

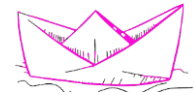
# Safe and Legal Pathways to Protection: Opportunities for Ireland

November 3

2016

This paper sets out the options which need urgent political consideration by all those who are committed to living up to the ideals which led to the founding of the Irish State. These pathways should be governed by the principle of non-discrimination and ensure respect for the human dignity of persons concerned, including the people and communities in Ireland into which refugees are to be resettled and relocated who should be active participants alongside the refugees themselves. These options are not a substitute for but should be progressed alongside the urgent need to address the needs of those in the current asylum system





## Introduction

In 2015, the plight of refugees was brought to the top of the political agenda in Europe. The Irish Government responded by pledging to take in 4000 refugees from Greece, Italy and from refugee camps in Lebanon under the aegis of the Irish Refugee Protection Programme.<sup>1</sup> At the same time the Irish Navy has demonstrated great leadership in search and rescue operations in the Mediterranean Sea, having rescued more than 12,400 people to date. Despite these efforts, 2016 marks the deadliest year on record for refugees and migrants crossing the Mediterranean Sea and global forced displacement is at a record high with 24 people forced to flee each minute on average.<sup>2</sup>

Ireland is well placed to demonstrate leadership at a crucial time in the history of the EU and indeed the world. To give real and lasting substance to these commitments, we need to be advocating for increased safe and legal pathways to international protection, pathways that benefit both refugees and States alike by:

- Enabling States to establish more efficient, orderly and less resource intensive asylum procedures;
- Ensuring that refugees do not need to rely upon and risk abuse at the hands of smugglers and traffickers;
- Reducing refugee deaths by ensuring that refugees and their families do not have to resort to hazardous journeys seeking protection.

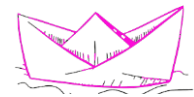
This paper sets out the options which need urgent political consideration by all those who are committed to living up to the ideals which led to the founding of the Irish State. These pathways should be governed by the principle of non-discrimination and ensure respect for the human dignity of persons concerned, including the people and communities in Ireland into which refugees are to be resettled and relocated who should be active participants alongside the refugees themselves. These options are not a substitute for but should be progressed alongside the urgent need to address the needs of those in the current asylum system.<sup>3</sup>

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<sup>1</sup> The Irish Refugee Protection Programme was established in September 2015. For further information see: [http://www.inis.gov.ie/en/JELR/Pages/Irish\\_Refugee\\_Protection\\_Programme\\_\(IRPP\)](http://www.inis.gov.ie/en/JELR/Pages/Irish_Refugee_Protection_Programme_(IRPP))

<sup>2</sup> UNHCR Global Trends Report, 20 June 2016.

<sup>3</sup> The Irish Refugee Council and Doras Luimní submitted [proposals for clearing the asylum backlog](#) to the Minister for Justice in December 2014.



## Models for safe and legal pathways to protection

The Irish Refugee Council proposes that the following models for ensuring safe and legal pathways be seriously considered by the Irish government:

➤ **Humanitarian Visas**

Humanitarian visas are a form of 'protected-entry procedure' which would enable asylum seekers to legally travel to Ireland to claim international protection. Lessons can be learned from other countries' experience with such visas. For example, Brazil has issued 8,450 humanitarian visas for Syrians since the start of the Syrian conflict. France and Switzerland have issued 4,122 and 4,700 humanitarian visas respectively for Syrians.<sup>4</sup>

➤ **Humanitarian Admission Programme**

These programmes consist of States admitting vulnerable and other at-risk populations to access temporary protection on humanitarian grounds. Ireland has experience of this through its Syrian Humanitarian Admission Programme (SHAP) whereby Syrians resident in Ireland sponsored relatives in Syria and the region to be admitted here. A total of 111 Syrians were admitted into Ireland under the Syrian Humanitarian Admission Programme. A further Humanitarian Admission Programme could be explored with flexible eligibility criteria in line with its humanitarian purpose. This should be extended beyond Syrian nationals to include people fleeing persecution and/or conflict from other countries.

