

United Nations High Commissioner for Refugees

Written Submission to the Committee on Economic, Social and Cultural Rights

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IRELAND

UNHCR's Recommendations

It would be helpful for the fulfilment of UNHCR's mandate, and for the improvement of the situation of refugees, asylum seekers and stateless persons, if the distinguished members of the *Committee on Economic, Social and Cultural Rights* would consider the following issues and make the following **recommendations** to the Government of **Ireland**:

Issue 1: Take effective action to eliminate reliance on emergency accommodation and tents and avoid homelessness among international protection applicants; make the *National Standards for accommodation offered to people in the protection process* applicable in all such accommodations; and continue formalizing and continuing to expand the role of the independent inspectorate of the National Standards, in order to better fulfil its obligations under Articles 2, 10(3), 11 and 12 of the *ICESCR*, including:

- a) Immediately accommodating all international protection (IP) applicants upon arrival to ensure they are not left in a situation of homelessness or destitution, and that IP applicants are not accommodated in tents; and
- b) Establishing a contingency planning framework to reduce and ultimately eliminate reliance on emergency accommodation; and,
- c) Extending Health Information and Quality Authority's (HIQA) remit to inspect International Protection Accommodation Services (IPAS) emergency accommodation while it remains in use.

Issue 2: Take concrete measures to scale-up long-term, state-provided accommodation for temporary protection beneficiaries; introduce national standards with an accompanying independent inspectorate for short-term and emergency accommodations; and ensure that changes to social welfare provision for beneficiaries of temporary protection do not leave them in precarious living conditions, in order to better fulfil its obligations under Articles 2, 10(3), 11 and 12 of the *ICESCR*, including by:

- a) Increasing efforts to find innovative solutions for accommodation shortages for beneficiaries of temporary protection (BOTPs), including by resourcing and scaling up sustainable, long-term accommodation solutions, such as the rapid build homes scheme, and the offer a home scheme;
- b) Reducing and eliminating reliance on short-term and emergency accommodation and, in the interim, ensuring that national standards are applied to all such accommodations and a relevant independent inspectorate is appointed; and,
- c) Ensuring that the level of payments provided to both IP applicants and newly arrived BOTPs should be reviewed by government to ensure that they keep

pace with increased costs of living and are sufficient to provide a dignified standard of living.

Issue 3: Take concrete measures to increase accommodation capacity that affords an adequate level of care and safety for unaccompanied children and cease the practice of placing unaccompanied children in unregulated emergency accommodation, in order to better fulfil its obligations under Article 10(3) of the *ICESCR*, including by:

- a) Providing all unaccompanied children with a placement that affords an adequate level of care and safety;
- b) Ensuring unaccompanied children are not placed in special emergency accommodation settings; and
- c) Staffing all accommodation settings for unaccompanied children with qualified and Garda-vetted personnel, and ensuring they are subject to the National Standards for Children's Residential Centres and independent inspections by HIQA.

Issue 4: Adequately resource the processing of applications for labour market permission from international protection applicants to reduce the backlogs and significant delays in that process, so that applicants who are entitled to work may do so after 6 months, and to increase their potential for economic self-determination and social integration, in order to better fulfil its obligations under Articles 2(2), 6 and 7 of the *ICESCR*.

Issue 5: Protect the rights of stateless persons by establishing a procedure to determine the status of stateless persons to ensure their access to the rights they are entitled to under the *1954 Convention relating to the Status of Stateless Persons*, in order to better fulfil its obligations under Article 2 of the *ICESCR*.

Background Information

As general background information, Ireland ratified the *1951 Convention relating to the Status of Refugees* in 1956 and its *1967 Protocol* in 1968 (hereinafter jointly referred to as the *1951 Convention*). Ireland has ratified the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness* (the *1954 Convention* and the *1961 Convention* respectively) in 1962 and 1973 respectively.

