



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Ireland

Planning Year: 2006

2006 COUNTRY OPERATIONS PLAN FOR IRELAND.

Part 1: OVERVIEW

1. Protection and socio-economic operational environment

At the end of 2004 there were a total of 7,201 refugees recognised in Ireland. There were 3,696 pending asylum claims in the asylum system. The numbers of asylum-seekers in the first months of 2005 indicate that new asylum applications may remain stable or slightly reduce in 2005. All asylum-seekers have access to the territory and the asylum procedure. Ireland does not generally pursue a policy of detaining asylum-seekers during the asylum process. Asylum claims made at Ireland's borders are by law and in practice referred to the independent first instance of the Office of the Refugee Applications Commissioner (ORAC). Independent asylum institutions for both first instance (ORAC) and appeal instance, the Refugee Appeals Tribunal (RAT), are firmly established. Asylum-seekers have access to quality legal representation as soon as they enter the asylum procedure, through the Refugee Legal Service (RLS) which was set-up under the Legal Aid Board. There is no indication that this policy will change. Processing times and backlogs have been steadily reduced over the past year as a result of prioritisation of certain caseloads and an overall reduction of 40% in new asylum applications. The Government is actively considering establishing a single asylum procedure in which all protection needs would be assessed. Currently, complementary protection needs are assessed within a separate procedure in conjunction with deportation proceedings. In recent years, UNHCR has been actively co-operating with the main asylum institutions in building technical capacities through refugee law training activities, including a 2-year RSD pilot project involving on-the-job-training and mentoring of eligibility officers and decision-makers. Key focal points for training in all institutions have been duly trained by UNHCR through Training of Trainer (ToT) modules and in the case of the ORAC focal point, through a six month secondment to UNHCR Ireland in 2004/2005. A proposal for a single Refugee Status Determination/Refugee Law training function/facility has been submitted by UNHCR Ireland to the Department of Justice, Equality and Law Reform for consideration. The establishment of such a training programme would effectively consolidate the high level of expertise that has developed both within and outside the asylum procedure domestically in Ireland over the past four years.

Ireland has changed significantly in recent years from being a country of emigration to one of immigration. While 4,770 asylum-seekers registered in 2004, some 88,000 migrants were re/issued with work permits in the same period. On 1 March 2005, the Government approved the establishment of the Irish Naturalisation and Immigration Service (INIS). INIS will be an executive office within the Department of Justice, Equality and Law Reform (DJELR) and the objective is to provide a one-stop-shop approach to migrants with the view to providing a single access point for migrants and also to consolidate the capacity for responding more efficiently and timely to market demands. In addition, the Service will incorporate asylum, immigration and citizenship and a new unit called the "Immigration Integration Unit" to promote and coordinate social and organisational measures across the whole spectrum of Government, for the acceptance into Irish economic and cultural life of legal migrants. The overall effectiveness of the new service will be reviewed within 2 years.

In addition to asylum-seekers and other migrants, there is a process currently underway to regularise the stay of persons potentially eligible to apply for residency based on a child born

in Ireland (children born prior to 2005 were eligible for automatic citizenship). An estimated 14,000 persons may seek to stay in Ireland. The processing of these applications is scheduled to be concluded in 2005. Children born in Ireland to non-national parents no longer enjoy automatic citizenship following the enactment of a new Citizenship and Naturalisation Act in January 2005.

In Ireland, recognised refugees enjoy the same rights as Irish citizens, while asylum-seekers are required to reside in designated reception centres. Despite UNHCR Ireland and NGO lobbying, asylum-seekers do not have the right to work and there is no indication that the Government will follow the EU Reception Directive. Ireland opted-out of the EU Reception Directive. Several Government initiatives through the Reception and Integration Agency (RIA) are ongoing at the time of reporting and it is anticipated that refugee integration programmes will be piloted and implemented in stages over the coming years.

A National Plan of Action against Racism was launched in January 2005 which provides a blueprint for Government anti-racism policy across all Departments. A process of consultations on the implementation of the Plan of Action is scheduled in early 2005 and it is anticipated that visible actions will be undertaken by all stakeholders to institutionalise anti-racism measures in the coming years.

While there have been reports of racially motivated crimes and incidents, in particular around the 2004 national referendum on citizenship, such reports remain low compared to other EU countries, but there is no room for complacency in Ireland as the country continues to change from a country of emigration to one of immigration. Irish media reports are on the whole balanced and less sensationalist than similar media in other EU countries.

With a reduction of overall numbers of asylum-seekers, it is anticipated that the Government will announce an increase in its resettlement quota in 2005 as part of Ireland's growing commitment to sharing responsibility and finding solutions for refugees, fully in line with the Agenda for Protection and Convention Plus. It is further hoped that Ireland will consider funding initiatives under UNHCR's Convention Plus for enhanced protection in regions of origin as a way of complementing Ireland's own asylum process.

Ireland has acceded to the 1954 Convention relating to the status of stateless persons and the 1961 Convention on the reduction of statelessness. So far the number of stateless persons has been limited. The new Irish Citizenship and Naturalisation Act includes reference to the Conventions and Ireland's obligations. There is however currently no special procedure to deal with statelessness and UNHCR Ireland will seek to promote the establishment of a specialised unit within the new INIS with the offer to train and assist with technical issues. Refugees can apply for citizenship upon three years residency in Ireland.