➤ **Increase the number of people under the Resettlement and Relocation Programmes and deliver on existing commitments**

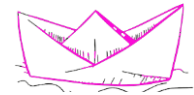
An insufficient number of people have been resettled and relocated in Ireland under the Resettlement<sup>5</sup> and Relocation<sup>6</sup> Programmes. To date, only 550 refugees out of the pledged 4000 have arrived in Ireland under the Irish Refugee Protection Programme. Despite a commitment to relocate 2,622 refugees from Greece and Italy by the end of 2017, so far only 69 have been relocated from Greece and none have been relocated from Italy. Lessons can be learnt from countries such as France, the Netherlands and Portugal who have relocated 1,756, 629 and 410 refugees respectively from Greece. There has been widespread concern expressed by Irish government and civil society alike as to the plight of an estimated 10,000 missing unaccompanied children across Europe, however, to date Ireland has relocated just

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<sup>4</sup> For further information see UNHCR, *Resettlement and Other Admission Pathways for Syrian Refugees*, 31 August 2016, available at: <http://www.unhcr.org/protection/resettlement/573dc82d4/resettlement-other-admission-pathways-syrian-refugees-updated-31-august.html>

<sup>5</sup> The Irish resettlement programme is coordinated by the Office for the Promotion of Migrant Integration (OPMI). Under this programme recognised refugees are selected from refugee camps in Lebanon, Jordan or elsewhere and brought to Ireland. Upon arrival there is a reception and integration programme in place for them and they are often referred to as 'programme' refugees.

<sup>6</sup> The relocation programme is a temporary emergency relocation scheme which was established by way of two European Council decisions in September 2015 in which Member States committed to relocate 160,000 asylum seekers from Greece and Italy. Asylum seekers under the relocation programme must still go through a refugee status determination procedure once they arrive in Ireland.



one unaccompanied child. More progress has been made with regards to resettlement, whereby 500 refugees have arrived from camps in Lebanon so far. In light of the current scale of the humanitarian crisis, the Irish Refugee Council also recommends that the amount of 4,000 refugees under two years is reviewed and a further commitment is made for more refugees to access protection in this way. All administrative and related obstacles should be reduced and/or removed to increase the efficiency of such programmes and ensure faster processing capacity of cases. Swift and effective relocation and resettlement is essential.

➤ **Private Sponsorship programmes**

Private sponsorship essentially involves individuals or community groups assuming responsibility for providing financial, social and emotional and other settlement support to a resettled refugee or refugee family for a predetermined period of time.<sup>7</sup> Ireland can gain knowledge from other States' considerable expertise in this area. For example, Germany has issued private sponsorship places for 22,216 Syrians, Italy has admitted 192 people and Canada's Private Sponsorship of Refugee Programme has offered protection to more than 275,000 refugees since its establishment in 1979. Between November 2015 and August 2016 more than 11,000 Syrian refugees arrived in Canada through private sponsorships. In July 2016 a community sponsorship scheme was also introduced in the United Kingdom.<sup>8</sup> The generous response of the Irish public so far shows that this is an option that requires special consideration.

➤ **Proactive use of the family criteria under the Dublin Regulation**

Certain criteria under the Dublin Regulation enable family reunion for asylum seekers, in particular unaccompanied children. However, these criteria are often under-utilised in practice and emphasis is often placed on assigning Member State responsibility on the basis of irregular entry, which places a disproportionate burden on States such as Greece and Italy. A more proactive use of family criteria under the Dublin Regulation should be employed along with efficient family tracing services to refugees to use this instrument to reunite with family members. Similarly, the Irish government should more frequently apply the discretionary clauses in the Dublin Regulation to enable asylum seekers to have their claim examined in Ireland for humanitarian reasons.

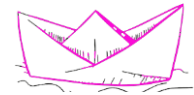
➤ **A more fair and efficient family reunification procedure**

Many families have been separated due to the refugee crisis and family reunification can play an important role in accessing protection. Preservation of the family unit also facilitates integration in the host country. In practice, the family reunification

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<sup>7</sup> See MPI Europe, *Welcoming Engagement: How Private Sponsorship can strengthen refugee resettlement in the European Union*, EU Asylum: Towards 2020 Project, December 2015.

<sup>8</sup> For further information see <https://www.gov.uk/government/publications/apply-for-full-community-sponsorship>



procedure can be lengthy with onerous documentation requirements which can leave family members for protracted periods of time in precarious situations in the country of origin or nearby region. The processing times for family reunification applications should be accelerated and a flexible approach should be taken to the criteria regarding dependency and other requirements. Furthermore, the International Protection Act 2015 introduces a number of unnecessarily restrictive requirements and omissions such as time limits on requesting family reunification and prohibiting family reunification for extended dependent family members. The Irish Refugee Council recommends that these restrictive legislative provisions are amended and that the current legal framework under the Refugee Act 1996 (as amended) is maintained.

