The mission of the Jesuit Refugee Service (JRS) is to accompany, to serve and to advocate the cause of refugees and forcibly displaced persons worldwide. JRS programmes are found in over 50 countries providing assistance to refugees in camps, to people displaced within their own country, to asylum seekers in cities and those held in detention. JRS Ireland works primarily in the areas of asylum seeker support, integration, detention and advocacy.
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Foreword

Reverend Leonard Moloney SJ, Irish Jesuit Provincial

Despite the fact that the world has for the most part turned its attention elsewhere, thousands of refugees, men, women and children, who have little or no alternative, continue to risk their lives as they travel across the Mediterranean on unsafe boats in a desperate attempt to reach Europe. More than 1,500,000 people have taken such a risk since the beginning of 2015. Of these, the shocking total of almost 12,000 did not survive the hazardous journey.

In 1980, it was the similar plight of the Vietnamese boat people, forced by war to undertake such journeys in flimsy vessels on the open sea that inspired the then Jesuit General, Father Pedro Arrupe, to found the Jesuit Refugee Service (JRS) as a global response to that crisis. The aspiration of JRS is to be hospitality in action, to walk with, accompany and advocate for those who are most vulnerable, people caught up in or seeking to flee from situations of conflict, those on the move. The mission is to be ‘at the frontiers of humanity’, giving priority to needs which are the greatest and to which others are not attending. Such a mission has an enduring relevance for the present EU refugee crisis.

Sharing Responsibility, Saving Lives: Reframing Ireland’s Response to the EU Refugee Crisis and Beyond is the work of the Irish national office of JRS. It combines careful and detailed analysis of the facts and figures of the crisis with a passionate call for action in a global and regional context and, very particularly, from Ireland itself.

Ireland has its own unique folk-memory of its people having to take to the high seas in search of refuge and safety. The experience of tens of thousands perishing on so-called coffin ships when fleeing from the Great Famine is a terrible part of our story and past generations of Irish people have had to flee their own country through the centuries to escape injustice, persecution and conflict here and find a welcome elsewhere. How can we be unresponsive now to others in a similar plight?

Moreover, the Gospel call to ‘welcome the stranger’ (Matthew 25,35) is a special challenge. Pope Francis has been unequivocal about the moral imperative to respond to the needs of refugees and forced migrants. His first visit as Pope outside Rome was to the island of Lampedusa, the European arrival point for people trying to cross the Mediterranean from North Africa. Addressing the Council of Europe in 2014, he foresaw the dangers of a failure among EU member states on the issue: ‘We cannot allow the Mediterranean to become a vast cemetery’. Over the following three years, around 12,000 people were reported dead or missing in the Mediterranean.

The following year Pope Francis called on every parish, every religious community, every monastery and sanctuary in Europe to host a refugee family: ‘Faced with the tragedy of tens of thousands of refugees who are fleeing death by war and by hunger, and who are on a path toward a hope for life, the Gospel calls us to be neighbours to the smallest and most abandoned, to give them concrete hope’. Responding to the plight of migrants remains an enduring theme of his papacy, Francis continually uses his global status and the moral authority of his office to focus attention on this terrible crisis and the associated human suffering.

We in Ireland have often expressed a desire to do more in this situation. We can overcome the many practical and policy challenges, including the housing crisis here, to respond even more generously and honour fully our outstanding commitments made by this country under EU programmes. For Christians, this is a particularly urgent imperative. Failure to act more effectively is a blight on the conscience of all.

Sharing Responsibility, Saving Lives most valuably underpins and amplifies this challenge. In the words of one of my predecessors as Irish Jesuit Provincial, John Dardis, now himself an Assistant to Father General Arturo Sosa in Rome, in a letter he wrote to European Jesuits and their co-workers in 2015: ‘Let us together try to help our continent and our societies to meet this challenge and be Christian not just in name but in fact’.

Leonard Moloney SJ
Provincial, Society of Jesus in Ireland
SECTION A: INTRODUCTION

“I cried for 24 hours, every day...I have no mother and no father. I am alone.”

– Amina
1. Overview

1.1 Reframing Ireland’s Response

The European Union (EU) refugee crisis has represented the greatest challenge to the values of the European Union since its inception. The scale of human need is unprecedented; since 2015 one and a half million men, women and children have taken to the seas, often in unsafe and unseaworthy boats, seeking refuge and protection in Europe. In the last three years more than ten thousand did not make it. This reality is not acceptable and demands a national, regional and global response from Ireland.

This paper’s title, Sharing Responsibility, Saving Lives, highlights the two key challenges:

a. A call to save life and to intervene when human life is at risk. In the context of the EU Refugee Crisis this goes beyond a naval response. States must offer access to protection and refuge.

b. A more equitable and fair distribution and sharing of responsibility across EU Member States, responding appropriately to the scale of the humanitarian and longer-term protection needs of those arriving and rescued from sea, in a way that respects their human dignity.

This paper critically analyses Ireland’s response to date. Following the conclusion of the first phase of the Irish Refugee Protection Programme (IRPP) in December 2017, we consider its effectiveness, scope, scale and impact. The practical and the political barriers to delivery of this programme will be explored. The paper seeks to hold Ireland to account for the public commitments made. Evidence-based recommendations address gaps in delivery in Ireland’s response. The recommendations seek to inform policy and practice going forward, prioritising the preservation of life and equitable sharing of responsibility for people seeking refuge in the EU.
1.2 Scope of Paper

The objectives of *Sharing Responsibility, Saving Lives: Reframing Ireland’s Response to the EU Refugee Crisis and Beyond* are:

1. To explore and understand the scale and scope of the EU Refugee Crisis.
2. To analyse Ireland’s response to date and assess its effectiveness and adequacy in face of the scale of human need.
3. To ensure that there is fairness and equity in the way cases are processed and supports provided to all persons who seek the protection of the Irish State.
4. To consider emerging challenges facing Ireland and the EU in responding to the crisis and to identify gaps in those responses.
5. To develop evidence-based recommendations that inform the policy and humanitarian response of the Irish Government, taking into account our emigration history and values.
6. To advocate for greater partnership with civil society and faith based organisations in order to enhance their role in the response of the Irish Government to the crisis.

The period under analysis in this paper relates to the 27-month period from the end of September 2015 to the end of December 2017 when the IRPP was initially operational.

“Behind the labels and metaphors there are real people, with names and faces.”

1.3 Journeys of Hope: Humanising the Crisis

Asylum and immigration systems categorise people as asylum seekers, refugees, forced or economic migrants. But behind the labels and metaphors there are real people, with names and faces. In an effort to give a human face to those making the perilous journey to Europe, JRS Europe launched the *Journeys of Hope* initiative in 2016 and collected testimonies from refugees on the move. Each section of this paper opens with the voice of persons forcibly displaced from their homes, families and friends and having to make their way to Europe in the hope of finding refuge, protection and a better life. Overleaf are the testimonies of Nour and Rose.

---

**Nour’ Story**

Nour’s husband fled the Syrian city of Aleppo five months ago after receiving a threat, “a paper that was so dangerous”. He went to Germany but Nour did not wait to follow him through legal channels. Eight months pregnant, she set off for Greece with her father and brother because, as she keeps saying, “I couldn’t stand it alone in Syria anymore.”

Nour’s daughter, aged one year and a half, clings to her: “My baby needs her father, she is always calling, daddy, daddy. And I miss him so much, so much, I am waiting for the moment to meet him.” Nour left for the journey undeterred by the fear that she may give birth on the road.

In the Croatian city of Slavonski Brod, Nour laments: “I am so, so tired. We have been on the road for 10 days.” The worst part was being stuck on the Greek side of the border with Macedonia, due to a strike by Macedonian taxi drivers. At least 80 buses packed with refugees waited at a petrol station for days for the border to open: “I stayed seven days in the bus, I was so cold, and we had very little food,” she recalls.

Despite her ordeal, Nour smiles often. She says philosophically: “It is difficult everywhere: in Syria and here.”

---

Rose’s Story

Rose started playing football when she was seven. “I play very well”, she says seriously. “It is my profession.” 10 years ago, she decided to start playing football for a military team. Within a short space of time, Rose started to realize that “many bad things were happening, which I didn’t like”. The “bad things” disturbing Rose were abuses she heard the army was perpetrating against her people. “Gradually I changed”, she recalls. “We had to do a lot of pro-government propaganda as part of the team. When we had a game, we had to wear Kabila t-shirts. But I didn’t want to do propaganda for Kabila.”

Although she was compelled to continue playing football for the army, she started to call meetings of her team-mates, “so that together we could proclaim that we are Congolese and denounce that many of us are being killed every day.” Things turned nasty when Rose finally tried to leave the team. “The General called five soldiers and told them to break my legs so I won’t be able to play anymore. They beat me and beat me and broke my right leg from the knee down. At night, they threw me in the river, and left me for dead.”

On 19 January 2015, Rose joined one of many rallies being organized in Kinshasa to protest attempts by Kabila to stay in power. Rose was arrested and thrown into a shipping container. Remembering her brief time as a detainee, she becomes increasingly distressed: “In there, if there are people crying, no one hears. The soldiers came at night, opened the doors to feed whoever was inside, and then singled out women to rape them or men to shoot them dead. They’d lead people away and we’d hear gunshots – boom, boom, boom.”

Rose managed to escape, but not before she was gang-raped and tortured with acid by five soldiers. Days later, aided and abetted by friends, she left her country and managed to reach Italy safely.

Sitting in Rome just over a year later, Rose remains consumed by her traumatic past: “European countries must come and see what is happening. Who is going to help? Every day, in Congo, there is so much death and so many atrocities. But who can we tell about them? My life is destroyed, I don’t sleep at night, I think and think about so many things. Outwardly I may laugh and joke but inside I am dead. People tell me to pray, so I pray: God, why do you allow these things to happen?”
SECTION B: Assessing Regional Response

“The life I had was so painful, I have no room to be worried about anything now.”
– Ghodrat
2. Global Context: Mapping the EU Refugee Crisis

2.1 Global Displacement Trends

In 2017, 65.6 million individuals were recorded as forcibly displaced worldwide as a result of persecution, conflict, generalized violence, or human rights violations. The number of refugees under UNHCR’s mandate, who crossed borders in search of protection, increased to over 17 million. Almost a third of which came from Syria. 13.9 million people (86% of the global refugee population under UNHCR’s mandate) were hosted in developing regions and the Least Developed Countries provided refuge to 26% of the global total. The corollary of this statistic is that the world’s richest countries now host less than 14% of the world’s refugees.

Table 1: UNHCR Global Figures 2011-2015 (millions) ²

<table>
<thead>
<tr>
<th></th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Displaced Persons Worldwide</td>
<td>42.5</td>
<td>45.2</td>
<td>51.2</td>
<td>59.5</td>
<td>65.3</td>
</tr>
<tr>
<td>No. of Refugees Worldwide</td>
<td>10.4</td>
<td>10.5</td>
<td>11.7</td>
<td>19.5</td>
<td>21.3</td>
</tr>
<tr>
<td>No. of Refugees in Europe ³</td>
<td>1.6</td>
<td>1.8</td>
<td>1.8</td>
<td>3.1</td>
<td>4.3</td>
</tr>
<tr>
<td>Percentage of Refugees in Europe</td>
<td>15%</td>
<td>17%</td>
<td>15%</td>
<td>16%</td>
<td>20%</td>
</tr>
</tbody>
</table>

In the past 5 years, resettlement needs have also increased by over 300,000 worldwide. In 2018, the global need for resettlement is projected by UNHCR to increase to 1.2 million persons.

