

## **Sixth Meeting of the Working Group on the Protection Process**

**Tuesday 31 March, 2015, 2:00 pm**

### **Minutes**

#### **Attendees**

Dr Bryan McMahon  
Michael Kelly  
Noel Dowling  
Paddy Duffy  
Caroline Daly  
Michele Clarke  
Caitriona O'Brien  
Aidan O'Connor

Patrick Lynch  
Stephen Ng'ang'a

Simmy Ndlovu

Eugene Quinn  
David Moriarty  
Ronan Gallagher  
Fiona Finn  
David Costello

Martin McDonald

Barry Magee  
Mary O'Sullivan  
Greg Straton  
Madeleine Halpin  
Sophie Magennis  
Enda O'Neill  
Dan Murphy

Tim Dalton

Chair  
Dept of Justice & Equality  
Dept of Justice & Equality  
Dept of Justice & Equality  
Office of the Attorney General  
Dept of Children & Youth Affairs  
Dept of Education & Skills  
Dept of Environment, Community & Local Government  
Health Service Executive  
IRC Core Group of Asylum Seekers & Refugees  
IRC Core Group of Asylum Seekers & Refugees  
Jesuit Refugee Service  
Jesuit Refugee Service  
Dept of Public Expenditure & Reform  
NASC  
Office of the Refugee Applications Commissioner  
Office of the Refugee Applications Commissioner  
Refugee Appeals Tribunal  
Dept of Social Protection  
SPIRASI  
Tusla  
UNHCR  
UNHCR  
Former General Secretary of PSEU and ex-President ICTU  
Retired Secretary General of the Dept of Justice

#### **Apologies**

Tanya Ward  
Brian Power  
Reuben Hambakachere

Dr Ciara Smyth  
Jackie Harrington

Children's Rights Alliance  
Dept of Education & Skills  
IRC Core Group of Asylum Seekers & Refugees  
Lecturer in Law NUI Galway  
Dept of Social Protection

#### **Documents**

- Reports to Plenary from the Thematic Groups – Procedures for consideration and decision making - Proposal from the Chair of the Working Group.
- Report of Theme 3 Sub-Group to the Plenary of the Working Group on the Protection Process, Part 1 (of 2), 30 March 2015.

## **1. Agenda**

Agreed

## **2. Minutes and Matters arising**

Minutes agreed.

The Chair referred to resignation by the IRC representative on behalf of the organisation on 26 March and said that he hoped that he could trust on the continued support of all other Members to bring the task at hand to a successful conclusion. He said that the stated reasons were already in the public domain. They included the fact that the Working Group had not had an opportunity to consider the heads of the International Protection Bill before they were approved by Government and published. The Chair noted that this was a matter outside the control of the Working Group.

## **3. Procedural Matters**

The Chair presented his proposals on the procedures for consideration and decision-making in relation to the reports from the Thematic Groups. He said that it would be important that the process by which proposals from the Thematic Groups were considered and agreement reached was set out clearly stressing the need to work fairly and efficiently. Referring to para. 5 of his proposal he emphasised the need to avoid rehashing debates that took place at the Sub Group level - the reports from the Thematic Groups will represent the combined wisdom of the members of those Groups and many hours of consideration and the Plenary should not seek to go behind the outcome of their deliberations as contained in their reports.. The Chair also drew attention to Para 2 which provided that all proposals agreed for inclusion in the Final Report would be provisionally agreed only until such time as the Plenary has considered all proposals from the Thematic Groups, and had assessed the projected costs (in so far as they can be ascertained) of the full set of recommendations against the overall cost of the protection system as required by the Terms of Reference. The Chair drew attention to the proposed voting arrangements are set out at paras. 8 to 14. He said that he hoped that it would not be necessary to resort to calls for votes but in the event that the situation arise it was important that an agreed process was in place. He said that he would strive for consensus and urged all to take an accommodating approach.

The procedures were adopted.

## **4. Report from Theme 3 Sub Group**

The Chair of the Theme 3 Sub Group presented Part 1 of the Sub Group's Report. The Chair of the Sub Group noted that recommended solutions for the long stay issue at pages 49-55 of Part 1 were adopted by consensus at the 13<sup>th</sup> meeting on 27 March - this was the section of the report before the Plenary for its consideration and possibly approval. The Chair noted that the remaining pages: 1 – 48 would be finalised before the next Plenary as would the second half of the report dealing with improvements to the procedures. The Sub-Group has proceeded in this way given the high priority accorded to the length of time issue and have worked hard to give plenary some recommended solutions on this as soon as possible.

