the current EU asylum legislation, subject to a review of any implications such a decision might have for the Common Travel Area with the United Kingdom (UK).
- Ongoing involvement of local authorities and communities is an essential condition for future successful integration.

Changes recommended to shorten the decision-making process

International Protection Office

- All first instance recommendations should be made in a time frame that ensures decisions will be taken within 6 months from the date an application for international protection is lodged. This 6-month deadline should also apply to cases determined under the Dublin process once a case has been accepted and an applicant has been transferred to Ireland for processing.
- The International Protection Office (IPO) should be strengthened to enable it to deliver within a fixed timeframe and given sufficient resources to handle a greater share of cases in-house. The IPO should also retain a smaller legal panel of private practice legal professionals, working almost full-time with the IPO.
- The work of the Ministerial Decision Unit (MDU) which relates directly to the issuing of decisions arising from IPO recommendations should be located in the IPO from the beginning of 2021 and should report to the IPO's Director of Operations to maintain the separation of functions set out in the 2015 Protection Act.
- The IPO questionnaire should be available electronically and should be shortened significantly without affecting the rights of applicants to attach additional data in support of their applications.
- The IPO initiative to decentralise interviews should continue and should be rolled out to additional regional locations.

² The text below gives a summary of the main recommendations of the Report. The full detail of the recommendations is set out at the end of the relevant Chapters and Annexes.

International Protection Appeals Tribunal

- Appeal cases should be completed within a 6-month time frame.
- To enable the International Protection Appeals Tribunal (IPAT) to deliver within this timeframe, the period of office of Members of the IPAT should be increased from 3 to 5 years, renewable once without having to reapply and the number of full-time Tribunal members should be increased from 3 to 10.
- The number of part-time Tribunal members should be reduced to reflect the increase in full-time members.
- In certain cases, and with the consent and full protection of the rights of the applicants, IPAT should conduct remote video link hearings from around the country.

Legal Aid Board

- The Legal Aid Board (LAB) should be sufficiently staffed and resourced to support around 3,500 new applications annually, from the reception stage until a final decision has been taken, including, if required, the judicial review stage. This would help to ensure that the principles of fair, fast and consistent decision-making are implemented and help the IPO and IPAT to meet the case deadlines recommended in this Report.
- Consideration should be given to introducing an alternative dispute resolution system through legislation authorising the use of mediation type techniques to help resolve disputes on issues such as accommodation and reception conditions.

Changes recommended for information and communication technology

- A comprehensive person-centric IT case management system should be developed for the international protection system as part of the wider multi-year IT development strategy of the Department of Justice.
- All IPO, MDU and IPAT processes should be reviewed by the end of the first quarter of 2021. This review should include the recommended changes/improvements to the international protection process set out in this Report and which can be facilitated or enabled by IT – for example the one-stop-shop approach of a multi-services multi-agency centre onsite in the reception centre(s) to help applicants access necessary services and entitlements, including legal aid and post-reception centre housing placement.
- The Advisory Group recommends that work on the new IT system and the provision of additional technology tools needs to commence immediately. Given the resource implications, this work needs to have certainty of funding from early 2021.
- The Advisory Group recommends that continuation of the nucleus of the IT sub-group should be actively considered by the Department's Management Board.
- The Advisory Group considers that a target delivery date of mid-2023 for the new system is reasonable.

Changes recommended for interpretation

- An accreditation test should be introduced for anyone seeking to provide interpretation in the international protection process from mid-2023.
- Bodies working with protection applicants, including the IPO, should develop a code of conduct for interpreters.

Changes recommended for accommodation of applicants

- Accommodation for all applicants for international protection who need it should be provided in one or more State-owned reception centres. A multi-services multi-agency centre onsite in the reception centre(s) should help applicants to access necessary services and entitlements, including legal aid and post-reception centre housing placement.
- After 3 months in the reception centre, applicants should move to own-door accommodation under the responsibility of the local authorities. To enable applicants to live in the community, the weekly allowances currently paid should be replaced by a housing allowance modelled on the Homeless Housing Assistance Payment (HHAP) and access to social assistance payments equivalent to the range of income supports (e.g. Supplementary Welfare Allowance, Child Benefit) available to Irish citizens. These should be reviewed in line with reviews of all social welfare payments.
- If applicants receive a residency permission, they should continue to benefit from certain support measures for up to 18 months after the permission is obtained.
- If an application is refused or if residency permission is not granted, and after all avenues of appeal have been exhausted, the unsuccessful applicants should be given up to 6 months to organise their departure and should continue to receive the housing and supplementary welfare allowances, child benefit, etc., during that time.
- “Aged out” unaccompanied minors should remain the responsibility of Tusla, retaining their supports until their applications for asylum have reached a conclusion.
- Tusla social workers assigned to unaccompanied minors should be legally obliged to seek prior legal advice on a protection application as soon as possible after the minor becomes the responsibility of Tusla, and before completing and lodging the application.
- Until the new, permanent system enters fully into force in mid-2023 the Advisory Group recommends that the Health Information and Quality Authority (HIQA) be given the responsibility to inspect the existing accommodation centres and enforce the standards from January 2021.
- Unsuccessful applicants should be given a reasonable time to organise their voluntary return. The current 5-day period for deciding whether to accept voluntary return should be extended to 30 days and children and students should be allowed to finish the school year before departure.
- The State should develop a strategy and, if necessary, enact legislation for dealing with unsuccessful applicants who are deemed “non-returnable”.

- The financial supports given to those who choose voluntary return to their countries of origin should be doubled.
- Appropriate accommodation, with additional supports and services, should be provided for those identified as victims of trafficking and sexual or gender-based violence. In the interim, priority should be given to designating private, non-shared rooms to trafficked people who have been abused.
- The right to work should be granted to any applicant for protection who has not yet received a final decision on their application within 3 months of making an application for protection. Authorisation should be granted for 12 months and the employment permission stamp should be equivalent to the stamps granted to other non-EU nationals (GNIB/IRP card).
- Applicants for international protection should be allowed to apply for driving licences and tests from the moment their application for protection is lodged.
- All children between the ages of 5 and 18 should be educated in mainstream schools in the community. Special arrangements will be required for children with special educational and other needs.
- Specific training opportunities should be provided for teachers working in schools receiving children of applicants.
- Applicants in the international protection system should have the right to access higher education on the same basis and at the same level of fees as Irish citizens, if they meet the qualifying criteria.

Transition from the current system to the new permanent system

- The transition period between 2021 and mid-2023 should be used as a lead-in to the new system. During the transition period the IPO should clear all new applications within 9 months and the IPAT should implement an average target of 6 months for processing appeals.
- A one-off case-processing approach should be set up to reduce the current backlog of cases. A simplified, case by case procedure should apply to anyone who has been more than two years in the system by the end of 2020. After security vetting, this cohort should be given leave to remain for 5 years without prejudice to their application for protection. The aim should be to develop a procedure which encourages eligible applicants to avail of this process. In reducing the backlog special attention should be given to the case of unaccompanied minors who should all receive leave to remain for 5 years without prejudice to their applications for protection.
- All backlog cases, including those covered by the case-processing approach, should be processed by a temporary, dedicated multi-agency task force having due regard to the relevant statutory remits of the various agencies concerned. The aim should be to finalise all these cases by the end of 2022 at the latest.

Oversight and independent monitoring

- A Cabinet Committee, composed of all Ministers with responsibility for delivering the new system, should ensure political oversight of the new system and the transition to it, including monitoring in respect of deadlines, acting upon early warnings if problems or backlogs occur and acting as a clearing house to resolve intersectional issues which arise between Departments.
- An independent body should be created with an independent Chair, with a mandate to ensure transparency and accountability. It should enable the participation of civil society organisations (CSOs), including representatives of applicants in the protection system, in monitoring progress, evaluating the functioning of the system and identifying blockages and areas where remedial action is needed. This body should be sufficiently resourced to be able to act autonomously with a right of access to all relevant official data. The Chair should make an annual report and present it to the Oireachtas Committee on Justice and Equality.
- The remit of the Ombudsman should be expanded to enable him to investigate complaints about the process leading up to decisions on applications for international protection and related administrative matters, excluding the decisions on protection status taken by the IPO and the IPAT where other avenues of appeal already exist.

Chapter 1

Introduction

Chapter 1: Introduction

1.1 Context and the case for action

1.1.1 How do refugees come to Ireland?

There are various ways that a person can receive international protection in Ireland:³

- Application for protection under the International Protection Act 2015. Under this route people apply for protection at an airport or seaport or from inside Ireland. Subsidiary protection can be granted to people who do not qualify for refugee status but are eligible for protection because they run the risk of serious harm, consisting of the death penalty or execution; torture or inhuman or degrading treatment or punishment in their country of origin; or serious and individual threat to their life due to indiscriminate violence in situations of international or internal armed conflict. Over the period 2017-2019 an average of 3,500 people applied for protection each year.⁴
- The Irish Refugee Protection Programme (IRPP). Phase 1 of the IRPP was established in 2015. Under this programme the Government committed to accepting up to 4,000 people into the State between 2015 and 2019 across multiple strands. As of 30 July 2020, 3,358 people had arrived in the State through the first phase of the programme:
 - Under the United Nations High Commissioner for Refugees (UNHCR)-led Resettlement Strand, a commitment was made to resettle 1,985 people, of which 1,913 resettlements were completed by the end of 2019. This UNHCR-led Resettlement strand was focused on resettling refugees from Lebanon and Jordan. These refugees have mainly been displaced from Syria and are brought to Ireland as Programme Refugees.
 - Under the European Union (EU) Relocation programme (established by two EU Council Decisions in 2015 to assist Italy and Greece) a total of 1,022 people were relocated to Ireland, including 6 unaccompanied minors. Those who are relocated apply for international protection after their entry to Ireland.
 - Irish Refugee Protection Programme Humanitarian Admissions Programme (IHAP): This programme allowed Irish citizens, and persons with Convention refugee status, subsidiary protection status, and programme refugee status, to apply for certain family members to reside with them in Ireland. Eligibility was restricted to those whose family members are nationals of ten specified countries and provided that the Irish-based family member was able to provide supports including accommodation. The beneficiaries of IHAP were admitted as programme refugees. A commitment was made to admit 740 people through IHAP, however to date, 285 are recorded as having entered the State through this programme.

³ See Annex 1 for detail of supports to various categories of applicant for international protection.

⁴ Figure not including IRPP Relocation programme and Mediterranean Search and Rescue (SAR) applicants. The 2017 – 2019 average is 3,793 for all applications – see table 3.2.1.

- 147 people entered the State through other strands including the Mediterranean Search and Rescue, Calais Special Project and unaccompanied minors in Greece strands. Those entering under the Calais Special Project and the unaccompanied minors from Greece strands were admitted as Programme Refugees. Those entering through the Mediterranean Search and Rescue strand were required to make an application for international protection.
- In phase two of the IRPP (2020-2023), up to 2,900 people will be resettled in Ireland. Resettlement will predominantly occur through the UNHCR-led resettlement programme and will be focused on Syrian refugees based in Jordan and Lebanon together with a small group (150) of Eritrean refugees based in Ethiopia. EU funding is available to support this programme.

1.1.2 Categories of protection

Since 2015, Ireland has had a single procedure for granting refugees protection. The single procedure asks 3 questions:

- Can this person be declared a refugee? If the answer is yes, the person is granted **refugee status** (see below).
- If the answer is negative, the application is considered to see if the person qualifies for **subsidiary protection** (see below).
- If the person does not qualify for protection or subsidiary protection they may be eligible for **permission to remain**.

If a person is granted **international protection (refugee status or subsidiary protection)** in Ireland they have the right to reside in Ireland for a period of not less than 3 years, to have access to the labour market and the same medical care, social welfare benefits and education and training as Irish citizens. They can travel to and from Ireland with a travel document subject to the need to have the relevant visas. They may apply to the Minister, within one year of receiving protection, for the right to have certain family members reside with them in Ireland. A person granted refugee status can apply for citizenship through naturalisation after 3 years from the date of their application. For those granted subsidiary protection the period is 5 years.

Under the International Protection Act 2015, **permission to remain** can be granted as part of the first instance consideration of a case or as part of a Permission to Remain Review process provided for under Section 49(7) of the same Act. The conditions attached to a grant of permission to remain are at the discretion of the Minister. In practice, persons granted permission to remain are given a stamp 4 visa. Permission to remain status does not carry the same right to family reunification as international protection status under the 2015 Act. There are, however, other possibilities for family reunification under regular immigration procedures. A person granted permission to remain can apply for citizenship through naturalisation once they have acquired 5 years of reckonable residency.

In cases where the Immigration Act 1999 applies, the State can grant **leave to remain** at the discretion of the Minister for Justice. In exercising discretion, the Minister takes account of written representations submitted in response to a notification of intention to deport, under Section 3 of the Immigration Act 1999. This process only applies to persons who received a negative decision under the Refugee Act

1996 and the Subsidiary Protection (SP) Regulations. A person granted leave to remain can apply for citizenship through naturalisation once they have acquired 5 years of reckonable residency.

1.1.3 Supports for those seeking international protection

Various financial and practical supports are available to people who are granted international protection or are given permission to remain or leave to remain in Ireland. These vary according to the different routes by which their applications for protection are decided. This Report deals only with people applying for protection under the 2015 Act, but our recommendations draw on the experience of all Irish refugee programmes.

As table 1.1.1 shows, the number of people seeking international protection in Ireland since 2009, and availing of State provided accommodation, varies every year, from a low of 946 in 2013 to a high of 4,767⁵ in 2019. The average number of applications for protection received over the past 3 and the past 5 years lies between 3,200 and 3,500.⁶

Table 1.1.1 New IPO applications (excluding IRPP)⁷ compared to new applications accommodated by IPAS⁸, 2009 - 2019

Year	New IPO applications (non IRPP)	New applications accommodated by IPAS	% accommodated by IPAS
2009	2,689	2,062	76.7%
2010	1,939	1,391	71.7%
2011	1,290	909	70.5%
2012	956	715	74.8%
2013	946	727	76.8%
2014	1,448	1,141	78.8%
2015	3,276	2,828	86.3%
2016	2,244	1,749	77.9%
2017	2,402	2,135	88.9%
2018	3,349	2,589	77.3%
2019	4,767	3,847	80.7%
10-Year average (2010-2019)	2,262	1,803	79.7%
5-year average (2015-2019)	3,208	2,630	82.0 %
3-Year average (2017-2019)	3,506	2,857	81.5%

5 4,781 including IRPP relocation programme and Mediterranean Search and Rescue (SAR).

6 Figure not including IRPP relocation programme and Mediterranean Search and Rescue applicants. See Table 3.2.1 for all IPO applicants.

7 Applications to IPO not including IRPP relocation programme or Mediterranean Search and Rescue. IRPP relocation programme applicants are accommodated in Emergency Reception and Accommodation Centres (EROCs), not in direct provision centres.

8 International Protection Accommodation Service (IPAS) – formerly Reception and Integration Agency (RIA).

Due to its unpredictable nature, it is not possible to programme in advance the number of people who will seek international protection every year. However, recognising that people will continue to seek protection every year for the foreseeable future, it is possible to plan for certain capacity needs. Based on past experience and taking account of the average number of applications for international protection between 2015 and 2019, the Advisory Group concluded that in future Ireland should equip itself with the permanent capacity to handle around 3,500 new applications every year.

Some applicants choose not to avail of State provided accommodation while awaiting a decision on their application. However, as can be seen from table 1.1.1, since 2015, over 80% of applicants availed of direct provision.

In addition to the permanent capacity needed to accommodate up to 3,500 new applicants a year, the Advisory Group considers that the State will need to have contingency plans ready so that it can respond rapidly if unforeseen surges in applications beyond these numbers occur and/or to the occasional need for quarantine, as has recently been highlighted by the COVID-19 outbreaks. The lack of such contingency planning in the past has contributed to the reactive nature of the policy response.

1.1.4 What is direct provision?

Direct provision is a State-funded system providing food and shelter for people seeking international protection in Ireland while their applications are being processed⁹. It dates back to April 2000 when it was introduced to provide temporary accommodation to deal with big increases in the numbers of applicants – in 1999 the number of applicants was 7,724, rising to 11,634 in 2002, the highest level it has ever reached. It was set up as a largely cashless system to ensure that applicants would not be left homeless or living in overcrowded accommodation and also to respond to fears at the time that access to Irish levels of social welfare and other supports would constitute a “pull” factor in attracting economic migrants. Given the overall numbers involved these concerns do not seem to have been well-founded. Currently residents in direct provision are provided with accommodation, meals (or ingredients for meals) and weekly allowances of €38.80 per adult and €29.80 per child.

Under the current system, the accommodation provided for those seeking international protection has not generally been designed for their needs. Protection applicants are usually housed in congregated settings such as former hotels, hostels and guesthouses. Where hotels are used as emergency housing many continue to operate as commercial entities with staff having received little or no training on the international protection process.

The accommodation provided can be grouped under three main categories:

- Units comprising a bedroom/bedrooms allocated to a family either with en-suite facilities or access to a bathroom generally designated for the sole use of the family (e.g. in hotels, hostels, former convents). Previously, there were no separate private living spaces and communal rooms were provided for the use of all residents. Newly opened centres under tender are now required to provide living rooms at a ratio of 1 living room to 3 families.
- Units comprising a bedroom (or in some cases dormitory style rooms) allocated to unrelated single residents (e.g. in hotels, hostels, former convents). These can be en-suite or with access to communal bathrooms. There are no separate private living spaces. Communal rooms are provided for the use of all residents.

⁹ See Annex 2 for a short description of the system.

-
- Self-contained units (e.g. apartments, holiday homes, mobile homes) which are generally allocated to families.

1.1.5 Location of those in direct provision across the country

Direct provision is provided through 44 accommodation centres (not including the Baleskin reception centre) located across the country. Seven of these are State-owned and managed via private sector contracts. The other 37 are privately owned and managed. Some centres are well located in urban areas with good access to transport, health care, educational and employment services. Others are in remote locations and suffer from poor services links such as transport and telecommunications.

The accommodation centres are currently at full capacity and since 2018 emergency accommodation has been procured, including through a tendering process, to accommodate new applicants who need direct provision. Most of these accommodation centres were originally built for other purposes and are not suitable for long stay accommodation. In some centres, accommodation is dormitory style with no cooking facilities or private spaces. This situation is exacerbated in the emergency centres. In some centres, families of up to 5 people are sharing the same room and in most cases the staff has not been trained to deal with the needs of residents and particularly those suffering from traumatic experiences. Moreover, the recent COVID-19 pandemic has shown that these congregated settings are ill equipped to deal with outbreaks of infectious diseases.

Most centres are mixed in terms of gender, single people and families: 5 are family only and 8 are singles only.

The type of accommodation provided varies significantly (see Annex 3 for details). Of the 44 direct provision centres, 10 provide full or partial own-door accommodation. 32 provide access to own cooking facilities in communal kitchens or private cooking facilities. Overall, of the current contracted capacity including reception and emergency accommodation, around 52% of those in direct provision have access to their own cooking facilities.¹⁰

1.1.6 Criticism of the current situation

Twenty years on it is clear that there are many problems with the international protection and direct provision system.¹¹ In 2015, Dr Bryan McMahon chaired a Working Group that produced a comprehensive report which highlighted many shortcomings in the system and set out detailed proposals for improving it.¹² In the foreword, Dr McMahon noted that “the inability of the State’s determination procedures to deliver final decisions in a timely manner has resulted in many applicants continuing to live in direct provision centres for periods far longer than originally intended” and stated that the “length of time” issue was the single most important issue to be addressed. The McMahon Report made many detailed and clear recommendations. Some of them have been implemented but many of the problems highlighted in 2015 are still present today. Not only do applicants spend unacceptably long periods in the direct provision system, but the current housing crisis has made it more difficult for people who are granted protection to move out of direct provision into the community.

10 As on 2 August 2020, IPAS accommodation centres and emergency accommodation locations have a contracted capacity of 9,404 and an occupancy rate of 7,355. Of the total current contracted capacity in accommodation and emergency accommodation centres, 4,901 (52.1%) of 9,404 contracted beds have access to independent living facilities.

11 See Annex 4 for a summary of criticisms of the system from international and national organisations.

12 Working Group to Report to Government Working Group on the Protection Process on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, Final Report, June 2015.

Many civil society organisations (CSOs), such as the Irish Refugee Council, the Movement of Asylum Seekers in Ireland (MASI), the Jesuit Refugee Service (JRS), Nasc, Dorás Luimní and the Children’s Rights Alliance, as well as international bodies such as the UNHCR, have drawn attention to the shortcomings of the present system and the vulnerabilities of applicants who are obliged to spend long periods waiting for decisions. These organisations have called for reform or abolition of the current system and the provision of own-door accommodation. The Joint Oireachtas Committee on Justice and Equality¹³ in December 2019 called for a move away from accommodating applicants in institutionalised settings and the Ombudsman in his 2019 Review¹⁴ highlighted the unsuitability of direct provision accommodation. The recent COVID-19 outbreak in several direct provision centres has highlighted the unsuitability of close living in congregated settings. In the June 2020 Programme for Government commitments were made to “end the direct provision system” and to “replace it with a new international protection accommodation policy, centred on a not-for-profit approach”.¹⁵

1.2 Focus and approach of the Advisory Group

1.2.1 Terms of reference of the Advisory Group

In October 2019, the then Minister for Justice and Equality and the Minister of State for Equality, Immigration and Integration invited an Advisory Group to:

- Advise on the development of a long-term approach to the provision of support including accommodation to persons in the international protection process;
- Identify good practice in European countries in the provision of supports to persons within the international protection process particularly dealing with variations in demand;
- Set out a process for achieving the long-term approach to supporting persons in the international protection process.

The composition of the Advisory Group is set out in Annex 5.

1.2.2 Methodology

The Advisory Group decided to follow an evidence-based approach. To do this it met with a wide range of representative organisations. It also met with representatives of the UNHCR and had access to data held by a number of Government Departments and agencies.¹⁶

Before the outbreak of COVID-19 the Advisory Group visited a number of direct provision centres. It had planned to speak to people living in direct provision and did meet with some residents in Athlone and Galway before the outbreak of COVID-19 but was unable to complete its plans for consultation because of the pandemic.

The Advisory Group provided a briefing note on its work to the parties negotiating a programme for government in May 2020 and called for immediate action in areas where decisions could be taken quickly (such as on the right to work, driving licences, bank accounts and vulnerability assessments). Reacting to the commitments made in the Programme for Government of June 2020, and the

¹³ Houses of the Oireachtas Joint Committee on Justice and Equality, Report on Direct Provision and the International Protection Application Process, December 2019.

¹⁴ The Ombudsman, The Ombudsman and Direct Provision, Update for 2019, April 2020.

¹⁵ See Programme for Government – Our Shared Future, June 2020.

¹⁶ See Annex 6 for a full list of Advisory Group meetings, consultations, visits and submissions to the group.

outbreak of COVID-19, the Advisory Group decided to accelerate its work and to present its report in September 2020.

The Advisory Group looked at practice in other EU Member States (see section 1.4). In the research done for the Advisory Group comparisons were made with the situation in other EU Member States including the international comparative work done in this area by the UNHCR, European Asylum Support Office (EASO) and the Asylum Information Database (AIDA) of the European Council on Refugees and Exiles (ECRE).

Detailed estimates were made of the overall cost of the current system and alternatives recommended by the Advisory Group were costed on the same basis (see Chapter 7).

1.2.3 Issues looked at by the Advisory Group

Based on its analysis of the current direct provision system, the Advisory Group focused its work on the following key issues:

- The length of time a person spends in the process, from the day they make their application for protection until a final decision has been made. This goes from an initial decision to accept or reject the application, through the appeals process until the final decision when all avenues of appeal have been exhausted. Analysis of the current system and recommendations for the future are set out in Chapter 3;
- The conditions that applicants experience while waiting for a final decision. This covers the kind of support available to applicants such as legal aid, accommodation, the right to work, access to education and training, and medical care. Analysis of the current system and recommendations for the future are set out in Chapters 4 and 5;
- Follow up support once a final decision has been taken. Recommendations on this stage are set out in Chapter 5.

The Advisory Group welcomed the commitment in the Programme for Government to “end the direct provision system” and to “replace it with a new international protection accommodation policy, centred on a not-for-profit approach”. Our recommendations in this Report are designed to feed into the White Paper to be published by the end of 2020 and which “will set out how this new system will be structured and the steps to achieving it”.¹⁷

¹⁷ See Programme for Government – Our Shared Future, June 2020.

1.3 Guiding principles for international protection policy

While States have the sovereign right to choose whom to admit, exclude and expel from their territory, they also have obligations that they enter into under international refugee and human rights law as well as under EU law and the Charter of Fundamental Rights of the EU. The guiding principles for the work of the Advisory Group were drawn from a study of Ireland's EU and United Nations (UN) obligations, with the particular support of the UNHCR office in Ireland.¹⁸ The principles are designed to underpin a new system of international protection in Ireland that meets all of Ireland's EU and international obligations. In line with these principles, the new system should ensure:

- Access to and implementation of international protection procedures and material reception conditions and supports that are fair, dignified and fully compliant with international and EU refugee and human rights law;
- Fair and fast procedures with consistent quality of decision-making;
- Effective judicial protection and independent accountability structures;
- Specific provisions for children and persons with vulnerabilities and special needs;
- An efficient system for return of persons found to have no protection needs;
- A pro-active policy for integrating refugees into communities.

1.4 The international situation and how other European countries care for refugees and asylum seekers¹⁹

1.4.1 The international situation

In June 2020, the UNHCR reported that at the end of 2019 there were 79.5 million forcibly displaced people worldwide. Of these, 26 million were refugees, 45.7 million were internally displaced people (IDPs) and 4.2 million were asylum-seekers. The UNHCR reported that 5.6 million displaced people had returned to their areas or countries of origin in 2019, including 5.3 million internally displaced persons and 317,200 refugees. UNHCR reported on a global number of 4.2 million stateless persons at the end of 2019. The 6.6 million refugees from Syria made up approximately one-quarter of the global refugee population, followed by Venezuela and Afghanistan, with 3.7 million and 2.7 million respectively.²⁰

Countries neighbouring the epicentre of a crisis are often the first in line to accommodate displaced persons. In 2019, in absolute terms, Turkey hosted the highest numbers of refugees, followed by Pakistan, Uganda and Germany. In relative terms, Aruba, Lebanon, Curaçao, Jordan and Turkey hosted the highest shares of refugees in relation to their population sizes.²¹

¹⁸ See Annex 7 for details of the guiding principles.

¹⁹ Information in this section is drawn from EASO, the European Migration Network (EMN), the European Council on Refugees and Exile (ECRE) and the UNHCR.

²⁰ UNHCR, Global Trends – forced displacement in 2019, 18 June 2020, p2.

²¹ UNHCR, Global Trends – forced displacement in 2019, 18 June 2020, p3.

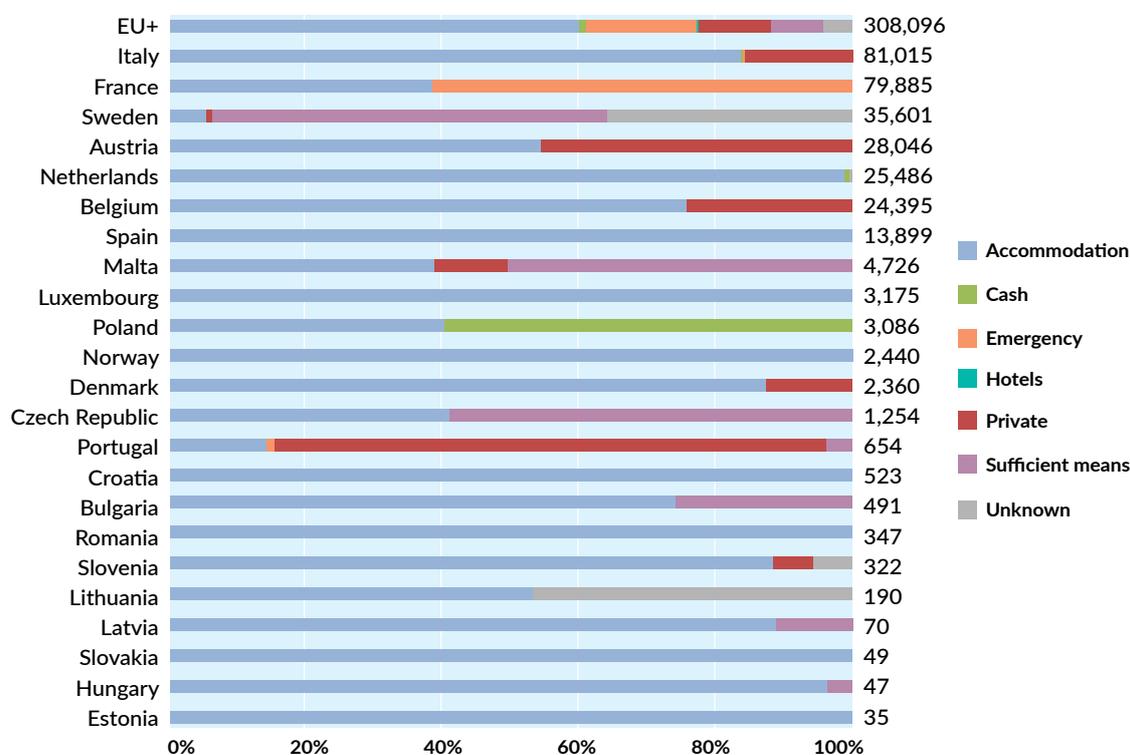
1.4.2 The situation in the European Union

In 2019 almost 740,000 applications for international protection were lodged in the EU+22. This was an increase of 11% compared to 2018 with more than half of these concentrated in Germany, France and Spain. At the end of 2019, more than 912,000 cases were awaiting decision, of which 543,000 decisions were pending at first instance. In 2019, EU+ countries issued approximately 585,000 decisions on first instance applications. In two-fifths of all first instance decisions refugee status was granted.²³

1.4.3 How other EU Member States accommodate applicants for protection

The nature of the reception and other support arrangements provided by EU Member States to protection applicants varies. For example, in the countries reporting to the EASO (including Norway but not Germany or Ireland) in June 2020, at least 308,000 people were in “reception facilities”, that is they were being accommodated by the State.²⁴ The table below shows the different accommodation systems in operation across these 23 countries with Sweden and Portugal having the least State provided accommodation and countries such as Luxembourg, Norway, Croatia, Romania, Slovakia and Estonia providing 100% accommodation. In Poland the proportion of people receiving cash for accommodation was considerable. Data was missing for Spain, which previously used cash for such purposes for a significant share of persons in reception.²⁵

Figure 1.4.1: Type of Accommodation by Reporting Country, June 2020



Source: EASO, Periodic Update, April-June (Q2) 2020, 19 August 2020.

22 EU+ covers the 28 Member States of the EU (up to January 2020) plus Norway, Switzerland, Liechtenstein and Iceland.

23 EASO, Situation of Asylum in the European Union: 2019 Overview, 25 June 2020, <https://www.easo.europa.eu/asylum-trends-easo-asylum-report-2020>.

24 EASO, Periodic Update, April-June (Q2) 2020, 19 August 2020.

25 Ibid.

As can be seen from table 1.4.1, different countries have developed different ways of accommodating applicants for international protection. Some centralise financial and executive responsibility in State authorities while others share it between State and local authorities. Many involve third parties in the management of reception facilities, for example NGOs and private companies. In many EU Member States service providers are subcontracted to manage reception facilities. For example, in France, Austria, Estonia and Luxembourg a mix of NGOs and private sector companies are responsible for the day to day management of reception facilities while in Belgium and Portugal this is done exclusively by NGOs. Ireland is one of the few Member States where the day to day management of reception facilities is not shared with local authorities.²⁶

There is significant variation across Member States in the provision of food and financial allowances. Some provide “food in kind” as in Ireland. These include Hungary, Latvia, Portugal, Slovenia and Slovakia. Others use financial allowances for all subsistence costs. France and Luxembourg use pre-paid cards for the payment of allowances to asylum seekers.²⁷

1.4.4 Capacity problems in other EU Member States

In 2019, there were signs of capacity problems in at least 9 countries. For example, in France, despite a big expansion in its reception infrastructure, there has been insufficient accommodation for applicants each year between 2012 and 2018. France is currently increasing capacity and has introduced laws to distribute asylum seekers across the country.²⁸

Emergency accommodation is used in several Member States, for example in Germany, Greece and Spain, and there is a tendency for it to be used for longer than planned or to be subsumed into the regular system (France, Italy). Spain uses hotels as temporary accommodation during the initial reception phase. In Italy, where emergency reception centres were set up in 2015 to address shortages in capacity, this has since become the dominant form of accommodation. Greece has increased capacity, but homelessness and destitution are persistent problems.²⁹

Since 2015, some Member States have increased their capacity while others have reduced it, for example in Belgium and the Netherlands. This has placed their systems under pressure and in 2019 Belgium had to open a number of new reception centres.³⁰

1.4.5 Best practice in the EU

Against this background, it is difficult to highlight one or more cases of national “best practice” that could inspire a future Irish system. In the research done for the Advisory Group, information on the situation in other Member States was regularly used to look at alternative models and data provided by EASO and AIDA was taken into account. More generally, and perhaps more useful than individual examples that will always be best suited to national and local circumstances, EASO provides guidance to EU Member States on reception standards and supports that should be applied in providing for protection applicants while their cases are being decided. For example, where housing is provided,

26 EMN, The Organisation of Reception Facilities for Asylum Seekers in different Member States. European Migration Network. Directorate General Migration and Home Affairs, European Commission.

27 EMN, Annual Report on Migration and Asylum 2019: Synthesis Report. European Migration Network. Directorate General Migration and Home Affairs, European Commission.

28 AIDA, & ECRE, Housing out of reach? The reception of refugees and asylum seekers in Europe, pp 13, https://www.asylumineurope.org/sites/default/files/shadow-reports/aida_housing_out_of_reach.pdf.

29 Ibid, pp 14-15.

30 Ibid, p19.

EASO advises that it should be located to ensure effective geographic access to relevant services such as schools, health care, social and legal assistance, shops and leisure activities. The principle of family unity should also be respected. It is considered “good practice to allow applicants to cook for themselves, where possible and adequate, given that this promotes their autonomy, increases the feeling of normality/feeling at home and can contribute to structuring the everyday life of applicants”.³¹

EASO has also provided guidance to Member States on contingency planning, which should be undertaken when there is a risk or a high probability that a high-influx situation may occur.³² The standards included in the guidance document reflect existing and commonly agreed practice across EU Member States, as well as good practices identified across the EU. The guidance is designed to help manage future uncertainty by developing responses in advance instead of just reacting when the surge occurs. It recommends an integral approach, notably on monitoring and evaluation, risk analysis, management and decision-making processes. It deals with issues such as budgeting and making sure sufficient human resources can be mobilised quickly, and also covers ways of providing additional accommodation to deal with sudden surges.

1.4.6 Ireland's EU and international obligations

Ireland is a relatively prosperous member of the EU, participating in its Justice and Home Affairs policy under certain conditions set out in Protocol 21 of the Lisbon Treaty.³³ It has also committed itself to many UN and international conventions governing migration, asylum and refugees. The principal international legal instruments dealing with refugee status are the Convention Relating to the Status of Refugees 1951 (“Geneva Convention”) and a 1967 Protocol to that Convention. The International Protection Act 2015, which superseded the Refugee Act 1996, gives statutory effect in the State to these international legal instruments. Ireland acceded to the Convention on 29 November 1956 and the Protocol on 6 November 1968.

Given the many conflicts in the world and the challenges of phenomena such as climate change it is probable that Ireland will continue to receive applications for international protection every year for the foreseeable future.

1.4.7 Opting into future EU policy

The EU has been gradually developing a Common European Asylum System. In 1990 the Dublin Convention was signed and the Maastricht Treaty of 1992 provided that asylum could be dealt with by the European Council. More comprehensive asylum measures were included in the Treaty of Amsterdam 1997, which also gave the European Court of Justice a limited role in asylum policy. The Treaty of Lisbon 2007 changed the decision-making process for EU asylum policy, giving greater roles to the European Parliament and the European Court of Justice and bringing the policy into the co-decision legislative process.

Under Protocol 21 of the Lisbon Treaty on the Functioning of the EU Ireland is not bound to adopt proposed EU policy in areas including asylum policy. However, Ireland can choose to opt into any legislation in this area if it wishes. In a declaration attached to Protocol 21 Ireland stated its “firm intention...to take part in the adoption of measures...to the maximum extent it deems possible”.

31 EASO, Guidance on reception conditions: operational standards and indicators, September 2016.

32 EASO, Guidance on contingency planning in the context of reception, March 2018.

33 See Annex 9 for details of Ireland's EU/International legal obligations.

The major migration flows of 2015 showed that the EU was not well equipped to cope with large numbers of applications for international protection. Finding consensus at EU level on how to deal with migration and asylum has proved very difficult. The European Commission has announced it will table proposals for a major new package on the Common European Asylum Area in September 2020.

Ireland has not opted into all of the EU legislation that forms part of the Common European Asylum System.³⁴ In this area the EU sets minimum standards which Member States are bound to apply but they are free to go above the minimum. Managing migration and asylum is an EU wide issue and certain aspects can be handled better through EU action and funding. Moreover, EU legislation provides a harmonised legal basis for key provisions of asylum policy such as time limits for decision-making and access to health care and education. For these reasons the Advisory Group recommends that Ireland should opt into all of the current EU asylum legislation, subject to a review of any implications such a decision might have for the Common Travel Area with the United Kingdom (UK).

1.5 Need for a permanently resourced, whole of Government system

Primary responsibility for the international protection process lies with the Department of Justice. It is responsible for the operations of the International Protection Office (IPO), which makes recommendations on applications for protection at first instance, and the governance of the International Protection Appeals Tribunal (IPAT) which deals with appeals in respect of negative first instance IPO protection recommendations. Under certain limited circumstances decisions can be subject to judicial review in the High Court. Final decisions on permission to remain, reviews of permission to remain and leave to remain rest with the Minister for Justice. The Department of Justice currently runs the International Protection Accommodation Service (IPAS) which provides accommodation and ancillary services to applicants in direct provision. In autumn 2020, IPAS will be transferred to the Department of Children, Equality, Disability, Integration and Youth.

However, several other Departments and State bodies are also involved in the care and support of applicants during the process and some Departments are specifically named in statute as having responsibilities to people seeking protection. For example, the Department of Public Expenditure and Reform (DPER) controls the budget allocations, the Department of Health provides health screening and medical cards, the Department of Social Protection makes payments such as the weekly allowance payments and exceptional needs payments, the Department of Education and the Department of Further and Higher Education, Innovation, Research and Science are responsible for the educational needs of applicants and their children and Tusla is involved in the care of children, particularly unaccompanied minors. Against this background, the Advisory Group concluded that an ongoing “whole of Government” approach is the only one that can deliver the permanent, sustainable and agile future system described in this Report. Recommendations for a new political and administrative oversight and monitoring system are set out in Chapter 8.

³⁴ See Annex 9 for a full list of EU directives that form part of the Common European Asylum System, as well as what Ireland has opted into.

Recommendations from Chapter 1

- 1.1: The current system is not fit for purpose and should be ended. There is a need for a whole of Government approach which will require ongoing political oversight and close co-ordination between different Departments, State agencies and local authorities charged with delivering the proposed permanent protection system. The transition to the new system should begin immediately and be completed by no later than mid-2023.
- 1.2: Ireland should have the permanent capacity to process and accommodate around 3,500 new applicants for international protection annually.
- 1.3: The guiding principles recommended by the UNHCR and adopted by the Advisory Group should be endorsed at Government level and applied in all future procedures.
- 1.4: Ireland should opt into all of the current EU asylum legislation, subject to a review of any implications such a decision might have for the Common Travel Area with the United Kingdom (UK).

Chapter 2

A picture of the current system

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A picture of the current system

2.1 Overview of the system since 2002

Since 2002, approximately 68,000 people have applied for international protection in Ireland.³⁵ Over this period, 12,400 were granted refugee or subsidiary protection status and 849³⁶ were granted permission to remain in the State. Since 2004, 6,801 people of asylum origin were granted leave to remain under section 3 of the Immigration Act 1999.³⁷ In total, just over 20,000 people have been granted status, which represents only 3.1% of all non-Irish nationals living here and only 0.4% of the total population.³⁸

Table 2.1.1 IP O/ MDU Grants 2002 to 31.07.2020

Year	Refugee Status	Subsidiary Protection	PTR First Instance	PTR Review	Total Grants
2002	798	0	-	-	798
2003	1,237	0	-	-	1,237
2004	1,176	0	-	-	1,176
2005	1,113	0	-	-	1,113
2006	665	0	-	-	665
2007	597	0	-	-	597
2008	594	0	-	-	594
2009	402	0	-	-	402
2010	160	0	-	-	160
2011	132	0	-	-	132
2012	93	0	-	-	93
2013	196	0	-	-	196
2014	212	270	-	-	482
2015	325	228	-	-	553
2016	591	137	-	-	728
2017	685*	105*	66*	0	856
2018	828*	226	198	29	1,281
2019	947*	168*	266*	170	1,551
2020 (up to 31.07.2020) ⁴⁰	444*	71	71*	49	635
Total	11,195	1,205	601	248	13,249

* Figures include IRPP relocation programme applicants.

³⁵ Data on MDU grants only available from 2002 onwards. Figure up to 31.07.20.

³⁶ 849 since the commencement of the International Protection Act 2015 on the 31st December 2016.

³⁷ Figures for Leave to Remain (LTR) can only be provided from 2004 onwards.

³⁸ Figures do not include those who have withdrawn their international protection cases, having been granted a residence permission on immigration grounds such as being a family member of an Irish/EU citizen. Total population of Ireland: 4.96 million, non-national population: 644,000, CSO statistical release, 20 August 2020, 11am. <https://www.cso.ie/en/releasesandpublications/er/pme/populationandmigrationestimatesapril2020/>.

³⁹ Permission to Remain (PTR) First Instance grant issued by IPO. All other categories issued by MDU.

⁴⁰ Due to COVID-19 there were no grants issued between 19.03.2020 and 30.06.2020 apart from emergency issues.

2.2 The current situation

2.2.1 The number of people in the application system and their profiles

As of the end of July 2020, there were 8,812 applicants for protection awaiting decision.⁴¹ The breakdown of people in the international protection process is shown in the tables below.

Table 2.2.1 Persons pending in the international protection process as of end of July 2020

Section Pending as at end of July 2020	Total
IPO	5,374 ⁴²
IPO PTR Review	747
IPAT	1,318
MDU (IP Only)	682
LTR Pending (asylum origin only)	691
Total	8,812

Table 2.2.2 Persons pending in the international protection process as of end of July 2020 by gender

Gender	Total	%
Male	5,613	63.7%
Female	3,198	36.3%
Non-Specified	1	0.0%
Total	8,812	100%

Table 2.2.3 Persons pending in the international protection process as of end of July 2020 by age group (based on age as of end of July 2020)

Age Group	Total	%
0 - 13	1,521	17.3%
14 - 17	262	3.0%
18 -34	3,804	43.2%
35 - 64	3,165	35.9%
65 +	60	0.7%
Total	8,812	100%

⁴¹ Everyone in the international protection process who has not received final decision, including International Protection Act 2015 and Refugee Act 1996 applicants.

⁴² Includes international protection and subsidiary protection legacy cases under the Refugee Act 1996.

Table 2.2.4 Persons pending in the international protection process as of end of July 2020 by nationality (top 10)

Nationality	Total	%
Pakistan	1,033	11.7%
Nigeria	950	10.8%
Zimbabwe	897	10.2%
Georgia	836	9.5%
Albania	737	8.4%
South Africa	576	6.5%
Bangladesh	300	3.4%
Algeria	294	3.3%
Malawi	249	2.8%
Congo, The Democratic Republic of	244	2.8%
Other	2,696	30.6%
Total	8,812	100%

Table 2.2.5 Persons pending in the international protection process as of end of July 2020 by family unit

Age Group	Total	%
Family Unit	3,359	38.1%
Single	5,453	61.9%
Total	8,812	100%

2.3 Length of time in the application system

As of the end of July 2020 there were 7,151 applicants in direct provision.⁴³ While the majority of applicants have been in the system for less than two years, some have spent long years in direct provision.

Table 2.3.1 Persons in direct provision as of end of July 2020 by length of time in direct provision

Years in Direct Provision	Total	%
0	2,004	28.0%
1	2,186	30.6%
2	1,296	18.1%
3	666	9.3%
4	538	7.5%
5	260	3.6%
6	95	1.3%
7	38	0.5%
8	33	0.5%
9	9	0.1%
10	6	0.1%
11	9	0.1%
12	7	0.1%
13	3	0.0%
14	1	0.0%
Total	7,151	100%

⁴³ Not all applicants for international protection avail of IPAS accommodation.

Table 2.3.2 Persons in direct provision as of end of July 2020 by length of time since asylum application, by gender

Years in Direct Provision	Male	%	Female	%	Total
0	813	42.7%	1,092	57.3%	1,905
1	925	42.9%	1,231	57.1%	2,158
2	544	45.2%	659	54.8%	1,203
3	303	45.0%	370	55.0%	673
4	227	41.6%	319	58.4%	546
5	90	32.6%	186	67.4%	276
6	31	46.3%	36	53.7%	67
7	11	31.4%	24	68.6%	35
8	9	29.0%	22	71.0%	31
9	3	27.3%	8	72.7%	11
10	1	12.5%	7	87.5%	8
11	6	40.0%	9	60.0%	15
12	5	45.5%	6	54.5%	11
13	5	62.5%	3	37.5%	8
14	2	33.3%	4	66.7%	6
15	2	100.0%	0	0.0%	2
16	0	0.0%	1	100.0%	1
17	1	50.0%	1	50.0%	2
No Asylum Application	96	49.7%	97	50.3%	193
Total	3,076	43.0%	4,075	57.0%	7,151

Table 2.3.3 Persons in direct provision as of end of July 2020 by length of time since asylum application, by age group

Years in Direct Provision	0-13	%	14-17	%	18-34	%	35-64	%	65+	%	Total
0	396	20.8%	79	4.1%	790	41.5%	623	32.7%	17	0.9%	1905
1	492	22.8%	74	3.4%	858	39.8%	724	33.5%	10	0.5%	2158
2	314	26.1%	40	3.3%	420	34.9%	415	34.5%	14	1.2%	1203
3	152	22.6%	24	3.6%	249	37.0%	245	36.4%	3	0.4%	673
4	109	20.0%	20	3.7%	195	35.7%	214	39.2%	8	1.5%	546
5	36	13.0%	8	2.9%	100	36.2%	131	47.5%	1	0.4%	276
6	5	7.5%	5	7.5%	24	35.8%	33	49.3%	0	0.0%	67
7	3	8.6%	0	0.0%	10	28.6%	21	60.0%	1	2.9%	35
8	4	12.9%	5	16.1%	4	12.9%	18	58.1%	0	0.0%	31
9	1	9.1%	0	0.0%	2	18.2%	8	72.7%	0	0.0%	11
10	2	25.0%	0	0.0%	1	12.5%	5	62.5%	0	0.0%	8
11	1	6.7%	1	6.7%	5	33.3%	8	53.3%	0	0.0%	15
12	2	18.2%	0	0.0%	2	18.2%	5	45.5%	2	18.2%	11
13	1	12.5%	2	25.0%	1	12.5%	4	50.0%	0	0.0%	8
14	0	0.0%	1	16.7%	0	0.0%	5	83.3%	0	0.0%	6
15	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	2
16	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	1
17	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	2
No Asylum Application	178	92.2%	2	1.0%	5	2.6%	8	4.1%	0	0.0%	193
Total	1,696	23.7%	261	3.6%	2,666	37.3%	2,472	34.6%	56	0.8%	7,151

2.4 Public opinion and local community involvement

2.4.1 Public opinion

Irish views on applicants for international protection shift over time depending on the economic cycle and also differ between urban and rural dwellers. A special Eurobarometer Report on Immigrant Integration in April 2018 found that 80% of respondents in Ireland felt that integration is successful in the local area or country; this compared with 54% of respondents across the European Union (EU) as a whole.⁴⁴ In response to the question on whether immigration is more of a problem or more of an opportunity, 30% of respondents in Ireland felt immigration was equally a problem and an opportunity, in line with the EU response rate of 31%. However, 36% of respondents in Ireland felt immigration was more of an opportunity, as opposed to 20% of EU respondents. Some 28% of respondents in Ireland felt they were fairly well informed about immigration and integration matters, slightly lower than 33% of EU respondents. These findings are also broadly in line with those of the survey conducted by the Social Change Initiative in 2018.⁴⁵

44 See https://ec.europa.eu/home-affairs/news/results-special-eurobarometer-integration-immigrants-european-union_en.

45 See Attitudes towards refugees, immigrants and national identity in Ireland, Social Change Initiative September 2018.

2.4.2 Local community involvement

Until the advent of COVID-19, in every local community people have volunteered to support the needs of applicants in direct provision. The type of support provided varies from donations of clothes and toys, to help in accessing rights and benefits, to running language classes and fostering involvement in the local community. The impact of these supports varies across the centres as they are largely provided on a voluntary basis.

However, in recent years, there have been incidents and protests reflecting some opposition to the opening of new emergency centres. Some of those protesting said they were opposed to the direct provision system and would welcome asylum seekers if they arrived in smaller numbers under an alternative system. Others objected to the arrival of “larger” numbers without preparation and without an assessment of the local capacity to provide additional health services, education and employment opportunities.⁴⁶

The Advisory Group discussed the need for early involvement of local authorities and communities in creating a welcoming environment and in supporting integration into local communities. It concluded that at national and local level local authorities, NGOs and civil society organisations (CSOs) play a crucial role in providing personalised services to applicants and help to compensate for many lacunae in the current official system. As explained in Chapter 7, the Advisory Group concluded there will be a need to provide some core funding to certain NGOs which will play an important role in helping to implement our recommendations.

