

## Draft Appendix

### Seventh Meeting of the Working Group on the Protection Process

#### Record of recommendations provisionally agreed

##### Recommendations contained in the Report to Plenary from the Theme 1 Sub Group

##### Physical conditions

##### *Physical space for exclusive occupation by residents*

- 1) *In the short term RIA should identify spare capacity within accommodation centres and, subject to contractual obligations, seek to bring it on stream so that the situation of those sharing in cramped conditions can be alleviated.*
- 2) *RIA should without delay develop a set of criteria for assessing the bed capacity of accommodation units that takes account of the considerations identified in the Department of the Environment, Community and Local Government Guidelines, viz:*
  - a. *each room should facilitate the range of activities likely to be carried out in that room,*
  - b. *adequate floor areas and room sizes,*
  - c. *spaces should be well-proportioned, in terms of floor shapes and ceiling heights so as to provide good quality living environments for occupants,*
  - d. *space provision should be adequate to accommodate appropriate furniture and equipment while allowing free circulation within that area.*
- 3) *Once the revised set of criteria has been developed RIA should conduct a review of accommodation units with a view to ensuring that their capacity is aligned with the revised criteria in so far as contractual obligations permit.*
- 4) *RIA should without delay review the minimum requirements in terms of furniture for such multi-purpose rooms so that they include furniture suited to sleeping and living e.g. chair, desk, and adequate storage.*

- 5) *All single residents sharing rooms and all family units should be provided with an individual locker for the storage of personal items. This should be acted on without delay.*
- 6) *All centres should, in so far as practicable, provide a secure storage facility for bulky items (e.g. suitcases).*
- 7) *The revised set of criteria developed for assessing bed capacity should be incorporated in requests for tender for accommodation centres.*

**Comment: Agreed**

### **Family life and children**

- 1) *All families should have access to cooking facilities (whether in a self-contained unit or through use of a communal kitchen) and their own private living space in so far as practicable. In order to achieve this:*
  - a. *Existing centres comprising units with cooking facilities should implement, in so far as practicable and subject to any contractual obligations, arrangements to facilitate residents cooking for themselves within 12 months of the completion of the final report of the Working Group. The option to cook for themselves should run in parallel with a catering option as not all residents may wish to cater for themselves.*
  - b. *Where residents have the option of cooking for themselves arrangements must be implemented by centre management, in consultation with residents, for the provision of supplies.*
  - c. *Existing centres which do not have units with cooking facilities should implement arrangements within 6 months of the final report, subject to any contractual obligations, to facilitate parents in making their children's school lunches or to allow older children to make their own – this could be done by setting up a sandwich making facility and providing a selection of yoghurts, juices and fruit etc at breakfast time in the canteen as is done in some centres.*
  - d. *A sufficient number of centres should be reconfigured to allow all families use of communal kitchens by end 2016 in so far as practicable having regard to contractual obligations. The option to cook for themselves should run in parallel with a catering option as not all residents may wish to cater for themselves.*
  - e. *A sufficient number of centres should be reconfigured to allow all families use of their own private living space ~~communal kitchens~~ by end 2016 in so far as practicable having regard to contractual obligations.*

- f. All requests for tender should specify the requirement for self-contained units (with cooking facilities) and/or family quarters together with communal kitchens.*
- 2) All existing centres that host families should install appropriate play, recreation and study facilities in so far as practicable, and should ensure access to an on-site or off-site crèche/pre-school.*
- 3) All existing centres that host families should enter into partnership agreements with local leisure centres and sports clubs by end of 2015.*
- 4) All requests for tender should specify the requirement for adequate recreational space (indoor and outdoor) for children and young people. A requirement to consult with the children and young people who are resident in the centre should be built into the specifications.*

**Comment: Agreed subject to correction above and qualification of “as far as practicable” by reference to the standards to be developed under Recommendation 1 agreed under *Oversight and standards* (see below)**

**Living conditions for single people**

- 1) In the short term, and subject to contractual obligations, ensure that available capacity within existing accommodation is brought on stream to reduce the number of single people sharing rooms.*
- 2) Give single people the right to apply for a single room after 9 months and ensure, in so far as practicable, that they are offered a single room within 15 months.*
- 3) Existing centres for single people should be reconfigured to provide communal kitchens by end 2016 in so far as practicable having regard to contractual obligations. The option to cook for themselves should run in parallel with a catering option as not all residents may wish to cater for themselves. Single people in mixed centres should have the same opportunities as families to cook for themselves.*
- 4) All requests for tender for centres for single people should specify the requirement for communal kitchens.*

**Comment: Agreed**

## **Food**

- 1) *RIA should engage a suitably qualified person to conduct a nutrition audit to ensure that the food served: meets the required standards including for children, pregnant and breastfeeding women; and the needs of those with medical conditions affected by food such as diabetes.*
- 2) *Include an obligation in new contracts to consult with residents when planning the 28 day menu cycle.*

**Comment: Agreed**

## **Location of some centres**

- 1) *In the case of existing providers that provide a transport service for residents, the plan should be reviewed to ensure that it meets the reasonable needs of residents.*
- 2) *In the case of existing providers include an obligation in new contracts to draw up a transport plan specific to the location to meet the reasonable needs of residents (including participation in after-school activities) free of charge - the plan should be drawn up following consultation with residents on their transport needs and reviewed from time to time.*
- 3) *Ensure that future requests for tender for accommodation specify that centres are sought in locations with easy access to recreational, educational, medical and other services, or in the alternative specify that a transport plan specific to the location must be drawn up to meet the reasonable needs of residents (including participation in after-school activities) free of charge - the plan should be drawn up following consultation with residents on their transport needs and reviewed from time to time.*
- 4) *Monitor compliance with these contractual obligations as part of an expanded inspection process referred to at 3.6*

