International Protection Modernisation Programme
2023-2024
Contents

1. Executive Summary
   - Progress to date on Department of Justice Actions
   - Changing Context
   - Proposed revised approach for 2023-2024


3. Overview of Progress on Department of Justice Actions
   - Internal Processes
   - The Regularisation Scheme
   - Legislation
   - IT Improvements
   - Banking
   - Driving Licences
   - Current Status of Report Recommendations

4. International Protection Appeals

5. Changing Context

6. Proposed revised approach for 2023-2024
   - The IPO Modernisation Strategy 2023/2024
   - Implementing a change programme
   - Governance
   - Implementation Methodology

Appendix 1 – 6
Executive Summary


The report was a complete review of the entire International Protection process, from the day a person first applies for protection in Ireland until their case is finally decided.

The report contained 70 recommendations, with 48 related to the Department of Justice.

37% of the actions are now complete, with a further 33% on target at present.

Some of the key achievements to date include:

- The landmark Regularisation of Long Term Undocumented Migrants Scheme delivered on the recommendation in the Catherine Day Expert Group report to provide “A one-off case-processing approach to reduce the current backlog of cases.”

- The waiting period for labour market access for international protection applicants has been reduced to 6 months and its validity extended to 12 months, with effect from 9 February 2021.

- It is now open to both international protection applicants and refugees to open a bank account. The Banking and Payments Federation of Ireland has issued a Guide to Opening Bank Accounts in Ireland for persons seeking asylum or persons granted protection status under the International Protection Act. Temporary Residence Certificates and UN Convention Travel Documents are now accepted as ID documents by the main retail banks in the State for the purposes of opening an account.

- Barriers for International Protection applicants applying for driving licences have been removed. This was primarily a matter for the Department of Transport who committed to progressing a provision to recognise Temporary Residence Cards, among their list of documentation to validate applicants’ residency and identification. Applicants can now apply for a driving licence and the necessary legislative provisions to enable this have been enacted by that Department.
However, the changing context of international protection applications, which is set out below, means a number of actions/targets will not now be achieved in the recommended timeframe, in particular when taking account of the substantially increased volume of applications received in 2022.

**Changing Context**

The report and its recommendations were based on the assumption that there would be circa 3,500 International Protection applications per year. However, in 2022 alone the number of International Protection applications was in excess of 13,500, surpassing the previous record of just over 11,600 applications in 2002.

In the context of the significant increase in those applying for protection, the target set in the report for all applications to receive a first-instance decision within 6 months, cannot be delivered in that timeframe.

As a first step, the International Protection Office (IPO) aimed to reach this 6-month target in 2022 by processing the caseload on hand at the end of 2021, which equated to approximately 5,000 applications. In 2022, the IPO completed 4,900 first-instance decisions, very much in line with the intermediate goal in 2022. Were it not for the unprecedented increase in applications in 2022, the IPO would have been on track to deliver decisions within this timeframe in 2023.

**Proposed revised approach for 2023-2024**

In recognition of this changed context, the Department of Justice is now proposing a revised approach for the 2023-2024 period. This will, in particular, focus on increasing outputs in the IPO while adopting a target of issuing of 1,000 first-instance decisions per month by the first quarter of 2024.

This goal is ambitious, given in 2021 decisions reached just over 200 per month, and is well in excess of the target of 290 per month set out in the Catherine Day Report. It will also increase output over 2022, where the IPO delivered the highest annual number of decisions yet.

In October 2020 the 'Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process' – 'The Catherine Day Report' - was published. The report was a complete review of the entire International Protection process, from the day a person first applies for protection in Ireland until their case is finally decided.

The report contained 70 recommendations, with 48 related to the Department of Justice.

37% of the actions are now complete, with a further 33% on target at present.

A Programme Board has driven the implementation of the Catherine Day recommendations from the Expert Advisory Group report since 2020. Significant progress has been made on the recommendations related to the Department of Justice.

Justice Plan 2022, Goal 4, commits to delivering a fair immigration system for a digital age. This included completing an end-to-end process review of the international protection process; leveraging that review to design a revised process for processing such applications; and completing the implementation of the Justice-related recommendations in the Catherine Day Advisory Report, as appropriate.

A number of recommendations connected to the development of IT systems are currently in progress. There are also several recommendations which have been impacted by the war in Ukraine, which has affected staffing levels across the Department.
Overview of Progress on Department of Justice Actions

A Programme Board was set up to drive the implementation of the recommendations from the Catherine Day report in 2020. Significant progress has been made, since the report was published, on the recommendations related to the Department of Justice.

