

PATHWAYS TO PROTECTION AND INCLUSION

Ireland's role in global
refugee protection and
migration movements

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INTRODUCTION

Since 2015, there has been a dramatic rise in the number of people facing forced displacement. By the end of 2016, over 65.6 million people fled their homes worldwide, 22.5 million of whom were refugees with 40.3 million internally displaced.¹ Families are being torn apart and children remain the most affected, making up 50% of those fleeing persecution and violence.² Faced with extremely poor living conditions and with no prospect of being able to return home in the short to medium term, people are forced to move on to try and find safety. In 2016, over 1.2 million people submitted an asylum claim in the EU. The levels of global forced displacement are reaching levels unseen since World War II. It is one of the major challenges of our times.

Given the sheer scale of people on the move and in need of protection, the current status quo response is not sustainable. Without alternatives, even the strictest border control efforts will not stop people seeking safety – it will only make journeys more dangerous and deadly. EU Member States, including Ireland, must do more to ensure that durable solutions are found as people's lives hang in the balance. It is critical that Ireland plays a central role in showing solidarity with countries hosting the majority of the world's refugee and displaced populations.

In response to the global humanitarian crisis, people from all around Ireland pledged support and solidarity with those fleeing persecution and conflict. This inspiring response can now be built on with the recent announcement from the Government to develop a Community Sponsorship Programme for refugees. This is a very welcome initiative as it will not only assist refugees, but also strengthen, deepen and enrich our communities.

This is a briefing paper from the Irish Refugee and Migrant Coalition. The Coalition was founded in August 2015, and is comprised of 23 leading Irish organisations that seek to advance the rights and dignity of people on the move and those in need of international protection. This paper does not provide a comprehensive overview of all immigration and asylum developments since January 2016. Rather, it sets out some of the major changes from an International, European and Irish perspective and outlines a range of recommendations for the Irish government in order to ensure that Ireland responds responsibly and displays solidarity with the regions and persons most affected by on-going conflicts and mass displacement.

1 UNHCR, Global Trends Forced Displacement 2016, p.2, <http://bit.ly/2tLSImg>.

2 UNICEF, 'Uprooted The Growing Crisis for Refugee and Migrant Children', September 2016, <http://uni.cf/2gQ-Arzg>.

INTERNATIONAL CONTEXT

The vast majority of refugees continue to live in countries close to conflict regions. Turkey is still the largest hosting country, with almost 3 million refugees, while 20% of Lebanon's population is comprised of refugees.³ Long-standing crises in countries like Somalia and Afghanistan have become entrenched, lasting almost 30 years. Other major conflicts in countries such as Syria, Iraq, Libya, Yemen and South Sudan have reignited or emerged. In the past year alone, 1 million South Sudanese refugees have crossed the border into Uganda,⁴ while over 450,000 Rohingya refugees have fled to Bangladesh since mid-August 2017. Meanwhile, the number of people internally displaced as a result of conflict and violence continues to grow. In 2016, 40.3 million were internally displaced.⁵

In response to the unprecedented levels of forced displacement, a number of high-level initiatives were introduced, the most important of which culminated in a UN High-level Summit for Refugees and Migrants in September 2016 which Ireland co-chaired. At this Summit, the 'New York Declaration' was adopted. It reaffirms the importance of the 1951 Geneva Convention and its additional Protocol, recognises the need for more global solidarity and aims to improve the way in which States address large movements of refugees and migrants, including protracted refugee situations. The Declaration also proposes that there will be two Global Compacts,⁶ one for migrants and one for refugees, the content of which is still being negotiated. The Refugee Compact aims to provide a more predictable and comprehensive response to these crises, where there is greater support for refugees and the countries that host them. The Migration Compact aims to facilitate 'safe, orderly and regular migration', address all aspects of international migration, and enhance coordination on international migration.

Meanwhile, the international community is struggling to respond, leaving refugees and refugee hosting communities with little or no resources. The humanitarian system continues to be tested by these emergencies, compounded by prolonged crises and an increased onset of natural disasters. The scale of the response required for each individual crisis continually exceeds the funding allocated for saving lives and alleviating suffering. In addition, consistent funding for large scale refugee responses is declining, leading to a cut in food rations and a curtailment of essential services. Education programmes are suspended and displaced people are increasingly being forced into high risk and exploitative work in a desperate effort to survive.