**Comment: Agreed**

## **Security arrangements**

- 1) *RIA to conduct a review of the security arrangements across the accommodation stock to ensure that the arrangements (including physical*

*barriers and gates, use of security guards, use of CCTV) are proportionate to the security risks that have been identified.*

- 2) Include in all new contracts an obligation to ensure that security arrangements (including CCTV, security barriers and gates, use of security guards) are proportionate to the security risks that have been identified.*
- 3) Include within new contracts an obligation that security personnel must have undergone awareness training in equality and diversity issues before they come on-site.*
- 4) Ensure that rooms without CCTV are available for receiving visitors, social workers, legal representatives and other advocates. It is noted that the recommendations to address the finding of the High Court in CA and TA that the outright ban on visitors in private quarters may go some way towards addressing this issue.*
- 5) Monitor compliance with these contractual obligations as part of an expanded inspection process referred to at 3.6*

**Comment: Agreed**

## **Operational and management issues**

### **Complaints procedure including implications of “CA and TA” High Court judgment**

- 1) The remit of the Office of the Ombudsman and the Office of the Ombudsman for Children should be extended to include complaints relating to:*
  - a. services provided to residents of Direct Provision accommodation centres, and*
  - b. transfer decisions following a breach of the House Rules.*

*Recourse to the two Offices should be available ~~as a last resort~~ to a complainant who is dissatisfied with the final outcome of the RIA complaints procedure.*
- 2) In relation to its internal complaint procedure RIA should:*
  - a. appoint a designated officer who is not involved in operational matters to handle complaints that are referred to it or are submitted to it directly,*
  - b. review the complaints procedure to ensure that it is accessible to residents including children and young people,*
  - c. engage in renewed efforts to build confidence and trust in the complaints procedures including by ensuring that residents understand the House Rules, are aware of the complaints procedures and how to use it,*

*understand that it is impartial and that they will not be adversely affected by making a complaint,*

*d. engage in efforts to ensure that centre management buy into the importance of ensuring an open culture that is conducive to residents making complaints.*

**Comment: Agreed subject to textual change above.**

### **Management of difficulties - transfers and expulsions**

- 1) *RIA should continue its policy of providing detailed written reasons for involuntary transfers.*
- 2) *RIA should define what constitutes an involuntary transfer and record voluntary and involuntary transfers and include details in its Annual Report.*

**Comment: Agreed**

### **Management role and culture**

- 1) *The contract with providers should include additional requirements in relation to the qualities required of a centre manager. The Sub Group considers that ideally a manager should have: substantial experience of working cross culturally and working with protection applicants and refugees; ~~be multilingual;~~ have an understanding of basic mental health issues, medical and social welfare systems; have strong communication skills, and have a compassionate and empathetic style. To inform further work on the qualities required by a centre manager RIA should commission a short piece of academic research to identify best practice by centre managers. That work should also feed into the development of standards for accommodation centres as proposed at 3.6.3.*
- 2) *RIA should arrange seminars on a regular basis for managers to allow for the sharing of experiences and the dissemination of best practice.*
- 3) *RIA should ensure that managers and staff members have undergone training in equality and diversity issues – this should be included as a requirement in the contracts with providers – it would assist in ensuring that misunderstandings as potential sources of conflict are avoided. RIA should consider working with The Irish Human Rights and Equality Commission to develop equality and diversity training for centre management and staff. This training should be aimed at ensuring that centre managers and staff working directly with*

*protection applicants are aware of their equality legal obligations towards protection applicants. It should also tackle any underlying prejudices and support centre staff to deliver a high quality service. This training and support should be evaluated to track and learnings and outcomes.*

- 4) *Encouraging and facilitating the setting up of residents' committees should be included within the manager's role and within the contract with providers. Regular meetings between the committee and management should provide a forum for any issues of concern to be raised and solutions identified. They should also provide a forum for residents to be consulted on issues relevant to them including, for example, how self-catering might be organised. This should not replace consultation by managers with individual residents.*

**Comment: Agreed**

**Restrictions on residents including implications of "CA and TA" (supported by some members of the Sub Group)**

- 1) *RIA should review its proposal in relation to guests in private quarters in terms of their proportionality.*

**Comment: Agreed**

**Safeguards and standards**

**Child welfare and protection**

- 1) *The Child and Family Agency should liaise with RIA to develop a welfare strategy within RIA, to advise on policy and practice matters and to liaise on individual cases as required.*
- 2) *RIA, in conjunction with the Child and Family Agency, should review its House Rules in so far as they require children under the age of 14 years to be attended at all times within the accommodation centre.*
- 3) *The Child and Family Agency, HSE and RIA should collaborate to provide onsite preventative and early intervention services and to gather data on national trends of referrals to services.*
- 4) *RIA should continue to have consideration for child safety when assigning different categories of residents to a Direct Provision centre.*

