



Input by civil society organisations to the Asylum Report 2024

Dear Colleagues,

The production of the *Asylum Report 2024* is currently underway. The annual [Asylum Report series](#) presents a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, researchers and UNHCR. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policies or practices in 2023 by topic as presented in the online survey (**'Part A' of the form**).

We also invite you to share with us any publications your organisation has produced throughout 2023 on issues related to asylum in EU+ countries. These may be reports, articles, recommendations to national authorities or EU institutions, open letters and analytical outputs (**'Part B' of the form**).

Your input can cover information for a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain.

All submissions are publicly accessible. For transparency, contributions will be published on the EUAA webpage. For reference, contributions to the 2023 Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

*Please submit your contribution to the Asylum Report 2024 by **Thursday, 30 November 2023**.*





Instructions

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

Part A:

- ✓ New developments and improvements in 2023 and new or remaining challenges;
- ✓ Changes in policies or practices, transposition of legislation or institutional changes during 2023;
- ✓ Across the different thematic sections feel free to make reference to issues related to the implementation of the Temporary Protection Directive at national level.

Part B:

- ✓ New publications your organisation produced in 2023

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

PART A: Contributions by topic

- 1. Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)**

No update.

- 2. Access to information and legal assistance (including counselling and representation)**

As stated by the International Protection Office in November 2022: 'From Tuesday 08 November 2022 any applicant for International Protection attending at the reception of the International Protection Office (IPO) will complete a preliminary interview—and will also be required to complete the International Protection Questionnaire (IPO2) regarding their application and the reasons they are looking for protection'. In addition, 'Applicants from a safe country of origin will also receive their interview date on the day they apply for international





protection which will reduce their waiting time for an interview to a matter of weeks. The application process remains the same for all international protection applicants and applicants under the new procedure will still have the right to appeal a negative recommendation by the IPO to the International Protection Appeals Tribunal.¹

The Irish Refugee Council is particularly concerned that the new accelerated procedure and shortened timeframes give rise to a risk of inadequate opportunity for applicants to avail of legal advice, as well as inadequate time to gather supporting documentation and sufficiently prepare their applications so as to meet their obligations under s.27 IPA. Additionally, applicants who may have had traumatic experiences prior to their arrival in the state are required to complete and submit their questionnaire in an open-plan waiting area at the International Protection Office, an environment which is often extremely busy, noisy and tense. This raises significant concern in relation to the applicant's privacy and personal data protection. Moreover, it is an extremely inappropriate physical space for applicants to complete such a significant document and gives rise to a risk of re-traumatisation insofar as particularly vulnerable applicants are concerned.

3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters):

Interpretation services remains unregulated in Ireland as of 2023. Following the introduction of the new procedure detailed above, 'cultural mediators' provide translation services to applicants, as well as assistance in completing their questionnaires. The Irish Refugee Council has witnessed and received anecdotal reports of cultural mediators pressurising applicants to fill questionnaires rapidly, or to move on from a section of the questionnaire, or working in a way that appears adversarial rather than supportive.

1 International Protection Office, 'The European Communities (International Protection Procedures) Regulations 2022 and the International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022' 8th November 2022
<<http://www.ipa.gov.ie/en/ipa/pages/whatsnew#:~:text=From%20Tuesday%2008%20November%202022,application%20and%20the%20reasons%20they>> accessed 27 November 2023.





There is no standardised qualifications for interpreters and most agencies and public services use independent translation agencies. This means that there is significant variance in the quality of services provided. This has a potential impact on the applicants' reticence to disclose information, lack of confidence that their statements will be recorded correctly, and the 'misinterpretation' or indeed over interpretation of applicant's words. This can in turn lead to refusals at first instance and a protracted appeals procedure. While this was the case in translation and interpreting services used by the IPO prior to 2023, this year saw the roll out of the new truncated procedure and acceleration procedure for those arriving from countries deemed safe according to the countries of origin list.

In addition, according to the International Protection Act 2015, material information in relation to international protection applications must be provided in a language that Applicants can reasonably understand. The recent provision of cultural mediators to international protection applicants at the IPO has seen the provision of the initial application documentation being provided in English only and usually where there has been no opportunity to obtain legal advice. This is in clear contravention of the mandatory statutory obligations imposed in relation to same under the 2015 Act, most notably set out at s.18 and s.40.

4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

No update.

5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

On the 8th of November 2022, the International Protection Office introduced a revised international protection application procedure. As part of the revised procedure, applicants from so-called 'safe countries of origin' received a date for their substantive interview within four to





six weeks and a first instance decision on their application within three months of making their initial application for international protection. Countries designated as ‘safe countries’ included Albania, Bosnia and Herzegovina, North Macedonia, Georgia, Kosovo, Montenegro, Serbia and South Africa.

Throughout 2023, the revised prioritisation procedure continued to operate. As of August 2023, the median processing time for applications under the revised procedure was 9.5 weeks.² Additionally, as of November 2023 the Department of Justice was undertaking a review of Ireland’s Safe Countries of Origin list.⁴ In October 2023, the Department of Justice Migration Policy Unit and Legal Support Services Unit invited observations from a range of stakeholders to help inform recommendations to the Minister for Justice in determining whether these four identified states should properly be considered ‘safe countries of origin’ within the meaning of Section 72 of the International Protection Act 2015. The Irish Refugee Council made a submission as part of this call for observations. Should any of the new countries under examination be added to the Safe countries list, applications made by individuals from those countries will be subject to the accelerated procedure, as detailed above.