3 Amnesty International, 'Syria's Refugee Crisis in Numbers', December 2016.

4 UNHCR, 'South Sudanese refugees in Uganda now exceed 1 million', 17 August 2017 and The Guardian, 'Uganda at breaking point as Bidi Bidi becomes world's largest refugee camp', 3 April 2017.

5 IDMC, 'Global Report on Internal Displacement 2017', <http://bit.ly/2qLr7E3>.

6 Attached to the New York Declaration are two Annexes, the Comprehensive Refugee Response Framework and Annex II 'Towards a Global Compact for Safe, Orderly and Regular Migration'.

EUROPEAN CONTEXT

Since 2015, significant numbers of people arrived on Europe's shores in response to the protracted conflicts in the Middle East and North-East Africa. Faced with few legal avenues to reach safety, people had to embark on treacherous and dangerous journeys, with the majority crossing the Mediterranean Sea. In 2016, the number of people who drowned on the central Mediterranean route increased by 42% in comparison to the previous year.⁷ Since 3 October 2013, 15,696 people have died or gone missing on the Mediterranean Sea. It remains the most dangerous crossing in the world.

The EU has proven unable to propose comprehensive solutions beyond short-term measures to the increase in arrivals. Many of these measures take the form of physical or legal barriers with the intended aim of making it more difficult for people to access protection and to outsource the EU's protection responsibilities. At the same time, numerous Member States responded to the increase in asylum seekers by building fences and increasing the use of detention. Right wing extremism has emerged across the continent and support for populist anti-immigration parties continues to grow with governments now enacting blatant racist policies.

The lack of comprehensive solutions and leadership not only erodes the protection landscape, but also undercuts the core values that Europe was established upon. One year ago, Ireland was instrumental in passing the New York Declaration where States across the world committed to 'a more equitable sharing of the burden and responsibility for hosting and supporting the world's refugees, while taking account of existing contributions and the differing capacities and resources among States'. The EU and Ireland as a Member State must ensure that this commitment is not undermined and instead put forward a comprehensive response for those in need of international protection.⁸

EU cooperation with countries of origin and transit in migration and asylum

Following the unprecedented number of refugee arrivals to Europe in 2015, the EU responded by proposing a number of measures, some of which included:

- **The European Agenda for Migration** (May 2015), which contained some immediate term measures to stop arrivals to Europe as well as introducing

7 Frontex, Risk Analysis for 2017 (February 2017) p.20, <http://bit.ly/2lKrFls>.

8 Para 68, UN General Assembly, New York Declaration for Refugees and Migrants: resolution/adopted by the General Assembly, 3 October 2016, A/RES/71/1. According to a major McKinsey study, the EU will also benefit from the increase levels of migration, particularly if sufficient integration resources are provided. McKinsey Global Institute (MGI), 'People on the move: Global migration's impact and opportunity', December 2016, <http://bit.ly/2gZ9Oex>.

initiatives to assist EU countries most affected by the increase in arrivals.⁹

- **The EU Action Plan on Return** (May 2015), which prioritised returns for asylum seekers who were not granted international protection in Europe.¹⁰
- **EU NAVFOR MED** (June 2015) introduced a military naval operation to tackle smuggling and trafficking on the Mediterranean. In September 2015 its mandate expanded to permit authorities to board, search, seize and divert vessels on the high seas suspected of being used for human smuggling or trafficking. In October 2016, measures were introduced to train the Libyan Navy Coast Guard and Libyan Navy.
- **The EU Trust Fund for Africa** (November 2015) was adopted to address root causes of migration from Africa to Europe. However, it blurs the lines between development aid and the EU's security agenda. For example, it funds activities which curtail migratory movements to the EU, including detention centres and border surveillance in Libya.¹¹ Ireland pledged to contribute €3 million to the fund.
- **The EU-Turkey deal** (March 2016) allows for the return from Greece to Turkey of all irregular migrants and asylum seekers whose asylum applications have been declared inadmissible.¹² In exchange, Turkey received a promise of visa-free travel for Turkish nationals, €6 billion to assist refugees and once there was a drop in 'voluntary' arrivals to Greece, a humanitarian scheme would come into effect to transfer Syrians from Turkey to the EU.¹³
- **The Migration Partnership Framework** (June 2016) integrates migration into the EU's foreign policy. It proposes to leverage all existing EU and Member States' instruments and tools in external cooperation to reduce migration to Europe and increase returns,¹⁴ firmly cementing the practice of development as an instrument of migration control.
- **European Union and Afghanistan Cooperation Agreement** (February 2017), which aims to increase deportations from the EU to Afghanistan, including women, children and families.¹⁵