In the discussion that followed the points raised were:

DSP raised the question of costs arising in its Department from those who would be granted status under the proposed solution and advised that such costs will be estimated and provided to the Working Group as soon as possible. TD said that such costs were outside the terms of reference and were not included in the costing model developed by Sub Group 3. DELG said that responsibility for housing needs would be transferring to its Department from DSP and that in the context of a housing list of 100,000 people the cohort at issue here would constitute a small percentage increase and would be manageable. SPIRASI said that it would be important to manage the exodus of this cohort and that this should be considered by Theme 2.

The question of the need for legislative change as referenced was raised by DSP. The AGO noted that it was not possible to say whether legislative change would be required to implement the solution – a judgment was awaited from the High court on the question of the right to work. TD noted that if legislative change was required that it would affect only a small proportion of those who would come within the proposals and that it would not hold up the proposal in its entirety. It was agreed that para. 5.7 should be amended by the substitution of “will” by “may”.

The recommendations at 5.1 to 5.9 (subject to the amendment of 5.7 as agreed above) were put to the Group for approval. The recommendations were agreed.

The Chair invited Eugene Quinn of JRS to outline the financial model developed by the Theme 3 Sub Group. Mr Quinn noted that the Sub Group was focused on costing the protection system only as required by the Terms of Reference and that costs arising post exit were outside the remit of the Working Group. He said that the costings were being worked on by a smaller group including INIS, ORAC, RAT with input from DPER. He noted that, in terms of application numbers, the system was a historic low and that the trend was upwards. Taking account of this the model was designed to project costs over 5 years. The model includes the key drivers of cost - salaries of staff, overheads and identifies the cost of applications / decisions. It also includes projected numbers of people in Direct Provision which is driven by the number of decision makers. The model looks at what would happen if the protection system remains the same and what will happen if the single procedure is introduced (2016 is assumed as the commencement date for this purpose) and takes account of the upward trend in applications. The model shows that the cost of decision making is cheaper than accommodating a person in Direct Provision and makes the case for investing in decision-making at ORAC, RAT and INIS rather than paying for people to stay in Direct Provision long term – staffing levels are critical to avoid backlogs. While the savings identified are notional in view of the upward trend they can be used to off set the costs arising from proposals from Themes 1 and 2.

The Chair thanked the Chair of Sub Group 3, Ms Magennis, Mr Quinn, Mr O'Neill and the Members of the Theme 3 Sub Group for their hard work.

## **5. Communications**

The Chair reminded Members of their undertaking at the First Meeting as regards the confidentiality of the Working Group's deliberations. The Chair referred to a newspaper article which suggested that the Department of Justice was intending to implement an amnesty in advance of the Working Group's recommendations - while the article was inaccurate it could generate expectations on the part of residents and its contents suggested that there has been some leakage from the Group. The Chair reiterated that the proposals agreed under item 4 were provisional recommendations only pending consideration by the Plenary of the full set of proposals across the three themes.

IRC Core Group informed the Group that the article had resulted in a flood of calls to its office from residents and suggested that the Group consider issuing a statement on the revised timeframe for the submission of the report of the Group to the Minister – residents had expected the work of the Group to be completed by Easter and deserved an update. The Chair said that nothing had been promised by Easter and that it was now hoped to sign-off on the final report before the end of May. Very little could be said in any statement other than in relation to the time frame as nothing had been agreed. A number of Members said that while nothing had been promised by Easter, Easter was in the public domain and an expectation had been created. TD suggested that it would be useful if the Minister could issue a statement noting that the work of the Group was at an advanced stage and making reference to the revised time frame – this would be a matter for the Justice representatives to take up. It was also noted that the progress report of the last Plenary posted to the Group's webpage had made reference to some slippage in the time frame. It was agreed that the Secretariat would prepare a short summary of progress relating to the Sixth Meeting for the Group's webpage that would set out the revised time frame for completing our work.

## **6. Meeting Schedule**

The Chair said that the Thematic Groups would meet again after Easter to finalise their proposals and that three further Plenary meetings were planned. The Secretariat would circulate a revised schedule of meetings.

## **7. A. O. B.**

None.