

Protection, Resettlement and Integration

Ireland's Response to the Refugee and Migration 'Crisis'

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Introduction

Approximately 800,000 people have crossed borders into Europe this year¹. Some have fled conflict and persecution and are seeking asylum; others are escaping extreme poverty and are in search of a better life. The majority have come from Syria, Somalia, Eritrea, Afghanistan and Iraq, while a smaller number have travelled from Sudan, Nigeria, Pakistan and other countries. Since the beginning of 2015, a staggering 3,400 people have died or gone missing along the treacherous routes across the sea to Greece, Italy and Turkey, or overland through the western Balkans². Regardless of the context from which these people have fled, they share an experience of desperation so great that they are willing to risk their lives.

As some European countries tighten border controls or close borders completely, it is becoming increasingly difficult for people to identify safe routes and secure options for migration and settlement. Political leadership is vital now in the fight against discrimination, exclusion, racism and Islamophobia. Upholding human rights and humanitarian values, along with our collective international obligations for people seeking protection, is critical at this time.

This briefing paper provides a background to the refugee and migration crisis. It sets out the international, European and Irish context and outlines a range of recommendations for the Irish government and EU leaders. The recommendations address three key areas, (A) opening up legal channels for migration, including reducing the barriers for family reunification with a particular focus on vulnerability, (B) developing community and participative approaches to reception conditions and long-term integration of asylum seekers and programme refugees, and (C) upholding Ireland's commitments to human rights, humanitarian aid and addressing the root causes of conflict and inequality.

International Context

In 2015, 59.5³ million people are displaced around the world, an increase of 8.3 million since 2014. This represents the highest number of people displaced since the Second World War. Globally, one in every 122 humans is now either a refugee, internally displaced, or seeking asylum. Since early 2011,

¹ <http://data.unhcr.org/mediterranean/regional.php>

² <http://data.unhcr.org/mediterranean/regional.php>

³ <http://www.unhcr.org/558193896.html>

the primary reason for this acceleration has been the war in Syria, now the world's single largest driver of displacement. On average, every day last year, 42,500 people became refugees, asylum seekers, or internally displaced, a four-fold increase in just four years.

At present, four crises - in Syria, Iraq, Yemen and South Sudan - are classified by the UN as 'Level 3' emergencies, the classification reserved for the most severe, large-scale humanitarian crises. The humanitarian system is being sorely tested by these emergencies, as well as by protracted crises and sudden onset natural disasters, such as the Nepal earthquake earlier in 2015⁴. The scale of the response required to each individual crisis continually exceeds the funding allocated for saving lives and alleviating suffering. In addition, consistent funding for large scale refugee response is declining, leading to a situation where food rations are being cut ⁵, essential services are curtailed, education programmes are suspended and displaced people are increasingly being forced into high risk and exploitative work in a desperate effort to survive ⁶.

Meanwhile, decades-old instability and conflict around the world, for example in Afghanistan and Somalia, means that millions of people remain on the move or – as is increasingly common – stranded for years on the edge of society as long-term internally displaced people or refugees. As the length of conflict increases, people can be displaced for up to 17 years before conditions allow them to return 'home'⁷. For the majority of people, displacement is an enormous loss of freedom, rights and community. Education is disrupted or halted completely. People lose their families, jobs, assets ranging from livestock to houses and businesses to cars, and their savings. Of the 59.2 million people displaced today, 38 million are displaced internally within national borders in some of the world's most fragile states. Others are located in nearby countries such as Lebanon, Turkey and Pakistan each of which hosts over one million refugees⁸.