9 Commission Communication of 13 May 2015 entitled 'A European Agenda on Migration' (COM(2015)0240)6, Commission Communication of 14 October 2015 entitled 'Managing the refugee crisis: State of Play of the Implementation of the Priority Actions under the European Agenda on Migration'(COM(2015)0510).

10 European Commission, COM(2015) 453 final, EU Action Plan on Return, Brussels, 9 September 2015.

11 European Commission, 'EU Trust Fund for Africa adopts €90 million programme on protection of migrants and improved migration management in Libya', 12 April 2017. Libya received EUR 46.3 m in July 2017 under the Fund.

12 European Council, 'EU-Turkey statement', 18 March 2016, <http://bit.ly/1VjZvOD>.

13 Numerous reports have shown that Turkish authorities are unable to provide asylum seekers with the adequate protection and there are documented instances where Turkey has returned asylum seekers to countries where they are at serious risk of persecutions. See for e.g. Amnesty International, 'The EU-Turkey deal: Europe's year of shame', 20 March 2017. There is currently a case pending before the ECtHR which is challenging the legality of returns under the EU-Turkey deal, see ECtHR, *J.B. v Greece*, Application No. 54796/16.

14 Communication from the Commission on establishing a new Partnership Framework with third countries under the European Agenda on Migration, 07.06.2016, COM(2016) 385 final, <http://bit.ly/2uGwWBP>.

15 This followed on from the 'The EU-Afghanistan Joint Way Forward on Migration issues' agreed in October 2016.

- **An action plan on measures to support Italy, reduce pressure along the Central Mediterranean route and increase solidarity** (July 2017). Following the EU-Turkey Deal people were forced to take more dangerous routes, mainly through Libya to Italy.¹⁶ In response, Italy threatened to shut its ports to foreign ships,¹⁷ which prompted the EU to publish another action plan to support Italy and encourage Member States to do more to uphold their relocation obligations. Ireland hasn't relocated any asylum seekers from Italy.¹⁸

2016 Common European Asylum System Proposals

In 2016, the European Commission responded to the increase of arrivals by once again proposing to overhaul the Common European Asylum System (CEAS).¹⁹ It aimed to ensure common procedural guarantees and standards within Member States and to reduce differences in recognition rates for those seeking asylum.²⁰ Ireland can decide whether it wishes to opt-in to the latest EU legislative proposals and to date has not indicated whether it will participate.²¹ While there are some positive changes, particularly in relation to procedural standards, there are fundamental issues of concern regarding some elements of the proposals. If passed in their current form, the proposals would:

- deflect protection responsibilities to countries outside the EU,²²
- place undue pressure on countries on the periphery of Europe to process and host the majority of arrivals on behalf of the EU,
- ensure asylum seekers and refugees' compliance through sanctions and the removal of rights.

The end result would not only undermine the refugee protection system and further shrink the protection space in Europe, but more importantly, have serious adverse effects on those fleeing conflict and danger, placing many lives at risk.²³

16 This year, almost 100,000 people have entered Italy by sea. UNHCR, Operation Portal Refugee Situations, 18 July 2017, <http://bit.ly/2lOwSdP>.

17 Politico, 'Italy threatens to deny entry to foreign ships to force migration action', 28 June 2017, <http://politi.co/2sRMzaU>.

18 European Commission, 'Action plan on measures to support Italy, reduce pressure along the Central Mediterranean route and increase solidarity', 4 July 2017, <http://bit.ly/2tN0C3x>.

19 The Common European Asylum System is comprised of a series of legislative instruments that set down common standards for the treatment of asylum seekers and refugees within the EU.

20 The Commission proposed to replace Directives with Regulations which leave little discretion to Member States in how they are implemented. States would no longer be permitted to apply more favourable standards than those set down in legislation.

21 Protocol (No 21) on the Position of the United Kingdom and Ireland in Respect of the Area of Freedom, Security and Justice.