The Irish international protection determination procedures are set out in domestic law and are contained primarily in the *International Protection Act 2015*.¹ UNHCR would like to commend Ireland on the commencement of the 2015 Act. It established a single protection determination procedure, encompassing both refugee status and subsidiary protection as well as permission to remain. Ireland has been a member of the European Union (EU) since 1973. Pursuant to several protocols to the Maastricht, Amsterdam and Lisbon treaties, Ireland is not bound by EU instruments adopted in the area of asylum that it has not specifically "opted into." In relation to the Common European Asylum System recast package, Ireland did not opt into the recast Asylum Qualification Directive (2011/95/EU) or the recast Asylum Procedures Directive (2013/32/EU). Ireland has opted into the Dublin III Regulation (604/2013/EU) and the recast Eurodac Regulation (603/2013/EU). It continues to participate in the Qualification Directive (2004/83/EC) and the Asylum Procedures Directive (2005/85/EC). Ireland transposed the recast Reception Conditions Directive (2013/33/EU) on 30 June 2018.

¹ *International Protection Act, 2015*, available at: <http://www.irishstatutebook.ie/eli/2015/act/66/enacted/en/pdf>

In 2017 UNHCR welcomed the extension of the remit of the Ombudsman and the Ombudsman for Children to include those living in International Protection Accommodation Services (IPAS) accommodation. This means that the Ombudsman offices can accept complaints concerning services provided by IPAS centres, including complaints submitted by or on behalf of children.

In 2022, Ireland experienced a sharp increase in international protection applications alongside a high number of arrivals from Ukraine seeking temporary protection. A total of 13,651 people applied for international protection, which was the highest number on record and an increase of 415% on the previous year's applications. As of 30 June 2023, Ireland hosted 17,523 asylum-seekers, 269 persons awaiting judicial review of their asylum decision and had a population of approximately 99,060 refugees, subsidiary protection beneficiaries, and temporary protection beneficiaries, including roughly 1,572 resettled refugees.²

International protection application numbers have continued at a similar rate in 2023, with 11,851 applications to the end of November. The top countries of origin of international protection applicants in 2023 to date are Nigeria (15 per cent), Algeria (12 per cent), Afghanistan (9 per cent), Georgia (8 per cent) and Somalia (8 per cent). Of the 99,060 refugees in Ireland on 30 June 2023, approximately 86,256 were people who had been granted temporary protection (TP) on fleeing Ukraine, pursuant to Section 60 of the International Protection Act 2015.³ Arrivals from Ukraine in 2023 continued at a lower but steady rate, with 30,718 people granted temporary protection in Ireland in 2023 up to 03 December.

Information on Suggested Recommendations

Concerning Issue 1, we wish to note that as of 17 December 2023, there were 26,000 people accommodated in 255 IPAS accommodation facilities across Ireland.⁴ This includes 7,109 people in one of IPAS's 49 'permanent' centres (also known as IPAS centres), 17,525 people in 196 emergency accommodation centres, 396 in the national reception centre, 601 applicants in the Citywest transit hub, and 369 applicants being housed in tents across 3 sites. Of the total number of people accommodated by IPAS, 5,563 are children, with 3,397 of those children staying in emergency accommodation.⁵ UNHCR wishes to highlight four areas of particular concern relating to the accommodation of international protection (IP) applicants, namely (i) the shortage of accommodation leading to homelessness of newly arrived IP applicants; (ii) the use of tents; (iii) the over-reliance on unsuitable and unregulated emergency accommodation settings and (iv) the lack of an independent inspectorate.

(i) Homeless IP applicants: IPAS ran out of accommodation for IP applicants in 2 instances this year. On 24 January 2023, it was announced that no accommodation could be provided to adult male applicants due to lack of capacity nationwide.⁶ This resulted in 1,542 applicants not being offered accommodation over subsequent months, before eventually being

² UNHCR Mid-year statistical report, 2023.

³ Figures on grants of temporary protection are provided internally to UNHCR by the Department of Justice. By 25 June 2023, 86,256 people had been granted TP in Ireland.

