

# Long Stayer Scheme

## Principles, Pros, Cons and Consequences

**Discussion Paper**

**Submission to Working Group on Protection Process**

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# 1. Context

## 1.1 TOR

The terms of reference given to the Working Group are having regard to the rights accorded to refugees under the 1951 Geneva Convention Relating to the Status of Refugees and bearing in mind the Government's commitment to legislate to reduce the waiting period for protection applicants through the introduction of a single application procedure.

To recommend to the Government what improvements should be made to the State's existing Direct Provision and protection process and to the various supports provided for protection applicants; and specifically to indicate what actions could be taken in the short and longer term which are directed towards:

- (i) improving existing arrangements in the processing of protection applications;
- (ii) showing greater respect for the dignity of persons in the system and improving their quality of life by enhancing the support and services currently available;

ensuring at the same time that, in light of recognised budgetary realities, the overall cost of the protection system to the taxpayer is reduced or remains within or close to current levels and that the existing border controls and immigration procedures are not compromised.

On 10 November 2014 at its first plenary meeting, the Working Group agreed a work programme, forming 3 thematic sub- groups to identify recommendations for Government.

- **Theme 1** Improvements to the direct provision system (i.e. living conditions while in designated centres) aimed at showing greater respect for the dignity of persons in the system and improving their quality of life.
- **Theme 2** Improved supports (e.g. financial, educational, health) for protection applicants aimed at showing greater respect for the dignity of persons in the system and improving their quality of life.
- **Theme 3** Improvements to existing arrangements for the processing of protection applications with particular regard to the length of the process.

Thus addressing the issue of length of time in the process is an explicit aim of the Theme 3 Sub Group. While the Single Procedure and improvements to the protection process will benefit new and more recent applicants, it is recognised that more targeted measures need to address the plight of applicants who have spent excessive length of time in the system.

## 1.2 Consultative Process

The Working Group on the Protection Process invited those in Direct Provision to make submissions to the Group as part of their consultative process. 58 adult individuals and families responded in written format. Some made multiple submissions which are counted as one. Every effort was made to reassure those engaging in the process of the confidentiality of their correspondence, and stamped envelopes were made available at the Centres to facilitate the communication.

Submissions were received from people in direct provision in Mayo, Cork, Waterford, Sligo, Dun Laoghaire, Clare, Dublin, Tipperary, Westmeath, Galway, Kildare and Kerry, The key themes that emerged in the correspondence are set out in the key messages recorded below.

The submissions were very clear in identifying the main issues about life in Direct Provision and in the asylum process. The clear and constant message throughout all submissions, regardless of the Centre's location, is the frustration felt about the length of time it takes to be processed through all avenues of application, the appeals systems, the Courts systems, the deportation systems and the discretionary process.

As one resident noted:

'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'

This point repeated by many, cascades down throughout the system of Direct Provision. The length of time where people:

- a) do not know their future,
- b) can not provide for themselves or their families,
- c) live in shared spaces,
- d) can not cater for themselves,
- e) do not have the financial resources for independent living
- f) can not upskill or access full third level education
- g) can not work to self support
- h) can not have a home life similar to others in the community where they reside

has informed their commentary and communication with the Working Group. There is a strong positive message of hope for the deliberation of the Working Group. The submissions also make strong commitments to Ireland, to being productive self supporting citizens, if granted status and a desire to make their own contribution to active citizenship.

### **1.3 Problem Analysis**

The detailed problem analysis of the system, comprising the protection process, the leave to remain process, the deportation order stage and the judicial review process, focuses on the length of the process. The length of the process has been identified as the key problem with the system by a range of sources including residents of direct provision accommodation centres in their written submissions and the views they have shared during the consultation process. The impact of the length of the process can be more pronounced for children and vulnerable groups. A focus on length of the process also flows from the task of the Sub-Group, as adopted by the plenary, to suggest improvements to the processing of protection applications with particular regard to the length of the process.

There are an estimated 8,142 people in the system. The length of time they have been in the system follows:

Less than 1 year	14%
Less than 2 years	9%
Less than 3 years	8%
Less than 4 years	7%
Less than 5 years	9%
Over 5 years	52%

Thus more than half of cases in the system are 5 or more years since their initial asylum application.

