

**COUNTRY  
CHAPTER**

**IRE**

# **IRELAND**

**BY THE GOVERNMENT OF IRELAND**

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## Ireland Overview

Resettlement programme since: <b>1999</b>	Selection Missions: <b>Yes</b>	Dossier Submissions: <b>Yes</b>
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### Resettlement Admission Targets for 2011:

Admission targets for <b>UNHCR submissions</b> :	<b>24</b>
Total Resettlement Admission Target:	<b>34</b>

### Regional Allocations for 2011:

Africa	
Asia and Pacific:	
Middle East and North Africa	24
Europe:	
Americas:	

### Sub-quota features:

Designated sub-quota/acceptance for:	2011 Description, additional comments:
Emergency resettlement procedures	nil
Medical cases	Medical cases are accepted on a dossier basis
Women-at-risk cases	No specific target. Women at risk cases will be accepted as part of the quota.
Unaccompanied children	nil
Family Reunion (within programme)	The admission of any additional family members is at the discretion of the Minister for Justice and Law Reform following consultations with the Minister for Foreign Affairs and the UNHCR.

## 1. Resettlement Policy

1. Ireland's resettlement programme is currently under review.
2. The **Department of Justice and Law Reform** has responsibility for resettlement policy.
3. The decision regarding the country of origin/country of first asylum is taken by the Minister for Justice and Law Reform in consultation with the **Department of Foreign Affairs** and the UNHCR.

## 2. Criteria for Recognition of Refugee Status Eligibility: Asylum and Resettlement

### 2.1 National legislation defining refugee status eligibility

Persons admitted into Ireland under the resettlement programme are not granted 1951 Convention status. They are granted the status of "programme refugee".

Section 24 of the **Refugee Act 1996**, as amended, states that:

(1) “a **“programme refugee”** means a person to whom leave to enter and remain in the State for temporary protection or resettlement as part of a group of persons has been given by the Government and whose name is entered in a register established and maintained by the Minister for Foreign Affairs, *whether or not such a person is a refugee within the meaning of the definition of “refugee” in section 2.*”

From a policy point of view, persons that do not satisfy the Article 1F of the Geneva Convention are not accepted for resettlement.

## 2.2 Distinction between refugee status criteria for asylum-seekers, and that for resettled refugees

An asylum seeker must satisfy the 1951 Convention criteria as set out in Section 2 of the Refugee Act.

Section 2 states that “a refugee” means a persons 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, but *does not include a person who –*

- (a) is receiving from organs or agencies of the United Nations (other than the High Commissioner) protection or assistance
- (b) is recognized by the competent authorities of the country in which he or she has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country,
- (c) there are serious grounds for considering that he or she:
  - i) has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes.
  - ii) has committed a serious non-political crime outside the State prior to his or her arrival in the State, or
  - iii) has been guilty of acts contrary to the purposes and principles of the United Nations.

## 3. Criteria for Resettlement

### 3.1 Resettlement Eligibility Criteria

(Please see Section 2 of the Refugee Act 1996 as amended in the previous Section):

- (a) Does the applicant require resettlement? Have all other options been explored including repatriation and local integration?
- (b) Applicants for resettlement must meet the definition of a **“programme refugee”** as defined in Section 24 of the Refugee Act 1996, but do not have to satisfy the Geneva Convention requirements. (See 2.1 above.)
- (c) Priority is given to cases with legal or physical protection needs.
- (d) Ireland requires a "balanced" caseload. This may include persons with disabilities, women and children at risk, special needs cases but must also include community leaders and, where possible, a spiritual leader.

- (e) Having satisfied a) and b) above, other issues may influence the decision to accept a case for resettlement:
- i) Medical cases must be referred to the Health Service Executive to confirm that the health matter can be effectively treated in a timely manner.
  - ii) Persons with special educational needs must be referred to the Education Authorities for approval.
  - iii) While integration potential is not a primary consideration, the applicant and family members must indicate a willingness to participate in their own resettlement and integration following resettlement and must accept that Irish Law takes precedent over religious or cultural practices.
  - iv) Ireland does not accept unaccompanied children.
- (f) The following will cause a case to be rejected:
- i) exclusion by reference to Article 1F of the Geneva Convention;
  - ii) a threat to public order or national security;
  - iii) serious concerns regarding an applicant's declared identity or that of his/her family members or their stated relationship;
  - iv) serious concerns or discrepancies in the applicants' claim.