² UNHCR, ‘Statistical Yearbook’ (Editions 2011 – 2015), Geneva UNHCR.
³ Europe in this context is not restricted to EU Member States.
### Table 2: Global Resettlement Need Trends 2013 - 2018

<table>
<thead>
<tr>
<th>Year</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projected Global Resettlement Need</td>
<td>859,300</td>
<td>691,000</td>
<td>960,000</td>
<td>1,150,000</td>
<td>1,190,000</td>
<td>1,200,000</td>
</tr>
<tr>
<td>Increased Global Resettlement Need</td>
<td>78,000</td>
<td>(168,300)</td>
<td>269,000</td>
<td>190,000</td>
<td>40,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Increase in Global Resettlement Need 2013-2018</td>
<td><strong>340,700</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average annual increase in Global Resettlement Need</td>
<td><strong>57,000</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 2.2 A Crisis of Numbers

The distinguishing feature of the EU Refugee Crisis is its scale. Following peaks of 672,000 in 1992 and 424,000 in 2001, the number of applications for asylum in the EU had steadily fallen to below 200,000 by 2006. However, since 2008 a pattern of growth once again resumed, resulting in a new peak in 2014 (562,680). Largely due to the significant increase in the number of refugees and other migrants accessing European territory via the Mediterranean Sea (see Table 3), asylum applications grew exponentially, reaching record levels in 2015 (1,255,640).

### Table 3: Evolution of Sea Arrivals to Europe 2010-2017

<table>
<thead>
<tr>
<th>Year</th>
<th>Total 2010-2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>381,200</td>
<td>1,015,078</td>
<td>362,753</td>
<td>172,301</td>
</tr>
</tbody>
</table>

2017 marked a decrease of 560,000 first-time applicants across the EU-28 in comparison with the year before, as the number of first-time applicants fell from 1.2 million in 2016 to 650,000 in 2017. This followed on from a slight decrease of 50,000 first-time applicants between 2015 (1,256,000) and 2016 (1,206,100). The main contributory factor to the decrease was a lower number of applicants from Syria, Afghanistan and Iraq.

### 2.3 Geography of the Crisis

There are seven main migratory routes into Europe via land and sea. The two key routes, which facilitated entry for the majority of persons seeking access to Europe, are the Central Mediterranean and the East Mediterranean (encompassing the Western Balkan route).

![Figure 1: Migratory Routes Map (Source: Frontex)](image_url)

**Italy**
- Arrivals in 2015: 153,842
- Arrivals in 2016: 181,436
- Arrivals in 2017: 119,369

**Greece**
- Arrivals in 2015: 856,723
- Arrivals in 2016: 173,450
- Arrivals in 2017: 29,718
During the period 2015-2017, it was the latter eastern route that facilitated greatest access to the European territory, largely as a result of the conflict in Syria which triggered one of the world’s worst humanitarian crises since World War II and became the principal driver of the current increase in global refugee numbers. In 2015, Frontex recorded in excess of 885,000 irregular border crossings via the East Mediterranean route, the majority of which were undertaken by Syrian nationals.

As the rate of persons forcibly displaced from Syria declined and following the establishment of border control mechanisms such as the EU-Turkey deal, both the demographic of refugees and migrants arriving into Europe and the preferred route changed.

**Table 4: Top Countries of Origin of Arrivals by Sea 2015 – 2017**

<table>
<thead>
<tr>
<th>Year</th>
<th>Country of Origin</th>
<th>Number</th>
<th>Percentage of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>Syria</td>
<td>487,096</td>
<td>48%</td>
</tr>
<tr>
<td></td>
<td>Afghanistan</td>
<td>209,367</td>
<td>21%</td>
</tr>
<tr>
<td></td>
<td>Iraq</td>
<td>88,757</td>
<td>9%</td>
</tr>
<tr>
<td>2016</td>
<td>Syria</td>
<td>81,949</td>
<td>23%</td>
</tr>
<tr>
<td></td>
<td>Afghanistan</td>
<td>42,262</td>
<td>12%</td>
</tr>
<tr>
<td></td>
<td>Nigeria</td>
<td>37,747</td>
<td>10%</td>
</tr>
<tr>
<td>2017</td>
<td>Syria</td>
<td>18,669</td>
<td>11%</td>
</tr>
<tr>
<td></td>
<td>Nigeria</td>
<td>18,401</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td>Guinea</td>
<td>13,847</td>
<td>8%</td>
</tr>
</tbody>
</table>

"Since 2015, over one and a half million men, women and children have taken to the Mediterranean Sea in search of refuge. 12,000 lost their lives en-route."

**2.4 Deaths at Sea**

In a 2014 address to the European Parliament Pope Francis warned: “*We cannot allow the Mediterranean to become a vast graveyard*”. But why do individuals and families undertake such life-threatening journeys? It is important to understand, and self-evident from the experiences of Nour and Rose above, that there are ‘push’ factors that force migrants to risk their lives by taking to the sea on overcrowded and unsafe vessels in search of safety, protection and the promise of a better life.

The loss of human life is considerable. We must not forget that the risks of undertaking hazardous sea journeys across the Mediterranean are real and ever more dangerous. Although decreased numbers are attempting sea crossings each year, since 2015 the rate of deaths has increased sharply. In 2015 for every thousand persons crossing, 4 never made it. In 2016, 14 persons in every thousand crossing perished. 2017 was the worst year with 18 out of every thousand persons dying en route.

**Table 5: Deaths at Sea entering Europe 2015 – 2017**

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2015-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of deaths at sea</td>
<td>3,771</td>
<td>5,096</td>
<td>3,119</td>
<td>11,986</td>
</tr>
<tr>
<td>Number of arrivals by sea</td>
<td>1,015,078</td>
<td>362,753</td>
<td>172,301</td>
<td>1,550,152</td>
</tr>
<tr>
<td>Number of deaths per ‘000 arrivals</td>
<td>4</td>
<td>14</td>
<td>18</td>
<td>8</td>
</tr>
<tr>
<td>Rate of deaths</td>
<td>1 in 270</td>
<td>1 in 70</td>
<td>1 in 55</td>
<td>1 in 130</td>
</tr>
</tbody>
</table>

1 in every 50 forced migrants died trying to enter Europe in 2017. Truly the Mediterranean has become a cemetery.

---

13 This includes persons recorded as missing.
2.5 A Right Not to Emigrate: Development, The New Name for Peace

Church Social Teaching argues that peace is more than just the absence of war. It emphasises the connection between poverty and conflict, and proclaims that ‘development is the new name for peace’.14

Pope John Paul II in his Message for World Day of Migrants and Refugees 2004, contends “…building conditions of peace means in practice being seriously committed to safeguarding first of all the right not to emigrate, that is, the right to live in peace and dignity in one’s own country. … to satisfy basic needs such as food, health care, work, housing and education; the frustration of these needs forces many into a position where their only option is to emigrate.”

People like Nour and Rose should have the opportunity to remain in their homeland, support themselves and their families and lead fulfilling lives. Their decision to emigrate should be driven by choice, not by fear, violence, persecution or deprivation. Creating conditions for peace requires authentic development. This is the ideal situation for which the international community must strive in resolving the EU Refugee Crisis.

Many refugees and forced migrants also want the chance to return home if conditions have improved. JRS has advocated that equal attention be given to creating an environment in the countries and regions of origin from where the forcibly displaced come that will allow sustainable development to occur. The forcibly displaced are usually unwilling to return if it is not safe for them to do so, or if they are unsure that their human rights will be respected. Neither are they willing to return if they feel that they will not be able to provide for themselves or their families, or if they will not have access to basic health care and education.15

2.6 Development of Global Responses

In response to escalating protection needs and an emerging humanitarian crisis facing forced migrants on the move, world leaders agreed at the United Nations Summit in September 2016 to develop two Global Compacts that would address large scale movements of people. By the end of 2018, a global compact on refugees and a global compact for safe, orderly and regular migration are to be finalised. The principal aims of the global compact on refugees are to: ease pressures on countries that welcome and host refugees; build self-reliance of refugees and; expand access to resettlement in third countries and other complementary pathways.

For its part, the Vatican has sought to inform the development of the Global Compacts through publication of a 20-point action plan for governments entitled: Responding to Refugees and Migrants: Twenty Action Points. This action plan utilises the framework articulated by Pope Francis as follows:

- **To Welcome**: Enhancing safe and legal channels for migrants and refugees. Migration should be safe, legal and orderly, and the decision to migrate voluntary.
- **To Protect**: Ensuring migrants’ and refugees’ rights and dignity.
- **To Promote**: Advancing migrants’ and refugees’ integral human development.
- **To Integrate**: Enriching communities through wider participation of migrants and refugees.

Key Findings:

A record number of men, women and children are forcibly displaced worldwide and the majority are hosted in developing countries. The conflict in Syria was the principal driver of both the rise in global refugee numbers and the increased frequency in recent years of persons undertaking the hazardous Mediterranean Sea crossing in an attempt to reach Europe.

The migratory routes into Europe by land and sea are constantly changing. In the period under examination, more than 1.5 million men, women and children took to the sea undertaking life threatening journeys in search of refuge and a better life. 12,000 people lost their lives in the Mediterranean over the three years. The rate of deaths increased sharply between 2015 and 2017.

Member States on the borders of Europe, principally Greece and Italy, shoulder the greatest responsibility for hosting refugees and forced migrants arriving by sea. Meeting the projected 2018 Global Resettlement Need of 1.2 million places will necessitate an enhanced level of responsibility sharing by EU Member States.

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3. Reviewing the EU Response

3.1 Saving Lives: Search and Rescue

In total there has been 445,044 people rescued through the collective efforts of naval services, Frontex operations and humanitarian NGOs during the period 2015-2017. For its part, the Irish Government began deploying naval service vessels in response to the escalating loss of life on the Mediterranean Sea in May 2015. Subject to a bilateral agreement with the Italian authorities, the deployment of ships under Operation PONTUS was ostensibly for humanitarian purposes, that is the rescue of persons at sea.

Table 6: Operation PONTUS Irish Naval Rescues 2015-2016

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Persons rescued</td>
<td>3,377</td>
<td>4,166</td>
</tr>
<tr>
<td>Total Operations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Rescues</td>
<td>15,660</td>
<td></td>
</tr>
</tbody>
</table>

By mid-2017, the Irish Naval Service had rescued an estimated 17,000 persons in the Mediterranean. This is unquestionably a significant contribution by Ireland and the role of the Irish Navy and its staff should be acknowledged and commended.

But what happens after the rescue? All rescued persons by the Irish Navy were brought to ports in Sicily or mainland Italy. Initial responsibility to receive the persons saved then passes over to the Italian immigration authorities, but who assumes longer term responsibility to welcome, to protect, to promote and to integrate is unclear. By the end of the EU relocation scheme a tiny of proportion of the hundreds of thousands rescued at sea, less than 12,000 people, had been successfully relocated from Italy to another EU Member State.

Key Findings:

EU search and rescue operations have saved 445,044 lives since 2015. The role of the Irish Navy in rescuing more than 17,000 people at sea is to be commended. However, the question of what happens next and of how responsibility is equitably shared across EU Member States, to receive and process protection claims of those saved, remains unanswered.

---

3.2 Saving Lives: Increased Aid and Conflict Resolution

Aid has a key role in supporting authentic development and creating the conditions for peace. It is important that it is not tied to conditions that outsource protection obligations and undermine the right to seek protection in donor countries. Equally, richer countries have a role in resolving conflict and building peace in war-torn regions of the world. Too often, as clearly seen in recent conflicts (Syria, Yemen etc.), action taken from narrow sectional interest begets more violence rather than peace.

Priorities for peace advocated by JRS International in relation to the Syrian conflict have a wider application to other contexts where people are forcibly displaced by conflict, war and violence:

- Prioritise diplomatic efforts and apply pressure on the Syrian government and the armed opposition forces to reach a negotiated solution to the conflict.
- Put pressure on all armed forces to allow humanitarian assistance for communities in need and to refrain from disrupting humanitarian operations and/or hindering the work of personnel.
- Increase financial and technical support for grassroots humanitarian initiatives serving the most vulnerable Syrians in full accordance with international humanitarian principles.
- Ensure that international development donors provide greater technical and financial support to relieve the pressure on host countries and help refugees and vulnerable local households alike. Refugee-hosting countries should be supported to ensure access to for those fleeing violence in Syria.
- Offer places to refugee households in the most vulnerable circumstances in resettlement programmes – or offer temporary visas – in Europe, the United States and other countries willing to share the responsibility for their protection with the immediate neighbours of Syria.22

Under the EU Agenda on Migration in 2015, the Commission allocated €1.8 billion to set up an Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa. Further significant EU funding was committed under the EU-Turkey deal. From a JRS perspective, it is important increased aid is directed towards authentic development and is not tied to migration control.