European Context

In September 2015 the European Union agreed to relocate 160,000 people in need of protection in the coming two years. However the pace is excessively slow, with less than 200 people relocated to date⁹. Meanwhile, thousands of people are trapped at European borders in extremely harsh conditions with limited access to essential services¹⁰. Among these people are a large number of children and unaccompanied minors, who are particularly vulnerable¹¹. Abuse of migrants by security officials has been documented by human rights organisations in Serbia and Bulgaria¹². It is of particular concern that, amidst the current crisis, the European Commission has stressed its Action Plan on Return, including increasing the allocation of funds for voluntary and forced return. The emphasis on readmission programmes is also problematic, including those agreements signed with transit countries, as these are often coercive with limited transparency to ensure fundamental rights. Given the level of emergency, coupled with the lack of assurances for returns, we must question whether this is the best use of resources.

The Declaration by EU Leaders convening at the Valletta Summit on Migration in November 2015 made reference to people's rights and dignity, but left grave doubts as to how Europe will improve the lives of people in Africa in their efforts to curb migration. Indeed, while EU and African leaders met in Valletta, more people drowned at sea, razor-wire fences were being erected in Slovenia, and Sweden was implementing border controls. The summit's centrepiece, the EU Trust Fund for Africa, risks blurring the lines between development aid - which should be used for lifting people out of poverty - and funding for the EU's security agenda, which aims to bolster African states' border controls.

⁴ <http://www.unocha.org/where-we-work/emergencies>

⁵ [wfp-forced-make-deeper-cuts-food-assistance-syrian-refugees-due-lack-funding](http://www.wfp.org/publications/forced-make-deeper-cuts-food-assistance-syrian-refugees-due-lack-funding)

⁶ <http://www.globalhumanitarianassistance.org/wp-content/uploads/2014/09/GHA-2014-Ch-2-How-much-was-given-and-was-it-enough.pdf>

⁷ <http://www.unrefugees.org/what-we-do/>

⁸ <http://data.unhcr.org/mediterranean/regional.php>

⁹ http://europa.eu/rapid/press-release_IP-15-5958_en.htm

¹⁰ <http://www.aljazeera.com/indepth/inpictures/2015/10/fatigued-refugees-trapped-slovenia-greece-151030143337506.html>

¹¹ <http://www.un.org/apps/news/story.asp?NewsID=52286#.VkyfQU1ybs0>

¹² <https://www.oxfam.org/en/pressroom/pressreleases/2015-11-13/refugees-crossing-europe-tell-abuse-hands-bulgarian-police>

It is clear that 800,000 people seeking access to Europe, which has a population of 500 million, does not constitute a “migration crisis.” The EU is amongst the wealthiest regions in the world and has the capacity to develop policies which grant safe and legal access. Globally, people have migrated for millennia and it is a favourable phenomenon which has brought economic stability, as well as political and social benefits to many countries. Due to demographic change across the EU it is projected that 50 million additional workers will be needed by 2060 to sustain the economy. People currently arriving in Europe can help alleviate some of that pressure¹³.

Irish Context

In Ireland, we have a unique experience of migration stemming from the famine and more recently in response to recession. As a nation on the periphery of the EU, Ireland has been little affected by the refugee and migration crisis. The real crisis exists for those who seek safety in Europe but who are instead confronted with securitisation, police brutality, inhuman practices by people smugglers, human traffickers, extortion, lack of access to basic services and a failure by Irish and European leaders to ensure their fundamental rights are respected in their territories. Since May 2015, L.É. Niamh and L.É. Samuel Beckett of the Irish Naval service have rescued over 7,300 people in operations in the Mediterranean. In September 2015 the Government committed to receiving 4,000 people through the Irish Refugee Protection Programme. The Government has stated that up to 20,000 people could potentially come to Ireland through family reunification. However systemic barriers make this impossible in reality. The long established resettlement programme has welcomed just 100 programme refugees up to September 2015¹⁴. To put this in perspective, Lebanon, a country half the size of Munster, currently hosts 1.2 million refugees from Syria, and the Greek islands in October 2015 received 56,000 people in one week alone.