⁴ Department of Children, Equality, Disability, Integration and Youth, *IPAS Weekly Accommodation and Arrivals Statistics*, 17 December 2023, available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/279404/d5155782-bc2d-4e1a-aacc-fc304fdf6bbd.pdf#page=null>

⁵ *Ibid.*

⁶ Department of Children, Equality, Disability, Integration and Youth, Press Release: *Citywest Transit Hub to pause entry of new International Protection arrivals to its emergency accommodation area*, 24 January 2023, available at: <https://www.gov.ie/en/press-release/489b6-citywest-transit-hub-to-pause-entry-of-new-international-protection-arrivals-to-its-emergency-accommodation-area/>.

accommodated on a phased basis.⁷ On 02 December 2023, the Department of Integration⁸ announced it was once again unable to provide all arrivals with accommodation. UNHCR welcomes the fact that women, children and those with particular vulnerabilities are prioritised for accommodation but is deeply concerned that single men are left without accommodation. Prioritisation of the most vulnerable applicants cannot justify the denial of basic human rights, such as adequate shelter, to other applicants. As of 05 January 2024, 457 asylum-seeking men were awaiting an accommodation offer from the State.⁹ The Department of Integration has put in place agreements with drop-in charity day services for the general homeless population, which may provide meals, showers, tents and sleeping bags. An additional allowance of €75 per week was introduced in December 2023 for homeless IP applicants which is welcome but likely to be insufficient for many to avoid homelessness and destitution.¹⁰ The High Court confirmed in April 2023, during the first homelessness crisis for IP applicants, that the State had breached its EU and national legal obligations by failing to provide applicants with accommodation.¹¹ While the State has acknowledged this breach of its obligations, the situation continues and may arise again without adequate contingency planning and sufficient action to procure and secure longer-term accommodation solutions.

(ii) Tented accommodation: Since 2022, the State has relied on tented accommodation in congregated settings for IP applicants when other accommodation options are not available. UNHCR met with a number of IP applicant families who were accommodated in tents on an army site for several of weeks around September 2022. As of late 2023, UNHCR understands that tents are used to accommodate single men only. On 17 December 2023, 369 IP applicants were residing in tents across 3 sites. UNHCR has raised serious concerns regarding the suitability of such accommodation and the detrimental effect it may have on the safety and well-being of residents. UNHCR has viewed the damp and cold conditions that some applicants are experiencing in tents, with limited heating, storage space, or privacy, and small, uncomfortable camp-beds.¹² Tented accommodation should only be used in the most exceptional cases when all other solutions have been explored, where they are absolutely necessary, and only as a short-term and temporary measure.

(iii) Emergency accommodation: For 5 years, since September 2018, IPAS has not been able to meet the accommodation needs of IP applicants via its standard accommodation centres. Since the Committee referred to the “overall difficult housing situation in Ireland” in its 2015 concluding observations,¹³ the housing situation has deteriorated and is impacting significantly on refugees and IP applicants. Over 5,900 persons granted international protection or permission to remain are still residing in IPAS accommodation due to a lack of

⁷ Department of Children, Equality, Disability, Integration and Youth, IPAS Weekly Accommodation and Arrivals Statistics, 18 June 2023, available at <https://www.gov.ie/pdf/?file=https://assets.gov.ie/261198/cd27be76-195f-4d10-b8e0-f7ef1ca3b1c4.pdf#page=null>

⁸ Department of Children, Equality, Disability, Integration and Youth, hereinafter referred to as the Department of Integration.

⁹ Department of Children, Equality, Disability, Integration and Youth: *IPAS Statistics on International Protection Applicants not offered accommodation*, 19 December 2023, available at: <https://www.gov.ie/en/publication/e202e-statistics-on-international-protection-applicants-not-offered-accommodation/>.

¹⁰ UN refugee agency criticises Irish support for asylum seekers left without housing, 08 December 2023, available at: <https://www.irishtimes.com/ireland/housing-planning/2023/12/08/un-refugee-agency-criticises-irish-support-for-asylum-seekers-left-without-housing/>

¹¹ *S. Y. (A minor suing by his next friend Aoife Dare) v. The Minister for Children, Equality, Disability, Integration and Youth, Ireland and the Attorney General, The Child and Family Agency* [2023 175 JR], available here: https://www.courts.ie/acc/alfresco/599db9da-fb81-48fc-9cfb-cbbdfa313df5/2023_IEHC_187.pdf/pdf#view=fitH

¹² Visit to a tented camp site at the former Central Mental Hospital Dundrum in September 2023.