If our recommendation to move away from the congregated setting model is accepted, it should be possible to support local authorities and communities in preparing for and welcoming new arrivals. The introduction of a “new model” is an opportunity to change the narrative around the placement of applicants for protection in the community. In this regard the Advisory Group recommends that the use of the term “direct provision” should be dropped. It should be replaced by a new name for the system which reflects its true purpose, i.e. the Irish reception system. An assessment of local capacities in terms of schools, general practitioners (GPs) and medical services should be undertaken by the local authorities to help them prepare to accommodate future members of their communities and to factor their needs into local development plans. Local authorities and NGOs are currently working together to help those with protection status to find accommodation and settle into local communities.⁴⁷ This co-operation has improved interagency collaboration and improved outcomes for applicants, providing a useful model on which to build for the future.

⁴⁶ See Oireachtas Library & Research Service, Spotlight – Direct Provision, No. 2 of 2020, pp. 3-5, https://data.oireachtas.ie/ie/oireachtas/libraryResearch/2020/2020-03-30_spotlight-direct-provision_en.pdf.

⁴⁷ See submission from County and City Management Association, June 2020. Will be made available on the Advisory Group page of the Department of Justice website.

2.5 Experience of those in the system

The experience of people waiting for a decision on their protection applications and of living in direct provision has been well documented elsewhere, for example in the McMahon Report of 2015⁴⁸ and in the Joint Oireachtas Committee Report of December 2019.⁴⁹ The impact of the system on people's lives has been criticised by the Irish Human Rights and Equality Commission (IHREC), the Special Rapporteur on Child Protection, the Ombudsman and many other human rights organisations.⁵⁰ In July 2020, the Ombudsman for Children published a report giving children's views and experiences of living in direct provision and described the findings as "quite stark". He also set out the children's ideas on how to improve their situation – these included "a faster process for determining their immigration status and action to counteract and stamp out racism.... more living space, more privacy and greater access to transport that would allow them greater freedom".⁵¹

Recommendations from Chapter 2

- 2.1 Use of the term "direct provision" should be dropped and replaced by a new name for the system which reflects its true purpose, i.e. the Irish reception system.
- 2.2: Involvement of local authorities and communities is an essential condition for future successful integration. An assessment of the local capacities to absorb applicants for international protection in terms of schools, GP and medical services should be prepared by the local authorities and built into their future development plans. The use of the term "direct provision" should be dropped and a new name should be used to describe the new Irish reception system based on independent living in the community.

48 Working Group to Report to Government Working Group on the Protection Process on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, Final Report, June 2015.

49 Houses of the Oireachtas Joint Committee on Justice and Equality, Report on Direct Provision and the International Protection Application Process, December 2019.

50 See Annex 4 for a summary of criticisms of the system from international and national organisations.

51 Ombudsman for Children, Direct Division- Children's views and experiences of living in Direct Provision, July 2020.



Chapter 3

A shorter decision-making process



Chapter 3:

A shorter decision-making process

3.1 Introduction

The main legal framework governing international protection in Ireland today is the International Protection Act 2015. Annexes 8 and 9 set out more detail on previous legislation and on the relevant European Union (EU) legislation into which Ireland has opted (under Protocol 21 of the Lisbon Treaty).

The main steps in the application process can be summarised as follows:

- When a person applies for protection they are interviewed to ascertain the admissibility of their application. If admissible, they make an application to the Minister for Justice for protection at the International Protection Office (IPO) and must complete the “Application for International Protection Questionnaire”⁵² within 15 working days.⁵³ Applicants are then interviewed by the IPO. Currently it takes on average 8-10 months to reach the interview stage with priority cases taking up to 5 months.⁵⁴ Following the interview the IPO makes a recommendation to the Minister on whether the applicant should be granted or refused refugee protection or subsidiary protection status. If both are refused the IPO makes a decision on permission to remain. At present, it takes the IPO an average of 9.4 months to make recommendations/decisions in priority cases, and 17 months in all other cases.⁵⁵ Following a recommendation, it takes 2 to 4 months for Ministerial approval to be given at the Ministerial Decisions Unit (MDU);⁵⁶
- If a negative decision is made on refugee protection or subsidiary protection status, it can be appealed within 15 working days to the International Protection Appeals Tribunal (IPAT).⁵⁷ Currently, it takes the IPAT an average of 6 months to make a recommendation;⁵⁸
- If there is a further negative decision from the IPAT, applicants can request a review of permission to remain;
- If, having exhausted all appeal options, the applicant is refused a residency permission in Ireland, there is no further right of appeal. They must then leave voluntarily or face deportation.

52 For more information see <http://www.ipo.gov.ie/en/IPO/InfoBookletNew.pdf/Files/InfoBookletNew>.

53 Applicants may request additional time to complete the questionnaire and this is usually granted.

54 The IPO has agreed with the UNHCR that it can accord priority to certain classes of applications for IP, including unaccompanied minors, aged out unaccompanied minors and those over 70 who are not part of a family group, applications with a likelihood of being well-founded, due to a medical report or due to the country of origin.

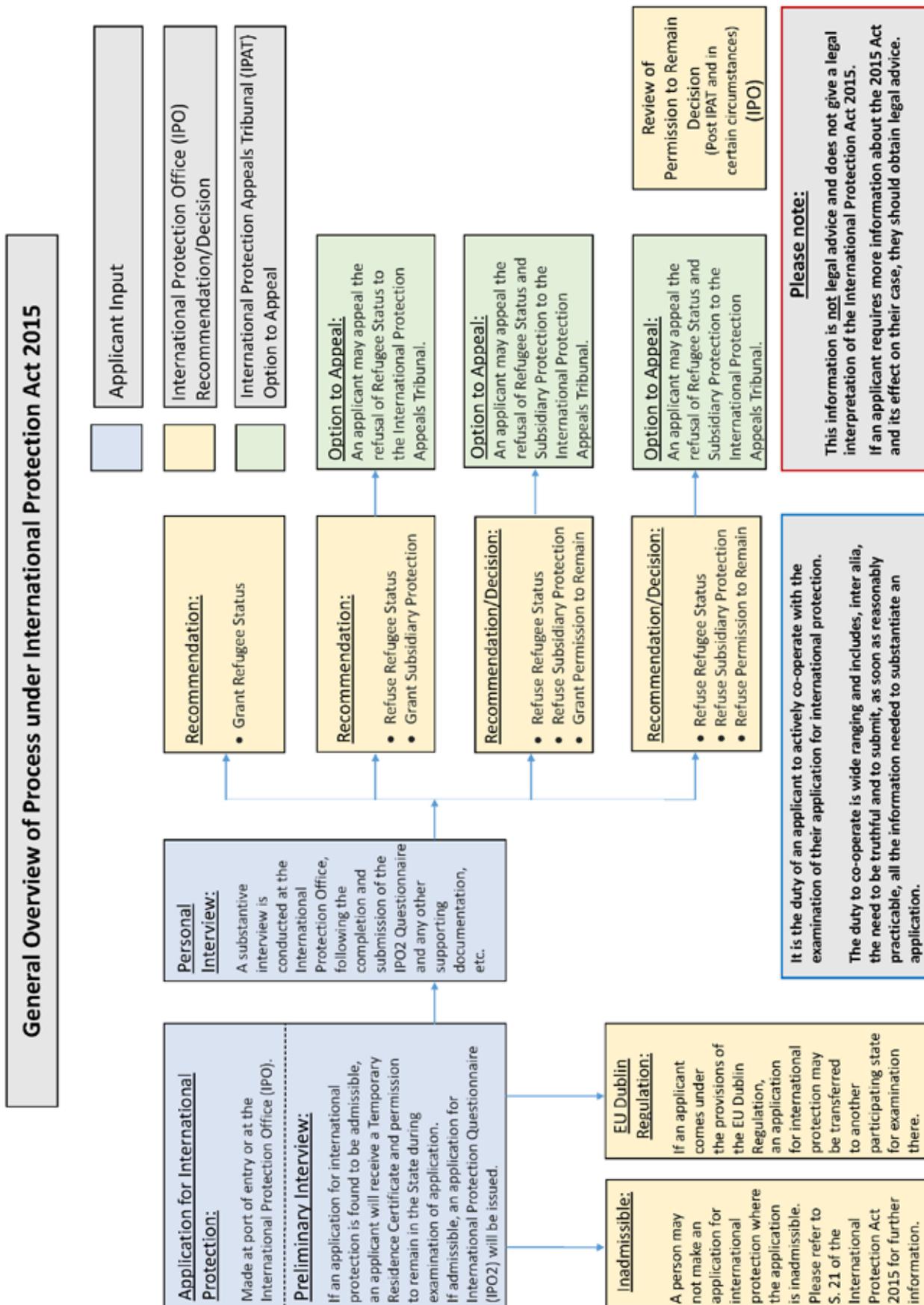
55 These figures represent the situation as of Quarter 1 2020, after which processing times have been affected by COVID-19.

56 For MDU approval following IPAT refusals it currently takes 9 months as applications return to IPO for PTR review.

57 15 working days for Substantive International Protection appeals, and 10 working days for accelerated international protection, Dublin, inadmissibility, reception conditions and subsequent appeals.

58 Quarter 1 2020. After this processing times have been affected by COVID-19.

Figure 3.1.1: General overview of process under International Protection Act 2015 MDU Decisions 2015 to 2019



3.1.1 MDU Decisions 2015 to 2019 (excluding IRPP⁵⁹)

Table 3.1.2 MDU Decisions based on IPO Recommendation (excl. IRPP)

MDU Decisions 2015 to 31.07.2020					
Year of Recommendation	Grant ⁶⁰	%	Refusal	%	Total
2015	334	15.1%	1,881	84.9%	2,215
2016	396	19.7%	1,610	80.3%	2,006
2017	171	55.7%	136	44.3%	307
2018	407	70.7%	169	29.3%	576
2019	669	40.7%	976	59.3%	1,645
2020 (up to 31.07.2020) ⁶¹	320	70.2%	136	29.8%	456
Total	2,297	45.35%	4,911	54.65%	7,205

Table 3.1.3 MDU Decisions based on IPAT Recommendation (excl. IRPP)

MDU Decisions 2015 to 31.07.2020					
Year of Recommendation	Grant	%	Refusal	%	Total
2015	219	36.9%	375	63.1%	594
2016	262	35.6%	474	64.4%	736
2017	77	21.9%	274	78.1%	351
2018	234	38.0%	381	62.0%	615
2019	404	34.3%	775	65.7%	1,179
2020 (up to 31.07.2020)	187	44.1%	237	55.9%	424
Total	1,383	35.13%	2,516	64.87%	3,899

Table 3.1.4 All MDU Decisions (excl. IRPP)

MDU Decisions 2015 to 31.07.2020					
Year of Recommendation	Grant	%	Refusal	%	Total
2015	553	19.7%	2,256	80.3%	2,809
2016	658	24.0%	2,084	76.0%	2,742
2017	248	37.7%	410	62.3%	658
2018	641	53.8%	550	46.2%	1,191
2019	1,073	38.0%	1,751	62.0%	2,824
2020 (up to 31.07.2020)	507	57.6%	373	42.4%	880
Total	3,680	38.47%	7,424	61.53%	11,104

It can be seen from the tables above that on average just over 45% applications succeed in the first stage while a further 35% are accepted on appeal. The overall grant rate of over the past 5 years is 38.5% (3,680 people⁶²).

59 Excluding IRPP Relocation Programme applicants.

60 Grants refer to Refugee Status Grant and Subsidiary Protection Grants.

61 Due to COVID-19 there were no grants issued between 19.03.2020 and 30.06.2020 apart from emergency issues.

62 Excluding IRPP relocation programme applicants.

3.2 Functioning of the decision-making process

3.2.1 Annual case loads

In 2015 new legislation introduced a single determination procedure for deciding on applications for international protection and permission to remain.⁶³ Prior to this Ireland had been the only EU Member State without a single procedure.

The single procedure resolved a number of problems. However, despite recommendations that cases which had not been decided under the previous system be processed before the start of the single procedure, these were not implemented. The new single procedure was handicapped from the beginning by the fact that the International Protection Office had to deal with a backlog of around 4,000 “legacy” cases from the previous system (under the Refugee Act 1996).⁶⁴ Since the principle of dealing with the oldest cases first was followed, this meant that starting work on new cases was delayed and the promise of a faster system never became a reality.⁶⁵ This situation was compounded by the fact that the new IPO and IPAT did not receive the human and other resources needed to run a time limited system.

3.2.2 The International Protection Office

The IPO is an office within the Immigration Service Delivery (ISD) area of the Department of Justice. The IPO is responsible for examining and processing applications for international protection under the International Protection Act 2015. The head of the IPO is the Chief International Protection Officer, who leads a team of international protection officers. The Chief International Protection Officer and their team are statutorily independent in the performance of their duties.

Between its start-up in 2017 and the end of July 2020, the IPO has taken in just over 12,300 applications for international protection, as well as dealing with the backlog of legacy cases from the previous system.⁶⁶ To the end of July 2020, the IPO has made approximately 10,840 recommendations/decisions since it began operating.⁶⁷

The quality assessment process operated by the IPO in cooperation with the UNHCR is to be welcomed. This reviews a proportion of IPO recommendations, relevant IPAT decisions (e.g. overturning IPO recommendations) as well as relevant court judgments and acts as a means of providing feedback to staff on the quality of the decision-making process. Relevant procedures are also amended, as required, to take account of lessons learned. The IPO has been undertaking decentralised interviews in locations such as Cork, Tipperary Town and Sligo. This initiative is to be welcomed as it reduces the need for applicants to travel to Dublin from direct provision accommodation centres in remote locations with poor public transport links.

As can be seen from the following table, apart from 2020 due to the COVID-19 outbreak, the number of new applications has been rising each year in recent years:

⁶³ The International Protection Act of 2015.

⁶⁴ For information on the legal framework prior to 2017 see Annex 8.

⁶⁵ A small number of exceptions to this principle were made, for example for vulnerable groups and refugees from Syria – see http://www.ipo.gov.ie/en/ipo/pages/prioritisation_applicants.

⁶⁶ All applications including IRPP relocation programme applicants and Mediterranean Search and Rescue.

⁶⁷ This figure represents first instance recommendations in respect of International Protection as well as decisions in respect of both Permission to Remain and Permission to Remain Review.

Table 3.2.1: IPO Applications 2016 - 2020⁶⁸

Year	Applications	% change on previous year
2016	2,244	-31.50%
2017	2,926	+30.4%
2018	3,673	+25.5%
2019	4,781	+30.2%
2020	923 (to end July)	-65.6% on same period in 2019

The backlog of cases in the IPO from the pre-2017 system has now been processed and in its 2020 (pre-COVID-19) business plan the IPO indicated its aim of dealing with almost all new applications within 9 months of their receipt. However, the outbreak of COVID-19 has slowed the decision-making process and, as of end July 2020, the IPO had 5,374 open cases. This means there is a substantial case load to be cleared before new applications can be processed within a 9-month deadline.

3.2.3 The International Protection Appeals Tribunal

The International Protection Appeals Tribunal (IPAT) is a statutory, independent body established under the International Protection Act 2015. It deals with appeals in respect of first instance negative recommendations on international protection status (refugee protection, subsidiary protection or both) issued by the IPO.⁶⁹ It also considers appeals under the Dublin Regulation⁷⁰ and appeals against recommendations that applications be deemed inadmissible or that the making of a subsequent application not be permitted. It also has jurisdiction in relation to the appeals of certain decisions made under the European Communities (Reception Conditions) Regulations 2018.⁷¹

When the IPAT began work at the beginning of 2017 it had 454 appeals on hand (due to the change in the system to the new International Protection Act 2015, which sent all unfinished cases back to first instance process at the IPO to be considered under the new single procedure). IPAT received 2,080 appeals in 2018 and 2,064 in 2019.

In 2019 it took around 8 months on average for IPAT to make a decision on cases which included transition cases due to the change in the system. With regard to appeals that were both accepted and completed within 2019, the time taken was significantly reduced to 4.7 months on average. For 2020 the IPAT set as an objective the reduction of the average processing time to 90 working days (4.3 months).

3.2.4 Permission to Remain Review in the IPO

If an applicant's appeal to the IPAT is unsuccessful they can apply to have the permission to remain element of their initial application reviewed at the IPO. Currently the permission to remain review process takes 9 months from the date of application in the IPO to the issue of the decision from the Ministerial Decision Unit (MDU). The proposed overall 12-month deadline for the new system does not include Permission to Remain Review at the IPO post-appeal stage.

⁶⁸ All applications including IRPP relocation programme applicants and Mediterranean Search and Rescue.

⁶⁹ The 2015 Act requires the IPAT to deal with appeals on an inquisitorial basis.

⁷⁰ EU Directive No 604/2013.

⁷¹ S.I. No. 230/2018. Examples of decisions subject to appeal by virtue of Regulation 22 of the 2018 Regulations include the entitlement of a person to reception conditions, the reduction or withdrawal of reception conditions and the refusal to grant or renew (or the withdrawal of) a labour market access permission.

3.2.5 Judicial review

Recommendations of the IPO and IPAT may be challenged in the High Court in a process of judicial review. Judicial review refers to the Courts' authority to examine any decision by an administrative body or legislative act and to invalidate it if it is contrary to constitutional or judicial principles. The process is concerned primarily with the decision-making process, rather than the substance of the matter concerned. Applicants must get permission from the High Court to apply for judicial review before they can take a case. The High Court can uphold or set aside a contested decision. If it upholds the complaint the application returns to the IPO or IPAT for a new decision.

Judicial review has played an important role in shaping the protection process. For example, following Court rulings, the right to work was granted to certain groups of applicants while other rulings prompted the introduction of the single procedure and have helped clarify the standard of proof required.

In 2019, 368 judicial review cases taken by applicants for protection were ongoing (530 in 2018). At the end of July 2020, there were 243 judicial review cases on hand at the IPO and 307 at the IPAT. Judicial review cases currently take on average 16 months for IPO related cases, and 9.25 months for the IPAT related cases.

Table 3.2.2: Asylum related judicial review proceedings 2010 - 2019

	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	Total 2010-2019	%
Applications received	368	530	497	458	164	187	385	440	703	936	4,481	
Total interim orders made:	369	916	683	435	284	211	349	340	316	401	4,304	
Liberty to apply for judicial review granted	325	556	551	314	124	98	213	195	129	135	2,640	61%
Liberty to apply for judicial review refused	1	73	30	15	14	24	29	40	40	120	386	9%
Interim asylum related orders	43	287	102	106	146	89	107	105	147	146	1,278	30%
Total final orders made	383	323	297	240	657	632	683	460	240	363	4,278	
Relief granted	44	174	20	34	89	72	77	29	29	42	610	14%
Relief refused	97	85	37	36	87	58	35	41	21	49	546	13%
Miscellaneous	107	0	97	50	172	168	221	110	117	109	1,151	27%
Struck out (no order)	135	64	143	120	309	334	350	280	73	163	1,971	46%

Source: Courts Service⁷²

⁷² Source pp. 55 - 56, Courts Service Annual Report 2019: <https://beta.courts.ie/acc/alfresco/9bd89c8a-3187-44c3-a2e9-ff0855e69cb5/CourtsServiceAnnualReport2019.pdf/pdf#view=fitH>, <http://www.courts.ie/Courts.ie/Library3.nsf/66d7c83325e8568b80256ffe00466ca0/0ae8253b2263c3b480257ffb00502601?OpenDocument>.

The High Court can decide to select a “lead” case which will then determine the legal issue for a group of cases where the same legal issue is raised repeatedly. These then become part of holding lists and must wait for the outcome of the lead case. Of the current IPAT case load of 307 cases, 226 are on a single “holding list”. The average processing time of this holding list of 226 cases is 30 months.

It is estimated that it takes 6 to 7 months from the initiation of proceedings to a hearing in judicial review cases. There are no fixed time limits for judicial reviews. Under the Constitution the Courts are free to manage their own business. The introduction of a case management system and the use of lead cases have certainly improved overall processing times. In the context of the upcoming White Paper announced for the end of 2020 in the Programme for Government, it would be desirable to consult the Courts Service to discuss whether there are resource or process issues which might usefully be discussed to reduce further the length of case processing times.

3.3 Access to legal advice, delays in process, lack of support throughout application process

Where applicants for protection have access to legal advice early in the process, both the quality and the timeliness of decision-making are improved. UNHCR considers that “the provision of legal aid contributes to the efficiency of the asylum procedure”.⁷³ The EU Asylum Procedures Directive states that “every applicant should have... the opportunity to consult a legal adviser”.⁷⁴

3.3.1 The Legal Aid Board

Currently applicants can apply for State-funded legal assistance which is provided via the Legal Aid Board (LAB) or, if they can afford it, can seek private legal assistance. The LAB has three law centres dealing with applicants for international protection in Dublin, Cork and Galway. It can support applicants through its own staff or by having recourse to a panel of private solicitors.⁷⁵ In addition, the Irish Refugee Council’s Independent Law Centre supports a number of applicants and at least one law firm provides pro bono support to people applying for protection. Table 3.3.1 shows the number of applications for legal aid received by the LAB.

Table 3.3.1: International protection applications for legal aid

Year	2015	2016	2017	2018	2019
Total no. International Protection applications received by LAB	1,537	1,658	1,489	2,079	2,571

Table 3.3.2 shows the number of international protection cases dealt with annually by the LAB law centres on an in-house basis over the past five years nationwide.

⁷³ UNHCR, *Improving Asylum Procedures: Comparative Analysis and Recommendations for Law and Practice*, March 2010, pp. 87-88.

⁷⁴ Directive 2013/32/EU.

⁷⁵ The Legal Aid Board (LAB) is a statutory, independent body that provides civil legal aid to persons of modest means within the State.

Table 3.3.2: International protection cases taken on in-house by LAB

Year	2015	2016	2017	2018	2019
Total no. International Protection cases taken on in-house ⁷⁶	1,537	1,658	849	800	576

From Table 3.3.3 it can be seen that the number of new cases referred to private solicitors has increased every year since 2015.

Table 3.3.3: The number of new cases referred to private solicitors since 2015

Year	2015	2016	2017	2018	2019
Total no. International Protection cases referred to private solicitors.	653	810	1,035	1,479	2,103

Although the LAB does not currently have a dedicated unit dealing with international protection, the vast majority of international protection applications are processed through the LAB's International Protection and Human Trafficking Unit located at its Law Centre in Dublin (Smithfield). As can be seen from Table 3.3.4, it has a small number of full-time solicitors and legal clerks and they deal with other matters in addition to international protection applications.

Table 3.3.4: Number of full-time equivalent solicitors and legal clerks

Law Centre	No. of Solicitors	No. of Paralegals
Cork Pope's Quay	1.5	1
Galway - Seville House	1	2
Smithfield - IP&HT	5.75	4.8

The Advisory Group discussed with the LAB the desirability of handling all cases in-house while retaining a smaller legal panel (subject to receiving the resources necessary to deal with such an increase in case load). This would help to ensure consistent quality standards, retention of expertise and help to process appeals within a fixed time limit.

The Advisory Group concluded that the LAB should be provided with sufficient staff and resources to handle all requests (i.e. 3,500 new applications) for legal aid in-house under the new permanent system. The number of hours needed for each case will vary according to its complexity. An allocation of around 20 hours per case up to first instance decision should be considered. The LAB should also be given resources to maintain a small external legal panel if needed. This should include supporting applicants who get permission to request judicial review of their cases. In addition, the Advisory Group concluded that the introduction of an alternative dispute resolution system that could use mediation type techniques to help resolve disputes on issues such as accommodation and reception conditions should be considered. It would be necessary to introduce legislation to make this possible, but it could usefully relieve the IPAT, the Courts and the applicants of costly and time-consuming disputes.

As with the IPO and IPAT (see Chapter 7), there is a need for specialised recruitment procedures for the LAB and for the creation of career paths and the possibility of career progression in the area of international protection.

⁷⁶ From 2017, referrals to private solicitors occurred at the outset of the process to ensure applicants received legal advice at the earliest stage. Prior to the commencement of the International Protection Act 2015, referrals more typically took place at the Refugee Appeals Tribunal stage. Hence, all applications received were dealt with by the Boards' dedicated offices up to the end of 2016. The use of private solicitors in International Protection cases at the outset of cases increased considerably in subsequent years.

3.4 What is needed to change the current decision-making process and what are the implications of change?

Five years after the McMahon Report, the length of time people spend waiting for a decision is still the single biggest problem to be overcome. This has been demonstrated many times and considerable effort has gone into improving the system in the IPO and IPAT. However, mistakes were made in saddling the new IPO with legacy cases instead of treating them separately and allowing the new system to start with a clean slate. The full complement of resources needed to process decisions in a timely manner was never provided and replacing and recruiting staff to fill vacancies has proved an ongoing burden. As a result, although both the IPO and IPAT have made considerable efforts to reduce the average time taken to process applications, neither has yet been able to meet the deadlines they have set for themselves.

The Advisory Group examined the work processes associated with each step in the process and the resources available to both bodies in some detail. It discussed with the IPO and IPAT what could be improved and what would be needed to enable both to deliver high quality decisions within a mandatory time period.

A new system with fixed time limits can only work if everyone involved, including the applicants, respects the time limits. Making legal aid available from the start of the process should help ensure that applicants submit questionnaires on time, attend interviews as scheduled, etc. However, the process may need to be modified further to deal with cases of non-cooperating applicants (for example, where the applicants do not respond or are not contactable).

The following section sets out the conclusions of the Advisory Group on the changes needed to deliver a high quality but faster and more predictable decision-making process. The staffing requirements that accompany the recommendations are examined in Chapter 7.

3.4.1 Shortening the International Protection Office process

Since commencement of the Act on 31 December 2016, the number of people working in the IPO never reached a sufficient level to enable more decisions to be taken within shorter time frames. When staff retired, were promoted or moved to other areas they were not always or quickly replaced. As a result, a large backlog of cases built up over time.

The Advisory Group discussed with the IPO how it could meet a 6-month deadline for first instance decisions by making its recommendations within that fixed timeframe (subject to receiving the resources necessary to deal with such an increase in case load). Given its additional complexity, the Advisory Group accepted that any future 6-month deadline should only apply to cases involving the Dublin procedure once a case has been accepted and an applicant has been transferred to the State.⁷⁷

From these discussions the Advisory Group concluded that:

- The operation of the legal panel used by the IPO should be reviewed. The panel worked well in the initial period after its establishment and has contributed substantially to the quality of the decision-making process. However, as panel members can also engage in other work, there can

⁷⁷ EU Directive No 604/2013. The Dublin procedure provides a mechanism for determining which country is responsible for examining an application for international protection that has been lodged in one of the Member States by a third-country national or a stateless person. The Dublin Regulation provides that the entire Dublin procedure cannot last longer than 11 months to take charge of a person, or 9 months to take him/her back (except for absconding or where the person is imprisoned).

now be more lengthy delays in some panel members completing their reports and the number of people actively available from the panel has reduced over time. Therefore, a large part of the work currently done by the panel should be moved into the IPO to be carried out by suitably qualified IPO staff, allowing it to be scheduled more efficiently and within deadlines. A smaller legal panel, contracted to work almost full-time with the IPO or contractually committed to a certain number of hours per year, should also be retained;

- The new staff recruited for case processing purposes should have the necessary training and/or qualifications (for example, a third level legal qualification with modules in refugee and human rights law or relevant experience in this policy area). A specialist competition should be run by the Department of Justice for the recruitment of such staff (see also Chapter 7). Once in place all staff should receive ongoing training and support;
- The quality assessment process operated by the IPO in cooperation with the UNHCR is to be welcomed. It reviews a proportion of recommendations made by the IPO, relevant IPAT decisions (e.g. overturning IPO recommendations) as well as relevant Court judgments; it also acts as a means of providing feedback to staff on the quality of the decision-making process. Relevant procedures are also amended, as required, to take account of lessons learned. This process should be continued and enhanced;
- The IPO initiative to decentralise interviews in Cork, Tipperary Town and Sligo should continue in relevant locations outside Dublin, even with the replacement of direct provision with other housing models;
- The part of the MDU work which relates directly to the issuing of decisions arising from IPO recommendations should be moved into the IPO. It is currently a separate work area of the Immigration Service Delivery function of the Department of Justice which processes IPO recommendations for final Ministerial decisions. This extra step currently adds 2 to 4 months to the decision-making process. During the COVID-19 crisis the IPO took on the task of doing security/Garda checks on applicants instead of forwarding pre-cleared files to the MDU and this process should continue. To respect the separation of functions set out in the International Protection Act 2015 this function should be managed by the Director of Operations in the IPO rather than by the Chief International Protection Officer;
- The application process should be simplified by significantly reducing the length of the IPO questionnaire which is currently approximately 60 pages long. It is still largely paper based and requests for access to the files from those providing legal aid to applicants involve a heavy, paper-based burden. The questionnaire should be made available online;
- Recordings of interviews should be introduced and provided to applicants within 10 working days following the interview. These should be unedited copies of the audio recording of the interview;
- The recommendations made elsewhere in this Report for the enhanced electronic processing of applications would save time and resources;
- The staffing and other resource needs of the IPO should be increased and subsequently maintained at a level that allows it to process 3,500 new recommendations a year within a 6-month timeframe for decisions (see Chapter 7 for more detail).

3.4.2 Shortening the International Protection Appeals Tribunal process

The Advisory Group discussed with IPAT what changes to its working methods would be needed for it to be able to process around 2,700 appeals (75% of 3,500 per year, which is an approximate estimate based on current recognition rates of the cases that will be appealed) a year within a mandatory deadline of 6 months. On the basis of these discussions the Advisory Group concluded that:

- The period of office of Tribunal members should be extended from 3 to 5 years, renewable once without having to reapply;
- The number of full-time Tribunal members should be increased from 3 to 10 (in addition to the Chairperson and 2 deputy Chairs who are also full-time members of the Tribunal);
- The number of Tribunal administration staff should also be increased to facilitate an increase from 2,000 to 2,700 cases per annum;
- IPAT should be enabled to hold remote/audio video hearings, on an opt-in basis, in various locations around Ireland (subject to satisfying the privacy and data protection rights of applicants and with their permission);
- The use of part-time members should be reduced to reflect the change in workload following the increase in full-time members;
- The relevant legislation should be changed to allow the IPAT to set aside their own decisions where it is clear that due to a procedural error or omission the decision should otherwise be quashed.

3.4.3 Expanding the role of the Legal Aid Board

The Advisory Group discussed with the LAB what would be needed to enable it to provide legal aid to each application for international protection from the moment an application is made until a final decision has been taken. On the basis of these discussions the Advisory Group concluded that:

- The LAB should be sufficiently staffed and resourced annually to support 3,500 new applicants for international protection who wish to avail of legal aid from the reception stage until a final decision has been taken, including the judicial review stage. The number of hours needed for each case will vary according to its complexity. An allocation of around 20 hours per case up to first instance decision should be considered. The LAB should also be given resources to maintain a small external legal panel if needed. The LAB should re-establish a judicial review unit dedicated to examining judicial review issues in cases where it is considered that there may be merit in taking judicial review proceedings. These steps would help to ensure that the principles of fair, fast and consistent decision-making are implemented and would help the IPO and IPAT to meet the case deadlines recommended in this Report;
- The LAB should have a dedicated unit, in addition to its 3 law centres in Dublin, Cork and Galway, for dealing with international protection cases and these should be adequately resourced, with vacancies being filled on a priority basis as they arise.

3.4.4 Improvements in information and communications technology

The current information technology (IT) situation in the Department of Justice presents a number of significant challenges throughout the Department, each one of which applies to the international protection process. The Advisory Group established a sub-group to look at potential information and communication technology (ICT) improvements to the international protection process which would help realise efficiencies and improve the applicant experience.⁷⁸

The Department's Management Board has recently approved a comprehensive multi-year ICT strategy that, if sufficiently resourced and implemented, will considerably improve service delivery, information analysis, trend forecasting and the user (external and internal) experience in all areas of the Department. The sub-group noted that while the new Strategy is Department wide, the requirements of the international protection service are given strong support within the new strategy.

Requirements for a new IT system in the international protection process

Based on the work of the sub-group, the Advisory Group recommends that the overall objective should be to deliver a comprehensive person-centric case management system for the international protection system. It should improve the applicant experience, enhance the efficiency of the whole system and provide the necessary analysis to identify trends and emerging problems and so contribute to a fast and focused response. Within the overall Immigration Services Delivery (ISD) area, international protection is at the lower end of the scale in terms of volume, (3,500 approx. applicants per annum), but at the higher end of the scale in terms of complexity.⁷⁹

Basic requirements for the future should include:

Applications:

Introduction of an online system that enables an applicant's case to be tracked at each stage in the process – from initial application to discharge from the system following final decision.⁸⁰

The initial part of the applicant processing system should be the same for all applicants. This should be done by a cohort of staff with specialised expertise and knowledge and access to relevant databases/systems. Once the identity of the applicant is established at the initial stages of application, it should not need to be done again in further processes related to the applicant, as is currently the case.

Provision should be made for electronic access for applicants, legal guardians, legal representatives and other relevant persons where duly authorised, with necessary safeguards including consent where such is required and subject to robust security, confidentiality and General Data Protection Regulation (GDPR) requirements. Once in place the new system should include the capacity for applicants to be informed of the stage of the process their application has reached.

Accommodation:

Better accommodation matching is required for applicants including diverse groups such as vulnerable and at-risk applicants. In the IPAS accommodation area, the existing IT system is not particularly well structured, and staff find it difficult to track who is where on the system and to produce reliable statistics.

⁷⁸ The sub-group consisted of representatives from the IPO, IPAT, MDU, IPAS/IPPS and the Operations and Service Delivery and ICT Division of the Department of Justice, as well as external representatives. The IT sub-group report is at Annex 10.

⁷⁹ Immigration Services are high volume including for example over 140,000 Visa applications and over 12,000 Citizenship applications per annum by comparison with the expected 3,500 International Protection applications per annum.

⁸⁰ Including access for the applicant.

The ISD section of the Department has completed the specification for a new Bed Management System to track applicants in the system in real time and produce reliable statistics. This is expected to be in operation in the first half of 2021. The new system will need to be capable of interacting with other providers of accommodation as the Advisory Group's recommendations regarding earlier moves to own-door accommodation are implemented. Items which also need to be integrated into an accommodation IT system include management of contracts, inspections, vetting, and vulnerability assessments.

Exchange of information/interoperability:

System inter-operability will be a key requirement, with data protection and sharing agreements to be defined with other relevant State bodies. Security and GDPR considerations are both of central importance.

The new system will need to provide for effective exchange⁸¹ of information within the Department of Justice and with other Departments including the Department of Children, Equality, Disability, Integration and Youth, the Department of Social Protection, the Department of Education, the Department of Further and Higher Education, Innovation, Research and Science, the Department of Health, the Health Service Executive (HSE) and the local authorities and, where appropriate, with official and voluntary bodies involved in providing services or assistance within the international protection process. In view of the transfer of functions to the Department of Children, Equality, Disability, Integration and Youth, this Department needs to be involved from the outset in the design and development of the new system.⁸²

The new system should include a flagging mechanism to alert other relevant Departments to specific requirements (e.g. information for people who present for registration and then go to their own accommodation, changes in the status of the applicant, aggregate but non individual specific information on issuing of driving licenses, opening of bank accounts, etc.).

Efficiencies/Management Information:

In designing the new systems every opportunity should be taken to produce efficiencies in the system which would contribute to faster case processing, and more effective staff training thereby leading to faster decision-making.

Management information is a key requirement and the system should be designed to include data mining and trend analysis and should contribute to informed assessment and decision-making in future planning and demand management.

Technology based tools which are now in common use including scanning and audio/video conferencing should be deployed as a matter of course where viable.

⁸¹ Any exchange of data will need to comply with current rules on data privacy.

⁸² Including the necessary data protection provisions.

Working towards a new system - business processes

Development of any IT system should commence with critical review and documentation of the processes in the business units involved in the IPO process. During year 1 all processes should be examined and a target operating model defined. An appropriate Business Process Management (BPM) tool should be sourced to assist in this process.

Considerable work was done in May 2019 to document the processes in place in the IPO and the MDU. Work has also been done in IPAT in this regard. The processes range from those which are relatively straightforward to those which are significantly more complex in some instances. The process mapping needs to be followed through to encompass an end-to-end perspective on the international protection process.

The Department of Justice, as part of the Transformation Programme carried out in 2019, has created a dedicated Business Change Unit tasked with leading and delivering change initiatives, business process improvement and business readiness activities.

Within the ISD function, a Quality Office was established in early 2020, tasked with ensuring that units make high-quality decisions that are legally robust. Its goals are to reduce 'process based' judicial reviews, identify inefficiencies, create consistency and provide good customer service.

The Advisory Group recommends the creation of a project team comprising representatives of Business Change, Quality Office, IPO and MDU which should be tasked with mapping complete end-to-end processes, identifying efficiencies and enabling the MDU to become part of the IPO. Consideration should be given to how the IPAT engagement with this process will be managed given the independence of that office.

Working towards a new system – technology strategy

The ICT Strategy of the Department of Justice has identified a number of significant challenges, each of which applies to the international protection process. These include:

- A significant number of paper-based processes;
- Applications within the Department operating in silos, with limited interoperability, and some key applications which have been out of support for some time (with others about to go out of support);
- The lack of a fail over system as part of Business Continuity Plan and Disaster Recovery, despite resilience and some high availability in service provision;
- Limited applications to support collaborative working;
- Fragmentation of data across the organisation, limiting the Department's ability to drive evidence-based insights.

The Strategy outlines 3 key areas of immediate and urgent focus:

- Firstly, a need to re-platform case management systems, moving them onto modern systems and away from point solutions, to allow functional workflows to be supported across the Department. Underpinning this work will be a design that focuses on re-using common components and processes to reduce replication;
- Secondly, a requirement to create an environment where members of staff have the necessary tools to work in a collaborative and productive manner and the public can access services easily;
- Thirdly, immediate efforts to improve data, not only to underpin the provision of digital services but also to support analysis.

Within the Strategy, the pressing need to replace immigration-related case management systems, including those in the international protection area, is identified and supported.

The Department will be seeking increased funding for ICT investment to deliver on this strategy as part of the estimates process and in respect of which consultation is currently underway with the Office of the Chief Information Officer and the Department of Public Expenditure and Reform. The Department is currently seeking to recruit an Assistant Secretary who will have responsibility for ICT. The Advisory Group supports the Department's approach and believes that the development of improved IT systems within the international protection area is likely to be most effective and efficient when it is delivered within the ambit of the new comprehensive Department wide strategy.

Working towards a new system – governance and project management

In the time available the IT sub-group could not get into the detail of the improvements needed in the IT systems nor could it get involved in a detailed examination of the technology options that should be considered or the costs involved. It is likely however that a blended team of external and internal resources will be required for delivery.

As a sub-group of the Advisory Group, the sub-group will cease to exist when the Advisory Group finishes its work. The composition of the IT sub-group brought together representatives of all the relevant business areas and the Department's ICT area together with useful support from Department of Social Protection, the the Office of the Revenue Commissioners and the Government's Chief Information Officer (CIO). The practical experience of the Department of Social Protection and the Revenue Commissioners in public facing digital services, online services, security, identity management, legal authentication and project management is of particular relevance and should be incorporated in future work. It is likely that the Department of Justice will establish a Programme Board to oversee implementation of its ICT Strategy. The nucleus of the IT sub-group therefore could form a basis for effective Project Oversight or Project Management in the development of the new IT systems in the international protection area.

Timeframe for delivery

The Advisory Group is recommending that transition to the new system of direct provision should be completed by mid-2023. One part of the rationale for that date is to allow sufficient time to introduce new IT procedures. It is realistic to accept that delivery of comprehensive new IT systems will take some time if they are to be properly done. The Advisory Group considers therefore that a target delivery date of mid-2023 for the new system is reasonable.

What could be delivered in the immediate future?

The IT sub-group has discussed a number of areas where both the applicant experience can be improved and efficiencies can be gained between now and mid-2023. These are listed, together with indicative timeframes, in Section 7 of the sub-group's report at Annex 10.

3.4.5 Improving the quality of interpretation

Throughout the legal process there is a need for high quality interpretation to ensure that applicants understand the process and can make their case in their own language. The Advisory Group noted that the right to the assistance of an interpreter (in criminal proceedings) is set out in EU legislation (Directive 2010/64 EU) which has been transposed into Irish law for the Gardaí and the Courts. The EU directive states that the quality of the interpretation "shall be of a quality sufficient to safeguard the fairness of the proceedings, in particular by ensuring that ... persons have knowledge of the case against them and are able to exercise their right of defence".⁸³ While international protection proceedings are not criminal proceedings, the logic of requiring high quality of interpretation in the interest of justice and protection of human rights remains the same.

The 2013 EU Procedures Directive (recast) also sets out this obligation: "Member States shall take appropriate steps to ensure that personal interviews are conducted under conditions which allow applicants to present the grounds for their applications in a comprehensive manner. To that end, Member States shall "...select an interpreter who is able to ensure appropriate communication between the applicant and the person who conducts the interview".⁸⁴

However, unlike many other jurisdictions, there is no accredited training for legal interpreters in Ireland and they are not tested to establish that they can provide competent interpretation. Therefore, anyone who can speak English and another language can present themselves as an interpreter from that language into English. In public requests for tender to date, such as for the Gardaí, the minimum standard required for interpreting into English from another language is the Further Education and Training Awards Council (FETAC) level 5 and a minimum of 70 hours of interpreting experience. FETAC level 5 is the equivalent of the Leaving Certificate and is clearly inadequate to demonstrate a sufficient knowledge of legal terminology and ethical principles in both languages.⁸⁵

The McMahon Report raised the issue of the quality of interpretation and made a number of recommendations including the introduction of formal procedures for training interpreters and registering those who had completed training. It also recommended creating an accreditation system and moving to making accreditation a requirement for tendering to provide interpretation services.⁸⁶

Despite these recommendations, the uneven quality of interpretation remains a problem and, during its work, the Advisory Group was informed of ongoing problems with interpretation. For example, the IPAT informed the Advisory Group that 11.2% of postponements of hearing were due to interpreters not being available, an interpreter for the wrong language/dialect having been booked or the interpreter's inability to provide services to the required standard necessary to ensure adequate communication in the international protection context. The IPAT has developed a "Code of conduct and standards for

83 See <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32010L0064&from=EN>.

84 Article 15 (3) (c).

85 In the forthcoming request for tender for interpretation services, all proposed interpreters must have attained the required English language proficiency standard as follows: For top 10 main usage languages, level 4 proficiency standard on the 'Common European Framework of Reference for Languages' ("CEFR") or equivalent across all language competences (listening, reading, spoken interaction, spoken production, writing) in English, evidenced by way of an externally validated certificate. For other main usage languages and for medium to low demand languages interpreters must have achieved independent user level 3 proficiency standard.

86 See Working Group Report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, Final Report, June 2015, pp.123-124.

interpreters”, based on issues presented in its work and on international best practice. This should be included in future contracts with interpretation service providers and could be used by the IPO and other bodies as appropriate. It has also produced a short form setting out “Key standards for the provision of interpretation standards at the IPAT” that interpreters are required to read and sign. In view of the importance of quality interpretation to a fair process, the Advisory Group recommends an accreditation test for anyone seeking to provide interpretation in the international protection process. This could be stand alone or part of a larger process for the whole judicial system. In addition, consideration should be given to requiring an academic qualification in interpretation or to an appropriate linguistic level.

Recommendations from Chapter 3

In the new permanent system the decision-making system should be changed and supported as follows:

Changes recommended for the International Protection Office

- 3.1: The IPO should have an obligation to complete all first instance recommendations within a fixed timeframe that ensures decisions can be taken within 6 months of an application for international protection being lodged. The same timeline should apply to cases in the Dublin process as soon as they are accepted and an applicant has been transferred to the State.
- 3.2: The IPO should be strengthened and given sufficient, appropriately qualified resources to handle a greater share of cases in-house. The IPO should also retain a smaller legal panel (to reflect the change in workload following the staff increase for the IPO), working almost full-time with the IPO.
- 3.3: The IPO quality assessment process operated by the IPO in cooperation with the UNHCR should be continued and enhanced.
- 3.4: The MDU work which relates directly to the issuing of decisions arising from IPO recommendations should be located in the IPO and should report to the IPO’s Director of Operations to maintain the separation of functions specified in the International Protection Act 2015.
- 3.5: The IPO questionnaire should be shortened significantly and made available electronically, without affecting the rights of applicants to attach additional data in support of their applications.
- 3.6: Recordings of IPO interviews should be introduced and provided to applicants within 10 working days following the interview.
- 3.7: The IPO initiative to decentralise interviews should continue and be rolled out to additional regional locations.

Changes recommended for the International Protection Appeals Tribunal

- 3.8: The IPAT should have a fixed timeframe of 6 months for the delivery of its decisions.
- 3.9: The period of office of Members of the IPAT should be increased from 3 to 5 years, renewable once without having to reapply.
- 3.10: The number of full-time Tribunal members should be increased from 3 to 10 (in addition to the full-time Chairperson and two deputy Chairs) and maintained at that level.
- 3.11: The number of tribunal administration staff should also increase to facilitate an increase to 2,700 cases per annum.

- 3.12 The use of part-time members should be reduced to reflect the increase in full-time Members.
- 3.13: The relevant legislation should be changed to allow IPAT to set aside their own decisions where it is clear that due to procedural error or omission the decision should otherwise be quashed.
- 3.14: In certain cases, and with the consent and full protection of the rights of the applicants, IPAT should be authorised to conduct remote video link hearings from around the country.

Changes recommended for the Legal Aid Board

- 3.15: The LAB should be given sufficient staffing and resources annually to enable it to support 3,500 new applicants for international protection who wish to avail of legal aid, covering early legal advice at the reception stage until a final decision has been taken, including the judicial review stage. This would help to ensure that the principles of fair, fast and consistent decision-making are implemented and help the IPO and IPAT to meet the case deadlines recommended in this Report. The LAB should have a dedicated unit for dealing with international protection cases and this should be adequately resourced, with vacancies being filled on a priority basis as they arise.
- 3.16: Consideration should be given to the introduction of an alternative dispute resolution system through legislation authorising the use of mediation type techniques to help resolve disputes on issues such as accommodation and reception conditions.

Changes recommended for Information and Communication Technology

- 3.17: The Advisory Group recommends that the basic requirements of the international protection process should be delivered as part of a comprehensive IT system that should be developed as part of the wider multi-year IT development strategy of the Department of Justice. This should focus on delivery of a comprehensive, person-centric IT case management system that improves the applicant experience, enhances the efficiency of the whole system and provides the necessary analysis to identify trends and emerging problems and so contribute to a fast and focused response.
- 3.18: All IPO, MDU and IPAT processes should be reviewed by the end of the first quarter of 2021. This review should include the recommended changes/improvements to the international protection process set out in this Report and which can be facilitated or enabled by IT – for example the one-stop-shop approach of a multi-services multi-agency centre onsite in the reception centre(s) to help applicants access necessary services and entitlements, including legal aid and post-reception centre housing placement.
- 3.19: The Advisory Group recommends that work on the new IT system and the provision of additional technology tools needs to commence immediately and given the resource implications this work needs to have certainty of funding from early 2021.
- 3.20: The Advisory Group recommends that continuation of the nucleus of the IT sub-group should be actively considered by the Department Management Board.
- 3.21: The Advisory Group considers that a target delivery date of mid-2023 for the new system is reasonable.

Changes recommended for Interpretation

- 3.22: An accreditation test should be introduced for anyone seeking to provide interpretation in the international protection process from mid-2023.
- 3.23: Codes of conduct, similar to that used by the IPAT, should be used in the IPO and other relevant bodies which use interpretation.



Chapter 4

Accommodation

Chapter 4: Accommodation

4.1 Accommodation issues: what needs to change?

4.1.1 Short and medium-term approaches

The current system of direct provision was not designed as a long-term system. It has evolved as circumstances changed but has always been reactive, dealing with problems as they arise rather than as part of a coherent, purpose designed system. In the light of previous reports and the evidence provided by civil society and former and current residents of direct provision centres, the Advisory Group concluded that the current system for accommodating applicants for international protection should be ended. It based its recommendations for a new system on:

- First, making proposals for a permanent, sustainable and agile system that would meet Ireland's European Union (EU) and international commitments and respect the rights and dignity of future applicants;
- Second, proposing steps to ensure an orderly and efficient transition for those already in the current system as the new permanent system is phased in.

In making its proposals for a new, permanent system the Advisory Group sought to build on existing systems so that our recommendations could be implemented more quickly while being tailored to the specific circumstances of applicants for international protection. The successful Irish Refugee Protection Programme (IRPP) used to support refugees coming from, for example, Syria was seen as a useful model.

The following sections set out the conclusions and recommendations of the Advisory Group for a three stage future permanent system that would reflect the State's responsibility for the protection process and its EU and international obligations. It looks at the particular situation of children and vulnerable adults including trafficked women in the system. It then examines the case of applicants whose applications are refused after all avenues of appeal have been exhausted.

4.2 A permanent, State-led system

The permanent system should have 3 main stages:

- Initial reception;
- Support for applicants while applications are being processed;
- Support post-decision for a limited period.