22 EU Member States would be required to examine whether an applicant can be transferred to a 'first country of asylum', a 'safe third country' or be subjected to an accelerated examination for 'safe country of origin' before examining their application. The June Council Conclusions are also seeking to introduce a much broader definition of the 'safe third country concept' which wouldn't require the applicant to obtain protection in accordance with the 1951 Convention. For an overview of this change see ECRE, 'European Council Conclusions on the CEAS reform: Wrong signal at the wrong time', 23 June 2017 <http://bit.ly/2sYUZhk>.

23 For a thorough analysis, see ECRE's comments on the proposals available here <http://bit.ly/2u4wMYr>.

IRISH CONTEXT

Unlike other European countries, Ireland experienced a very modest increase in asylum applicants in 2015 and 2016. It finally passed the International Protection Act and adopted the second tranche of the Asylum, Migration and Integration Fund 2014-2020 (AMIF),²⁴ which aims to promote the development of a common EU approach to asylum and immigration. Under this Fund, over €38 million is available to implement various projects and priorities.²⁵

Nevertheless, Ireland's immigration and hate crime laws are still in need of reform. The State's immigration framework is out-dated and dominated by ministerial discretion. Measures have still not been taken to address the large cohort of people living and working in Ireland who are or who have become undocumented. It is estimated that there are between 20,000 – 26,000 undocumented migrants living and working in Ireland. Of these, approximately 5,000 are children, who only know Ireland as their home.²⁶ Earlier this year, the Joint Committee on Justice and Equality published a report on Immigration, Asylum and the Refugee Crisis. This landmark report which has cross-party support made a series of recommendations including the introduction of a regularisation scheme for undocumented migrants.²⁷

Ireland is also without effective hate crime legislation or a comprehensive national anti-racism strategy which puts it among a minority of countries within the EU. Given the rise of racism across Europe, the rise in hate crimes in Ireland,²⁸ and the seriousness of the offence, it is essential that this area is reformed to break the silence on hate crime, encourage reporting, and find effective ways to address all forms of racism and prejudice.

Given the scale of global forced displacement, Ireland needs to put in place a comprehensive protection response and amend its immigration system. It is crucial to build a dynamic system, responsive to emerging trends which is respectful of the rights of people at the heart of the system.

24 The financing plan of the programme provides that 28.3% of the national allocation will be spent on Asylum, 27.9% on Integration, 25.5% on Return, 7.7% on Solidarity and 10.6% on technical assistance.

25 Department of Justice and Equality, National Programme AMIF as officially adopted by the Commission on 21st March 2016.

26 MRCI estimate that there are between 20,000 – 26,000 undocumented individuals currently living and working in Ireland. Of these, 49% have been here for more than eight years and 21% have been here for more than ten years. Of these 89% of undocumented people are working, with 66% having held their current jobs for more than two years and 31% having held their current jobs for more than five years. See MRCI, 'Ireland is Home, An analysis of the current situation of undocumented migrants in Ireland', November 2014, <http://bit.ly/2w1mdG4>.

27 Joint Committee on Justice and Equality Report on Immigration, Asylum and the Refugee Crisis February 2017, available here <http://bit.ly/2sqGjUd>.

28 iReport, a hate crime reporting system, recorded 245 hate crimes between July and December 2016, marking a significant rise on the previous six months.

International Protection Act 2015

The most significant development in the Irish asylum system was the commencement of the International Protection Act 2015, which entered into effect on 31 December 2016. The Act introduced a single procedure whereby applications for international protection have one application under which all grounds for protection are considered simultaneously. This should address the huge delays in decision-making asylum seekers are subject to due to the bifurcated nature of the old procedure. Nevertheless, there is currently a substantial backlog of cases awaiting a decision.²⁹ The single procedure has the ability to make the process fairer and more equitable but needs to be adequately resourced in order for this to become a reality.

However, the Act also introduced some very regressive policies making it much harder for families to be reunited. It significantly narrows the family members that beneficiaries can be reunited with and removes the possibility to apply for dependent family members.³⁰ The current family definition doesn't sufficiently account for the special circumstances of forced displacement, the practical and social realities in countries of origin or transit, or the wide cultural divergences in the concept of a family. Furthermore, Article 8 of the European Convention of Human Rights, the right to respect for private and family life, may be engaged when there is no practical ability to unite family members who fall outside 'core family members'.³¹

The Irish Refugee Protection Programme

In response to the increased number of people in need of international protection in the EU, the Irish Government established the Irish Refugee Protection Programme (IRPP) which pledged to accept up to 4,000 persons under the EU Resettlement and Relocation Programmes by the end of 2017.³² However, due to the under allocation of relocation candidates from Greece and Italy and as a result of Ireland not relocating anybody from Italy, this target will not be met by the end of the year.