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions – housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

Accommodation:

Capacity within the Direct Provision accommodation system remained a significant issue throughout 2023. In addition to the large number of beneficiaries of Temporary Protection arriving in Ireland, many of whom sought accommodation from IPAS, 2023 saw a further significant rise in the number of individuals seeking international protection in Ireland.

² Information provided by International Protection Office, October 2023.





Accommodation capacity was therefore extremely constrained. In January 2023, IPAS exhausted its accommodation stock, resulting in many international protection applicants being refused accommodation on arrival in the state.

While all applicants were later provided with accommodation, and vulnerable applicants, such as families with children, were often prioritised, in many cases, single male applicants and couples had no option but to sleep on the street until such time as suitable accommodation became available.

Homeless international protection applicants were initially not permitted to access any form of social welfare support while street homeless, however, were subsequently permitted to apply for the Daily Expense Allowance whereby they did not have the means to support themselves.

The Irish Refugee Council's Independent Law Centre initiated judicial review proceedings before the High Court on behalf of several clients in this cohort, including one age disputed minor, citing breaches of the Reception Conditions Regulations 2018. Giving judgment in the proceedings in April 2023, Meenan J. concluded that the Minister for Children, Equality, Disability, Integration and Youth was in breach of his obligations to provide material reception conditions to the applicant pursuant to the European Union (Reception Conditions) Regulations 2018. He further concluded that the failure to provide reception conditions constituted a breach of the applicant's rights pursuant to Art 1 of the Charter of Fundamental Rights of the EU.³

Additionally, over the course of 2023, there was a consistent deterioration in the standard of accommodation provided to international protection applicants. 2023 saw further reliance by the State on so-called 'emergency centres' and tented accommodation. Citywest Convention Centre continued to operate as a transit hub for the processing of beneficiaries of Temporary Protection, as well as for the accommodation of newly arrived international protection applicants. Owing to limited bed capacity, many international protection applicants were forced to sleep on the floor of the Convention centre or on chairs for long periods while awaiting

³ S.Y. (Suing by his next friend Aoife Dare) v. Minister for Equality, Disability, Integration and Youth [2023] 175 JR.





transfer to more permanent accommodation. Many residents reported sub-standard, overcrowded living conditions, as well as significant safety concerns at the facility. The Irish Refugee Council also received reports of abusive conduct perpetrated against residents by security staff, including violent assault and theft.

Labour Market Access:

Owing to the significant increase in applications for international protection throughout 2023, delays in issuing Labour Market Access Permission became apparent. At the time of updating, applications for Labour Market Access Permission were taking 130 days to process, while renewal applications were taking approximately 8 weeks to process.⁴

7. Detention of applicants for international protection (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

No update.

8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management – including backlog management)

⁴ Information provided by Labour Market Access Unit, November 2023.





As of the 30th of September 2023, a total of **8,906** applications had been received by the International Protection Office. There were **16,566** applications pending at the International Protection Office on the 1st October 2023.

As of the end of September 2023, the IPO completed 6,417 first instance decisions. This represents a 31% increase compared to 2022 (year to date).

The median processing time for first instance decisions in prioritised and non-prioritised cases for **quarter two of 2023 was 12 months**, a reduction from 18 months over the course of 2022. The median processing time for accelerated cases was 9.5 weeks.⁵

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management – including backlog management)

There were an additional **2,387** appeals pending at the International Protection Appeals Tribunal on the 25th September 2023.

The median processing times for **appeals in quarter two 2023 was just below 5 months, down from 15 months at the beginning of 2022.**⁶

10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

The Department of Justice is currently undertaking a review of Ireland's Safe Countries of Origin list and is also examining the potential addition of four new countries to be added in 2023. In October 2023, the Department of Justice migration policy unit and legal support services unit invited observations from a range of stakeholders to help inform recommendations to the Minister in determining whether these four states identified should properly be considered 'safe

⁵ Information provided by the International Protection Office, October 2023.

⁶ Information provided by IPO, October 2023.





countries of origin' within the meaning of Section 72 of the International Protection Act 2015. The Irish Refugee Council made a submission as part of this call for observations. Should any of the new countries under examination be added to the Safe countries list, applications made by individuals from those countries will be subject to the accelerated procedure, as detailed above.

11. Issues of statelessness in the context of asylum (including identification and registration)

No update.

12. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

Vulnerability assessments:

Regulation 8 of the European Union (Reception Conditions) Regulations 2018 provides for the establishment of a vulnerability assessment process. Until January 2021 however, no standardised assessment was carried out in respect of vulnerable international protection applicants, despite this being a clear requirement under EU law. At the end of January 2021, a pilot project to assess the vulnerability of applicants was established at Baleskin reception centre in Dublin. The pilot scheme was subsequently extended to all newly arrived international protection applicants, as well as existing applicants, and aims to determine whether the applicant has special reception needs arising from any vulnerabilities identified. As of 2023, the pilot programme continued.