Figure 4.2 Summary of recommendations on accommodation and supports from mid-2023

During first 3 months after application:

- Accommodation in reception centres.
- Weekly allowances per adult and per child.
- Medical and vulnerability assessments.
- Multi-service preparation for independent living (medical card, housing placement, right to work, Personal Public Service (PPS) number and temporary residency cards, education and training including English lessons).

After reception centre until after a positive decision is made:

- Own-door accommodation in a local community, housing allowance aligned with Homeless Housing Assistance Payment (HHAP).
- Social welfare allowance aligned with mainstream income supports.
- Multi-service support with work placement, access to education and training, medical card, integration support for up to 18 months.

After a negative decision is made and all avenues of appeal are exhausted:

- Own-door accommodation in local community, housing allowance aligned with HHAP continue for final 3-6 months.
- Social welfare allowance aligned with mainstream income supports continue for up to 6 months.
- Multi-service support with work placement, access to education and training, medical card, integration support continue for final 3-6 months.

4.2.1 Stage One – initial reception system for all applicants

All applicants for international protection have an interest in co-operating with the decision-making process in order to ensure that all relevant information pertaining to their application is provided and considered in a timely manner. The time limited procedures recommended by the Advisory Group can only be met with the active co-operation of the applicant. This includes completing the IPO questionnaire as fully as possible and within the specified deadline, being available for scheduled interviews and availing of the proposed free legal aid in support of their application.

The deadlines recommended by the Advisory Group should start as soon as a person applies for protection. A large number of applicants will need State-provided accommodation which should initially be in reception centres for a period of up to 3 months. Applicants who do not require such accommodation should not be obliged to stay in reception centres but should be strongly encouraged to engage with the services provided through the reception centre(s) and to co-operate fully with the process if the recommended deadlines are to apply.

The reception system should be a one-stop-shop, ensuring that all applicants are helped to make their applications and informed of their rights and entitlements in a positive and welcoming environment. The reception process should include a range of supports and accommodation for those who need them.

4.2.2 Supports while in the reception process

As soon as possible after arriving in the reception centre(s) the applicant and any accompanying family should be registered. The process should involve the issuing of temporary residence cards and PPS numbers. In order to facilitate rapid processing, the International Protection Office (IPO), Intreo⁸⁷ and the Citizens Information Board should have offices onsite in the reception centre that can be run on a clinic basis and which should be part of an onsite multi-agency social services support and delivery office. This would help to inform applicants of their entitlements and how to apply for them. Part of this support should include maintaining a skills data base, help with the preliminary process of applying for permission to access the labour market, information and support with applying for education and training courses, including referral to Education and Training Boards (ETBs), links to the Intreo employment activation process and information on getting recognition of foreign qualifications. The support office should also provide help with making applications for driving licences, opening bank accounts and other practical administrative issues.

All applicants should be offered medical checks on-site. This should not be compulsory but take-up should be encouraged. In line with EU and Irish legislation, a vulnerability assessment to identify special reception and/or procedural needs should be carried out for all applicants within 30 working days of making an application for protection.⁸⁸ Particular attention should be paid to the needs of children as well as vulnerable adults. Arrangements for their particular needs should be initiated in line with the vulnerability assessment while they are in the reception centre.

To facilitate these processes the Health Service Executive (HSE) should have access to facilities on site to carry out these checks and assessments. While in the reception centre applicants should be helped to apply for medical cards (which they will need once they leave the reception centre). Medical cards should be linked to their post-reception centre location (see stage 2 below) so that they

⁸⁷ <https://www.gov.ie/en/campaigns/fb84c0-intreo>.

⁸⁸ This would be in conformity with the EU Procedures Directive (Directive 2013/32/EU) which Ireland has not transposed into Irish law.

have immediate access to a GP when they move to their decentralised accommodation. Applicants who are not staying in the reception centre should also be able to avail of this support in order to secure medical cards (means-tested).

Legal aid should be provided free of charge through the Legal Aid Board (LAB) to all applicants who wish to avail of it. This should include practical and legal support with completing the protection questionnaire within the time limit required for its return to the IPO (currently 15 working days, with the possibility of an extension), support during the interview process including attending the interview and, if applicable, during the appeal and permission to remain review process and judicial review. The LAB should have access to an office onsite in the reception centre(s) and also provide support through its regional offices throughout the legal process.

While in the reception centres(s) the current weekly allowance of €38.80 per adult and €29.80 per child should be paid. These allowances should be revised upwards from January 2021 and kept under regular review so that they can be adjusted in line with the cost of living. As recommended by the Ombudsman for Children, an additional allowance should be paid to parents to help cover the costs associated with their children's education.⁸⁹

English language lessons should be provided in the reception process, and particularly for those in the reception centre(s). A cultural orientation programme (welcome to and getting to know life in Ireland) should also be available for all. Special language classes and preparation for attending mainstream school courses should be available for school-age children. While in the reception centre, children should attend local, mainstream schools. Some of these schools have received support to cater for the intake of new pupils during the school year and teachers in these schools have been trained and have developed the skills necessary for integrating children from different backgrounds.

A full list of the supports that the Advisory Group recommends should be made available to applicants can be found in Annex 11. This is based on the successful IRPP model.

4.2.3 Accommodation while in the reception phase

Accommodation in this phase should be in one or more reception centres. The current accommodation capacity of the main Baleskin reception centre in Dublin is around 530. Baleskin is not State-owned, which could create future uncertainty about the longevity of its availability.⁹⁰ As a matter of principle, given the responsibility of the State for the administration of the international protection process, the Advisory Group considers that the reception centre(s) should be State-owned and with sufficient capacity to accommodate a throughput of around 3,500 applicants per year. In practice this means that the State should review whether to continue contracting the Baleskin facility and/or to build new, purpose built reception facilities on State-owned land (for example, in Dublin, Limerick and Athlone on State-owned sites which could be repurposed).⁹¹ If a purpose-built State-owned centre is envisaged for the medium term then, as part of contingency planning, the capacity should be increased to allow a buffer for overruns and for refurbishment between arrivals. The centre should also have sufficient accommodation to provide for quarantine facilities which may be needed from time to time. The need for and lack of quarantine facilities has been highlighted in the recent COVID-19 outbreaks in direct provision centres.

⁸⁹ Ombudsman for Children, Direct Division - Children's views and experiences of living in Direct Provision, July 2020.

⁹⁰ It should be noted that the current State contract for the Baleskin centre expires on 7 January 2023.

⁹¹ For example, the mandate of the Land Development Agency could be expanded to include acquiring and developing one or more State-owned reception centres into its future planning and to provide for the special accommodation needs of certain categories of applicants for international protection.

The accommodation to be provided in the State-owned reception centre(s) should meet State-determined standards and respect the privacy and dignity of applicants. Families should be kept together and singles should, as far as possible, have single rooms and in no case should more than two unrelated people have to share a bedroom.

Special care should be taken to provide appropriate accommodation for vulnerable applicants such as those who have been traumatised (for example, victims of trafficking or sexual or gender-based violence). Following on from the vulnerability assessment, specific support plans should be drawn up to meet identified needs. At present there is no data on the needs of the more vulnerable applicants, and this is required to ensure that appropriate services are made available, including where specific accommodation may be necessary.

Since applicants will have a limited stay in the reception centre, individual cooking facilities, while welcome, will not be needed in every case. There should be some facilities for family cooking in communal kitchens and there should also be a dining hall catering for those who are unable or do not wish to cook.

4.2.4 Arranging post-reception centre accommodation

To help applicants move on from the reception centre(s) it will be essential to take their stage 2 housing needs into account as soon as possible. A central part of the new system should be the establishment of an **accommodation allocation/matching service**, which would be located in the reception centre(s). This service should work directly with a broad range of organisations including local authorities, Approved Housing Bodies (AHBs), non-governmental organisations (NGOs) and community volunteer groups to match people with accommodation across all local authority areas (see below). This part of the process should be the responsibility of the Department of Housing, Local Government and Heritage, implemented through the local authorities. The IPAS practice of working with secondees from other Departments and public service agencies has proved useful in terms of faster problem solving and spreading awareness of EU and national protection policy and this could usefully be continued in the future model.

While in the initial reception centre, people should be assessed and approved for stage 2 housing and income supports by the Department of Housing, Local Government and Heritage and the Department of Social Protection.

The Advisory Group stresses the crucial importance of an active accommodation allocation/matching service. This service will need to be adequately staffed and resourced to ensure a steady flow of placements in order to prevent backlogs building up in the reception centres. If there is any delay in sourcing suitable accommodation, applicants will not be able to move out of the reception centre, backlogs will build up again and the shorter timeframes proposed in this Report will not be met.

4.2.5 Stage two – while applications are being processed

Following a 3 month stay in the reception centre, applicants should be assisted to move to temporary, own-door accommodation.⁹² As in the case of the local homeless population, local authorities should be responsible for sourcing this accommodation. The Advisory Group welcomes the commitment in the Programme for Government to an annualised capital and current investment programme to support its proposals to end direct provision. However, looking at recent annual new build completions it will take time to bring sufficient new capacity on stream. In meeting their obligation to provide own-door accommodation, the local authorities should draw on all available sources – for example, they could provide State-owned or housing association accommodation or access to privately owned accommodation depending on what is available in the local area – but all of it must meet State-determined standards.⁹³

The government should mandate local authorities to source suitable housing. Without a legally binding obligation it will become very difficult to meet the timeframes recommended in this Report. This legal obligation must be accompanied by the resources needed to meet this obligation. The main criteria (such as the number of people to be accommodated each year by each local authority and location in population centres of a minimum size to provide the necessary services) should also be decided nationally and then systematically applied at local level. Legislative change should be made if required to facilitate this recommendation.

Applicants should be accommodated in different locations, based on a distribution key designed to accommodate and facilitate the integration of people in local communities across the country. The distribution key should be based on criteria such as the local availability of critical services such as health and education, transport and employment prospects. In principle, applicants should be accommodated in towns of sufficient size to be in easy reach of all necessary services. Housing applicants in remote, isolated areas should be avoided.

Care should be taken to match accommodation to individual needs as far as possible. People should be informed about their future, temporary accommodation as early as possible and be given local information to help them prepare. This means that allocation decisions should be made while applicants are still in the reception centre.

4.2.6 Funding and Rental Cost

To cover the cost of stage 2 accommodation for residents, a means-tested housing allowance payment should be provided.⁹⁴ This allowance should be based on the Homeless Housing Assistance Payment (HHAP). It should be equivalent to and not less than the HHAP. The payment should be tailored to meet the specific situation of protection applicants. This means that it should not require either habitual residence or local links as required in existing Housing Assistance Payment schemes as, by definition, these conditions cannot be met by applicants for international protection. The payment should be made by the local authority directly to the landlord, or other body or organisation, and should include a deposit for a property and up to two month's rent in advance to secure the accommodation. The amount should also reflect the cost of housing in the local area. For example, the current HHAP allows for payment of up to 20% (or up to 50% in Dublin) above the usual HAP limits to reflect cost differences in different parts of the country. This housing allowance should also be available to

⁹² Own-door accommodation/self-contained unit means that residents have a dedicated accommodation unit such as an apartment which consists of bedroom/bedrooms, bathroom, living space and kitchen including cooking facilities.

⁹³ Accommodation could mean a house or apartment type unit depending on the configuration of the family unit, etc.

⁹⁴ If residents are working, they should be required to make a contribution to the rent.

applicants who do not opt for accommodation in the reception centre and who are able to source suitable accommodation through their own efforts. Legislative changes may be needed to implement this form of housing payment.

Dedicated, ring-fenced funding should be provided to local authorities, on a statutory basis, specifically for housing for protection applicants through the Department of Housing, Local Government and Heritage. Local authorities will also need additional staff and resources to enable them to meet their obligations. The Advisory Group welcomes the commitment in the Programme for Government to an annualised capital and current investment programme to support its proposals to end direct provision.

In meeting their obligation to provide own-door accommodation, each local authority could choose the housing provider or housing model to be used within their local area. This could include, for example, State-owned accommodation, purpose-built accommodation, the use of Housing Association stock or new build, privately owned accommodation or a blend of housing provision. All accommodation must meet State determined standards. Additionally, applicants for international protection should not be housed in congregated settings as they are unsuitable for families and do not promote integration in local communities. Accommodation for singles could be organised on a shared basis.

While direct provision accommodation is being phased out the Advisory Group recommends that the Health Information and Quality Authority (HIQA) should be appointed as the independent inspectorate body charged with inspecting remaining direct provision centres and ensuring compliance with the National Standards.⁹⁵ These are due to enter into force in January 2021.

Particularly vulnerable groups may require a different model of accommodation than local authority housing to meet their very specific needs. There is an urgent need for data on these cases and the needs of these groups should be included in national planning for people with disabilities.

Where applicants have not sourced alternative accommodation themselves, local authorities (working with NGOs and local volunteer groups) should be responsible for helping applicants, supported by the proposed housing allowance, to find suitable post-reception accommodation.

Once people move into own-door accommodation, the weekly living allowances paid per adult and per child should be increased to reflect the real cost of living in Ireland. The Advisory Group recommends that people should have access to social assistance payments equivalent to the range of income supports (e.g. Supplementary Welfare Allowance, Child Benefit) available to Irish citizens and these should be reviewed in line with reviews of all Supplementary Welfare payments. The allowances should be means-tested. These allowances should also be paid on the same basis to those applicants who source their own accommodation, as well as to those for whom accommodation has been found, subject to the same means tests.

Multi-agency support should be provided on a decentralised basis (for example in each county) to support applicants in their transfer to different areas and to underpin their integration into the local communities for the following 18 months. This should be built on successful models such as the resettlement inter-agency working groups established by the local authorities as part of the IRPP and schemes such as the resettlement service run in partnership by the Peter McVerry Trust and the Jesuit Refugee Service. Local community groups and NGOs should be funded by the State and supported to enable them to engage with local authorities to foster an integration approach immediately upon arrival and to support people as they adjust to life in Ireland (see Chapter 8).

⁹⁵ See http://www.justice.ie/en/JELR/Draft_National_Standards_for_accommodation_centres.pdf/Files/Draft_National_Standards_for_accommodation_centres.pdf.

4.2.7 Stage three – once a decision has been taken

Once a decision granting international protection or permission to remain has been taken, the applicant should make contact with the local authority housing department (with the support of local community groups and NGOs where possible) and confirm their accommodation need, indicating if they are willing to stay where they are or if they wish to request a change of location.

The Advisory Group recommends allowing some flexibility in choice of location once a residency permission is granted. To avoid the sudden loss of supports such as medical cards, specific supports should follow people for up to 18 months after they receive protection/permission to remain.

4.2.8 Finding solutions during the current housing crisis

The Advisory Group came to the conclusion that there is no single solution to the accommodation issue for those in direct provision in the short to medium term. For several years to come, the State will need to use a blend of different options (from new build to acquisition and renovation of existing stock to private sector rental) to provide suitable accommodation for applicants for international protection while they are in the process, and for a certain time afterwards for those who receive international protection or permission to remain in the State. The long-term solution lies in general housing policy, in other words, in a significant expansion of housing supply.

The current housing crisis has obviously exacerbated the problem of finding own-door accommodation for those in the international protection process. Despite all the efforts made and funds allocated to date, Ireland continues to have a housing shortage and it will take time to make sufficient new housing capacity available to meet current demand and to cater for the projected increase in our population.

The Advisory Group examined alternative ways of ending the current direct provision model, characterised by congregated settings. It looked at the cost of new build accommodation and the costs of leasing such accommodation (see Annex 13 for details). It looked at Approved Housing Body (AHB) housing models and the potential capacity of AHBs to contribute to solutions. It studied the IRPP model which was delivered through the local authorities. It explored variations on the use of the private rental market to deliver social housing support. The difficulty with any of these alternatives, taken in isolation, is that the lead-in time to deliver the necessary capacity is quite long. If we want to end direct provision within a reasonable time frame, the Advisory Group concluded it will be necessary to have a mix of solutions that vary across the country according to local availability. This will include private sector rental for several years to come until greater national housing capacity can be achieved. This mirrors the situation currently faced by the homeless services, which draw on a range of solutions but rely on HAP-supported tenancies in the private rental market for the greatest number of homeless households.

The Advisory Group considers that the ongoing needs of those seeking international protection should be factored into national housing policy on an ongoing basis.⁹⁶ Although outside the scope of the Advisory Group's terms of reference, the Group feels there is merit in exploring new ways of expanding the housing stock. For example, providing ring-fenced funding to local authorities to build, acquire or renovate new or existing housing. The introduction of new incentives, such as tax breaks, for acquiring and upgrading older and derelict properties (including "over the shop" properties) or tax breaks for landlords renting accommodation to applicants for protection (similar to the Rent-

⁹⁶ See also footnote 91 regarding the Land Development Agency.

a-Room Relief⁹⁷) could provide a source of own-door accommodation and bring new life to town centres.

The recommendations of the Advisory Group were designed, as far as possible, to fit within the range of existing housing solutions and to respect the wide range of existing housing priorities. The proposed solutions do not include any changes to existing social housing allocations policy. Rather, they outline short term supports up to the point where applicants are granted international protection or permission to remain, when they then become eligible on an equal basis for the full range of supports commensurate with their residency permission. The Advisory Group fully recognises that its recommendations are ambitious, but unless an ambitious approach is driven as a political priority within the lifetime of the current Government, many people will continue to languish in unsuitable direct provision centres for years to come. It stresses the crucial importance of an active accommodation allocation/matching service. If there is any delay in sourcing suitable accommodation following the 3 month period to be spent in a reception centre, applicants will not be able to move out of the reception centre and the shorter timeframes proposed in this Report will not be met.

4.3 Specific needs of children and minors

4.3.1 Children

As of the end of July 2020, there were 1,957 children living in direct provision (27.4% of current applicant population).⁹⁸

Table 4.3.1 Number of children in direct provision by age group as of end of July

	Accompanied Minor	%	Unaccompanied Minor	%	Total	Overall %
0-4	718	100.0%	0	0.0%	718	36.7%
5-12	889	99.9%	1	0.1%	890	45.5%
13-15	234	100.0%	0	0.0%	234	12.0%
16-17	114	99.9%	1	0.1%	115	5.9%
Total	1,955	99.9%	2	0.1%	1,957	100%

Table 4.3.2 Number of children in direct provision by gender as of end of July

	Accompanied Minor	%	Unaccompanied Minor	%	Total	Overall %
Male	1,002	99.9%	1	0.1%	1,003	51.3%
Female	953	99.9%	1	0.1%	954	48.7%
Total	1,955	99.9%	2	0.1%	1,957	100%

97 <https://www.revenue.ie/en/personal-tax-credits-reliefs-and-exemptions/land-and-property/rent-a-room-relief/index.aspx>.

98 IPAS accommodation centres including Baleskin and temporary emergency accommodation centres.

Table 4.3.3 Minors in direct provision who have aged out since their asylum application as of end of July

	Accompanied Minors	%	Unaccompanied Minors	%	Total
Total Aged Out	119	85.6%	20	14.4%	139

As highlighted in Chapter 4, prolonged stays in direct provision create many problems for children, ranging from the lack of privacy to the lack of space for doing homework and the lack of a normal family life. Many have reported feeling stigmatised because of living in direct provision centres and being subjected to racism.⁹⁹

Our recommendations, namely, to carry out vulnerability assessments within 30 days of making an application and on helping applicants for international protection and their families to move into own-door accommodation after three months in reception centre(s), should go a long way towards resolving several of the problems highlighted by residents and NGOs.

4.3.2 Unaccompanied minors and aged out minors

Some applicants for international protection are under 18 and unaccompanied when they apply. They are living outside their country of origin and have been separated from their legal or customary caregivers. While they are under 18 they are in the care of Tusla, which places them with foster care families or in residential care. It is generally recognised that Ireland has a good system for caring for unaccompanied minors.¹⁰⁰

However, if they reach 18 before their application has been decided, they are classified as “aged-out minors” and may be transferred to direct provision with no specific aftercare support. This can put them at risk of low educational achievement, mental health and other problems and leave them vulnerable to exploitation. Other children in care receive aftercare services up to the age of 21, or 23 if they are in full-time education. As of end July 2020 there were 20 aged-out minors in direct provision.

Unaccompanied minors are assigned a social worker who, in addition to managing their case, is also responsible for managing their application for international protection. Sometimes, for good reasons such as concerns about potential trauma associated with the application process, social workers decide not to make an application (thus leaving it to the person to make the application when they turn 18). However, in such cases, if the aged-out minor subsequently gets refugee status or subsidiary protection under the International Protection Act 2015, they lose any right to family reunification. In this context it is worth noting that in 2016 the European Court of Justice ruled in a Dutch case related to the Family Reunification Directive that the relevant legislation “must be interpreted as meaning that a third-country national or stateless person who is below the age of 18 at the time of his or her entry into the territory of a Member State and of the introduction of his or her asylum application in that State, but who, in the course of the asylum procedure, attains the age of majority and is thereafter granted refugee status, must be regarded as a ‘minor’ for the purposes of that provision”.¹⁰¹

⁹⁹ For example, see Direct Division - Children's views and experiences of living in Direct Provision - A report by the Ombudsman for Children's Office, 2020.

¹⁰⁰ Arnold and Ní Raghallaigh, Unaccompanied minors in Ireland: Current Law, Policy and Practice, 2017.

¹⁰¹ Case C-550/16A, See <https://www.asylumlawdatabase.eu/en/content/cjeu-judgment-case-c-55016-and-s-12-april-2018>.

The Oireachtas Joint Committee on Justice and Equality Report on direct provision of December 2019 took the view that “children who arrive in Ireland unaccompanied are particularly vulnerable and should not be transferred automatically to the direct provision system on reaching the age of 18. So called ‘aged-out’ minors should remain under the responsibility of Tusla, retaining their supports, until their applications for asylum have reached a conclusion”.¹⁰² The Committee also recommended that “social workers assigned to such minors should be legally obliged to seek prior legal advice on a protection application as soon as possible after the minor becomes the responsibility of Tusla, and before completing and lodging applications”.¹⁰³ The Advisory Group supports these recommendations and urges that they be acted upon immediately.

4.4 Vulnerable adults

Many applicants for international protection suffer from mental and physical problems, having suffered from armed conflict, violence, the trauma of separation from home, country and family and other devastating experiences. For some, prolonged living in institutionalised settings in direct provision, without privacy or autonomy, or without being able to raise their families normally, have contributed to mental health problems.

In February 2020, the Advisory Group held a consultation with NGO groups representing migrant groups and migrant women including trafficked women to get their views on the issues and possible solutions relating to vulnerable adults.¹⁰⁴ These issues have been raised on many occasions over the years and again recently in the report of the Joint Oireachtas Committee on Justice and Equality. The Joint Committee agreed with stakeholders that vulnerability assessments would help to guarantee that the needs of particularly vulnerable individuals are met and also that they “would ensure that the relevant supports and services, specific to the area of trauma/abuse endured are offered”. The Joint Committee recommended that “gender specific accommodation, with additional and appropriate and tailored supports and services, should be provided for those identified as victims of trafficking and sexual abuse. In the interim, priority should be given to designating private, non-shared rooms to trafficked people and those who have been abused”.¹⁰⁵

In order to address the needs of vulnerable adults, the starting point must be the completion of the legally required vulnerability assessment to identify whether the applicant has special reception or procedural needs within 30 days of protection applications being lodged. This assessment must include a mental health assessment and provide the basis for delivery of targeted mental health support which is trauma-informed and gender sensitive. As is recommended elsewhere in this report, the vulnerability assessment should be carried out in the reception centre so that a support programme can be developed to support the individual when they move to own-door accommodation which, where necessary, should be suitable for those with physical disabilities and, in certain cases, gender sensitive. The sooner pathways to rehabilitation can be put in place, the sooner moves to more stable situations can be made.

¹⁰² Houses of the Oireachtas Joint Committee on Justice and Equality, Report on Direct Provision and the International Protection Application Process, December 2019, p.52.

¹⁰³ Ibid.

¹⁰⁴ Consultation held with the Jesuit Refugee Service, the Children's Rights Alliance, the Immigrant Council of Ireland, MASI, Doras, AkidWa and Cultur on 28 February, 2020.

¹⁰⁵ Houses of the Oireachtas Joint Committee on Justice and Equality, Report on Direct Provision and the International Protection Application Process, December 2019, p.50.

4.4.1 The case of trafficked persons

Ireland was criticised by the US State Department in June 2020 for the second year running for not meeting agreed minimum standards in dealing with people trafficking.¹⁰⁶ Currently, Ireland does not allow a person to be formally identified as a victim of trafficking while they are seeking international protection (principle of non-concurrence). This is not in line with EU or international best practice.¹⁰⁷ If Ireland decided to opt into all existing EU asylum legislation it would bring it into step with best practice in this policy area.

The Council of Europe has criticised the lack of gender specific assistance to victims of trafficking and has urged the Irish authorities to review the policy of accommodating suspected victims of trafficking in accommodation centres for asylum seekers. They recommended that the State should set up a specialised shelter with dedicated trained personnel as a pilot project to support victims of trafficking. These calls have been echoed by the Immigrant Council of Ireland which argues for:

- Nominating the women's refuges for women experiencing domestic violence as emergency accommodation for rescued trafficked women and providing additional resources to these refuges for these purposes;
- Providing dedicated accommodation to meet the particular needs of trafficked, sexually exploited women.

The Advisory Group recommends that case appropriate accommodation, with additional supports and services, be provided for those identified as victims of trafficking and sexual abuse, both in the reception centres and thereafter. Dedicated staff in the reception centres should receive training in dealing with victims of trafficking. In the interim, priority should be given to designating private, non-shared rooms to trafficked people and those who have been abused. In the transition period, while women are waiting to be moved out of direct provision centres, the need for female-only accommodation should be considered a priority for those with heightened vulnerability. The Department of Justice has been developing NGO-led solutions to provide specialised accommodation for female victims of trafficking and moving them to independent long-term accommodation within a time frame which will maintain the capacity to admit new victims as needed.

In the longer term the recommendations of the Immigrant Council of Ireland should be considered and, as appropriate, implemented.¹⁰⁸

106 US Department of State, Trafficking in Persons Report, 20th Edition, June 2020.

107 For example, because Ireland has not opted into the recast Directives on Qualification for International Protection or Asylum Procedures. (Directive 2011/95/EU)

108 See Immigrant Council of Ireland submission to Advisory Group, February 2020. Will be made available on the Advisory Group page of the Department of Justice website.

4.5 Cases where final negative decisions are taken – returns and deportations

After a full and fair consideration of applications for protection, which includes provision for appeals and judicial review of decisions, the State may conclude that an application is not granted and that the applicant must leave the State. In the period 2015–2019, 7,566 applications received a final negative decision. In such cases, the applicant has the option of voluntary return or deportation. These situations are analysed below.

4.5.1 Voluntary returns

Where a negative decision is taken, and after all avenues of appeal have been exhausted, the unsuccessful applicant should leave Ireland. They can do this voluntarily, with assistance. If they refuse to leave, they face deportation.

Where applicants who are refused a residency permission choose voluntary repatriation, they can avail of assistance. For example, working with the Irish branch of the International Organisation for Migration (IOM), Ireland provides re-integration assistance (currently €600 per person or €1,000 per family, to be used to set up a small business or for education and training). The Advisory Group recommends that these amounts should be increased, for example to double the current amount.¹⁰⁹ The Advisory Group recommends that people should be given a reasonable time to organise their voluntary return. The current five-day period for deciding whether to accept voluntary return should be extended to 30 days, and children and students should be allowed to finish the school year before departure.

Several EU Member States, including Ireland, are working to develop the area of voluntary return. In 2019, Ireland was involved in three Joint Return Operations (JROs) coordinated via Frontex to Georgia, Pakistan and Albania, and Ireland led one JRO to Albania and Georgia.¹¹⁰

4.5.2 Deportations

Where those who are refused a residency permission do not leave voluntarily, a deportation order is made. Between 2015 and 2019, a total of 6,377 deportation orders were made under section 3 of the 1999 Act¹¹¹ and section 51 of the 2015 Act.¹¹² This includes unsuccessful asylum and protection cases and other types of persons refused permission or whose permission expired. Over the same period, the number of deportation orders effected was 1,276. A person subject to a deportation order can apply to the Minister, under section 3(11) of the 1999 Act, to have their order revoked, based on new or changed circumstances for the individual concerned. Any such application would need to be founded on new information or changed circumstances which were not before the Minister, nor were capable of being put before the Minister, when the decision to deport was taken. Over the period 2015–2019, a total of 1,686 such orders were revoked. The total number of asylum and protection related deportation orders, over the same period, was 3,170. The following table shows the asylum and protection related deportation orders that were made between 2015 and 2019.

¹⁰⁹ Annex 12 provides details of the varying amounts paid by different EU Members.

¹¹⁰ JROs cover both voluntary and forced returns. See <https://frontex.europa.eu/>.

¹¹¹ The Immigration Act, 1999.

¹¹² The International Protection Act, 2015.

Table 4.5.1: Deportation orders 2015-2019

Year	Total
2015	532
2016	908
2017	511
2018	278
2019	941
Total	3,170

In practice, most EU Member States find it difficult to enforce deportation orders. The European Commission is currently working on new proposals for an asylum and migration pact which are expected to cover the areas of returns and deportation. Ireland will need to define its national position in response to these proposals.

It is sometimes impossible for those who are refused a residency permission to return or to be returned to their countries of origin. This can be because their return would interfere with the right to family life or an inability to obtain travel documents or where their country of origin refuses to accept their return. In such cases the State should not leave these people in limbo, living for long periods in direct provision. Instead it should deal with these realities and decide to grant them temporary or tolerated leave to remain. This same problem is faced in most EU Member States and several have enacted legislation designed to give the people concerned certain rights and the ability to live normal lives with dignity. The Advisory Group concluded that the State should develop a strategy and, if necessary, legislation for dealing with unsuccessful applicants who are deemed “non-returnable”.

Recommendations from Chapter 4

A new permanent system should be introduced from mid-2023 consisting of 3 stages:

- 4.1: Stage One: In the initial reception stage, for those who need it, accommodation should be provided in State-owned reception centres for up to three months. Vulnerability assessments must be carried out within 30 days for all applicants and include special reception and procedural needs. A multi-service centre onsite should help applicants to access necessary services and entitlements, including legal aid and post-reception centre housing placement.
- 4.2: Stage Two: After 3 months in the reception centre, applicants should be helped to move to own-door accommodation under the responsibility of the local authorities. To enable applicants to live in the community, the weekly allowances currently paid should be replaced by a housing allowance equivalent to and not less than the HHAP and a weekly allowance equivalent to the range of income supports (Supplementary Welfare Allowances) made to Irish citizens living in the same circumstances and reviewed in line with the cost of living.
- 4.3: Stage Three: If applicants receive a residency permission in Ireland they should continue to benefit from certain support measures for up to 18 months after the permission is obtained.
- 4.4: If applicants are refused a residency permission and after all avenues of appeal have been exhausted they should be given up to 6 months to organise their departure and should continue to receive the housing and welfare support allowances during that time.
- 4.5: “Aged-out” minors should remain under the responsibility of Tusla, retaining their supports, until their applications for asylum have reached a conclusion.
- 4.6: Social workers assigned to unaccompanied minors should be legally obliged to seek prior legal advice on a protection application as soon as possible after the minor becomes the responsibility of Tusla, and before completing and lodging the application.
- 4.7: Until the new, permanent system enters fully into force in mid-2023 the Advisory Group recommends that HIQA be given the responsibility to inspect accommodation centres and enforce the standards from January 2021.
- 4.8: Unsuccessful applicants for protection should be given a reasonable time to organise their voluntary return. The current 5-day period for deciding whether to accept voluntary return should be extended to 30 days and children and students should be allowed to finish the school year before departure.
- 4.9: The State should develop a strategy and if necessary enact legislation for dealing with unsuccessful applicants who are deemed “non-returnable”.
- 4.10: The financial supports granted to those who choose voluntary return to their countries of origin should be doubled.
- 4.11: Appropriate accommodation, with additional supports and services, should be provided for those identified as victims of trafficking and gender-based violence. In the interim, priority should be given to designating private, non-shared rooms to trafficked people and those who have been abused.
- 4.12: The allowances currently paid to people in direct provision should be increased from January 2021 and regularly reviewed in line with the cost of living.

Chapter 5

Current work related and education issues

Chapter 5: Current work related and education issues

5.1 Introduction

Apart from the length of time it takes to get a decision and the complexity of accommodation issues, the Advisory Group looked at a number of other issues which have been causing difficulties for applicants. Although some of these were already covered in the McMahon Report, they still have not been fully resolved. These include the right to work and access to education, driving licences and bank accounts. In examining these issues, the Advisory Group applied its general principles, namely, that it is in the interest of the State and of the applicant that those who get permission to remain be integrated as early as possible. Those who do not get a residency permission should still be able to benefit from the time they have spent in Ireland.

5.2 The right to work

Applicants for international protection can make an important economic contribution to Ireland while in direct provision and their psychological health and well-being can also benefit from being able to take up employment. For example, some applicants are making an invaluable social contribution as frontline health workers during the current COVID-19 crisis. Losing their skills through enforced inactivity and not being able to earn money to support themselves and their families takes a heavy human toll and inevitably increases the burden on the State in terms of lost tax revenue, economic activity and ultimately higher costs of keeping applicants in direct provision.

The McMahon Report highlighted the fact that Ireland was the only European Union (EU) Member State, apart from Lithuania, that did not allow applicants for protection to work or set up a business in the State. It recommended that applicants who had been waiting for a first instance decision for 9 months or more, and who had co-operated with the protection process, should be allowed to work. Despite this recommendation, the State did not allow the right to work until after a Supreme Court ruling in which the Court held that in a system with no temporal limits, an absolute ban on employment was a breach of the right to dignity under the Irish Constitution.¹¹³

Since mid-2018, applicants who have been waiting for more than nine months on a first instance recommendation are allowed to seek work. By July 2020, 6,986 applications to work had been received and 5,109 permissions had been granted, of which 3,889 (76%) were granted to those in direct provision. Employers reported employing 2,539 applicants for international protection, of whom 1,786 (70%) are residents of direct provision.

The fact that only applicants who have not yet received a first instance decision have the right to

113 N.V.H v Minister for Justice and Equality, [2017] IESC 35.

work has created an unfair difference of treatment between applicants. Applicants who received a first instance recommendation within 9 months and are appealing decisions are not given access to the labour market. They are also the people who have been longest in the system.¹¹⁴ This adds further to psychological problems and means that people lose their skills through inactivity and loss of sense of purpose.

The Advisory Group concluded that the right to work should be extended to anyone in the international protection process who has not yet received a final decision on their application, within 3 months of lodging an application for protection:¹¹⁵

- For those who were deemed ineligible when the right to work was first introduced, no transitional procedures should be necessary and the right to work should be granted immediately to anyone who has already been longer than 3 months in the protection system (i.e. to resolve the so called “legacy cases”);
- For new protection applications, the Advisory Group recommends that labour market access permission be available within 3 months of lodging their application for protection so that they can seek work as soon as they leave the reception centre, instead of having to wait for the current 9 month period.

The Advisory Group also recommends that the right to work authorisation be granted for one year at a time (instead of the current 6 months) and that it be renewable, as this gives confidence to both employers and employees. Other related issues should also be resolved, such as mirroring the stamp of these work permits with those of non-EU nationals (GNIB/IRP card), so that employers understand that protection applicants with the right to work can be employed on the same terms as non-EU nationals.

5.3 Driving licences

In order to be eligible for a learner driver permit, an applicant must be normally resident in the State. The government agency responsible for issuing permits (the Road Safety Authority (RSA)) has taken the view that persons who are allowed to reside in the State solely for the purpose of seeking international protection “are not resident for the purposes of the Regulations”.

Some direct provision centres are in remote locations and are not well served by public transport. Consequently, some available work would require protection applicants to be licensed to drive. In a case against the RSA, in which the plaintiff, an applicant who had been granted the right to work and who was supported by the Irish Human Rights and Equality Commission (IHREC), the Workplace Relations Commission (WRC) found that the RSA had “discriminated against the Complainant on the grounds of race and that he is entitled to appropriate redress, including but not limited to compensation for the effects of the discrimination”.¹¹⁶ Despite this ruling the RSA still maintains its position and has not issued a learner permit. On 30 July 2020, the Dublin Circuit Court ruled that a ban on issuing learner driver permits to asylum seekers

¹¹⁴ Applicants who received a first instance recommendation before the 2018 Regulations (S.I. No. 230/2018) came into effect (30 June 2018) but are still in the appeals process are not currently given access to the labour market.

¹¹⁵ This may need to include those subject to the Dublin Regulation – see opinion of the Advocate General of the European Court of Justice in joined cases C 322/19 and C 385/19, 3 September 2020.

¹¹⁶ See <https://www.ihrec.ie/court-rules-that-rsa-regulations-block-all-asylum-seekers-from-getting-driving-licence/>

does not amount to racial discrimination.¹¹⁷ However, the Advisory Group took the view that driving licences are needed in order to support employment opportunities and that this restriction should be ended immediately.

5.4 Education needs

5.4.1 Children

The children of applicants for protection can attend local national primary and secondary schools on the same basis as Irish children. There have been problems with school attendance for children living in emergency accommodation, which is another reason for ending this type of accommodation except for very short-term reasons.¹¹⁸

The Advisory Group concluded that, while in the reception centre, induction programmes including language supports should be provided for all children to prepare them for mainstream education. While in the reception centre(s), children should attend local, mainstream schools. Additional language supports may be necessary over a longer period to help children improve their language skills as they adapt to the Irish educational system. They should also have access to after-school and homework support in school and other locations, including in the reception centre. All children between the ages of 5 and 18 should be educated in mainstream schools in the community. Special arrangements will be required for children with special needs.

At both primary and secondary school level, teachers faced with the challenge of educating children with a diversity of social, emotional and behavioural needs and without prior information on their strengths and needs, should be supported by services that help them to understand and provide for the diversity of needs. The Department of Education has introduced programmes for Continuing Professional Development (CPD) for teachers based on the concept of inclusive education. These include the concept of racism, identity-based bullying and cultural awareness. The area of inclusive education, including multi-culturalism, disadvantage and special education, are mandatory study areas for all student teachers undertaking initial teacher education at primary and post-primary level. The Advisory Group also concluded that second chance and vocational training opportunities should be provided for older teenagers who may find post-primary school inappropriate for their needs. If appropriate, they should be given access to programmes such as Youthreach¹¹⁹ and alternative ways to get a Leaving Cert.

5.4.2 Post-secondary training and third level education

Access to higher education is extremely expensive for applicants in the international protection system, as they are not eligible for free third-level education and must pay the fees charged to non-EU citizens. Moreover, young people seeking protection can only access higher education if they have been resident in Ireland for three years. The Department of Further and Higher Education, Research, Innovation and Science runs a Student Support Scheme for Asylum Seekers (formerly called the Pilot Support Scheme) to help young people seeking international protection to move on to third level, but since 2015 only 11 people have been granted support out of 79 applications. This is largely due to the restrictive eligibility criteria. On 10 August 2020, the Minister for Further and Higher Education, Research, Innovation and Science announced that the rules of the scheme would be

117 See https://www.courts.ie/acc/alfresco/603467f2-2d6b-4aad-969e-44ecfc67b8df/2020_IECC_3.pdf/pdf#view=fitH.

118 See the Children's Rights Alliance, Home Works - A Study on Educational Needs of Children Experiencing Homelessness and Living in Emergency Accommodation, July 2018.

119 See https://www.citizensinformation.ie/en/education/vocational_education_and_training/youthreach.html

relaxed. Applicants for international protection (other than those at the deportation order stage), who had been accepted on an approved Post-Leaving Certificate course or an approved undergraduate course and who had been part of the international protection/permission to remain system for a combined period of 3 years as of 31 August 2020, would be eligible to apply for support in further and higher education.

The Advisory Group welcomed this announcement, which means that applicants in the international protection system will in future have access rights to further and higher education if they meet the qualifying criteria. However, this still leaves a problem in terms of high fee levels for those in international protection who have been less than three years in Ireland when applying for third level education, as they would not be charged EU-level fees. This represents a significant difference that puts going on to third level beyond the reach of many. The Advisory Group recommends that the same fee levels as for Irish citizens apply to protection applicants meeting the criteria for admission to third level courses.

The Advisory Group considers that all pupils in the protection process leaving school should have access to third level education including to post-Leaving Cert courses and employment/vocational training (QQI¹²⁰ levels 5 and 6) without any requirement of a link to the right to work. Currently protection applicants for Education Training Board (ETB) courses are charged non-EU level fees which are very high. The Advisory Group recommends that the same fee arrangements as for Irish citizens should apply to all third level courses. A national scholarship scheme supported by the Higher Education Authority (HEA) and the Technological Higher Education Authority (THEA) should be established to improve integration into higher education. Other issues that should be resolved include access to the Back to Education Allowance for those who transition out of direct provision while in third level education, which should be on the same basis as for Irish citizens.¹²¹

5.5 Bank Accounts

Despite improvements, there are still inconsistencies in the way individual banks and individual branches apply the rules on opening bank accounts. There are still reports of certain branches refusing to allow applicants for protection to open accounts while other branches of the same bank do not raise objections. The EU Directive 2014/92/EU of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features, requires Member States to “ensure that consumers legally resident in the Union, including consumers with no fixed address and asylum seekers, and consumers who are not granted a residence permit but whose expulsion is impossible for legal or factual reasons, have the right to open and use a payment account with basic features with credit institutions located in their territory. Such a right shall apply irrespective of the consumer’s place of residence”.¹²² In view of the ongoing difficulties of some applicants for protection to open basic accounts, the Advisory Group considers that the State should take the necessary steps immediately to ensure that the Directive is respected and that all banks operating in the State respect the right of applicants for international protection to open and hold basic banks accounts.

120 Quality and Qualifications Ireland.

121 See <https://www.gov.ie/en/service/418e3f-back-to-education-allowance/>.

122 <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014L0092&from=en>.

Recommendations from Chapter 5

- 5.1: The right to work should be extended to anyone in the international protection process who has not yet received a final decision on their application, within 3 months of lodging an application for protection. The right to work authorisation should be granted for one year at a time (instead of the current 6 months) and should be renewable. The current labour market access letter should be replaced by a card equivalent to those granted to other non-EU nationals (GNIB/IRP card).
- 5.2: Applicants for international protection should be allowed to apply for driving licences and tests from the moment their application for protection is lodged.
- 5.3: Children between the ages of 5 and 18 should be educated in mainstream schools in the community. Additional language supports should be provided as needed. Special arrangements will be needed for children with special needs.
- 5.4: Specific training opportunities should be provided for teachers working in schools receiving children of applicants.
- 5.5: Applicants in the international protection system should have the right to access higher education on the same basis and at the same level of fees as Irish citizens, if they meet the qualifying criteria.
- 5.6: The State should take the necessary steps immediately to ensure that EU Directive 2014/92/EU is respected and that all banks operating in the State respect the right of applicants for international protection to open and hold basic banks accounts.

Chapter 6

Sequencing Changes



Chapter 6: Sequencing Changes

6.1 What must be done quickly – what would it take?

As explained in Chapters 3 and 4, the Advisory Group structured its recommendations around two key areas – ensuring that the decision-making process is concluded within faster, fixed time limits and changing the way applicants in the protection process are accommodated. It will take time to move to the new permanent system and to ensure that sufficient staffing and funding are in place to deliver it. For that reason, the Advisory Group recommends that the new permanent system be phased in up to mid-2023 and stresses the need for the new system to begin without any legacy cases.

Work on changing legislation where needed should begin, across all relevant Departments, in early 2021 so that it can be in place by the end of 2021. Recruiting and training the additional staff needed in the International Protection Office (IPO), International Protection Appeals Tribunal (IPAT) and the Legal Aid Board (LAB) should start in 2021 and should build up to the levels recommended by mid-2022. Work on the proposed new IT system should be funded and ongoing from early 2021. Similarly, the resource needs of local authorities should be surveyed and additional resources should be made available in the course of 2021 (see also below regarding transition arrangements).

A number of recommendations made by the Advisory Group could be implemented very quickly and would signal a change of policy direction while transition to the new permanent system is being completed. These are set out in summary form in the box below (numbers refer to the individual recommendations in each chapter). If implemented quickly they would directly improve the situation of many applicants.

Figure 6.1 Recommendations that could be implemented quickly

- Codes of conduct, similar to that used by the IPAT, should be used in the IPO and other relevant bodies which use interpretation. (3.23)
- The allowances currently paid to people in direct provision should be increased from January 2021 and regularly reviewed in line with the cost of living. (4.12)
- The right to work should be made available after 3 months. (5.1)
- Applicants should be entitled to apply for driving tests and licenses as soon as they have made an application for protection. (5.2)
- Applicants should have the right to access higher education on the same basis and at the same fees as Irish people, once they meet the qualifying criteria. (5.5)
- Applicants should be legally entitled to open bank accounts in accordance with EU Directive 2014/92/EU. (5.6)
- To clear the backlog of current cases a one-off case-processing approach should be introduced for all applications which have been more than two years in the system. (6.7)

6.2 Clearing the backlog – a one-off, case-processing approach

While progress has already been made in speeding up the processing of new cases, a sizeable problem remains in the shape of the backlog of cases currently in the system.

Table 6.2.1 All persons pending in the international protection process by years in the system, from date of asylum/IP application as of end of July 2020

All persons pending in the IP Process broken down by years pending from the date of asylum application	
Years Pending	Total
<1	2,587
1+	2,636
2+	1,291
3+	737
4+	567
5+	994
Total	8,812
Total over 2 years	3,589
Total over 3 years	2,298
Total over 4 years	1,561
Total over 5 years	994

Table 6.2.2 Families and singles in direct provision with over 2 years since initial application, as of end July 2020

Years in the process	Family Unit	Single	Total
> 2 years	1,652	1,243	2,895
> 3 years	963	729	1,692
> 5 years	218	255	473
> 10 years	26	27	53

As can be seen from Tables 6.2.1 and 6.2.2, currently around 3,590 people have spent more than 2 years in the international protection process and over 2,890 people have already spent more than 2 years in direct provision. The State bears responsibility for this situation, since the decision-making process has not been adequately resourced to function in a timely manner and long delays have been allowed to build up in the system. The result has been that people have spent long years in a situation of uncertainty and have effectively had to put their lives on hold.

When similar situations have arisen in other countries, a process of regularisation has sometimes been used to resolve them. This can be for humanitarian reasons, but regularisation has also been used as part of employment policy. Most recently, Portugal announced that because of COVID-19 asylum seekers would be given temporary residence permits and Italy announced pathways for regularisation of status for agricultural and domestic care workers. In Ireland, following publication of the McMahon Report, over 1,000 people who had spent more than 5 years in the asylum process had their situations regularised.

In order to enable the State to end direct provision within a reasonable time frame, and to prevent the re-emergence of new backlogs, there is a need to make a significant reduction in the number of outstanding cases. For this reason, the Advisory Group recommends the establishment of a one-off, simplified, case-processing approach applying to all applicants who will have been two years or more in the system by the end of 2020. Those in this case-processing approach should be given leave to remain in Ireland for 5 years. They should be allowed to continue with their application for protection or to withdraw it if they wish. In reducing the backlog, special attention should be given to the case of unaccompanied minors, who should all receive leave to remain for 5 years without prejudice to any ongoing asylum application. There are also around 690 “legacy cases” which originated as asylum applications under the Refugee Act 1996. These should be included in the case-processing approach on the same basis described above.

The reason for proposing the one-off approach is to clear the current system and ensure that the new system takes full effect from mid-2023, unencumbered by legacy cases. To ensure that it delivers on this aim it should be made as attractive as possible to encourage eligible applicants to avail of this process, rather than continuing with their protection applications. This would enable them to end the uncertainty under which they have been living and to build their new lives in Ireland. If most applicants decide to maintain their protection applications, the IPO and IPAT will be obliged to give full consideration to these applications and the efficiency gain from the case-processing approach will be greatly reduced. For this reason, the Advisory Group recommends that the Government consider including the right to family reunification in the one-off case-processing decision.

6.2.1 Processing backlog cases

All backlog cases, including those covered by the one-off case-processing procedure, should be processed by a temporary, dedicated multi-agency task force, and should be subject to Garda vetting, having due regard to the relevant statutory remits of the relevant agencies. The aim should be carry out a separate, simplified case by case scrutiny and to finalise these cases by the end of 2022. At the same time, the main resources of the IPO and IPAT should be concentrated on processing new cases within the new shorter time limits, as described below in section 6.4.

Meanwhile, an inter-departmental task force should be created, consisting of the relevant central Government services and the local authorities, to source accommodation for those currently in direct provision. It should build on the positive experience of the Irish Refugee Protection Programme (IRPP) and of the group of local authorities currently working with the Department of Justice and NGOs to house people who have already received protection.¹²³ NGOs such as the Peter McVerry Trust and DePaul are working closely with local authorities to find suitable accommodation for people who have already been granted permission to remain but who are still living in direct provision. As people are helped to move to own-door accommodation they should receive the special housing and weekly allowances recommended in Chapter 4. The aim should be to find accommodation for at least 40% of this group by the end of 2021 and at least another 40% by the end of 2022. As applicants move out of direct provision centres which have own-door and cooking facilities, there may be an opportunity to offer these vacated places to those who are in emergency accommodation or in centres which do not have such facilities while the placement system seeks to find accommodation for them.

Applicants who have spent many years in direct provision will need additional support to help them adapt to independent living. By mid-2023, all of this group who are granted a residency permission should have been accommodated. The experience of this transition group should be used to build up the placement system recommended for the new permanent system. In the case of those who are not given a residency permission, the exit conditions set out in Chapter 4 should be applied.