A hierarchical international protection system is now emerging in Ireland – resettlement from outside of the EU, relocation of asylum seekers from within the EU (both in the new Irish Refugee Protection Programme, IRPP) and the older system for people seeking asylum, part of which is Dispersal and Direct Provision (DP). A critical long-standing issue is the institutionalisation of asylum seekers through the DP system which is likely to be repeated in the new IRPP centres, known as Emergency Reception and Accommodation Centres. The Working Group on the Protection Process published a report with 173 recommendations in June 2015, most of which have not been acted upon. The International Protection Bill in November 2015 now seeks to overhaul the protection framework and set out rights, entitlements and obligations but falls short of international best practice.

Access to the territory also forms an important part of the right to asylum as guaranteed under the EU Charter of Fundamental Rights. From April 2014 to April 2015 alone 3,003 persons were refused leave to land in Ireland at ports of entry a figure which most likely included some eligible for protection. There is an immediate need to ensure transparency around the procedure of refusing leave to land in this State. Due to failures both in the EU relocation system and the pace of resettlement, the Irish government is in fact not living up to the commitments made after considerable pressure from the Irish public to respond proactively to this situation. Clearly the Government must do more.

The importance of learning from the mistakes of the past cannot be overstated. The development of an efficient, humane, transparent and responsive approach, with the phasing out of long-term institutional responses, is paramount in responding to the past and the current situation. Providing emergency shelter and services to people should not overshadow the needs of those currently in the Direct Provision system or a longer term vision and co-ordinated strategy for support, inclusion, integration and social cohesion. Committing to a strong intercultural and anti-racist ethos in policy, in programmes and within communities is key to moving forward in the Irish context.

¹³ <http://www.euractiv.com/innovation-enterprise/eu-needs-labour-migration-analysis-507489>

¹⁴ <http://www.integration.ie/website/omi/omiwebv6.nsf/page/resettlement-overviewresettlementprogrammes2010onward-en>

Recommendations for the EU and Irish Government

(A) Enhance legal channels for migration, including reducing the barriers for family reunification with a particular focus on vulnerability

Safe and legal avenues are essential to prevent people risking their lives by taking increasingly perilous routes to seek protection. In this context it is important to bear in mind that any recommendations to open up legal pathways of access should always be used in tandem with an approach which respects the rights of those individuals who arrive independently in Ireland seeking protection, including their right to non-discrimination under the 1951 Refugee Convention and its Protocol.

- **The introduction of Humanitarian Visas** would permit access to the EU through the issuing of visas at embassies and consulates. This would enable vulnerable people seeking protection to access EU territories legally, **eliminating risk and abuse by smugglers and traffickers**. Minimum administrative requirements regarding documentation would apply and the suspension of visa requirements would ensure greater flexibility. This measure could be piloted with nationalities of greatest need - Syria, Eritrea and Iraq - before being widened. Lessons can be drawn from Argentina and Brazil's special humanitarian visa programmes for Syrians. Security screening upon arrival in Ireland could also be envisaged as part of such measures to address any national security concerns.
- **Create exemptions from Carrier Sanctions for the purpose of people seeking international protection.** Carrier sanctions act as a barrier to claiming asylum and obstruct refugees from reaching a place of safety. The removal of carrier sanctions would take responsibility away from private actors such as transport companies and take power away from dangerous smuggling networks, whilst assisting refugees. This could firstly be applied to persons seen to be in most need of protection such as Syrians, Eritreans and Iraqis before being widened in scope.
- **Relax the family reunification process.** The refugee crisis has resulted in many families being separated. The presence of family is central to the settlement of people who have experienced persecution or fled conflict. In practice the administrative process for family reunification can be lengthy with restrictive requirements, including the provision of original documentation which may not be available. **A broad flexible humanitarian approach should be taken to both dependency criteria (financial, emotional, physical) and administrative requirements.** This process must be simplified urgently and include extended family members. Sufficient resources to improve and increase family tracing and speedier decisions are vital.
- **Increase the number of people under resettlement and relocation** as part of the Irish Refugee Protection Programme. Keep the number of relocated and resettled people under review with a view to increasing the number to approximately 0.5% of the population (22,000).
- **Ensure leave to land and access to the territory for persons seeking protection at our borders.** Develop and publish guidelines in consultation with relevant partners to ensure transparency and oversight. Establish a multi-agency monitoring mechanism under the supervision of an independent body such as the Irish Human Rights and Equality Commission. Such an approach would respect the right to asylum in practice as well as in law.
- **Suspend Dublin III with Italy, Hungary, Slovenia and Croatia¹⁵.** The current refugee crisis in Europe shows the failings in the Dublin system creating hardships, separating families and