- 5) *The Child and Family Agency and HSE should identify a named social worker on their respective child protection, mental health and primary care teams to be the identified lead social worker for a Direct Provision centre in their area.*
- 6) *Professional staff with the HSE and The Child and Family Agency working with residents in Direct Provision should have access to cultural diversity training and interpreting services where they are not already available.*

**Comment: Agreed**

### **Vulnerable residents**

- 1) *The existing voluntary health screening service provided by the HSE at the Baleskin Reception Centre the State should be reviewed and strengthened so as to facilitate a multi-disciplinary assessment (including medical, psychological and social needs) of all protection applicants within 30 days of the lodging of an application for protection to identify and appropriately assist vulnerable applicants.*
- 2) The outcome of the assessment ~~must be integrated into the~~ should be taken into account in the protection determination process ~~and be without prejudice to the assessment of protection need.~~
- 3) *Follow-up and monitoring of persons who fall into the category of vulnerable should occur on an on-going and regular basis until such time as the applicant exits the protection system.*
- 4) *The responsible unit should be enabled to communicate in a timely fashion with RIA, legal advisors for the protection applicant, other health care providers including and especially the primary carer.*
- 5) *Efforts should be made by RIA, HSE, centre management and others to take steps to encourage applicants to avail of the assessment.*

**Comment: Agreed subject to the textual change highlighted above and consideration of how the recommendation fits with the recommendation from the Theme 3 Sub Group concerning vulnerable applicants provisionally agreed by the Plenary.**

### **Oversight and standards**

- 1) *The Minister for Justice and Equality should establish a standard setting committee to reflect fully government policy across all areas of service in Direct Provision. The committee should include relevant stakeholders and should recommend a set of standards to the Minister within ~~three~~ six months of its establishment.*
- 2) *The Minister for Justice and Equality should establish an inspectorate (or identify an existing body), independent of RIA, to carry out inspections in Direct Provision centres against the newly approved standards. As is the case with RIA's existing practice inspection reports should be written in such a manner there is no impediment to their being made available to the public.*
- 3) *The Inspectorate, based on its overall findings, should separately make regular reports to the Minister on general matters relating to the welfare of residents in Direct Provision centres.*

**Comment: Agreed subject to textual change highlighted above.**

## **Recommendations contained in the document entitled “Agreed recommendations from the Theme 2 Sub Group”**

### **Chapter 2: Financial Supports**

1. ~~A majority recommendation to~~ increase the current DPA for adults from €19.10 to €38.74 and increase the DPA for children from €9.60 to €29.80.

**Comment: Agreed by consensus that the majority recommendation from the Sub Group should be put forward as the recommendation of the Working Group.**

2. The Sub Group recommends the reinstatement of an on-site Community Welfare Service to protection applicants in Direct Provision centres.

**Comment: Agreed.**

3. The Department of Social Protection should continue to make every effort to ensure that Designated Persons in the Community Welfare Service ~~exercise discretion~~ strive towards consistency ~~when~~ in administering the Exceptional Needs Payment scheme in relation to protection applicants ~~in a consistent manner~~ throughout the country.

**Comment: Agreed subject to changes highlighted above.**

### **Chapter 3: Education**

1. The Sub Group recommends that all Direct Provision centres that host families should be required to provide or facilitate (i.e. through an NGO or local organisation), as part of their contract, a full time serviced after-school homework or study club, or transport to and from school-based homework or study clubs throughout the school year. The on-site ~~homework~~ clubs should be age-appropriate, attractive, well-heated, appropriately supervised and equipped with Wi Fi and sufficient numbers of computers.

**Comment: Agreed subject to the changes highlighted above.**

2. The Sub Group recommends an awareness initiative to ensure that Boards of Management and school principals are familiar with the financial and other challenges facing children in Direct Provision and their families.

**Comment: Agreed**

3. The Sub Group welcomes the public commitment by the Minister for Education and Skills to extend student supports to facilitate access to third level for children who have spent 5 years or more in Direct Provision and in the Irish education system and who satisfy the relevant academic and other eligibility criteria for their chosen course.

**Comment: Agreed in principle subject to consideration by the Drafting (Education) Sub Committee**

4. Orientation classes e.g. about life in Ireland, should be available to all protection applicants within the first month after lodging their application. These could be provided by a non-profit organisation based at the initial reception centre and form part of an early assessment of vulnerability. For those who are dispersed without having an opportunity to take up such classes, classes should be provided in accommodation centres as required.

**Comment: Agreed.**

5. Access to English language classes and adult literacy for ESOL (English for Speakers of Other Languages) classes within a month of their application for protection being submitted should be made available. Those classes should be for at least the equivalent of one day a week, for a period of up to six months and be available at a location that is easily accessible and without cost to the protection applicant.

**Comment: Agreed.**

6. An initiative for protection applicants in Direct Provision for over 5 years that would facilitate young adults (18-25 years) paying EU fees rather than international fees.

**Comment: Agreed in principle subject to consideration by the Drafting (Education) Sub Committee**

7. After six months in the protection process, whether their application has been determined at first instance or not, adult protection applicants should be provided with information in relation to their eligibility to access further education or other courses.

**Comment: Agreed**

8. The Sub Group would welcome an initiative which would facilitate access by protection applicants to further education courses (with a work experience element) if necessary, without compromising existing policy on access to the labour market.