Key Findings:

Creating conditions for peace requires authentic development. Ireland can use aid and diplomacy to help address the root causes of forced displacement including conflict, persecution and economic deprivation. This will enable people to realise a right not to emigrate, to live with dignity and safety in their homeland.

“445,000 forced migrants rescued from the Mediterranean Sea. How is responsibility for their long term protection shared across EU Member States?”

3.3 Sharing Responsibility: EU Programmatic Responses

While arrivals by sea had been increasing in the years leading up to the crisis, the numbers accelerated dramatically during 2015. There was also a growing number of horrific tragedies, in each of which several hundred migrants perished when overcrowded and unsafe vessels sank in the Mediterranean.

In May 2015 the European Commission published the European Agenda on Migration, which underlined the necessity for "swift and determined action in response to the human tragedy in the whole Mediterranean" and outlined a package of measures that contained proposals for emergency responses, structural changes and long term agreements. A European Council decision in June 2015 committed Member States to two programmes. The first was to resettle over 20,000 UNHCR recognised refugee from camps in Lebanon and the second to relocate 40,000 persons from Hotspots in Italy and Greece to other EU Member States using distribution keys based on population and economic capacity.

As can be seen in Table 7, the crisis escalated over the summer months with ever more people taking to the seas, especially on the Western Balkan route, crossing by sea from Turkey to Greece and then continuing overland in their tens of thousands, principally to Germany. It was clear that further urgent action was needed but there was strong opposition, especially from eastern European states. Ultimately, a second EU Council decision was passed by qualified majority in September 2015 and committed the EU to relocate an additional 120,000 persons from Greece, Italy and Hungary.

**Figure 2: Overview of European Policy Response 2015**

<table>
<thead>
<tr>
<th>Month</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 2015</td>
<td>Joint Foreign and Home Affairs Council publishes Ten Point Action Plan on Migration.</td>
</tr>
<tr>
<td>April 2015</td>
<td>EU Commission President Juncker Publishes Five Point Plan on Immigration.</td>
</tr>
<tr>
<td>May 2015</td>
<td>European Commission releases European Agenda on Migration and presents to European Council.</td>
</tr>
<tr>
<td>June 2015</td>
<td>European Council agrees to the relocation of 40,000 persons from Italy and Greece and resettlement of over 20,000 persons from outside Europe.</td>
</tr>
<tr>
<td>July 2015</td>
<td>Justice and Home Affairs Council agrees to implement relocation of 32,256 and resettlement of 22,504.</td>
</tr>
<tr>
<td>August - September 2015</td>
<td>Escalation of unilateral action by Member States to manage crisis, including the suspension of some CEAS and Schengen procedures.</td>
</tr>
<tr>
<td>September 2015</td>
<td>European Commission proposes additional relocation of 120,000 persons from Italy, Greece and other Member States affected.</td>
</tr>
<tr>
<td>September 2015</td>
<td>Members States and European Institutions adopt decisions to relocate a total of 160,000 persons in clear need of international protection.</td>
</tr>
</tbody>
</table>

**Table 7: Acceleration of Sea Arrivals 2015**

<table>
<thead>
<tr>
<th>Month</th>
<th>Jan</th>
<th>Feb</th>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>Aug</th>
<th>Sept</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5,573</td>
<td>7,271</td>
<td>10,437</td>
<td>29,850</td>
<td>39,562</td>
<td>54,548</td>
<td>78,464</td>
<td>130,849</td>
<td>163,567</td>
<td>221,454</td>
<td>154,915</td>
<td>118,789</td>
</tr>
</tbody>
</table>

**Key Findings:**

The depth of political division in the EU, in terms of values and approach, undermined the overall effectiveness of the response to the crisis. The combined commitments originally made under the EU relocation and resettlement schemes were modest relative to the need, having the capacity to reach fewer than 100,000 persons annually over a two-year period. It represented not even a tenth of the one million persons who crossed into Europe by sea in 2015, the year the package was agreed.

---


3.4 Outsourcing Responsibility: EU-Turkey Deal

On 18 March 2016, the European Council announced details of the EU–Turkey agreement, an escalation in Europe’s response to the crisis and one which included the overarching aim of ending ‘irregular migration from Turkey to the EU’. The three main components of the deal are:

- Return of all irregular migrants crossing from Turkey onto the Greek islands.
- Resettlement of Syrians on a one-for-one basis, i.e. for every Syrian returned to Turkey from one of the Greek islands, another Syrian from Turkey is to be resettled in the EU. In this process, priority will be given to Syrians ‘who have not previously entered or tried to enter the EU irregularly’.
- Prevention of the opening up of any new sea or land routes for illegal migration into the EU.

Serious questions were raised about the EU-Turkey deal and its compliance with EU law, including whether the one-for-one procedure acts as an inherent barrier to accessing fair asylum procedures in the EU. The EU-Turkey deal would appear to create dialectic between ‘deserving’ UNHCR recognised refugees and ‘undeserving’ forced migrants arriving by sea to Greece. It undoubtedly marks a substantive policy shift, in essence outsourcing protection obligations from EU Member States to countries bordering Europe. Furthermore, Turkey operates a geographical limitation in its implementation of the Geneva Convention 26, and doubts were also raised about whether Turkey could be considered a safe third-country or offer effective access to protection.

Despite widespread criticism by NGOs, the immediate effect was a dramatic fall in the number of sea arrivals to Greece from Turkey. Essentially when combined with the suspension of Schengen, this led to the Western Balkan Route being shut.

Table 8: Sea Arrivals January – December 2016 27

<table>
<thead>
<tr>
<th>Jan</th>
<th>Feb</th>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>Aug</th>
<th>Sept</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
</tr>
</thead>
<tbody>
<tr>
<td>73,111</td>
<td>61,081</td>
<td>36,906</td>
<td>13,239</td>
<td>22,256</td>
<td>24,519</td>
<td>25,884</td>
<td>25,675</td>
<td>21,323</td>
<td>31,507</td>
<td>16,553</td>
<td>10,860</td>
</tr>
</tbody>
</table>

Table 8 shows the monthly sea arrivals during 2016 and it is unquestionable that the EU-Turkey deal resulted in a seismic change. A review of Tables 7 and 8 reveals more than an 80% reduction in the number of sea arrivals in the 9 months following the commencement of the EU-Turkey deal, when compared with the 9 months leading up to the deal. However, the change was not only in terms of its impact in reducing the numbers arriving but also represented a departure from Europe’s values and founding principles. Irrespective of the rhetoric, this deal represented the EU shutting its borders.

**Key Findings:**

There is no question that the EU-Turkey deal was a ‘game changer’ in terms of impact on numbers arriving.

The one-for-one dimension of the deal creates a deserving/undeserving dichotomy between different cohorts of protection applicants. Clearly, the EU-Turkey deal was not about sharing responsibility for those seeking refuge in Europe but rather outsourcing Member State protection obligations to transit countries at EU borders.

“The EU-Turkey deal is a departure from Europe’s values and founding principles…and represented the EU shutting its borders.”

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26 Turkey currently has a geographic limitation on its accession to the Geneva Convention which means it cannot confer refugee status to non-Europeans. Turkey does have other protection statuses such as conditional refugee status (non-European country of origin) and subsidiary protection status but they do not derive their status from the Geneva Convention.

3.5 Assessing EU Resettlement and Relocation Schemes

3.5.1 Outcomes of EU Resettlement Programme

A key element of the proposals under the European Agenda on Migration was that, over 24 months, 22,504 refugees from outside Europe would be resettled in the EU (according to a distribution key based on factors such as GNP and population). Ireland voluntarily opted into the EU Resettlement Programme, pledging twice the recommended commitment under the distribution key.

It is noteworthy that the resettlement total was half the 40,000 places UNHCR had recommended was required. However, despite the inadequacy of the original target, by the end of the two-year period 17,305 persons (roughly 77%) of the total) had been successfully resettled in EU Member States.

Table 9: EU Resettlement Scheme

<table>
<thead>
<tr>
<th>Pre EU-Turkey Deal</th>
<th>Post EU-Turkey Deal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec 2015</td>
<td>Jan 2017</td>
</tr>
<tr>
<td>March 2016</td>
<td>April 2017</td>
</tr>
<tr>
<td>Jan 2017</td>
<td>June 2017</td>
</tr>
<tr>
<td>April 2017</td>
<td>Sept 2017 END</td>
</tr>
<tr>
<td>Total Persons Resettled</td>
<td></td>
</tr>
<tr>
<td>779</td>
<td>4,555</td>
</tr>
<tr>
<td>13,968</td>
<td>15,492</td>
</tr>
<tr>
<td>16,419</td>
<td>17,305</td>
</tr>
<tr>
<td>Persons resettled from Turkey</td>
<td></td>
</tr>
<tr>
<td>-</td>
<td>3,098</td>
</tr>
<tr>
<td>4,618</td>
<td>6,254</td>
</tr>
<tr>
<td>8,834</td>
<td></td>
</tr>
<tr>
<td>Persons resettled from other countries</td>
<td></td>
</tr>
<tr>
<td>779</td>
<td>10,870</td>
</tr>
<tr>
<td>10,874</td>
<td>10,165</td>
</tr>
<tr>
<td>8,471</td>
<td></td>
</tr>
</tbody>
</table>

Table 9 demonstrates the impact that the EU-Turkey deal had on resettlement. By September 2017, more than half of all persons that benefitted from the EU Resettlement Scheme since the crisis began had been resettled from Turkey. In relation to the one-for-one component of the EU-Turkey deal, Syrian nationals comprised only 17% of total returns from Greece to Turkey.29

Key Findings:

The EU has made significant progress towards its resettlement target, albeit a modest commitment and half of what UNHCR recommended. In addition, the majority of beneficiaries were resettled from Turkey.

3.5.2 Outcome of EU Relocation Programme

In May 2015 the European Commission advocated recourse to the emergency response mechanism for the first time, essentially to set up an emergency relocation scheme to assist Italy and Greece.30 A total of 40,000 persons were to be relocated from Italy and Greece to other EU Member States, based on a distribution key over a 2-year period – corresponding to approximately 40% of the total number of asylum seekers in clear need of international protection who entered these countries in 2014.

Eligibility criteria to qualify for relocation included: an arrival date in Italy or Greece on or after 15 April 2015; agreement to be fingerprinted; and belonging to a nationality with an EU-wide refugee recognition rate of 75 % or more in the previous quarter that statistics were available (i.e. Syrians, Eritreans and Iraqis). In addition, vulnerable persons were to be prioritised. However, concerns were raised about procedural safeguards and the extent, to which applicant choice would be considered in regard to the selection of the Member State of final destination.

In September 2015, the European Commission announced an enhanced emergency relocation scheme of 120,000 asylum seekers across EU Member States, from Greece and Italy, in addition to the original 40,000 relocation places.31

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31 Based on their estimate of the need, UNHCR recommended a larger scheme of 200,000 relocation places was required. Furthermore, UNHCR warned that the relocation approach could only be successful if it was accompanied by large scale emergency reception, assistance, and registration and screening capacity in places of arrival.
It was coupled with a proposal to make relocation in such emergency situations a permanent feature of the Common European Asylum System (CEAS). This proposition remains the subject of discussion with Member States as part of negotiations relating to a recast of the Dublin Regulation.

The deep political resistance to a fairer redistribution of Europe’s responsibilities via relocation was evident in the failure of EU Justice Ministers to agree in a timely fashion to the emergency relocation programme proposed by the EU Commission. The proposal was eventually passed by qualified majority.

The breakdown of commitments across EU member states was determined using a distribution key, which reflects relative population and economic capacity. In principle the distribution key appears a fair and objective way of sharing responsibility. In practice it requires the buy-in from the two primary stakeholders, applicants and member states. Structural weaknesses in the programme, including the failure to build in applicant preference to the mechanism, has meant that the majority did not register at Hotspots (dedicated registration points in Greece and Italy), but voted with their feet and headed directly for the preferred country of destination.

Member State pledges fell short of recommended commitments under both EU Council decisions:

- Under the First Council Decision (EC 2015/1523), Member/Associated State pledges only amounted to 32,255. There remains 7,745 to be allocated.
- Under the Second Council Decision (EC 2015/1601), the 54,000 relocation places originally planned for Hungary have been re-allocated for the purpose of admitting Syrians under the EU-Turkey deal.