Internal Processes

An end-to-end review of international protection processes was undertaken by a multi-disciplinary team from the Department and was completed and published in 2021.

The Advisory Group made a series of recommendations and recommendation 3.18 of the report stated

“All IPO, MDU and IPAT processes should be reviewed by the end of the first quarter of 2021. The review should include the recommended changes/improvements of the international protection process set out in this report and which can be facilitated or enabled by IT.”

The end-to-end review.

This involved four key steps: assess the ‘as is’ situation, explore staff and user perspectives, analyse gaps to move from the ‘as is’ situation to the ‘to be’ situation, and report on recommendations.

Furthermore, a holistic approach was taken when carrying out the review in order to objectively analyse all aspects of the business of the international protection decision making process using the Business Analysis POPIT™ (People, Organisation, Processes, and Information & Technology) Model methodology.

The creation of customer personas and as-is customer journey maps were carried out to identify service improvement opportunities in the international protection process that are aligned to real user needs. They form one part of the overall review. A persona clarifies who the service users are, their current behaviour patterns, their needs and goals and identifies any issues they are currently facing.

Customer journey maps were created. The aim was to show the range of experiences that a customer may face. At each step of a journey, all actions, touchpoints, thoughts, emotions and pain points were identified.
Their development not only assisted in identifying opportunities that may help to simplify and shorten the international protection process from the customer’s perspective but also in grounding any proposed changes to the process in the consideration of the people who are impacted by the decisions made.

A full report on the review was completed and published in October 2021.

**Impact of New Processes**

The Department is taking all possible steps to ensure it can process applications as quickly as possible. Over the last number of months, the International Protection Office has implemented a number of measures to improve efficiencies and throughput, in tandem with reforms to the application, interview and decision making process, and these are having a significant impact upon processing times.

Other measures included the careful identification of certain applications that may proceed without the need for an interview. While applicants for international protection are generally interviewed, the legislation allows a trained international protection officer to dispense with the interview if they are of the opinion that, based on the available evidence, the applicant is a person that should be granted a refugee declaration.

A case management unit has been put in place to have oversight of applications and ensure they are moved on without unnecessary delay. Additional staff have also been trained to conduct interviews which has increased interviewing capacity.

The IPO is working to expand its video conferencing programme with a view to making interviews by video conference an element of IPO operations that allows flexibility to the interviewee and may also allow an increased number of interviews each day.
The Reception Unit in the IPO has increased its capacity and can now take up to 150 applications per day (in 2019 it was 20 per day) with Temporary Residence Cards issued in almost 100% of applications daily. There are currently only a small number of applicants that require a call back appointment where interpreters in certain languages are not readily available.

A new internal IPO appointment scheduling system is at final stage of development and security testing is currently being conducted.

With the introduction of the European Communities (International Protection Procedures) Regulations 2022 the IPO has increased interviewing capacity to accommodate and accelerate applications from safe countries of origin. This is allowing the IPO to process other applications more quickly.

All applicants for International protection now complete a preliminary interview and a questionnaire regarding the reasons they are looking for protection on the day they make their initial application at the IPO. Applicants from a designated safe country of origin now receive their interview date on the day they apply for international protection which reduces their waiting time for an interview to a matter of weeks. This is the only difference in the application process for those from safe countries of origin.

The new IPO procedure offers customers the support of a cultural mediator to assist them in completing the questionnaire, reducing stress and creating a more efficient process in line with best practice across the EU. These cultural mediators are provided as part of our partnership with the International Organisation for Migration (IOM), the United Nations Migration Agency. We are working with the IOM to systemise a high level cultural mediation mechanism specialised in asylum procedures. This is designed to enhance the effectiveness of procedures for asylum seekers requesting protection. The IOM, which partners with a number of governments globally in this way, trains and tutor these cultural mediators and is also available to deliver further and ongoing vulnerability awareness training to IPO staff.

Cultural mediators support customers through the application procedure in the language of their choice, while identifying any signs of vulnerability, including Unaccompanied Minors, victims of domestic or gender-based and/or sexual violence and human trafficking. They are also expert in national identity document verification.

The IPO offers interpretation and translation services as well as legal advice at any stage of the application process.
The full benefits of these new procedures are now being realised and are allowing the IPO to make more decisions more quickly. The goal is to issue first-instance decisions in accelerated cases within three months, down from a norm of 22-26 months in 2022.

The Ministerial Decisions Unit was relocated to the IPO premises to improve work processes. There has also been a substantial increase in the number of decisions being issued by the Ministerial Decisions Unit.

The Government has committed additional funding of nearly €18m in 2023 that will also go towards increasing efficiency in processing applications, including by increasing staff numbers at the IPO.