**Comment: Agreed in principle subject to consideration by the Drafting (Education) Sub Committee**

9. Remuneration received during a work placement undertaken as part of a further or higher education course of study should be allowed for the duration of the placement in lieu of the Direct Provision Allowance, or alternatively a proportion could be returned as a contribution towards the accommodation and subsistence, for the temporary duration of the placement. It could also be used to support residents placed on courses in locations away from their centre. In other circumstances the stipend could be deemed not applicable to residents in order to allow them access to work placements as a result of academic study.

**Comment: Agreed.**

10. Adults in the protection process who have been in Direct Provision for [period to be specified] should be eligible to apply for access to further education and vocational training courses.

**Comment: Agreed in principle subject to consideration by the Drafting (Education) Sub Committee. The Plenary identified “2 years” as a steer for the Sub Committee in relation to the period to be specified.**

**Also agreed that the order of 9 and 10 should be reversed.**

11. A forum or fora of professional recognition bodies and trade associations, trade unions and the community and voluntary sector should be convened to devise a scheme to allow access to internships and apprenticeships for people in Direct Provision. This forum should also examine a method to allow voluntary placements for professionally qualified residents of Direct Provision to access ongoing professional education in workplaces, without payments if necessary.

**Comment: Agreed in principle subject to the change highlighted above and consideration by the Drafting (Education) Sub Committee.**

## Chapter 4: Access to the Labour Market

~~1. The extension of the right to work to those persons who are awaiting a decision at first instance, where the delay is not their fault (including those awaiting a decision with regard to Subsidiary Protection) for in excess of 9 months, in line with the Reception Conditions Directive. The right to work in this context assumes no attachment of conditions with regard to hours or nature of employment, nor extend the right to work to persons engaged in the 'Leave to Remain' process.~~

~~OR~~

~~a lesser form of the right to work, than provided for in the Reception Conditions Directive (for example, the right to work after 12 months).~~

~~The Sub-Group's preference is for its first formulation, as it is the minimum standard under the Common European Asylum System. The introduction of a right to work will require legislation.~~

~~**Recommendation 2 is an alternative approach whereby the Working Group would recommend that the Government takes the opportunity provided by the forthcoming International Protection Bill to include a provision providing for the right to work that could be commenced when the Single Procedure is operational and economic circumstances have improved.**~~

~~2. The Sub-Group recommends that the Government takes the opportunity provided by the forthcoming International Protection Bill to include a provision providing for the right to work along the lines of the Reception Conditions Directive that could be commenced when the Single Procedure is operational and economic circumstances have improved.~~

**Comment: Alternative draft text circulated in the meeting room only (due to the sensitivity of the subject)-agreed subject to a number of changes: addition of two paragraphs to the preamble - one acknowledging long-standing government policy and the proposed continuation of that policy in the General Scheme of the International Protection Bill(to be drafted by DJE -MK) and the other acknowledging the case for giving protection applicants access to the labour market (to be drafted by JRS); insertion of "issue" after "the right to work" in the fourth paragraph; the insertion of "first instance" before "decision" in the second line of the recommendation;**

**and the insertion of “statutory” before “arrangements” in the last paragraph of the recommendation.**

~~3. The Sub Group recommends that the legislation that prevents protection applicants accessing certain educational programs, because such courses are only available to persons who have a right to work, should be amended to make such courses available to protection applicants who are awaiting a first instance decision for more than 9 months, irrespective of whether they have the right to work or not, and where the delay was not their own fault. This legislative amendment should be done by inserting an appropriate provision in the International Protection Bill 2015, which the Government intends to enact by the end of 2015.~~

**Comment: Deleted as already addressed by recommendation under Education.**

4. It is recommended that any permission to access the labour market given, should continue until the final determination of the protection claim.

**Comment: Agreed**

5. The Sub Group recommends that a protection applicant who has the right to access the labour market and is successful in finding employment, and who wishes to remain in Direct Provision should be subject to a means test to determine an appropriate contribution to their accommodation and the other services provided to them.

**Comment: Agreed**

## **Chapter 5: Healthcare and Wellbeing**

1. The Sub Group welcomes the proposal to exempt residents from prescription charges and recommends that this initiative be implemented as soon as possible.

**Comment: Agreed.**

2. The Sub Group recommends that a health promotion initiative be targeted at residents to inform them about access to breast screening, cervical checks, bowel and diabetic screening services free of charge.

**Comment: Agreed.**

3. The Sub Group strongly urges that a review by the relevant ~~organisations/agencies~~ of services for persons in the Overall System ~~residents~~ experiencing a crisis pregnancy be undertaken immediately with a view to a protocol being agreed to guide State agencies and NGOs supporting persons in the Overall System ~~protection applicants~~ dealing with a crisis pregnancy. Particular attention should be paid to addressing the needs of the individual in the context of the current legislative framework that exists. Issues relating to travel documents, financial assistance, confidentiality, and access to information and support services should be addressed.

**Comment: Agreed subject to the changes highlighted above.**

4. The Sub Group welcomes the development by RIA of a Sexual and Gender-based Violence Policy and recommends that it be rolled out as soon as possible and accompanied by an awareness-raising and training plan.

**Comment: Agreed**

5. It is recommended that an initiative be put in train to facilitate access by ~~residents~~ persons in the Overall System to information and services concerning sexual and reproductive health and family planning.

**Comment: Agreed subject to changes highlighted above**

6. The Sub Group recommends that an adequately trained and resourced interpreting service be put in place where demand exists. Interpreters dealing with ~~protection applicants~~ persons in the Overall System should be sensitivity trained, especially when interpreting the disclosure of needs, experiences and values of vulnerable groups. GPs should be encouraged to offer interpreting services to this client group.