6.3 Decision-making

When the International Protection Act 2015 entered into force in December 2016, the IPO inherited some 3,500 legacy cases which had to be processed over a period of two years before most new applications could be processed. An additional 500 cases were added later. This placed a considerable burden on the new Office and seriously handicapped the integrity of the new system. Such a situation should not be allowed to happen again.

In order to ensure a successful transition to the new system, it is recommended that 2021 and 2022 be used to impose interim deadlines for processing all applications dating from January 2019. The transition period should be used as a lead-in to the new system. In practice, this would require the IPO to move to its target of clearing all new applications within 9 months and the IPAT to move to a target of 6 months for processing appeals. Meeting these interim targets would provide useful learning on further adjustments to be made in order to meet the mandatory targets of the permanent system from mid-2023 onwards.

¹²³ See CCMA submission of June 2020. Will be made available on the Advisory Group page of the Department of Justice website.

In addition, the work of the Ministerial Decision Unit (MDU) on international protection should be integrated into the IPO from the beginning of 2021. The expansion recommended for the LAB should begin in 2021 so that it can provide increasing support to applicants at the appeal stage of the process and gradually expand the number of in-house cases it handles with a corresponding decrease in the use of private solicitors.

These steps should ensure that the IPO, IPAT and LAB will be ready to deal with around 3,500 applications annually by mid-2023.

6.4 The case of those who apply between January 2021 and the launch date of the new system

An interim solution should be applied to people applying for protection between January 2021 and the launch date of the new system. Both the IPO and IPAT have set themselves targets in their (pre-COVID-19) business plans for operating to tighter deadlines. These deadlines should be applied from January 2021 until mid-2023. This would also act as a lead-in for the new system and, as with accommodation, help to iron out teething problems before the new system begins.

Recommendations from Chapter 6

- 6.1: The new permanent system should be phased in and fully operational from mid-2023 and begin without any legacy cases.
- 6.2: Work on changing legislation, where needed, should begin in early 2021 so that it can be in place by the end of 2021. Recruiting and training the additional staff needed in the IPO, IPAT and LAB should start in 2021 and be in place from mid-2022. Work on the proposed new IT system should be funded and ongoing from early 2021.
- 6.3: The resource needs of local authorities should be surveyed and additional resources should be made available in the course of 2021.
- 6.4: 2021 and 2022 should be used to process all cases where applications were made after January 2019. This transition period should be used as a lead-in to the new system. During the transition period, the IPO should implement its target of clearing all new applications within 9 months and the IPAT should implement a target of 6 months for processing appeals.
- 6.5: The work of the MDU relating to international protection should be integrated into the IPO from the beginning of 2021.
- 6.6: The expansion recommended for the LAB should begin in 2021 so that it can provide increasing support to applicants at the appeal stage of the process and gradually expand the number of in-house cases it handles with a corresponding decrease in the use of private solicitors. This should ensure that it will be equipped and ready to deal with 3,500 applications annually by mid-2023.
- 6.7: The establishment of a one-off simplified, case-processing approach applying to all applicants who will have been two years or more in the system by the end of 2020. Those in the process should be given leave to remain in Ireland for 5 years. They should be allowed to continue with their application for protection or to withdraw it if they wish, but the case-processing approach should be made as attractive as possible to encourage applicants to avail of the procedure rather than continuing with their protection applications. In reducing the backlog, special attention should be given to the case of unaccompanied minors who should all receive leave to remain for 5 years without prejudice to any applications for protection. Any “legacy cases” originating in applications under the Refugee Act 1996 should also be included in the one-off procedure.
- 6.8: All backlog cases, including those covered by the one-off case-processing procedure, should be processed by a temporary, dedicated multi-agency task force having due regard to the relevant statutory remits of the various agencies concerned. The aim should be to finalise all these cases by the end of 2022.
- 6.9: An interdepartmental task force should be created between the relevant central Government services and the local authorities to source accommodation for those currently in direct provision. As people are helped to move to own-door accommodation they should receive the special housing and weekly allowances recommended in Chapter 4. The aim should be to find accommodation for at least 40% of this group by end 2021 and at least another 40% by end 2022. By mid-2023 all of this group who are granted a residency permission should have been accommodated. The experience of this interdepartmental task force should be used to develop the placement system recommended for the new permanent system. In the case of those who are not given a residency permission, the exit conditions set out in Chapter 4 should be applied.



Chapter 7

Costs

Chapter 7: Costs

7.1 Costs of the current system

7.1.1 Overview of current direct provision system expenditure

The total expenditure by the State on the direct provision system in 2019 was €178.5 million. This relates to the main costs of supporting 7,783 people in the system. The number of applicants relates to those in direct provision as of 31 December 2019.¹²⁴ These figures were broken down by gender, age and family unit and used to estimate costs. A total figure of 7,685 was used instead of 7,783 as families with five or more children have been aggregated.

Table 7.1.1 shows the breakdown of this expenditure by Departments and agencies. The majority of expenditure was by the Department of Justice and Equality (78% approximately), with a further 19% accounted for by the Departments of Employment Affairs and Social Protection, Education & Skills and Health.¹²⁵

Table 7.1.1: Aggregated expenditure of Direct Provision on 7,685 people for 2019

Department / Area	Expenditure	Percentage of total
Department of Justice & Equality*	€138,750,890	78%
Department of Employment Affairs & Social Protection	€12,997,300	7%
Department of Education & Skills	€12,516,590	7%
Department of Health*	€8,449,153	5%
Legal Aid Board*	€3,411,189	2%
Tusla	€1,500,000	1%
Department of Children & Youth Affairs	€868,889	Less than 1%
Total	€178,494,012	100%

Source: IGEEES Unit, DJE, based on data received from relevant stakeholders, May-August 2020.

Notes: * Salary costs are included for DJE, Department of Health & LAB. Salary costs for staff seconded into DJE are not included.

¹²⁴ The end of period figure of 31 December 2019 is used for the purposes of these calculations.

¹²⁵ See detailed costings in Annex 13, Section 2.

7.2 Costs of Proposed improvements, distinguishing different types of costs

To enable direct comparisons to be made between the current and the proposed new permanent system, estimates were made of the cost of applying the recommendations set out in Chapter 4 to the same 7,685 people as per Table 7.1.1. This means providing housing and social welfare allowances equivalent to the range of income supports available to Irish citizens for a period of nine months following an initial period of three months in a reception centre.

Table 7.2.1: Aggregated cost for scenario where 7,685 applicants receive welfare and housing supports (HHAP) for 9 months after 3 months in reception centre¹²⁶

Department / Area	Expenditure (singles sharing unit)	Percentage of total	Expenditure (singles not sharing unit)	Percentage of total
Social welfare	€52,845,958	37%	€52,845,958	32%
Homeless Housing Assistance Payment	€26,821,327	19%	€50,519,641	30%
Justice & Equality*	€23,429,259	16%	€23,429,259	14%
Primary, secondary & higher education	€16,528,630	12%	€16,528,630	10%
Health	€8,449,153	6%	€8,449,153	5%
Legal Aid Board	€7,196,720	5%	€7,196,720	4%
Tusla	€1,500,000	1%	€1,500,000	1%
ECCE grant	€868,889	1%	€868,889	1%
NGO grant	€5,000,000	4%	€5,000,000	3%
Total	€142,639,937	100%	€166,338,250	100%

Source: IGEES Unit, DJE based on data supplied by various stakeholders, May-August 2020.

Note: *Cost includes salary and other costs for IPO, IPAS, IPAT & MDU.

As can be seen from table 7.2.1, had the new system been in place in 2019, with 7,685 people in that system, the cost to the State would have been €142.6 million (based on singles sharing) instead of the 2019 cost of €178.5 million – a difference of €35.9 million.

Estimates were also made of the overall cost of applying the new permanent system to the future recommended annual number of 3,500 new applicants. The final precise level of costs will depend on the decisions taken by the Government on the level of support and the type and level of allowances to be paid in the new system. As far as possible all proposed new supports have been costed and are included in the following estimates.

As can be seen from Table 7.2.2, the estimated annual cost from mid-2023 onwards for this number would range from €120 million if singles share units and €130.6 million if they each have their own living unit. These costings assume that the throughput in the system is as planned – if it were slower than planned, the numbers would be larger than 3,500 and consequently the costs would be above €120/130.6 million. At the same time, these costings do not take into account the likelihood that some applicants will be able to earn income from employment once given the right to work - which means that the cost to the State is likely to be less than the figures retained for the costings exercise. Moreover, as the new shorter decision-making system reaches a steady state, the faster throughput

¹²⁶ See detailed costings in Annex 13, Section 3.

of applicants will also help to bring down the overall cost to the State. While cost is not the only consideration, it is worth highlighting the conclusion that Ireland can have a more humane and cost-effective system of international protection for less than the cost of the current, much criticised direct provision system.

Table 7.2.2. Aggregated cost for planned capacity of 3,500 applicants who receive welfare and housing supports (HHAP) for 9 months after 3 months in reception centre¹²⁷

Area	Expenditure (singles sharing)	Percentage of total	Expenditure (singles not sharing)	Percentage of total
Social Welfare	€27,646,553	25%	€27,646,553	23%
Homeless Housing Assistance Payment	€12,061,499	11%	€22,718,584	19%
Primary, secondary and higher education	€8,771,749	8%	€8,771,749	7%
Health**	€7,760,614	7%	€7,760,614	6%
Legal Aid Board	€9,797,169	9%	€9,797,169	8%
Justice & Equality*	€40,763,954	37%	€40,763,954	34%
Tusla	€1,500,000	1%	€1,500,000	1%
ECCE Grant	€390,738	Less than 1%	€390,738	Less than 1%
NGO Grant	€5,000,000	5%	€5,000,000	4%
Integration supports	€6,300,000	6%	€6,300,000	5%
Total	€119,992,276	100%	€130,649,361	100%

Source: IGEES Unit, DJE based on data supplied by various stakeholders, May-August 2020.

*Includes costs for IPO and IPAT (current and additional salary and operational costs), IPAS (current salary and operational costs) and MDU (current salary costs) and reception centre.

** Includes costs of future service model of care.

7.2.1 Alternative housing models

Before making its recommendation on future accommodation, the Advisory Group looked at possible alternative models of accommodation. The Advisory Group considered whether to recommend a special house building programme to take account of the housing needs of those in the international protection system. However, this option was ultimately not retained as the Group felt it would take too long to provide the required housing capacity and it would not have contributed as much to fostering the integration into local communities recommended by the Group.

As explained in Chapter 4, the Group concluded that the best approach would be to look to housing provided through local authorities – for example, a mix of acquisition of existing housing stock, new build and leasing. In practice a blended approach could be used by the local authorities. There are a variety of considerations that would influence the mix of delivery mechanisms including the appropriateness of support, flexibility and speed of delivery, use of funding mechanisms and value for money. The costings, set out in Annex 13, are based on averages in the Department of Housing, Local Government and Heritage systems for the provision of the different types of social housing units.

¹²⁷ See detailed costings in Annex 13, Section 6.

The implication of the Group's approach is that the housing needs of those in the process of seeking international protection should, beyond an initial period in reception centres, be treated as part of the State's overall housing policy. This means that future State housing policy should incorporate the long-term housing needs of applicants who are granted protection and the temporary accommodation needs of all applicants in the system. In addition, the State should factor in the recommendation that the reception centre(s) should be State-owned. Finally, there will be a requirement to cater for the special accommodation needs of vulnerable adults and children with special needs as part of wider national housing and disability policies. The costings done for the Advisory Group consider only the recurrent costs of such facilities and do not include the capital costs of such projects.

7.3 Staffing and resources for the Department of Justice and relevant agencies

As has been highlighted elsewhere in this Report, one of the continuing problems in meeting deadlines for the various State agencies involved in the decision-making process has been the lack of resources, slow recruitment processes and inability to retain experienced staff and give them a prospect of career progression. As the Advisory Group worked it became clear that this problem affects all of the key agencies – the International Protection Office (IPO), the International Protection Appeals Tribunal (IPAT) and the Legal Aid Board (LAB) - in similar ways.

To ensure we have a system that delivers on the timelines the Group has identified, we need to overcome continuous problems with recruitment and replacement of staff. The Advisory Group recommends that the Department of Justice take direct action to recruit the specialist staff needed for the IPO and IPAT and to run specialised competitions at regular intervals to meet their needs. Where appropriate these could also be run together with the needs of other similar bodies (such as the Court registration system and the Chief State Solicitors Office) which require a similar range of skills as appropriate.

Competitions should be run with sufficient frequency to ensure that recruitment needs are met in a timely manner so that staff who leave are replaced quickly. A specific career profile should be developed for those staff with specialist skills working in the protection system to ensure that some staff (ideally around 50%) can remain in the service, making their careers and progressing in this area of the public service. It should also be made possible to recruit at mid-career and senior level to bring in established expertise as well as more junior staff at the starting grades. The Legal Aid Board (LAB) should continue to be responsible for its own recruitment but should be enabled to do so on the same terms and conditions as other public sector organisations that employ solicitors and legal staff. In other words, the LAB should be enabled to recruit above the first point of the scale and to offer mid-career and senior level opportunities as needed.

To implement the recommendations of this Report, temporary reinforcement of the Department of Justice up to mid-2023 will be necessary to staff the examination and decision-making procedure for the recommended one-off case-processing approach to backlog cases.

The Advisory Group examined the staffing needs of each of the key agencies under the scenario of having around 3,500 applications annually. The detailed requirements and annual costs to be able to process 3,500 applications within fixed deadlines are set out below. Since it is not possible to programme the annual number of applications, the staffing requirements will need to be kept

under review. For example, it is highly possible that further technological and process reviews could bring further efficiencies and savings and the recommended staffing levels should then be adapted accordingly.

7.3.1 Future Staffing and resource requirements of the International Protection Office

In mid-2020 the IPO had a total of 147 full-time equivalent (FTE) staff. 24 additional staff were to be allocated in 2020 but this allocation has not been implemented. The IPO requested a further 26 staff to enable it to meet the commitment it made in its 2020 business plan to reach 9 month processing times for most cases by the end of 2020. The Advisory Group considers that this processing deadline should be reduced to 6 months from mid-2023. The same timeline should apply to cases in the Dublin process as soon as they are accepted for processing in the State. The IPO therefore needs a total staffing level of at least 220 civil servants with suitable office space and equipment plus room for the legal panel.¹²⁸

There is also a need for contingency planning to enable a quick response in the event of sudden surges in applications. This should be done in advance so that additional resources can be deployed quickly, to prevent surges leading to the build-up of backlogs that would lead to failure to stick to deadlines.

7.3.2 Future staffing and resource requirements of the International Protection Appeals Tribunal

The IPAT works with a full-time staff of a Chair, two deputy Chairs, three full-time Tribunal members and 58 part-time members drawn from a panel of lawyers, who are paid according to the number and type of cases that they do. It has a civil service staff of 41 people as of end 2019. In 2019, the Tribunal cost €4.2 million to run.

To increase output to 2,700 appeal decisions per annum, the Tribunal would require a total addition of 8 staff members in the Tribunal administration, as well as the increase in the number of full-time Tribunal members from 3 to 10, as detailed in section 3.4 above.¹²⁹

7.3.3 Future staffing and resource requirement of the Legal Aid Board

In order to provide legal aid for around 3,500 applications per year, the LAB would need 50 FTE solicitors, 47.3 FTE legal clerks and 26.5 clerical officers. It would also need a budget to run a smaller legal panel and to have recourse to other external expertise (such as medical) as needed.¹³⁰

Table 7.3.1 shows an estimate of the total salary cost of the solicitor, legal clerk and clerical officer staffing complement required to deal with 3,500 applications. The estimated salary cost of providing an end-to-end in-house legal service to all 3,500 applications amounts to €6,069,922.

Table 7.3.1 shows the estimated total cost of providing a full service in-house to 3,500 applicants is €8,779,919.

128 See IPO submission to the Advisory Group, September 2020. Will be made available on the Advisory Group page of the Department of Justice website.

129 See IPAT submission to the Advisory Group, May/June 2020. Will be made available on the Advisory Group page of the Department of Justice website.

130 See LAB submission to the Advisory Group, May/June 2020. Will be made available on the Advisory Group page of the Department of Justice website.

Table 7.3.1: Estimated total combined cost of in-house service

Estimated total combined cost of in-house model service	
Projected In-House Service Salary Cost	€6,069,922
Additional Law Centre Running Cost	€2,334,997
Additional Case Expenditure	€375,000
Total Cost	€8,779,919

7.4 A support fund for non-governmental organisations and local community groups

The current direct provision system relies on non-governmental organisations (NGOs) for a wide range of services. For example, the IPO and the IPAT rely on Spirasi¹³¹ to provide medico-legal reports and organisations such as DePaul¹³², the Jesuit Refugee Service¹³³ and the Peter McVerry Trust¹³⁴ provide support to applicants for international protection in their search for accommodation. These NGOs spend much time fund raising and will need additional funding if they are to play an enhanced role in supporting housing placement and early support to protection applicants as recommended by the Advisory Group. Similarly, local community groups operate around the country, providing support to applicants in direct provision centres. Some are funded by NGOs, but many can only rely on their own fundraising activities.

These organisations play a crucial role in ensuring that the international protection process is carried out in line with Ireland's United Nations (UN) and European Union (EU) obligations. They also play key roles in fostering integration into local communities and sustaining the integration process for the future. Some of them (for example Spirasi) will need to be equipped to play an expanded role in the new system recommended by the Advisory Group. Without further multi-annual funding it will not be possible for NGOs and voluntary groups to step up to the roles proposed for them in the new system.

The Advisory Group recommends the establishment of an annual fund to provide grants to NGOs and local community groups involved in the international protection process. The proposed fund should be designed to work with existing channels as far as possible. For example, there is a need for greater funding for those NGOs that will work to support housing placement, mental health and the range of wrap-around supports needed for vulnerable adults and children with special needs. Smaller, "light touch" grants (such as those provided today under the Communities Integration Fund) could be used to support local community groups in their interaction with applicants for protection both during the process and later in supporting their local integration. The fund should be launched with initial funding of €5 million a year and be reviewed in the light of future needs. Grants should be multi-annual.

131 Spirasi (Spiritan Asylum Services initiative) was set up in 1999 by the Spiritans in response to the rapidly evolving migration and asylum situation in Ireland. In its 20 year history, Spirasi has offered rehabilitation services to over 5,000 victims of torture.

132 De Paul is a charity helping people who are homeless or at risk of homelessness.

133 The Jesuit Refugee Service (JRS) is an international non-governmental organisation, founded in 1980 with the mission to *accompany, to serve and to advocate* for the cause of refugees and forcibly displaced persons worldwide.

134 Peter McVerry Trust is a national housing and homeless charity committed to reducing homelessness and the harm caused by substance misuse and social disadvantage.

Recommendations from Chapter 7

- 7.1: The State should adopt the recommendations for a new permanent system of international protection in line with the recommendations set out in Chapters 3 to 5 and the current funding of €178.5 million should be made available to fund the new system.
- 7.2: The Department of Justice should directly recruit the specialist staff needed by the IPO and the IPAT including through specialised competitions at regular intervals. The LAB should continue to carry out its own recruitment but be enabled to apply the same terms and conditions as other public sector organisations, in order to be able to recruit suitably qualified and experienced staff in line with its needs.
- 7.3: A specific career profile should be developed for those staff with specialist skills working in the international protection system to ensure that some staff (ideally around 50%) can remain in the service, making and progressing in their careers in this area of the public service. It should also be made possible to recruit at mid-career and senior level to bring in established expertise as well as more junior staff at the starting grades.
- 7.4: An initial fund of €5 million should be made available annually to provide grants to support the activities of NGOs and local community groups involved in the international protection process.

Chapter 8

Implementation and Oversight



Chapter 8: Implementation and Oversight

8.1 Who is responsible for implementing the recommendations?

Annex 14 sets out a table of responsibilities for implementing the main recommendations of this Report.

8.2 Potential barriers to implementation

The failure to implement previous recommendations in full, in particular those of the 2015 McMahon Report, meant that the promise of change and improvement was not delivered as envisaged. This failure was summarised in a recent statement by the Jesuit Refugee Service as follows: “While the Government accepted the (McMahon) report and its recommendations, it never appointed an implementation body and never adopted a clear implementation plan. Overall, the implementation process was uneven, delayed and at times (had to be) enforced e.g. the Supreme Court judgement regarding a right to work. Implementation failures left a system not ‘fit for purpose’ to meet post-McMahon Report challenges, never mind a national housing crisis and the COVID-19 outbreak”.¹³⁵ The Advisory Group agrees with this assessment.

In this Report, we are recommending an integrated system to reflect the fact that responsibility for the State’s obligations in international protection do not lie solely with the Department of Justice. It will require the co-operation of a range of Departments, State agencies and local authorities, at national and local levels, to meet these obligations. If any part of the integrated system is missing, under-resourced or not delivering, then the whole architecture will fail. A number of legislative changes will be necessary to introduce the new permanent system. In order to ensure that all the necessary laws and procedures are in place in good time to ensure that the new system is fully functional by mid-2023, the Advisory Group recommends the adoption of a co-ordinated package of legislation by the end of 2021.

Delivery of a new system will require permanent, strong co-ordination of multiple actors, from a range of Ministers and their Departments, to civil society groups and other external stakeholders as well as the people in the international protection system. For these reasons, the Advisory Group stresses the need for strong oversight at political and administrative level, not just at the start of the new system but on a permanent basis. The Advisory Group also sees the need for and recommends independent oversight. The following structure is recommended to ensure there is a holistic view of the new system at political level, supported by monitoring and reporting at administrative level and with the regular involvement of an independent body to verify delivery and warn if problems are beginning to emerge:

- A Cabinet Committee composed of all Ministers with responsibility for delivering the new system (e.g. Ministers for Justice, for Children, Equality, Disability, Integration and Youth, for Housing, Local Government and Heritage, for Social Protection, for Health, for Education, for Further and Higher Education, Innovation, Research and Science, for Transport and for Public Expenditure). The Committee should meet regularly and make a report to the Government and Oireachtas every 6 months;
- The officials supporting the Cabinet Committee should be responsible for reporting in respect of deadlines, giving early warnings if problems or backlogs occur and acting as a clearing house for intersectional issues which arise between Departments. The main Departments involved, such as Justice, Housing, Local Government and Heritage and Social Protection, should have specific delivery responsibilities to enable them to carry out performance monitoring and to advise on problem solving. The new IT system recommended by the Advisory Group should provide a steady flow of data to underpin the necessary monitoring;
- An independent body should be created, with an independent Chair, and a mandate to ensure transparency and accountability. It should enable the participation of civil society organisations (CSOs), including representatives of applicants in the protection system, in monitoring progress, evaluating the functioning of the system and identifying blockages and areas where change is needed;
- The remit of the Ombudsman should be extended to enable him/her to investigate complaints about the process leading up to decisions on applications for international protection and related administrative matters, excluding the decisions on protection status taken by the IPO and the IPAT where other avenues of appeal already exist;¹³⁶
- The independent body should be sufficiently resourced to be able to act autonomously and be given a right of access to all relevant official data. The head of the body should make an annual report and present it to the Oireachtas Committee on Justice and Equality.

136 See <https://www.ombudsman.ie/publications/submissions-and-proposals/submission-for-party-mani/index.xml>.

Recommendations from Chapter 8

- 8.1: The Advisory Group stresses the need for strong oversight at political and administrative level on a permanent basis as well as the need for independent oversight. It recommends the creation of a Cabinet Committee composed of all Ministers with responsibility for delivering the new system. The Cabinet Committee should report in respect of deadlines, receive and act upon early warnings if problems or backlogs occur and act as a clearing house for intersectional issues which arise between Departments.
- 8.2: An independent body should be created with a mandate to ensure transparency and accountability. It should enable the participation of civil society organisations, including representatives of applicants in the protection system, in monitoring progress, evaluating the functioning of the system and identifying blockages and areas where change is needed. This body should be sufficiently resourced to be able to act autonomously with a right of access to all relevant official data. The head of the body should make an annual report and present it to the Oireachtas Committee on Justice and Equality.
- 8.3: The remit of the Ombudsman should be expanded to enable him/her to investigate complaints about the process leading up to decisions on applications for international protection and related administrative matters excluding the decisions on protection status taken by the IPO and the IPAT where other avenues of appeal already exist.

Glossary of terms

Accommodation centre

The place where anyone who is applying for international protection in Ireland may be assigned to live while their applications are considered. The accommodation centre means the building and all outside space which people can access. Also called Direct Provision centre (see below).

Note: Applicants for international protection do not have to reside in Direct Provision centres and may source their own accommodation.

Aged out minors

Unaccompanied minors who turn 18 before their application for international protection has been decided.

Asylum Seeker

A person who has made an application for international protection in the State under the International Protection Act, 2015. For the purpose of this Glossary and Report, the term “protection applicant” is used unless the context requires otherwise (see reference to Protection Applicant elsewhere in this Glossary).

Calais Special Project

The Calais Special Project was established in November 2016 by the Minister for Children and Youth Affairs following the adoption of an All-Party Motion in the Dáil to accept up to 200 unaccompanied minors who wished to come to Ireland from the former migrant camp in Calais. A total of 41 such unaccompanied minors were identified and transferred to Ireland.

Charter of Fundamental Rights of the European Union

The Charter of Fundamental Rights of the EU brings together the most important personal freedoms and rights into one legally binding document. The Charter was declared in 2000 and came into force in December 2009 along with the Treaty of Lisbon. The purpose of the Charter is to promote human rights within the territory of the EU.

Communal kitchen

A kitchen that may be used by residents in an accommodation centre for cooking their meals.

Direct Provision (DP)

Direct Provision is the means by which the State seeks to meet its obligations to provide for the material needs of people seeking international protection in the State.

Emergency Accommodation Centre

An Emergency Accommodation Centre is a place of accommodation provided by the IPAS for protection applicants when there are not sufficient places available in accommodation centres. Pending the opening of new centres, and to ensure that the State continues to provide accommodation for all applicants who require it, the International Protection Accommodation Service (IPAS) has been accommodating applicants in emergency accommodation in hotels and guest houses.

Emergency Reception and Orientation Centre (EROC)

Persons arriving in Ireland under the Irish Refugee Protection Programme (IRPP) are initially accommodated in Emergency Reception and Accommodation Centres.

Housing Assistance Payment (HAP)

HAP is a form of social housing support provided by all local authorities. HAP means that local authorities can provide housing assistance for households who qualify for social housing support, including many long-term Rent Supplement recipients.

Under HAP, local authorities will make a monthly payment to a landlord, subject to terms and conditions, including rent limits, on a HAP tenant's behalf. In return, the HAP tenant pays a weekly contribution towards the rent to the local authority. This 'rent contribution' is based on the household income. It is calculated in the same way as the rent paid by a tenant of a local authority owned property.

Health Service Executive (HSE)

The body responsible for providing all of Ireland's public health services in hospitals and communities across the country.

Immigration Service Delivery (formerly Irish Naturalisation and Immigration Service (INIS))

The functional unit within the Department of Justice responsible for administering the functions of the Minister for Justice in relation to asylum, immigration (including visas) and citizenship matters.

Independent Living

'Independent Living' refers to a centre that has the following facilities: a food hall (onsite or an accessible shop) for the purchase of food stuffs, toiletries and cleaning materials through a points-based system and communal cooking and storage facilities available to residents to allow them to store and cook food. In cases of centres which host families, living rooms are provided at a rate of 1 living room per 3 families. Independent living also ensures provision of recreational facilities for residents onsite.

International Protection Status

International protection status as defined by the International Protection Act 2015 is comprised of refugee protection or subsidiary protection status.

International Protection Act 2015 (the 2015 Act)

This is the principal legislation dealing with the processing of international protection applications in the State. It was commenced on 31 December 2016.

International Protection Appeals Tribunal (IPAT)

The statutory independent body under the 2015 Act which considers appeals from applicants for international protection who have been refused by the IPO at first instance.

International Protection Office (IPO)

This Office forms part of the Immigration Service Delivery function of the Department of Justice. Its main function is to consider applications for international protection at first instance as part of a single application procedure (see below). The Office replaced the Office of the Refugee Applications Commissioner on the commencement of the 2015 Act.

International Protection Accommodation Services (IPAS)

The functional unit within the Department of Justice with responsibility for arranging accommodation for protection applicants (in accordance with the Government policies of Direct Provision and dispersal) and working with statutory and non-statutory bodies to coordinate the delivery of other services including health, social welfare and education to applicants. Soon to be transferred to the Department of Children, Equality, Disability, Integration and Youth.

International Protection Procurement Services (IPPS)

The functional unit within the Department of Justice with responsibility for procurement of accommodation centres, management of accommodation centre contracts, carrying out payments, inspections of centres and procurement and distribution of PPE. Soon to be transferred to the Department of Children, Equality, Disability, Integration and Youth.

Irish Refugee Protection Programme (IRPP)

The Irish Refugee Protection Programme, established in September 2015, is part of Ireland's response to the migration crisis in central and southern Europe. Under this programme, the Government committed to accept up to 4,000 people into the State, through a combination of the European Union Relocation mechanism and the UNHCR-led Refugee Resettlement Programme.

Leave to remain process (LTR)

The consideration by the Minister for Justice of whether or not to issue a deportation order in respect of a person who has been deemed not eligible for protection. If the decision is that a deportation order should not issue, leave to remain in the State is granted under Ministerial discretion following consideration of representations submitted, including in relation to the matters set out in section 3 of the Immigration Act 1999.

Legal Aid Board (LAB)

An independent statutory body providing legal services in civil matters. It has a specialised office to provide confidential and independent legal services to persons applying for international protection in Ireland. This office has branches in Dublin, Cork and Galway.

Mediterranean Search and Rescue

The operation put in place to help migrants who are rescued from overcrowded or unseaworthy boats while attempting to cross the Mediterranean to reach Europe and are disembarked mainly in Italy and Malta.

Ministerial Decisions Unit (MDU)

This Office forms part of the Immigration Service Delivery function of the Department of Justice. Its main function is to issue the decisions of the Minister for Justice and Equality in relation to applications for international protection. The decisions of the Minister are grants or refusals of refugee status or subsidiary protection status and are issued in accordance with the recommendations of the IPO and the IPAT.

'Own-door' accommodation

Own-door accommodation/self-contained unit means that residents have a dedicated accommodation unit such as an apartment which consists of bedroom/bedrooms, bathroom, living space and kitchen including cooking facilities.

Permission to Remain

As part of a single application procedure, permission to remain may be granted by the Minister for Justice to a protection applicant to reside in the State. Permission to remain is considered in the context of criteria specified in section 49 of the 2015 Act and only after an application for international protection is refused at first instance. An applicant is also entitled to submit representations to the Minister for a Permission to Remain Review if an appeal to the IPAT in relation the recommendation not to grant international protection is unsuccessful.

Person at the deportation order stage

A person who has been refused protection (refugee/subsidiary protection status) and permission to remain and in respect of whom a deportation order has been made.

Person who is granted a residency permission

A person who is granted a residency permission is used to describe:

- i. A person who has been granted Refugee Status;
- ii. A person who has been granted Subsidiary Protection or/and;
- iii. A person granted permission to remain under section 49 of the International Protection Act 2015, / granted leave to remain following the process under section 3 of the Immigration Act 1999.

Person who is refused a residency permission

A person who is refused a residency permission is used to describe a person who has been refused all of the following:

- i. Refugee Status;
- ii. Subsidiary Protection and;
- iii. Permission to remain under section 49 of the International Protection Act 2015 / leave to remain following the process under section 3 of the Immigration Act 1999.

Person in the judicial review process

A person who is engaged in judicial review proceedings before the Courts. Such a person will at the same time normally be at one of the stages in the system – protection (first instance), protection (appeal) or permission to remain/permission to remain (review).

Programme Refugees

A person to whom permission to enter and remain in the State for resettlement, or for temporary protection other than temporary protection provided for in section 60 of the International Protection Act 2015, has been given by the Government or the Minister.

These are persons who are invited to Ireland by the Government, usually in response to a humanitarian crisis and at the request of the United Nations High Commissioner for Refugees (UNHCR). In general, they have the same rights as Convention refugees.

Protection applicant

A person with an application for international protection whose application has not been determined to finality.

Reception Centre

After applicants for international protection make their application for protection they are offered accommodation in a reception centre, before being relocated to alternative accommodation elsewhere while their application for international protection is processed.

Refugee

A person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it (International Protection Act, 2015).

Relocation Applicant

A relocation programme applicant is an applicant for international protection who is transferred to Ireland under an EU Relocation mechanism to have his/her application for international protection processed in the State.

Resettlement Programme

The Irish Refugee Resettlement Programme has been in operation since 2000 and is run by the Irish Government in collaboration with UNHCR. Under the Programme, refugees who cannot return home because of continued war or fear of persecution or have specific needs may be resettled in Ireland. In recent years, Ireland's resettlement programme has focused mainly on the resettlement of Syrian refugees hosted in Lebanon and Jordan.

Resident

An adult or child who lives at an accommodation centre, reception centre or emergency accommodation centre.

Single application procedure

A procedure leading, on the basis of a single application to the Minister for Justice, to a decision in relation to eligibility for international protection (refugee status or subsidiary protection status) or permission to remain. Also referred to as 'single procedure'.

Special reception need

A resident with a special reception need who has been assessed as vulnerable and in need of special guarantees in the context of the European Communities (Reception Conditions) Regulations 2018.

Subsidiary protection

In the context of the 2015 Act, subsidiary protection is the protection given to a person:

- (a) who is not a national of an EU Member State,
- (b) who does not qualify as a refugee, and
- (c) in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, would face a real risk of suffering serious harm and who is unable or, owing to such risk, unwilling to avail himself or herself of the protection of that country. "Serious harm" means: (a) death penalty or execution; (b) torture or inhuman or degrading treatment or punishment of an applicant in his or her country of origin; or (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

Supplementary Welfare Allowance

A means-tested scheme administered by the Department of Social Protection that is considered the "safety net" within the social welfare system in that it provides assistance to eligible persons whose means are insufficient to meet their needs and those of their dependents.

Tusla (Child and Family Agency)

The Child and Family Agency was established on 1 January 2014 and is the dedicated State agency responsible for improving wellbeing and outcomes for children.

Unaccompanied minor

A person who has not attained the age of 18 years and is not accompanied by an adult who is taking responsibility for the care and protection of that person.

Vulnerable person

A vulnerable person is a resident who has been assessed as having a special reception need in accordance with Regulation 8 of the European Communities (Reception Conditions) Regulations 2018.

List of abbreviations used in the Report

AIDA:	The Asylum Information Database of the European Council on Refugees and Exiles
AHB:	Approved Housing Body
CSO:	Civil Society Organisations
DJE:	Department of Justice and Equality
EASO:	European Asylum Support Office
ECCE:	Early Childhood Care and Education
ECRE:	European Council on Refugees and Exiles
EMN:	European Migration Network
EROC:	Emergency Reception and Orientation Centre
ETB:	Education and Training Board
EU:	European Union
GNIB:	Garda National Immigration Bureau
GP:	General Practitioner
HAP:	Housing Assistance Payment
HHAP:	Homeless Housing Assistance Payment
HIQA:	Health Information and Quality Authority
HSE:	Health Service Executive
IGEES:	Irish Government Economic Evaluation Service
IHREC:	Irish Human Rights and Equality Commission
ICT:	Information and Communication Technology
IOM:	International Organisation for Migration
IPAS:	International Protection Accommodation Service
IPAT:	International Protection Appeals Tribunal
IPO:	International Protection Office
IRP:	Irish Residence Permit
IRPP:	Irish Refugee Protection Programme
ISD:	Immigration Service Delivery
IT:	Information Technology
JRO:	Joint Return Operation
LAB:	Legal Aid Board
MDU:	Ministerial Decision Unit
NGO:	Non-governmental Organisation
OPMI:	Office for the Promotion of Migrant Integration
PTR:	Permission to Remain
RSA:	Road Safety Authority
SPIRASI:	Spiritan Asylum Services Initiative
SWA:	Supplementary Welfare Allowance
UN:	United Nations
UNHCR:	United Nations High Commissioner for Refugees

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Annex 1

Outline of supports provided at various levels to four categories of persons in the international protection/refugee process in Ireland

	Category 1	Category 2	Category 3	Category 4
Support Category	Resettlement Programme Refugee Supports	Relocation of Asylum Seekers (Under the EU Relocation Decision) Supports	International Protection Applicant Supports	Convention Refugee Supports (i.e. Asylum Seekers who are granted Refugee Status/ Subsidiary Protection in the state.)
PRE-ARRIVAL	Pre-departure Orientation.	Pre-departure orientation given by IOM using material developed by IPO/ ORAC.	n/a	n/a
	Transport to Ireland provided.	Transport to Ireland provided by IOM.		
	Pre-departure medical screening provided by IOM.	Pre-departure medical screening provided by IOM.		
ON ARRIVAL				
Financial Support	EU provides funding of €10,000 per Resettlement refugee through EU Asylum, Migration and Integration Fund (AMIF).	EU provides funding of €6,000 per Relocation asylum seeker through EU Asylum, Migration and Integration Fund (AMIF).	None.	None.
Case Processing	Arrival with status as UNHCR recognised refugees.	Applications prioritised and actively managed by a dedicated Relocation Unit in the IPO which had met applicants before arrival in Ireland. Applications usually processed in a matter of months.	Non-prioritised 8-10 months for first instance interview, 17 month for first instance decision (median times, Quarter 1, 2020).	n/a
Legal Aid	n/a	Legal Aid available if requested or required.	Applicants can apply to the Legal Aid Board for assistance on arrival.	n/a
Accommodation	EROC for 6 months.	EROC for 6 to 12 months during asylum application determination process.	Reception Centre if possible for 4-8 weeks (35 day median).	See General Entitlements below.
Health	Pre-departure medical screening. Expedited registration for medical card and assigned a GP.	Pre-departure medical screening. Expedited registration for medical card and assigned a GP.	Medical screening is offered in the National Reception Centre, Baleskin.	n/a

	Category 1	Category 2	Category 3	Category 4
Orientation	Pre-departure orientation.	Pre-departure orientation. Initial assessment and expedited registration with IPO.	Orientation classes are held in the National Reception Centre. Applicants are provided with an information leaflet about their accommodation centre prior to transfer.	n/a
Orientation (CTD)	12 week Language Training and Cultural Orientation programme provided by ETB's in cooperation with OPMI - tailored programme including language skills and information on rights and entitlements, the Irish education system, employment and life in Ireland.	12 week Language Training and Cultural Orientation programme provided by ETB's in cooperation with OPMI - tailored programme including language skills and information on rights and entitlements, the Irish education system, employment and life in Ireland.	Applicants can apply to attend English classes provided by the local ETB (mainstream ESOL English classes, 2-4 hours per week on average).	
Orientation (CTD)	Regular clinics held by IRPP staff in EROCs, to discuss needs and requirements of applicants.	Regular clinics held by IRPP staff in EROCs, to discuss needs and requirements of applicants.	Information packs available on primary and post-primary education.	
Orientation (CTD)	Induction programme for children to prepare them for mainstream education. (GR ETB and WW ETB run on-site education classes for children of primary school going age to prepare them for their attendance in mainstream primary school).	Induction programme for children to prepare them for mainstream education. (GR ETB and WW ETB run on-site education classes for children of primary school going age to prepare them for their attendance in mainstream primary school).		
Education - Primary & Secondary	Access to mainstream primary and post-primary schools or on-site primary and post-primary level classes administered by ETBs.	Access to mainstream primary and post-primary schools or on-site primary and post-primary level classes administered by ETBs.	Access to mainstream primary and post-primary schools on same basis as Irish nationals.	See General Entitlements below.
Welfare	Expedited registration with DEASP for Public Services Card and PPSN.	Expedited registration with DEASP for Public Services Card and PPSN.	TRC (temporary residence card) is issued by IPO. PPSN and PSC issued by DEASP. IPAS and DEASP were working on a project to have a dedicated facility for IP applicants in an office in Dublin city centre. This project is now on hold.	See General Entitlements below.

	Category 1	Category 2	Category 3	Category 4
Welfare (CTD)	Entitled to Daily Expenses Allowance while in EROC's (weekly rate is €29.80 for children and €38.80 for adults).	Entitled to Daily Expenses Allowance while in EROC's (weekly rate is €29.80 for children and €38.80 for adults).	Entitled to Daily Expenses Allowance while in Reception Centre accommodation (weekly rate is €29.80 for children and €38.80 for adults).	Entitled to Daily Expenses Allowance if they remain in DP accommodation. Otherwise entitled to Social Welfare on the same basis as Irish nationals.
Welfare (CTD)	Receive exceptional needs payments through DEASP.	Receive exceptional needs payments through DEASP.	Exceptional needs payments for items such as transport and child related costs through DEASP.	Exceptional needs payment if necessary if remain in DP accommodation.
Welfare (CTD)	Entitled to Back to School clothing and footwear allowance while in EROC.	Entitled to Back to School clothing and footwear allowance while in EROC.	Entitled to Back to School clothing and footwear allowance while in Reception Centre.	Entitled to Back to School clothing and footwear allowance if remain in DP accommodation.
Labour	RTW on same basis as Irish citizen. (i.e. to seek and enter employment, to engage in any trade or profession)	See General Entitlements below.	See General Entitlements below.	See General Entitlements below.
Intercultural support	Arabic speaking Intercultural support worker to work with families during their time in the centre.	Arabic speaking Intercultural support worker to work with families during their time in the centre.	Interpretation and translation services provided where necessary. Local NGOs and Community Organisations provide a range of supports/ classes etc.to those in DP. Each centre has a Friends of the Centre Group to promote engagement with local voluntary groups.	See Integration Supports below.
Childcare supports	Services and crèche facilities are available to ensure adult refugees can participate in the orientation programme.	Services and crèche facilities are available to ensure adult refugees can participate in the orientation programme.	See General Entitlements below.	See General Entitlements below.

	Category 1	Category 2	Category 3	Category 4
GENERAL ENTITLEMENTS	On grant of protection	On grant of protection	Pre- grant of protection.	The entitlements for supports to persons granted International Protection in the state is set out in Section 53 of the International Protection Act 2015.^
Accommodation	Direct assistance to acquire suitable housing for beneficiaries if required, either private rental sector or social housing, with supports from local authorities, voluntary housing associations and other bodies. (means tested access to rent supplement/HAP)	Direct assistance to acquire suitable housing for beneficiaries if required, either private rental sector or social housing, with supports from local authorities, voluntary housing associations and other bodies. (means tested access to rent supplement/HAP)	Full board accommodation in Direct Provision centres, if required.	Accommodation is individual responsibility. Assessment of social housing support on the same basis as an Irish citizen. Means tested access to rent supplement/ HAP. NGO support housing programmes operated by the IRC, Peter McVerry and DePaul
Health	Medical Cards are issued without having to satisfy a means test. GP assigned to individuals and families. Same medical care benefits, subject to the same conditions, as an Irish citizen.	Medical Cards are issued without having to satisfy a means test. GP assigned to individuals and families. Same medical care benefits, subject to the same conditions, as an Irish citizen.	Medical Cards are issued to DP residents without having to satisfy a means test. Same medical care benefits, subject to the same conditions, as an Irish citizen.	Access to means tested medical cards. Same medical care benefits, subject to the same conditions, as an Irish citizen.
Welfare	Access to Public Services Card and means tested social welfare, subject to the same conditions, as an Irish citizen. Programme refugees do not have to apply for work while attending 1 year ESOL training (see below).	Access to Public Services Card and means tested social welfare, subject to the same conditions, as an Irish citizen. Relocation applicants do not have to apply for work while attending 1 year ESOL training (see below).	TRC (temporary residence card) is issued by IPO. PPSN and PSC issued by DEASP.	Access to Public Services Card and means tested social welfare, subject to the same conditions, as an Irish citizen.
Welfare (CTD)	Programme Refugees are entitled to means tested Social Welfare payments incl. Jobseekers, Disability, and Child Benefit on the same basis as Irish Nationals.	Beneficiaries are entitled to means tested Social Welfare payments incl. Jobseekers, Disability and Child Benefit on the same basis as Irish Nationals.	Entitled to Daily Expenses Allowance (DEA) while in Direct Provision accommodation (weekly rate is €29.80 for children and €38.80 for adults).	Refugees are entitled to means tested Social Welfare payments incl. Jobseekers, Disability and Child Benefit on the same basis as Irish Nationals.
Welfare (CTD)	Entitled to Back to School clothing and footwear allowance (scheme runs from June to September each year, rates are €150 for children aged 4-11 and €275 for older children). Not means tested.	Entitled to Back to School clothing and footwear allowance (scheme runs from June to September each year, rates are €150 for children aged 4-11 and €275 for older children). Not means tested.	Entitled to Back to School Clothing and Footwear Allowance through DEASP while in receipt of DEA (scheme runs from June to September each year, rates are €150 for children aged 4-11 and €275 for older children). Not means tested.	Entitled to means tested Back to School clothing and footwear allowance (scheme runs from June to September each year, rates are €150 for children aged 4-11 and €275 for older children).

	Category 1	Category 2	Category 3	Category 4
Welfare (CTD)	Entitled to Exceptional Needs Payments if necessary for items such as transport and child related costs through DEASP.	Entitled to Exceptional Needs Payments if necessary for items such as transport and child related costs through DEASP.	Entitled to Exceptional Needs Payments if necessary for items such as transport and child related costs through DEASP.	Entitled to Exceptional Needs Payments if necessary for items such as transport and child related costs through DEASP.
Labour	Right to work on same basis as Irish citizen. (i.e. to seek and enter employment, to engage in any trade or profession).	Right to work on same basis as Irish citizen. (i.e. to seek and enter employment, to engage in any trade or profession).	Right to work at 9 months if first instance decision has not been made. Permission renewable after 6 months. Restrictions on Civil/Public/Garda/ Defence sector work.	Right to work on same basis as Irish citizen. (i.e. to seek and enter employment, to engage in any trade or profession).
Childcare	Children of Programme Refugees are entitled to free crèche/pre-school hours under ECCE scheme as Irish nationals.	Children of asylum seekers are entitled to free crèche/pre-school hours under ECCE scheme as Irish nationals.	Children of applicants are entitled to free crèche/pre-school hours under ECCE scheme as Irish nationals. In some cases the crèche/preschool is located within the Direct Provision centre, others attend preschools in the community.	Children of Refugees are entitled to free crèche/pre-school hours under ECCE scheme as Irish nationals.
Education - Primary & Secondary	Transition to mainstream education once resettled. Access to mainstream primary and post-primary schools on same basis as Irish nationals.	Transition to mainstream education once relocated. Access to mainstream primary and post-primary schools on same basis as Irish nationals.	Access to mainstream primary and post-primary schools on same basis as Irish nationals.	Access to mainstream primary and post-primary schools on same basis as Irish nationals.
Education - Tertiary	Eligible for financial support under the Free Fees Initiative in order to access third-level education on the same basis as Irish citizens, provided certain residence conditions are met, and SUSI grants on same basis as Irish nationals.*	Eligible for financial support under the Free Fees Initiative in order to access third-level education on the same basis as Irish citizens, provided certain residence conditions are met, and SUSI grants on same basis as Irish nationals.*	Under the Student Support Scheme, school leavers who have been in the protection system for 3 years and meet certain criteria can apply for student supports.** (supports in line with the current SUSI Student Grant Scheme). Third Level Scholarships provided by third level institutions on a case-by-case basis.	Eligible for financial support under the Free Fees Initiative in order to access third-level education on the same basis as Irish citizens, provided certain residence conditions are met, and SUSI grants on same basis as Irish nationals.*

	Category 1	Category 2	Category 3	Category 4
Education - Vocational	Access to vocational training on the same basis and extent as Irish Nationals, including further education and training, apprenticeships and VTOS (vocational training opportunities scheme).****	Access to vocational training on the same basis and extent as Irish Nationals, including further education and training, apprenticeships and VTOS (vocational training opportunities scheme).****	Access to vocational training on the same basis and extent as Irish Nationals, including further education and training (FET), apprenticeships*** and VTOS.**** Applicants must hold valid Labour Market Access Permission. Applicants without Labour Market Access Permission eligible for free access to English language classes and to adult literacy supports only (see below). Fees may apply for PLC courses.*****	Access to vocational training on the same basis and extent as Irish Nationals, including further education and training, apprenticeships and VTOS (vocational training opportunities scheme).****
INTEGRATION SUPPORTS				
Integration Support	Begins at moment of arrival. IRPP Resettlement worker assigned to assist with transition and full-time integration support for 18 months through Resettlement Support Worker with social care experience, employed by way of EU grant channelled through local authority.	Begins at moment of arrival. In terms of settlement in community, overall model used to be identical to model for programme refugees, as well as suite of integration supports.	Access to mainstream Integration Supports (Comprehensive information guide to living independently and information sessions nationwide for those granted status.)	Begins at moment status granted. Access to mainstream Integration Supports (Comprehensive information guide to living independently and information sessions nationwide for those granted status.) NGO, government funded bodies and private sector supports available.#
Intercultural support	Intercultural and interpretation support for 12 months with a full-time, Arabic speaking Intercultural Support Worker.	Same as resettlement beneficiaries.	Local NGOs and Community Organisations provide a range of supports/ classes etc.to those in DP. Each centre has a Friends of the Centre Group to promote engagement with local voluntary groups.	
Language Support	ESOL English language and training programme of up to 20 hours tuition per week for a period of one year to 18 months, organised by local ETB, funded by SOLAS. Childcare available to those who attend. Applicants do not need to apply for work during this year.	ESOL English language and training programme of up to 20 hours tuition per week for a period of one year to 18 months, organised by local ETB, funded by SOLAS. Childcare available to those who attend. Applicants do not need to apply for work during this year.	Access to mainstream ESOL English classes, 2-4 hours per week on average, provided by the local ETB.	Access to mainstream ESOL English classes, 2-4 hours per week on average, provided by the local ETB.