Ireland has relocated 552 asylum seekers from Greece and has indicated that it will meet

29 According to recent reports, it will take approximately eighteen months for an applicant for international protection to get an interview from the date they lodge their application. Irish Refugee Council, 'Right to work for people in asylum process should be granted at six months and not be restrictive, says Irish Refugee Council' 3 July 2017.

30 Under the 1996 Refugee Act, beneficiaries of international protection could apply to be reunited with dependant family members. Beneficiaries who wish to apply for dependant members such as elderly parents and adult children as well as adult siblings of adult applicants have to apply for 'join family' visas, using the ordinary visa procedure.

31 See for example, ECtHR, *Gül v Switzerland*, Application No. 23218/94, 19 February 1996, para. 38; ECtHR, *Abmut v the Netherlands*, Application No. 21702/93, 28 November 1996. A recent Private Members' Bill passed the second stage in the Seanad which sought to widen the family definition for beneficiaries of international protection, which will return to the Seanad for committee stage in the autumn before proceeding to the Dáil. See International Protection (Family Reunification) (Amendment) Bill 2017, available here <http://bit.ly/2uuLZ4U>.

32 Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece and Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece.

its commitments to relocate 1,089 asylum seekers by the beginning of 2018.³³ As of mid-September, six unaccompanied children were relocated from Greece.³⁴ In contravention of the two Council Decisions, Ireland has not relocated any asylum seeker from Italy due to its request to carry out extra security assessments. This is despite the fact that the Italian authorities and Europol have carried out security checks, including additional security interviews. Furthermore, the European Asylum Support Office (EASO) experts can carry out more in-depth interviews to detect the possible application of refugee exclusion grounds. By Ireland taking such an approach, not only are they failing to show solidarity, they are also failing to uphold their legal obligations.

Ireland committed to resettle 1,040 refugees under the IRPP. As of mid-September, 785 people have been resettled to Ireland. Ireland has also pledged to resettle 600 refugees in 2018 which includes the remaining 270 refugees Ireland committed to resettle.³⁵ It also agreed to take up to 200 unaccompanied children from Calais under the IRPP, as of end September, 26 have arrived to the State.³⁶ The Joint Committee on Justice and Equality's report on Immigration, Asylum and the Refugee Crisis recommends increasing Ireland's commitment beyond the 4,000 pledged under the IRPP.

Other major developments

Two other major developments took place since the beginning of 2016, the first being a Supreme Court decision forcing Ireland to change its longstanding position on asylum seekers' right to work. The second development affected Ireland's purely humanitarian search and rescue mission on the Mediterranean.

The Supreme Court on 30 May 2017 ruled that a complete ban on the right of a person to work while in the asylum process was not justified and contrary to the Constitutional right to seek employment.³⁷ The Court's final order has been adjourned until November to allow the legislature time to respond. This crucial judgment underlines the basic necessity of allowing asylum seekers to live with dignity, a fundamental part of which is being able to work. It is essential that the Government's response allows for effective and practical access

33 This is valid as of 15 September, see Department of Justice and Equality 'Minister Flanagan announces Ireland will resettle 600 refugees in 2018' 15 September 2017. While the Relocation Programme will officially end in September, Member States are still required to carry out relocations until their obligations have been met under the Relocation Decisions, which go beyond September. As of end September, six unaccompanied children were relocated from Greece.

34 See Department of Justice and Equality 'Minister Flanagan announces Ireland will resettle 600 refugees in 2018' 15 September 2017. It was acknowledged by Deputy Catherine Zappone that Tusla require additional resources so that it has the capacity to accept more unaccompanied children from Greece and France. Dail debates, 14 December 2016, <http://bit.ly/2k37e9O>. The Joint Committee on Justice and Equality's Committee recommend that more needs to be done for unaccompanied children and that Tusla should be properly resourced so that Ireland can meet its relocation commitments.