## **1.4 Impact of Length of Time**

The human costs associated with living long term in Direct Provision are significant and well documented including:

- Negative impact on family life and the long term healthy growth and development of children
- Boredom, isolation and social exclusion
- Obsolescence of skills and creation of dependency
- Negative impacts on physical, emotional and mental health.

The prohibition on a right to work combined with a de-facto barrier to further education is especially problematic when experienced over the long term. These restricted rights apply irrespective of whether a person resides inside or outside Direct Provision.

For many there is 'no end in sight' and this not knowing and consequent uncertainty is cruel and increasingly debilitating with every passing year.

## **1.5 Solutions Based Approach**

It is worth restating that it was not intended on any side that people would find themselves 'stuck' for years in the Irish asylum system. The reasons are manifold and complex arising from structural fault-lines within the protection process over many years. Essentially the current problems arising in the Irish asylum system are unique and particular to the specific Irish context and circumstances.

Although unintended this situation has, as evidenced in the sections above, resulted in significant human cost and suffering. The catalyst for this Working Group was protests throughout the country in DP centres. People with the lives on hold long term in the system have had enough. Two Senior Ministers have gone on record as saying that the current situation is untenable and charged the Working Group with finding solutions.

Thus, the approach in this paper is above all solutions-based one. But it must also be remembered that residents have been urged to trust the process. Understandably there will not only be disappointment but other foreseeable consequences if the ultimate results of the Working Group fall far short of expectations.

## 2. Principles

There are a number of principles that will inform any durable solutions for long stayers:

- **Sovereignty:**
  - The State has a sovereign right to manage its borders.
  - This right is not unlimited.
  - The State must respect the 1951 Refugee Convention and the Right to Asylum in the Charter of Fundamental Rights in the European Union
  
- **Balance of Rights:**
  - An individual has the right to have their application for protection to be considered in a fair and transparent manner within a reasonable timeframe.
  - Therefore the State must provide a protection system that vindicates those rights.
  
- **Appropriate Time Limit:**
  - 5 years by any standard is a long period of time for the State with all the resources at its disposal to determine and implement a final decision on an applicant's protection claim.
  - It is arguable that a much shorter period is appropriate.
  - The stated Government position is that the introduction of a Single Procedure will lead to significantly improved processing times.
  - Recommendations by the Working Group, if accepted, around quality of decisions, improved processing, training and resources will also contribute to a reduction in processing times.
  - It is therefore reasonable to expect the State to conclude the process within a fixed period or by default be obliged to grant leave to remain.
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- **Rolling Basis:**
  - The proposed scheme should not be offered on a 'once off' basis.
  - A rolling scheme should apply where eligibility is automatically conferred when an applicant reaches an agreed specified duration.
  - This would provide certainty for applicants and establish a *de-facto* maximum duration in the process, except where issues of exclusion may arise.
  
- **Credibility:**
  - Durable solutions to address the situation of long-stayers must be credible to and easily understood by potential beneficiaries.
  - The rationale for the proposed scheme must be capable as being seen as a fair, just and equitable outcome by the general public. This is particularly the case where the recommendations of the WG will be considered by Government in the run up to a general election.
  
- **Equality:**
  - Any solution related to duration since initial asylum application must apply equally to applicants within DP and those residing outside.
  
- **Integrity of the Protection Process:**
  - The integrity of the protection process needs to be respected, and thus, applicants should not be offered any immigration status at the cost of a full consideration of their protection claim.

- Those who would not normally be considered for LTR due to their conduct in the state or matters relating to the 'Public Good' would be excluded.
- **Best Interest of the Child:**
  - The concept of the best interest of the child is enshrined in international, EU and domestic law. An estimated one third of long stayers are children
  - Therefore the 'Best Interests fo the Child' must be a primary consideration in any proposed solution.
- **Consistent with Law:**
  - Any proposed solution ideally should be in line with best practice in other EU Member States and be cognisant of EU Directives and principles contained in the Common European Asylum System (CEAS).
  - Consistency with practice in other countries will counter any perceived 'pull factor'.
- **Legally Robust:**
  - Any implementable durable solution must be legally robust and consequences for the rest of the system need to be fully considered.
  - Any proposed scheme should be based on previous administrative schemes that have been approved by the Courts
- **Overarching Moral Principle:**
  - There is also a compelling overarching moral principle that addressing the plight of long stayers at a fundamental level is the right thing to do.
  - All parties agree that it was never envisaged that applicants would spend years in the asylum system and as a consequence endure the significant human costs associated with living long term in the institutional environment of Direct Provision.
  - The proposed scheme offers a considered, fair and justifiable solution to the position that now exists on the ground.