The net position is that of the original emergency relocation total of 160,000 only 98,255 places are legally committed under Council Decisions. At the end of September 2017 only 30% of relocation commitments, that is 29,630 persons, had been relocated from Italy and Greece to other EU Member and Associated States.

The EU Relocation Programme has not worked. The reasons for this failure include:

- **Lack of Solidarity:** The Council Decisions were only passed by qualified majority. Hungary opting out meant that 54,000 relocation places would not be fulfilled.
- **Operational Difficulties in Hotspots:** Essentially large numbers of arriving forced migrants ‘voted with their feet’ and did not register in Hotspots. In the period from September 2015-December 2017, just over one million people arrived by sea into Italy and Greece. Only a tiny proportion registered in Hotspots and fewer still were actually relocated.
- **Distribution Key:** Despite the difficulties, a failure to incorporate applicant preference, as alluded to earlier, resulted in applicants taking their chances in travelling directly to their preferred country of destination rather than entering a relocation ‘lottery’.
- **Security Checks:** EU Member States receiving relocated persons rely on basic ‘security’ checks being completed in Hotspots. Disagreement with Italian authorities regarding security checks meant that a number of Member States, including Ireland, refused to relocate any persons from there. Less than 10,000 persons had been relocated from Italy by the end of September 2017, so it appears that the majority of persons rescued from Mediterranean were ‘waved through’ to other Member States.
- **EU-Turkey Deal:** The impact of the EU-Turkey deal was to undermine political will across EU Member States to make relocation work, once the crisis, in terms of numbers, had passed.

**Key Findings:**

Relocation was undermined from the outset by political division among EU member states, requiring a qualified majority to force it through. Less than one in five of the original relocation commitments of 160,000 places have been delivered. Hampered by operational difficulties and applicant non-compliance, the relocation mechanism has essentially failed in its primary objective to share responsibility for receiving and processing claims of forced migrants more equitably across Member States.
3.6 Looking Forward: Emerging Challenges and Issues

3.6.1 Common European Asylum System Reform

Following the purported ‘success’ of the EU-Turkey deal, political support across European institutions and at Member State level for concluding similar relationships with other third countries has been evident. Similarly, the Common European Asylum System (CEAS) reform package continues a trend of externalisation and restriction in the European Union’s asylum policy. Commentators have argued that proposals, in their current form, have the potential to increase pressures on countries at Europe’s borders to host the majority of arrivals and entrench a policy of externalisation of the protection obligations of EU Member States.

Some of the key concerns, identified by JRS Europe in its 2017 working paper ‘The CEAS reform package: the death of asylum by a thousand cuts’, include but are not limited to:

- Increased level of obligations placed on protection applicants.
- Shift of evidential and procedural burden towards protection applicants.
- Sanctions for breach of additional obligations.
- Generalised lowering of standards across a range of provisions (e.g. diminished scope of appeal; stricter time limits; exclusion of certain categories of applicant from access to labour market).

CEAS reforms undermine protection in the EU and entrench a policy of externalisation.

3.6.2 Common EU Resettlement Framework

In July 2016 as part of its revision of CEAS, the European Commission published its proposal for a Regulation to establish common European policy on resettlement.

The EU Resettlement Framework sets out the criteria to be taken into account when determining the regions or countries from which resettlement will take place on an annual basis and will establish common rules on admission, types of status permitted, decision-making procedures and the financial support provided to participating Member States. The proposed Regulation also sets a cap on resettlement and actively disincentives Member States from offering additional places on a unilateral basis.

Concerns have been raised by Member States about the proposed mandatory nature of resettlement, the categories of forcibly displaced persons identified and the admissibility criteria that will be used. However, deeper concerns arise from one of the stated aims of the EU Resettlement Framework to “encourage certain countries to cooperate on migration control, deterrence, and readmission”. While the determining criteria include the number of persons in need of international protection in third countries, the relationship between the EU and those countries in the areas of asylum and migration will also inform the decision – including cooperation on irregular migration, readmission and return.

The European Council on Refugees and Exiles (ECRE) has criticised the proposed denial of resettlement to irregular migrants and the ambiguous language used in relation to eligibility criteria. In addition, there is no guarantee that a common policy will positively contribute to increased resettlement numbers. Ireland will ultimately have the option to opt-in to the final EU Resettlement Framework. The apparent departure by the Regulation, from the humanitarian focus of resettlement towards migration control, is a serious concern.

3.6.3 Brexit

The 2016 decision of the British electorate to leave the EU and subsequent triggering of Article 50\(^38\) could have significant consequences for asylum and immigration policy in Ireland. While there was evidently considerable variance in the motivation of voters seeking to leave the EU, a significant amount of the public rhetoric and narrative focused on restricting immigration and gaining greater control over national borders. This is acutely relevant, given the existence of a Common Travel Area (CTA) between Ireland and the United Kingdom.

In accordance with the provisions of Protocol No. 21 annexed to the Treaty on the Functioning of the European Union, Ireland is not bound to participate in EU instruments relating to specific matters of home affairs and justice policies. However, the State may opt-in to any it wishes to - a right similar to that held and exercised by the United Kingdom. In the past, Ireland has availed of this discretionary power to abstain from a number of key legislative measures and the principal reason for continued adherence to Protocol No. 21 is that it safeguards the CTA.

As recently as May 2017, the Supreme Court ruling in N.V.H -v- Minister for Justice & Equality\(^39\) was noted as giving rise to concerns that Brexit negotiations would be negatively impacted due to a perceived threat to the CTA if asylum seekers in Ireland were granted the right to seek employment.

Ultimately, for practical or political reasons, the British Government may feel compelled to strengthen national borders following exit from the EU, which could signal the death knell of the CTA. With negotiations ongoing, the long term impact of Brexit on Irish asylum and migration policy remains unclear.

Key Findings:

The CEAS reform package continues a trend of externalisation and restriction in EU asylum policy, with access to protection increasingly under threat. This is reflected in the EU Resettlement Framework, with its apparent departure from the traditional humanitarian focus on resettlement to one of migration control.

In addition, it is highly likely Brexit will impact significantly on Irish asylum and immigration policy, with potential serious ramifications for the operation of a Common Travel Area between Ireland and the United Kingdom after the process is completed.


\(^{39}\) [2017] IESC 35.
I wondered what would happen to me if the boat capsized in the freezing water. I thought, maybe I’ll make it, maybe not. I don’t care, this is my last chance, no way back, no need to be scared.

– Qusai
4. Access to Protection in Ireland

Pathway 1: Irish Asylum System

Key to Ireland responding appropriately and generously to forced migration crises is to have a fair and transparent asylum process that is operating efficiently and producing final determinations in a timely manner.

<table>
<thead>
<tr>
<th>Year</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of applications for asylum</td>
<td>956</td>
<td>946</td>
<td>1,448</td>
<td>3,726</td>
<td>2,224</td>
<td>2,926</td>
</tr>
<tr>
<td>Numbers living in Direct Provision</td>
<td>4,841</td>
<td>4,360</td>
<td>4,364</td>
<td>4,696</td>
<td>4,425</td>
<td>5,096</td>
</tr>
<tr>
<td>Average length of stay (months)</td>
<td>45</td>
<td>48</td>
<td>48</td>
<td>38</td>
<td>32</td>
<td>23</td>
</tr>
</tbody>
</table>

In the experience of JRS Ireland delivering services in 10 Direct Provision centres, the length of time in the system and the prohibition on work are the issues of greatest concern to asylum seekers. The ban on a right to work prevents a person seeking asylum from living with dignity and undermines their sense of value and self-worth. Furthermore, although not permitted (until recently) to seek employment, asylum seekers are not deemed unemployed which restricts their access to further education and training beyond FETAC Level 4 (leaving cert level). The length of time combined with a ban on work, heretofore, and restricted access to education has led to boredom, loss of skills, obsolescence of qualifications, creation of dependency and impacted negatively on mental health and family life.

Mahon Report

In response to documented concerns, the Government established a Working Group to undertake the first comprehensive review of the protection process since the inception of the Direct Provision system in 2000. The Working Group on the Protection Process was charged with making recommendations directed towards:

- improving the arrangements in the processing of protection applications;
- showing greater respect for the dignity of protection applicants through improved living conditions and enhanced supports.

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The Working Group undertook a detailed consultation process with residents, which found a constant theme was one of intense frustration or despair arising from the lengthy determination process and resulting lengthy residence in centres (originally designed for six month stays): “What could be said to be wrong with the system is in one way or another, directly linked to the length of time spent in it.”

The consultation process found the “length of time” issue was at the heart of many of the concerns around Direct Provision and the supports available, and the fears of participants that they may not be capable of independent living when they get a final decision on their claim. The concerns raised include:

- the uncertainty overshadowing their lives,
- the lack of personal autonomy over the most basic aspects of their lives – cooking, shopping, cleaning,
- the lack of privacy and the challenges of sharing with strangers,
- the boredom and isolation,
- the inability to support themselves or their family and contribute to society in a meaningful way,
- the impact on children of being born and/or living their formative years in an institutional setting,
- the impact on parents’ capacity to parent to their full potential and on normal family life,
- the loss of skills and the creation of dependency, and
- the negative impacts on physical, emotional and mental health.  

<table>
<thead>
<tr>
<th>Category</th>
<th>Recommendation</th>
<th>Progress in Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improvements to Living Conditions in Direct Provision</td>
<td>Access to Cooking Facilities</td>
<td>It is reported that a total of 2,732 residents, approximately 50% of the Direct Provision population, have access to cooking facilities. There is significant variation in the model of communal catering ranging from full ‘independent living’ to communal stations to access to existing cooking facilities to prepare food.</td>
</tr>
<tr>
<td></td>
<td>Additional Living Space</td>
<td>Since June 2015, facilities for families have been upgraded in the Millstreet centre to provide for increased living space. The impact of the housing crisis means that there has been difficulty in adding capacity to the system despite increased demand. The net result has been a failure to progress this key recommendation to improve family life and the living conditions for children in centres.</td>
</tr>
<tr>
<td></td>
<td>Single Persons’ Accommodation</td>
<td>In January 2017, 38% of single people reportedly had their own room. 62% singles were still sharing, 15% with two or more persons. The system is operating at near full capacity (96%), with overcrowding being reported by residents across centres.</td>
</tr>
<tr>
<td>Improvements to Asylum Seeker Supports</td>
<td>Direct Provision Allowance</td>
<td>The adult weekly payment was increased to €21.60 per week from €19.10 far short of the recommended €38.74. The €2.50 increase was the first increase since 2000. Since 2015 the child payment increased from €9.60 to €21.60 weekly, still short of €29.80 per week recommended to align with the qualified child payment.</td>
</tr>
<tr>
<td></td>
<td>Access to Education</td>
<td>Adult protection applicants and those at the leave to remain stage remain ineligible for many further education (FETAC 3) and also certain vocational training courses. Access to further education is linked to labour activation - the majority of asylum seekers remain ineligible as they do not meet interim right to work criteria.</td>
</tr>
<tr>
<td></td>
<td>Right to Work</td>
<td>Recommendation for a right to work was initially rejected. Responding to a Supreme Court judgement overturning the ban on seeking employment, the Government will opt in to the recast Reception Conditions Directive. Questions remain as to how a right to work will be transposed in Irish legislation. An interim scheme introduced on 9 February 2018 is very unsatisfactory and does not constitute an effective ‘right to work’.</td>
</tr>
<tr>
<td>Improvements to Protection Process</td>
<td>Resolve Legacy Cases</td>
<td>In the eighteen months following the publication of the McMahon Report, there was considerable progress with long stay cases, resolving the status of an estimated 2,000 persons who were in the system continuously for 5 or more years. The average length of stay has fallen from 48 months to 23 months accordingly.</td>
</tr>
<tr>
<td></td>
<td>Eliminate delays in case processing</td>
<td>Despite the commencement of the long awaited Single Procedure, it is not operating as anticipated. Significant delays in case-processing are re-emerging, on average 19 months for first interview. This is in large part due to the transfer of 4,000 existing cases, including 500 asylum seekers relocated from Greece, to the new procedure and a failure to allocate necessary case processing resources.</td>
</tr>
</tbody>
</table>

The extension of the remit of the Ombudsman’s Office and the Office of the Ombudsman for Children to include Direct Provision and the development of Standards for RIA accommodation represent important progress post McMahon. However, JRS Ireland’s analysis in Table 11 demonstrates there remains significant work to be done to fully implement key McMahon recommendations to improve living conditions in Direct Provision and supports for asylum seekers and to eliminate delays in case processing.