The applicant, or service provider, is required to return the questionnaire to the IPAS Resident Welfare Service by email or post. Assessment Officers from the Resident Welfare Team review all returned questionnaires to determine the applicant's vulnerability status. Whereby an assessment indicates that an applicant has one or more vulnerability the Assessment Officer





may contact them to discuss their vulnerability further. In some cases, whereby an assessment indicates a high level of vulnerability, the Assessment Officer may also refer the person for further assessment with an IPAS Social Worker.

In the experience of the Irish Refugee Council, many applicants who have sought vulnerability assessments under the revised procedure have yet to be contacted by the Resident Welfare Team, despite many applicants presenting with evident and significant vulnerability. The Irish Refugee Council also remains concerned about the lack of information provided to applicants regarding the assessment. It has become apparent in our contact with clients that many individuals undergoing the vulnerability assessment are not aware of the purpose of the assessment, nor do they understand what the information acquired will be used for. In many cases, individuals undergoing vulnerability assessments have recently arrived in the State, often have limited English. The lack of available information is particularly troubling as applicants are not properly equipped to fully communicate their circumstances, meaning that they often do not receive the required supports.

For the period from 1st February 2021 to 1st November 2023, 4,050 vulnerability assessments have been undertaken.⁷

Age assessments for age-disputed unaccompanied minors:

In correspondence with the Irish Refugee Council in February 2022, it was confirmed that Tusla does not currently have a national policy or approved internal guidelines on age-assessments for use in determining the age of unaccompanied minors or separated children referred from IPO or Dublin Airport. The reason given for this was that there exists no provision in legislation for Tusla to conduct such assessments. The relevant legislation for undertaking such assessments is the International Protection Act 2015, which confers the responsibility for

⁷ Parliamentary Questions Nos. 464, 465, 467, 468 and 469, 14 November 2023
<<https://www.kildarestreet.com/wrans/?id=2023-11-14a.1308&s=vulnerability+assessment+direct+provision#g1314.r>> accessed 30 November 2023.





conducting age assessments on the Minister for Justice. Thus, according to Tusla, the conducting of such assessments is not part of its statutory function.

In July 2022, the Irish Refugee Council, along with the Jesuit Refugee Service wrote to Tusla and the International Protection Office expressing concern regarding the State's existing practice for conducting age assessments, noting that the procedure did not comply with European Union law and fell short of international best practice.

Following this correspondence, Tusla engaged in a further deliberative process in conjunction with its operational and legal services to determine an eligibility criterion for receipt of Tusla services.

As of November 2023, the revised policy was partially implemented.

13. Content of protection (including access to social security, social assistance, health care, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

While there is no legal obligation on residents to leave Direct Provision having received a grant of status, throughout 2023, capacity within the accommodation system remained limited. Consequently, IPAS began issuing transfer notices to residents in cases whereby residents had received status and remained living in Direct Provision for a period of months. Residents were, in general, issued with transfer notices to tented accommodation, often in cases whereby they had obtained employment and integrated into the area in which they were previously living. This resulted in many residents leaving their designated accommodation to stay with friends, or rent privately, and subsequently becoming homeless. Despite ongoing advocacy from the Irish Refugee Council and other organisations, difficulty accessing housing services and emergency accommodation remained an issue for service-users, particularly where there existed no local connection to the area in which the applicant sought access to emergency accommodation.





14. Return of former applicants for international protection

No update.

15. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

No update.

16. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

No update.

17. National jurisprudence on international protection in 2023 (please include a link to the relevant case law and/or submit cases to the EUAA Case Law Database)

18. Other important developments in 2023

Not applicable.

Part B: Publications

1. If available online, please provide links to relevant publications produced by your organisation in 2023

Living in International Protection Accommodation: Exploring the Experiences of Families and Children in Direct





Provision <https://www.irishrefugeecouncil.ie/Handlers/Download.ashx?IDMF=8a2081c4-da20-4891-99c4-9dc22b670429>

Irish Refugee Council Budget 2024 submission 'Addressing poverty in Direct Provision'
<https://www.irishrefugeecouncil.ie/Handlers/Download.ashx?IDMF=997df5d6-6c62-4e0a-b027-f20707da31b3>

30 Years 30 Voices: The Power of Protection
<https://www.irishrefugeecouncil.ie/Handlers/Download.ashx?IDMF=d4a495bc-5edb-44bc-8c8a-beab421f3dd1>

'Now I live on the road': new report on homelessness among people seeking protection
<https://www.irishrefugeecouncil.ie/Handlers/Download.ashx?IDMF=4662e241-0d00-4809-9b7e-29e8d2255420>

Tight Spaces-An Educational Resource on Ireland's Direct Provision System by Young People
<https://www.irishrefugeecouncil.ie/tight-spaces>

2. If not available online, please share your publications with us at:
Asylum.Report@euaa.europa.eu

3. For publications that due to copyright issues cannot be easily shared, please provide references using the table below.

	Title of publication	Name of author	Publisher	Date
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