### 3.2 Admissibility criteria

- (a) Applicants must have a valid travel document i.e. a current national passport or a travel document issued by either the country of first asylum or the International Committee of the Red Cross.
- (b) Applicants must have a valid entry visa. This is issued by the appropriate Irish Embassy.

### 3.3 Other humanitarian immigration programmes

In exceptional circumstances, the Irish Government may enter into bilateral arrangements with other Governments for resettlement purposes.

## 4. Resettlement Allocations/Processing Priorities

### 4.1 Resettlement allocations including sub-quotas

The 2010 quota was for the admission of 50 persons which included provision for 5 medical cases. No decision has been taken with regard to the 2011 quota.

The quota provides for the inclusion of all nuclear family members in the initial application. i.e. spouse, dependent children under 18 years of age, dependent unmarried children over 18 years of age and dependent parents/ grandparents providing they have been residing with the applicant.

### 4.2 Processing priorities

Ireland accepts refugees identified as priorities for resettlement by UNHCR while taking account of national considerations. No other agencies are involved in referral.

### 4.3. Non-UNHCR allocations

In exceptional circumstances, Ireland may accept cases following bilateral consultations with other governments

## 5. Submission and Processing via Dossier Selection

### 5.1. Dossier (RRF) submission policies

All RRFs should be submitted to the Resettlement Unit, Department of Justice and Law Reform and copied to the Department of Foreign Affairs. Contact details will be provided for each of the above at the time the caseload is being considered.

Each RRF is examined to ensure that Ireland can offer a durable solution to the applicant. Applications are submitted to the other Government Departments or Service providers as considered appropriate e.g. cases with serious medical issues are referred to the Health Service Executive and special needs cases may be referred to the Department of Education and Skills for consideration.

### 5.2. Case documentation

Ireland prefers the long form of the Refugee Referral Form (RRF).

Details of all of the nuclear family members that require resettlement should be included in the initial application. Family reunification post resettlement is very limited. Details of all other family members should be included in Section 3. This may be required later where an application for family reunification is submitted.

Care should be taken to ensure that there are no gaps or conflicts with regard to the "refugee claim".

RRFs for medical cases should include a recently completed (last two months) Medical Assessment Form (MAF).

The RRF should be signed by the applicant and all persons 16 years or over. The exclusion clause (Article 1f) should be considered for all persons 16 years or over included in the application.

When completing the RRF, every effort should be made to confirm with the primary applicant that names are in the correct order and spelled correctly. The RRF should include information on how identity is certified. Where conflicts in information arise, this conflict must be explained.

The RRF should include the current medical status of the applicant and all family members included in the application and should include details of the children's vaccination history.

### 5.3 Routing of Submissions

Dossiers should be submitted to the Resettlement Unit, Department of Justice and Law Reform and copied to the Department of Foreign Affairs. Contact details will be provided when the caseload is being considered.

Once a decision has been made the UNHCR is advised and the International Organisation for Migration (IOM), through its Dublin Office, is requested to carry out health screening, secure travel documents and visas and to make the necessary travel arrangements. A minimum of four weeks notice of departure is requested.

### 5.4 Processing times

#### From reception to decision:

- For normal cases, it takes up to 3 months to make a decision.
- Decisions can be taken for urgent medical cases in approximately 4 weeks.

In exceptional circumstances, where additional information is required by either the medical professionals or by the case processing team, these periods may be extended. For example, out of date MAFs or gaps in the claimant's story may result in delays in decision making.

**From decision to departure:**

In general, once a decision is indicated, the transfer of the refugees may take place within 12 to 16 weeks of conveying the decision to UNHCR. This lead-in period may be reduced to 4 - 6 weeks for medical cases.

Four weeks prior notice of transfer is required by the Irish authorities. Delays may occur due to securing medical screening and treatment where appropriate, securing exit visas and travel documents or where the applicant is "not ready" to depart.

**5.5 Recourses, appeals**

Not applicable.

**6. Submissions and Processing via In Country Selection****6.1 Selection Mission Policies**

Three months in advance of a selection mission, a long form RRF must be submitted for each applicant referred for resettlement.

Selection mission locations are decided in consultation with the UNHCR.

The interview team usually consists of three persons - two drawn from the Resettlement team and one from the Garda National Immigration Bureau.