44 McMahon Report pg. 59
Focus On: Effective Right to Work

The Supreme Court decision in N.V.H -v- Minister for Justice & Equality⁴⁶ and formal ruling (in February 2018) that the prohibition on asylum seekers accessing the labour market was unconstitutional, has prompted the Irish Government to opt in to the recast Reception Conditions Directive (RCD).

The ruling re-affirmed the experiences of organisations who have worked on the ground for many years with asylum seekers; is consistent with a key recommendation of the Working Group on the Protection Process; and validated the voices of asylum seekers who have articulated the human costs arising from the ban on the right to seek employment: *These wasted years doing nothing – after leaving the system you are faced with a dilemma of where to start from and where to go from here – what would I put on my resumé for these years?*⁴⁷

In its ruling, the Supreme Court found: “*The right to work is essential for realizing other human rights and forms an inseparable and inherent part of human dignity. Every individual has the right to be able to work, allowing him/her to live in dignity.*"⁴⁸ However, the benefits of a right to work are not limited to an individual asylum applicant’s sense of self-worth. EU research demonstrates granting access to protection applicants as soon as possible after arrival facilitates applicants’ long-term integration and enables them to become net economic contributors rather than dependents. Among Member States, a common underlying trend⁴⁹ is a reduction of the time that protection applicants must wait before accessing employment. In response to the worsening EU Refugee Crisis, four EU member states took additional steps to reduce the length of time protection applicants were required to wait.⁵⁰

The majority of EU Member States grant a right to work to asylum seekers within 6 months.⁵¹ In November 2017 in response to the Supreme Court judgement, the Irish Government stated that Ireland will opt-in to the recast Reception Conditions Directive. JRS Ireland recommended that Ireland introduce a time-limit of no greater than 9 months and give consideration for a shorter period in light of emerging EU research and the longer-term integration benefits.⁵²

In considering equity issues, between asylum seekers and other migrant categories, JRS Ireland argues that it is unfair to consider in isolation the element relating to right to work separate from other attendant rights and restrictions placed on asylum seeker lives. JRS Ireland recommends that no restrictions should be placed on the right to seek work. Learning from other EU Member States, Ireland should put in place proportionate supports to assist labour market access and JRS Ireland contends there should be a consistent model of employment supports for eligible asylum applicants, persons granted status or leave to remain and IRPP beneficiaries.

In May 2018, 1,317 persons were more than 9 months in the system and had not received a first instance decision. Thus, if Ireland opts-in to the RCD on this basis, only one in three adults will have a right to work.⁵³ Unless restrictions in the interim scheme are significantly relaxed, far fewer will have an effective right to work.

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"No restrictions should be placed on the right to seek work...It forms an inseparable and inherent part of human dignity.""
Key Findings:

The first systematic review of the Irish asylum process and Direct Provision system was conducted in 2015 by a Government Working Group, under retired High Court judge Bryan McMahon. The McMahon Report contained 173 recommendations to improve the asylum process and improving living conditions and supports for Direct Provision residents. A failure to fully implement key McMahon recommendations has resulted in the lengthy delays in case-processing times and unsuitable living conditions for asylum seekers continuing.

A decision of the Supreme Court finding the ban on a right to work unconstitutional, caused a seismic shift in asylum policy in Ireland. The Irish Government committed to opting-in to the recast Reception Conditions Directive. It is in the interests of both the State and protection applicants that effective access to the labour market is granted at the earliest possible juncture after arrival to facilitate long term integration.

There should be no restrictions placed on the right to work for eligible protection applicants. If access to the labour market is granted after 9 months, one in three asylum seekers will be eligible to seek employment, but in reality far fewer will attain work.

The current anomalous situation, whereby asylum seekers are not working yet are not “deemed unemployed”, needs to be addressed urgently as it restricts access to further education and training.

Pathway 2: UNHCR Resettlement Programmes

Resettlement is one of the three durable solutions identified by the UNHCR as an effective and comprehensive response to protracted refugee situations such as the Syrian conflict. Ireland is one of 37 countries worldwide operating a resettlement programme, which commenced in 1956 when the State acceded to the UN Refugee Convention and accepted 530 Hungarian refugees. Since 1990, Ireland has offered resettlement places to roughly 1,000 programme refugees per decade and had admitted 5,108 persons by the end of 2014.

| Table 12: Pre-Crisis Resettlement Trends in Ireland |
|-----------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Year            | 2009          | 2010          | 2011          | 2012          | 2013          | 2014          |
| Number of resettled persons | 192          | 20            | 35            | 39            | 76            | 96            |
| % of total resettled persons in EU-28 | 2.7% | 0.4% | 0.9% | 0.8% | 1.5% | 1.5% |

Pathway 3: Safe and Legal Routes

Additional modes of access to the State are also available for the purposes of seeking complementary protection.

In October 2017, the Irish Government announced the establishment of the IRPP Humanitarian Admission Programme 2 (IHAP) which purports to borrow elements of existing/former safe and legal pathways into a single targeted programme providing 530 places during 2018-2019. These two routes are outlined below.

Humanitarian Programmes

In 2014, the Irish Government established a short term humanitarian initiative called the Syrian Humanitarian Admission Programme (SHAP). This scheme was designed to offer temporary Irish residence to vulnerable persons present in Syria, or those who had fled from Syria to surrounding countries since the outbreak of the civil war, and had close family members residing in the State.

Successful applicants secured residence rights for family members for up to two years on the basis that sponsors would meet all associated financial implications and support those relatives who failed to gain employment in the State. SHAP operated from 14 March – 30 April 2014. 84 applications were submitted in respect of 307 family members, with 119 beneficiaries approved under the scheme (79 availed of the permission granted).

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**Family Reunification**

The nature of forced displacement will inevitably result in the breakup of some family units due to the hazardous uncertainty of the journeys undertaken. In Ireland, refugees and persons who have been granted subsidiary protection have the legal right to apply for family reunification.

However, following the commencement of the International Protection Act 2015, the categories of eligible family members was restricted to existing spouses and children under 18. In addition, the Ministerial discretion for accepting family reunification applications from extended family members for humanitarian reasons is no longer provided for.

| Table 13: Family Reunification Trends in Ireland Pre-International Protection Act |
|-----------------------------|---|---|---|---|---|
| Year | 2012 | 2013 | 2014 | 2015 | 2016 |
| Applications | 206 | 159 | 161 | 272 | 381 |
| Potential Dependents | 409 | 292 | 337 | 617 | 888 |
| Top Nationality | Somalia | Somalia | Somalia | Somalia | Syria |

**Pathway 4: The Irish Refugee Protection Programme**

The Irish Refugee Protection Programme (IRPP) was established by Government decision on 10 September 2015 as its flagship response to the humanitarian crisis developing on the borders of Southern Europe. Under this programme, the Irish State pledged to accept 4,000 persons (including protection applicants, programme refugees and unaccompanied minors) over a two year period.

When the IRPP was announced, Ireland had already committed to resettle 520 persons from Lebanon and relocate 600 persons from Italy and Greece over the two-year period. In light of the human need, the Government committed to an additional 2,880 persons to arrive under programmes agreed under the EU Agenda for Migration and covered by Council Decisions 2015/1523 and 2015/1601. It should be re-iterated that, as Ireland is not required to fully participate in the implementation of certain measures relating to EU justice and home affairs, the State chose to voluntarily opt in to the EU Resettlement and Relocation programmes established by the aforementioned Council decisions.

The IRPP is overseen by a high-level Government taskforce composed of senior staff from all key Government departments, the local authorities, relevant State agencies, the UNHCR and the Irish Red Cross. In operational terms, the programme runs parallel to the Irish asylum system.

Persons arriving as relocated asylum seekers are managed by the IRPP Programme Office and those granted resettlement (i.e. recognised as refugees prior to arrival) were originally coordinated by the Office for the Promotion of Migrant Integration. Both cohorts are initially accommodated in Emergency Reception and Orientation Centres (EROCs) located at Hazel Hotel in Monasterevin, Clonea Strand in Dungarvan, Ballaghaderreen in Roscommon and the Mosney Direct Provision accommodation centre.

The supports provided to IRPP beneficiaries whilst in Emergency Reception and Orientation Centre (EROC) accommodation include:

- Accompaniment from airport to EROC.
- Assisted registration with Garda Naturalisation and Immigration Bureau (GNIB) and the Department of Social Protection.
- Assistance to secure medical card.
- Liaison with local Education and Training Board to ensure provision of Language Training and Cultural Orientation programme and childcare to assist attendance.
- Referrals to local service providers/NGOs.
- Referral to dental and optical services and assignment of GP.
- Provision of on-site interpreter/translator/cross-cultural workers.
- Education provision for school age children by the Department of Education and Skills.


60 Due to capacity pressures, the Mosney Direct Provision centre is also being utilised as an EROC for the purposes of accommodating relocated persons.

Although the IRPP was broadly welcomed as a proactive response by the State, the adequacy of its scale was questioned by NGOs\textsuperscript{62} (including JRS Ireland) who contended that Ireland had capacity to respond much more generously to the scale of human need presented by the arrival in Europe of hundreds of thousands of refugees and migrants.

**Key Findings:**

People in need may seek protection in Ireland through 4 pathways: as an asylum seeker at a port or place of entry; resettled as UNHCR programme refugees; reunited with family members or through humanitarian assistance programmes; relocated or resettled under the IRPP. The establishment of the IRPP created a significant complementary pathway to protection, but considerable scope remains to enhance safe and legal access to Ireland.

5. Effectiveness of Ireland’s Response

5.1 Scale of the Irish Refugee Protection Programme

Ireland chose to voluntarily opt in to EU Resettlement and Relocation Programmes under the EU Agenda for Migration and launched the Irish Refugee Protection Programme in September 2015. The exact breakdown of relocation and resettlement commitments is outlined in Table 14.

<table>
<thead>
<tr>
<th>Mechanism</th>
<th>Pledge</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Relocation</strong></td>
<td></td>
</tr>
<tr>
<td>Council of the European Union Decision (2015/1523)</td>
<td>600</td>
</tr>
<tr>
<td>Council of the European Union Decision (2015/1601)</td>
<td>2,022⁶⁴</td>
</tr>
<tr>
<td><strong>Total Relocation</strong></td>
<td>2,622</td>
</tr>
<tr>
<td><strong>Resettlement</strong></td>
<td></td>
</tr>
<tr>
<td>Government Decision (09/06/15)</td>
<td>520</td>
</tr>
<tr>
<td>Government Decision (06/07/16)</td>
<td>260</td>
</tr>
<tr>
<td>Government Decision (29/11/16)</td>
<td>260</td>
</tr>
<tr>
<td><strong>Total Resettlement</strong></td>
<td>1,040</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td></td>
</tr>
<tr>
<td>Government Decision (10/11/2016) to accept unaccompanied minors from Calais</td>
<td>200 (maximum)</td>
</tr>
<tr>
<td>Mechanism as yet undecided</td>
<td>138</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>4,000</td>
</tr>
</tbody>
</table>


⁶⁴ Of the total of 2,022 under Council Decision 2015/1601 - 910 have yet to be assigned to either Italy or Greece by the EU Commission.
There was significant public support and pressure for a generous response by the Irish Government to the crisis and, in this context, it is worth reflecting on the contemporaneous situation in Lebanon. Prior to the outbreak of the Syrian conflict, Lebanon had a similar population to Ireland, yet is now home to approximately 1.5 million displaced Syrian and Palestinian refugees from Syria. This amounts to the highest concentration per capita of refugees in the world65, in a country where 10% of the population are considered extremely poor, i.e. living on less than 2.4 dollars. Lebanon had no option to voluntarily opt in or out of any response to the crisis and significantly less resources - 16% of Ireland's GDP - at its disposal.