### 3. Long Stayer Proposal

#### 3.1 Scope

This paper focusses on durable solutions for long stayers in the system.

The “system” is defined as the protection process, the leave to remain process, the deportation order stage and the judicial review process.

Long stayers are defined as individuals, families and children who are in the system 5 years or more since their initial asylum application.

Table 1 from the Problem Analysis highlights that there are 1,408 people 5 or more years within the Protection Process and 2,799 people 5 or more years are at the end of the protection process (awaiting a decision on leave to remain or subject to a deportation order). Thus a total of 4,207 persons are 5 or more years in the systems, 52% of the 8,142 cases in the system.

Of these 4,207 persons 5 or more years, 1,744 people are residing in Direct Provision and an estimated 2,463 living in the community.

<b>Table 1: Number of Cases in System at 30.09.2014 by Length of Time</b>									
Process Location	Person Type	No. of Years Since Initial Application						Total	% of Cases
		0 - <1	1 - <2	2 - <3	3 - <4	4 - <5	5+		
<b>ALL PERSONS</b>									
Total Cases in System		1167	730	685	576	777	4207	8142	100%
		14.3%	9.0%	8.4%	7.1%	9.5%	51.7%	100.0%	
Total Number Residing in DP Accom. Centres		865	523	467	333	425	1744	4357	54%
		19.9%	12.0%	10.7%	7.6%	9.8%	40.0%	100.0%	
Total Number not Residing in DP Accom. Centres		302	207	218	243	352	2463	3785	46%
		8.0%	5.5%	5.8%	6.4%	9.3%	65.1%	100.0%	
<b>WITHIN THE PROTECTION PROCESS</b>									
Total Number Residing in DP Accom. Centres	All	694	360	257	205	183	516	2215	
	Child	148	113	102	98	83	163	707	
	Adult	546	247	155	107	100	353	1508	
Total Number not Residing in DP Accom. Centres	All	281	142	140	139	217	892	1811	
	Child	58	24	17	22	43	97	261	
	Adult	223	118	123	117	174	795	1550	
Total Number of Persons in Protection Process	All	975	502	397	344	400	1408	4026	49%
	Child	206	137	119	120	126	260	968	12%
	Adult	769	365	278	224	274	1148	3058	38%
<b>OUTSIDE THE PROTECTION PROCESS</b>									
Total Number Residing in DP Accom. Centres	All	171	163	210	128	242	1228	2142	
	Child	47	52	80	77	113	451	820	
	Adult	124	111	130	51	129	777	1322	
Total Number not Residing in DP Accom. Centres	All	21	65	78	104	135	1571	1974	
	Child	2	5	10	16	27	222	282	
	Adult	19	60	68	88	108	1349	1692	
Total Number of Persons after Protection Process	All	192	228	288	232	377	2799	4116	51%
	Child	49	57	90	93	140	673	1102	14%
	Adult	143	171	198	139	237	2126	3014	37%

## **3.2 Long Stayer Scheme Purpose**

The overall purpose of the proposed Long Stayer Scheme is to ensure that the 4,207 persons 5 or more years in the system are considered for leave to remain and to do this in a speedy, effective manner on a legally sound basis.

Any recommendations in respect of long stayers need to be framed in a way that each potential beneficiary understand how it applies in their individual circumstances.

This paper focuses on a possible mechanism to deliver this outcome taking into account discussions and submissions to date by the Theme 3 Sub-Group.

Yet it is worth restating there will be a need for transitional supports, especially for the 1,744 persons moving out of the institutional environment of Direct Provision, but this is the task of the Theme 2 Sub-Group and beyond the scope of this paper.

## **3.3 Long Stayer Scheme Legal Basis**

### **3.3.1 Domestic Precedent**

The IBC05 Scheme would seem to offer the obvious starting point for any mechanism for resolving the situation of long stayers.

The key characteristics of the IBC05 Scheme were:

- It was a special administrative scheme.
- It was in addition to the statutory process not in substitution of it.
- The State exercised its discretion to allow certain foreign nationals to reside in Ireland.
- The foreign nationals retained all their rights under formal – i.e. legislative S.3 – procedures.
- The scheme was introduced to deal with the "unique" situation in Ireland in 2005.
- A refusal under the terms of the scheme left an applicant in no worse a position than they were prior to their application.
- All relevant Constitutional and Human Rights considerations would take place as part of the formal - S.3 - process not the IBC '05 scheme.
- The terms of the scheme were clear.