¹³ Committee on Economic, Social and Cultural Rights, *Concluding observations on the third periodic report of Ireland*, 8 July 015, E/C.12/IRL/CO/3, at paragraph 26, available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW3%2BG%2F0K6uNgdeoJLsC7Ouk%2BHUUUCVI%2F7SbW8blfSOFaaa%2By0pjk%7pcdHjd0EVd7AOgTHHmkaOzB4hpzzfMpadUWv3dN%2F8qWvkWDZ9yFZABzhI>

alternative housing.¹⁴ As a result, and coupled with the sharp increase in arrivals, IPAS has been increasingly reliant on emergency settings, with the majority of IPAS residents (67%), now in emergency accommodation, for example hotels, guesthouses, B&Bs, and repurposed warehouses, offices and other buildings. This includes 3,360 children living with family.¹⁵

UNHCR is concerned at the State's heavy reliance on emergency accommodation. While it acknowledges the efforts made to welcome and accommodate IP applicants, long-term reliance on emergency facilities is not conducive to the physical and mental health of IP applicants, or to their social, economic or cultural integration. IP applicants living in emergency accommodation can face challenges in accessing necessary state services, information and supports and to fully exercise their rights. Emergency accommodation providers are not bound by the national standards, nor are they under the same contractual obligations as those who manage dedicated IPAS accommodation centres. Standards and conditions in emergency settings vary widely across the country, from private rooms in hotels, to larger dormitory style accommodation in re-purposed office buildings with limited privacy and a lack of necessary services and supports on-site. An example of good practice that could be expanded upon as an alternative is the use of modular housing for BOTPs.¹⁶

(iv) Independent inspectorate: The *National Standards for accommodation offered to people in the protection process* (National Standards) were published in August 2019 and became fully binding in January 2021. In 2021, it was announced that the Health Information and Quality Authority (HIQA) would perform the functions of an independent inspectorate for 'permanent' IPAS centres to which the National Standards apply.¹⁷ The HIQA has assumed responsibility for monitoring the quality of IPAS accommodation centres as of 9 January 2024.¹⁸ UNHCR sees this as an important step and encourages the HIQA's role to continue to be further formalized and for its inspectorate functions to be carried out in a robust manner and apply to all accommodation centres, including emergency centers.

Concerning Issue 2, UNHCR commends Ireland for its positive and flexible approach to the unprecedented number of arrivals of beneficiaries of temporary protection (BOTPs) from Ukraine. Since February 2022 to December 2023, 101,200 people have been granted temporary protection.¹⁹ As of 10 December 2023, 57,747 BOTPs were housed by the state in short term accommodation, similar to emergency settings for IP applicants, for e.g. in hotels, guesthouses and temporary rest centres, while 15,638 were in longer-term accommodation, for e.g. in pledged homes.²⁰ A number of BOTP families were accommodated in tents for several weeks from July to October 2022,²¹ and up to 500 BOTPs, including families, were

¹⁴ Minister for Children, Equality, Disability, Integration and Youth Roderic O'Gorman, Response to Parliamentary Question No 705, 12 December 2023, available at: https://www.oireachtas.ie/en/debates/question/2023-12-12/705/#pq_705

¹⁵ *Supra*, note 4.

¹⁶ Business Post, *New Plan to Fast-Track Modular Homes for Ukrainian Refugees*, 5 December 2023, available at: <https://www.businesspost.ie/news/new-plan-to-fast-track-modular-homes-for-ukrainian-refugees/>

¹⁷ Minister for Children, Equality, Disability, Integration and Youth Roderic O'Gorman, Response to Parliamentary Question No 117, 07 October 2021, available at: <https://www.oireachtas.ie/en/debates/question/2021-10-07/117/>

¹⁸ See <https://www.hiqa.ie/areas-we-work/international-protection-accommodation-services>

¹⁹ Department of the Taoiseach, Press Release: *Government approves changes to measures for those fleeing war in Ukraine*, 12 December 2023, available at: <https://www.gov.ie/en/press-release/b5d86-government-approves-changes-to-measures-for-those-fleeing-war-in-ukraine/>