The Irish Refugee and Migrant Coalition, while welcoming the commitment to resettle or relocate 4,000 persons, contended that the Irish Government could do more in light of the scale of the need. In its 2015 position paper66, it called on the Government to provide closer to 20,000 places, which would be consistent with the most welcoming member states and reflect Ireland's innate empathy, due its long emigration history.

5.2 IRPP Analysis: Delivery on EU Resettlement and Relocation Commitments

5.2.1 Focus on Resettlement

The proactive approach by the Irish Government with respect to resettlement commitments should be acknowledged. The original target of 520 was met ahead of schedule. Subsequent Government decisions during 2016, effectively doubling the target, should also be recognized. In addition, in late 2016 following a strong civil society campaign, the State decided to resettle up to 200 unaccompanied minors from Calais, 30 of whom had arrived by the end of 2017.

This ability to react, as appropriate, to growing protection needs exemplifies the effectiveness of the resettlement model for States responding to the complex and dynamic realities of forced migration.

Overall by the end of December 2017 Ireland had resettled 785 UNHCR recognised refugees from Lebanon. This performance represented delivery of 75% of target over a two-year period. This is an outcome that is consistent with an EU average of 77% resettlement commitments delivered. The outstanding refugees had been identified and were scheduled to arrive from Lebanon prior to the end of 2017. However, due to accommodation pressures in the EROCs this group had to be deferred until early 2018.

**Key Findings:**

Ireland has largely delivered on enhanced resettlement commitments. However, accommodation issues prevented the full IRPP resettlement target being achieved within the agreed timeframe.

5.2.2 Focus on Relocation

Under the relocation strand, Ireland committed to relocate 2,622 persons. This commitment was broken down as 623 relocated from Italy, 1089 from Greece and 910 from Hungary. As Hungary refused to participate in the programme, immediately there were 910 relocation places unallocated.

**Greece:** Ireland has concentrated its relocation efforts on Greece. By the end of 2017, 755 persons had been relocated from Greece. Additional persons had been identified but not relocated due to a lack of accommodation capacity in EROCs, delaying relocation until 2018. As a result, the Government expected to reach its relocation target for Greece of 1,089 persons early in 2018.

**Italy:** Ireland also failed to relocate a single asylum seeker from Italy over the two-year period. The State contends that the refusal of the Italian authorities to allow Member States conduct security assessments of applicants for relocation on Italian soil prevented it from meeting its targets. However, some Member States proceeded to relocate persons from Italy without conducting security checks on Italian territory and in November 2016, Europol was empowered to conduct security interviews in cases where screening by local authorities in Italy was deemed insufficient. It is worth remembering, that in parallel with this relocation stalemate, more than 17,000 rescued migrants were brought to Italian ports by the Irish Naval Service. Despite repeated efforts to resolve the situation with the Italian authorities, including at Ministerial level, no solution was found which would have enabled an additional 623 people access protection in Ireland.

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Total Relocation: As noted, the EU Relocation Programme itself was initially beset with challenges such as the lack of engagement by asylum seekers; serious inadequacies in the reception infrastructure, services and registration procedures in Greece and Italy; and the EU Council’s failure to fully allocate relocation places. Ireland’s overall performance of 755 persons relocated out of an original commitment of 2,622, 29% of target, is marginally better than delivery managed by EU Member States as a whole, just under 20% of target.

Key Findings:
The relocation programme has delivered less than one in three of the promised places. The failure of this strand has contributed to a shortfall at the end of December 2017 of 1,867 places against the original commitment.

"JRS Ireland advocates that the resettlement target should be increased sharply to meet the shortfall in relocation delivery."

5.2.3 Overall Delivery
Despite concerns about the adequacy of the response in light of the scale of the human need, the IRPP struggled from the outset to meet even the relatively modest targets set. Table 15 provides a breakdown of actual delivery under the programme against commitments.

<table>
<thead>
<tr>
<th>Mechanism</th>
<th>Target</th>
<th>Arrived by end 2017</th>
<th>Due in 2018</th>
<th>Outstanding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resettlement Strand</td>
<td>1,040</td>
<td>785</td>
<td>255</td>
<td>-</td>
</tr>
<tr>
<td>Relocation Strand</td>
<td>2,622</td>
<td>755</td>
<td>259</td>
<td>1,608 (61%)</td>
</tr>
<tr>
<td>UAMs (Calais)</td>
<td>200</td>
<td>30</td>
<td>11</td>
<td>159 (80%)</td>
</tr>
<tr>
<td>No mechanism</td>
<td>138</td>
<td>0</td>
<td>0</td>
<td>138 (100%)</td>
</tr>
<tr>
<td>Total</td>
<td>4,000</td>
<td>1,570</td>
<td>525</td>
<td>1,905 (48%)</td>
</tr>
</tbody>
</table>

While consistent progress was made under the resettlement strand, only 10 persons were successfully relocated in the first 6 months of the programme and by the end of the first year, although the State had resettled 486 refugees, only 69 persons had been accepted via relocation.

Ultimately only 1,540 persons would successfully arrive in Ireland via EU Programmes within the stated 27-month timeframe. An additional 30 persons were resettled from Calais. Thus, in total by 31 December 2017 there were 1,570 beneficiaries of the Irish Refugee Protection Programme - 39% of the target.

This means that 2,430 people in urgent need of protection did not receive it. Even adjusting for delayed cohorts of 525 persons arising from accommodation issues in EROCs, the delivery over the duration of the IRPP would only approach 50%. The split between resettlement and relocation was a policy choice for the Irish Government. However, it was evident during the nascent stages of the programme that relocation was problematic. JRS Ireland has consistently advocated that the resettlement target should be increased to meet the shortfall in relocation delivery.

Key Findings:
By 31st December 2017, 1,570 persons were resettled or relocated to Ireland under EU programmes. In human terms a failure to honour IRPP commitments means 2,430 persons did not access the protection they needed and deserved within the programme time-frame.

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67 In terms of the State’s 910 unallocated places, they relate to the second EU Council Decision (2015/1601) and cannot be accessed until a further decision is taken at EU level.
68 Figures provided in private correspondence with UNHCR Ireland.
5.3 IRPP Analysis: Provision of Accommodation and Supports

Advance planning for the provision of supports and accommodation to IRPP beneficiaries commenced 9 months prior to the arrival of resettled persons and 3 months for relocated persons. The network of EROCs were established to comply with a policy, adopted by the State in September 2015, to not place IRPP arrivals in Direct Provision centres.

When the EROC expression of interest process was launched in October 2015, approximately 90 properties were offered, 14 of which were identified as having potential. However, as a result of perceived operational issues in Greece and Italy, the selection process was temporarily suspended during 2016.

By the end of the IRPP’s initial programmatic time-frame, only 3 EROCs would be operational and recourse to Direct Provision accommodation was necessary to house some persons arriving under the relocation strand. The failure to secure additional EROCs has been identified as a contributory cause to the slow rate of arrivals of relocated persons from Greece. Furthermore, concerns are growing at the rate at which IRPP beneficiaries with status move out of EROCs into the community. The transition challenges are similar to those experienced by persons with status in Direct Provision reflecting the underlying housing crisis in the country.

5.3.1 Resettlement

Resettled persons, following initial orientation, are accommodated in the community. Local authorities and voluntary housing associations have led the process in terms of accommodating resettled Syrian refugees from camps in Lebanon. In line with the Office for the Promotion of Migrant Integration (OPMI) resettlement model, funding is provided to put in place a wide-ranging programme of supports for persons under the resettlement strand exiting EROC accommodation and moving into the community. This is very valuable and assists resettled persons with language, integration and other challenges encountered after resettling in local communities.

Since the start of the IRPP, some 800 persons - 60% of all arrivals - have progressed and secured accommodation in the community. To date, refugees have been settled in 14 counties across Ireland; Clare, Cork, Dublin, Galway, Kerry, Leitrim, Louth, Limerick, Mayo, Offaly, Roscommon, Sligo, Westmeath and Wexford. The efforts of local authorities in coordinating this response, many putting in place inter-agency groups to respond to the need, must be commended. However, the success of the initial phase was also due to the substantial funding in place to support resettlement.

The capacity of EROCs and an increasing difficulty in locating suitable accommodation due to the housing crisis, ultimately led to a deferral of the arrival of the final cohort of persons from Lebanon until 2018.

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5.3.2 Relocation

755 persons have been relocated from Greece. Relocated persons are accommodated in EROCs for initial orientation but also while their protection claim is processed. Due to case-processing prioritisation, the experience to date is that the majority have received a determination within 12 weeks.78

The capacity issue of EROCs has meant that some relocated persons are residing in designated parts of existing Direct Provision centres, for example Mosney. However, the IRPP has invested significant resources in trying to support the transition of persons with status into communities. For example, the Irish Red Cross was provided with €180,345 during 2015/2016 and approximately €500,000 was made available for 201779 to assist IRPP beneficiaries secure accommodation.

Although not as comprehensive overall, relocated asylum seekers who are granted status are assisted – unlike applicants in the Irish asylum system - when transitioning into the community through the provision of a resettlement worker.

Once again, the housing crisis has impacted on the ability of relocated persons with status moving on from EROCs. This factor plus the failure of a tendering process to increase EROC capacity, delayed the arrival of some cohorts of relocated persons from Greece.

5.3.3 Impact of the Housing Crisis

Any analysis of this subject must include reference to the challenges faced by the Irish Government to overcome the deep and embedded structural barriers to housing that exist in Irish society.

Rebuilding Ireland80 was launched in July 2016 to tackle the national shortage of housing and accelerate housing supply. Despite an overall housing budget of €1.3 billion, a 40% increase in homeless funding to €98 million and numerous schemes and social housing programmes developed to support those facing homelessness; a record total of 8,587 people were homeless in Ireland at the beginning of 2018.81 Nationally, 5,508 adults and 3,079 children were homeless, meaning that 1 in 3 of the people experiencing homelessness in Ireland is a child.

The intractable national housing crisis and the dearth of supply will pose a significant challenge to the State in its efforts to welcome and integrate refugees and forced migrants. It is a difficulty faced by all sections of society in Ireland, including citizens, immigrants, persons with status/leave to remain living long term in Direct Provision accommodation and IRPP beneficiaries. Rebuilding Ireland has an explicit commitment to support IRPP beneficiaries but does not refer to the accommodation needs of persons granted status or leave to remain who are exiting Direct Provision.

5.3.4 Emergence of Tiered System

Following the commencement of the International Protection Act 2015 on 31st December 2016 and the introduction of a Single Procedure for determining applications for asylum, significant structural changes to the Irish Asylum System were implemented.

In light of the fact that 4,000 existing cases were transferred over to the new single protection procedure, JRS Ireland urged the Government to continue to utilise the solutions developed in the McMahon Report to resolve the situation of those longest in the system. This proposal was underpinned by the principles of equity, policy coherence and procedural efficiency and JRS Ireland welcomed the subsequent decision to prioritise the “majority of applications for international protection” on that basis. However, the ability of the International Protection Office to process this backlog is heavily dependent on the State’s effectiveness at recruiting additional resources, which to date have not been fully secured.

With regard to IRPP relocation cases, any case-processing prioritisation afforded by the International Protection Office is only fair and appropriate if the necessary additional resources are in place to prevent adverse impacts upon existing protection applicants. However, a two-tier system has now clearly emerged with respect to case processing. Regular asylum seekers are waiting far longer for their protection claims to be processed, with delays exacerbated as the scarce resources are directed to prioritise relocation cases. While most cases under the IRPP are processed within 8-12 weeks, asylum seekers arriving in 2018 face on average a 19-month wait to the date of first instance interview.