	Category 1	Category 2	Category 3	Category 4
Community Links	Responsibility of funded resettlement support agency to develop and establish links for families in local communities.	Same as resettlement beneficiaries.	Friends of the Centre groups have been set up in all DP centres in order to increase integration opportunities and develop greater community linkage with the residents and the centres.	Individual responsibility. NGO assistance provided if available.
Other supports	Exceptional needs such as counselling, transport, etc. provided by local authorities through specific funding.	Exceptional needs such as counselling, transport, etc. provided by local authorities through specific funding.	Applicants have access to counselling on the same basis as Irish nationals. Organisations such as SPIRASI provide specialist counselling to applicants. Cost of transport to attend appointments funded by DEASP through the Exceptional Needs Payment Scheme	
Notes:	<p>^Section 53 of the International Protection Act 2015 provides:</p> <p>A qualified person shall be entitled –</p> <p>(a) 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,</p> <p>(b) 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,</p> <p>(c) subject to section 54, to reside in the State, and</p> <p>(d) subject to section 55, to the same rights of travel in or to or from the State as those to which Irish citizens are entitled.</p> <p>*Convention and Programme refugees must have resided in Ireland for three of the five years prior to commencing a third-level programme in order to be granted support under the Free Fees Initiative. Anybody with refugee status, subsidiary protection status or leave to remain status can apply for SUSI grant support.</p> <p>**International fees apply to higher education courses for international protection applicants. Some IP applicants attend undergraduate and post graduate courses in the further and higher education sector using their own financial resources or by availing of financial supports provided by philanthropic organisations including the likes of the 'universities of sanctuary'.</p> <p>*** International protection applicants participating in apprenticeships are not entitled to a training allowance, in lieu of the daily expense allowance.</p> <p>****Students must meet general eligibility criteria such as competency in spoken and written English; applications for Post Leaving Certificate (PLC) courses hold specific educational or vocational requirements for entry.</p> <p>*****Access for eligible international protection applicants to the majority of further education and training (FET) programmes is free of charge. International fees apply for Post Leaving Certificate (PLC) programmes. Applicants are eligible for support under the Pilot Support Scheme</p> <p># A number of community organisations (Irish Refugee Council, Immigrant Council of Ireland, Migrant Rights Centre Ireland, Crosscare Migrant Rights Project, etc.), government-funded agencies (Citizens Information Service, New Communities Partnership, ETBs, etc.) and private/public sector alliances (i.e. Employment for People from Immigrant Communities) provide integration support, for example, in the areas of access to housing, the labour market, and education.</p>			

Annex 2

Description of the current Direct Provision System

What is direct provision?

Direct provision is the means by which the State seeks to meet its obligations to provide for the material needs of people seeking international protection in the State.¹³⁷ It is a largely cashless system, with the State assuming responsibility for providing accommodation on a full board basis for protection applicants until such time as they are granted some form of status and move into the community, leave the State voluntarily or are returned. It is predicated on the fact that protection applicants have a limited right to work¹³⁸ and at the same time are excluded from most social welfare entitlements. Instead, protection applicants receive assistance-in-kind: their basic subsistence needs are met by way of bed, board (three set meals a day plus snacks) and a direct provision weekly allowance of €38.80 per adult and €29.80 per child for personal requisites. Protection applicants are also entitled to a medical card and children have access to pre-school, primary and secondary education and ancillary supports such as school transport on the same basis as Irish citizens.

All protection applicants are offered direct provision accommodation following the submission of an application at the International Protection Office (IPO) but there is no legal requirement to accept the offer of accommodation. Applicants who accept direct provision accommodation receive a Daily Expenses Allowance (paid weekly), which is not means tested. A person who does not avail of direct provision is ineligible for the weekly allowance. A protection applicant who avails of direct provision may leave it at any time and a person who does not accept the initial offer may change his/her mind subsequently. Irrespective of whether a person avails of direct provision, they are not entitled to access most mainstream social welfare supports and are prohibited from taking up employment unless they have been waiting 9 months for a first instance recommendation on their application. As of end July 2020, over half of all protection applicants reside in direct provision.¹³⁹

What types of accommodation and what supports are provided by direct provision?

Few of the accommodation centres currently used in the direct provision system were purpose-built to house international protection applicants, with many being former guesthouses, hostels and hotels. As the number of protection applicants living in direct provision has recently increased beyond the system's normal capacity threshold, the International Protection Accommodation Service (IPAS) has also had to acquire the use of several properties – mostly hotels – as emergency accommodation centres. However, these emergency centres, while meeting the basic needs of applicants, are expensive to run and do not provide optimal accommodation conditions or services, as, for example, outlined in the most recent report on direct provision by the Ombudsman.¹⁴⁰ Many continue to operate as commercial entities, with staff having received little to no training in the international protection process.

¹³⁷ International protection is defined in section 2 of the International Protection Act, 2015 as refugee status or subsidiary protection.

¹³⁸ Since the introduction of direct provision, access to work by international protection applicants is permissible after 9 months if a first instance decision on their applications have not been taken by this time.

¹³⁹ 57.4% as of 31.07.2020.

¹⁴⁰ The Ombudsman, The Ombudsman and Direct provision – Update for 2019, April 2020

Most centres offer mixed accommodation, offering rooms for both families and single people, though there are also several family-only and single sex centres. The accommodation offered by these centres can be broken down into three broad categories:

1. Units comprising a bedroom (or, in some limited cases adjoining bedrooms) that are allocated to a family and are either ensuite or have access to a bathroom generally designated for the sole use of the family (e.g. hotels, hostels, former convents). Previously, no separate private living space was available - instead recreational space was provided in communal rooms for use by all residents; newly opened centres under tender are now required to provide living rooms at a ratio of 1 living room to 3 families.
2. Units comprising a bedroom (or in a small number of cases dormitory-style rooms) that are allocated to unrelated single residents (e.g. hotels, hostels, former convents) – these can either be ensuite or have access to communal bathrooms; recreational space is provided in communal rooms for use by all residents.
3. Self-contained units (i.e. houses, apartments, holiday homes, mobile homes) that are generally allocated to families.

A key recommendation of the McMahon Report was the provision of independent living facilities to applicants. Following the recommendations of the report, all successful bidders in regional tender processes must deliver independent living by allowing all residents the opportunity to cook their own meals and providing designated living rooms. However, some applicants, especially those living in emergency accommodation centres, remain without access to these facilities.

In addition to accommodation, the direct provision system also offers several ancillary supports to protection applicants. For example, applicants are entitled to the same basic health services as an Irish citizen, such as medical prescriptions, dental care, optician care, pregnancy services and children's healthcare. Applicants are also entitled to exceptional needs payments covered by the Supplementary Welfare Scheme and the Back to School Clothing and Footwear Allowance administered by the Department of Social Protection. Other supports include the Student Support Scheme for applicants wishing to study at third level, adult language classes and legal assistance from the Legal Aid Board.

Annex 3

Breakdown of Reception and Accommodation Centres

As of 2 August 2020, the IPAS accommodation portfolio comprised of a total of 45 centres throughout 21 counties, with a contracted capacity of 7,345. These centres were:

- 1 Reception Centre, located in Dublin with a contracted capacity of 537 residents.
- 44 Accommodation Centres with a contracted capacity of 6,808 residents.

The current occupancy of IPAS reception and accommodation centres due to COVID-19 is 5,828 individuals.

In addition, there are currently 36 Temporary Emergency Accommodation Centres, which are not IPAS centres, with a contracted capacity of 2,059 individuals and a current occupancy of 1,527 residents.

Overall, IPAS accommodation centres and emergency accommodation centres have a contracted capacity of 9,404 and an occupancy of 7,355. Of the total current contracted capacity in accommodation and emergency accommodation centres, 4,901 (52.1%) of 9,404 contracted beds have access to independent living facilities.

Of those centres in the IPAS portfolio, only three were built (“system built”) for the express purpose of accommodating asylum seekers. The majority of the portfolio comprises buildings that 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.

The mobile home site is located in Athlone and the “system built” centres are:

- Knockalisheen, Co. Clare (State-owned), Kinsale Road, Cork City (State-owned), Baleskin, Co Dublin.

The seven state-owned centres are:

- Knockalisheen, Co. Clare; Kinsale Road, Cork City; Atlas House, Killarney; Atlas House, Tralee; Johnston Marina, Tralee; Park Lodge, Killarney; Athlone Accommodation Centre.

Of the state-owned centres, only Athlone caters to independent living.

The facilities of the 44 Accommodation centres are broken down as follows:

- In total, 4,901 (71.99%) of 6,808 contracted beds in accommodation centres have independent living facilities, i.e. residents have access to cooking facilities to cook their own food.
 - Of these residents, 1,910 (28% of 6,808) have access to cooking facilities, which only occupants of an accommodation unit (e.g. apartment) can access. These residents (28% of 6,808) have own-door access.
 - 2,991 (44% of 6,808) residents have access to communal cooking facilities only.
- Of the other 1,907 contracted beds (28.01% of 6,808), residents are provided with meals

prepared by others. These beds are in centres which do not have cooking facilities that residents can use, and therefore meals are prepared for all residents.

Following the recommendations of the McMahon report (2015), all successful bidders in regional tender processes must deliver independent living allowing all residents the opportunity to cook their own meals and provide designated living rooms. 'Independent Living' comprises of the following: a food hall (onsite or an accessible shop) for the purchase of food stuffs, toiletries and cleaning materials through a points based system and communal cooking and storage facilities available to residents to allow them to store and cook food. In cases of centres which host families, living rooms are provided at a rate of 1 living room per 3 families. Independent living also ensures provision of recreational facilities for residents onsite.

As there is insufficient capacity within the IPAS accommodation portfolio presently, Emergency Accommodation in the form of hotels and guesthouses is being used to meet current demand for accommodation services for protection applicants. These premises are contracted on short term contracts (3 months) which are evaluated and renewed if required on expiry.

Appendix: Breakdown of current IPAS accommodation portfolio and emergency accommodation centres (2 August 2020)

Table 1: State Owned

	County	Location	Accommodation Type	Current contracted capacity	Number currently with access to Independent Living	Capacity with own-door access
1	Clare	Knockalisheen	System built	250	0	0
2	Cork	Kinsale Road	System built	299	0	0
3	Kerry	Atlas House (Killarney)	Hotel	90	0	0
4	Kerry	Atlas House (Tralee)	Hostel	100	0	0
5	Kerry	Johnston Marina	Hotel	90	0	0
6	Kerry	Park Lodge	Hotel	55	0	0
7	Westmeath	Athlone	Mobile	300	300	300
	TOTAL			1,184	300	300

Table 2: Commercial Centres

	County	Location	Accommodation Type	Current contracted capacity	Number currently with access to Independent Living	Capacity with own-door access
1	Clare	King Thomond	Hotel	134	0	
2	Clare	Clare Lodge Hostel	Hostel	65	65	
3	Cork	Ashbourne House	Hotel	95	0	
4	Cork	Davis Lane	Apartment	52	52	52
5	Cork	Glenvera	Hotel	130	130	
6	Cork	Millstreet	Former college/ Nursing Home - mostly own door units	350	350	236
7	Cork	Clonakilty Lodge	Guest house	110	110	
8	Dublin	The Towers	Hotel	250	250	
9	Dublin	Baleskin	Reception	537	0	
10	Dublin	The Central Inn	Hotel	135	135	
11	Galway	Eglinton	Hotel	230	0	
12	Galway	Great Western House	Hostel	163	0	
13	Kerry	Atlantic Lodge	Hotel	98	98	
14	Kerry	Linden House	Guest house	88	88	
15	Kerry	Skellig Star Hotel	Hotel	150	0	
16	Kildare	Hazel	Hotel	143	143	
17	Kildare	Eyrepowell	Hotel	152	152	
18	Laois	Hibernian Hotel	Hotel	63	63	
19	Laois	Montague	Hotel	202	202	
20	Leitrim	Carraig Accommodation Centre	Apartment	130	130	130
21	Limerick	Hanratty's	Hostel	118	118	
22	Limerick	Griffin House	Apartment	63	63	63
23	Longford	Richmond Court	Hotel	80	80	
24	Louth	Carroll Village	Apartment	81	81	60
25	Mayo	The Old Convent	Former college/ Nursing Home	245	245	245
26	Meath	Mosney	Holiday centre	600	600	600
27	Monaghan	St. Patricks	Former college/ Nursing Home	280	140	140
28	Offaly	Marian Hostel	Hostel	168	168	
29	Sligo	Globe House	Hostel	218	218	
30	Tipperary	Bridgewater House	Former college/ Nursing Home	189	189	
31	Tipperary	Riverside	Apartment	84	84	84
32	Waterford	Atlantic House	Guest house	82	82	
33	Waterford	Ocean View	Guest house	100	100	

34	Waterford	Birchwood	Former college/ Nursing Home	145	145	
35	Waterford	Viking House	Hostel	81	81	
36	Westmeath	Temple Accommodation	Hotel	125	125	
37	Wexford	Rosslare Port Lodge	Hotel	114	114	
38	Wicklow	The Grand Hotel	Hotel	111	0	
	TOTAL			6,161	4,601	1,610

Table 3: Emergency Accommodation Centres

	County	Location	Independent Living (not-own door)	Current Contracted Capacity
1	Cavan	Dun Na Ri House Hotel	N/A (emergency)	40
2	Clare	The Central Hostel	N/A (emergency)	40
3	Cork	Riverside Park Hotel	N/A (emergency)	108
4	Cork	Travelodge (52 Rooms)	N/A (emergency)	104
5	Donegal	Portsalon House	N/A (emergency)	25
6	Dublin	Leitrim Lodge	N/A (emergency)	21
7	Dublin	Clayton Hotel (76 rooms)	N/A (emergency)	152
8	Dublin	Cornerpark Lodge	N/A (emergency)	24
9	Dublin	Bolton Street	N/A (emergency)	18
10	Dublin	Airport Manor Hotel	N/A (emergency)	80
11	Dublin	The Central Hotel	N/A (emergency)	150
12	Dublin	Emmet Road	N/A (emergency)	21
13	Dublin	Moate Lodge	N/A (emergency)	27
14	Galway	The Merriman Hotel (32 Rooms)	N/A (emergency)	64
15	Galway	Travelodge Galway (76 Rooms)	N/A (emergency)	152
16	Laois	Commercial Inn	N/A (emergency)	24
17	Laois	The East End Hotel	N/A (emergency)	71
18	Leitrim	Ciuin House	N/A (emergency)	38
19	Limerick	Maldron Hotel	N/A (emergency)	35
20	Louth	Setanta	N/A (emergency)	40
21	Meath	San Giovanni House B&B	N/A (emergency)	25
22	Meath	Alverno House	N/A (emergency)	30
23	Meath	The Lodge	N/A (emergency)	33
24	Monaghan	The Fiddler's Elbow	N/A (emergency)	8
25	Monaghan	Lake View, Ballytrain	N/A (emergency)	42
26	Monaghan	Lisanisk House Hotel	N/A (emergency)	50
27	Monaghan	Lake House Bed and Breakfast	N/A (emergency)	26
28	Monaghan	Treacy's Hotel	N/A (emergency)	140
29	Offaly	Shannon Lodge Hotel	N/A (emergency)	35
30	Offaly	Dunkerrin Arms	N/A (emergency)	21
31	Tipperary	The White House	N/A (emergency)	52
32	Waterford	Barnawee Bridge B&B	N/A (emergency)	19

33	Wexford	The Gallery B&B (8 rooms)	N/A (emergency)	22
34	Wexford	Court Town Hotel	N/A (emergency)	105
35	Wicklow	Rathmore Country Holiday Village	N/A (emergency)	114
36	Wicklow	The Esplanade	N/A (emergency)	103
	TOTAL			2,059

Annex 4

A Selection of Criticisms of the Direct Provision System

The UN Committee on the Rights of the Child stated in 2016 that: *“The Committee is concerned about reports that the majority of children in an asylum seeking and refugee situation are accommodated in privately run centres that are not covered by national standards relating to children”*.¹⁴¹

The UN Committee on the Rights of the Child expressed concern in 2016 that *“asylum and refugee accommodation centres do not offer adequate child protection services, sufficient access to education for children or sufficient access to appropriate clothing and food in general, including culturally appropriate food for minority faith children accommodated in such centres”*.¹⁴²

The Irish Human Rights and Equality Commission stated in 2019 that: *“The Commission is of the view that the policy of direct provision does not adequately protect the rights of International protection applicants. In the long term, the Commission recommends the complete phasing-out of direct provision”*.¹⁴³

The Special Rapporteur on Child Protection stated in 2019 that: *“As noted in numerous other Rapporteur reports, the system of Direct Provision for asylum seekers in Ireland should be abolished”*.¹⁴⁴

The UN Committee on the Elimination on Racial Discrimination stated in 2019 that: *“The Committee urges the State party to develop an alternative reception model and take concrete steps to phase out the direct provision system”*.¹⁴⁵

The UNHCR, commenting on the reform of the Irish asylum process, stated in 2019 that *“the length of time protection applicants have to wait for a final decision on their claim remains the key factor affecting applicants’ experiences in the Direct Provision system. Long periods spent in direct provision can impact the future employability of refugees and on their mental health”*.¹⁴⁶

The Ombudsman for Children stated in 2019 that *“Government must consider the long term future of this system. As the 20th anniversary of Direct Provision approaches, it is now time to consider alternatives and bring an end to this emergency measure”*.¹⁴⁷

The Irish Refugee Council stated in 2019 that *“efforts to improve Direct Provision since the publication of the McMahon Report in 2015 have been slow and patchy in nature. While some improvements have been*

141 UN Committee on the Rights of the Child: Concluding observations on the combined third and fourth periodic reports of Ireland, 1 March 2016.

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsvOufvUWRUJILHILHKqpxZxUGOtzQFOI%2B37QzAKosbh7yc40d4J3lynFaWf0Egu6J99RK6Y%2FTHjgged5r1H3f3KQliFieFkoeAPALAwKpbZz>

142 UN Committee on the Rights of the Child: Concluding observations on the combined third and fourth periodic reports of Ireland, 1 March 2016.

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsvOufvUWRUJILHILHKqpxZxUGOtzQFOI%2B37QzAKosbh7yc40d4J3lynFaWf0Egu6J99RK6Y%2FTHjgged5r1H3f3KQliFieFkoeAPALAwKpbZz>

143 Irish Human Rights and Equality Commission, “Ireland and the Convention on the Elimination of Racial Discrimination Submission to the United Nations Committee on the Elimination of Racial Discrimination on Ireland’s Combined 5th to 9th Report”, October 2019.

https://www.ihrec.ie/app/uploads/2019/11/IHREC_CERD_UN_Submission_Oct_19.pdf

144 Special Rapporteur on Child Protection, Special Rapporteur on Child Protection 12th Report September 2019.

<https://www.gov.ie/en/collection/51fc67-special-rapporteur-on-child-protection-reports/>

145 Committee on the Elimination of Racial Discrimination, Concluding observations on the combined fifth to ninth reports of Ireland, December 2019.

https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/IRL/INT_CERD_COC_IRL_40806_E.pdf

146 https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/submissions/2019/2019-05-22_opening-statement-enda-o-neill-head-of-office-unhcr-ireland_en.pdf

147 Ombudsman for Children, 20 years later Direct Provision, a temporary solution, continues – Ombudsman for Children, 13 March 2019.

<https://www.oco.ie/news/20-years-later-direct-provision-a-temporary-solution-continues-ombudsman-for-children/>

made ... in the experience of the Irish Refugee Council, the challenges faced by residents in Direct Provision remain enormous".¹⁴⁸

The Joint Committee on Justice and Equality Report on Direct Provision and the International Protection Application Process said in 2019 that: *"The Committee is strongly of the view that the current Direct Provision norm of shared, institutionalised living fails to fully respect the rights to privacy and human dignity of those placed in these centres. We must move away from institutional settings"*.¹⁴⁹

The COVID-19 pandemic, as stated by the Ombudsman in his 2019 review, has shed new light on the unsuitability of accommodation in the Direct Provision system.¹⁵⁰

The UNHCR, commenting on the direct provision process, stated in 2020 that *"in providing accommodation to asylum seekers in Ireland, reception centres may offer an acceptable solution for a limited period of time. At later stages however, smaller-scale or individual accommodation is often more suitable, as prolonged stays in reception centres can lead to marginalisation and dependency"*.¹⁵¹

The Ombudsman stated in 2020 that: *"Direct Provision accommodation is not appropriate for anything other than short-term stay"*.¹⁵²

The Ombudsman for Children stated in 2020 his concern that *"20 years since the introduction of Direct Provision, the issue of delays in the asylum application system has not been fully addressed and result in children spending longer than is necessary living in uncertainty and in Direct Provision accommodation"*.¹⁵³

The Jesuit Refugee Service (JRS) stated in 2020 that *"at the centre of the protection system – the determination process, State provided accommodation and supports – are people. It is individuals, children and families who have been forcibly displaced from their homes and homelands. They have crossed borders and bodies of water in search of safety and protection. Each has a name, a face and a story. Each is deserving of having their claim processed and to be received and accommodated for the duration of that claim with dignity"*.¹⁵⁴

148 Irish Refugee Council: Submission to Joint Oireachtas Committee on Justice and Equality (May 2019).

<https://www.irishrefugeecouncil.ie/submission-to-join-oireachtas-committee-on-justice-and-equality>.

149 Houses of the Oireachtas, Joint Committee on Justice and Equality, Report on Direct Provision and the International Protection Application Process, December 2019.

https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/reports/2019/2019-12-12_report-on-direct-provision-and-the-international-protection-application-process_en.pdf.

150 The Ombudsman & Direct Provision: Update for 2019.

<https://www.ombudsman.ie/publications/reports/the-ombudsman-direct-prov-1/Direct-Provision-Report-2019-FINAL.pdf>.

151 <https://www.businesspost.ie/columnists/comment-a-new-government-has-to-reform-direct-provision-2f2cb87b>.

152 The Ombudsman, The Ombudsman & Direct Provision: Update for 2019.

<https://www.ombudsman.ie/publications/reports/the-ombudsman-direct-prov-1/Direct-Provision-Report-2019-FINAL.pdf>.

153 Direct Provision: Children's views and experiences of living in Direct Provision: A report by the Ombudsman for Children's Office 2020.

<https://www.oco.ie/directdivision/direct-division-report>.

154 Protection with Dignity: Roadmap to System Change (Jesuit Refugee Service – June 2020).

<https://www.jesuit.ie/wp-content/uploads/2020/06/Protection-with-Dignity-JRS-Ireland.pdf>.

Annex 5

Terms of Reference and Composition of the Advisory Group

Terms of Reference

The Advisory Group will have the following role:

- To advise on the development of a long-term approach to the provision of supports including accommodation to persons in the international protection process;
- To identify good practice in European countries in the provision of supports to persons within the international protection process, particularly dealing with variations in demand;
- To set out a process for achieving the long term approach to supporting persons in the international protection process.

Composition

Chair: Catherine Day, Chairperson of the Advisory Group.

Membership:

- Frank Daly, former Chairman of the Revenue Commissioners;
- Fiona Finn, Chief Executive Officer, Nasc – The Migrant and Refugee Rights Centre;
- Nick Henderson, Chief Executive Officer, Irish Refugee Council;
- Bulelani Mfaco, Spokesperson for The Movement of Asylum Seekers in Ireland;
- Conn Murray, former Limerick City and County Council Chief Executive;
- Niamh O'Donoghue, former Secretary General at the Department of Employment Affairs and Social Protection;
- Frances Ruane, former Director of the Economic and Social Research Institute;
- Carol Baxter, Assistant Secretary, Civil Justice and Equality Policy, Department of Justice and Equality;
- Michael Kirrane, Assistant Secretary, Immigration Service Delivery, Department of Justice and Equality;
- David Costello, Head of Civil Justice and Equality Policy (Migration), Department of Justice and Equality.

David Delaney, Acting Assistant Secretary, Immigration Service Delivery, Department of Justice and Equality, substituted for Michael Kirrane at some meetings.

Secretariat:

Michael Thornhill and David Wall, Department of Justice and Equality, acted as Secretaries to the Advisory Group. They were assisted as required by colleagues in the Civil Justice and Equality Policy (Migration) function.

Annex 6

Full List of meetings, consultations and visits undertaken by the Advisory Group and submissions to the Advisory Group in the preparation of this report

1 List of Meetings of the Advisory Group

1	Inaugural Meeting – 21 October 2019.	13	2 July 2020.
2	5 December 2019.	14	9 July 2020.
3	4 January 2020.	15	16 July 2020.
4	26 February 2020.	16	21 July 2020.
5	6 April 2020.	17	23 July 2020.
6	7 May 2020.	18	28 July 2020.
7	15 May 2020.	19	30 July 2020.
8	28 May 2020.	20	10 August 2020.
9	4 June 2020.	21	12 August 2020.
10	11 June 2020.	22	3 September 2020.
11	18 June 2020.	23	10 September 2020.
12	25 June 2020.		

(Note – meetings after 26 February 2020 were held virtually.)

2 Meetings of IT sub-group of Advisory Group

- 1 13 July 2020.
- 2 27 July 2020.

3 List of Consultations

Government Departments and Agencies

- 1 Department of Children, Equality, Disability, Integration and Youth.
- 2 Department of Education.
- 3 Department of Further and Higher Education, Innovation, Research and Science.
- 4 Department of Health.
- 5 Department of Housing, Local Government and Heritage.

- 6 Department of Social Protection.
- 7 Legal Aid Board.
- 8 Tusla.

Other Relevant Agencies

- 1 County and City Management Association (CCMA).
- 2 European Asylum Support Office (EASO).
- 3 International Protection Appeals Tribunal (IPAT).
- 4 Irish Council for Social Housing (ICSH).
- 5 Irish Human Rights and Equality Commission (IHREC).
- 6 Law Society of Ireland.
- 7 United Nations High Commissioner for Refugees (UNHCR).

Department of Justice Business Areas

- 1 Immigration Service Delivery (ISD).
- 2 International Protection Accommodation Services (IPAS).
- 3 International Protection Office (IPO).
- 4 International Protection Procurement Service (IPPS).
- 5 Ministerial Decision Unit (MDU).

Non-Governmental Organisations (NGOs)

- 1 AkidWa.
- 2 Children's Rights Alliance.
- 3 Cultúr.
- 4 DePaul Ireland.
- 5 Didean.
- 6 Doras Luimní.
- 7 Immigrant Council of Ireland.
- 8 Jesuit Refugee Service.
- 9 Movement of Asylum Seekers in Ireland (MASI).
- 10 Peter McVerry Trust.

4 Visits the Advisory Group Undertook in the Preparation of this Report

- 1 9 January 2019 – Baleskin Reception Centre, Co. Dublin, and Mosney Accommodation Centre, Co. Meath.
- 2 17 February 2020 – Temple Accommodation Centre, Moate, Co. Westmeath and Athlone Accommodation Centre, Co. Westmeath.
- 3 18 February 2020 – Great Western Hostel, Galway City and the Eglinton Accommodation Centre, Salthill, Co. Galway.

List of bodies who provided submissions to the Advisory Group

- 1 AKidWa.
- 2 Children's Rights Alliance.
- 3 County and City Management Association.
- 4 Cultúr.
- 5 Department of Education.
- 6 Department of Social Protection.
- 7 Department of Further and Higher Education, Innovation, Research and Science.
- 8 Department of Housing, Local Government and Heritage.
- 9 Didean.
- 10 Doras.
- 11 European Asylum Support Office (EASO).
- 12 Immigrant Council of Ireland.
- 13 Irish Human Rights and Equality Commission.
- 14 Jesuit Refugee Service.
- 15 The Law Society of Ireland.
- 16 Legal Aid Board.
- 17 Nasc.
- 18 Peter McVerry Trust.
- 19 Society of St. Vincent de Paul.
- 20 Spirasi.
- 21 The International Protection Appeals Tribunal.
- 22 The International Protection Office and the Ministerial Decision Unit.
- 23 The Movement of Asylum Seekers in Ireland (MASI).
- 24 The One Foundation.
- 25 United Nations High Commissioner for Refugees (UNHCR).

Annex 7

Guiding Principles of International Protection for the Advisory Group

Introduction

- 1 This note outlines some principles to guide the framing of the Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process.¹⁵⁵
- 2 These principles are based on two key linked aspects of the Advisory Group's work:
 - A Access to the protection process and the effective processing of applications for international protection.
 - B Provision of accommodation and other supports to applicants for international protection.
- 3 The principles are distilled primarily from two sources: (i) a submission on guiding principles from the UNHCR¹⁵⁶ and (ii) the set of operational standards and indicators developed by the European Asylum Support Office (EASO) to support the practical implementation of key provisions of EU legislation on asylum processing procedures and reception conditions.¹⁵⁷

1 International Protection

We distinguish three sets of principles in relation to international protection relating to (a) legal and human rights obligations, (b) the treatment of individuals in the international protection process in Ireland and (c) the system of delivery of international protection.

(a) Legal and Human Rights

Principle 1: Access to and implementation of the international protection procedure should have full respect for national, EU and other international legal and human rights obligations in relation to applicants for international protection.

- Access to international protection procedures should be delivered in full compliance with relevant domestic, EU and international laws and human rights instruments dealing with asylum seekers and refugees including the 1951 Geneva Convention and the asylum acquis of the EU in the context of the Common European Asylum System.
- Applicants for international protection should enjoy the fundamental civil rights internationally recognised and be provided with the basic necessities of life including food, shelter and basic health facilities, etc.¹⁵⁸
- Asylum/Protection procedures should be fair and efficient but timelines should not be shortened to the extent that undermines the fairness and quality of the procedure.

¹⁵⁵ Note: Reference to asylum should also be taken to refer to international protection.

¹⁵⁶ UNHCR Submission to the Advisory Group dated 27 May 2020.

¹⁵⁷ These are designed to strengthen the Common European Asylum System at policy and operational levels in Member States.

¹⁵⁸ UNHCR EXCOM 1981 no. 22, p. 48.

(b) Treatment of individuals in the international protection process

Principle 2: The principle of non-discrimination and fair treatment should be paramount.

- There should be special procedures and training to enable the sensitive and flexible handling of claims involving protection applicants with special needs, including victims of torture or sexual violence.¹⁵⁹
- Applicants for international protection should be treated fairly and lawfully regardless of their race, gender, age, religion, sexual orientation or any disability.¹⁶⁰
- Decisions with regard to the granting of protection shall be made without discrimination as to race, religion, political opinion, nationality or country of origin.¹⁶¹
- Applicants will be treated with respect, dignity and fairness regardless of their age, disability, nationality, ethnicity, race, gender, sexual orientation, religion or belief.¹⁶² All applicants shall be respected, irrespective of their culture, religion, or other customs and values.¹⁶³

Principle 3: At all times, the best interests of individuals should be respected in the international protection process and specifically, there should be a strong focus on the welfare of the child¹⁶⁴ and the protection of vulnerable persons.¹⁶⁵

- The best interests of the child shall be a primary consideration in line with the EU Reception Conditions Directive (recast)¹⁶⁶ and the UN Convention on the Rights of the Child.¹⁶⁷
- Appropriate safeguards should be in place in the international protection process to support vulnerable applicants. Special consideration will be provided for the most vulnerable populations, e.g., children, female asylum seekers, LGBTI individuals, survivors of torture or gender-based violence in terms of reception needs.¹⁶⁸

159 UNHCR, Fair and Efficient Asylum Procedures, p.13.

160 See, for example, Article 3 of the Convention Relating to the Status of Refugees, 1951.

161 UNHCR EXCOM 1979 no. 15, p.33.

162 IPO Booklet for Applicants, p. 8.

163 See, for example, Title III of the Charter of Fundamental Rights of the European Union.

164 UNHCR Submission dated 27 May 2020 – pages 14 - 15.

165 UNHCR Submission dated 27 May 2020 – pages 16 - 18.

166 See Article 23 of Directive 2013/33/EU.

167 Ireland ratified the United Nations Convention on the Rights of the Child in 1992.

168 See Chapter IV (Articles 21-25) of Directive 2013/33/EU.

(c) System of Delivery

Principle 4: International protection procedures must be transparent and fully in line with the rights to a fair procedure and effective judicial protection,¹⁶⁹ with (i) the confidentiality of the international protection process being fully respected by service providers¹⁷⁰ and (ii) procedures following best practice guidance produced by the UNHCR and the European Asylum Support Office.

- The protection procedure should at all stages respect the confidentiality of all aspects of an international protection claim.
- Transparency and fair procedures include the right to information, the right to be heard and the right to remain pending the outcome of the international protection procedure.
- Regard should be had to the EASO Guidance on asylum procedures: operational standards and indicators (September 2019).¹⁷¹

Principle 5: The international protection process should be planned with sufficient capacity to handle variations in the number of applicants at any point in time.¹⁷²

- National protection and reception capacities should be flexible and adjusted to the needs of international protection applicants as well as informed by regular contingency planning evaluations in case applicant numbers significantly increase.

2 Reception Conditions & Other Supports

We distinguish two sets of principles in relation to reception conditions and other supports: (a) the nature and quality of reception services, and (b) policy frameworks to promote positive engagement of individuals with local communities and integration into national society.

(a) Reception Services

Principle 6: There should be effective access to reception and to accommodation services that meet the standards established by national, EU and other international law obligations,¹⁷³ and that ensure applicants are treated with dignity, humanity and sensitivity, having regard to their special needs and situations.¹⁷⁴

169 UNHCR Submission dated 27 May 2020 – pages 11/12.

170 UNHCR Submission dated 27 May 2020 – page 10.

171 https://www.easo.europa.eu/sites/default/files/Guidance_on_asylum_procedure:_operational_standards_and_indicators_EN.pdf.

172 UNHCR Submission dated 27 May 2020 – page 9.

173 UNHCR Submission dated 27 May 2020 – page 24.

174 UNCCR Submission dated 27 May 2020 – page 25.

- These conditions should have regard to the *EASO Guidance on reception conditions: operational standards and indicators (September 2016)*.¹⁷⁵
- Measures include adequate reception and accommodation conditions and standards, access to legal support and advice, and access to education, healthcare and employment opportunities.
- Applicants must enjoy an adequate standard of living throughout the international protection procedure including the provision of food, clothing and accommodation to those who are unable to secure these supports for themselves.
- Ensuring adequate and safe accommodation with sufficient space to accommodate individuals and family units as required, ensuring that the principle of family unity and privacy is respected¹⁷⁶ and age-specific concerns and the situation of vulnerable persons are accommodated.¹⁷⁷ The safety and standards of such accommodation shall be maintained through regular maintenance.
- Applicants should be given the necessary means to provide their own food with respect for dietary, cultural and religious requirements.
- Gender sensitivity and gender awareness should be guiding principles when designing and implementing reception arrangements.

Principle 7: Reception centres should constitute an acceptable accommodation solution only for limited periods of time,¹⁷⁸ with access to appropriate support services.¹⁷⁹

- The aim should be to move to smaller scale or individual accommodation as soon as possible as prolonged periods of stay in reception centres can lead to marginalisation and dependency.
- When reception centres are used they should be as small as economically feasible.
- Security and respect for the dignity for persons accommodated at a reception centre are best ensured through, for example, limits on the number of persons accommodated, adequate space and privacy in sleeping arrangements, access to health services, access to recreational facilities, etc.

¹⁷⁵ <https://www.easo.europa.eu/sites/default/files/EASO%20Guidance%20on%20reception%20conditions%20-%20operational%20standards%20and%20indicators%5B3%5D.pdf>

¹⁷⁶ Article 8 ECHR, given effect by the European Convention on Human Rights Act 2003, protects the right to respect for private and family life.

¹⁷⁷ Article 18(1)(b) and 18(3) of the Reception Conditions Directive.

¹⁷⁸ UNHCR Submission dated 27 May 2020 – page 27.

¹⁷⁹ UNHCR Submission dated 27 May 2020 – page 32 - 34.

- Services include:
 - Access to non-contributory social security schemes including access to health care and family support consistent with international standards.
 - Survivors of torture or persons suffering from trauma should have access to appropriate expert care.
 - Access to education at primary and post-primary levels in schools in the local community.
 - Access to free language training particularly at the initial reception phase to assist local integration.
 - Early access to the labour market.
 - Access to legal support and assistance services.
- Ensuring a sufficient daily expenses allowances to guarantee all essential individual needs are met when applicants cannot access the non-contributory social welfare system.

(b) Policy Frameworks

Principle 8: Policy frameworks should be further developed to build relationships between residents in reception centres and local communities,¹⁸⁰ and to support the integration of international protection applicants into national society.

- With a view to preventing acts of racism and xenophobia, a reception policy should include appropriate measures to enhance relationships with local communities.
- Building social cohesion, stability and security requires that communities are well-equipped to receive applicants for international protection and that applicants are well supported to realise their potential in their new communities.¹⁸¹
- In order to protect the credibility of the international protection process, there should be recognition that applicants found not to be in need of protection and without other compelling reasons to remain should return to their countries of origin in line with national legislative requirements.¹⁸²

180 UNHCR Submission dated 27 May 2020 – page 27.

181 UNHCR Submission dated 27 May 2020 – page 37.

182 UNHCR Submission dated 27 May 2020 – page 34/35.

Annex 8

Main legislation dealing with international protection in Ireland

International Protection Act 2015

The International Protection Act 2015 (the 2015 Act) came into operation in full in December 2016. It provides the main statutory framework for the processing of applications for international protection. At first instance, applications are considered by the International Protection Office. Appeals against negative recommendations of the IPO are to the International Protection Appeals Tribunal. A key feature of the 2015 Act was its use as a mechanism to introduce a single procedure for the assessment of international protection applications whereby an applicant's eligibility for protection (Refugee Status or Subsidiary Protection Status) or Permission to Remain is determined as part of a single determination process.

A number of pieces of secondary legislation have also been introduced in the context of the 2015 Act, including the following:

- *International Protection Act 2015 (Application for International Protection Form) Regulations 2016 (S.I. No. 660 of 2016)* – provide for a prescribed application form for the purpose of section 15 of the 2015 Act;
- *International Protection Act 2015 (Temporary Residence Certificate) (Prescribed Information) Regulations 2016 (S.I. No. 662 of 2016)* – prescribe the Temporary Residence Certificate to be issued under section 17 of the 2015 Act;
- *International Protection Act 2015 (Permission to Remain) Regulations 2016 (S.I. No. 664 of 2016)* – set out the time period for the provision of information following receipt by an applicant for international protection of a decision of the IPAT for the purpose of section 49(9) of the 2015 Act;
- *International Protection Act 2015 (Voluntary Return) Regulations 2016 (S.I. No. 665 of 2016)* – prescribe the procedures and form to be utilised in connection with a voluntary return;
- *International Protection Act 2015 (Places of Detention) Regulations 2016 (S.I. No. 666 of 2016)* – prescribe the places of detention for the purposes of section 20 of the 2015 Act;
- *International Protection Act 2015 (Travel Document) Regulations 2016 (S.I. No. 667 of 2016)* – prescribe the application form to be completed and other matters required when applying for a travel document under section 55 of the 2015 Act. They also prescribe the form of the travel document;
- *International Protection Act 2015 (Deportation) Regulations 2016 (S.I. No. 668 of 2016)* – prescribe the deportation order to be issued under section 51 of the 2015 Act;
- *International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017 (S.I. No. 116 of 2017)* – deal with the procedures for making appeals to the IPAT and the time period for such appeals; and
- *International Protection Act 2015 (Safe Countries of Origin) Order 2018 (S.I. No. 121 of 2018)* – provides for the designation of Safe Countries of Origin for the purposes of the Act, and list the countries designated as safe countries of origin for the purposes of processing applications for international protection under the 2015 Act.

European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230 of 2018)

These Regulations were made to give effect to the EU Reception Conditions Directive.¹⁸³ They provide, inter alia, the requirements for the provision, variation or withdrawal of material reception conditions. They also set out the conditions in relation to the grant and the withdrawal of labour market access permission for international protection applicants.

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

These Regulations were made in order to give further effect to the EU Dublin Regulation.¹⁸⁴ The EU Dublin Regulation provides, inter alia, the rules for determining the state responsible for examining an application for international protection made in one of the participating states by a third country national or a stateless person.

Refugee Act, 1996

The Refugee Act, 1996 (the 1996 Act) provided the first statutory basis and determination framework for the consideration of applications for refugee status in the State. It created two statutory independent bodies for the purpose of making first instance asylum determinations and considering any subsequent appeals, namely the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal. The 1996 Act was replaced by the International Protection Act 2015.

European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006)

European Union (Subsidiary Protection) Regulations 2013 (S.I. No. 426 of 2013)

These Regulations provided the legislative framework for the processing of subsidiary protection applications in the State prior to the commencement of the 2015 Act.

¹⁸³ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

¹⁸⁴ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

Annex 9

Principal EU/International Legal Obligations on Asylum Seekers/Protection Applicants Applicable to Ireland

A. Principal EU Legal Obligations

1 Protocol 21 attached to the Treaty on the Functioning of the European Union.

Under Protocol 21 attached to the Treaty on the Functioning of the European Union, Ireland is not automatically bound by EU measures in the Area of Freedom, Security and Justice – also known as Title V measures – which includes the area of asylum. However, the Protocol gives Ireland the option to opt-in to any legislation in this area if it wishes to do so.

Under Article 29.4.7^o of Bunreacht na hÉireann, the approval of both Houses of the Oireachtas is required before a measure can be opted-in to under Protocol 21. This is done by way of motions moved in both Houses of the Oireachtas by the relevant Minister.

2 Summary of EU Asylum Law and Ireland's opt-in position

	Opt-in
EU Reception Conditions Directive 2013/33/EU ¹⁸⁵	✓
EU Reception Conditions Directive 2003/9/EC ¹⁸⁶	X
EU Dublin Regulation (EU) No 604/2013 ¹⁸⁷	✓
EU Eurodac Regulation (EU) No 603/2013 ¹⁸⁸	✓
EU Asylum Procedures Directive 2013/32/EU ¹⁸⁹	X
EU Asylum Procedures Directive 2005/85/EC ¹⁹⁰	✓
EU Asylum Qualification Directive 2011/95/EU ¹⁹¹	X
EU Asylum Qualification Directive 2004/83/EC ¹⁹²	✓

185 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection OJ L 180, 29.6.2013.

186 Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers OJ L 31, 6.2.2003.

187 Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person OJ L 180, 29.6.2013.

188 Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice OJ L 180, 29.6.2013.

189 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection OJ L 180, 29.6.2013.

190 Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status OJ L 326, 13.12.2005, OJ L 175M, 29.6.2006.

191 Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted OJ L 337, 20.12.2011.

192 Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted OJ L 304, 30.9.2004.

B. Other Principal International Legal Instruments relating specifically to refugees

The 1951 Geneva Convention relating to the Status of Refugees and associated the 1967 Protocol relating to the Status of Refugees.

Annex 10

Report from Information Technology (IT) Sub-Group to the Advisory Group

1 Background

The Advisory Group on the Provision of Supports Including Accommodation to Persons in the International Protection Process agreed to the establishment of a sub-group to look at potential IT improvements to the international protection process which would help realise efficiencies and improve the applicant experience. The group comprised members of the Advisory Group, external representatives from the Department of Employment Affairs and Social Protection (DEASP), the Office of the Revenue Commissioners, the Office of the Government Chief Information Officer (OGCIO) and representatives from each of the relevant business areas in the Department of Justice including Information and Communications Technology (ICT) and Operations and Service Delivery (OSD).¹⁹³

At the first meeting of the sub-group, presentations were provided by the International Protection Office (IPO), Ministerial Decisions Unit (MDU), International Protection Appeals Tribunal (IPAT), International Protection Accommodation Service (IPAS), the International Protection Procurement Service (IPPS), OSD and the ICT Division of the Department of Justice. The current situation presents a number of significant challenges (outlined in the section on technology strategy below) throughout the Department, each one of which applies to the international protection process.

The Department of Justice Management Board has recently approved a comprehensive multi-year ICT Strategy which, if resourced and implemented, will considerably improve service delivery, information analysis, trend forecasting and the user (external and internal) experience.

While the new Strategy is Department wide, the sub-group notes that the requirements of the international protection service are given strong support within the new strategy – specifically in Chapter 5 on Immigration Service Delivery. For example, the pressing need to replace immigration-related case management systems is identified, with the replacement of GNIB-IS and AISIP identified as particular priorities.

2 Requirements for a new IT System in the international protection process

The overall objective should be to deliver a comprehensive person-centric case management system. It should improve the applicant experience, enhance the efficiency of the whole system and provide the necessary analysis to identify trends and emerging problems and so contribute to a fast and focused response. It is noted that within the overall Immigration Services area, international protection (IP) is at the lower end of the scale in terms of volume, (3,500 approximately applicants per annum) but at the higher end of the scale in terms of complexity.¹⁹⁴

¹⁹³ See Appendix for Terms of Reference and Group membership.

¹⁹⁴ Immigration Services are high volume including, for example, some 125,000 Visa applications and over 10,000 Citizenship applications per annum by comparison with the expected 3,500 International Protection applications per annum.

Basic requirements should include:

2.1 Applications

An online system that enables an applicant's case to be tracked at each stage in the process from initial application to discharge from the system following final decision.

The initial part of the applicant processing system should be the same for all applicants. This would be done by a cohort of staff with specialised expertise and knowledge and access to relevant databases/systems. Once the identity of the applicant is established at the initial stages of application, it should not need to be done again in further processes related to the applicant, as is currently the case.

Provision will be needed for electronic access for applicants, legal guardians, legal representatives and other relevant persons where duly authorised, with necessary safeguards including consent where such is necessary and subject to robust security, confidentiality and GDPR requirements. Once in place the new system should include the capacity for applicants to track the stage of the process their application has reached.

2.2 Accommodation

Better accommodation matching is required for applicants including diverse groups such as vulnerable and at-risk applicants. In the IPAS accommodation area, the existing IT system is not particularly compatible with IPAS's needs in terms of accommodation management and generation of reliable statistical information.

Immigration Service Delivery (ISD) has completed the specification for a new Bed Management System to track applicants in the system in real time and produce reliable statistics. Allowing for the fact that this system will now need to be compatible with Department of Children, Equality, Disability, Integration and Youth systems, it is expected to be in operation by the end of Quarter 1, 2021.

The new system will need to be capable of interacting with other providers of accommodation as the Advisory Group's recommendations regarding earlier moves to own door accommodation are implemented.

Items which also need to be integrated into an accommodation IT system include management of contracts, inspections, vetting, and vulnerability assessments.

2.3 Exchange of information/interoperability

System interoperability will be a key requirement, with data protection and sharing agreements to be defined with other relevant State bodies. Security and GDPR considerations are both of central importance also. Ideally new systems should be universally compatible or possibly web-based.

The new system will need to provide for effective exchange of information within the Department and with other Departments including the Department of Children, Equality, Disability, Integration, and Youth, Department of Social Protection, Department of Education, Department of Health, HSE, Department of Housing, Local Government and Heritage, Local Authorities and with official and voluntary bodies involved in providing services or assistance within the international protection process. In view of the transfer of functions to the Department of Children, Equality, Disability, Integration and Youth, that Department needs to be involved from the outset in the design and development of the new system.

The new system should include a flagging mechanism to alert other relevant Departments to specific requirements (e.g. information for people who present for registration and then go to own accommodation, aggregate but non-individual specific information on issuing of driving licenses, opening of bank accounts etc.).

2.4 Efficiencies/Management Information

In designing the new systems every opportunity should be taken to produce efficiencies in the system which would contribute to faster case processing and more effective staff training, thereby leading to faster decision making.

Management information is a key requirement and the system should be designed to include data mining, trend analysis and should contribute to informed assessment and decision making in future planning and demand management.

Technology based tools which are now in common use such as scanning and audio/video conferencing should be deployed as a matter of course where viable.

The sub-group recommends that the basic requirements as outlined above should be delivered as part of a comprehensive IT system for the international protection process which would be capable of improving the applicant experience, producing efficiencies and quickly generating management information.

3 Working towards a new system – business processes

Development of any IT system should commence with critical review and documentation of the processes in the business units involved in the IP process. Within year 1 all processes should be examined, and a target operating model defined. An appropriate Business Process Management (BPM) tool should be sourced to assist in this process. Both short and medium-term objectives should be defined, acknowledging that there will be some level of waste when these are replaced by a comprehensive system.

Considerable work was done in May 2019 to document the processes in place in the IPO and the MDU. The sub-group has noted the processes and process maps in place.

In the case of the MDU, there is a large number of relatively straightforward processes in place. In the case of the IPO, the processes are significantly more complex in some instances. The process mapping accurately documents elements of the processes in place in both offices but lacks an end-to-end perspective on the international protection process.

While not directly relevant to IT considerations, we note that the Advisory Group is recommending that there is scope for greater efficiency to be achieved by placing the MDU in the International Protection Office and seeking to amalgamate and streamline these processes.

In the case of the IPAT, the sub-group has noted that the approach to mapping out these processes that has been taken in the case of the IPO and the MDU is not present in the case of IPAT. However, the sub-group also noted that the IPAT has submitted a document entitled 'Procedures for Staff'

dated August 2020, which sets out the processes in place in that body in significant detail. This level of detail should greatly assist in mapping these processes in a similar format to the IPO and the MDU.¹⁹⁵

The sub-group is of the view that this mitigates against efforts to readily identify process improvements, and is of the view that it would be appropriate to take a standardised approach to documenting, mapping and reconsidering processes across all three offices, in a manner that would facilitate process improvement efforts and provide clarity on hand-off points between the different business areas.