The above legal characteristics as the Supreme Court found in the Bode Judgement<sup>1</sup> provide a roadmap for any proposals of a similar scheme for the “unique” situation in Ireland in 2015.

### **3.3.2 Impact of EU Immigration and Asylum Pact 2009**

In the Working Group it has been argued that the EU Immigration and Asylum Pact 2009 had a ‘chill’ effect on Member States introducing amnesties or regularisations. Thus, it has been posited that the only workable solution requires individual case by case consideration.

The term amnesty is one that has certain political connotations and is likely to be used, irrespective of whether this involves an individual case consideration or not, where:

- A scheme affects a large group of people with limited qualifying criteria of a general nature, primarily length of stay

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<sup>1</sup> *Bode v MJELR*, [2007] IESC 62

- A scheme limited in time or to a fixed group of persons

It is clear the use of terminology such as amnesty or regularisation often results in the severe demarcation between asylum seeker policy advocates and states' policy makers. However the fact remains that numerous regularisation programmes have been pursued by other states in recent years and past decades alike, to remedy "unique" anomalies within their immigration and asylum systems.

These temporary measures are not ill-thought out, quick-fixes or knee jerk reactions to the challenges inherent in asylum systems, nor have they exposed other states to unwarranted legal action. Rather they are short term solutions that have the potential to offer satisfactory outcomes to both asylum seeker and the State, when appropriately designed.

Finally, it should be noted that as "*important as the principle of maintaining the integrity of the asylum system undoubtedly is, it must sometimes yield – if only, perhaps, in unusual and exceptional cases - to countervailing and competing values...*"<sup>2</sup>. The reality is that many if not all of the asylum seekers 5 years or more in the system will never be deported due to the passage of time.

In the absence of an effective mechanism to regularise their situation, how long will they have to stay in the system before this reality is recognised and at what cost to the State and to the individuals stuck in this situation. Thus, if the Working Group has to rule out any solution that could be construed as an amnesty, it severely restricts its capacity and the tools at its disposal to identify effective solutions.

### **3.4 Long Stayer Scheme Characteristics**

#### **3.4.1. General Scheme Characteristics**

- Administrative scheme open to persons who are 5 or more years in the system.
- Legal basis of scheme to be modelled on the IBC '05 scheme.
- Eligibility for the long-stayers scheme will be on a rolling basis.
- Applicants will be required to apply in writing.
- Panel appointed and trained to decide whether to grant leave to remain or not.
- Individual decisions based on a consideration of whether an applicant applied more than 5 years ago for Refugee Status.
- Additional considerations can apply for applicants within a specific category - see below.
- LTR will be granted unless there are any substantive reasons to exclude, i.e. standard 'Public Order' issues.
- Prioritisation on similar basis applied for Subsidiary Protection determinations by ORAC, that is, for those longest in the system first and also for certain vulnerable categories.
- Short timeframe with the aim of delivering majority of decisions for eligible applicants within 3 months.

#### **3.4.2 Specific Scheme Characteristics for current Protection Cases**

- Scheme to be available to persons currently in the Protection Process to include those with outstanding Judicial Reviews. Leave to remain application to be processed on a 'without prejudice' basis to the outstanding protection determination (see recent judgement from Justice MacEochaidh - *IE v RAT [2014] IEHC 409*).

#### **3.4.3. Specific Scheme Characteristics for existing Cases subject to Deportation Orders**

- Eligibility assessed based on inability of State to effect existing DO within 12 months of DO issuing, provided inability to deport is not due to non-co-operation. Accelerated individual revocation process for eligible persons.

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<sup>2</sup> S. & Anor v MJELR, [2011] IEHC 92, at para. 23.

- Leave to remain decision finalised based on same checklist as above.

#### **3.4.4. Specific Scheme Characteristics for Judicial Review Cases**

- Leave to remain granted on 'without prejudice' basis to judicial review applicants.
- New rules introduced in October '14 requiring that within 28 days it is decided if the applicant has substantial grounds to judicially review a decision should restrict the possibility of JR applications being made with the sole purpose of delaying the processing of a claim and reaching the 5 year limit.

