



Input by civil society to the EASO Annual Report 2016

EASO has started production of the Annual Report on the Situation of Asylum in the European Union 2016, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). The report will be finalised by collecting information from EU+ countries, civil-society stakeholders, UNHCR and other relevant sources on main developments in asylum policies and practices of EU+ countries in 2016.

Previous reports can be consulted on EASO's website: <https://www.easo.europa.eu/information-analysis/annual-report>

We would kindly like to ask you to provide your **observations**, - preferably bullet points to facilitate further processing of your input - **on developments in asylum law or practice in 2016 (and early 2017) in the areas listed below, reflecting the usual structure of the report**. Observations may concern national practices of specific EU+ countries or the EU as a whole.

The EASO Annual Report will not describe the national asylum systems in detail but present key developments in 2016, including **improvements and new/remaining concerns**. The topics listed below reflect the structure of chapter 4 of the EASO report on the 'Functioning of the CEAS'. We kindly ask all contributors to provide brief summaries only on those topics/issues that have seen important **improvements/deterioration as well as new concerns or where previous relevant concerns remained in 2016**.

Please bear in mind that the EASO Annual Report is a public document. Therefore, your input should be, whenever possible, supported with references to written sources to ensure transparency. That can be done by providing links to any documents such as position papers, important press releases, studies, comments, input to the other reports, public statements to government programs, etc.

While EASO endeavours to cover all relevant developments and strives to include as many references as possible, the final content of the EASO Annual Report remains bound by its terms of reference and volume. Therefore, while all contributions are gratefully received and recognised, EASO may edit contributions for length and clarity and use the submissions to best serve the objective of the Annual Report: to improve the quality, consistency and effectiveness of the CEAS.

Please provide your input by filling in this document (with attachments if required) and emailing it to ids@easo.europa.eu **AND** consultative-forum@easo.europa.eu **by 20 February 2017**.

Within the areas, please highlight the following **type of information**:

- NEW positive developments; improvements and NEW or remaining matters of concern;
- Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.
- Please use the topics listed below as a guide to providing input for each section. **DO NOT** provide information unrelated to relevant new developments.

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1) Access to territory and procedure

On the 31st December 2016, new legislation (the International Protection Act 2015) was generally commenced by Statutory Instrument (S.I. No. 663 of 2016) International Protection Act 2015 (Commencement) (No. 3) Order 2016) (<http://www.irishstatutebook.ie/eli/2016/si/663/made/en/pdf>)

The legislation introduces a single protection procedure. While the intention of the new legislation is to streamline the application procedure and significantly reduce overall processing times, there are some concerns that this objective will not be realised immediately due to the significant backlog in protection applications waiting for decisions.

Earlier in 2016, a number of sections of the legislation were commenced by other Statutory Instrument (S.I. No. 26 of 2016) International Protection Act 2015 (Commencement) Order 2016

(<http://www.irishstatutebook.ie/eli/2016/si/26/made/en/pdf>). The Order enabled the Minister to bring the legislation into operation generally or by reference to specific purposes or provisions of the legislation. A further commencement order was introduced in March (S.I. No. 133/2016) - International Protection Act 2015 (Commencement) (No. 2) Order 2016

(<http://www.irishstatutebook.ie/eli/2016/si/133/made/en/print>), which amended a number of provisions of other immigration-related legislation, including the Immigration Acts 1999, 2003 and 2004. The amendments relate to various matters, including :

- the powers of immigration officers to arrest and detain persons against whom deportation orders have issued in particular situations, for example, failure to leave the State within a specified time or intention to avoid removal.
- the powers of immigration officers to arrest without warrant and detention of persons refused leave to land (entry to the State).
- the appointment of immigration officers.

2) Access to information and legal assistance

3) Providing interpretation services

4) Dublin procedure

5) Specific procedures (border, accelerated, admissibility)

6) Reception of applicant for international protection:

An applicant for international protection is given a temporary permission to enter and remain for the sole purpose of their application being examined and determined. During this period of time, including any appeal procedure or judicial proceedings, an applicant is not permitted to engage in any form of employment. The statutory prohibition on entering employment is currently the subject of litigation before the Irish Supreme Court in the case of Minister for Justice and Equality v. N.H.V. Despite holding against the applicant in the High Court and the Court of Appeal, the Court of Appeal

permitted an appeal to the Supreme Court in the interests of justice and as a matter of general public importance on the point of law regarding the Irish Constitution. The Court of Appeal judgment is available at: <http://www.courts.ie/Judgments.nsf/0/A2D53B5E54FDF79680257F78004178C4>

7) Detention:

8) Procedures at First instance:

9) Procedures at Second Instance:

10) Availability and use of Country of Origin Information:

11) Vulnerable applicants:

12) Content of protection – situation of beneficiaries of protection

UNHCR and civil society organisations expressed concerns regarding the amendments to family reunification provisions introduced by the International Protection Act 2015, in particular a statutory time period of 12 months for making the application was introduced and removed the possibility that was provided for under the Refugee Act 1996 (as amended) for a refugee to make an application for dependent family members other than their spouse/civil partner, children, etc. (or parents, if the refugee is a minor). However, as the legislation was not operationalised until 31 December 2016, any negative impact arising from these changes remains to be seen. However, in respect of minors, the legislation extended the statutory entitlements for those granted international protection to include parents and minor children of the parents (i.e. minor siblings of the unaccompanied minor). Previously there was a statutory entitlement in respect of parents only.

13) Return of former applicants for international protection

Comprehensive figures are not yet available regarding the numbers of individuals refused leave to land (removed) or deported from Ireland in 2016. In September 2016, it was reported that more than 4,000 individuals would be removed or deported, including Syrians, Afghanis and Eritreans: <http://www.irishexaminer.com/ireland/4000-to-be-deported-or-refused-entry-to-ireland-in-2016-highest-number-in-6-years-423461.html> There is no right of appeal against the decision of an immigration officer to refuse leave to land and remove a foreign national from the State. Civil society expressed concerns regarding possible push back of individuals who may be in need of protection.

14) Resettlement and relocation

The Irish Refugee Protection Programme (IRPP) was established by Government Decision on 10 September 2015. Under this Programme, there was a commitment to provide international protection for up to 4,000 persons overall under the EU Resettlement and Relocation Programmes, with special priority to be afforded to unaccompanied minors. In December 2016, the Government provided the following update regarding the overall rate of progress, noting that relocation has been extremely slow due to 'serious operational deficits' in Italy and Greece. Full details regarding overall progress to date is available here: <https://www.kildarestreet.com/wrans/?id=2016-12-16a.128>

In addition to the IRPP, in November 2016, a motion was passed by the Irish Parliament to support the relocation of 200 unaccompanied minors from France to Ireland following the dismantling of the unofficial camps in Calais and northern France. It is reported by the Minister for Children that the first arrivals of unaccompanied minors is expected in the coming weeks: <http://www.thejournal.ie/calais-resettlement-ireland-3179600-Jan2017/>

15) Other relevant developments

Applicants for international protection who are victims of trafficking remain excluded from being identified as a victim of trafficking under the relevant Administrative Immigration Arrangements whilst they are in the protection application process. In December 2016, the Council of Europe GRETA committee conducted their second visit to Ireland. Prior to the GRETA visit, the Irish Human Rights and Equality Commission, along with other civil society organisations, made submissions and recommendations to GRETA, noting in a particular shortcomings regarding current victim identification procedures. A full copy of the IHERC submission is available here: <https://www.ihtec.ie/app/uploads/2016/12/IHREC-Submission-to-GRETA-2016.pdf>