Table 16: Comparative Model of Integration Supports and Case Processing

<table>
<thead>
<tr>
<th></th>
<th>IRPP Resettled Persons</th>
<th>IRPP Relocated Persons</th>
<th>Asylum Process Persons granted status/leave to remain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reception</td>
<td>Residence in EROC for initial short stay of 3 months.</td>
<td>Residence in EROC during asylum application determination process.</td>
<td>Residence in Direct Provision centres during asylum application determination process.</td>
</tr>
<tr>
<td>Case Processing</td>
<td>Arrival with status as UNHCR recognised refugees.</td>
<td>Prioritised by IPO, average processing time of less than 3 months. All relocated persons from Greece were granted a protection status or leave to remain in 2017.</td>
<td>Subject to significant delays as new arrivals are now waiting 19 months for first instance interview, longer still for final determination. In 2017, the composite grant rate was 20%.</td>
</tr>
<tr>
<td>Accommodation</td>
<td>Direct assistance to acquire suitable housing for beneficiaries with supports from local authorities, voluntary housing associations and other bodies.</td>
<td>Irish Red Cross appointed “to enable migrants to move from initial accommodation centres into pledged (other accommodation) in a manner that facilitates integration and social inclusion.”</td>
<td>No consistent model of supports is provided.</td>
</tr>
<tr>
<td>Integration</td>
<td>Begins from the moment of arrival. Resettlement/integration supports funded for a 12-month period, including costs of a dedicated resettlement worker and a translator.</td>
<td>Begins from the moment of arrival: “In terms of settlement in the community, the overall model to be used will be identical to the model used for programme refugees (resettled persons) as will be the suite of integration supports.”</td>
<td>Begins from the moment status granted. No dedicated supports other than generic information guide and Citizen Information meetings. NGOs provide transition supports to the extent funding and resources permit.</td>
</tr>
<tr>
<td>Community Links</td>
<td>Responsibility of funded resettlement support agency to develop and establish links for families in local communities.</td>
<td>Comparable with IRPP Resettlement beneficiaries.</td>
<td>Individual responsibility. NGO assistance provided if available.</td>
</tr>
</tbody>
</table>

85 Written answers to Parliamentary Question (PQ19779/17; PQ19780/17) by Clare Daly T.D., Tuesday 2 May 2017, Dáil Éireann Debates, Vol. 948 No. 1, Unrevised.
A two tier system of case processing and accommodation and integration supports between IRPP beneficiaries and people applying through the Irish asylum process has emerged. While the supports highlighted above, that are made available to relocated and resettled persons when transitioning into the community, are very welcome, a consistent model across all categories of persons with status is required.

Through its delivery of the PATHS (Providing Asylum-seekers in Transition with Housing and Support) Project, JRS Ireland is acutely aware of the structural barriers faced by former asylum seekers exiting Direct Provision and the need for targeted supports. It would appear contrary to natural justice that persons granted the protection of the State are treated better or worse, solely based on their method of arrival into Ireland.

“A two tier system of case processing, accommodation and integration supports has emerged.”

5.3.5 Response by Civil Society

Despite the dynamic nature of the crisis, and its scale and complexity, civil society and faith-based groups in Ireland have sought to respond to the humanitarian needs of refugees and migrants arriving in Europe.

Within two days of launching a ‘Pledge a Bed’ campaign in September 2015, the Irish organisation UPLIFT recorded over 6,000 pledges from members of the public. Pledges were seen as a practical expression of solidarity in support of the organisation’s petition calling on the Irish Government to welcome greater numbers of refugees. During 2016 the Irish Red Cross was appointed the official organisation to manage offers of accommodation, goods and services and created an online Register of Pledges to collate offers. Ultimately, in excess of 700 pledges would be verified over the following 6 months. However, the processing of pledges and placement of refugees was painfully slow and much public goodwill was needlessly dissipated as a result.

5.3.6 Role of Churches and Faith Based Stakeholders

In line with the Christian tradition of ‘welcoming the stranger’, there has been a strong response to the EU Refugee Crisis from parishes, religious orders, faith based groups and churches of all denominations.

In September 2015, Pope Francis called on “every parish, every religious community, every monastery, every sanctuary in Europe host a family, starting with my diocese of Rome”. He also asked bishops throughout Europe to have their dioceses take up his call to “express the Gospel in concrete terms and take in a family of refugees.”

Irish Catholic bishops established committees in each diocese to explore ways to respond to the needs of refugees and migrants arriving in Ireland as a result of the crisis. Faith based stakeholders and church groups engaged in dialogue as to how to welcome and assist refugees in a coordinated and effective way. Accommodation audits were undertaken by a variety of religious orders/congregations and direct dialogue with Department of Justice and Equality officials and the Irish Red Cross initiated. Despite multiple meetings over a two-year period, the process did not ultimately result in the coordinated use of religious accommodation, goods and services, for the benefit of protection applicants. As a consequence, religious communities sought alternative avenues for responding to the crisis. For example, some orders and congregations made properties available for use in the Irish Refugee Council’s housing project.

Future engagement could be informed by the Communities of Hospitality initiative, a Porticus funded project in a number of JRS Country Offices in Europe. Within this framework, JRS France’s Welcome Project assisted families to host refugees for up to 6 months. Meanwhile in Spain and the UK, Jesuit communities opened their doors to welcome refugees to live with them. JRS Portugal ran a hospitality campaign nationwide to raise awareness and challenge negative perceptions about forced migrants. The best practices from this project could be applied in welcoming persons, irrespective of their pathway to protection in Ireland.

86 The PATHS Project seeks to assist persons granted status/leave to remain to exit Direct Provision in a timely manner by facilitating access to appropriate accommodation options and through the provision of comprehensive integration (education, employment, psychosocial, links to the community) supports throughout the transition process and beyond. It is a joint initiative of JRS Ireland and the Peter McVerry Trust and is part-funded by the European Asylum, Migration and Integration Fund (AMIF).
87 The petition had received 28,000 signatures by the time the ‘pledge a bed’ campaign was launched.
89 Opportunities were also explored to make properties available to JRS Ireland as part of the PATHS Project.
Key Findings:
The processing of relocation cases was prioritised by the IPO. This has contributed to waiting times for regular asylum applicants lengthening, many of whom were already in the asylum process several years.

Capacity issues in EROCs have inhibited arrivals and the rate of move-on has been impacted by the housing crisis. However, support from local authorities, housing associations and community groups have facilitated successful resettlement across the country.

Individuals, communities and the general public have pledged accommodation, time and skills to assist refugees being resettled or relocated in Ireland. However, the considerable displays of goodwill and support have not been adequately harnessed by the structures established by the State to manage arrivals.

There is a need for an explicit recognition of the accommodation needs of all persons granted status or leave to remain in national housing policy and not just those of IRPP beneficiaries.

There has been a strong desire across church and faith based groups to honour the Christian tradition of ‘welcoming the stranger’. JRS Ireland believes there is a willingness of parishes, religious orders and churches of all denominations to contribute more in responding to the crisis.

5.4 Looking Forward

5.4.1 Future Commitments

In early 2018, deferred resettlement and relocation cohorts were scheduled to arrive. If fully realised, at this point Ireland should have relocated 1,089 persons from Greece and resettled 1,040 persons. Over the next two years (2018-2019) Ireland has also committed to:

- New resettlement pledges amounting to 945 places, 1200 in total with deferred cohort.90
- 530 humanitarian admission places under the newly established IRPP Humanitarian Admission Programme 2 (IHAP).

In total, during the period 2018-2019, Ireland will therefore offer the protection of the State under the IRPP to 1,475 individuals, largely through a mechanism that has proven most effective in recent years, i.e. resettlement. It is worth noting that these future resettlement commitments are at a lower level than the 560 average annual commitment of resettlement places over the duration of the IRPP.

Table 17: IRPP Total Commitments 2015-19 91

<table>
<thead>
<tr>
<th>Mechanism</th>
<th>IRPP 2015-17</th>
<th>IRPP Deferred Due 2018</th>
<th>+ IRPP 2018</th>
<th>+ IRPP 2019</th>
<th>Total IRPP 2015-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resettlement Strand</td>
<td>785</td>
<td>255</td>
<td>345</td>
<td>600</td>
<td>1,985</td>
</tr>
<tr>
<td>Relocation Strand</td>
<td>755</td>
<td>259</td>
<td>75</td>
<td>0</td>
<td>1,089</td>
</tr>
<tr>
<td>UAMs (Calais)</td>
<td>30</td>
<td>11</td>
<td>0</td>
<td>0</td>
<td>41</td>
</tr>
<tr>
<td>IHAP</td>
<td>0</td>
<td>0</td>
<td>265</td>
<td>265</td>
<td>530</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,570</strong></td>
<td><strong>525</strong></td>
<td><strong>685</strong></td>
<td><strong>865</strong></td>
<td><strong>3,645</strong></td>
</tr>
</tbody>
</table>

Table 17 demonstrates that the total actual delivery by the IRPP at the end of 2017 (the original programme deadline), plus delayed cohorts, plus publicly announced IRPP commitments for 2018 and 2019, will result in 3,645 persons relocated/ resettled between Sept 2015 and December 2019. More than 4 years after the IRPP commenced it will still not have reached its original commitment to offer protection in Ireland to 4,000 persons under EU Programmes.

90 In 2018, the commitment will include 270 places already pledged.
But the protection needs of persons forcibly displaced globally - that the IRPP originally sought to address - has not remained static. Table 2 outlined the Global Displacement Need in 2018 as estimated by UNHCR. In response, the Irish Refugee and Migrant Coalition, of which JRS Ireland is a member, called in *Pathways for Protection on Ireland* to resettle 4,500 persons in the period 2018-2020. Thus Ireland should be resettling, in addition to commitments in Table 17, a further 1,500 persons in both 2018 and 2019 (an additional 3,000 places) to take an equitable share of the global need.

**Key Findings:**

Based on current performance and publicly announced targets for 2018-19, the IRPP will not have delivered on the original commitment made in September 2015 to resettle/relocate 4,000 persons within the original 27-month time-frame or even by the end of 2019, more than 4 years later.

Furthermore, for Ireland to take its fair share of the projected Global Resettlement Need, it should commit to an additional 1,500 resettlement places annually, that is, 3,000 in the two years 2018-19.

### 5.4.2 Enhancing Safe and Legal Access to Protection

In responding to the EU Refugee Crisis, the Jesuit Refugee Service and others have previously advocated for a toolbox approach of different measures and policies to meet the wide variety of protection seekers’ needs. Opportunities for enhancing such safe and legal pathways to protection in Ireland began to emerge in late 2017:

**September 2017:** The Government announced at the Annual Concordia Summit in New York that it was committed to developing a Community Sponsorship Programme for welcoming refugees. A pathway which will potentially enable local communities to actively support the resettlement of refugees in Ireland, the announcement was broadly welcomed by NGOs active on this issue. ECRE call for such models to be underpinned by the principle of additionality, so it is important that all community sponsorship places are in addition to and not in place of existing commitments.

**November 2017:** A private members Bill relating to family reunification successfully passed Committee Stage in the Seanad, despite opposition from the Irish Government. The Bill has the potential to restore the rights of beneficiaries of international protection to effective family reunification by reversing some of the more restrictive family reunification provisions in the International Protection Act 2015. It would widen the scope of the definition of member of the family to allow refugees or persons eligible for subsidiary protection to apply for a grandparent, parent, brother, sister, child, grandchild, ward or guardian to enter and reside in the State.

The Vatican’s *Migrants and Refugees Section* has also called for enhanced safe and legal routes for refugees and migrants, including community sponsorship and expanded family reunification:

> “Legal routes for safe and voluntary migration or relocation should be multiplied. This can be achieved by granting more humanitarian visas, visas for students and apprentices, family reunification visas (including siblings, grandparents and grandchildren), and temporary visas for people fleeing conflict in neighbouring countries; by creating humanitarian corridors for the most vulnerable; and by launching private and community sponsorship programmes, programmes for relocating refugees in communities rather than concentrating them in holding facilities.”

**Key Findings:**

The Irish Government has committed to increasing pathways to protection in the State by developing a model of Community Sponsorship and considering legislation for a more generous family reunification framework. These enhanced safe and legal routes to access international protection must be additional to and not in place of existing commitments.

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93 International Protection (Family Reunification) (Amendment) Bill 2017 (Bill 101 of 2017).

SECTION D
Sharing Responsibility, Saving Lives

“Welcoming, protecting, promoting and integrating migrants and refugees.
– Pope Francis - 104th World Day of Migrants and Refugees 2018”
6. Reframing Ireland’s Response to the EU Refugee Crisis and Beyond

6.1 Key Findings

6.1.1 Global Context

1. **Trends:** A record number of men, women and children, more than 65 million are forcibly displaced worldwide and the majority (86%) are hosted in developing countries. The conflict in Syria is the principal driver of both the rise in global refugee numbers and the frequency of persons undertaking the hazardous Mediterranean Sea crossing in an attempt to reach Europe.