The IPO is acquiring new office space to facilitate the scale up, and began interviewing applicants in a second location in April 2023.

A new modernisation team has been established to drive innovation across the IPO, focusing on four key areas: infrastructure, resources, process engineering and technology.

All of these measures are intended to minimise the timeframe for receiving a decision on an international protection application, ensuring that those who are found to be entitled to international protection can rebuild their lives here, while also ensuring the integrity of the immigration system can be upheld in respect of those whose applications are refused.

The Regularisation Scheme

The landmark Regularisation of Long Term Undocumented Migrants Scheme provided a parallel process to implement the recommendation in the report to implement “A one-off case-processing approach should be set up to reduce the current backlog of cases.” As the applicants to the regularisation scheme are not obliged to withdraw their International Protection applications, the positive impact on the Regularisation Scheme on the backlog is still to be quantified.
Legislation

The Government has approved publication of the Courts and Civil Law (Miscellaneous Provisions) Bill 2022. The Bill is currently before the houses and includes two provisions on international protection to give effect to recommendations of the report:

- It will extend the timeframe within which the option of voluntary return may be confirmed to the Minister to 30 days (increased from the current 5 days).
- It will also increase from 3 years to 5 years the term of office of the members of the International Protection Appeals Tribunal (IPAT)

Labour Market Access

The European Communities (Reception Conditions) (Amendment) Regulations 2021 (S.I. No. 52 of 2021) reduced the waiting period for labour market access for international protection applicants to 6 months and extended the validity of a labour market access permission to 12 months, with effect from 9 February 2021. Since its introduction in June 2018, under the European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230 of 2018), the labour market access permission issued by the Department has had a very positive impact for international protection applicants and employers alike. Over 13,000 permissions have been granted to date.

On 8 November 2022, the Minister signed into law the European Communities (International Protection Procedures) Regulations 2022 and the International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022. The main purpose of the regulations is to establish an accelerated decision-making process for certain international protection applicants including those from safe countries of origin. Applicants claiming international protection from designated safe countries of origin will now have their cases examined under an accelerated procedure by the International Protection Office of the Department.

IT Improvements

A number of recommendations connected to the development of IT systems are currently in progress.

The new modernisation team is working to deliver a paperless office and remove administration from the business. A team is also designing a digital application process that will offer customers an online portal to upload, store and share case documentation. The team is exploring the use of robotic process automation to
replace manual data entry tasks, and the wider use of video conferencing for interviews. Business analysts are reviewing existing processes to ensure maximum efficiency.

A customer service Chatbot has been introduced for International Protection queries. The Chatbot provides a 24 hour mechanism for International Protection applicants to access information and ask general queries. This has freed up internal resources to promptly deal with the more complicated customer queries received.

**Banking**

In relation to the recommendation in the report - that the State take the necessary steps to ensure that EU Directive 2014/92 is respected and that all banks operating in the State respect the rights of applicants for international protection to open and hold banks accounts, Department officials engaged with relevant stakeholders, including the Banking and Payments Federation of Ireland (BPFI) to seek a resolution to the issue.

In May 2021, the BPFI launched a ‘Guide to Opening a Bank Account in Ireland’ for asylum seekers and those with international protection status, which states that the five main retail banks will accept alternative documentation from asylum seekers and people with refugee status to open bank accounts, such as the Irish Residence Permit and the Temporary Residence Certificate. Other measures undertaken by the BPFI included a training webinar for members, including discussion of the experience of asylum seekers and expert bank training to ensure frontline staff can best support applicants when opening bank accounts.

**Driving Licences**

The Report recommended that IP applicants be allowed apply for driving licences. This was primarily a matter for the Department of Transport who committed to progressing a provision to recognise Temporary Residence Cards, among their list of documentation to validate residency and identification of applicants. Applicants can now apply for a driving licence and the necessary legislative provisions have been enacted by that Department.
Current Status of Report Recommendations

International Protection Appeals

While the volumes of applications to the IPO have increased significantly, this had not materialised into significantly increased volumes to the International Protection Appeals Tribunal (IPAT) until early 2023. In 2022, IPAT received 1,180 appeals and disposed of 1,571. In recent years, the International Protection Appeals Tribunal (IPAT) has been resourced to deliver 2,300 appeals per annum.

The number and type of appeals being received by IPAT is kept under active review by the Department. A budgetary increase of €1 million was allocated for 2023, based on a forecasted caseload of 3,200 appeals coming to the Tribunal in 2023, which is allowing for recruitment of ten additional administrative staff.