²⁰ Department of Children, Equality, Disability, Integration and Youth, *Accommodation of Beneficiaries of Temporary Protection (BOTPs) Weekly Statistics*, 10 December 2023, available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/278823/a834021d-cd43-4b08-aab9-fe05e99137aa.pdf#page=null>

²¹ *Ukrainian refugee camp in Gormanston to close ahead of winter*, Breaking News, 22 September 2022, available at: <https://www.breakingnews.ie/ireland/gormanston-ukrainian-refugee-camp-to-close-ahead-of-winter-1367375.html>

accommodated in tents for a number of weeks in 2023.²² National standards do not apply to BOTP accommodation and there is no independent inspectorate, leading to huge variations in standards, a lack of oversight and some precarious living conditions. Due to accommodation fluctuations, BOTP residents have also been moved, sometimes at very short notice, from one accommodation setting to another, despite having built up community connections.²³

In December 2023, the government proposed changes in policy for BOTPs which will introduce a 90-day limit on State-provided accommodation for new arrivals.²⁴ Social protection payments for new arrivals will also be significantly reduced.²⁵ While recognizing the current accommodation challenges facing the government, UNHCR is concerned that there may not be enough capacity in the private market or via existing schemes to meet the ongoing accommodation needs of new arrivals. A time limit of 90 days is unlikely to be sufficient for people arriving from Ukraine to become self-reliant and source independent accommodation. This may result in BOTPs becoming homeless or destitute. UNHCR also notes the proposed changes to social protection benefits from €220 per week to €38.80 for BOTPs in State accommodation.²⁶ This is the same weekly amount provided to IP applicants, which has not increased since 2019 despite inflation and the higher cost of living.

Concerning Issue 3, Ireland experienced a sharp increase in 2022 in the number of unaccompanied children of various nationalities seeking international protection, alongside a high number of Ukrainian unaccompanied children seeking temporary protection. A total of 597 referrals (261 Ukrainian children and 336 children with other nationalities) were made to Tusla, the Child and Family Agency,²⁷ which represented an almost 300% increase on referrals for 2021.²⁸ Of the 597 referrals, 350 children were provided with placements (191 Ukrainian children and 159 children with other nationalities), which represented an increase of 200% on the previous year's placements.²⁹ The number of referrals made to Tusla has continued at a similar rate in 2023, with 483 referrals made up to 28 November 2023.³⁰ Of those 483 referrals, 319 children were provided with placements (97 Ukrainian children and 222 children with other nationalities).³¹

The Separated Children Seeking International Protection (SCSIP) team in the Child and Family Agency (hereinafter 'Tusla') has overall responsibility for unaccompanied children arriving in Ireland. Unaccompanied children are accommodated in various placement types, including foster care, supported lodgings, residential settings and more recently in special emergency arrangements (SEAs). The use of SEAs is an emergency measure to accommodate children due to a shortage of other suitable care placements. Children accommodated under these arrangements may be staying in hotels, B&Bs, or privately leased

²² *Ukraine refugees staying in tents at Stradbally to leave next Tuesday*, The Irish Times, 11 October 2023, available at: <https://www.breakingnews.ie/ireland/ukraine-refugees-staying-in-tents-at-stradbally-to-leave-next-tuesday-1537824.html>

²³ *'I cried with my daughter': Ukrainians given four days to leave Dublin hotel and find new school*, The Journal, 10 March 2023, available at: <https://www.thejournal.ie/ukrainians-dublin-hotel-6014950-Mar2023/>

²⁴ *Supra*, note 18.

²⁵ *Supra*, note 18.

²⁶ *Supra*, note 18.

²⁷ Tusla, *Annual & Financial Report Statements 2022*, June 2023, available at: https://www.tusla.ie/uploads/content/Tusla_Annual_Report_FS_2022.pdf.

²⁸ Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth: *Discussion on Child Protection*, 20 September 2023, available at https://www.oireachtas.ie/ga/debates/debate/joint_committee_on_children_equality_disability_integration_and_youth/2023-09-20/2/.

²⁹ *Supra*, note 28.

³⁰ Tusla, *Weekly Statistics on unaccompanied minors*, 28 November 2023. Please note that these statistics are shared with UNHCR Ireland on an internal and confidential basis.