**Comment: Agreed subject to changes highlighted above**

7. The Sub Group notes the actions identified in the HSE's Mental Health Division's Operational Action ~~Plan~~. To address the overriding need to provide health related targeted education and training to staff working in Direct Provision centres all centre staff should be provided with mental health

awareness training by the HSE or designated NGOs. This training should cater for recognition of mental health issues and assist staff in alerting appropriate services, while ensuring the safety and wellbeing of the individual and all those who work and live in the centre.

**Comment: Agreed subject to confirmation of the change highlighted above by HSE**

8. Sensitivity training on issues that impact on vulnerable groups should also be provided to all relevant Direct Provision staff. The Sub Group recommends that each centre should have a strong visible presence of a safety, dignity and free from harassment statement, reminding both residents and staff of their requirement to ensure a safe and respectful living environment. Such visible messages may facilitate disclosure by vulnerable groups and must result in immediate contact with relevant services.

**Comment: Agreed**

9. The Sub Group recommends that information leaflets, posters, talks, confidential contacts details be provided in every centre and kept up to date to target vulnerable groups and promote dignity. Issues to be identified include e.g. FGM, torture, HIV, mental health, LGBT, disability, religion, domestic violence, [human trafficking](#), exploitation, prostitution and older people's needs.

**Comment: Agreed subject to changes highlighted above**

10. The Sub Group recommends that residents should be able to access appropriate transport provision or financial assistance to ensure attendance at medical appointments and safe return to the centre.

**Comment: Agreed subject to change highlighted above.**

11. The Sub Group recommends that the HSE [Annual Report](#) [National Operational Plan](#) should include an account of progress on the implementation of the health related recommendations made by the Working Group which are adopted by Government.

**Comment: Agreed subject to change highlighted above.**

## **Chapter 6 Linkages with the Community**

1. The Sub Group recommends that Government give consideration to including protection applicants persons awaiting a decision on their protection or leave to remain case in its national integration strategy or co-ordinated plan for the integration of migrants.

**Comment: Agreed subject to changes highlighted above.**

2 The Sub Group recommends that relevant Government Departments consider making some funding available to assist with the integration of protection applicants persons awaiting a decision on their protection or leave to remain case in communities; in particular that existing community grant schemes should specifically encourage applications from those involved in developing linkages with protection applicants.

**Comment: Agreed subject to changes highlighted above and addition of text relating to support for local integration strategies. JRS (Eugene Quinn to revert with text).**

~~3. The Sub Group recommends that a proven ability to deliver pro-active linkages with the local community should be considered when identifying the skill set necessary to manage a Direct Provision Centre. This should be included as an obligation in every centre management contract and be reported on regularly to RIA.~~

**Comment: Deletion agreed**

4. The Sub Group recommends that each Direct Provision centre should be contractually obliged to encourage and facilitate linkages with the local community. The centre management should facilitate the setting up a “Friends of the Centre” Group consisting of residents, local statutory services and community/voluntary groups. The centre management should be required to report to RIA every six months on activities in this regard.

**Comment: Agreed**

5. The Sub Group recommends that work to develop community linkages should include a focus on developing reciprocal linkages with residents participating in activities in the local community and vice versa. The centre management should consider making facilities in the centre e.g. meeting rooms, grounds etc. available for meetings and other activities to create and strengthen two-way links between residents and the local community.

**Comment: Agreed**

## **Chapter 7: Aged Out Minors**

1. The Sub Group welcomes the forthcoming Aftercare Bill which will place a statutory obligation on the Child and Family Agency to prepare an aftercare plan for each eligible child and recommends that aged out minors should, as far as is practicable and subject to their wishes, be allocated accommodation in a Direct Provision centre that is located near to their foster care placement in order that they can maintain contact with their foster parents and other community links.

**Comment: Agreed in principle subject to DCYA reverting with a redrafted text.**

2. The Sub Group recommends that the training provided to the foster parents of unaccompanied minors should include a focus on the importance of encouraging independence and resilience in the young person in their care in order to ensure that they have the life skills necessary to transition to a Direct Provision centre at 18 if that proves to be necessary.

**Comment: Agreed**

3. The Sub Group recommends that ~~the Minister for Children and Youth Affairs or the Minister for New Communities as appropriate convene a task force~~ between state agencies, NGOs and youth organisations to ensure resourced and consistency in targeted services to this cohort of minors and 'aged out minors'. Consideration should be given to rolling out a service along the lines of The City of Dublin Education and Training Board CDETB Separated Children's Service in other areas throughout the State. Consideration should also be given to the recommendations of the National Youth Strategy and implementation plan's recommendations for this cohort of young people.

**Comment: While there was agreement with the spirit of the recommendation there was consensus that the proposed mechanism (a ministerial taskforce) was excessive and that a stakeholder forum would be more appropriate. DYCA to revert with a redrafted text.**

## **Chapter 8 Supports for Residents who are LGBT**

1. The Sub Group recommends that organisations that provide services relevant to ~~protection applicants~~[persons in the Overall System](#) should consider training staff in LGBT issues to sensitively deal with queries and build trust [so as to encourage disclosure](#). Where possible, a trained staff member could be identified as a point of contact and their details made available in centres. This is important to ensure that appropriate services are extended to members of the LGBT community [in the Overall System](#)~~who are protection applicants~~.