35 Department of Justice and Equality 'Minister Flanagan announces Ireland will resettle 600 refugees in 2018' 15 September 2017 <http://bit.ly/2wB9VVT>.

36 Dail Debates, 'Report of Joint Committee on Justice and Equality on Immigration, Asylum and the Refugee Crisis: Motion', 28 September 2017, <http://bit.ly/2wvpURn>.

37 *N.v.H -v- Minister for Justice and Equality and ors* [2017] IESC 35 (30 May 2017).

to the right to work³⁸ and there should not be any prohibitive restrictions on accessing this essential human right. Introducing employment rights for asylum seekers was also a key recommendation of the McMahon report, a report which emerged from a working group that was established to review the Direct Provision system and outline recommendations for reform.³⁹ People leaving Direct Provision are also facing difficulties as a result of the long-term effects of institutional living.⁴⁰ This coupled with the on-going housing crisis makes it very difficult to enter the housing market, leaving many people in a state of limbo and even homelessness.

Ireland in July 2017 decided to cease Operation Pontus, a humanitarian mission with a primary focus on saving lives in the Mediterranean Sea. Under this mission, The Irish Naval forces have rescued almost 17,000 people.⁴¹ The Irish navy will now participate in an EU-wide mission EUNAVFOR MED (otherwise known as Operation Sophia), which has the primary purpose of disrupting human smuggling and trafficking on the Southern Central Mediterranean, but also carries out some search and rescue missions. It also permits authorities to board, search, seize and divert vessels on the high seas suspected of being used for human smuggling or trafficking.⁴² The current phase includes training the Libyan coastguard and Navy and serious questions have been raised in relation to the EU's cooperation with the Libyan coastguard as it is taking place without a proper monitoring system or an adequate accountability framework.⁴³

There is an onus on the Government to provide transparency in relation to the activities it partakes in as part of Operation Sophia. It must ensure that its humanitarian mandate as well as its human rights obligations are upheld.

38 Organisations such as the Irish Refugee Council are calling for the right to work to be granted after six months without restrictions.

39 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, June 2015. See also the two subsequent progress reports.

40 M Ni Raghallaigh, M Foreman et al 'Transition from Direct Provision to life in the community', June 2016.'

41 Dáil debates, Defence Forces Operations: Motion, Wednesday, 12 July 2017, <http://bit.ly/2vCAcPV>.

42 Recital 6, (CFSP) 2016/118 of 20 January 2016 concerning the implementation by EUNAVFOR MED operation SOPHIA of UNSC Resolution 2240 (2015), <http://bit.ly/2hO7B72>.

43 MSF 'Libya: Open letter - European governments are feeding the business of suffering', 6 September 2017, <http://bit.ly/2xQHDDT>, see also House of Lords, 'Operation Sophia: a failed mission', European Union Committee 2nd Report of Session 2017–19, 12 July 2017; Opinion by Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights, Returned migrants are being robbed, raped and murdered in Libya, 8 September 2017; Dáil debates, Defence Forces Operations: Motion, Wednesday, 12 July 2017, <http://bit.ly/2vCAcPV>.

RECOMMENDATIONS FOR THE IRISH GOVERNMENT

A Enhance safe and legal routes for people in need of international protection

Safe and legal avenues are essential to prevent people risking their lives by taking increasingly perilous routes to seek protection. Any recommendations to open up legal pathways should not undermine the rights of people who arrive independently to Ireland to seek protection.

■ **Broaden the family reunification definition.**

The family reunification definition in the International Protection Act 2015 doesn't sufficiently account for the special circumstances of forced displacement, the practical realities in countries of origin or transit, or the wide cultural divergences in the concept of a family.

A more inclusive family reunification definition is required. The Act should be amended to take into account dependant family members, family members who perform a similar or the same function as a nuclear family member and where family reunification is essential to ensure the best interests of the child and the right to asylum.

■ **Uphold its relocation obligations**

A solution must be found to commence relocations from Italy which should continue beyond September 2017 (the deadline under which people could qualify for relocation) until Ireland's legal commitments are fulfilled. The State must also ensure that Tusla is sufficiently resourced to manage referrals of unaccompanied children.

Ireland must uphold its legal obligations to carry out relocations and prioritise the most vulnerable, including unaccompanied and separated children as mandated in the two Council Decisions.