¹⁵ A de-facto suspension is already in place for Greece following - *MSS v BE and Greece*, 2011.

often violating refugees' fundamental rights. It shifts responsibility to Member States at the borders of Europe whose asylum systems are under significant pressure. Suspending the Dublin Regulation with the exception of family reunification and for humanitarian purposes would benefit Member States and asylum seekers and show leadership from the Irish government.

- **Establish a fair and efficient international protection procedure.** The International Protection Bill must deliver on its commitment to legislative reform which is protection-sensitive, respects human rights and has strong, transparent procedural safeguards.
- **Safeguard people's fundamental rights in return procedures.** Return policies should ensure migrants' fundamental rights through independent and systematic monitoring. Human rights concerns should always be the main focus of national and European policies concerning migration and return. Cooperation between civil society organisations and state institutions on monitoring returns should be further explored.
- **Stop Returns and Return Orders for countries with ongoing armed conflicts** and provide mechanisms which would regularise the stay of nationals from those countries.

(B) Develop community and participative approaches to reception conditions and long-term integration of asylum seekers and refugees

There are challenges to be met in providing community and participative approaches to reception. The building of strong inter-community relationships will require the establishment of a strategy for integration at local and national levels, while creating supports and spaces for the voices of asylum seekers and refugees to be heard in the development of responses to their needs. The provision of specific and tailored supports for vulnerable groups is vital, including women (who may have experienced violence, or separation from their children), children (who may have experienced violence, or separation from their parents), and older people. A planned, co-ordinated and effective response based on community development principles and processes is vital to ensure good community relations and social cohesion, while promoting the empowerment and integration of asylum seekers and refugees.

- **Align the Irish Refugee Protection Programme with Ireland's broader international protection system.** One must not be considered in isolation of the other and Ireland must uphold its obligations for all persons seeking international protection irrespective of their method of arrival. Now is the time to significantly reform the protection system and create a system which is fair, cost-effective, efficient and humane with dignified reception conditions.
- Ireland's resettlement programme has been in operation since the 1950s. As part of this alignment a **comprehensive review of Ireland's resettlement programme** is needed to generate lessons learned and inform work going forward.
- Establish a **Special Rapporteur on Refugees, Asylum Seekers and Statelessness** for Ireland
- **Establish a new independent National Expert Body for Minority Ethnic Communities, Integration and Interculturalism** which would be responsible for the design, oversight and implementation of a National Strategy for the Integration of Minority Ethnic Communities and the Promotion of Interculturalism. This strategy must have a clear set of benchmarks and targets and be integrated across all Government departments. At its core, the strategy must have a commitment to community development and principles of empowerment, participation, collectively, anti-poverty, inclusion, social justice, human rights and equality.

This body will also advise Government on ways to address new and emerging challenges and concerns, including responding to the refugee and migration crisis.