However, revised data forecasting estimates that IPAT will receive approximately 4,500 appeals by the end of 2023. This is a 40% increase on volumes anticipated prior to Budget 2023. Additional resources are being planned to meet this caseload. With the IPO working towards a capacity to handle 1,000 cases per month from early 2024, based on the current rate of negative recommendations by the IPO and the current statistical likelihood of each type of recommendation being appealed, it is currently estimated that the IPAT would need to plan for capacity to handle in excess of 7,000 appeals in 2024 and 2025.

Changing Context

The Catherine Day report was based on an assumption of 3,500 International Protection applications per year. In 2022, there were 13,651 International Protection applications. This total surpasses the previous records of just over 11,600 in 2002.
Ireland, like other EU Member States has seen an increase in applicants for International Protection from a broad range of countries since the resumption of international travel, which was interrupted during the pandemic.

The Department is taking all possible steps to ensure applications are processed as quickly as possible. The new measures introduced in the IPO are having a significant impact upon processing times.

**Median processing in 2022**

There has been a significant reduction in Median Processing Times in 2022 down to 10 months in Q4 from a norm of 22-26 months earlier in the year.

With additional funding of nearly €18m provided in Budget 2023, this is being utilised to recruit a significant number of extra staff and office accommodation which will allow the scale up of increased interviews to take place.

According to Eurostat, to end September 2022 the proportion of international protection applications in Ireland as a percentage of the total population was
0.18%. It is the case that several EU countries have experienced increases in applications for international protection that are significantly higher than that experienced in Ireland. For comparison the percentages for some other EU States were: 0.63% for Austria, 0.23% for Belgium, 0.21% for Bulgaria, 1.57% for Cyprus and 0.28% for Luxembourg.

Upward trend in applications 2019 onwards
Applications by nationality – Top 10 - 2022

Applications from the top 10 IP applicant countries, to end December 2022, can be found in the charts below.

For displaced persons fleeing the conflict in Ukraine there is no limit or cap on the number of people that can benefit under the Council Implementing Decision and the provisions set out under Temporary Protection Directive, provided they meet the criteria for temporary protection. The response of the European Union is one which, in its solidarity with the people of Ukraine, must be a match to the unlawful and inhumane aggression of the Russian Federation. Ireland granted temporary protection to almost 70,000 refugees from Ukraine in 2022. Coupled with the large increase in international protection applicants in 2022 and a pre-existing housing shortage, the International Protection Accommodation Service announced on January 24, 2023 that adults seeking international protection could not be accommodated.

Appeal processing times

The IPAT has also made progress in reducing median processing times. Processing times for all decisions issued in 2022 from ‘Appeal Accepted’ date to ‘Appeal Decision’ date stood at 10.2 months, down from 13.5 months in 2021. For appeals that were both accepted and decided in 2022, this stood at 3.7 months.

From 2019 to 2021, the median processing times from ‘Appeal Accepted’ to ‘Appeal Decision’ rose by 42% (5.7 months). From the peak in 2021 to Q1 2023, Median Processing times have dropped by 62% (8.4 months).
2022 - The median processing times for all of 2022 for all appeals determined was 10.2 months, a 24% decrease compared to the previous year. Median processing times for appeals completed in Quarter 4/2022 stood at 4.1 months.

2021 - The median processing times for all international protection appeals determined by the Tribunal in 2021 was 59 weeks (13.5 months).

2020 - The median processing time for all international protection appeals determined in 2020, by the International Protection Appeals Tribunal was 9 months.

2019 - Prior to the Covid 19 pandemic during 2019 the average processing time for substantive international protection appeals was 7.8 months.
Proposed revised approach for 2023-2024

The IPO Modernisation Strategy 2023/2024

In response to the trend of significantly increased application numbers the International Protection Office has developed a Modernisation Strategy for 2023/2024 that will further increase outputs throughout 2023, while significantly accelerating certain categories of cases, and continually improving the quality of decision making.

Progress towards this objective will be monitored against three key target results. These are - reaching a level of finalising 1,000 cases per month by the first quarter of 2024 (with interim targets set for increasing output throughout 2023); processing prioritised cases in less than three months by the third quarter of 2023; and establishing an enhanced quality control process (including effective feedback loops to decision makers) by the fourth quarter of 2023. Work is well underway and significant progress is being made.

Implementing a change programme

Achieving these key results will be dependent upon both an ambitious change programme within the International Protection Office, as well as a set of corporate enablers required to implement such a change programme.

The change programme within the IPO is focusing on three pillars: business process evaluation and reform, management focus on collaboration and change initiatives, and culture development with a renewed focus on innovation.