UNHCR support may be requested:

- to acquire appropriate in-country permissions/ camp permissions as appropriate;
- to organise interview venues - including equipment such as photocopier/ electricity;
- to organise interpretation staff;
- to transfer refugees to the interview venue where appropriate;
- to assist with organising transport for the interview team to an interview location/camp;
- to organise lunches and beverages for staff and interviewees as appropriate; and
- depending on the location, accommodation may be required.

Costs for all of the above are covered by the Irish Government.

The Interview teams meet with the UNHCR and IOM for pre and post Interview briefings.

**6.2. Case documentation and routing of submissions**

The long form RRF should be submitted, including MAFs where medical cases are included. At time of interview, medical cases will not be accepted for interview unless the extent of the medical issue or disability has previously been flagged in the RRF. RRFs should be submitted for consideration as per Section 5.

**6.3 Processing times and procedures**

Three months processing time is required between the submissions of RRFs to carrying out the Mission.

The Irish Government covers the transfer costs of the nuclear family only.

A brief introduction is provided to the applicants and their families prior the interviews taking place. This is designed to inform the applicant of the interview process, reduce stress and to allow for Q & A.

All members of the family being resettled must attend for interview.

Persons 12 years and over are interviewed separately initially - short interview.

All persons listed on a single application must also present for interview together - up to 2 hours.

All persons attending for interview should provide copies of their documentation to the interview team (identity documents, health, education certificates, evidence of trade or skill etc.)

The interview process provides an opportunity:

- to check information provided in the dossier and to correct any incorrect data;
- to ascertain the full extent of a family, their status and location;
- to "hear" the applicant's story and that of the family;
- to impart information on the resettlement process - including rights and responsibilities and to manage expectations - theirs and ours;
- to gather information which may not be available on the Refugee Resettlement Form; and
- to gather information that may assist service providers post arrival.

#### **6.4 Decisions**

Applications found not to be credible are recommended for exclusion from resettlement.

Decisions are not taken at the time of interview.

Each case is further examined on return to the Head Office. Special needs and medical cases are referred to various Government Departments/agencies for consideration. Some cases may be referred for security clearance. In due course a submission is prepared for Ministerial approval.

As the nuclear family is included at the time of application, there is restricted access to further family reunification post resettlement. It is therefore essential to establish the full extent of the immediate and extended family – children, stepchildren, siblings and stepsiblings, parents, former spouses etc. at the time of interview.

#### **6.5 Information sessions during selection missions**

At the end of the Interview process, the Resettlement Team presents a series of information sessions to the refugees (approx 2 days) that were interviewed. These sessions include general information about the resettlement process, Ireland's lifestyle and culture, information on the rights and entitlements of resettled refugees in regard to access to health, education, income, employment freedom of movement etc. Some sessions will include the whole family while others will be presented to men, women and teenagers separately. Time is allowed in each case for Q & A.

### **7. Emergency Cases/Urgent Cases**

Ireland does not accept emergency cases.

With regard to urgent cases, once the quota is approved, provision is included for 5 urgent medical cases per year.

The long form RRF should be submitted to the Resettlement Unit of the Department of Justice and Law Reform and copied to the Department of Foreign Affairs. Contact details will be provided for each of the above at the time the caseload is being considered.

Processing time for urgent cases is generally 4 weeks from receipt of RRF to decision. This may be extended if the MAF is out of date or where there are gaps in information which cause a request for additional information.

Generally transfer can occur within 4 weeks of a decision. Delays may occur where exit visas or travel documents are required. Entry visas can be arranged without undue delay.

For Case documentation and routing of RRFs please see Section 5.

## 8. Special Categories/Special Needs

Ireland accepts a balanced caseload that may include persons with special needs, women and children at risk and urgent medical cases but should also include community leaders and, where possible, a spiritual leader.

There is one procedure for submission of RRFs for all cases - as set out in Section 5.

## 9. Medical Requirements

### 9.1 Screening procedures and health criteria

The Irish Health Services requires a full medical history of each person included in the application with particular emphasis on vaccination history for children and pregnant women.

Persons with a medical condition should travel with 1 month's medication.

Medical reports, x-rays, a list of current medication, and relevant information on current status of treatment should be carried by the patient (or his/her guardian). This should be presented to the Doctor on arrival.

In addition, information about any significant cultural or religious issues, past/current mental health issues and treatments should be included.

The IOM is requested to carry out the following screening tests for all caseloads. Any medical issues .e.g. T.B. that could cause a threat to public health must be treated before departure. Supervised treatment is preferable. The IOM must issue a fitness to travel certificate before transfer.

