

Safe and Legal Pathways to Protection

The challenges and opportunities for Ireland

Introduction

In 2015, the plight of refugees was brought to the top of the political agenda in Europe. The Irish Government responded with sending naval vessels to take part in search and rescue in the Mediterranean and a pledge to take in 4000 refugees from within the EU and from refugee camps in Jordan and Lebanon. Ireland has also been chosen to co-facilitate the UN General Assembly High Level Meeting on Refugees and Migrants in New York on 19 September 2016 and therefore has a special responsibility to provide strong leadership and an effective response to this humanitarian challenge.

Ireland is uniquely placed to demonstrate leadership at a crucial time in the EU and indeed in the world. To give that real and lasting substance 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.¹

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. Between 2013 and 2015,

¹ The Irish Refugee Council and Doras Luimní submitted [proposals for clearing the asylum backlog](#) to the Minister for Justice in December 2014.

France issued 2,622 asylum visas for Syrians and has pledged to issue an additional 1,500 humanitarian visas in 2016.

➤ **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**

To date an insufficient number of people have been resettled and relocated in Ireland under the Resettlement and Relocation Programmes. In light of the current scale of the humanitarian crisis, the Irish Refugee Council 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.

➤ **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.² Ireland can gain knowledge from other States' considerable expertise in this area. For example, Germany has issued private sponsorship places for 22,063 Syrians, Italy has admitted 100 people and Canada's Private Sponsorship of Refugee Programme has offered protection to more than 275,000 refugees since its establishment in 1979. 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.

² See MPI Europe, *Welcoming Engagement: How Private Sponsorship can strengthen refugee resettlement in the European Union, EU Asylum: Towards 2020 Project*, December 2015.

➤ **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 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 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 inserted into the International Protection Act 2015.

➤ **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.

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, each of these measures needs 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
World Refugee Day
20 June 2016



Appendix

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

The Global Context

- Approximately 60 million people are displaced including at least 20 million refugees
- 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, Somalia and Eritrea
- The top refugee-hosting countries are Turkey, Lebanon, Iran, Pakistan and Ethiopia

The European Context

- 1.2 million first time asylum seekers sought international protection in Europe in 2015
- Women and children now represent at least 55% 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; Europol has indicated that there are **at least 10,000 known cases of unaccompanied children who have gone missing or disappeared in Europe**
- According to IOM in 2015 there were 3,771 deaths at sea of people trying to seek protection in Europe. Approximately 2,510 people have died crossing the Mediterranean so far this year. That means around **16 people each day** are dying at sea this year.

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
- 273 refugees have been resettled so far and **only one Syrian family of 10 people** have been relocated so far from Greece with a further 31 Syrian asylum seekers expected from Greece in the coming weeks

Comparison between Ireland and Lebanon

Europe: 1.2 million applications for international protection

Ireland: 3276 (refugee applications before ORAC in 2015)¹

Lebanon: 1,088,231 (People of Concern under UNHCR Mandate 2016)¹