**Comment: Agreed subject to the textual change highlighted above.**

2. The Sub Group recommends that Designated Persons in the Community Welfare Service should exercise discretion in administering the Exceptional Needs Payment scheme to support LGBT people [in the Overall System](#) to access appropriate supports and services

**Comment: Agreed subject to the textual change highlighted above.**

3. The Sub Group recommends that information including posters, pamphlets, contact numbers and visits by relevant NGOs, Gardai LGBT Liaison Officers, and Sexual Health Promotion Officers should be available/take place in all centres.

**Comment: Agreed.**

4. The Sub Group notes that RIA has a safety statement and recommends that all Direct Provision centres should have safety statements and dignity and respect policies incorporating the rights of LGBT people prominently displayed.

**Comment: Agreed.**

## **Chapter 9 Transitional Supports**

1. The Sub Group recommends that the Minister of State for Equality, New Communities and Integration [as a matter high priority](#) convene a task force of cross -departmental representatives, state agencies and relevant NGOs to roll out a consistent integration plan for the legacy cohort in Direct Provision who have been or will be granted status and also to address the transitional support needs of future applicants who will be processed under the proposed Single Procedure.

**Comment: Agreed subject to the textual changes highlighted above.**

## **Chapter 10: Training**

1. The Sub Group recommends that the Irish Human Rights and Equality Commission (IHREC) consider, in the preparation of its Strategic Plan, the inclusion of education and training on equality and diversity issues for public bodies engaged in the provision of supports to protection applicants. ~~Such training should be aimed at ensuring that public servants working directly with protection applicants are aware of their equality legal obligations towards protection applicants. It should also tackle any subconscious prejudice and support public servants to deliver a high quality function or service. In addition, this training should be part of a whole organisation approach and be provided to public servants at all levels including to top level decision makers. The development by the IHREC of a national template for a training module, identifying key guiding principles to apply, when providing services to culturally diverse groups, would be very welcome. Finally, this training and support should be evaluated to track learning and outcomes.~~

**Comment: Agreed subject to the textual change highlighted above.**

2. The Sub Group recommends the following in relation to those who provide health and other services to protection applicants:

- a) They should receive ongoing training in cultural competency and sensitivity.
- b) Training should be provided for accredited interpreters and for staff working with interpreters, who provide interpreting services either in person or over the phone;
- c) Training should include skill development for dealing with people who do not have English as a first language. ~~and/or for consultations that involve interpreters.;~~
- d) These programmes should be evaluated to ensure relevance and effectiveness.

**Comment: Agreed subject to the textual change highlighted above.**

3. The Sub Group notes the various initiatives that An Garda Síochána has undertaken to address the needs of the protection applicant community and urges it to continue to ensure the effectiveness of its various initiatives by, *inter alia*, naming a Diversity Champion at a senior level, ensuring that the Garda Racial Integration and Diversity Office is adequately resourced<sup>ds</sup>, promoting awareness of its Ethnic and LGBT Liaison Officer Services among protection

applicants and by rolling-out diversity training and cultural awareness programmes at all levels in the Gardai.

**Comment: Agreed subject to the textual change highlighted above.**

## **Recommendations contained in the Report from the Theme 3 Sub Group to the Plenary (excluding those agreed at the Sixth meeting of the working Group)**

### *Length of time*

- The early enactment and implementation of a single procedure by way of the International Protection Bill as a matter of urgency. (section 5.2 at pg 73)
- The Sub Group recommends that once the Single Procedure has been enacted, to avoid a repeat of the circumstances which gave rise to the establishment of the Working Group, the same principle and mechanisms should apply for persons who have co-operated with the process in line with statutory obligations. This does not apply to the situation of persons with Deportation orders which is dealt in Section 6.4.2.3.
- As an additional safeguard, the Sub Group recommends annual review of the Overall System with a view to making recommendations to guard against any future backlogs e.g. failure to provide adequate resources to all decision making bodies.
- The review should also look at the option of reducing the 5 year mark in future years as appropriate. (section 5.3 at pg 74)

### **Comment: Agreed**

### *Legal Framework*

- The State to opt into all instruments of the Common European Asylum System, unless clear and objectively justifiable reasons can be advanced not to.
- Where an instrument is not opted into for discreet reasons (as above), it is recommended that the State give full effect to the remaining provisions in order to safeguard important common standards and to promote consistency in the application of asylum procedures and standards across the EU.

### **Comment: Agreed**

### *Legislating for the best interest of the child*

- It is recommended that the International Protection Bill 2015 should reflect the general principle contained in the CRC that the best interests of the child be a primary consideration in all actions concerning children.
- It is recommended that the International Protection Bill should contain a clear statement that all children have the right to lodge an application for international protection directly or through a representative which, in the

case of accompanied children, may be the parent(s) if this is appropriate in the circumstances of the case.

- In relation to separated children, work should be undertaken to clarify the position with regard to access to the protection process in practice and age assessment procedures.
- It is recommended that the International Protection Bill 2015 be further scrutinised to ensure the rights of the child to be heard are given sufficient expression and protection.
- It is recommended that the International Protection Bill 2015 should contain a provision requiring decision-makers who take decisions in relation to children and those who interview them to have received and continue to receive appropriate procedural and substantive training.
- It is recommended that the Protection Bill 2015 should contain a statement that the rights of the child as enumerated in the CRC are potentially relevant to evaluating a claim for refugee or subsidiary protection status where the applicant is a child.
- It is recommended that the Internal Protection Bill 2015 when drafted should ensure that the Minister may continue to prioritise cases where appropriate by reference to the age of the applicant, or his/her status as an unaccompanied child.