### **3.5 Scheme Requirements**

The scheme has a number of operational requirements for successful delivery:

- Adequate Human and Financial Resources are available. A panel approach requires a short and intensive investment of resources in recruiting and training suitable decision makers.
- Speedy Development of Qualifying Checklist and Exclusion Criteria.
- Accelerated process to extract and verify essential information from existing case files.
- Scheme to be closely modelled on IBC '05 scheme to protect from legal challenge.

#### 4. Long Stayer Scheme: Pros, Cons and Consequences

Table 2: Pros, Cons and Consequences of Long Stayer Scheme			
Area of Scheme	Pros	Cons	Potential Consequences/ Mitigating Factors
<i>Rolling Basis</i>	<ul style="list-style-type: none"> <li>- Certainty: Applicants have a clear and defined end point to their stay in the system</li> <li>- Reasonable: The stated Government position is that going forward decisions will be provided in 15 months. A significant buffer is built in for the State for ultimate processing</li> <li>- Humane: Also places <i>de-facto</i> limit on Direct Provision stay with all its attendant human costs</li> <li>- Fairness: Avoids situation of 'hard luck' long stay cases that fall wrong side of fixed point</li> <li>- Reduced DP Accommodation Costs: By removing long stayers there are significant financial savings on accommodation costs</li> <li>- Incentive: Provides the State with a real incentive to operate an efficient system</li> </ul>	<ul style="list-style-type: none"> <li>- Potential moral hazard in respect of applicant delay arising although it is greatly mitigated by 5 year limit</li> <li>- Separation of powers means that allocation of Court resources outside of State control in JR cases</li> <li>- Need to ensure transition supports are in place especially with respect to accessing accommodation</li> <li>- Additional administrative requirements in maintaining scheme on rolling basis</li> <li>- There are costs to the State for people receiving status but these are unavoidable</li> <li>- Provides applicants with an incentive to prolong process to 5 years</li> <li>- 'One off' scheme may be more politically attractive to a rolling scheme.</li> </ul>	<ul style="list-style-type: none"> <li>- Positive pressure on State to invest in decision making at first and second instance to avoid backlogs developing</li> <li>- Improved quality of decisions and judicial review processes mean historic delays in JR processing should not reoccur</li> <li>- New JR rules in Oct 14 should reduce capacity for lodging proceedings solely for delay.</li> <li>- Dependency grows with each additional year in the system earlier exit enhances chance of independent living /integration</li> <li>- Legislation provides mechanisms to deal with applicants who are not 'co-operating' with the system</li> </ul>
<i>Cut Off Duration</i>	<ul style="list-style-type: none"> <li>- Universal agreement that the cut-off duration should be no more than 5 years, many argue it should be significantly less</li> <li>- Cut- off duration is sufficiently long as not to constitute a 'pull' factor going forward (equivalent to sentence for a serious crime)</li> <li>- New rules in Oct 14 ensures it will be decided within 28 days if applicant has substantial grounds</li> </ul>	<ul style="list-style-type: none"> <li>- 5 years is too long especially for cases involving children and vulnerable applicants</li> <li>- As above potential moral hazard in encouraging applicant delay mitigated by proposed 5 year cut-off</li> <li>- Historically processing of JRs were a significant source of delay in the</li> </ul>	<ul style="list-style-type: none"> <li>- Long stayers will not benefit from Single Procedure or improvements to protection process so strong case for 'legacy' scheme</li> <li>- Introduction of Single Procedure, improved quality of decisions and JR processes should eliminate main potential delays; cut-off limit should be rendered moot going forward</li> </ul>