³¹ *Ibid.*

properties,³² which are not the subject of the National Standards for Children’s Residential Centres or HIQA inspections,³³ and the personnel staffing these accommodation settings may not be Garda (Irish police) vetted.³⁴ On 7 December 2023, 200 of the 316 unaccompanied children seeking international protection in Tusla’s care were being accommodated in SEAs.³⁵

In its 2022 Annual Report, Tusla outlined that a key risk to the organisation is around the increasing use of SEAs, and specifically that Tusla may fail to meet care standards through this placement type.³⁶ The Annual Report also outlined the controls and planned actions being taken by Tusla to mitigate this risk, including increased oversight and monitoring of SEAs and implementing measures to ensure staff in SEAs are qualified and Garda vetted.³⁷ However, Tusla wrote to the Department of Integration in March 2023 proposing a legal amendment to allow private companies to provide residential care without having to first meet certain registration requirements governing care homes.³⁸ A Department of Integration briefing from July 2023 warned that Tusla’s proposal could be considered as seeking to formalise SEAs, which may not adequately meet the needs of children.

The use of SEAs has been widely criticised. In February 2023, the Health Information and Quality Authority (HIQA) undertook an inspection of Tusla’s SCSIP team.³⁹ The report highlighted that there are insufficient safeguards in place to ensure that placements provided to unaccompanied children are adequate. HIQA recommended the need for greater management and oversight of SEAs to safeguard unaccompanied children. Another challenge identified in the report was the lack of capacity within the SCSIP team. At the time of the HIQA report, more than 100 unaccompanied children were waiting to be allocated a social worker, and consequently the assessment of their needs was not timely. In May 2023, retired District Court Judge Dermot Simms wrote to several government ministers and departments to express his utmost concern for the welfare of children who are in Tusla’s care on account of a lack of properly regulated suitable placements and unfilled posts, shortages of qualified personnel and issues in staff retention.⁴⁰ At an Oireachtas Joint Committee in May 2023, the Ombudsman for Children’s Office also called on the government to cease the practice of placing children in unregulated accommodation and ensure sufficient appropriate placements are available.⁴¹

On 20 September 2023, the interim chief executive officer of Tusla stated a crisis management team has been set up to take immediate action on the ongoing issue of the increase in SEAs

³² Tusla, *2022 Annual Review on the Adequacy of Child Care and Family Support Services Available*, 31 July 2023, available at: https://www.tusla.ie/uploads/content/Review_of_Adequacy_Report_2022.pdf.

³³ Health Information and Quality Authority, *National Standards for Children’s Residential Centres*, 2018, available at: <https://www.hiqa.ie/sites/default/files/2018-11/national-standards-for-childrens-residential-centres.pdf>.

³⁴ Deputy Peadar Tóibín, Parliamentary Question No 3, 20 September 2023, available at: <https://www.oireachtas.ie/en/debates/question/2023-09-20/3/>.

³⁵ Minister for Children, Equality, Disability, Integration and Youth Roderic O’Gorman, Response to Parliamentary Question No 482, 14 December 2023, available at: <https://www.oireachtas.ie/en/debates/question/2023-12-14/482/>.

³⁶ *Supra*, note 28.

³⁷ *Supra*, note 28.

³⁸ The Irish Times, *Government concern over ‘formalised’ emergency Tusla accommodation*, 9 October 2023, available at: <https://www.irishtimes.com/ireland/social-affairs/2023/10/09/government-concern-over-formalised-emergency-tusla-accommodation/>.

³⁹ Health Information and Quality Authority, *Report of an inspection of a Child Protection and Welfare Service: Separated Children Seeking International Protection*, 28 February to 2 March 2023, available at: https://www.hiqa.ie/system/files?file=inspectionreports/4425_SCSIP_280223.pdf.