#### **Mandatory Health Screening for All Refugees - Adults and Children:**

- 1) Hepatitis B
- 2) Hepatitis C
- 3) Full Blood Count
- 4) Tuberculosis (TB)
- 5) Malaria.
- 6) Varicella Zoster
- 7) Mumps

#### **Tests for Adults only:**

- 1) Sexually Transmitted Diseases
- 2) Rubella (females of child bearing age only).

Other tests specific to a region may be requested from time to time.

#### **Procedure**

- RRFs with associated up to date MAFs are submitted by the UNHCR to the Departments of Justice and Law Reform and copied to the Department of Foreign Affairs. Contact details will be provided at the time the caseload is being considered.



- The Health Service Executive and/or the Department of Education and Skills are consulted.
- For medical cases, a treating Consultant and receiving hospital are nominated.
- UNHCR & IOM are advised of the outcome and where a positive decision exists IOM is requested to make immediate transfer arrangements.
- In consultation with the UNHCR the IOM completes the appropriate health screening and pre-embarkation "Fitness to Travel" assessments and flight arrangements.
- IOM notifies the Resettlement Unit of the arrival details.

Reasonable costs for screening and treatment must be agreed in advance and are covered by the Irish Government.

## 10. Orientation (pre-departure)

On the two days following the interviews, the interview team will present a series of sessions on life and culture in Ireland to all refugees interviewed for resettlement. The objective is to allow the applicant and family members to make an informed decision as to whether they wish to come to Ireland for resettlement and what that involves for them.

The series of presentations cover issues such as the resettlement process, when a decision can be expected, lifestyle and culture, rights and responsibilities, management of unrealistic expectations, the education system, access to health services, housing, income, employment, their expectations and ours. Some of the sessions are delivered to the whole group. Others are presented to men, women and teenage children separately.

Each session allows for a Q & A period.

The group is given a broad outline of the decision making process, timescale for decision making and possible timescale for transfer. The presentation team stresses that attendance at the Orientation talk is not an indication of selection for resettlement.

While assistance may be required to arrange a venue and services for the orientation presentation, all costs are covered by the Irish Government.

## 11. Travel

The IOM make the necessary arrangements for movement and transfer of refugees selected for resettlement in Ireland. This includes transport, transit visas, and entry visas, in-transit support and assistance, medical escorts, flight arrangements, fitness to travel examinations etc from point of departure to port of arrival.

Costs are covered by the Irish Government as agreed in advance of each movement between the Department of Foreign Affairs and the IOM.

## 12. Status on Arrival and the Path to Citizenship

### 12.1 Immigration status on arrival

The status of a person admitted under the Resettlement programme is "**programme refugee**" as provided for in Section 24 of the Refugee Act 1996, as amended. Programme refugees have, in general, the same rights and entitlements as a person granted refugee Status under the Geneva Convention.

### 12.2 Documentation issued, including travel documents

Programme refugees must apply for a Garda (Police) National Immigration Bureau (GNIB) Registration Certificate on arrival.

### 12.3 Process for regularization of status, including requirements and timeframes

Subject to the usual immigration and travel document processing procedures, a programme refugee may apply for a travel document identifying the holder thereof as a programme refugee. Generally, a programme refugee is issued with a Geneva Convention document.

### 12.4 Documents issued to children born after arrival but before naturalization of their parents

Children born in Ireland to a programme refugee may apply for Irish citizenship upon birth. An Irish born child does not confer any rights on the parents.

### 12.5 Details on the requirements, costs and timelines for citizenship

Programme refugees may apply for Irish Citizenship after three years continuous residency in the state.

## 13. Domestic Settlement and Community Services

### 13.1 Reception and Orientation:

One of the interviewing team generally meets the refugees at the airport.

Single cases are placed in a reception centre for a short period before being resettled in private rented accommodation in the community. Generally, individual cases are resettled in a major city, Dublin, Cork, Limerick, Galway where they receive direct support from the resettlement team.

Group arrivals, e.g. those refugees accepted following a selection mission are placed in a reception centre for a period of 8 - 12 weeks where they participate in a cultural orientation and language training programme to prepare them for independent living in the community. This allows the new arrivals the opportunity to adjust to their new environment before moving to their new home. Groups are generally resettled in rural towns or small cities. The cultural orientation programme builds on the introduction programme presented during the two days post interview.

For group arrivals, the national resettlement team work very closely with the receiving community for approximately 9 months prior to arrival to ensure that they are prepared to receive the group and are aware of any special needs.