The Department of Justice, as part of the Transformation Programme carried out in 2019, has created a dedicated Business Change unit tasked with leading and delivering change initiatives, business process improvement and business readiness activities.

Within the ISD function, a Quality Office was established in early 2020, tasked with ensuring that units make high-quality decisions that are legally robust. Its goals are to reduce 'process based' Judicial Reviews (JRs), identify inefficiencies, create consistency and provide good customer service.

The sub-group is of the view that a project team comprising representatives of Business Change, Quality Office, the IPO and the MDU should be formed, and tasked with mapping complete end-to-end processes, identifying efficiencies, and enabling the MDU to become part of the International Protection Office should such be decided.

Particular consideration should be given as to how the IPAT engagement with this process will be managed given the requirement for co-ordination between it and the IPO/MDU and the statutory obligations/actions that are triggered by decisions/recommendations by all parties involved.

The sub-group recommends that there should be a comprehensive, end to end review of all IPO, MDU and IPAT processes by the end of the first quarter of 2021. This review should comprehend recommended changes/improvements to the international protection process which are recommended by the Advisory Group and which can be facilitated or enabled by IT - for example the one-stop-shop approach of a multi-services, multi-agency centre onsite in the reception centre(s) to help applicants access necessary services and entitlements, including legal aid and post-reception centre housing placement.

¹⁹⁵ IPAT was not included in the work carried out by the Department in May 2019 to document and map business processes and, as an independent body, was not included in the Transformation Business Change Process. IPAT currently relies totally upon the Department for ICT support and services and this is underpinned by an ICT Service Level Agreement and an Oversight Agreement. In February 2020, IPAT requested the Department's assistance in considering the Tribunal's requirements with regard to the overarching Departmental aim to consider distinct key technology changes that need to be made over the Department's 3 year Department Strategy. At that stage IPAT, as an agency, was not subject directly to the Department's Transformation Programme, and it was agreed there would be follow up on how the overall ICT strategy could dovetail into the Department's and Tribunal's respective requirements.

4 Working towards a new system – technology strategy

As outlined earlier, presentations were provided to the sub-group by the various business units which clearly demonstrated the urgent need for a comprehensive Department wide strategy for ICT. The sub-group has also been presented with an overview of the Department of Justice ICT Strategy.

The Strategy highlights a number of significant challenges, each of which applies to the international protection process:

- There are still a significant number of paper-based processes in the Department.
- The applications within the Department are operating in silos, with limited interoperability, and some key applications have been out of support for some time (with others about to go out of support).
- Whilst there is resilience and some high availability in service provision, the Department does not have a failover system as part of a Business Continuity Plan and Disaster Recovery.
- Whilst users have access to a suite of applications, there are limited applications to support collaborative working.
- As with applications, data is fragmented across the organisation, limiting the Department's ability to drive evidence-based insights.

The Strategy goes on to outline three key areas of immediate and urgent focus:

- Firstly, a need to re-platform case management systems, moving them onto modern systems and away from point solutions, to allow functional workflows to be supported across the Department. Underpinning this work will be a design that focuses on re-using common components and processes to reduce replication.
- Secondly, a requirement to create an environment where members of staff have the necessary tools to work in a collaborative and productive manner and the public can access services easily.
- Thirdly, immediate efforts to improve data, not only to underpin the provision of digital services but also to support analysis.

Within the Strategy, the pressing need to replace immigration-related case management systems is identified, with the replacement of GNIB-IS and AISIP identified as particular priorities.

To support the implementation of the Strategy, the Department is currently seeking to an Assistant Secretary who will have responsibility for ICT.

Development of new ICT tools and review of business processes will require the active input of those involved in the day to day work of the various offices and will also require additional resources to ensure that day to day work continues in tandem with the development work.

The Department will be seeking increased funding for ICT investment and for delivering on this strategy as part of the estimates process and in respect of which consultation is currently underway with the Office of the Government Chief Information Officer and the Department of Public Expenditure and Reform.

The sub-group supports the Department's approach and believes that the development of improved IT systems within the international protection area is likely to be most effectively and efficiently delivered within the ambit of the new comprehensive Department wide strategy. The sub-group recommends that work on the new IT system and the provision of additional technology tools needs to commence immediately and given the resource implications this work needs to have certainty of funding from early 2021.

5 Working towards a new system – governance and project management

In the time available the IT sub-group could not get into the detail of the improvements needed in the IT systems nor could it get involved in a detailed examination of the technology options which should be considered or the costs involved. It is likely however that a blended team of external and internal resources will be required for delivery.

As a sub-group of the Advisory Group, the sub-group will cease to exist when the Advisory Group finishes its work. The composition of the IT sub-group however brought together representatives of all the relevant business areas and the Department's ICT area together with useful support from DEASP, Revenue Commissioners and the OGCIO.

The practical DEASP and Revenue experience in public facing digital services, online services, security, identity management, legal authentication and project management in particular should be utilised.¹⁹⁶

It is likely that the Department will establish a Programme Board to oversee implementation of its ICT Strategy. Governance structures will be required to ensure the end to end business processes fit well together as different parts of it are re-developed/digitalised at different speeds. Sight must not be lost of the end to end comprehensive nature of the system being developed and the risk of point or interim solutions becoming long term bespoke solutions must be mitigated.

The nucleus of this IT sub-group therefore could form a basis for effective Project Oversight or Project Management in the development of the new IT systems in the international protection area.

¹⁹⁶ The scope of the requirements as laid out for new IT System are considerable and it is a matter for the Department to assess in more detail the various options available to deliver on the requirements. The DEASP representative has provided the following useful input based on that Department's experience: "In the short term, particularly if there was a requirement for early delivery and pending procurement of the planned BPM strategic solution, consideration might be given to a bi-modal approach for particular pain points. Mode 1 would be traditional and sequential, Mode 2 would be exploratory, emphasizing agility and speed. Options might include "build fast/ fail fast using a rapid application configurable" or "low code" type technologies (assuming DP/GDPR needs are met) that would minimise implementation effort and be quicker to change if requirements are likely to change. Time taken to review processes could perhaps be broken into short iterations with a Mode 2 agile build fast / fail fast delivery project running in parallel. The longer running process definition exercise runs the risk that aspects of processes documented could change or be obsolete before delivery projects commences. There is of course a danger with this approach that the temporary could become the permanent solution or another point solution. To avoid this a commitment would need to be given to quickly replace it with a more generic strategic solution taking on board learnings from bi-modal agile delivery approach. From a platform and interoperability perspective, consideration could perhaps be given to consolidating around a single vendor stack sooner if that was possible – or at least to spend some effort putting a foundational platform in place that would put some guardrails around subsequent extensions. As the architecture and business requirements become clearer, effort should be made to base this evolution on some central architectural principles and standards (and possibly tech platform) to minimise the potential for integration/compatibility issues and development of solutions that do not work well together."

The sub-group recommends that continuation of the nucleus of the group should be actively considered by the Department Management Board and the new ICT Assistant Secretary.

6 Timeframe for delivery

The Advisory Group is recommending that the transition to the new system of international protection should be completed by mid-2023. One part of the rationale for that date is to allow sufficient time to introduce new Information Technology (IT) procedures.

It is only realistic to accept that delivery of comprehensive new IT systems will take some time if they are to be properly done. The sub-group considers therefore that a target delivery date of mid-2023 for the new system is reasonable.

7 What could be delivered in the immediate future?

While acknowledging that mid-2023 is realistic for the overall new system, the sub-group is conscious of taking whatever opportunities arise in the interim to gain efficiencies and improve the applicant experience (both of which indeed we regard as interchangeable).

7.1 Improving the applicant experience

Short-term (achievable within six months)

- Online appointment and scheduling: Tenders for a project on this have now closed and are being considered by an assessment panel. This service should be on stream within 6 months.
- Query helpdesk: An OGCIO email helpdesk tool was used by IPAS to respond to queries. It was brought in as an assistance tool during Covid-19. IPAS would like to continue using the tool on transfer. It allows queries and response rates to be quantified and categorised. The IPO is interested in assessing the functionality of the tool for IPO operations.

Medium-term (achievable within 18 months)

- Potential for online IP applications: The ICT strategy aim is to move immigration applications to online systems – giving opportunity and putting responsibility for upload of documents on the customer.
- ISD has live online applications projects. However, the IPO is currently outside the scope of these projects due to complexities of the area. Issues include access for third parties i.e. legal representatives, and ensuring that applicants are actually in the country. However, this will be examined further.
- An online system would undoubtedly assist in controlling workflow management between various bodies (IPO, IPAT, panel members). An online appeal registrations and submissions system at IPAT would also improve the efficiency of the appeals process. This should be examined as the IPO system is being considered.

- In the interim greater use of scanning technology could undoubtedly improve efficiency and eliminate time consuming and cumbersome transfer of hard copy files between various areas involved in international protection.
- IPO is open to a hybrid system of scanning and working to provide an interim solution to deal with the existing caseload, which would assist the transfer of files to other bodies, before the advent of an online system when all documents will be submitted online through a unique ID/ account number.
- Website development: IPO and IPAS have separate websites. The ISD website is currently being replaced and the matter of ensuring website guidance is in plain English is currently being reviewed.
- IPAT has carried out significant work on a new website with ICT – a lot of work has been done and this is continuing.
- Chatbot: this tool piloted with the Citizenship area in August – it allows an individual to query the status of their application and Chatbot can access the database and respond. For example, 11,000 citizenship applications are currently generating 45,000 queries – 80% are ‘what is the status of my application’. This could be a very useful tool for IPO queries.
- Potential Robotic Process Automation: automation of repeatable defined processes, such as processes around new staff starts.
- Remote Interviews: These have been piloted by the IPO in Cork, Tipperary and Sligo. The technology works and is legally supported once the applicant gives consent. The Government ICT network in courts is being used and this solves GDPR issues. A team is deployed to remote locations to ensure transcripts of each page of the interview are signed. The applicant experience is enhanced through less need for travel. The IPO intend to resume remote interviews from the end of August.
- IPAT have sought permission to conduct interviews from legal representative offices. It is hoped to have 5 remote hearing rooms to link into legal representative offices. Rollout is to be progressed in September.

7.2 Improving the efficiency of the system

Short-term (achievable within 6 months)

- The IPAS Bed management workflow system will be in operation before the end of Quarter 1 2021.

Achievable within 12 months.

- Moving from Lotus Notes to eDocs for document management: all Department staff to work off eDocs with Lotus being phased out.

Medium-term (achievable within 18 months)

- Workflow management linked to online applications: the staff side of the online applications system.

Having discussed such opportunities with the Department's ICT and business areas, the sub-group considers that the objectives outlined are achievable within the timeframes indicated and recommend that they be pursued.

Appendix to IT sub-group report

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

Terms of Reference of IT sub-group

An IT sub-group is being established to support the Advisory Group in the formulation of recommendations on providing enhanced IT support for:

- (i) All stages of the international protection process managed by the International Protection Office (IPO), the International Protection Appeals Tribunal (IPAT) and the Ministerial Decisions Unit (MDU) of the Department of Justice and,
- (ii) The International Protection Accommodation Service (IPAS) and the International Protection Procurement Service (IPPS).

Proposed High Level Terms of Reference

Having regard to the system requirements and with the aim of improving service provision, to propose solutions with a view to enhancing the IT systems utilised by the IPO, the MDU, the IPAS and the IPPS of Immigration Service Delivery Function, Department of Justice and the International Protection Appeals Tribunal.

External input

To assist in its work, the sub-group will consider best practice models in other public sector organisations including, but not confined to, those with high volume processing such as the Office of the Revenue Commissioners and the Department of Employment Affairs and Social Protection, utilising input from those organisations as required.

Membership

- Frank Daly, Member of the Advisory Group (Chair).
- Eamon Kelleher, Representative from the Office of the Revenue Commissioners.
- Sean Gaffney, Representative from Department of Employment Affairs and Social Protection.
- Niamh O'Donoghue, Advisory Group representative.
- Immigration Service Delivery user representatives:
 - ISD – David Delaney.
 - IPO – Con O'Carroll.
 - MDU – Bridin Ní Donnghaile.
 - IPAS – Sarah Ní Ruairc.
 - IPPS – Sally O'Moore.

- Pat Murray, Registrar of the IPAT.
- Neil Ward, Department of Justice, OSD.
- Emma Coughlan, Department of Justice, OSD.
- Derek Coffey, Department of Justice ICT and OGCI.
- Michael Thornhill, Department of Justice.
- David Wall, Department of Justice, Secretary to the IT sub-group.

Annex 11

Proposed supports to persons in the international protection/ refugee process

The following list of proposed supports is based on aligning supports for applicants for international protection with those of others living in similar circumstances in the community. It also draws on the range of supports provided under the Irish Refugee Protection Programme (IRPP). The supports to be made available are listed under three stages – reception, while awaiting a decision, and after a person receives a decision.

Stage One - While in the reception phase

Legal Aid	Legal assistance (provided by the Legal Aid Board).
Accommodation	Reception centre if required for 8-12 weeks. Housing placement office in reception centre, with early access to housing allowance for applicants in order to search of accommodation proactively after 3 months.
Health	Medical screening and vulnerability assessment provided in the reception centre. Depending on vulnerability assessment, special supports for children and those with special needs. Links to local public health nurse, mental health and maternity services. Assistance with application for medical card to be issued at Stage 2.
Food and nutrition	Communal cooking facilities and canteen style meals.
Orientation	A) Language training and cultural orientation programme provided by ETBs - tailored programme including language skills and information on rights and entitlements, the Irish education system, employment, parenting in Ireland/family supports and life in Ireland. Services and crèche facilities available to ensure adult refugees can participate in the orientation programme. A specific orientation programme delivered by youth services to children and young people on their rights and entitlements, the Irish education system, employment, health supports, including mental health, and information about life in Ireland. B) Regular information sessions and individual clinics held by Departmental staff (including IPO) in reception centre to discuss needs and requirements of applicants. C) Social services worker to work with families during their time in the centre and to provide assistance for preparation for life in Ireland and to make referrals to follow-on services.
Formal and Non-Formal Education	A) Educational assessment and induction programme including language supports for children to prepare them for mainstream education. B) Access to early years, primary, post-primary schools and youth services on the same basis as Irish citizens.
Welfare	A) TRC (temporary residence card) is issued by IPO. PPSN and PSC issued by DEASP in dedicated facility in reception centre. B) INTREO clinic in reception centre to provide assistance for Right to Work application and provide links to employment and educational opportunities. C) Daily Expenses Allowance while in reception centre (EUR 38.80 per adult and EUR 29.80 per child). To be increased from January 2021 and revised regularly in line with cost of living. D) Exceptional needs payments (not means tested) through DEASP. E) Back to School clothing and footwear allowance while in reception centre (to be paid as an exceptional needs payment by DEASP at any point in the year when children start school).
Play Facilities and Green Spaces	Children should have access to developmental toys, materials and play spaces that focus on their creativity. Green spaces are provided to allow children and young people to play and socialise. Young people have access to 'hang out' spaces to spend time with peers.

Stage Two – while awaiting decision

Accommodation	Mandatory obligation on local authorities to provide suitable housing (either private rental sector or social housing) with supports from voluntary housing associations and other bodies (means tested access to housing allowance based on homeless HAP).
Health	Expedited registration for medical card (means tested) and GP assigned to individuals and families. Same medical care benefits, subject to the same conditions, as an Irish citizen.
Welfare	A) Specific weekly Welfare Allowance (increased from current level) to cover costs of living (i.e. equal to supplementary welfare allowance). B) Exceptional needs payments (for transport and child-related costs) not means tested) through DEASP. C) Back to School clothing and footwear allowance.
Work	Right to work 3 months after filing protection application. Permission renewable after 12 months. Restrictions apply to Civil/Public/Garda/Defence sector work.
Childcare	Children of applicants are entitled to free crèche/pre-school hours under ECCE scheme on the same basis as Irish citizens.
Formal Education and Non-Formal Education	Access to mainstream early years, primary, post-primary schools and youth services on the same basis as Irish citizens.
Education Tertiary	A) School-leavers who have been in the protection system for 3 years and meet certain criteria can apply for student supports (supports in line with the current SUSI Student Grant Scheme). B) Third Level Scholarships provided by third level institutions on a case-by-case basis.
Education Vocational	Access to vocational training on the same basis and extent as Irish citizens, including further education and training (FET), apprenticeships and Vocational Training Opportunities Scheme (VTOS). Access to vocational training not dependent on applicants holding valid Labour Market Access Permission. Reduced rate fees for PLC courses.
Integration Support	A) Resettlement worker assigned to assist with transition and full-time integration support throughout application period with social care experience (provided and funded through local authorities). B) English language and training (100 hours) over a period of 18 months, organised by local ETB. Childcare available to those who attend.
Family Support	Access to local public health nurse, home visiting services and services provided by Tusla, including the Prevention, Partnership and Family Support (PPFS) Programme.
Community Links	Responsibility of funded resettlement support agency (local authority) to develop and establish links for families in local communities.
Other supports	Exceptional needs such as counselling, transport, etc. provided by local authorities through specific funding.

Stage Three – once a positive decision has been taken

Medical	Medical card on same basis as Irish citizens.
Accommodation	Local authority responsibility (using rent supplement, HAP/homeless HAP as appropriate).
Formal and Non-Formal Education	Same as Irish citizens at all levels.
Welfare	Same as Irish citizens at all levels.
Integration	Support for 18 months post decision through A) Funded NGOs/AHBs to help develop and establish links for families in local communities. B) Exceptional needs (counselling, transport provided by local authorities through specific funding).

Stage Three – where a final negative decision has been taken

Accommodation	3-6 months while arrangements to leave IRL are made.
Medical	Continue for 3-6 months.
Welfare	Continue for 3-6 months.
Education	Continue for 3-6 months.
Support for voluntary return	IRL and IOM to provide funding and other supports for voluntary return. Need to ensure specific support for children if they are returning.

Annex 12

Assisted Voluntary Returns information note for the Advisory Group

Outlined in the table below are the supports by EU+ Member States for Assisted Voluntary Returns and Reintegration (AVRR) programmes.¹⁹⁷

Country	Description of AVRR programme	IOM Involvement
Austria	<p>Prior to departure, voluntary returnees receive financial assistance of €50 to €500, depending on the country of return and on their residence status in Austria.</p> <p>Voluntary returnees who are taking part in a reintegration project can receive additional assistance for reintegration in cash and/or as payment in kind.</p> <p>The type and amount of the benefit depends on the reintegration project available in the respective country. People returning under the ERRIN framework usually receive a financial assistance of €200 in cash. Financial support under RESTART II and ERRIN is paid in cash upon return.</p> <p>The initial financial assistance, paid prior to departure, is to be considered primarily as a contribution to meet the needs during the journey and, depending on the amount, for the first period after the return. A challenge is to find a system that is clear for all actors involved and easy to explain and administer.</p> <p>The cash assistance provided by the Service Provider upon return serves particularly to cover the needs after the return. A specific advantage is that with this payment the Service Provider can already establish a basis of trust.</p>	<p>Participants in the project “RESTART II - Reintegration Assistance for Voluntary Returnees to Afghanistan and Iran”, implemented by International Organisation for Migration (IOM), receive €500 in cash upon return.</p> <p>The financial return and reintegration assistance, prior to the return, is paid through NGOs or IOM. Support for reintegration under RESTART II is paid through IOM but IOM does not incur costs. Under ERRIN, the payment of the reintegration assistance is conducted locally by the respective service provider (Caritas, ETTC, Weldo, IRARA).</p>
Belgium	<p>Fedasil (the Belgian agency in charge of the voluntary return programme) provides cash assistance. However, this assistance is not considered as a reintegration assistance. The premium is €250 per adult and €125 per child.</p> <p>The cash assistance is paid directly at the airport prior to the return.</p> <p>In specific cases, the money spent to reach the airport can also be reimbursed.</p> <p>Issues – some returnees spend all the money at the airport and some have expressed a difficulty to exchange the currency in the country of return.</p>	<p>IOM makes the payments at the airport. Fedasil can also provide this service in some cases.</p>
Croatia	<p>IOM Croatia provides cash assistance in pocket money only, €105 per person, but this is not part of reintegration assistance. Cash is given in USD to facilitate easier transfer for persons returning to countries outside of Europe. IOM Croatia is actively monitoring the situation in transit due to COVID-19 and the pocket money amount is being reviewed to determine if an additional amount for purchasing of food and beverages in transit is needed.</p> <p>RA is €1500 per adult and child over 7 years and upgraded per need or assessed vulnerability. For a child under 7 years of age they are allocated €750 with additional upgrade per need or assessed vulnerability.</p>	<p>AVRR programme is funded 75% by AMIF and 25% by Croatian government funds</p>

¹⁹⁷ This information has been coordinated with EMN and IOM Ireland.

Country	Description of AVRR programme	IOM Involvement
Cyprus	Reintegration assistance is provided in kind (support to establish an income generating activity - such as support to a start-up business or job placement - health support, vocational training/ education, and accommodation or housing equipment) to eligible returnees after they return to the country of origin. Cash assistance is provided to all returnees at the airport prior to departure and the amount is €300.	IOM Cyprus implements the AVRR programme in Cyprus, co-funded by the Asylum, Migration and Integration Fund and the Republic of Cyprus.
Czech Republic	The general rule is to make all the assistance in kind (via IOM offices in country of return). No cash is provided by the Czech Republic for reintegration assistance. Limited financial support is provided in cash to cover the travel costs from Czech Republic to the country of return and is only applicable to ex-asylum seekers. Support is provided directly by the State rather than through a service provider. Cash assistance is only provided in cases where the state is not able to ensure travel arrangements until very late.	In kind assistance provided to returnees by IOM in country. IOM has a special reintegration format for some returnees but payments are not made in cash.
Estonia	All reintegration assistance provided by IOM Estonia under AMIF and co-funded by the Ministry of the Interior within the AVRR programme takes place in an in-kind format. Limited cash is provided to reach the final destination and if needed support during the first week or two after arrival. Cash is paid prior to return to the country of origin at the point of disembarkation. Provided support has no geographical limitations, as long as the person is eligible to participate in the programme. The cash support ranges from €50-200 per single adults; families are entitled to support up to €500, depending on the size of the family. On some occasions returnees might receive return assistance after they return through the IOM network of offices.	IOM and the Estonian Ministry of the Interior have signed a project donor agreement to implement the project.
Finland	Finland provides cash assistance to returnees. The support can be max €2,000 to adults, however, usually it is a figure between €200 - €1,500 euros. Children returning with their families get half of the support of adults. Finland has divided countries into four categories with specific support amounts. The categories are available at the following webpage in English: https://migri.fi/en/amounts-of-assistance-by-country The categories are based on ODA listing, with some political decisions made due to higher amounts of asylum seekers from certain countries. IOM pays a pre-departure cash portion of the support for all returnees (including those who will have their reintegration administered by ERRIN) at the airport upon departure. €200 euros is paid in Finland (children €100), the balance is paid in the country of origin after return. In exceptional cases, more cash can be paid at the airport in Finland. ERRIN service providers only handle in-kind grants. Not all countries of return are included in the Finnish ERRIN agreements and to those countries not included IOM delivers AVRR in-kind support. The in-kind amount varies depending on the country. In the higher category in-kind support, the reintegration grant is €5000 per adult and in the lower category it is €3000 per adult. Children's reintegration in-kind support is always €1500 per person. Finland advise that the advantage of "outsourcing" the activities to IOM is easiness and in the case of IOM a fairly good level of trust in working operations. The disadvantage is the lack of transparency when you have done the outsourcing and don't get to access the actual transactions.	Finland has an extensive contract with IOM in AVRR services which includes the service fees of IOM. Finland uses IOM extensively to support the returns process and the local procedures of IOM dictate how the payment is made. Usually it is a cash payment, in Russia apparently payment is made via bank transfer.

Country	Description of AVRR programme	IOM Involvement
France	The reintegration grant is not paid in cash. OFII or its local operator takes charge of purchasing the goods the applicant needs for his/her plan from suppliers. These may be medicines, a training course or material goods needed to start a new business.	IOM Paris is not involved in the France AVRR programme which is handled by the Office Français de l'Immigration et de l'Intégration (OFII)
Germany	<p>The Federal Office for Migration and Refugees (BAMF) provides an enhanced reintegration assistance (Starthilfe Plus) to a number of countries. The following amounts are applicable: €1,000 per adult/UAMCs, €2,000 per family. The cash assistance is paid in the country of origin 6-8 month upon return. BAMF has good cooperation with IOM who can operate in all the countries where payment of cash assistance is relevant.</p> <p>Federal States</p> <p>In addition to the reintegration assistance provided by the BAMF programmes, some federal states also provide returnees with cash assistance to support their reintegration. Some of the federal states have the option to provide reintegration assistance in cash to returnees in the scope of their own federal programmes in addition to REAG/GARP/Starthilfe Plus. The exact amount of assistance is usually dependent on the individual case and the federal state.</p> <p>In the majority of the federal states, the cash assistance is paid prior to the return to the country of origin. In some federal states (i.e. Bavaria, Baden-Wurttemberg, Saxony Anhalt) the cash assistance is paid out in the country of origin.</p> <p>If cash assistance is paid in the country of origin, it is usually handled via bank transfer or Western Union or MoneyGram. According to the federal states, having no service provider (i.e. IOM) in the counties of origin who can help with making the payments is viewed as problematic.</p>	<p>BAMF has a contract with IOM and assistance is paid in cash by IOM in the country of origin. The contract with IOM is project based and the costs include several services. The costs for payment of cash assistance are not based on each payment but rather on an estimated amount of payments during the contract period.</p> <p>No federal state reports working with a service provider (like IOM) to hand out the cash assistance. Sometimes NGOs (Caritas, Red Cross, etc.) who offer return assistance in addition to REAG/GARP/ StarthilfePlus work with branch offices of their organisations in the countries of origin.</p>
Hungary	<p>There are three reintegration schemes operated by IOM Hungary as part of the Hungarian Voluntary return, Reintegration and Information Program (HVRRIP).</p> <ol style="list-style-type: none"> 1 Reintegration grant for vulnerable returnees up to a maximum of €700. It is usually in-kind but in some cases it can be paid fully or partially in cash depending on the circumstances. 2 Returnees without vulnerabilities are entitled to an in-kind 'complex' reintegration grant up to a maximum of €2500 to selected beneficiaries which can be used on either a business start-up, business partnership, salary subsidy or vocational/ language training. 3 Combined reintegration grant: some vulnerable returnees and returnees with chronic medical conditions receive both the vulnerable reintegration grant (€700 flexible use) and complex reintegration grant (€2500 – in-kind). 	

Country	Description of AVRR programme	IOM Involvement
Ireland	<p>The IOM, funded by the Department of Justice, offers voluntary assisted return and reintegration programmes for asylum seekers, rejected asylum seekers, victims of trafficking and other illegally present migrants in vulnerable situations.</p> <p>Persons availing of these programmes can apply for reintegration assistance to allow them to start up a business or enter further education or training when they are back in their country of origin.</p> <p>This takes the form of an 'in-kind' grant, rather than a cash payment. Ireland is conducting a brief internal review of reintegration grants for AVR, in terms of whether to include cash assistance or not, and also in terms of overall amounts of grants.</p> <p>Under the current project, IOM provides reintegration grants to returnees to the value of €600 per individual or €1000 per family.</p>	<p>Under these programmes, all travel arrangements including flights for such persons are arranged and paid for by IOM and, where required, the IOM will assist in securing travel documents, arranging fitness to travel medical assessments, providing medical escorts where required and give assistance at the airport at departure, transit and arrival.</p> <p>Post-arrival, IOM in the country of origin will work with the beneficiary and the IOM Ireland office to administer the in-kind reintegration grants to beneficiaries.</p>
Italy	<p>In Italy, the reintegration assistance to returnees is only provided in kind (goods and services) after the returnee's arrival in his/her country of origin as part of the Individual Reintegration Plan.</p> <p>In the ongoing projects, the reintegration assistance amounts to €2,000 for single returnees and family heads, to 50% for family members and to 30% for dependent minors (but only if the minor has left with the head of the family).</p> <p>In addition, a cash contribution of €400 is provided to each returnee upon departure aimed at covering immediate needs following arrival in the country of origin (such as clothing purchases, accommodation, and transport costs). This contribution shall be delivered to each AVRR beneficiary, upon departure, after the Border Police checks at the airport, by the operator in charge of airport assistance.</p>	<p>AVRR in Italy is currently implemented by six NGOs who also administer the reintegration assistance in the country of origin. IOM is not involved in the reintegration assistance.</p>
Latvia	<p>Reintegration assistance is in the form of the purchase of goods and services for beneficiaries in the third countries. Returnees receive €100 per person in the airport just before departure in cash only. Payment cards are problematic for migrants in several countries.</p> <p>Ideally the returnees would receive the cash already upon arrival to their country of origin, but many of them need this money to continue their trip from airport to home and for presents for their family. Therefore, the use of IOM offices in respective country to receive cash is not a preferred option for most of the returnees. Many returnees are against payment cards as they do not believe that they will work in their countries. Banks are also reluctant to issue a payment card to a person who does not have a legal status in the country.</p>	<p>All assisted voluntary return cases are contracted to IOM. This includes the whole process - from application and counselling to documents, tickets, transport to airport and reintegration in the country of return.</p>
Lithuania	<p>Lithuania provides reintegration 'in kind' aid in the country of origin of the returnees. Reintegration allowance is available for a duration of one year - up to €1,500 [no singles or family breakdown provided].</p>	<p>Aid in kind process is handled by IOM.</p>

Country	Description of AVRR programme	IOM Involvement
Luxembourg	<p>Luxembourg provides in kind reintegration aid in the country of origin of the returnees for a duration of six months.</p> <p>Complete aid (assistance to reintegration in kind):</p> <ul style="list-style-type: none"> • Single adult: up to €3000 - To date there has been no instance of this being less than these amounts and almost all beneficiaries have been granted this rate. The amounts were decided in collaboration with the Luxembourg Ministry of Foreign Affairs (but funded under AMIF) • Adult couple: up to €4000; • Family: up to €5000. <p>€500 per adult and €400 per child cash allowance is paid on return. - This is an additional amount that is given for all cases and is provided on day of departure at the airport and is given in cash.</p> <p>Basic aid (assistance for reintegration in kind):</p> <ul style="list-style-type: none"> • Single adult: up to €500; • Adult couple: up to €700; • Family: up to €1000. <p>Cash allowance paid on return: €300 per adult and €300 per child.</p> <p>It is the Ministry of Foreign Affairs that decides which package applies to whom. Within the Ministry there is a Returns Unit. Packages are decided based on immigration status at the time of application. Applicants of IP will almost certainly get the complete reintegration grant. Those people returning to countries not on the Safe Country List will almost always be granted the complete package.</p> <p>People who originate from Eastern European countries (outside of EU) like Kosovo, Albania, Serbia, Bosnia are only entitled to flights, as per the below.</p> <p>Vulnerable cases (UMC, VoTs, medical, pregnant women):</p> <p>€700 per person in addition to the basic/complete assistance received. In kind (and based on post arrival needs).</p> <p>Third country nationals from the Western Balkans (Kosovo, Montenegro, Macedonia, Albania, Serbia and Bosnia-Herzegovina) and Georgia are excluded from the AVRR-L program.</p>	Luxembourg Assisted Voluntary Return and Reintegration is carried out by IOM.
Malta	<p>Prior to leaving Malta €200 in cash is provided to each migrant benefitting from AVRR. The cash is utilised during movement from Malta to the country of origin.</p> <p>AVRR returnees do receive a reintegration grant prior to departure of €200, given in cash by IOM at the airport. The rest of the reintegration package (i.e. €3,800) is given in kind in the country of return. All of this is covered by the EU – AMIF and MHA funds.</p> <p>However, the Mission is in the process of developing together with the Maltese authorities a new model, foreseeing cash support for those asylum seekers deciding to go back home. More precisely a package of €2,000 is envisaged for those who do not wait for a final decision in their asylum application, whilst €1,500 can be given to those whose application failed.</p>	IOM Malta implements the AVRR programme.

Country	Description of AVRR programme	IOM Involvement
Netherlands	<p>When certain conditions are met and apart from counselling services and a flight ticket, returnees can receive up to €500 (€340 for a child) financial support in cash, in addition to reintegration support of €1,500 for an adult (€2,500 for a child) that will be provided in kind.</p> <p>The cash amount aims to support returnees with initial costs upon arrival in the country of origin (CoO), whereas the in kind amount aims to support returnees in creating an income generating activity (such as starting a small business, to become a partner in an existing business, job placement or to pay for school/education).</p> <p>The eligible cash amount is provided in the Netherlands before the departure of the returnee. The in-kind reintegration amount apportioned to the returnee will be provided after return, once (s)he has contacted the local IOM office in the CoO.</p> <p>An IOM officer at Schiphol airport withdraws the cash amount from a debit card after having passed the border and hands it over to the returnee shortly before boarding.</p> <p>In cases where the returnee is also eligible for in kind reintegration support, (s)he needs to contact the local IOM office to further discuss the reintegration plan. After approval of the reintegration costs by IOM Netherlands the local IOM office can reimburse the returnee, upon receipt of invoices, up to the agreed reintegration amount. This is done through bank transfer mostly. Where possible, the Dutch government prefers to carry out the financial transaction in kind. These payments in kind prevent a situation in which the cash assistance could be used for things other than agreed upon activities.</p>	<p>REAN (Return and Emigration from the Netherlands) is managed and implemented by the IOM.</p> <p>The local IOM offices in the countries of return receive a service fee from the REAN project of €350 for the administration and provision of reintegration support. For the cash payments at the Airport, the actual costs are funded by the national REAN programme.</p>
Portugal	<p>Reintegration assistance is cash based. The reintegration assistance value can be up to €2000. Cash reintegration assistance is always paid in the country of origin by IOM Country Offices.</p> <p>One week after return, the beneficiary is approached by IOM Country Offices and/or local partners to confirm safe arrival and discuss the way forward towards reintegration support. An Individual Reintegration Plan is discussed and once confirmed the IOM Country Office will do a bank transfer of the first part of the payment to the value for €1000.</p> <p>The second part is paid only after confirmation of 'good' use of the first part. Monitoring of reintegration support continues up to six months after arrival. This method allows for more flexibility, at the same time it increases the responsibility of beneficiaries and involves him/her in the process. It's also a faster and less bureaucratic process. Provided that more than 90% of beneficiaries return to Brazil and that the presence of the IOM in the country is limited, this is a way to overcome distance. Challenges are mostly related to the way authorities perceive cash based assistance vs in kind reintegration assistance.</p>	<p>ARVoRe VII project, implemented in Portugal by the IOM and co-funded by AMIF and the Border and Immigration Service.</p> <p>Payments to returnees are made via Bank Transfer, processed by the IOM Portugal Country Office.</p>

Country	Description of AVRR programme	IOM Involvement
Slovakia	<p>Within the framework of the Slovak AVRR programme operated by IOM, reintegration assistance is provided only in kind, post arrival in the country of origin.</p> <p>The reintegration assistance can be provided to beneficiaries of the Slovak AVRR programme who fall into one of the bellow categories:</p> <ul style="list-style-type: none"> • migrants without a residence permit in Slovakia; • asylum seekers who wish to return home; • unsuccessful asylum seekers. <p>The Slovak AVRR programme operates on the basis of ensuing 75% of projects are funded from AMIF fund and 25% is contributed by the Slovak government.</p> <p>The current project runs from 01 JAN 2020 till 31 DEC 2021 – 2 years.</p> <p>Each year we have allocated funds for 100 returns and approx. 25 reintegration grants.</p> <p>Awarding of grants is carried out by the selection committee composed of members of the AVRR team (IOM staff only).</p> <p>Amount of grant varies depending on the needs of applicants with the standard grant being €1300 and grant for migrants in vulnerable situations being €2000.</p> <p>The assistance is only provided after return to country of origin, in kind and it is directly administered by IOM (no external service providers).</p>	IOM Slovakia implements the AVRR programme
Sweden	<p>The Swedish Migration Agency (SMA) provides cash reintegration assistance to the following countries: Afghanistan, Central African Republic, Chad, Democratic Republic of Congo, Eritrea, Iraq, Ivory Coast, Liberia, Libya, Mali, Sierra Leone, Somalia, South Sudan, State of Palestine, Sudan, Syria, and Yemen. The following amounts are applicable: 30,000 SEK per adult, 15,000 SEK per child, maximum 75,000 SEK per family.</p> <p>The cash assistance is paid in the country of origin. In the majority of countries the assistance is paid through IOM in the country of origin. In Eritrea, Palestine and Syria the Swedish Migration Agency makes payment by bank transfer to the returnee's bank account in their home country after return.</p>	<p>The Swedish Migration Agency has a contract with IOM which is project based and the cost includes several services. The costs for payment of cash assistance is not based on each payment but rather on an estimated amount of payments during the contract period.</p> <p>The Swedish Migration Agency has good cooperation with the IOM who operate in the majority of countries where payment of cash assistance is relevant. The problem is rather in countries where IOM is not operating, especially Eritrea and Syria where sanctions prevent bank transfers and make international payments impossible/delayed.</p>

Country	Description of AVRR programme	IOM Involvement
Norway	<p>Norway offers cash support as a general support to returnees from many countries. The support is 20,000 NOK for those who apply for assisted return before the obligation to leave Norway. Children included in families that apply before the obligation to leave are given 30,000 NOK. If the application is done after the obligation to leave, the amount is 7,000 NOK per person, and 2,000 for children in families.</p> <p>The cash assistance is paid out after the return to the country of origin and is paid in cash or via bank transfer if the returnee has a bank account that can be used. The Danish Refugee Council utilises smartphone solutions in Somalia for cash transfers. The costs of handling a cash support system are considered more expensive than a cash card solution and returnees handling large amounts of cash after arrival might be a challenge to security and increase the risk of threats.</p> <p>Countries not included; Returnees to EU/EEC, OECD countries, Oceania, North America and most of the countries in South America.</p>	IOM Norway has a good working relationship with the IOM network in nearly all relevant countries – this makes the cash release process possible.

Annex 13

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

Analysis of Costs

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Abbreviations used in the Analysis of Costs

AHB:	Approved Housing Body
CHO:	Community Healthcare Organisations
DES:	Department of Education and Skills
DJE:	Department of Justice and Equality
DP:	Direct Provision
DPER:	Department of Public Expenditure and Reform
ECCE:	Early Childhood Care and Education
ENP:	Exceptional Needs Payment
EROC:	Emergency Reception and Orientation Centre
ETB:	Education Training Board
FEAD:	The Fund for European Aid to the Most Deprived
HAP:	Housing Assistance Payment
HEA:	Higher Education Authority
HHAP:	Homeless Housing Assistance Payment
HSE:	Health Services Executive
IGEES:	Irish Government Economic Evaluation Service
IPAS:	International Protection Accommodation Service
IPAT:	International Protection Appeals Tribunal
IPO:	International Protection Office
IRPP:	Irish Refugee Protection Programme
JA:	Jobseekers Allowance
MDU:	Ministerial Decision Unit
NARPS:	National Asset Residential Property Services
PP:	Private Practitioners
PPPN:	Per Person Per Night
PCERS:	Primary Care Reimbursement Eligibility Service
RDA:	Research & Data Analytics Unit (DJE)
SPIRASI:	Spiritan Asylum Services Initiative
SWA:	Supplementary Welfare Allowance
SWTSCSA:	Social Work Team for Separated Children Seeking Asylum

Executive Summary

As part of the work of the Advisory Group on the provision of support to persons in the international protection process, a costing exercise was carried out to allow the Group to compare the cost of the existing system with the costs of possible alternative models, including short term and long term solutions. Five options were developed in conjunction with the Group. The five options are as follows;

Current System - estimates the cost of the existing system in its totality, including all supports provided by relevant Departments and Agencies to 7,783 residents in 2019. The estimated cost is €178.494m, 78% of this is connected to the DJE.

Welfare and Housing Supports, HAP & HHAP - estimates the cost of providing standard social welfare and housing support, after an initial period of three months in a reception centre and nine months of welfare payments, to 7,783 residents in 2019. The estimated costs range from €132.849m to €166.338m. The majority of these costs are connected to the DEASP and DHPLG.

Welfare and Housing Supports, Building/Leasing/Acquisition - estimates the cost of providing standard social welfare and housing support (build, acquisition or leasing), after an initial period of three months in a reception centre, to 7,783 residents in 2019. The estimated costs range from €145.135m to €1.182bn. The majority of these costs are connected to the DHPLG and the DEASP. The wide variation in costs for this option is due to some options containing lifetime costs rather than annual costs.

Current System with Additional Supports - estimates the cost of the existing system plus additional supports to 7,783 residents in 2019. The estimated costs range from €201.406m to €211.576m. The majority of these costs are connected to the DJE.

Planned Capacity - estimates the cost of providing standard social welfare and housing support, after an initial period of three months in a reception centre and nine months of welfare payments, to a planned capacity system of 3,500 applicants per year. The estimated costs range from €115.589m to €130.649m. **This option should be viewed in conjunction with the other options as it only considers the costs for 3,500 potential applicants for 12 months. It does not consider the costs for the current number of Direct Provision residents nor the costs involved if it takes longer than 12 months for a decision to be made on an application.**

A cost breakdown of the options are shown overleaf. The costs for the planned capacity are not included overleaf as the costs were calculated using the planned capacity of 3,500 while all the other options used the number of individuals in Direct Provision centres on the 31st of December 2019, which was 7,783, in calculating their costs. See overleaf for more detail on the costs.

No costs to increase the capacity of Baleskin reception centre nor to bring it up to independent living standards are included in the costings for sections 2 to 5 inclusive below. An alternative option to the Baleskin reception centre has also not been costed at this time.

Figure A

Cost breakdown for sections 2, 3 and 5

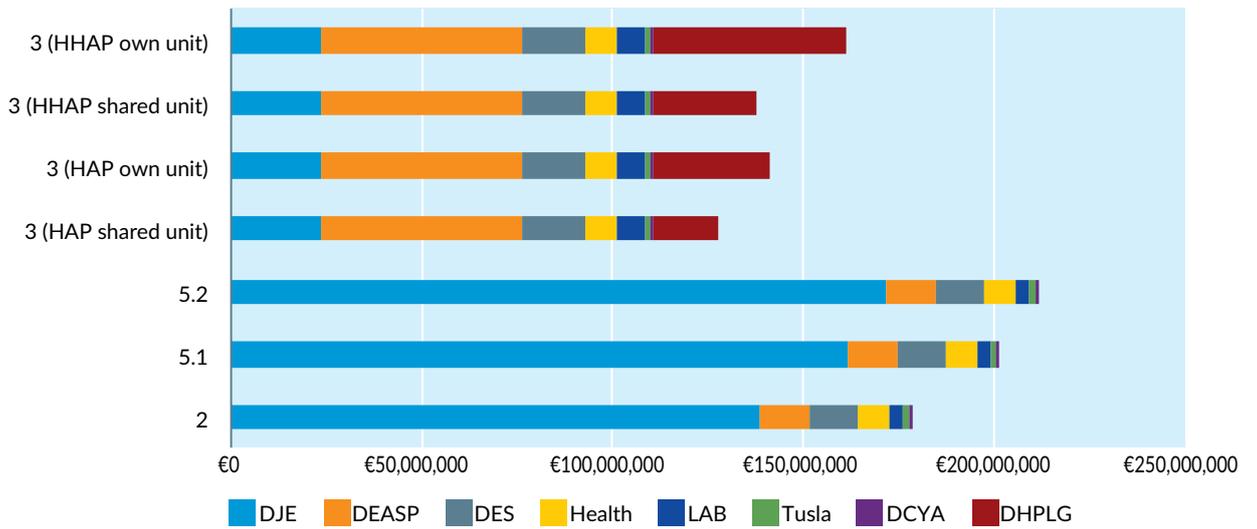
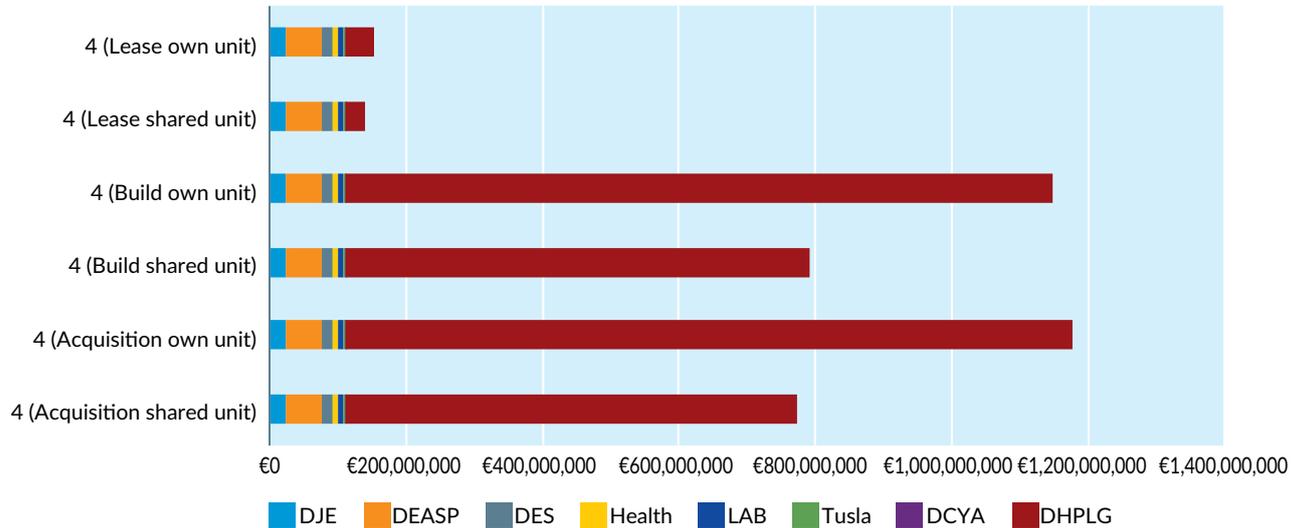


Figure B

Cost breakdown for section 4



Note: Leasing costs are a per annum cost and are recurring each year.

1 Introduction

1.1 Overview

This paper provides relatively high-level details of the cost for the provision of Direct Provision (DP) in 2019 and estimates the cost of alternatives to the current system. The purpose of the paper is to help inform the work of the Advisory Group on the provision of support, including accommodation, to persons in the International Protection Process. The Research & Data Analytics unit (RDA) from the Department of Justice & Equality (DJE) have developed costings based on the different options provided by the Advisory Group. The costs used in this paper were supplied by numerous Departments and Agencies who are directly involved in providing services to the programme along with costings calculated by the RDA using a set of reliable sources and best practice assumptions (for further information, see the Appendix).

This paper does not intend to be conclusive on all aspects of the costings associated with the delivery of Direct Provision. Some operational aspects of the programme are outside the scope of this paper and we acknowledge that these aspects may be very important to the programme. This paper does not examine the policies, legislation, processes or delivery of supports for persons in the international protection process nor is it intended to do so. It is also important to understand the shortcomings of this costing process, which are mainly due to it being the first time that an exercise of this nature has been undertaken, also taking into account the data constraints associated with this.

Where the costings require the use of the number of residents in DP in the calculations, the costings are based on the population of 7,783 in DP accommodation centres as of the 31st of December 2019, including Baleskin reception centre. **It is important to note that only applicants who are in DP centres are included in the costings for this paper. Any changes in costs due to the current pandemic are outside the scope of this document.**

It is also important to note that while a detailed costing analysis has been undertaken for this work, there will be a margin of error built into the figures below, especially for the costings that were estimated and were not directly provided from the relevant Department or Agency. For a more robust calculation it is imperative that costs are provided in so far as is possible from the Department / Agency whose budget the spend is associated with.

While every effort has been made to accurately reflect costings, there may be instances where, due to the quality of data and time constraints, the costings do not give the desired granularity for analysis. It is also important to note that **no** estimation on the future number of potential applicants has been made in this paper, which limits itself to the numbers as of the 31st of December 2019 and the planned steady state capacity system of 3,500.

1.2 Objectives

The objectives of the paper are as follows:

- Establish the total expenditure spent by the state on Direct Provision in 2019, (section 2).
- Estimate the total expenditure of potential alternatives to the current system of Direct Provision, (sections 3 to sections 5 inclusive).
- Estimate the total expenditure of a planned capacity system of 3,500 applicants per year, as instructed by the Advisory Group, (section 6, which needs to be read in conjunction with the other sections).

2 Current System

The Department of Justice and Equality (DJE), through the International Protection and Accommodation Service (IPAS), is responsible for the provision of accommodation and related services to protection applicants while they await a decision on their claim for international protection. There are also a range of other Departments and Agencies which have a role:

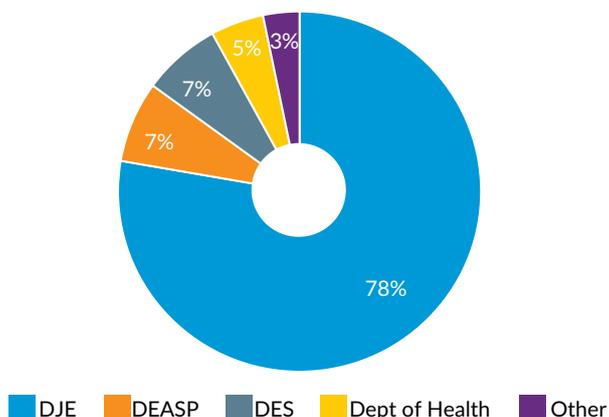
- Responsibility for all medical needs rests with the Department of Health and Health Service Executive (HSE).
- The Department of Employment Affairs and Social Protection (DEASP) is responsible for the daily expenses allowance.
- The Department of Education and Skills (DES) is responsible for primary, secondary and further education.¹⁹⁸
- The Department of Housing, Planning and Local Government (DHPLG) is responsible in helping to house applicants whose applications are successful.
- The Child and Family Agency (TUSLA), as part of the Department of Children and Youth Affairs (DCYA), is statutorily responsible for separated children seeking international protection / unaccompanied minors. TUSLA Education Support Service (TESS) assist in sourcing school places for children.
- The Legal Aid Board (LAB) offers legal support for the international protection applicants which includes the work of LAB staff and private practitioners.