■ **Scale up Ireland's resettlement programme**

Given the scale of the global humanitarian crisis, the Coalition urges the Government to increase its resettlement programme. Increasing resettlement would also be a powerful demonstration of solidarity towards states that host the majority of the world's refugees and would provide an invaluable durable

solution for those in need of protection.

The Irish Refugee and Migrant Coalition call for Ireland to resettle 4,500 persons by 2020. This is based on the application of the European Commission's Resettlement Key to the 25% share of the Global Resettlement Needs that Europe is called upon to meet. It also takes into account the projected resettlement increase in 2019 and 2020. A Community Sponsorship Programme can be utilised to help achieve this target.⁴⁴

■ **Establish and pilot a Community Sponsorship Programme**

Given the scale of the global forced displacement, more innovative and diverse channels need to be seriously considered to ensure more people have access to safety. The announcement that the Irish Government is committed to developing a Community Sponsorship Programme is a very welcome step. This will allow communities to directly assist with Ireland's refugee response. Such programmes have proved to be a very positive bonding experience for the individual and the community, contributing towards better integration outcomes and more welcoming cohesive communities.

Establish a multi-stakeholder group comprised of government officials, civil society, and groups representative of the issue to develop the architecture and safeguards necessary for a community sponsorship programme, ensuring that it is underpinned by human rights and community development principles. This should culminate in launching a pilot Community Sponsorship Programme by the end of 2018.

■ **Introduce a Humanitarian Admission Programme**

In addition to the difficulties faced by beneficiaries of international protection in accessing family reunification for extended family members, many migrants who are legally resident in Ireland or naturalised are desperately seeking to bring family members out of conflict zones. A safety net is urgently required, which a family-linked humanitarian admission programme can help provide.

The Department of Justice and Equality should introduce an inclusive Humanitarian Admission Programme for Irish citizens, beneficiaries of international protection and/or legal residents, to become sponsors for family reunification for extended family members fleeing conflict zones. The Programme must provide secure, reckonable and independent residency permission for arriving family members, allowing them to fully integrate into Irish society.

44 See Annex 1 for a detailed breakdown of the figures.

B

Ensure Ireland has a robust asylum and immigration system with adequate integration supports

■ Ensure a fair and efficient protection procedure

The introduction of the International Protection Act provides an opportunity to create a system which is fair and efficient and which grants protection for those who need it.

In order to effectively realise this, applicants must have access to early legal advice and representation. The procedure must also be adequately resourced with expertly trained personnel to ensure fair and high-quality decision-making and to address the current backlog. Furthermore, in line with international as well as Constitutional obligations, Ireland must ensure that applicants have access to humane and dignified reception conditions, including effective access to the right to work.

■ Introduce a regularisation scheme for undocumented migrants

Undocumented migrants have no way to become documented despite living in Ireland for many years. The introduction of a regularisation scheme, would provide young people, workers and families with a chance to live in dignity and safety and would combat exploitation, poor working conditions, and forced labour.

For the Minister for Justice and Equality to introduce a regularisation, time bound scheme, with transparent criteria, to allow undocumented people in Ireland to regain a stable immigration status.

■ Conduct an independent review of integration measures for resettled refugees

Ireland was among the first European countries to establish a resettlement programme, which has been in operation since 2000. The programme provides targeted, integration supports to resettled refugees. However, there has never been an independent review of this programme.

For the Department of Justice and Equality to conduct an independent review of resettled refugee's integration measures, highlighting good practices that can be replicated within the broader migrant community, with a particular focus on how the State can work better with civil society and the public at large.

■ **Extend and implement the Migrant Integration Strategy to include all migrants and ethnic minorities and remove barriers to integration**

Currently the integration strategy does not cover all migrants, in particular asylum seekers and undocumented migrants.

Ensure the provision of integration supports that respond to the accommodation, language, health, education, employment and social needs of all persons, regardless of method of arrival or status in Ireland. Local authorities must also receive the necessary supports to develop, adopt and implement migrant integration strategies.

■ **Enact effective hate crime legislation and a comprehensive national anti-racism strategy**

At a time when xenophobia is on the rise, we need to send a clear message that racism and hate have no place in our communities and that our society should be inclusive of all.

For the Department of Justice and Equality to introduce effective hate crime legislation and a comprehensive National Anti-Racism Strategy. This will assist in tackling hate crime and finding effective ways to address all forms of racism and prejudice.