The enablers required to support the IPO change programme are being provided by our HR, ICT, Corporate and Legislation/Policy functions. These enabling actions will include increasing staff numbers, enhancing the learning and development supports available, moving towards a modern, paperless system, expanding the office space available to the IPO to increase the availability of interview rooms, and examining changes to the International Protection Act 2015 to remove any obstacles to streamlining processes. Additional support is being provided by the Transparency function to ensure that all changes are fully understood by staff and applicants.
People support and Training

The priority areas of focus for the IPO will be to recruit resources, both civil servants and panel members, to increase case processing steadily throughout the year. The IPO plan to increase the number of staff to 430 by early 2024. An additional 160 contractors will be sought to boost the panel that conducts International Protection interviews.

These resources will be supported by increased training and quality control support from the UNHCR. Further decision-maker training for humanitarian permissions will be introduced. A change programme as ambitious as this requires support for staff and manager and dedicated manager training for all staff managers will be implemented in 2023 in collaboration with the Organisation Development and Design team in the Department of Justice.

Estates and interview rooms

Corporate services and partners such as OPW are working to utilise extra space for the IPO as new staff are on-boarded. Further to this, virtually all international protection cases require a substantive (3 to 5 hour) interview, with appropriate privacy and support. The IPO is planning to more than double interview room capacity in 2023 to drive outputs and decision making. Some progress has been made this year, the IPO has secured a floor of a neighbouring building for 70 staff. A new interview hub has recently been launched in Tallaght.
**Governance**

As noted in section 3, a Programme Board was set up to drive the implementation of the recommendations from the Catherine Day report in 2020. That Programme Board provided robust governance and oversight of the implementation plan, and is considered to have been a key success factor in the progress achieved to date. It is intended that the new change programme will similarly be overseen by an International Protection Modernisation Programme Board, chaired by the Deputy Secretary with responsibility for the Civil Justice pillar. The membership of the Programme Board will include all members of the Department Management Board with responsibility for implementing the various strands of the programme, along with external members to provide independent input and oversight.

Beneath this structure, an International Protection modernisation implementation board will be chaired by a Principal Officer from the IPO, and tasked with leadership and management of the programme on a day-to-day basis. The senior management team of the IPO, supported by external contractors as required, will be accountable to this implementation board. A new business modernisation team was created in the IPO as part of effective management and governance of the change agenda. This new team is focused on deliverables with cross-cutting dependencies to ensure decentralised teams work together to deliver challenging goals for the business. This team will drive innovation across the IPO, focusing on four key areas: infrastructure, resources, process engineering and technology. These structures have commenced operations.

**Implementation Methodology**

The Programme will be adopting an 'Objectives and Key Results' implementation and delivery methodology. Specific objectives which have measureable and time bound results will be utilised to assist on coordinated and collaborative delivery.

Many aspects of success in this programme requires multiple objectives to be realised in a coordinated manner by many functions. It is therefore expected that supporting the implementation of this modernisation programme will be agreed as a high priority for all relevant functions of the Department, with this agreement formally recorded by the Management Board.
Appendix 1

Case Study - Process Reforms – New Accelerated Procedure for Safe Countries of Origin

- From 8 November 2022 new procedures were introduced in the International Protection Office to accelerate the process for making a protection application in Ireland. The new procedures have been introduced in tandem with the commencement of the European Communities (International Protection Procedures) Regulations 2022 and the International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022. The main purpose of these new Regulations is to establish an accelerated decision-making process for international protection applicants from safe countries of origin.

- Ireland has been criticised for the length of time it takes to process applications and the negative effect that can have on customers. The recent introduction of an accelerated process in the IPO for non-EEA nationals from designated safe countries of origin is fully in line with the Catherine Day report recommendations.

- The new process creates efficiencies that ensure the standard throughput of cases to date remains in place and an additional case load can be added to the current process in the form of accelerated procedure cases. The introduction of the new Procedure will allow an applicant to have their case dealt with in a timelier manner.

- The enhanced procedure for all customers will also allow for speedier processing for those fleeing countries with a recognised threat or otherwise known as manifestly well-founded claims for international protection. This includes prioritised cases such as applications that are likely well-founded based on a medico-legal report or that are likely well-founded based on the country of origin or habitual residence.

- Early analysis of the new procedures, including the new accelerated procedure for persons from safe countries of origin, are showing positive results.

- There has been a significant reduction in Median Processing Times in 2022 down to 10 months in Q4 from a norm of 22-26 months earlier in the year.

- In 2022, almost 5,000 first instance decisions were made – a higher number than any annual number of applications over the past five years and exceeding the Catherine Day Report target of 3,500.
Website: http://gov.ie/justice