2.1 Overview of Current Direct Provision System Expenditure

This section outlines the total expenditure by the State on DP in 2019. **The costs provided by the DJE, LAB and the Department of Health include staffing costs relating to the operation and oversight of the system, while for all the remaining Departments and Agencies, staff costs related to the operation of the system are not included.** As shown in Figure 1 and Figure 2 below, the total expenditure was €178.494 million. This table also shows the breakdown of this expenditure per stakeholder. The majority of expenditure is by the DJE (78% approximately), followed by DES and DEASP at 7% each. A further breakdown of the costs for each stakeholder, along with the data source and any assumptions or comments on the figures used, are described in the following sections.

¹⁹⁸ Following a re-structuring of Government Departments in June 2020 responsibility for further education now lies with the new Department of Further and Higher Education, Innovation, Research and Science. Previous Departmental titles are used in this report which was authored before the restructuring.

Figure 1: Section 2 cost breakdown



Source: IGEES Unit, DJE, based on data received from relevant stakeholders, May / June 2020.

Figure 2: Aggregated expenditure of Direct Provision for 2019

Department / Area	Expenditure	Percentage of total
Department of Justice & Equality*	€138,750,890	78%
Department of Employment Affairs & Social Protection	€12,997,300	7%
Department of Education & Skills	€12,516,590	7%
Department of Health*	€8,449,153	5%
Legal Aid Board*	€3,411,189	2%
Tusla	€1,500,000	1%
Department of Children & Youth Affairs	€868,889	Less than 1%
Total	€178,494,012	100%

Source: IGEES Unit, DJE, based on data received from relevant stakeholders, May - August 2020.

Notes: * Salary costs are included for DJE, Department of Health & LAB.
Salary costs for staff seconded into DJE are not included.

2.2 Department of Justice and Equality Expenditure

The DJE, through IPAS, is responsible for the provision of accommodation and related services to international protection applicants while they await a decision on their application. Expenditure for the DJE on DP in 2019 was €138.8m. Expenditure data used was provided by IPAS. A breakdown of the expenditure is shown in Figure 3 below.

The “commercial property” expenditure excludes €7.605m for persons accommodated under the resettlement programme staying in Emergency Reception and Orientation Centres (EROCs) and Mosney.

Figure 3: Breakdown of Department of Justice & Equality expenditure for 2019

Area	Expenditure	Percentage of total
Commercial Property	€67,102,932	48%
Emergency accommodation *	€35,445,957	26%
IPO costs (salary & operational)	€10,459,011	8%
State owned fixed costs	€9,278,005	7%
Balseskin reception centre	€6,505,007	5%
IPAT costs (salary & operational)	€4,196,235	3%
IPAS costs (salary & operational)	€2,029,854	1%
Grants	€1,271,601	1%
State owned add. costs including water charges	€639,012	Less than 1%
Transport	€578,713	Less than 1%
Electric Ireland/Energia	€570,047	Less than 1%
MDU salary costs	€239,151	Less than 1%
OPW	€192,626	Less than 1%
Gas bills	€115,576	Less than 1%
Preschools commercial	€95,000	Less than 1%
IPAS translation and interpretation costs	€23,253	Less than 1%
Nappies	€8,910	Less than 1%
Total	€138,750,890	100%

Source: IGEES Unit, DJE, May - August 2020.

Note: *International protection applicants are temporarily placed on an emergency basis in hotels, guesthouses and bed and breakfast accommodation.

2.3 Department of Employment Affairs and Social Protection Expenditure

Expenditure for the DEASP on supports for applicants in DP in 2019 was €12.997m. Expenditure data was provided by the DEASP. The majority of DEASP expenditure was for the daily expenses allowance (86%; €11.22m). The rate of the allowance per week is €38.80 for an adult and €29.80 for a child in DP. It is important to note that only applicants who are in DP centres are in receipt of this allowance. A breakdown of the DEASP's expenditure is shown in Figure 4 below.

Expenditure on exceptional needs payments (ENPs) to persons residing in DP accommodation includes assistance with costs such as clothing, transport and baby related items. Assistance can also be provided to support the move into the community on award of status. These data does not include ENPs to people resident in IPAS **emergency accommodation**. The reason that they are not included is to do with the process by which statistics on ENPs paid to persons in DP are collated. This process extracts payments to persons whose addresses are DP centres from the ENP database. The database does not hold the addresses of emergency accommodation, thus those in emergency accommodation are not included.¹⁹⁹

Figure 4: Breakdown of DEASP expenditure for 2019

Area	Expenditure	Percentage of total
Daily expenses allowance	€11,220,000	86%
Exceptional Needs Payments (ENP)	€1,577,300	12%
Back to school clothing and footwear allowance	€160,000	1%
Return to school kits under the FEAD programme	€40,000	Less than 1%
Total	€12,997,300	100%

Source: IGEES Unit, DJE, based on DEASP data supplied, May 2020.

A breakdown of the number of payments and total cost of ENPs paid to persons residing in IPAS accommodation centres in 2019 is shown Figure 5. Clothing and travel make up approximately 81% of all ENP's paid to applicants residing in IPAS accommodation centres in 2019.

Figure 5: Breakdown of ENP's paid to persons residing in IPAS accommodation centres in 2019

Category	No of Payments	Expenditure	Percentage of total
Clothing	5,603	€759,759	48%
Travel	11,339	€517,755	33%
Housing	73	€90,541	6%
Child related	187	€21,195	1%
Other	1,380	€188,050	12%
Total	18,582	€1,577,300	100%

Source: IGEES Unit, DJE, based on DEASP data supplied, May 2020.

2.4 Department of Education and Skills Expenditure

The current policy is that children residing in DP centres access primary and post primary education on the same basis as Irish nationals. Expenditure for the DES on supports for those in DP centres in 2019 is estimated at €12.517m.²⁰⁰ Expenditure data was provided by the DES. The DES does not hold disaggregated data on expenditure on pupils residing in accommodation centres. Hence the cost per child in the education system was extrapolated to give an indication of the overall cost, based on the numbers of children within the system as a proportion of overall education cost. 71% of the overall

¹⁹⁹ DEASP submission 2020.

²⁰⁰ The current expenditure includes a transport cost of €754,791 from Bus Éireann for international protection applicants.

spend was on current expenditure. A breakdown of the expenditure is shown in Figure 6 below. Costs for English language training for adults are included at €2.406m.

The number of students was calculated based on numbers as of 31 December 2019. Any resident aged 5 to 18 years old was considered to be a student. A breakdown was not available of the difference in costs for primary and secondary students at this time.

Figure 6: Breakdown of education expenditure in 2019

Level	Number of students	Approximate cost per student	Total expenditure	Percentage of total
Primary and post primary current expenditure	1,347	€6,633	€8,934,651	71%
Primary and post primary capital expenditure	1,347	€853	€1,148,991	9%
Higher Education Pilot Support Scheme	5	€5,401	€27,005	Less than 1%
Further Education and Training (FET)	2,930		€2,405,943	19%
Total	4,282		€12,516,590	100%

Source: IGEES Unit, DJE based on DES data supplied June, 2020.

2.5 Department of Health

The current policy is that primary care services are provided to persons living in DP on the same basis as Irish nationals. A person seeking international protection can apply for and be assessed for a medical card. Services provided include access to a GP, medical prescriptions, dental care, optician care, pregnancy services and children's health.²⁰¹

The role of the health services include:

- Voluntary Health screening including priority screening.
- Primary care services and catch up vaccination.
- Specialised services for people with disability, chronic diseases and those in need of mental health support including those who have experienced torture or trauma, etc. This may be from mainstream services or HSE funded NGOs.
- Acute Services.
- Children's health services.

International protection applicants are entitled to a medical card issued by the HSE, which provides access to public health services free of charge. This includes basic medical care, including through a General Practitioner (GP) and access to prescription medication free of charge, as well as emergency treatment.²⁰²

²⁰¹ HSE, Direct Provision Programme Health Costs & Models of Care – Working Paper, July 2020.

²⁰² Ibid.

As can be seen in Figure 7 below, the majority of expenditure is spent on the Primary Care Reimbursement Service (PCERS) at 61%, followed by Community Healthcare Organisations (CHO's) at 24%. There are nine CHO areas across the country.

Figure 7: Breakdown of Health costs 2019

	Pay cost	Non pay cost	Total expenditure	Percentage of total
CHO 1 - 9	€1,014,014	€985,147	€1,999,161	24%
Balseskin Reception/Intervention	€391,050	€97,748	€488,798	6%
Balseskin Screening	€87,987	€21,993	€109,980	1%
SPIRASI	€0	€300,767	€300,767	4%
National	€0	€431,000	€431,000	5%
Total Community (CHO/Balseskin/National)	€1,493,051	€1,836,655	€3,329,706	
PCERS (GMS+STC/SIS/Pharmacy)	€0	€0	€5,119,447	61%
Total Health Cost			€8,449,153	100%

Source: IGEES Unit, DJE, based on Department of Health data supplied, July 2020.

2.5.1 Balseskin Reception Centre

The Balseskin Reception Centre is the only dedicated, static, health screening centre for International protection applicants who have arrived in Ireland. The Balseskin health screening service is provided through the HSE Dublin North City and County Primary Care services via a multidisciplinary health screening team, which assesses and addresses the immediate health needs of newly arrived residents, including child health and referrals to specialist services.²⁰³ The centre provides a number of services to residents including:

- Voluntary health screening assessments for newly arrived international protection applicants.
- Some priority public health actions for infectious diseases including vaccinations, TB Hepatitis B contact tracing, Hepatitis C referral and treatment and HIV care.
- Subsequent medical specialist referrals to consultant led specialist services.
- Nursing & midwifery.
- Public health nursing including child health and child welfare.
- Psychology clinic.
- Social work.
- Visiting GP x 4 sessions per week.

All health screening assessments so far are voluntary opt-in services with the average uptake being approximately 60-80%.²⁰⁴

²⁰³ Ibid.

²⁰⁴ HSE Direct Provision Programme Health Costs & Models of Care – Working Paper, July 2020.

2.5.2 Other Health Screening

In certain circumstances, the Mobile Health Screening Unit, operated on behalf of the HSE by SafetyNet, offers health screening to applicants who have not previously availed of health screening. It should be noted that this is a relatively small team - one / two doctors and two nurses - it does not replace the need to have a more sustainable service within primary care operations. The funding thus far has been provided on a once off basis and therefore may not be sustained.²⁰⁵

2.5.3 Medical Cards

A person seeking International Protection is entitled to apply for and be assessed for a medical card. However, whilst this principle is universally agreed, there are a number of barriers in accessing medical services including lack of knowledge and understanding of the system, language barriers etc. Presently, the first time an applicant registers with the GP, the GP receives a once off enhanced capitation payment. Under the current system, the local HSE aim to assist in finding a GP locally when residents arrive, and efforts are made to equally distribute newcomers between the different practices, where possible. This is dependent on a series of other parts of the process chain being completed, i.e. Temporary Residence Card issued by DJE, PPS number issued by DEASP, payment issued by DEASP. The medical card application is then completed and a GP is either willing to take on the client or one must be assigned. There are many areas where there are GP access issues.²⁰⁶

2.6 Department of Children and Youth Affairs

The Early Childhood Care and Education (ECCE) scheme provides early childhood care and education for children of pre-school age. The scheme is offered in early years settings (pre-schools, Montessoris, crèches, playgroups) for 3 hours a day, 5 days a week, 38 weeks of the year. All children are entitled to two full academic years on the ECCE scheme.²⁰⁷ The DCYA sets the age eligibility and funds the scheme. The number of eligible children in DP on 31 December 2019 was 329. For the purpose of this paper, it is assumed that all 329 children availed of the scheme. This may or may not have been the case.

The eligibility ages used were children who were three and four years old inclusive. There may be children who are between the ages of four and six who are eligible for the ECCE scheme but because of data constraints it was decided that any child over four was assumed to be in primary school and are in the costings for primary school education. The approximate total cost in 2019, using the estimated average cost per child per annum for 2018, was €868,889.

²⁰⁵ Ibid.

²⁰⁶ Ibid.

²⁰⁷ [https://www.earlychildhoodireland.ie/work/information-parents/choosing-childcare/ecce-free-preschool-year/#:~:text=the%20ECCE%20scheme%3F-,The%20Early%20Childhood%20Care%20and%20Education%20\(ECCE\)%20Scheme%20provides%20early,38%20weeks%20of%20the%20year.](https://www.earlychildhoodireland.ie/work/information-parents/choosing-childcare/ecce-free-preschool-year/#:~:text=the%20ECCE%20scheme%3F-,The%20Early%20Childhood%20Care%20and%20Education%20(ECCE)%20Scheme%20provides%20early,38%20weeks%20of%20the%20year.)

2.7 Tusla

Tusla is responsible for the care of unaccompanied minors in Ireland. Unaccompanied minors are referred to the Social Work Team for Separated Children Seeking Asylum (SWTSCSA) of the Child and Family Agency, Tusla. Tusla is responsible for making an application for international protection on behalf of unaccompanied minors. In 2019 there were 16 unaccompanied minors over 18 for whom Tusla provided accommodation (nine in foster care/supported lodgings, and seven in residential care). The cost of providing this service was approximately €1.5m (figure provided by Tusla).²⁰⁸

2.8 Legal Aid Board

Civil legal aid and advice is provided primarily through a network of law centres by solicitors employed by the LAB. Specific law centres in Dublin, Cork and Galway include an international protection speciality. The LAB also engages private solicitors to provide services in international protection cases. A substantial portion (around 82%) of the LAB's international protection cases are handled by private practitioners but it is important to note that legal aid through private practitioners is not available for bringing judicial review proceedings, whether to challenge decisions of the IPO/IPAT or deportation orders.²⁰⁹

The LAB operates a mixed model of service delivery to persons seeking international protection in the State. The model involves both the use of in house staff working in the law centres and the referral of cases to private solicitors on a panel.

The estimated combined cost of providing the current mixed model service to 2,571 applicants in 2019 was €3.411m as provided by the Legal Aid Board. This number of 2,571 includes some cases from applications made in 2018.

A breakdown of the expenditure is shown in Figure 8 below. This is based on expenditure data provided by the LAB. Private practitioners (PP) scheme costs are also included.

Figure 8: Breakdown of Legal Aid Board expenditure in 2019

Expenditure description	Expenditure	Percentage of total
Private practitioner expenditure	€1,582,789	46%
Staff salary	€1,088,000	32%
Additional running costs estimate	€465,000	14%
Additional case expenditure	€275,400	8%
Total	€3,411,189	100%

Source: IGEES Unit, DJE, based on data supplied by the Legal Aid Board, June 2020.

208 Approaches to unaccompanied minors following status determination in Ireland <https://www.esri.ie/system/files/publications/RS83.pdf>.
209 Legal Aid Board paper supplied for costing process, 2020.

3 Proposed Costs for Welfare and Housing Supports (HAP & HHAP)

3.1 Overview

Section 3 estimates the cost of providing standard social welfare and housing support, after an initial period of three months in a reception centre to all 2019 applicants for nine months. This means the number of applicants as of 31 December 2019, along with their gender, age and family unit are used when estimating costs. The total figure of 7,685 was used instead of 7,783 as families with five or more children are aggregated in the supplied data. For clarity this number is stated in brackets in the title of Figures 9 to 12 below.

In this option, applicants will no longer be provided with accommodation or be in receipt of the daily expenses allowance after the initial three months. Other changes with this option are that there will be an NGO grant of €5m and an enhanced LAB service which deals with all cases in-house as well as a judicial review unit. It is assumed that all other costs remain the same as section 2. This in reality may not be the case due to potential policy and legislation changes if this option is implemented. Figure 9, Figure 10, Figure 11 and Figure 12 below outline the costs for each of the relevant areas, with more details on the costs used and the assumptions these are based on in the following sections. For the housing support costs two alternative costings are provided:

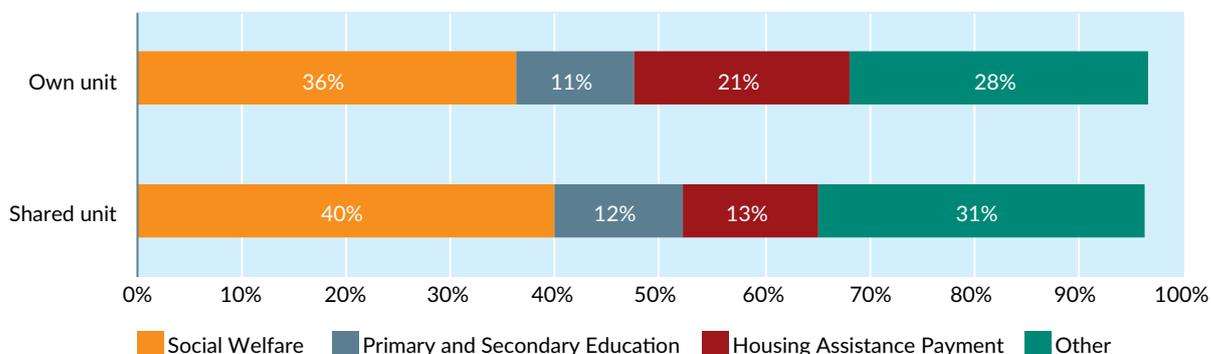
- A regional spread using Housing Assistance Payment (HAP) as shown in Figure 9 and Figure 10.
- The costs of living primarily in the Dublin region using the Homeless Housing Assistance Payment (HHAP) which is a higher payment as shown in Figure 11 and Figure 12. It is important to note that the costs for HAP and HHAP are per annum costs.

This option does not include the following in its costings;

- The purchase or build of a new reception centre.
- Expanding IPO/ DEASP sub-offices in reception centres to provide info / ID / early legal advice.
- Expanding health screening in reception centres to include fully compliant vulnerability assessments for all applicants.
- The cost of extra educational supports.

It is important to note that the above list is not an exhaustive list.

Cost options are provided for singles sharing a unit and singles who each have their own unit. In the case of HAP, for singles not sharing a unit total expenditure rises by approximately €13.213m (+10%; from €132.849m when sharing a unit to €146.061m when not sharing). This is due to the extra cost of the HAP for singles with their own unit.

Figure 9: Cost breakdown using HAP (7,685)


Source: IGEES Unit, DJE, based on data received from relevant stakeholders, May - August 2020.

Figure 10: Aggregated cost for applicants to receive welfare and housing supports (HAP) for 9 months after 3 months in reception centre (7,685)

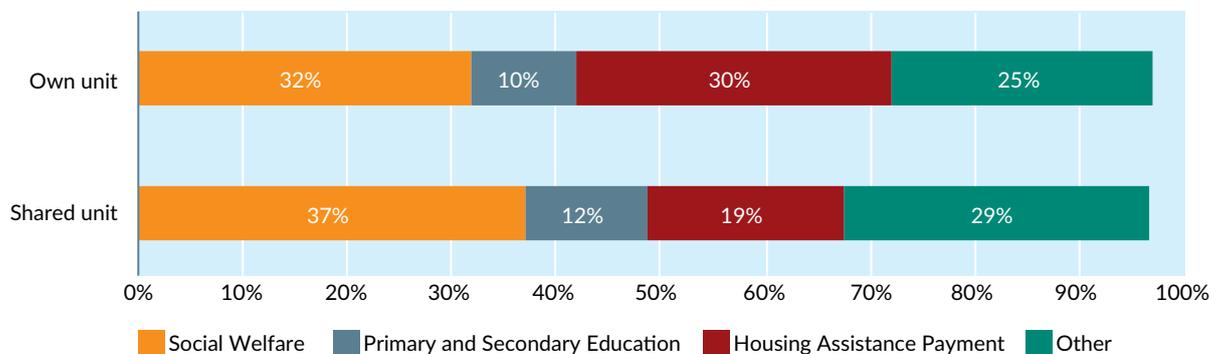
Area	Expenditure (singles sharing unit)	Percentage of total	Expenditure (singles not sharing)	Percentage of total
Social welfare	€52,845,958	40%	€52,845,958	36%
Housing Assistance Payment	€17,030,198	13%	€30,242,718	21%
Justice & Equality*	€23,429,259	18%	€23,429,259	16%
Primary, secondary & higher education	€16,528,630	12%	€16,528,630	11%
Health	€8,449,153	6%	€8,449,153	6%
Legal Aid Board	€7,196,720	5%	€7,196,720	5%
Tusla	€1,500,000	1%	€1,500,000	1%
ECCE grant	€868,889	1%	€868,889	1%
NGO grant	€5,000,000	4%	€5,000,000	3%
Total	€132,848,808	100%	€146,061,328	100%

Source: IGEES Unit, DJE based on data supplied by various stakeholders May - August 2020.

Note: *Includes salary and other costs for IPO, IPAS, IPAT & MDU.

For HHAP costs refer to Figure 11 and Figure 12 below. In the case of HHAP, for singles not sharing a unit, total expenditure rises by approximately €23.698m (+17%; from €142.640m when sharing to €166.338m when not sharing). This is due to the extra cost of the HHAP for singles with their own unit.

Figure 11: Cost breakdown using HHAP (7,685)



Source: IGEES Unit, DJE based on data supplied by various stakeholders May - August 2020.

Figure 12: Aggregated cost for applicants to receive welfare and housing supports (HHAP) for 9 months after 3 months in reception centre (7,685)

Department / Area	Expenditure (singles sharing unit)	Percentage of total	Expenditure (singles not sharing unit)	Percentage of total
Social welfare	€52,845,958	37%	€52,845,958	32%
Homeless Housing Assistance Payment	€26,821,327	19%	€50,519,641	30%
Justice & Equality*	€23,429,259	16%	€23,429,259	14%
Primary, secondary & higher education	€16,528,630	12%	€16,528,630	10%
Health	€8,449,153	6%	€8,449,153	5%
Legal Aid Board	€7,196,720	5%	€7,196,720	4%
Tusla	€1,500,000	1%	€1,500,000	1%
ECCE grant	€868,889	1%	€868,889	1%
NGO grant	€5,000,000	4%	€5,000,000	3%
Total	€142,639,937	100%	€166,338,250	100%

Source: IGEES Unit, DJE based on data supplied by various stakeholders, May - August 2020.

Note: *Cost includes, salary and other costs for IPO, IPAS, IPAT & MDU.

3.2 Reception Centres

In this option longer term accommodation is no longer provided for applicants through accommodation centres. However, all applicants would be supported for an initial period of three months in a reception centre which, for the purposes of this exercise, is Baleskin reception centre. The cost for this is approximately €6.5m based on the yearly cost for the centre in 2019. It is important to note that this figure does not cover any alterations to the centre, such as to increase capacity or to improve living standards, nor the costs of building a new reception centre. It is solely based on running costs. A breakdown of the costs associated with Baleskin reception centre is unavailable presently.

3.3 Legal Aid Board

In this option the LAB would be in a position to provide legal advice on all IP cases from first instance to deportation stage inclusive on the basis of an end to end service. This in-house model of service would not refer any cases to private solicitors. Costings for the in-house model of service are shown below in Figure 13. Expenditure is estimated to be €6.5m for 2,571 applicants.

Along with the in-house service, this section also estimates the cost of a judicial review unit. In the past there was a dedicated judicial review unit which dealt with judicial reviews and provided an advice service to staff in the Refugee Legal Service. This unit was comprised of three solicitors, one legal clerk and two clerical officers. The staffing complement required for a re-established dedicated judicial review unit within a service mandated to support all applicants for international protection would likely need to be significantly greater. It is also important to note that the law around judicial reviews has developed since then too. Assuming there are 2,571 applicants and using historical figures as a guide, expenditure on a new judicial review unit is estimated to be €747,243. It is likely that some judicial reviews will still be taken by private practitioners outside of the legal aid system. It is therefore difficult to provide an estimate which is precise in terms of the level of demand.

Figure 13: Estimated cost for 2,571 applicants

Area	Expenditure
In-house service cost estimate	€6,449,478
<i>Projected in-house service salary cost</i>	€4,458,791
<i>Additional law centre running cost</i>	€1,715,222
<i>Additional case expenditure</i>	€275,464
Judicial review unit cost estimate	€747,243
<i>Salary costs</i>	€279,137
<i>Non-pay unit expenditure</i>	€275,464
<i>Counsel fees</i>	€192,641
Total cost	€7,196,720

Source: IGEES Unit, DJE, based on data supplied by the Legal Aid Board, August – September 2020.

3.4 Welfare Supports

In this option the daily expenses allowance for applicants is no longer provided once they leave the reception centre after three months. Instead, mainstream social welfare is provided to applicants after this time.²¹⁰ Figure 14 below gives a breakdown of the expenditure for this option. Listed below are the principle set of assumptions used;

- Applicants will not be in receipt of full social welfare payment while in the reception centre but will continue on the daily expenses allowance for the three months in the reception centre.
- SWA to be provided for 9 months after leaving the reception centre.

²¹⁰ <https://www.gov.ie/en/organisation/department-of-employment-affairs-and-social-protection/>

- It is important to note that after the 12 months, if applicants are successful, SWA eligibility continues as long as the claimant qualifies for the payment.
- Supplementary Welfare Allowance (SWA) was used in these calculations and it was assumed that all applicants would qualify for the full amount from the start of the 9 months. SWA and Job Seekers Allowance (JA) have to be means tested but JA is dependent on being available for and genuinely seeking work. It is therefore also inextricably linked to the right to work. At present applicants don't automatically qualify for the right to work, therefore the SWA has been used. The maximum personal rate that SWA is paid at is €201, while JA is €203. Where a person with a family is in low-paid employment, they may qualify for Working Family Payment. Applicants with the right to access the labour market already have the right to this payment as the Habitual Residence Condition does not apply to it. It is important to note that for applicants to be entitled to either SWA or JA, it would require a change in policy / legislation as outlined by DEASP.
- In the calculation of child benefit, no account was given for an increase in rate for twins or other multiple births due to data constraints. Child benefit is paid monthly until a child turns 18. It is not paid on behalf of children aged 18 or older.²¹¹

As can be seen in Figure 14, between 88% of the total expenditure is on the SWA payment for applicants depending on if they are sharing a unit or not, once they leave the reception centre.

Figure 14: Breakdown of social welfare annual expenditure

Area	Expenditure	Percentage of total
Social Welfare Payment (SWA) per annum	€46,282,380	88%
Child benefit (€140 per month)	€3,451,578	7%
Daily expenses allowance (3 months in reception centre)	€2,805,000	5%
Back to school clothing and footwear allowance	€267,000	1%
Return to school kits under the FEAD programme	€40,000	Less than 1%
Total	€52,845,958	100%

Source: IGEES Unit, DJE, based on DEASP data supplied, May 2020.

Figure 15 below shows the type of social welfare payment rate used in the calculation of the yearly expenditure on social welfare. The total cost was worked out using the number of different types of family units in DP on the 31st of December 2019.

²¹¹ <https://www.gov.ie/en/service/f14140-child-benefit/>

Figure 15: Type and rate of social welfare payment used

Type	Weekly rate
Single person (SWA)	€201.00
Couple (SWA + Increase for qualified adult)	€335.70
Increase for a qualified child under 12 (SWA)	€36.00
Increase for a qualified child 12+ (SWA)	€40.00

Source: IGEES Unit, DJE, based on DEASP data supplied, May 2020.

3.5 Secondary and Higher Education Expenditure

For this option the expenditure on education is assumed to be as it was in 2019, with the only change from section 2 being the addition of higher level education. Total expenditure rises to €16.529m.²¹² A breakdown of the expenditure is shown in Figure 16 below.

Figure 16: Breakdown of education expenditure

Level	Students	Approximate cost per student	Total cost	Percentage of total
Primary and post primary current expenditure	1,347	€6,633	€8,934,651	54%
Primary and post primary capital expenditure	1,347	€853	€1,148,991	7%
Higher education estimate (average cost to the Exchequer per student (excluding student supports))	422	€6,500	€2,745,080	17%
Higher education estimate (student contribution charge per year)	422	€3,000	€1,266,960	8%
Further Education and Training (FET)	2,930		€2,405,943	15%
Higher Education Pilot Support Scheme	5	€5,401	€27,005	Less than 1%
Total	4,704		€16,528,630	100%

Source: IGEES Unit, DJE based on DES data supplied, June - August 2020.

For the costings in Figure 16, the number of students was taken from DP numbers as of 31 December 2019. Any resident aged between 5 and 18 years old inclusive was considered to be a primary or secondary student. These costs exclude any pensions paid to retired school staff and redress costs.

For the higher education estimate in Figure 16, DES provided both the cost to the exchequer per student which is approximately €6,500 and the student contribution which is approximately €3,000. These are average figures as each of the third level institutions are autonomous and standard charges etc. may vary.

²¹² Includes a transport cost of €754,791 from Bus Éireann for international protection applicants.

The Higher Education Authority (HEA) in its 2016 / 2017 report²¹³ outlined the percentage of undergraduate enrolments to the higher education system by age category. These were applied to the numbers in accommodation centres in each of the age categories as per the HEA's report. From this analysis there is the possibility of approximately 422 applicants in accommodation centres who potentially could be a full time undergraduate in third level education. **The HEA in its report notes that approximately 1% of enrolments to the higher education system are aged 17 or under and 10% were aged 18. For this costing process these individuals were left out as they were already included in the secondary school costings.**

It is important to note that in reality both cohorts in these age categories will not be homogenous. One reason for this is the standard of English for some in DP could preclude them from taking up a place in a third level institution. This will need further research and investigation going forward.

3.6 Housing Supports

As part of the calculation of costs for this option, the DHPLG supplied data in respect of costing the provision of own door accommodation to international protection applicants using the Housing Assistance Payment (HAP) and Homeless Housing Assistance Payment (HHAP). HAP is a form of social housing support provided by all local authorities whilst the Dublin Regional Homeless Executive (DRHE) operates the HHAP scheme in the Dublin region for homeless households.

The rental payment to the landlord is made directly by Local Authorities (LAs) through a Shared Service Centre; there is no contractual relationship between the LA and the landlord. The level of rent being charged for the accommodation should generally be within the limits set down for the household type in that LA's area although there is an element of flexibility to this with LAs being able to use discretion of up to 20% above rent limits outside of Dublin and 50% in Dublin. Tenants then pay a contribution towards their rent (differential rent) to the LA based on their income and ability to pay²¹⁴. These costs are not captured here in the costings supplied by DHPLG.

It is important to note that utilising this approach would require applicants to source their own accommodation. For more information and details on each of the options including policy implications, please refer to the DHPLG paper.²¹⁵

The cost of HAP is based on a regional spread in option 1a. Option 1b assumes that applicants would choose to live close to Dublin and uses the costs of HHAP which is a higher payment. Administration costs have also been included for both options in Figure 17 below.

Some of the principle assumptions that were used are as follows;

- HAP and HHAP costs are annual and would need to be understood as recurring. All costs quoted are subject to inflation.
- Current legislation requires means testing to determine qualification and the level of payment provided. Costs provided by DHPLG are based on actual expenditure rather than rent limits, and take into account the application of discretion.
- The onus is on the applicant / individual to acquire housing in the private market.

213 <https://hea.ie/assets/uploads/2018/01/HEA-Key-Facts-And-Figures-2016-17-.pdf>.

214 Current and Capital Expenditure on Social Housing Delivery Mechanisms, <https://assets.gov.ie/7306/1c928b26874e4433b3d11c1172702528.pdf>.

215 Paper on Costings for Housing Supports, June 2020. Will be made available on the Advisory Group page of the Department of Justice website.

- HAP and HHAP costs provided do not take into account differential rent costs that can be incurred by the tenant. If we assume that asylum applicants will not be in a position to pay any rent differential then an additional fee will be incurred. At the moment for over 55,000 households in HAP, some €12m in differential rent is collected monthly. The rate of contribution is based on income etc. so it has not been estimated at this stage.
- In their paper, DHPLG note that Rent Supplement costings are likely to be similar to those for HAP. Following consultation with the Advisory Group, it was decided to use HAP rather than the Rent Supplement model.

3.6.1 Option 1a HAP

The DHPLG estimates that provision of accommodation in the private market for the cohort, through a solution akin to HAP, would cost approximately €17.030m to €30.243m if a regional spread is assumed. If all single applicants were to receive their own unit the costs would be €30.243m while if singles were to share a unit with another single individual, the cost would be €17.030m per annum. Additional administration costs would be in the region of €778,500 to €1.261m per annum depending on whether singles shared a unit or not, which is taken into account in the final total costs as shown in Figure 17.

3.6.2 Option 1b HHAP

The DHPLG estimates that the provision of accommodation in the private market, primarily in Dublin and therefore utilising the higher HHAP payment, would cost in the region of €26.821m to €50.520m per annum. If all single applicants were to receive their own unit the costs would be over €50.520m while if singles were to share a unit with another single individual, the cost would be €26.821m per annum. Additional administration costs would be in the region of €778,500 to €1.261m per annum depending on whether singles shared a unit or not, which is taken into account in the final total costs as shown in Figure 17.

Figure 17: Breakdown of HAP & HHAP expenditure

Type	Bedrooms required	Total HAP per annum	HHAP per annum
Single	1	€18,637,703	€31,973,652
Single sharing	2	€5,907,933	€8,758,089
Single + 1 child	2	€2,503,100	€4,140,829
Single + 2 children	2	€1,678,032	€2,760,311
Single + 3 children	3	€800,876	€1,390,395
Single + 4 children	3	€305,096	€529,674
Single + 5 children	4	€181,151	€314,494
Couple (no children)	1	€861,525	€1,559,572
Couple + 1 child	2	€1,403,521	€2,301,474
Couple + 2 children	2	€1,334,111	€2,186,309
Couple + 3 children	3	€872,328	€1,436,400
Couple + 4 children	3	€303,019	€498,960
Couple + 5 children	4	€101,006	€166,320
Total not sharing (includes admin costs)		€30,242,718	€50,519,641
Total sharing (includes admin costs)		€17,030,198	€26,821,327

Source: DHPLG, June 2020.

3.7 Other Costs

The costs associated with the areas listed below are considered to be the same as they were for section 2. This in reality may not be the case if this option was adopted.

- Health
- ECCE grant
- Support for unaccompanied minors

4 Proposed Costs for Welfare and Housing Supports (Building/Leasing/Acquisition)

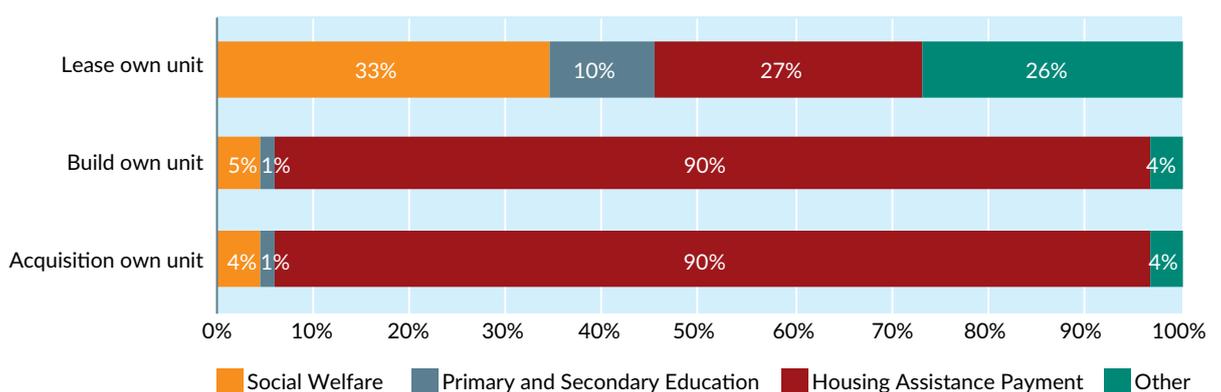
4.1 Overview

Section 4 estimates the cost of providing standard social welfare and housing support (build, acquisition or leasing), after an initial period of three months in a reception centre, to all 2019 applicants. This means the number of applicants as of 31 December 2019, along with their gender, age and family unit, is used when estimating costs. The total figure of 7,685 was used instead of 7,783 as families with five or more children are aggregated in the supplied data. For clarity this number is stated in brackets in the title of Figures 18, 19, 20, 21 and 23 below. In this option applicants will no longer be in receipt of the daily expenses allowance after the initial three months. It is assumed that all other costs associated with other Departments and Agencies remain as per section 3. This in reality may not be the case due to potential policy and legislation changes if this option is implemented.

Three different cost options have been provided: acquisition, build and leasing. In reality a blended approach may be utilised. There are a variety of considerations that would inform the mix of delivery mechanisms including the appropriateness of support, flexibility and speed of delivery, use of funding mechanisms and value for money. The costings below in Figure 18, Figure 19, Figure 20 and Figure 21 are based on averages in DHPLG systems for the provision of the different types of social housing units.

No costings to house the victims of trafficking in specialised centres was included due to data availability.

Figure 18: Own unit cost breakdown (7,685)



Source: IGEES Unit, DJE based on data supplied by various stakeholders May - August 2020.

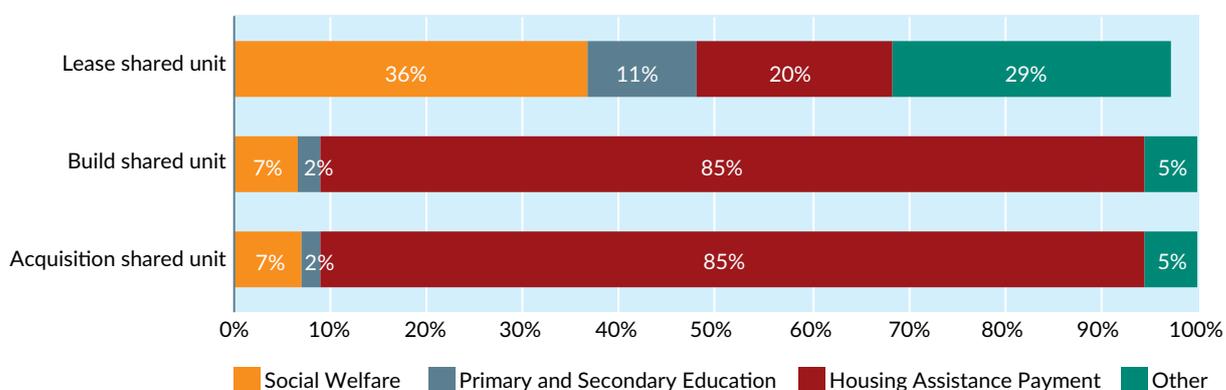
Figure 19: Aggregated cost for applicants to receive welfare for 9 months and housing supports after 3 months in reception centre (Singles with own unit) (7,685)

Area	Single own unit (Acquisition - total cost)	% of total	Single own unit (Build - total cost)	% of total	Single own unit (Lease per annum)	% of total
Justice & Equality*	€23,429,259	2%	€23,429,259	2%	€23,429,259	15%
Social Welfare	€52,845,958	4%	€52,845,958	5%	€52,845,958	33%
Housing	€1,066,365,000	90%	€1,037,760,987	90%	€42,745,730	27%
Primary, secondary and higher level education	€16,528,630	1%	€16,528,630	1%	€16,528,630	10%
Health	€8,449,153	1%	€8,449,153	1%	€8,449,153	5%
Legal Aid Board	€7,196,720	1%	€7,196,720	1%	€7,196,720	5%
ECCE Grant	€868,889	<1%	€868,889	<1%	€868,889	1%
Tusla	€1,500,000	<1%	€1,500,000	<1%	€1,500,000	1%
NGO Grant	€5,000,000	<1%	€5,000,000	<1%	€5,000,000	3%
Total	€1,182,183,610	100%	€1,152,832,354	100%	€158,564,340	100%

Source: IGEES Unit, DJE based on data supplied by various stakeholders May - August 2020.

Note: *Cost includes salary and other costs for IPO, IPAS, IPAT & MDU.

Figure 20: Shared unit cost breakdown (7,685)



Source: IGEES Unit, DJE based on data supplied by various stakeholders May - August 2020.

Figure 21: Aggregated cost for applicants to receive welfare for 9 months and housing supports after 3 months in reception centre (Singles sharing unit) (7,685)

Area	Single sharing unit (Acquisition – total cost)	% of total	Single sharing unit (Build – total cost)	% of total	Single sharing unit (Lease per annum)	% of total
Justice and Equality*	€23,429,259	3%	€23,429,259	3%	€23,429,259	16%
Social Welfare	€52,845,958	7%	€52,845,958	7%	€52,845,958	36%
Housing	€662,786,000	85%	€680,303,922	85%	€29,316,745	20%
Primary, Secondary and Third level Education	€16,528,630	2%	€16, 528,630	2%	€16, 528,630	11%
Health	€8,449,153	1%	€8,449,153	1%	€8,449,153	6%
Legal Aid Board	€7,196,720	1%	€7,196,720	1%	€7,196,720	5%
ECCE Grant	€868,889	Less than 1%	€868,889	Less than 1%	€868,889	1%
Tusla	€1,500,000	Less than 1%	€1,500,000	Less than 1%	€1,500,000	1%
NGO Grant	€5,000,000	1%	€5,000,000	1%	€5,000,000	3%
Total	€778,604,610	100%	€796,122,532	100%	€145,135,355	100%

Source: IGEES Unit, DJE based on data supplied by various stakeholders May - September 2020.

Note: *Cost includes salary and other costs for IPO, IPAS, IPAT & MDU.

It is important to note that a more in depth analysis would need to be carried out into the long term comparative value for money of delivering social housing via current and capital expenditure.

The total cost for the leasing option shown is per annum, for comparison purposes an estimate of the total cost over the lifetime of the other two options is shown below.

For example, if 20 years was taken as the lifetime of the other two options then the total cost for leasing, excluding inflation, would come to approximately €3.027bn for singles with their own unit. **It must be noted that this is very high level analysis and to obtain a more realistic comparison between the options, a more comprehensive analysis would need to be carried out.**

Some other points that need to be taken note of are as follows:

- For the acquisition and build models the DHPLG assume that after 30 years the residual value of the property is approximately 30% of its original but this will be driven by market conditions.
- Costs incurred at the end of the leasing model, in order to return the property to the owner in the same condition as at the start of the lease, could range between €10,000 and €15,000 per unit.

4.2 Housing Supports

The costings below were provided by DHPLG. These costings were broken down into three options as follows:

- Option 1 – Acquisition Expenditure.
- Option 2 – Build Expenditure.
- Option 3 – Leasing Expenditure.

DHPLG provided Local Authority costings based on the provision of accommodation using the total population in DP centres on 31 December 2019 for the breakdown of families provided, which included any initial upfront investments and ongoing costs. Build, acquisition and lease costs outlined in Figure 23 are based on the current distribution of demand and available property throughout the country. Leasing costs are annual and would need to be understood as recurring. **All costs quoted are subject to inflation.**

As pointed out in the DHPLG submission²¹⁶, Rebuilding Ireland has focused increasingly on building new housing with a build target for 2020 of 7,736 units and a relatively small acquisitions target of 800 units. Given the number of units, 3,114 for singles sharing and 5,045 for singles not sharing, it would take a number of years for the units to be built or for those in DP to be housed through acquisition, not taking into account any increases in future numbers of international applicants. As stated previously a blended approach may be utilised using all of the mechanisms discussed given the level of Exchequer funding.

4.2.1 Option 1 – Acquisition Expenditure

If the entire cohort were to be housed by means of acquisition in the private market, based on the figure of 7,685 individuals, the costs would be broadly similar to building expenditure at between €663m to €1.07bn excluding management and maintenance costs. The figure of 7,685 was used instead of 7,783 as the number of families with five or more children have been aggregated in the data supplied. Again, ongoing annual management and maintenance costs of approximately 30% to 40% would apply over the lifetime of the property. Refer to Figure 23 for a breakdown of these costs.

4.2.2 Option 2 – Build Expenditure

It was estimated that the capital costs for provision of own door housing through a build programme, based on the figure of 7,685 individuals, would be between €680m and €1.04bn, depending on whether singles were accommodated in own units or shared units. As outlined in option 1, the figure of 7,685 was used instead of 7,783 as the number of families with five or more children have been aggregated in the data supplied. It is important to allow for approximately 30% to 40% additional management and maintenance costs over the lifetime of the property. Refer to Figure 23 for a breakdown of these costs.

²¹⁶ Paper on Costings for Housing Supports, June 2020. Will be made available on the Advisory Group page of the Department of Justice website.

4.2.3 Option 3 – Leasing Expenditure

The DHPLG has also provided costings in relation to their leasing model. The DHPLG operates standard and enhanced leasing models. The cost to provide accommodation to the cohort through leasing would be in the region of €29m to nearly €43m per annum depending on whether individuals had their own unit or were sharing a unit. This is based on average leasing costs provided by DHPLG. Leasing allows Local Authorities and AHBs to lease suitable properties from the private sector for periods of between 10 to 25 years.

The calculations are based on average costings from all leased properties including multiple agreement lengths:

- Rental Availability Agreements – 1 to 10 years;
- Long Term Lease Agreements – 10 to 25 years;
- National Asset Residential Property Services (NARPS) Leases – 20 years, 9 months.

Figure 22 below is a high level breakdown of the construction costs over 5 and 10 years. This was done to allow a very high level yearly comparison with the other options outlined. It must be noted that Figure 22 does **not** take any inflationary costs into account. For example, average construction inflation from 2014 to 2019 was approximately 5%²¹⁷ and the average house price inflation from 2014 to 2019 was around 8%.²¹⁸

Figure 22: Breakdown of Construction and Acquisition costs over 5 and 10 years

	Costs per year over 5 years	Costs per year over 10 years
Cost of building all units (Sharing)	€136,060,784	€68,030,392
Cost of building all units (Not sharing)	€207,552,197	€103,776,099
Cost of acquisition of all units (Sharing)	€132,557,200	€66,278,600
Cost of acquisition of all units (Not sharing)	€213,273,000	€106,636,500

Source: IGEES Unit, DJE, May 2020.

It is important to note no analysis has been undertaken in Figure 22 on whether the volume required can be delivered from a capacity, time or budgetary etc. perspective.

Refer to Figure 23 below for a breakdown of expenditure for the options for this section.

217 <https://www.linesight.com/en-gb/reports/ireland-2019/>

218 CSO Statbank, <https://statbank.cso.ie/px/pxeirestat/Statire/SelectVarVal/Define.asp?maintable=HPM09&PLanguage=0>

Figure 23: Expenditure for options (7,685)

Type (Family Unit)	No of households	Individuals	Bedrooms required	Total Acquisition (Option 1)	Total Build (Option 2)	Lease per annum (Option 3)
Single	3,862	3,862	1	€818,744,000	€777,648,458	€31,692,074
Single sharing	1,931	3,862	2	€415,165,000	€420,191,393	€18,263,089
Single + 1 child	264	528	2	€56,760,000	€57,447,192	€2,496,870
Single + 2 children	172	516	2	€36,980,000	€37,427,716	€1,626,748
Single + 3 children	84	336	3	€15,960,000	€19,703,964	€811,554
Single + 4 children	32	160	3	€6,080,000	€7,506,272	€309,164
Single + 5 children	19	114	4	€3,980,500	€4,788,893	€184,059
Couple (no children)	153	306	1	€32,436,000	€30,807,927	€1,255,538
Couple + 1 child	167	501	2	€35,905,000	€36,339,701	€1,579,459
Couple + 2 children	153	612	2	€32,895,000	€33,293,259	€1,447,050
Couple + 3 children	95	475	3	€18,050,000	€22,284,245	€917,829
Couple + 4 children	33	198	3	€6,270,000	€7,740,843	€318,825
Couple + 5 children	11	77	4	€2,304,500	€2,772,517	€106,560
Total not sharing	5,045	7,685		€1,066,365,000	€1,037,760,987	€42,745,730
Total including 30% management & maintenance costs				€1,386,274,500	€1,349,089,283	
Total including 40% management & maintenance costs				€1,492,911,000	€1,452,865,382	
Total sharing	3,114	7,685		€662,786,000	€680,303,922	€29,316,745
Total including 30% management & maintenance costs				€861,621,800	€884,395,099	
Total including 40% management & maintenance costs				€927,900,400	€952,425,491	

Source: DHPLG, June, 2020.

4.3 Other Costs

The costs associated with the provision of supports for asylum applicants listed below are considered to be the same as they were for section 3. This in reality will not be the case as there may be changes in policy and legislation if this option was incorporated. **As noted previously this paper does not examine policy or legislative changes as part of this analysis.** The costs which would remain the same in this option as in section 3 are as follows;

- Reception centre.
- Social welfare.
- Education.
- Health.
- ECCE grant.
- Support for unaccompanied minors.
- Legal Aid Board.

5 Proposed Costs for Current System with Additional Supports

Section 5 examines the option of requiring all accommodation to meet national standards. Part of this option includes providing independent living to all applicants, suitably trained reception officers in all centres and training programmes for applicants to prepare them for independent living. This option is broken down into option 1 including emergency accommodation and 2 which excludes emergency accommodation in the independent living calculations.