**Comment: Agreed**

*Recruitment*

- Maintain and further develop transparent and competitive recruitment procedures for the protection determination bodies.
- Make provision for open recruitment procedures and relevant expertise in law.
- The preceding recent examples of good practice for the knowledge and experience required in the recruitment process should be followed to ensure that appropriate candidates are sought.
- Provide adequate human resources to the protection determination bodies.
- Facilitate the recruitment of dedicated legal support staff to the various agencies (ORAC, RAT, INIS), to ensure that issues identified in emerging jurisprudence are disseminated and addressed by the agencies concerned.

**Comment: Agreed**

*Quality tools*

- Maintain and continue to update – in conjunction with legal support and training staff - quality tools and templates to ensure that decision makers are guided by the latest jurisprudence and best practice.
- Maintain and further develop mechanisms to review on a regular basis the quality of decision making.
- Allocate sufficient resources to enable staff with appropriate levels of experience and training to manage quality systems and to co-ordinate this work with those in charge of training and with the relevant legal expertise.
- Continue to engage constructively with UNHCR, NGOs and other stakeholders to monitor the operation of the protection system and to welcome feedback on the experiences of those in the System.

**Comment: Agreed**

*Training*

- Consider formalising in law the requirement that decision makers be provided with sufficient and dedicated training adequate to their needs.
- Promote the development of closer ties between state asylum agencies, academics, NGOs, and legal practitioners in order to promote open dialogue on legal issues of concern and the open exchange of knowledge.
- Provide adequate funding and human resources to the protection determination bodies in terms of dedicated training and legal support staff.

**Comment: Agreed**

*Early Legal Advice*

- Resources be provided to the Legal Aid Board to fund the roll out of Early Legal Advice to all applicants
- Continue to develop the Quality Audit reviews of legal service provision and to apply it to the operation of the new ELA scheme under development
- To continue to monitor and review the roll-out of ELA with regard to its effectiveness and to regularly consult with all relevant stakeholders to

see if any new/changed procedural or practical measures may be beneficial to its enhanced operation.

- Applicants should be clearly informed of the availability of early legal advice and advised to seek it at the earliest possible stage, particularly before they complete the questionnaire.

**Comment: Agreed**

*Special measures with regard to children*

- Good practice in relation to training and the provision of child-sensitive procedures should be maintained and developed further, particularly under a future single procedure.
- Inter-agency co-operation should be maintained and further promoted in order to ensure that the principle of the best interests of the child can be effectively implemented.
- An inter-agency review of procedures and practices relating to children should occur regularly to ensure that procedures do not fall short and that best practice is maintained.
- ORAC, the Department of Justice, the Refugee Legal Service and the Tribunal should provide child-friendly materials containing relevant legal information for children.
- It is also recommended that initiatives to make information about the protection process more accessible to children be supported by the relevant agencies.
- In order to ensure children have access to the protection procedure, where an accompanied child has not made an application / has not been included in a protection application by their parent/guardian, the law should be amended to provide that the child be deemed to be an applicant for protection.
- A presumption that children are included in their parent/guardian's application should apply, but in all cases the State and the applicant's legal advisor/representative should assess whether this presumption is appropriate. If not, the child should be deemed to have made an application in their own name.
- A child who is incapable of expressing his or her own views should have access to the assistance of a representative.

**Comment: Agreed**

*Use of interpreters*

- More formal procedures be introduced to ensure appropriate training is provided to all interpreters and a register is maintained to indicate who has completed this training in order to be eligible to work.
- A coordinated system of reforms to be implemented on a phased basis to move to a system where all interpreters in the protection system have appropriately accredited qualifications.
- A system of accreditation to be established and maintained.
- The tendering process and terms of contracts for interpreting and translation firms should require them to prioritise or incentivise more those who have recognised accredited qualifications. Once the process of reform has been completed accreditation to be a necessary requirement.
- All parties should ensure in the selection of an interpreter that there is no potential conflict of interests or potential breaches of confidentiality.
- Mechanisms should be put in place to carry out randomised independent assessments of the standards of interpretation to ensure they meet appropriate standards.

**Comment: Agreed**

*Recording of interviews/hearings*

- It is recommended that an expert group consider the issue in more detail in order to fully explore the implications and costs concerned and to come to a conclusion on whether or not recording of interviews / hearings should be implemented at 1st instance and/or appeal

**Comment: Agreed**

*Identification of Vulnerable Applicants*

- The continuance and further development across the Overall System of a method of prioritisation of cases for vulnerable applicants. This must however be balanced with the need to be sensitive to the needs of vulnerable applicants who in appropriate cases may need extra time for example to allow for the disclosure of traumatic experiences or for

referral to appropriate psycho/social/health services or the preparation of reports.