Ireland remains a strong and committed member of the United Nations and the European Union. It remains a committed model donor to UNHCR and further serves as a model to new EU Member States. Ireland is committed to reaching 0.7% of its GNP for ODA by 2013. Ireland's ODA is currently at 0.48% and is expected to increase considerably over the coming three years. A White Paper process will be completed in 2005, which shall have significance for Ireland's priorities and the future of its ODA programme. Ireland's economy remains strong and there are no indications of a downturn.

UNHCR Ireland was established as a Liaison Office to UNHCR UK in April 1998 in response to growing numbers of asylum seekers in Ireland. UNHCR Ireland has effectively operated independently of UNHCR UK since July 2001. In 2002 UNHCR Ireland was officially emancipated from UNHCR UK. Ireland is in European terms a relatively new destination for asylum-seekers and refugees and the rationale for UNHCR's presence has been to act as a partner/advisor to the Irish Government in both institutional capacity building and policy development in the area of asylum. Public information and awareness building has complemented UNHCR Ireland's protection objectives through collaborations with Government, NGO/RCO and initiatives with a National Consultative Committee on Racism and Interculturalism. In addition, UNHCR Ireland has been part of the European UNHCR office network in lobbying and liaising with the Irish Government during the negotiations on the finalisation of the EU asylum acquis. UNHCR Ireland has had limited technical input into liaising on matters around Ireland's funding, but has provided valuable updates to Donor Relations and Resource Mobilization Service (DRRMS) enabling it to actively pursue opportunities within the Irish ODA programme.

2. Operational goals and potential for durable solutions

The Goals have been selected from the Europe Bureau Goals.

The main operational Goals in Ireland are:

- 1: Persons seeking asylum have access to the territory
- 2: The quality of the asylum system is safeguarded and misuse of Ireland's asylum procedures is avoided
- 3: Asylum system and practice are responsive to issues of gender and age
- 4: Xenophobia and racism towards refugees and asylum seekers decreases and the effective integration of refugees is undertaken
- 5: Asylum policies are informed by a spirit of solidarity and burden-sharing
- 6: Refugee protection in the EU is enhanced (with Ireland) through the promotion of a common asylum system that conforms to international standards
- 7: Statelessness is reduced and effective solutions for stateless persons are identified
- 8: Strengthened support is provided to UNHCR programmes and activities worldwide

Minimal transposition is expected in Ireland as many of the standards in the Irish Refugee Act offer greater protection to refugees than those proposed in the various EU Directives. UNHCR will nevertheless follow closely Ireland's plans for any measures proposing to transpose the EU Directives on asylum. UNHCR will also work in partnership with Ireland in preparation for the Hague Programme and common standards.

The UNHCR operation will implement activities for refugee women and gender equality by lobbying for the application of best practice standards in the treatment of refugee women and female asylum-seekers, to ensure that the asylum procedure and reception measures cater for their needs. UNHCR will continue to monitor the application of the Geneva Convention and the application of the Refugee Act in relation to gender, and also promote UNHCR's gender guidelines. UNHCR Ireland will continue to strengthen contacts with key Irish women groups to promote long-term policies in favour of refugee women and their integration in Ireland, while also working with NGOs dealing with trafficking to counter and ensure protection of vulnerable refugees. The UNHCR operation will implement activities in favour

of refugee children and adolescents by monitoring the implementation of the Separated Children in Europe Statement of Good Practice standards, including ensuring that children and child-specific forms of persecution continue to be included in national RSD training curriculum and through monitoring of RSD to ensure a child-friendly procedure, including child-sensitive application of the refugee definition. In addition, UNHCR Ireland, as an observer in the cross-Departmental committee on refugee children, will promote durable solutions, interim care and family tracing. UNHCR Ireland will continue to focus its attention on re-uniting separated children, their access to the asylum procedure, role of health boards and establishment of measures to further protect the best interests and security of the child. As regards refugees with special needs and older refugees, UNHCR will ensure that special attention is paid to refugees with special needs in national RSD curriculum and practice as well as facilitate SPIRASI training on interviewing techniques for refugees, asylum-seekers, survivors of torture and also the need for accurate medico-legal reports in this area.

There is a growing scope for finding solutions of refugees through resettlement to Ireland. With the hope of a possible increase in the Irish resettlement quota in 2005 and potentially further increases in future years, Ireland may evolve as a significant partner for UNHCR in this area. Ireland's commitment to adapt best practise in the integration of resettled refugees, as demonstrated in the joint Irish-Finnish project "More" in 2004/2005, may well provide models for a successful policy in the area of refugee integration. Other activities, including a national plan of action against racism, provide a solid base for the institutionalisation of general integration programmes for refugees recognised in Ireland. These are good initiatives that are likely to foster a greater potential for durable solutions for refugees. The successful integration of refugees may however be overshadowed by challenges that the integration of non-refugees, permitted to remain, may entail. UNHCR Ireland, while not directly concerned with migrants, will therefore have a vested interest in promoting integration measures of benefit to all non-nationals. It is expected that the general public will continue to make no distinction between refugees and other non-nationals. It is anticipated that several integration initiatives will be tested in 2005 and rolled out in 2005/2006. UNHCR will complement activities undertaken by the Government, in particular to secure a positive environment for the future of refugee protection in Ireland.

In Ireland, there is currently no special procedure to deal with statelessness, but UNHCR Ireland will seek to promote the establishment of a specialised unit within the new INIS with the offer to train and assist with technical issues.