2. **Saving Lives:** The migratory routes into Europe by land and sea are constantly changing. In the period under examination, more than 1.5 million men, women and children took to the sea undertaking life threatening journeys in search of refuge and a better life. 12,000 people lost their lives in the Mediterranean over the three years. The rate of deaths increased sharply between 2015 and 2017.

3. **Sharing Responsibility:** Member States on the borders of Europe, principally Greece and Italy, shoulder the greatest responsibility for hosting refugees and forced migrants arriving by sea. Meeting the projected 2018 Global Resettlement Need of 1.2 million places will necessitate an enhanced level of responsibility sharing by EU Member States.

4. **Root Causes:** Creating conditions for peace requires authentic development. By addressing the root causes of forced displacement including conflict, persecution and economic deprivation people can realise a right not to emigrate, to live with dignity and safety in their homeland.
### Table 18: EU Refugee and Migrant Crisis in Numbers

<table>
<thead>
<tr>
<th>Scale</th>
<th>2015-17</th>
</tr>
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<tbody>
<tr>
<td>Arrivals by Sea</td>
<td>1,550,152</td>
</tr>
<tr>
<td>Deaths/Missing Persons</td>
<td>11,986</td>
</tr>
<tr>
<td>No. of Asylum Applications lodged in EU-28</td>
<td>3,113,000</td>
</tr>
<tr>
<td>EU Response (September 2015-2017)</td>
<td></td>
</tr>
<tr>
<td>EC Council Decision (Resettlement Programme)</td>
<td>22,000</td>
</tr>
<tr>
<td>EC Council Decision (Relocation Programme)</td>
<td>160,000</td>
</tr>
<tr>
<td>Global Response</td>
<td></td>
</tr>
<tr>
<td>Registered Syrian Refugees in Turkey/Lebanon/Jordan</td>
<td>5,200,000</td>
</tr>
<tr>
<td>UNHCR Project Global Resettlement Need 2018</td>
<td>1,200,000</td>
</tr>
</tbody>
</table>

### 6.1.2 Analysing EU Response

1. **Search and Rescue:** EU search and rescue operations have saved 445,044 lives since 2015. The role of the Irish Navy in rescuing more than 17,000 people at sea is to be commended. However, the question of what happens next and of how responsibility is equitably shared across EU Member States, to receive and process protection claims of those saved, remains unanswered.

2. **Political Division:** The depth of division in the EU, in terms of values and approach, undermined the overall effectiveness of the response to the crisis. The combined commitments originally made under the EU relocation and resettlement schemes were modest relative to the need, having the capacity to reach fewer than 100,000 persons annually over a two-year period. It represented not even a tenth of the one million persons who crossed into Europe by sea in 2015, the year the package was agreed.

3. **EU-Turkey:** There is no question that the EU-Turkey deal is a ‘game changer’ in terms of impact on numbers arriving. Clearly, the EU-Turkey deal was not about sharing responsibility for those seeking refuge in Europe but rather outsourcing Member State protection obligations to transit countries at EU borders.

4. **Resettlement:** The EU has made significant progress, about 75% delivery of it resettlement target of 22,504. However, it was only half of what UNHCR recommended. In addition, the majority of beneficiaries were resettled from Turkey.

5. **Relocation:** Relocation was undermined from the outset by political division among EU member states, requiring a qualified majority to force it through. Less than one in five of the original relocation commitments, that is 29,630 out of 160,000 places have been delivered. Hampered by operational difficulties and applicant non-compliance, the relocation mechanism has essentially failed in its primary objective to share responsibility for receiving and processing claims of forced migrants more equitably across Member States.

6. **Externalisation:** The CEAS reform package continues a trend of externalisation and restriction in EU asylum policy, with access to protection increasingly under threat. This is reflected in the EU Resettlement Framework, with its apparent departure from the traditional humanitarian focus on resettlement to one of migration control.

### Overall Conclusion:

The EU has failed to uphold its founding principles in responding to the plight of hundreds of thousands of refugees and forced migrants who crossed the Mediterranean. A small number of individual member states have taken the majority of the responsibility for receiving and welcoming refugees and migrants. The EU Resettlement and Relocation Programmes were modest in scale. Relocation has failed abjectly, delivering less than one in five of the promised 160,000 places over a 24-month period. The EU-Turkey deal was effective in stemming the arrivals by sea but was a betrayal of European values. Essentially rather than sharing responsibility across member states it was exported to a country of transit. Reform of the Common European Asylum System embeds the sense that protection in Europe is under threat and the main aim is to prevent access to the territory, and where it cannot, to effect return as soon as practicable. Two years on it can be only concluded that Europe is shutting its borders.
6.1.3 Assessing Ireland’s Response

1. **Pathways to Protection:** People in need may seek protection in Ireland through 4 pathways: as an asylum seeker at a port or place of entry; resettled as UNHCR programme refugees; reunited with family members or through humanitarian assistance programmes; relocated or resettled under the IRPP. The establishment of the IRPP created a significant complementary pathway to protection, but considerable scope remains to enhance safe and legal access to Ireland.

2. **Case-Processing:** Key to Ireland responding appropriately and generously to the EU Refugee Crisis is to have a fair, fully functioning and transparent asylum process, producing a final determination in a timely manner (12 months or under). Asylum seekers arriving in 2018 will wait an average of 19 months for a first instance interview.

3. **McMahon Report:** The implementation of key McMahon Report recommendations relating to living conditions and supports has been uneven and slow. Recommendations relating to additional living space for families and access to single rooms remain largely unimplemented and the increases in the Direct Provision weekly allowance fell far short of Working Group proposals. Restricted access to further education, while in the asylum process, creates a significant barrier to longer-term integration.

4. **Right to Work:** The decision of the Supreme Court has resulted in a seismic shift in asylum policy in Ireland. It is in the interests of both the State and protection applicants that effective access to the labour market is granted at the earliest possible juncture after arrival to facilitate long term integration. There should be no restrictions placed on the right to work for eligible protection applicants and a consistent model of employment supports provided for eligible asylum applicants, persons granted status or leave to remain and IRPP beneficiaries.

5. **IRPP Resettlement:** By the end of December 2017 Ireland had resettled 785 UNHCR recognised refugees from Lebanon. This performance represented delivery of 75% of target over a two-year period. This is an outcome that is consistent with an EU average of 77% resettlement commitments delivered.

6. **IRPP Relocation:** Ireland’s overall performance of 755 persons relocated out of an original commitment of 2,622, 29% of target, is marginally better than delivery managed by EU Member States as a whole, just under 20% of target.

7. **Overall IRPP Delivery:** By 31st December 2017, 1,570 persons were resettled or relocated to Ireland under EU programmes. In human terms a failure to honour IRPP commitments means 2,430 persons did not access the protection they needed and deserved within the programme time-frame.

8. **Future IRPP Commitments:** Based on current performance and publicly announced targets for 2018-19, the IRPP will not have delivered on the original commitment made in September 2015 to resettle/relocate 4,000 persons within the original 27-month time-frame or even by the end of 2019, more than 4 years later. Furthermore, for Ireland to take its fair share of the projected Global Resettlement Need, it should commit to an additional 1,500 resettlement places annually, 3,000 in the two years 2018-19.

9. **Two Tier Supports and Case Processing:** Evidence of a two-tier system for relocated persons and regular protection applicants is emerging, which propagates a narrative of deserving and undeserving refugees. A consistent model of transition supports across all categories of persons with status needs to be established. Furthermore, the prioritisation of the processing of relocation cases by the International Protection Office has contributed to waiting times for regular asylum applicants lengthening, many of whom were already in the asylum process several years.

10. **Impact of Housing Crisis:** Capacity issues in EROCs have inhibited arrivals and the rate of move-on has been impacted by the housing crisis. However, support from local authorities, housing associations and community groups have facilitated successful resettlement across the country. Direct Provision residents have also been adversely impacted with overcrowding in centres and an inability for persons with status to transition into the community.

11. **Partnership with Civil Society:** Individuals, communities and the religious have pledged accommodation, time and skills to assist refugees being resettled or relocated in Ireland. However, the considerable displays of goodwill and support have not been adequately harnessed by the structures established by the State to manage arrivals.

12. **Enhanced Safe and Legal Routes:** The Irish Government has committed to developing a model of Community Sponsorship and is considering legislation for a more generous family reunification framework. These initiatives must be additional to and not in place of existing commitments.
Overall Conclusion:

The IRPP was launched in September 2015 reflecting the widespread public concern that Ireland should respond swiftly and generously to the EU Refugee Crisis. A commitment to opt in to EU Resettlement and Relocation Programmes providing 4,000 places over a 27-month period was welcomed. However, many NGOs questioned whether this was sufficient when set against the scale of the need. At the end of the programmes, Ireland has mirrored other member states in falling far short of its targets. Operational difficulties and the impact of the housing crisis must be acknowledged. Nevertheless, at the end of 2017 Ireland had delivered 1,570 places out of 4,000, with a further 525 places deferred. Even adding in publicly announced targets for 2018-19, Ireland will have failed to reach the original commitment of 4,000 places by the end of 2019, more than 4 years later. Ireland can and should do more.

At the same time a two-tier system in case-processing and accommodation between IRPP beneficiaries and regular protection applicants is emerging. There remains an urgency to accelerate improvements in the protection process by proactively resolving legacy cases. Furthermore, key McMahon recommendations relating to living conditions, improving education supports and introducing an effective right to work are necessary if all protection applicants can live with dignity. Finally, a consistent model of integration supports should be provided to all persons granted status, irrespective of their pathway to protection.

6.2 Call to Action

Since the start of the EU Refugee Crisis in 2015, more than 1.5 million refugees and forced migrants have arrived in Europe by sea, almost 1,400 daily. In the same period 12,000 people never made it – every day since the crisis began on average more than 10 people lost their lives on the Mediterranean Sea. This is a reality with which none of us should be comfortable.

There is a moral imperative to save life. Diverting people from hazardous sea crossings in flimsy vessels is integral to achieving this aim. The reality is that individuals, children and families placing their lives in the hands of unscrupulous smugglers feel there is no other choice. There is a need to address the root causes of forced displacement including conflict, persecution and economic deprivation so that people can realise a right not to emigrate, to live with dignity and safety in their homeland.

Asylum and immigration policy across member states should be informed by the shared values of the European Union, including human dignity, liberty, democracy, equality, the rule of law and respect for human rights. The vision for the European Union is that member states would be characterised by “pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men”\(^95\). Upholding these values, especially that of solidarity, requires Member States to equitably share responsibility of welcoming, protecting, promoting and integrating refugees and migrants that have arrived at Europe’s borders in search of refuge.

We are called to respond as individuals, as communities, as Church and as States. Only by sharing responsibility will lives be saved. In the words of Pope Francis who called on all parishes and communities to host a refugee family, and in light of the scale of human need, we are compelled to act: “Faced with the tragedy of tens of thousands of refugees who are fleeing death by war and by hunger, and who are on a path toward a hope for life, the Gospel calls us to be neighbours to the smallest and most abandoned, to give them concrete hope.”\(^96\)

This paper has conclusively demonstrated that Ireland and the EU can should do more in responding to this crisis. We are all called to act. The time for action is now.

“Ireland can and should do more in responding to the EU refugee crisis and beyond.”

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6.3 Reframing the Response: Recommendations

Forced migration is a global challenge that requires global solutions. Yet it is individual states (Ireland) or regional initiatives (EU) that offer protection to those most in need. The key findings of this paper provide the evidence base for a need for change. Public commitments are rendered meaningless if not backed up by political will and adequate resources.

It is easy to say Ireland and the EU can and should do more. JRS Ireland has developed a series of evidence based recommendations, which seek to reframe Ireland’s response to the EU refugee crisis and beyond. The recommendations are presented using Pope Francis’s four lenses: welcoming, protecting, promoting and integrating.

Table 20: Sharing Responsibility, Saving Lives Recommendations

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