It must be noted that **no** costings have been carried out for the National Standards. IPAS has advised that the standards do not come into force until January 2021 and they are unable to say if any of the centres are fully compliant yet, and what the cost of that compliance is or would be. IPAS has also advised that they do not have any figures for training costs for reception officers in centres nor the costs for any training programmes for applicants as these costs are included in the per person per night (pppn) cost.

The National Standards provide a framework for the continual development of person-centred, high-quality, safe and effective services and supports for residents living in accommodation centres. The purpose of the National Standards is to improve the quality of care and ensure consistency across accommodation centres.²¹⁹ The National Standards meet the minimum standards set out in:

- EASO Guidance on Reception Conditions: Operational Standards and Indicators.
- Directive 2013/33/EU (the recast-Reception Conditions Directive).
- European Communities (Reception Conditions) Regulations 2018 (S.I. No 230/2018).

Capital costs to bring state owned accommodation centres up to independent living standards are **not** currently included in the costings below. They were not included as the outlay will be spread over multiple years. Any further costings on this would have to be carried out as per the Public Spending Code guidelines.

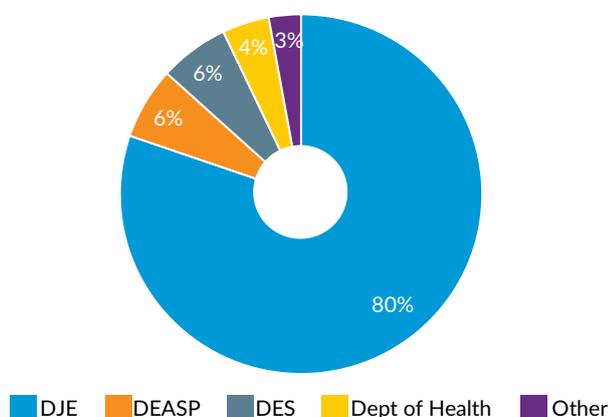
The number of applicants as of 31 December 2019, along with their gender, age and family unit, is used when estimating the costs in this section. The total figure of 7,685 was used instead of 7,783 as families with five or more children are aggregated in the supplied data. For clarity this number is stated in brackets in the titles of the main charts and tables below. For independent living calculations, the number of applicants in emergency accommodation is included in option 1 and excluded in option 2. As of 31 December 2019, there were approximately 1,450 applicants in emergency accommodation.

219 Final Standards paper, <http://www.justice.ie/en/JELR/Pages/PR19000215>.

5.1 Option 1 – Current System upgraded to Independent Living Standards including emergency accommodation

This section outlines the total expenditure to the State on DP if the improvements outlined in option 1 above are incorporated. As shown in Figure 24 and Figure 25 below, the total expenditure would be €201.406m. This table also shows the breakdown of this expenditure per stakeholder. The majority of expenditure would be by the DJE (80% approximately), followed by the DEASP and DES (6% each). A further breakdown of the costs is described below.

Figure 24: Section 5 Option 1 cost breakdown (7,685)



Source: IGEES Unit, DJE, based on data received from relevant stakeholders, May - August 2020.

Figure 25: Aggregated expenditure of Direct Provision for Section 5 Option 1 (7,685)

Department / Area	Expenditure	Percentage of total
Department of Justice & Equality*	€161,662,903	80%
Department of Employment Affairs & Social Protection	€12,997,300	6%
Department of Education & Skills	€12,516,590	6%
Department of Health	€8,449,153	4%
Legal Aid Board	€3,411,189	2%
Tusla	€1,500,000	1%
Department of Children & Youth Affairs	€868,889	Less than 1%
Total	€201,406,024	100%

Source: IGEES Unit, DJE, based on data received from relevant stakeholders, May - August 2020.

Note: * Cost includes salary and other costs for IPO, IPAS, IPAT & MDU.

5.1.1 Department of Justice and Equality Expenditure

In this option expenditure for the DJE on DP for 2019 would be €161.663m. Expenditure data used was provided by IPAS. A breakdown of the expenditure is shown in Figure 26 below. The extra costs associated with the DJE are those to bring the remaining accommodation centres up to independent living standards. The average nightly rate used for independent living was €47.30 as supplied by IPAS for these costings. This figure was used for both commercial centres and state owned costings. In the case of state owned centres, the figure in reality will more than likely be lower as the state will incur the capital costs of bringing these centres up to independent living standard. For commercial centres, the individual contractor absorbs these costs.

As outlined in section 2 the cost of the Baleskin Reception centre for 2019 was €6.5m. The “commercial property” expenditure excludes €7.605m for persons accommodated under the resettlement programme staying in Emergency Reception and Orientation Centres (EROCs) and Mosney. These are not included in the costings to bring all accommodation centres up to independent living standards.

Figure 26: Department of Justice & Equality expenditure for 2019 for Option 1

Area	Expenditure	Percentage of total
Commercial Property	€113,189,418	70%
State owned fixed costs	€21,549,489	13%
IPO costs (salary & other)	€10,459,011	6%
Baleskin reception centre	€6,505,007	4%
IPAT costs (salary & other)	€4,196,235	3%
IPAS costs (salary & other)	€2,029,854	1%
Grants	€1,271,601	1%
State owned add. costs including water charges	€639,012	Less than 1%
Transport	€578,713	Less than 1%
Electric Ireland/Energia	€570,047	Less than 1%
MDU salary costs	€239,151	Less than 1%
OPW	€192,626	Less than 1%
Gas bills	€115,576	Less than 1%
Preschools commercial	€95,000	Less than 1%
IPAS translation and interpretation costs	€23,253	Less than 1%
Nappies	€8,910	Less than 1%
Emergency accommodation	€0	0%
Total	€161,662,903	100%

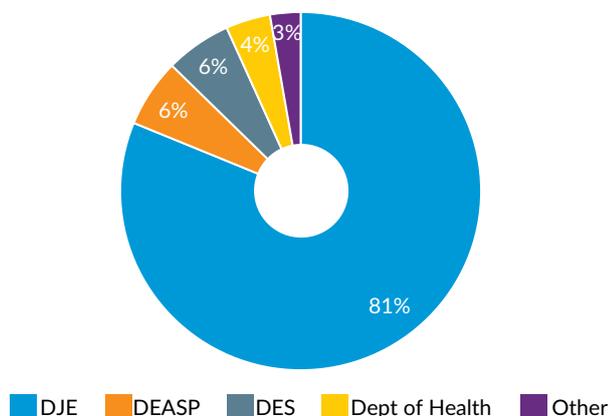
Source: IGEES Unit, DJE, May - August 2020.

5.2 Option 2 – Current System upgraded to Independent Living Standards excluding emergency accommodation

This section outlines the total expenditure to the State on DP if the improvements outlined in option 2 above are incorporated. The only difference from option 1 is that the applicants in emergency accommodation are assumed to remain in emergency accommodation. This in reality will probably be the case in the short to medium term as new accommodation centres will have to be sourced to accommodate them and this will not be an instantaneous process. This means that option 2 will be more costly than option 1 as emergency accommodation costs approximately €100 per night per person in comparison with the €47.30 per night per person for independent living in an accommodation centre.

As shown in Figure 27 and Figure 28 below, the total expenditure would be €211.577m. This table also shows the breakdown of this expenditure per stakeholder. The majority of expenditure would be by the DJE (81% approximately), followed by the DEASP & DES (6% each). A further breakdown of the costs, along with the data source and any assumptions or comments on the figures used, are described in the following sections.

Figure 27: Section 5 Option 2 cost breakdown (7,685)



Source: IGEES Unit, DJE, based on data received from relevant stakeholders, May - August 2020.

Figure 28: Aggregated expenditure of Direct Provision for Section 5 Option 2 (7,685)

Department / Area	Expenditure (€)	Percentage of total
Department of Justice & Equality*	€171,833,413	81%
Department of Employment Affairs & Social Protection	€12,997,300	6%
Department of Education & Skills	€12,516,590	6%
Department of Health	€8,449,153	4%
Legal Aid Board	€3,411,189	2%
Tusla	€1,500,000	1%
Department of Children & Youth Affairs	€868,889	Less than 1%
Total	€211,576,534	100%

Source: IGEES Unit, DJE, based on data received from relevant stakeholders, May - August 2020.

Note: * Cost includes salary and other costs for IPO, IPAS, IPAT & MDU.

5.2.1 Department of Justice and Equality Expenditure

Expenditure for the DJE on DP would be €171.833m. Expenditure data used was provided by IPAS. A breakdown of the expenditure is shown in Figure 29 below.

As outlined in section 2, the cost to the DJE of the Baleskin Reception centre for 2019 was €6.5m. The “commercial property” expenditure excludes €7.605m for persons accommodated under the resettlement programme staying in Emergency Reception and Orientation Centres (EROCs) and Mosney. These are not included in the costings to bring all accommodation centres up to independent living standards.

Figure 29: Breakdown of Department of Justice & Equality expenditure for 2019 for Section 5 Option 2

Area	Expenditure	Percentage of total
Commercial Property	€91,956,404	54%
Emergency Accommodation	€35,445,957	21%
State Owned Fixed Costs	€17,507,056	10%
IPO costs (salary & other)	€10,459,011	6%
Baleskin reception centre	€6,505,007	4%
IPAT costs (salary & other)	€4,196,235	2%
IPAS costs (salary & other)	€2,029,854	1%
Grants	€1,271,601	1%
State owned add. costs including water charges	€639,012	Less than 1%
Transport	€578,713	Less than 1%
Electric Ireland/Energia	€570,047	Less than 1%
MDU salary costs	€239,151	Less than 1%
OPW	€192,626	Less than 1%
Gas bills	€115,576	Less than 1%
Preschools commercial	€95,000	Less than 1%
IPAS translation and interpretation costs	€23,253	Less than 1%
Nappies	€8,910	Less than 1%
Total	€171,833,413	100%

Source: IGEES Unit, DJE, May - August 2020.

5.3 Other costs

The costs associated with the areas listed below for section 5 (option 1 and 2) are considered to be the same as they were for section 2. This in reality may not be the case if this option was adopted.

- Department of Employment Affairs and Social Protection;
- Department of Education & Skills;
- Department of Health;
- Department of Children & Youth Affairs;
- Tusla;
- Legal Aid Board.

6 Proposed Costs for Planned Steady State Capacity System

6.1 Overview

Section 6 estimates the cost of providing standard social welfare and housing support for nine months, after an initial period of three months in a reception centre, to a planned system capacity of 3,500 applicants per year. It must be noted that this section looks at a potential future year on year number of 3,500 applicants and should be viewed in conjunction with the other options which examine the current numbers in DP centres. The number for 3,500 applicants per year was used as instructed by the Advisory Group.

This section does not consider the costs for the current number of Direct Provision residents or the costs involved when it takes longer than 12 months for a decision to be made on an application.

Applicants will no longer be provided with accommodation or be in receipt of the daily expenses allowance after the initial three months. Some of the key assumptions are outlined below:

- The same proportional breakdown for the numbers in DP centres on the 31st of December 2019 was used to calculate the assumed categorisation of the 3,500 applicants for the planned steady state capacity. This included the gender, age and family unit of applicants in the costing process.
- It is assumed for this option that processing times will be no longer than 12 months as instructed by the Advisory Group.
- This option calculates the running costs for a reception centre / centres for a capacity of 1,000 applicants at any one time, as instructed by the Advisory Group. If this number is exceeded then costs will rise.
- It is assumed that all other costs where possible remain the same as section 3. This in reality may not be the case due to potential policy and legislation changes if this option is implemented.
- Health costs were calculated using the total cost per head for those in DP centres in 2019 as a multiplier, as supplied by the Department of Health. This more than likely will not be the case as it assumes that each individual will take up all the services provided even though some are voluntary.
- Due to the lack of data available, other costs listed in section 6.9 are assumed to remain the same. In practice this is unlikely to be the case.

Figure 30 and Figure 31 below outline the costs for each of the relevant areas, with more details on the costs used and the assumptions these are based on in the following sections.

For the housing support costs two alternative costings are provided, one with a regional spread using the Housing Assistance Payment (HAP) as shown in Figure 30 and the other using the cost of living primarily in the Dublin region using the Homeless Housing Assistance Payment (HHAP), which is a higher payment as shown Figure 31. It is important to note that the costs for HAP and HHAP in Figure

30 and Figure 31 are per annum costs. Cost options are provided for singles sharing a unit and singles who each have their own unit.

In the case of HAP, total expenditure for singles not sharing a unit rises by approximately €5.94m (+5%; from €115.589m when sharing a unit to €121.531m when not sharing). This is due to the extra cost of the HAP for singles with their own unit.

Figure 30: Aggregated cost for applicants for a planned capacity of 3,500 to receive welfare and housing supports (HAP) for 9 months after 3 months in reception centre

Area	Expenditure (singles sharing)	Percentage of total	Expenditure (singles not sharing)	Percentage of total
Justice & Equality*	€40,763,954	35%	€40,763,954	34%
Social Welfare	€27,646,553	24%	€27,646,553	23%
Housing Assistance Payment	€7,658,447	7%	€13,600,092	11%
Primary, Secondary & Higher Level Education	€8,771,749	8%	€8,771,749	7%
Health**	€7,760,614	7%	€7,760,614	6%
Legal Aid Board	€9,797,169	8%	€9,797,169	8%
Tusla	€1,500,000	1%	€1,500,000	1%
ECCE Grant	€390,738	Less than 1%	€390,738	Less than 1%
NGO Grant	€5,000,000	4%	€5,000,000	4%
Integration support	€6,300,000	6%	€6,300,000	5%
Total	€115,589,224	100%	€121,530,869	100%

Source: IGEES Unit, DJE based on data supplied by various stakeholders, May - September 2020.

Notes: *Includes costs for IPO and IPAT (current and additional salary and operational costs), IPAS (current salary and operational costs) and MDU (current salary costs) and reception centre.

** Includes costs of future service model of care

For HHAP costs refer to Figure 31 below. In the case of HHAP, for singles not sharing a unit total expenditure rises by approximately €10.657m (+9%; from €119.992m when sharing to €130.649m when not sharing). This is due to the extra cost of the HHAP for singles with their own unit.

Figure 31: Aggregated cost for applicants for planned capacity of 3,500 to receive welfare and housing supports (HHAP) for 9 months after 3 months in reception centre

Area	Expenditure (singles sharing)	Percentage of total	Expenditure (singles not sharing)	Percentage of total
Social Welfare	€27,646,553	25%	€27,646,553	23%
Housing Assistance Payment	€12,061,499	11%	€22,718,584	19%
Primary, secondary and higher education	€8,771,749	8%	€8,771,749	7%
Health**	€7,760,614	7%	€7,760,614	6%
Legal Aid Board	€9,797,169	9%	€9,797,169	8%
Justice & Equality*	€40,763,954	37%	€40,763,954	34%
Tusla	€1,500,000	1%	€1,500,000	1%
ECCE Grant	€390,738	Less than 1%	€390,738	Less than 1%
NGO Grant	€5,000,000	5%	€5,000,000	4%
Integration supports	€6,300,000	6%	€6,300,000	5%
Total	€119,992,276	100%	€130,649,361	100%

Source: IGEES Unit, DJE based on data supplied by various stakeholders, May - August 2020.

Notes: *Includes costs for IPO and IPAT (current and additional salary and operational costs), IPAS (current salary and operational costs) and MDU (current salary costs) and reception centre.

** Includes costs of future service model of care.

6.2 Department of Justice and Equality

Expenditure by the DJE is broken down in in Figure 32 and includes reception centre costs, salary costs and operational costs.

The IPO has indicated to the Advisory Group that in order to reach a 9-month processing time for recommendations/decisions in January 2022 and 6-month processing time around April 2022, the IPO would need to be closing at least 550 to 600 cases a month. In order to reach this target, the IPO has indicated that an additional 76 staff would be required on top of existing staff numbers of approximately 150 staff members.

The IPAT has indicated to the Advisory Group that in order to deal with appeals arising from a total of 3,500 international protection applications being made (approximately 2,700 appeals calculated on the current grant rate of 25% at the first instance IPO stage), it would require an additional eight staff members in the Tribunal administration.

In this option longer term accommodation is no longer provided for applicants through accommodation centres. However, all applicants would be supported for an initial period of three months in a reception centre, using the running costs for a reception centre / centres with a capacity of 1,000 applicants at any one time, as instructed by the Advisory Group. This will cost approximately €18m per year. It

is important to note that this figure does not cover any alterations to the existing centre, nor does it include the cost of purchasing or building a reception centre. It is solely based on running costs using the running costs of Baleskin as a proxy.

Figure 32: Breakdown of DJE annual expenditure for a planned capacity of 3,500

Area	Expenditure	Percentage of total
Reception centre	€18,077,000	44%
IPO current salary costs	€6,292,174	15%
IPO additional salary costs	€3,068,380	8%
IPO current operational costs	€4,166,837	10%
IPO additional operational costs	€2,031,959	5%
IPAT current salary costs	€2,146,908	5%
IPAT additional salary costs	€338,883	1%
IPAT current operational costs	€2,049,327	5%
IPAT additional operational costs	€323,480	1%
IPAS current salary costs	€1,513,657	4%
IPAS current operational costs	€516,198	1%
MDU current salary costs	€239,151	1%
Total	€40,763,954	100%

6.3 Integration Supports

Additional integration supports for 3,500 applicants for 12 months are estimated to be €6.3m in this option. This estimate is based on the resettlement/integration grant Local Authorities have received in the past for refugees under the IRPP. In practice the cost will differ depending on what supports are provided, how they are provided and for how long. The grant covers salaries, travel expenses and communication tools for a resettlement worker and an intercultural worker as well as administration costs, intercultural mediation and anti-racism training and supports for programmes and projects such as youth programmes for teenagers. It also covers costs for emergency childcare, medical aids, assessments and treatment, transport and housing support costs.

6.4 Welfare Supports

In this option the daily expenses allowance for applicants is no longer provided once they leave the reception centre after three months. Instead mainstream social welfare is provided to applicants after this time.²²⁰ Figure 33 below gives a breakdown of the expenditure for this option. Please see a list of the principal set of assumptions below:

- Applicants will not be in receipt of full social welfare payment while in the reception centre but will continue on the daily expenses allowance for the three months in the reception centre.
- Supplementary Welfare Allowance (SWA) was used in these calculations and it was assumed that all applicants would qualify for the full amount from the start of the 9 months. SWA and Job Seekers Allowance (JA) have to be means tested but JA is dependent on being available

²²⁰ <https://www.gov.ie/en/organisation/department-of-employment-affairs-and-social-protection/>

for and genuinely seeking work. It is therefore also inextricably linked to the right to work. At present applicants don't automatically qualify for the right to work therefore the SWA has been used. The maximum personal rate that SWA is paid at is €201, while JA is €203. Where a person with a family is in low-paid employment, they may qualify for Working Family Payment. Applicants with the right to access the labour market already have the right to this payment as the Habitual Residence Condition does not apply to it. It is important to note that for applicants to be entitled to either SWA or JA, it would require a change in policy / legislation as outlined by DEASP.

- It is important to note that after the 12 months, if applicants are successful, SWA eligibility continues as long as the claimant qualifies for the payment.
- In the calculation of child benefit, no account was given for an increase in the rate for twins or other multiple births due to data constraints.

As can be seen in Figure 33, 88% of the total expenditure is on the SWA payment for applicants - whether they are sharing a unit or not - once they leave the reception centre.

Figure 33: Breakdown of social welfare annual expenditure for a planned capacity of 3,500

Area	Expenditure	Percentage of total
Social Welfare Payment (SWA) (9 months)	€24,404,522	88%
Child Benefit (€140 a month)	€1,552,168	6%
Daily Expenses Allowance (3 months in Reception centre)	€1,529,794	6%
Back to School Clothing and Footwear Allowance	€120,069	Less than 1%
Return to school kits under the FEAD programme	€40,000	Less than 1%
Total	€27,646,553	100%

Source: IGEES Unit, DJE, based on DEASP data supplied, May 2020.

6.5 Primary, Secondary and Higher Education Expenditure

For this option the expenditure on education is assumed to be as it was in 2019, with the only change being the addition of higher level education. The number of students at each level for the planned capacity were calculated using the 2019 proportions used in section 3. Total expenditure is €8.772m.²²¹ A breakdown of the expenditure is shown in Figure 34 below. No costs for English language training are included as there is no ETB cost available.

²²¹ This includes a transport cost of €754,791 from Bus Éireann for international protection applicants.

Figure 34: Breakdown of education expenditure for a planned capacity of 3,500

Level	Students	Approximate cost per student	Total cost	Percentage of total
Primary and post primary current expenditure	606	€6,633	€4,017,895	46%
Primary and post primary capital expenditure	606	€853	€516,699	6%
Higher education estimate (average cost to the Exchequer per student (excluding student supports))	190	€6,500	€1,234,457	14%
Higher education estimate (student contribution charge per year)	190	€3,000	€569,749	6%
Further Education and Training (FET)*			€2,405,943	27%
Higher Education Pilot Support Scheme	5	€5,401	€27,005	Less than 1%
Total	801		€8,771,749	100%

Source: IGEES Unit, DJE based on DES data supplied, June 2020.

Note: *The costs for an enhanced service were not available, so current costs were used as a proxy.

For the costings in Figure 34, the number of students was taken from DP numbers as of 31 December 2019. Any resident aged between 5 and 18 years old inclusive was considered to be a primary or secondary student. These costs exclude any pensions paid to retired school staff and redress costs.

6.6 Department of Health

As stated previously, health costs were calculated using the total cost per head for those in DP centres in 2019 as a multiplier, as supplied by the Department of Health. This more than likely will not be the case as it assumes that each individual will take up all the services provided even though some are voluntary. Using the per head cost of €1,145 gives a total cost for health of €4,009,224 **including** the future vulnerability assessment costs of €275,890 per annum, described in section 6.6.2 below. The department also provided per head costs of €993 for their future service model of care, which came to €3,475,500, in total bringing the overall cost to €7,760,614.

6.6.1 Current policy

The current policy is that primary care services are provided to persons living in DP on the same basis as Irish nationals. A person seeking international protection can apply for and be assessed for a medical card. Services provided include access to a GP, medical prescriptions, dental care, optician care, pregnancy services and children's health.

The role of the health services includes:

- Voluntary health screening including priority screening;
- Primary care services and catch up vaccination;
- Specialised services for people with disability, chronic diseases and those in need of mental health support including those who have experienced torture or trauma, etc. This may be from mainstream services or HSE funded NGOs;
- Acute Services;
- Children's health services.

International protection applicants are entitled to a medical card issued by the HSE, which provides for access to public health services free of charge. This includes basic medical care, including through a General Practitioner (GP) and access to prescription medication free of charge, as well as emergency treatment.²²²

6.6.2 Vulnerability assessments

The assessment of vulnerability is informed by the principles and standards of international refugee and human rights frameworks. The EU Recast Reception Conditions Directive sets out the requirement to take account of the specific situation of vulnerable persons in terms of their reception needs throughout the duration of the asylum procedure with appropriate monitoring of the person's situation.

The current draft plan includes the carrying out a basic assessment of vulnerability at the initial stage of application for international protection by the DJE, supported by the HSE (carried out in parallel with the international protection application process at the IPO office). The outcome of this screening is a supported referral to the Baleskin Health team and it will also inform IPAS on placement options.

The on-going assessment of vulnerabilities is an important part of the overall process, and the Reception Officer (as outlined in the in Department of Justice and Equality *National Standards for accommodation offered to people in the protection process*, August 2019) in each centre is important in the case management process and ensuring a coordinated approach to the provision of services.²²³ The cost supplied by the Department of Health for the four future vulnerability officers for initial assessment (1 in Baleskin, 1 Outreach to emergency accommodation and 2 HSE other) would be €275,890 per annum which is included in the costs as a proxy figure for potential future costs.

²²² HSE, Direct Provision Programme Health Costs & Models of Care – Working Paper, July 2020.

²²³ HSE, Direct Provision Programme Health Costs & Models of Care – Working Paper, July 2020.

6.7 Department of Children and Youth Affairs

The Early Childhood Care and Education (ECCE) scheme provides early childhood care and education for children of pre-school age. The scheme is offered in early years settings (pre-schools, Montessoris, crèches, playgroups) for 3 hours a day, 5 days a week, 38 weeks of the year. All children are entitled to two full academic years on the ECCE scheme.²²⁴ The DCYA sets the age eligibility and funds the scheme. To calculate the number of eligible children, the proportion of children in DP at the 31 December 2019 was taken and applied to the planned capacity numbers. This gave the number of eligible children as 148. For the purpose of this paper, it is assumed that all 148 children availed of the scheme.

The eligible children in this model were aged three to years old inclusive. There may be children who are between the ages of four and six who are eligible for the ECCE scheme but because of data constraints it was decided that any child over four was assumed to be in primary school and are in the costings for primary school education. The approximate total cost of ECCE, using the estimated average cost per child per annum for 2018 for the planned capacity, was €390,738.

6.8 Housing Supports

For the calculation of housing supports costs for this option, the same principles that were used in section 3 were used here. This meant using the DHPLG supplied data in respect of costing the provision of own door accommodation to international protection applicants using the Housing Assistance Payment (HAP) and the Homeless Housing Assistance Payment (HHAP). HAP is a form of social housing support provided by all local authorities whilst the Dublin Regional Homeless Executive (DRHE) operates HHAP scheme in the Dublin region for homeless households.

The cost of HAP is based on a regional spread in option 1a. Option 1b assumes that applicants would choose to live close to Dublin and uses the costs of HHAP which is a higher payment. Administration costs have also been included for both options in Figure 35 below.

The principal assumptions that were used are as outlined in section 3. Please refer to section 3.6 for the list of assumptions. The DHPLG estimates used in section 3 were used as the basis for calculating the costs for options 1a and 1b.

6.8.1 Option 1a HAP

The provision of accommodation in the private market for the cohort, through a solution akin to HAP, would cost approximately €7.658m to €13.600m if a regional spread is assumed. If all single applicants were to receive their own unit the costs would be €13.600m while if singles were to share a unit with another single individual, the cost would be €7.658m per annum. Additional administration costs would be in the region of €233,753 to €584,383 per annum depending on whether singles shared a unit or not, which is taken into account in the final total costs as shown in Figure 35.

²²⁴ [https://www.earlychildhoodireland.ie/work/information-parents/choosing-childcare/ecce-free-preschool-year/#:~:text=the%20ECCE%20scheme%3F-,The%20Early%20Childhood%20Care%20and%20Education%20\(ECCE\)%20Scheme%20provides%20early,38%20weeks%20of%20the%20year.](https://www.earlychildhoodireland.ie/work/information-parents/choosing-childcare/ecce-free-preschool-year/#:~:text=the%20ECCE%20scheme%3F-,The%20Early%20Childhood%20Care%20and%20Education%20(ECCE)%20Scheme%20provides%20early,38%20weeks%20of%20the%20year.)

6.8.2 Option 1b HHAP

The provision of private market accommodation primarily in Dublin and therefore utilising the higher HHAP payment would cost in the region of €12.062m to €22.719m per annum. If all single applicants were to receive their own unit the costs would be over €22.718m, while if singles were to share a unit with another single individual, the cost would be nearly €12.061m per annum. Again additional administration costs would be in the region of €233,753 to €584,383 per annum depending on whether singles shared a unit or not, which is taken into account in the final total costs as shown in Figure 35.

Figure 35: Breakdown of HAP & HHAP expenditure for a planned capacity of 3,500

Type	Bedrooms required	Total HAP per annum	HHAP per annum
Single	1	€8,381,339	€14,378,489
Single sharing	2	€2,656,786	€3,938,496
Single + 1 child	2	€1,125,639	€1,862,123
Single + 2 children	2	€754,608	€1,241,307
Single + 3 children	3	€360,152	€625,258
Single + 4 children	3	€137,201	€238,193
Single + 5 children	4	€81,463	€141,427
Couple (no children)	1	€387,426	€701,336
Couple + 1 child	2	€631,161	€1,034,968
Couple + 2 children	2	€599,947	€983,179
Couple + 3 children	3	€392,284	€645,946
Couple + 4 children	3	€136,267	€224,381
Couple + 5 children	4	€45,422	€74,794
Total not sharing (includes admin costs)		€13,600,092	€22,718,584
Total sharing (includes admin costs)		€7,658,447	€12,061,499

Source: DHPLG, June 2020.

6.9 Legal Aid Board

The costings for the LAB were calculated for a base application rate of 3,500 per year. In this section the LAB would be in a position to provide legal advice on all IP cases in-house, from first instance to deportation stage inclusive on the basis of an end to end service. The in-house service model would not refer any cases to private solicitors. Costings for the in-house model service are shown in Figure 36. Expenditure is estimated to be €8.8m.

Along with the in-house service, this section also estimates the cost of a judicial review unit. In the past there was a dedicated judicial review unit which dealt with judicial reviews and provided an advice service to staff in the Refugee Legal Service. This unit was comprised of three solicitors, one legal clerk and two clerical officers. The staffing complement required for a re-established dedicated judicial review unit within a service mandated to support all applicants for international protection would likely need to be significantly greater. It is also important to note that the law around judicial

reviews has developed since then too. Using historical figures as a guide and assuming there are 3,500 international protection applications, expenditure on a new judicial review unit is estimated to be €1m for 50 judicial reviews. It is likely that some judicial reviews will still be taken by private practitioners outside of the legal aid system. It is therefore difficult to provide an estimate which is precise in terms of the level of demand.

Figure 36: Estimated cost for 3,500 applicants

Area	Expenditure
In-house service cost estimate	€8,779,919
<i>Projected in-house service salary cost</i>	€6,069,922
<i>Additional law centre running cost</i>	€2,334,997
<i>Additional case expenditure</i>	€375,000
Judicial review unit cost estimate	€1,017,250
<i>Salary costs</i>	€380,000
<i>Non-pay unit expenditure</i>	€375,000
<i>Counsel fees</i>	€262,250
Total cost	€9,797,169

Source: IGEES Unit, DJE, based on data supplied by the Legal Aid Board, August - September 2020.

As an alternative to the in-house service, costings for a mixed model service are also shown below. The mixed model service involves both the use of in house staff working in the law centres and the referral of cases to private solicitors on a panel. Costings for the mixed model services are shown in Figure 37. Expenditure is estimated to be €5.3m. Private practitioners (PP) scheme costs are also included. These are based on expenditure data provided by the LAB.

Figure 37: Estimated total combined cost of mixed service for 3,500 applicants

Area	Expenditure
Projected in-house service salary cost	€1,360,250
Estimated in-house cost of administering the PP scheme	€105,000
Estimated cost of private solicitors	€3,013,293
Additional Law Centre running cost	€465,000
Additional case expenditure	€375,000
Total cost	€5,318,543

Source: IGEES Unit, DJE, based on data supplied by the Legal Aid Board, July 2020.

6.10 Other Costs

The costs associated with reception centres and Tusla are considered to be the same as they were for section 3. This in reality may not be the case if this option was adopted.

Appendix to Analysis of Costings

List of Departments & Agencies involved in the delivery of Direct Provision²²⁵

- Department of Justice & Equality.
- Department of Health.
- Department of Employment Affairs and Social Protection.
- Department of Education and Skills.²²⁶
- Department of Children and Youth Affairs.
- Department of Housing, Planning and Local Government.
- HSE.
- SOLAS.
- Educational Training Boards.

Breakdown of age profile used in costings

Area	Age used in costing	Comments
Child benefit	0 to 17 (Inclusive)	Ineligible once child turns 18
Qualified child for SWA rates	Under 12 & 12+ and over	Different payment rates for children under 12 and children over 12
Pre school	3 & 4 (Inclusive)	
Primary school	5 to 12 (Inclusive)	
Post primary	13 to 18 (Inclusive)	
Third level	19+	

²²⁵ Previous Departmental titles are used in this report which was authored before the restructuring of Government Departments in June 2020.

²²⁶ Following a re-structuring of Government Departments in June 2020 responsibility for further education now lies with the new Department of Further and Higher Education, Innovation, Research and Science.

Annex 14

List of bodies responsible for the implementation of the recommendations.

Chapter and reference	Advisory Group Recommendations	Responsible body
General Recommendations		
1.1	The current system is not fit for purpose and should be ended. There is a need for a whole of Government approach which will require ongoing political oversight and close co-ordination between different Departments, State agencies and local authorities charged with delivering the proposed permanent protection system. The transition to the new system should begin immediately and be completed by no later than mid-2023.	All relevant Government Departments and public service agencies.
1.2	Ireland should have the permanent capacity to process and accommodate around 3,500 new applicants for international protection annually.	All relevant Government Departments and public service agencies.
1.3	The guiding principles recommended by the UNHCR and adopted by the Advisory Group should be endorsed at Government level and applied in all future procedures.	Government.
1.4	Ireland should opt into all of the current EU asylum legislation, subject to a review of any implications such a decision might have for the Common Travel Area with the United Kingdom (UK).	Department of Justice.
2.1	Use of the term "direct provision" should be dropped and replaced by a new name for the system which reflects its true purpose, i.e. the Irish reception system.	Department of Justice, Department of Children, Equality, Disability, Integration and Youth.
2.2	Involvement of local authorities and communities is an essential condition for future successful integration. An assessment of the local capacities to absorb applicants for international protection in terms of schools, GP and medical services should be prepared by the local authorities and built into their future development plans.	Local authorities and all relevant State service providers.
Changes recommended to shorten the decision making process in the IPO		
3.1	The IPO should have an obligation to complete all first instance recommendations within a fixed timeframe that ensures decisions can be taken within 6 months of an application for international protection being lodged. The same timeline should apply to cases in the Dublin process as soon as they are accepted and an applicant has been transferred to the State.	Department of Justice, IPO.
3.2	The IPO should be strengthened and given sufficient, appropriately qualified resources to handle a greater share of cases in-house. The IPO should also retain a smaller legal panel (to reflect the change in workload following the staff increase for the IPO), working almost full time with the IPO.	Department of Justice, IPO.
3.3	The IPO quality assessment process operated by the International Protection Office in cooperation with the UNHCR should be continued and enhanced.	Department of Justice, IPO.

Chapter and reference	Advisory Group Recommendations	Responsible body
3.4	The MDU work which relates directly to the issuing of decisions arising from IPO recommendations should be located in the IPO and should report to the IPO's Director of Operations to maintain the separation of functions specified in the International Protection Act 2015.	Department of Justice, IPO, MDU.
3.5	The IPO questionnaire should be shortened significantly and made available electronically, without affecting the rights of applicants to attach additional data in support of their applications.	Department of Justice, IPO.
3.6	Recordings of IPO interviews should be introduced and provided to applicants within 10 working days following the interview.	Department of Justice, IPO.
3.7	The IPO initiative to decentralise interviews should continue and be rolled out to other regional locations.	Department of Justice, IPO.
Case processing in the IPAT		
3.8	IPAT should have a fixed timeframe of 6 months for the delivery of its decisions.	Department of Justice, IPAT.
3.9	The period of office of Members of the IPAT should be increased from 3 to 5 years, renewable once without having to reapply.	Department of Justice, IPAT.
3.10	The number of full time Tribunal members should be increased from 3 to 10 (in addition to the full time Chairperson and two deputy Chairs) and maintained at that level.	Department of Justice, IPAT.
3.11	The number of tribunal administration staff should also increase to facilitate an increase to 2,700 cases per annum.	Department of Justice, IPAT.
3.12	The use of part-time members should be reduced to reflect the increase in full time Members.	Department of Justice, IPAT.
3.13	The relevant legislation should be changed to allow IPAT to set aside their own decisions where it is clear that due to procedural error or omission the decision should otherwise be quashed.	Department of Justice, IPAT.
3.14	In certain cases, and with the consent and full protection of the rights of the applicants, IPAT should be authorised to conduct remote video link hearings from around the country.	Department of Justice, IPAT.
Recommendations for the Legal Aid Board (LAB)		
3.15	The LAB should be given sufficient staffing and resources annually to enable it to support 3,500 new applicants for international protection who wish to avail of legal aid, covering early legal advice at the reception stage until a final decision has been taken, including the judicial review stage. This would help to ensure that the principles of fair, fast and consistent decision making are implemented and help the IPO and IPAT to meet the case deadlines recommended in this report. The LAB should have a dedicated section for dealing with international protection cases and this should be adequately resourced, with vacancies being filled on a priority basis as they arise.	Department of Justice, Public Appointment Service (PAS), LAB, IPO, IPAT.
Recommendation on an Alternative Dispute Mechanism		
3.16	Consideration should be given to the introduction of an alternative dispute resolution system through legislation authorising the use of mediation type techniques to help resolve disputes on issues such as accommodation and reception conditions.	Department of Justice.

Chapter and reference	Advisory Group Recommendations	Responsible body
Recommendations for improvement of Information and Communication Technology		
3.17	The Advisory Group recommends that the basic requirements of the international protection process should be delivered as part of a comprehensive IT system that should be developed as part of the wider multi-year IT development strategy of the Department of Justice. This should focus on the delivery of a comprehensive, person-centric IT case management system that improves the applicant experience, enhances the efficiency of the whole system and provides the necessary analysis to identify trends and emerging problems and so contribute to a fast and focused response.	Department of Justice.
3.18	All IPO, MDU and IPAT processes should be reviewed by the end of the first quarter of 2021. This review should include the recommended changes/improvements to the international protection process set out in this Report which can be facilitated or enabled by IT – for example the one-stop-shop approach of a multi-services multi-agency centre onsite in the reception centre(s) to help applicants access necessary services and entitlements, including legal aid and post-reception centre housing placement.	Department of Justice, IPO, IPAT, MDU.
3.19	The Group recommends that work on the new IT system and the provision of additional technology tools needs to commence immediately and given the resource implications this work needs to have certainty of funding from early 2021.	Department of Justice.
3.20	The Advisory Group recommends that continuation of the nucleus of the IT sub-group should be actively considered by the Department Management Board.	Department of Justice.
3.21	The Advisory Group considers that a target delivery date of mid-2023 for the new system is reasonable.	Department of Justice.
Interpretation		
3.22	An accreditation test should be introduced for anyone seeking to provide interpretation in the international protection process (from mid-2023).	Department of Justice, IPO.
3.23	Codes of conduct, similar to that used by the IPAT, should be used in the IPO and other relevant bodies which use interpretation.	Department of Justice, IPAT, IPO.
Supports for Applicants for International Protection		
4.1	Stage One: In the initial reception stage, for those who need it, accommodation should be provided in State owned reception centres for up to three months. Vulnerability assessments must be carried out within 30 days for all applicants and include special reception and procedural needs. A multi-services centre onsite should help applicants to access necessary services and entitlements, including legal aid and post reception centre housing placement.	Department of Children, Equality, Disability, Integration and Youth, IPAS, HSE, DEASP, Legal Aid Board, Department of Housing, Local Government and Heritage, local authorities.
4.2	Stage Two: After 3 months in the reception centre, applicants should be helped to move to own-door accommodation under the responsibility of the local authorities. To enable applicants to live in the community, the weekly allowances currently paid should be replaced by a housing allowance equivalent to and not less than the HHAP and a weekly allowance equivalent to the range of income supports (Supplementary Welfare Allowances) made to Irish citizens living in the same circumstances which should be reviewed in line with the cost of living.	Department of Housing, Local Government and Heritage, local authorities. Department of Social Protection.

Chapter and reference	Advisory Group Recommendations	Responsible body
4.3	Stage Three: If applicants receive international protection or a permission to remain in Ireland they should continue to benefit from certain support measures for up to 18 months after permission is obtained.	Department of Housing, Local Government and Heritage, local authorities. Department of Social Protection.
4.4	If applicants are refused a residency permission and after all avenues of appeal have been exhausted they should be given up to 6 months to organise their departure and should continue to receive the housing and support allowances during that time.	Department of Housing, Local Government and Heritage, local authorities. Department of Social Protection.
Supports for Unaccompanied Minors		
4.5	“Aged-out” minors should remain under the responsibility of Tusla, retaining their supports, until their applications for asylum have reached a conclusion.	Tusla, IPO.
4.6	Social workers assigned to unaccompanied minors should be legally obliged to seek prior legal advice on a protection application as soon as possible after the minor becomes the responsibility of Tusla, and before completing and lodging the application.	Tusla.
Inspection of accommodation centres and the National Standards		
4.7	Until the new, permanent system enters fully into force in mid-2023 the Advisory Group recommends that HIQA be given the responsibility to inspect the centres and enforce the standards from January 2021.	Department of Children, Equality, Disability, Integration and Youth, IPAS.
Recommendations on returns		
4.8	Unsuccessful applicants for protection should be given a reasonable time to organise their voluntary return. The current 5-day period for deciding whether to accept voluntary return should be extended to 30 days and children and students should be allowed to finish the school year before departure.	Department of Justice, working with IOM.
4.9	The State should develop a strategy and if necessary enact legislation for dealing with unsuccessful applicants who are deemed “non-returnable”.	Department of Justice, working with UNHCR, IOM.
4.10	The financial supports granted to those who choose voluntary return to their countries of origin should be doubled.	Department of Justice.
Supports for Victims of Trafficking		
4.11	Appropriate accommodation, with additional supports and services, should be provided for those identified as victims of trafficking and gender based violence. In the interim, priority should be given to designating private, non-shared rooms to trafficked people and those who have been abused.	Department of Children, Equality, Disability, Integration and Youth, IPAS.
Transition Period		
4.12	The allowances currently paid to people in direct provision should be increased from January 2021 and regularly reviewed in line with the cost of living.	Department of Social Protection.

Chapter and reference	Advisory Group Recommendations	Responsible body
Right to Work permission		
5.1	The right to work should be extended to anyone in the international protection process who has not yet received a final decision on their application, within three months of lodging an application for protection. The right to work authorisation should be granted for one year at a time (instead of the current six months) and should be renewable. The current labour market access letter should be replaced by a card equivalent to those granted to other non-EEA nationals (GNIB/IRP card).	Department of Justice.
Access to Driving Licences		
5.2	Applicants for international protection should be allowed to apply for driving licences and tests from the moment their application for protection is lodged.	Department of Transport.
Educational Supports for International Protection Applicants		
5.3	Children between the ages of 5 and 18 should be educated in mainstream schools in the community. Additional language supports should be provided as needed. Special arrangements will be needed for children with special needs.	Department of Education.
5.4	Specific training opportunities should be provided for teachers working in schools receiving children of applicants.	Department of Education.
5.5	Applicants in the international protection system should have the right to access higher education on the same basis and at the same level of fees as Irish citizens, if they meet the qualifying criteria.	Department of Further and Higher Education, Innovation, Research and Science.
Access to bank accounts for International Protection Applicants		
5.6	The State should take the necessary steps immediately to ensure that EU Directive 2014/92/EU is respected and that all banks operating in the State respect the right of applicants for international protection to open and hold basic banks accounts.	Department of Justice, Banking Federation Banking and Payments Federation Ireland (BPFi).
Timelines for the new system to become operational		
6.1	The new permanent system should be phased in and fully operational from mid-2023 and begin without any legacy cases.	All relevant Government Departments and public service agencies.
6.2	Work on changing legislation, where needed, should begin in early 2021 so that it can be in place by the end of 2021. Recruiting and training the additional staff needed in the IPO, IPAT and LAB should start in 2021 and be in place from mid-2022. Work on the proposed new IT system should be funded and ongoing from early 2021.	Department of Justice, IPO, IPAT, LAB.

Chapter and reference	Advisory Group Recommendations	Responsible body
Resourcing of local authorities		
6.3	The resource needs of local authorities should be surveyed and additional resources should be made available in the course of 2021.	Department of Justice, Department of Housing, Local Government and Heritage, local authorities, Local Government Management Agency, County and City Management Association (CCMA).
Case processing transition to new system		
6.4	2021 and 2022 should be used to process all cases where applications were made after January 2019. This transition period should be used as a lead in to the new system. During the transition period the IPO should implement its target of clearing all new applications within 9 months and the IPAT should implement an average target of 6 months for processing appeals.	Department of Justice, IPO, IPAT.
Integration of MDU into IPO		
6.5	The work of the MDU relating to international protection should be integrated into the IPO from the beginning of 2021.	Department of Justice, IPO, MDU.
Expansion of Legal Aid Board		
6.6	The expansion recommended for the LAB should begin in 2021 so that it can provide increasing support to applicants at the appeal stage of the process and gradually expand the number of in house cases it handles with a corresponding decrease in the use of private solicitors. This should ensure that it will be equipped and ready to deal with 3,500 applications annually by mid-2023.	Department of Justice, LAB.
Processing of Backlogs		
6.7	The establishment of a one-off, simplified, case-processing approach applying to all applicants who will have been two years or more in the system by the end of 2020. Those in the process should be given leave to remain in Ireland for 5 years. They should be allowed to continue with their application for protection or to withdraw it if they wish but the case processing decision should be made as attractive as possible to encourage applicants to avail of the procedure rather than continuing with their protection applications. In reducing the backlog special attention should be given to the case of unaccompanied minors who should all receive leave to remain for 5 years without prejudice to any applications for protection. Any "legacy cases" originating in applications under the Refugee Act 1996 should also be included in the one-off approach process.	Department of Justice, Immigration Service Delivery (ISD), IPO.
6.8	All backlog cases, including those covered by the one off case processing procedure, should be processed by a temporary, dedicated multi-agency task force having due regard to the relevant statutory remits of the various agencies concerned. The aim should be to finalise all these cases by the end of 2022.	Department of Justice and relevant agencies.

Chapter and reference	Advisory Group Recommendations	Responsible body
Accommodation of those with status currently in direct provision		
6.9	An interdepartmental task force should be created between the relevant central Government services and the local authorities to source accommodation for those currently in direct provision. As people are helped to move to own-door accommodation, they should receive the special housing and weekly allowances recommended in Chapter 5. The aim should be to find accommodation for at least 40% of this group by end 2021 and at least another 40% by end 2022. By mid-2023 all of this group who are granted a residency permission should have been accommodated. The experience of this interdepartmental task force should be used to develop the placement system recommended for the new permanent system. In the case of those who are not given a residency permission the exit conditions set out in Chapter 4 should be applied.	Department of Children, Equality, Disability, Integration and Youth, IPAS, local authorities, NGOs.
Funding for the new permanent system		
7.1	The State should adopt the recommendations for a new permanent system of international protection in line with the recommendations set out in Chapters 3-5 and the current funding of €178.5 million should be made available to fund the new system.	Government.
Recruitment of specialist staff		
7.2	The Department of Justice should directly recruit the specialist staff needed by the IPO and the IPAT, including through specialised competitions at regular intervals. The LAB should continue to carry out its own recruitment but be enabled to apply the same terms and conditions as other public sector organisations in order to be able to recruit suitably qualified and experienced staff in line with its needs.	Department of Justice, DPER, Public Appointments Service, IPO, IPAT, LAB.
7.3	A specific career profile should be developed for those working in the international protection system to ensure that some staff (ideally around 50%) can remain in the service, making and progressing in their careers in this area of the public service. It should also be made possible to recruit at mid-career and senior level to bring in established expertise in addition to more junior staff at the starting grades.	Department of Justice, DPER, Public Appointments Service, IPO, IPAT, LAB.
Grant funding for NGOs and Local Community Groups		
7.4	An initial fund of €5 million should be made available annually to provide grants to support the activities of NGOs and local community groups involved in the international protection process.	Department of Children, Equality, Disability, Integration and Youth, IPAS, NGOs.
Recommendations on oversight of the new system		
8.1	The Advisory Group stresses the need for strong oversight at political and administrative level on a permanent basis as well as the need for independent oversight. It recommends the creation of a Cabinet Committee composed of all Ministers with responsibility for delivering the new system. The Cabinet Committee should report in respect of deadlines, receive and act upon early warnings if problems or backlogs occur and act as a clearing house for intersectional issues which arise between Departments.	Cabinet Committee of all relevant Ministers.

Chapter and reference	Advisory Group Recommendations	Responsible body
8.2	An independent body should be created with a mandate to ensure transparency and accountability. It should enable the participation of civil society organisations, including representatives of applicants in the protection system, in monitoring progress, evaluating the functioning of the system and identifying blockages and areas where change is needed. This body should be sufficiently resourced to be able to act autonomously, with a right of access to all relevant official data. The head of the body should make an annual report and present it to the Oireachtas Committee on Justice and Equality.	Independent oversight body, Oireachtas Committee on Justice and Equality. Department of Children, Equality, Disability, Integration and Youth, Department of Justice, Department of Housing, Local Government and Heritage, local authorities, Local Government Management Agency, County and City Management Association (CCMA).
8.3	The remit of the Ombudsman should be expanded to enable him to investigate complaints about the process leading up to decisions on applications for international protection and related administrative matters excluding the decisions on protection status taken by the IPO and the IPAT where other avenues of appeal already exist.	Government, Ombudsman.
Recommendations that could be implemented quickly		
3.2	Codes of conduct, similar to that used by the IPAT, should be used in the IPO and other relevant bodies which use interpretation	Department of Justice, IPO.
4.12	The allowances currently paid to people in direct provision should be increased from January 2021 and regularly reviewed in line with the cost of living.	Department of Social Protection.
5.1	The right to work should be made available after 3 months.	Department of Justice.
5.2	Applicants should be entitled to apply for driving tests and licenses as soon as they have made an application for protection.	Department of Transport.
5.5	Applicants should have the right to access higher education on the same basis and at the same fees as Irish people, once they meet the qualifying criteria.	Department of Education.
5.6	Applicants should be legally entitled to open bank accounts in accordance with EU Directive 2014/92/EU.	Department of Justice, Banking Federation Banking and Payments Federation Ireland (BPF).
6.7	To clear the backlog of current cases a one-off case-processing approach should be introduced for all applications which have been more than two years in the system.	Department of Justice, Immigration Service Delivery (ISD), IPO.



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