	to JR a decision which addresses moral hazard concerns	system	
<i>Legally Robust</i>	<ul style="list-style-type: none"> <li>- Domestic (IBC05) and international precedents for administrative schemes to regularise situation of asylum seeker cohorts</li> <li>- IBC '05 scheme upheld by Supreme Court as legitimate exercise of Executive power and limited scope for review by the courts</li> <li>- Default grant of status is consistent with other areas of administrative law e.g. planning</li> </ul>	<ul style="list-style-type: none"> <li>- EU Immigration and Asylum Pact (2009) has had a 'chill' effect on EU Members States introducing amnesties or regularisations</li> <li>- 'One off' scheme more appropriate to exercise of Executive power outside of the legislative framework</li> </ul>	<ul style="list-style-type: none"> <li>- Recent regularisations by Greece, Spain and Portugal; Pact is not legally binding; Ireland is 'a-la carte' in harmonising with other aspects of EU law</li> <li>- Rolling nature of scheme may require legislative underpinning</li> </ul>
<i>Credibility</i>	<ul style="list-style-type: none"> <li>- The appointment of the Working Group, Ministerial Statements and the Consultation Process has created understandable heightened expectations among DP residents that the situation of long stayers will be resolved.</li> <li>- Political statements clearly indicate that robust, practical and equitable solutions are expected from the WG</li> </ul>	<ul style="list-style-type: none"> <li>- A failure to recommend and implement an easily understood scheme to resolve the situation of long stayers is likely to lead to significant unrest in DP centres</li> <li>- Minor modifications of the existing process, by focusing on prioritising categories of applicants, will have a very limited impact on a small number of applicants and will not provide any sort of solution.</li> </ul>	<ul style="list-style-type: none"> <li>- Significant safety risks may result for residents and staff in DP centres, with potential for serious unrest and widespread sustained protests in centres on a less contained basis than experienced in August '14</li> <li>- The damaged credibility and legitimacy of NGOs who participated on the Working Group and urged residents to trust the process will mean they will have limited capacity to mitigate risks or influence actions of residents</li> </ul>
<i>Effective</i>	<ul style="list-style-type: none"> <li>- Single Procedure will not result in any reduction in processing times if existing caseloads and backlogs are brought forward</li> </ul>	<ul style="list-style-type: none"> <li>- Any 'legacy' scheme will ultimately yield saving in accommodation costs initially there will be processing costs in tackling the backlog</li> </ul>	
<i>Protection Cases</i>	<ul style="list-style-type: none"> <li>- Recent judgement by Justice MacEochaidh who found that because an applicant was granted leave to remain did not prejudice their existing protection application, with which they were still fully entitled to proceed</li> </ul>	<ul style="list-style-type: none"> <li>- May lead to cases being processed in protection system where LTR has already been granted</li> </ul>	<ul style="list-style-type: none"> <li>- Integrity of the Protection Process is maintained</li> <li>- Experience of the 'trailing child scheme' was that applicants withdraw from the protection process when LTR is granted</li> </ul>

<p><i>Deportation Orders</i></p>	<ul style="list-style-type: none"> <li>- Resolves plight of cohort at end of the process stuck with ‘no end in sight’ and essentially an indefinite sentence</li>   <li>- Recognises the reality that in the majority of cases due to passage of time, State will never execute DOs</li>   <li>- Opportunity to ensure that the efficiencies and savings projected by the introduction of the Single Procedure are achievable in reality by ensuring DO backlog is not brought forward</li> </ul>	<ul style="list-style-type: none"> <li>- Need to ensure large scale revocation of DOs does not leave the State open to liability</li>   <li>- JRs on DO cases have a double layer of complexity to resolve</li>   <li>- Need to maintain integrity of Deportation process</li> </ul>	<ul style="list-style-type: none"> <li>- Individual revocation of DOs have been occurring on a case-by-case basis without issue for the State</li>   <li>- Phenomenon of non-returnable forced migrants is experienced in many EU States, often addressed by regularisation schemes</li>   <li>- In failing to execute Deportation Orders for years the State is culpable for delays</li> <li>- ‘Inability to deport’ is a legitimate reason for the State to reconsider DO</li> </ul>
<p><i>Judicial Reviews</i></p>	<ul style="list-style-type: none"> <li>- Without prejudice awarding of LTR for JRs does not impinge on the integrity of the Protection Process</li>   <li>- Potentially lead to significant savings in legal costs for the State arising from JRs withdrawn as a result of receiving LTR</li>   <li>- Many cases awaiting determination in JR process could be quickly and easily disposed of, if the applicant was in a position to apply for LTR. Experience of highly successful ‘Trailing Child Scheme’ provides evidence of this.</li> </ul>	<ul style="list-style-type: none"> <li>- Legal representatives could be significantly out of pocket arising from costs incurred in drafting and submitting JRs</li> </ul>	<p>Experience of the ‘trailing child scheme’ was that applicants withdraw from the JR process when LTR is granted.</p> <ul style="list-style-type: none"> <li>- Long term consequences for participation of legal practitioners in asylum system</li> <li>- Potentially alleviated by payment of some costs on withdrawal of JRs as proposed by Colum O’Dwyer SC</li> </ul>