- The introduction of vulnerability screening for all asylum applicants beyond the scope of the current public health screening available to residents of Direct Provision accommodation . This should be made equally accessible to applicants who chose not to live in Direct Provision accommodation and should be performed no later than 30 days after an initial application has been made.
- The establishment of formal mechanisms of referral in the case of disclosed or diagnosed vulnerabilities to ensure that such persons are provided with appropriate information, health or psychological services and procedural supports.
- Follow-up and monitoring of persons who fall into the category of vulnerable should occur on an on-going basis until such time as the applicant exits the protection system.
- Public awareness and training programs be developed as part of such procedures to include legal representatives (to be involved from the earliest stages possible), health professionals, NGO staff and other frontline workers to be aware of the type of vulnerabilities frequently found in the asylum seeking population and what they can do to refer them to the appropriate services.
- That sufficient resources be made available at the earliest possible stage, both to relevant NGOs and state agencies, particularly under the proposed more truncated single procedure in order to facilitate early identification.

**Comment: Agreed**

*Assisted Voluntary Return*

- Swiftly implement an adequately resourced Single Procedure to deliver quality decisions within a 12 month timeframe thus creating the conditions whereby Assisted Voluntary Return is more likely to be availed of.
- Provide support to the IOM, NGO's and other organisations to raise awareness about Assisted Voluntary Return and provide quality information about this option.

- Provide support to the IOM for the delivery of Assisted Voluntary Return counselling and services to persons wishing to avail of Assisted Voluntary Return.
- Where appropriate, the Legal Aid Board should include information about Assisted Voluntary Return as part of the early legal advice it plans to deliver in all cases in the near future.
- Include specific provision for access to Assisted Voluntary Return at all stages of the new Single Procedure and expand the time period post the issuance of a Deportation Order when Assisted Voluntary Return can be availed of (5 days is envisaged in the General Scheme).

**Comment: Agreed**

*Improving the Deportation Order Process*

- Swiftly implement an adequately resourced Single Procedure which creates the conditions whereby Assisted Voluntary Return may be taken up by a greater proportion of persons and which includes provisions to address the “trailing family member” and unregistered child issues.
- Introduce a legal power of entry for the purposes of enforcing a deportation order, possibly by way of amendment to the International Protection Bill to this effect at the Committee Stage.
- In the future for persons who are 5 years or more in the Overall System who have an unenforced Deportation Order for 24 months and who have cooperated with the authorities and taking into account relevant public policy issues, consideration should be given on a case by case basis to apply the principles and solutions outlined in 5.1.2.
- Continue current efforts to reduce the backlog of judicial review cases at the Courts and expedite case processing at the Courts (see Section 4.2.4 above).
- Review human resource capacity at the Garda National Immigration Bureau and ensure adequate resources are in place for the implementation of Deportation Orders.
- Establish procedures for the practical enforcement of Deportation Orders setting out standards and guidance in compliance with human rights standards. Deliver training to all personnel involved in the implementation of deportation orders.

- Maintain the current practice in Ireland under which separated children are not deported.

**Comment: Agreed**

*Data collection and policy analysis*

- Establish and maintain appropriate staffing levels with the necessary expertise at the asylum policy unit and statistics and reporting units in INIS and other relevant bodies (and their successors under the general scheme) to enable them to carry out their functions effectively. Any vacancies arising should be filled as soon as possible particularly at times of increased work load.
- Develop unified data collection systems which can produce up to date data on the operation of the Overall System as a whole and all of its constituent parts on an on-going basis. Build in indicators capable of identifying stresses in the system so that measures to addresses those stresses can be put in places at the earliest opportunity.
- Continue the good practice established through the work of the Sub Group of sharing and discussing statistics and other information in a safe setting among key stakeholders.

**Comment: Agreed**

*Institutional arrangements*

- Careful transitional planning to be put in place to minimise any disruption in the transfer of responsibilities and the on-going processing of applications.
- Continuity of personnel and institutional arrangements should be maintained as much as possible in order to safeguard institutional memory and human capital.
- Existing quality procedures and tools should be carried over to the Department of Justice and Equality when it takes over responsibility for case processing from ORAC.
- All staff must be suitably trained and appropriately skilled to carry out protection determination work; no Department of Justice staff should be transferred to do this work with being so qualified and without undergoing appropriate training.

**Comment: Agreed**

#### *Advisory and governance arrangements*

- It is recommended that an advisory body be established, following and further developing the general scheme of the Refugee Advisory Board.  
~~This should be done by way of legislation in the forthcoming International Protection Bill.~~
- It is therefore recommended that any such independent advisory body established be given the necessary flexibility to consider all related and relevant matters to the operation of the overall System.
- It is recommended that the International Protection Bill put in place appropriate governance structures to safeguard the independence of the IPAT whilst providing for robust forms of accountability. Ideally this should be achieved by the introduction of a traditional board structure. For the avoidance of doubt this would be separate to any ~~Refugee Advisory Board~~ advisory body that may be established.

**Comment: Agreed subject to the textual changes highlighted above.**

#### *Adequate Funding of the NGO sector*

- The State should give consideration to providing appropriate financial support to the NGO sector to continue to provide essential services to protection applicants. In particular this may be facilitated through the allocation of domestic funds as well as the funds to be distributed at the national level via the European Asylum, Migration and Integration Fund (AMIF). Administrative support should also be provided in applying for EU funds more generally.

**Comment: Agreed**

#### *Communications with applications at all stages in the System*

- Applicants should be able to personally access information with State agencies on time-frames applicable to the processing of their case.
- Any necessary IT and administrative supports necessary should be provided for this purpose.

**Comment: Agreed**