### ➤ **Other legal channels of migration**

The use of other legal channels of migration should be further explored such as labour mobility schemes and education sponsorship programmes. For example Portugal has granted 70 academic sponsorships and France has granted 1,000 academic sponsorships for Syrian nationals.<sup>9</sup>

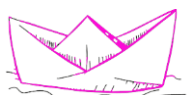
## **Going forward**

These proposals could be utilised to complement the ordinary asylum procedure, while also contributing to Ireland's EU obligations and demonstrating solidarity with other Member States. The journey does not end once refugees arrive here. It is vital that they are also supported in their new home. Therefore, these measures need to be combined with a coherent, inclusive, comprehensive integration strategy upon arrival in Ireland, part of which is effective and transparent dialogue with local communities.

The world is now facing an unprecedented humanitarian crisis. As part of that response, the Irish Refugee Council is willing and able to engage with the Irish government in further exploring the application of these recommendations and in the public debate that needs to continue.

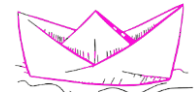
## **Irish Refugee Council**

### **Update - November 2016**



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<sup>9</sup> Some Irish universities have already demonstrated initiative with regards to refugee's access to education, such as National University of Ireland Galway which has introduced a competitive scholarship programme for asylum seekers and Dublin City University and Royal College of Surgeons Ireland who have both waived fees for exceptional asylum seeking students. However, such examples occur on a discretionary basis and should be expanded to facilitate access to protection for refugees outside of the territory. In 2015 the Irish Refugee Council also had a Education and Training Grants Scheme for asylum seekers in the asylum application process, or who have been granted refugee status, subsidiary protection and/or leave to remain.



## Appendix

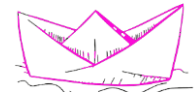
The information below sets out the basic facts to put the current crisis and Ireland's response into the global context.

### The Global Context

- Approximately 65.3 million people are displaced including at least 21.3 million refugees; One person in every 113 people globally is forcibly displaced (Source: UNHCR)
- Over half of the global refugee population consists of children
- Syria is the world's leading country of origin for refugees but conflicts have also escalated in countries such as Iraq, Yemen, South Sudan and people continue to flee persecution from countries such as Afghanistan, Iraq, Somalia and Eritrea
- The top refugee-hosting countries are Turkey, Lebanon, Iran, Pakistan and Ethiopia.

### The European Context

- 1.3 million first time asylum seekers sought international protection in Europe in 2015
- Women and children now represent approximately 46% of the asylum seeking population entering Europe;
- Nearly 90,000 unaccompanied children sought asylum in Europe in 2015. 13% of asylum seekers are unaccompanied children who are younger than 14; In 2016 so far 35% of all refugees who have reached Europe are children; Europol has indicated that there are **at least 10,000 known cases of unaccompanied children who have gone missing or disappeared in Europe but it is feared that the number missing in reality is much higher. Approximately 5,000 children are reported missing in Italy alone and in August 2016 German authorities confirmed that 9,000 children are unaccounted for in Germany**
- According to UNHCR there have been 3,740 migrant and refugee deaths in the Mediterranean Sea so far in 2016 making it the deadliest year yet.



## Ireland's Response So Far

- Ireland pledged in September 2015 to take in 4,000 people under the Irish Refugee Protection Programme over the next two years, 2,622 of which were to be taken from Italy and Greece under the European relocation scheme and 520 from Lebanon under the resettlement programme
- As of October 2016, only 569 refugees have arrived in Ireland under the Irish Refugee Protection Programme
  - **Relocation:** 69 Refugees have arrived from Greece; 0 from Italy
  - **Resettlement:** ; 500 refugees have arrived from Lebanon and the government is extending the resettlement programme in Lebanon to facilitate the arrival of a further 260 refugees in 2017.
  - 4 unaccompanied children are due to be relocated from Greece by the end of 2016.

**Europe:** 1.3 million applications for international protection

**Ireland:** 3,276 (refugee applications before ORAC in 2015)

**Lebanon:** 1.1 million