C

Ireland and the European Union must uphold their humanitarian aid commitments and human rights obligations and address the root causes of conflict and inequality

■ **For the EU to cease using development funds for migration control**

The EU is sacrificing development aid to serve short-term migration interests with potentially disastrous results for the people affected.

Ireland as a Council Member State should act responsibly to ensure that the EU refrains from using development funds for migration control, including making readmission agreements and returns as a condition for cooperation. Development aid is a tool to fight poverty and inequality, not to manage migration.

■ **Establish binding standards for States in the Migration and Refugee Compacts that go beyond declarations**

With the historic adoption of the New York Declaration, a process was launched to negotiate two compacts (the Global Compact on Refugees and the Global Compact on Safe, Orderly, and Regular Migration) to improve the way in which the international community responds to large movements of refugees and migrants.

Ireland ought to use its role within the EU and internationally to ensure that the Compacts go beyond mere declarations and set out specific binding targets for States to adhere to. This should also include a monitoring and reporting system to ensure that the agreed standards are met.

■ **Address the root causes of displacement**

The root causes of displacement must be addressed. Ireland and the EU's domestic and external policies, including those in relation to trade, taxation, investment and action on climate change have an effect on conflict and displacement and should be taken into consideration to mitigate against increasing numbers of displaced peoples.

Ireland must play a role in addressing the root cause of displacement through its commitment to development aid and by implementing policies that are coherent with Ireland's development objectives. Ireland ought to also use its role within the EU and internationally to emphasise the need to find political solutions to current conflicts.

ANNEX 1:

Breakdown of resettlement recommendation figures

The Irish Refugee and Migration Coalition recommend that Ireland resettles 4,500 persons by the end of 2020.

This is based on the application of the European Commission's Resettlement Key⁴⁵ to the 25% share of the Global Resettlement Need that Europe is called upon to meet⁴⁶ and takes into account the projected resettlement increase in 2019 and 2020.

If the average annual increase in Global Resettlement Needs, as per Table 1, is factored in to the equation, the total need for 2018-2020 is 1,314,000. Europe's share would increase to 328,500 and the application of the European Commission's Resettlement Key would result in a new target of 4,451 for Ireland over a 3-year period. Reflecting that this is just an estimation, it would be appropriate to round up to the nearest 100.

Table 1: Global Resettlement Need Trends 2013 - 2018						
Year	2013	2014	2015	2016	2017	2018
Projected Global Resettlement Need	859,300 ⁴⁷	691,000 ⁴⁸	960,000 ⁴⁹	1,150,000 ⁵⁰	1,190,000 ⁵¹	1,200,000 ⁵²
Increased Global Resettlement Need	78,000	(168,300)	269,000	190,000	40,000	10,000
Increase in Global Resettlement Need 2013-2018						340,700
Average annual increase in Global Resettlement Need						57,000

The Irish Refugee and Migrant Coalition call for Ireland to resettle 4,500 persons over the period 2018-2020 which can be achieved on an incremental basis. A Community Sponsorship Programme can be utilised in order to assist achieving this target.

45 ANNEX European schemes for relocation and resettlement, 'Communication From The Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a European Agenda on Migration', COM(2015) 240 final, Brussels, 13 May 2015, available at <http://bit.ly/2ktwtjE>.

46 See for example, the European Council on Refugees and Exiles 'Protection in Europe: Safe and Legal Access Channels ECRE's Vision of Europe's Role in the Global Protection Regime: Policy Paper 1', February 2017, available at <http://bit.ly/2vPCCxU> and The International Rescue Committee, 'Pathways to Protection: Resettlement and Europe's response to a global refugee crisis', March 2016, available here <http://bit.ly/2rT9PSW>.

47 UNHCR (2012) 'UNHCR Projected Global Resettlement Needs 2013'.

48 UNHCR (2013) 'UNHCR Projected Global Resettlement Needs 2014'.

49 UNHCR (2014) 'UNHCR Projected Global Resettlement Needs 2015'.

50 UNHCR (2015) 'UNHCR Projected Global Resettlement Needs 2016'.

51 UNHCR (2016) 'UNHCR Projected Global Resettlement Needs 2017'.

52 UNHCR (2017) 'UNHCR Projected Global Resettlement Needs 2018'.



Photo: Steve Kingston

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