- **The Government must end the commercial, for profit provision of accommodation for people seeking international protection.** It is vital that any accommodation provision is operated on a **not-for-profit** basis and has independent oversight from the National Expert Body for Minority Ethnic Communities, Integration and Interculturalism. This body would engage and work with **voluntary housing organizations** who have trained staff and years of experience in the provision of supportive accommodation in community settings. **Children's rights, the right to family life and community development** should be prioritised in order to respond to the short-and long-term needs of asylum seekers and refugees in Ireland.
- Establish a **Programme of Community Development Supports for Asylum Seekers and Refugees.** The programme should be designed by the National Expert Body with input from relevant stakeholders as part of the National Strategy.
- **Establish Local Integration Groups** facilitated by, but independent of, Local Development Companies (LDC). These groups - where communities of refugees are located - would devise and oversee local integration strategies and act as a forum to build the voice and participation of asylum seekers and refugees. They would address community development supports, education needs of children and schools preparation for children with language and curriculum challenges along with afterschool supports, consultation with local GP and other health services including Out of Hours and interpreter services, and orientation sessions in the regional towns to which people are dispersed.

(C) Ireland and the European Union must uphold their commitments to human rights, humanitarian aid and addressing the root causes of conflict and inequality.

The humanitarian system is under extreme pressure. Decreasing war and conflict and creating opportunities for investment in human capital and the lives of people in “at risk” countries needs to be a priority of the international community. The need for additional funding to support this approach cannot be overstated. If we are to live up to our collective humanitarian and human rights responsibilities, the international community must act.

- Urgent emphasis must be placed **on finding political solutions to current crises.** There will not be a military solution to any of these conflicts. All EU Member States must put real pressure on all parties to the conflicts in the Middle East to engage in inclusive peace talks as a matter of urgency.
- The EU must move to immediately **support the implementation of UN Security Council Resolution 2139 on humanitarian access in Syria** where 7.6 million are currently displaced internally. Since the adoption of UNSC 2139 in February 2014, humanitarian needs have increased, further destruction has ensued and entire communities are now under siege without any access to lifesaving humanitarian aid¹⁶. Renewal of resolution 2139 will be discussed by the UN early in 2016 and we urge that particular emphasis is put on its implementation.
- We welcome the recent announcement by the EU to allocate greater resources to meet humanitarian needs in the Middle East; however the scale of the response remains immense. **Greater resources should be allocated to meet the short but also the medium**

¹⁶https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-failing-syria-UNSC-resolution-120315-en1.pdf

and longer term needs of displaced people and host communities through support to livelihoods and educational opportunities in Jordan, Turkey and Lebanon.

- The EU Trust Fund for Africa **must not divert development aid to curb migration or increase border security**. Likewise, EU Member States **must not use Overseas Development Aid for a domestic refugee response**.
- The European Union and Member States **cannot choose whether or not to respond to the needs of those using their legal right to seek asylum in Europe. Humanitarian funding is not an alternative to fulfilling domestic asylum obligations and providing adequate support to relocation plans in Europe**.
- The move towards increasing the designation of “safe third countries” is highly problematic as it presumes safety in theory, not in practice. There is a great possibility that asylum seekers could be returned to “safe” third countries where they may suffer persecution. In addition, blanket refusal of entry to a large number of potential refugees is a potential violation of the principle of *non-refoulement*. **A decision on the merits of a claim to refugee status is the only way to ensure that the State’s legal obligations are observed**. Adequate systems, trained staff and clear information are basic requirements to ensure the rights and entitlements of those seeking refugee status are respected.
- **Naval rescue missions must continue throughout the winter**. This is an important aspect of Ireland’s humanitarian response to the migration and refugee crisis, which should not be withdrawn. The assumption that winter conditions will lessen smuggling across the Mediterranean is false, as is borne out by media documentation on a daily basis. People are simply desperate and gambling their remaining assets in the hope of a better life.
- **Victims of human trafficking must be protected rather than criminalised**. EU Member States must establish effective controls to crack down on traffickers operating inside the EU while respecting the rights of those who have fallen into their hands. Ireland must immediately implement a multi-stakeholder system of identification of victims of trafficking.



Cultúr - Migrants Centre