⁴⁰ Letter from retired District Court Judge Dermot Simms, 17 May 2013, available at: <https://www.childlawproject.ie/wp-content/uploads/2023/07/01-2023vol1.pdf>

⁴¹ Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth in relation the Child Care (Amendment) Bill 2023, *Opening Statement by the Ombudsman for Children’s Office*, 9 May 2023, available at: <https://www.oco.ie/library/opening-statement-by-the-ombudsman-for-childrens-office-to-the-oireachtas-joint-committee-on-children-equality-disability-integration-and-youth-9th-of-may-2023/>.

and this is a priority at the highest level within Tusla.⁴² Additional funding has been provided to Tusla to address the lack of suitable placements for unaccompanied children.⁴³ Whilst the Government are taking measures to reduce its reliance on SEAs, it remains a particular concern due to the number of unaccompanied children accommodated in unregulated settings, which entail inherent risks.

Concerning Issue 4, UNHCR commends Ireland on the establishment of national legislation on reception conditions through the transposition of the recast Reception Conditions Directive (2013/33/EU).⁴⁴ IP applicants may be granted access to the labour market if they have not received a first instance decision within 6 months. However, according to the Domestic Residence and Permissions Division of the Department of Justice, the processing time for applications for labour market access is approximately 145 days (almost 5 months).⁴⁵ IP applicants may not submit their application for labour market access until at least 5 months have passed since they applied for international protection. Therefore, IP applicants who are granted access to the labour market may not receive their permission to work until 10 months from their initial IP application. While UNHCR acknowledges the high volume of applications that the unit is receiving, the delay is negatively impacting applicant access to the labour market, and consequently their self-reliance capacity and integration.

Concerning Issue 5, it is implicit in the *1954 Convention* that States are responsible for the identification of stateless persons in their jurisdiction so that they may be provided with appropriate treatment and access to a range of rights. However, there is currently no formal procedure for the determination of statelessness in Ireland. In 2023 UNHCR published a report which mapped statelessness in Ireland.⁴⁶ The report highlights that stateless persons experience numerous obstacles in accessing their rights under the *1954 Convention* and can encounter difficulties in various procedures, including naturalisation.⁴⁷ The absence of a statelessness determination procedure means that stateless persons are likely to face delays in resolving their situation and be left in a legal limbo for prolonged periods of time. Furthermore, there is no effective quantitative and qualitative data collection procedure on such persons, which hampers the full understanding of problems related to statelessness. UNHCR issued a number of recommendations to the Government of Ireland in its report including the establishment and implementation of a statelessness determination procedure to allow for the identification and protection of stateless persons. In this regard, UNHCR welcomes the Government of Ireland pledge to the Global Refugee Forum in 2023 to actively explore the introduction of a statelessness determination procedure, by utilising a provisional

⁴² Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth: Discussion on Child Protection, 20 September 2023, available at https://www.oireachtas.ie/ga/debates/debate/joint_committee_on_children_equality_disability_integration_and_youth/2023-09-20/2/.

⁴³ Oireachtas Select Committee on Children, Equality, Disability, Integration and Youth, 28 November 2023, available at: https://www.oireachtas.ie/en/debates/debate/select_committee_on_children_equality_disability_integration_and_youth/2023-11-28/4/.

⁴⁴ S.I. No. 230/2018 European Communities (Reception Conditions) Regulations 2018, available at: <https://www.irishstatutebook.ie/eli/2018/si/230/made/en/print#>.

⁴⁵ Department of Justice, Labour Market Access Permission, accessed on 15 December 2023, available at: <https://www.irishimmigration.ie/my-situation-has-changed-since-i-arrived-in-ireland/labour-market-access-permission/>.

⁴⁶ UNHCR, *Mapping Statelessness in Ireland*, 22 May 2023, available at: <https://www.refworld.org/docid/64e4cdda4.html>

⁴⁷ In the absence of a formal statelessness determination procedure, potentially stateless persons have, in certain circumstances, been granted “leave to remain” on a humanitarian basis. This process typically provides neither a declaration of statelessness, nor access to any particular rights associated with such a status. Accordingly, such persons may continue to experience difficulties in seeking to avail of their right, for instance, to a travel document for stateless persons.

determination procedure on a limited pilot basis in 2024.⁴⁸ UNHCR stands ready to assist the Irish authorities in the creation of such a determination procedure.

UNHCR
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⁴⁸ For more information, please see <https://globalcompactrefugees.org/pledges-contributions>