It is recognised that the early days of resettlement can present exceptional challenges to service providers. Therefore, where required, funding for special targeted initiatives may be provided during the first year post resettlement to ensure that the immediate needs of the resettled refugees can be met. Ireland has a mainstream model of integration and every effort is made to move from targeted initiatives to mainstream service provision within the first year post arrival.

The Local (Municipal) Authority acts as coordinator at a local level, identifying and bringing together all of the appropriate local actors. An **Inter-agency Resettlement Steering Group** is set up, drawn from the mainstream service providers. The Resettlement Steering Group identifies a local implementing partner to work directly both the new arrival and the service providers to ensure services are provided appropriately. The implementing partner will support the new arrivals by promoting participation in local activities and encouraging local organisations to proactively welcome the new arrivals. In some cases, a cross-cultural worker may also be employed to support the early resettlement process. The national resettlement team continues to provide support and guidance for as long as it is required.

**Language and cultural orientation training** is provided for all adults for up to 20 hours per week for the first year post resettlement. This period may be extended in exceptional circumstances. Children are integrated into age appropriate classes in local mainstream

schools at both primary and post primary level. English language classroom supports are provided.

Funding may also be sought from the European Refugee Fund to support resettlement activities.

## 14. Family Reunification of Refugees

### 14.1. Definition of a family

The definition of family is set out in Section 18 of the Refugee Act 1996 as amended. See extracts below.

(3) (a) ...if, after consideration of a report of the Commissioner submitted to the Minister under *subsection (2)*, the Minister is satisfied that the person the subject of the application is a member of the family of the refugee, the Minister shall grant permission in writing to the person to enter and reside in the State and the person shall be entitled to the rights and privileges specified in *section 3* for such period as the refugee is entitled to remain in the State.

In *paragraph (a)*, "**member of the family**", in relation to a refugee, means—

- (i) In case the refugee is married, his or her spouse (provided that the marriage is subsisting on the date of the refugee's application pursuant to subsection (1));
- (ii) In case the refugee is, on the date of his or her application pursuant to subsection (1), under the age of 18 years and is not married, his or her parents; or
- (iii) A child of the refugee who, on the date of the refugee's application pursuant to subsection (1), is under the age of 18 years and is not married.

(4) (a) The Minister may, at his or her discretion, grant permission to a dependent member of the family of a refugee to enter and reside in the State and such member shall be entitled to the rights and privileges specified in section 3 for such period as the refugee is entitled to remain in the State.

(b) In paragraph (a), "**dependent member of the family**", in relation to a refugee, means any grandparent, parent, brother, sister, child, grandchild, ward or guardian of the refugee who is dependent on the refugee or is suffering from a mental or physical disability to such extent that it is not reasonable for him or her to maintain himself or herself fully.

From a resettlement point of view, the definition of "**nuclear family member**" is slightly broader in so far as unmarried children over 18 years of age may also be included. The nuclear family is defined as the spouse, dependent children under 18 years of age, dependent unmarried children over 18 years of age and dependent parents/ grandparents providing they have been residing with the applicant. It is recommended that the nuclear family, as defined above, particularly children under 18 years and **unmarried children over 18 years, are included in the primary application**, even when the dependents are not currently resident with the applicant (having been separated due to conflict or circumstances beyond their control) and where it is known that the family wish to be reunited in the short term post resettlement. Where the family member is included in the primary application, they are included in the quota and costs of transfer are covered by the Irish Government.

### 14.2 Routing of applications

It is expected that a very low level of family reunification applications for any additional family members will be lodged. Applications for family reunification for additional family members should be submitted by the programme refugee to the Irish Naturalisation and Immigration Service (INIS) and approval is at the discretion of the Minister for Justice and

Law Reform (see 8 below). Where cases are approved, the costs of transfer remain the responsibility of the applicant.

### 14.3 Status of family members on arrival

Persons admitted under family reunification arrangements have, in general, the same rights and responsibilities as the applicant. Persons admitted under family reunification do not themselves have family reunification rights.

Where a person is included in the initial application, their status on arrival is "**programme refugee**" and they receive support from the resettlement team or local support group on arrival.

Where a refugee applies for the admission of an extended family member under family reunification arrangements, the applicant refugee is expected to be in a position to support the family member on arrival.

## 15. References/Resources

Refugee Act 1996- <http://www.irishstatutebook.ie/1996/en/act/pub/0017/>