

“A family belongs together”

Refugees’ experiences of family reunification in Ireland



**Irish
Refugee
Council**


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Linking migrants to their rights



OXFAM
Ireland

“The family unit has a better chance of successfully... integrating in a new country rather than individual refugees”

(UNHCR 1999)¹

“Always my mind is there. If he was here [it would be different]...it is your family. If it is your child in front of you, you will be happy as well. If your family is happy, you would be happy as well. You will think to work, to your life, not think about safety”

(Interviewee I, Syria)

“When I went past immigration, I was not concentrating. I saw my husband, I saw my husband. I was so happy, very happy, really. Because this is life and this is a dream. A dream of us to stay together in the same place and make a beautiful family.”

(Interviewee G, Sudan)

“A happy family is but an earlier heaven”

(George Bernard Shaw)

“[Family separation] is a break, it is a wound that I don't have any words to describe. It is terrible, you feel it. And when you put the family together you can't find a word to describe the happiness because it is the way it just has to be, it is a complete.

‘A family belongs together.’”

(Interviewee B, Central African Republic)

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1. Introduction

The world is experiencing unprecedented global displacement. By the end of 2016, over 65.6 million people were forcibly displaced as a result of conflict, persecution and disaster – the highest number ever recorded.² There are an estimated 22.5 million refugees, more than half of whom are children.³ The scale of displacement only serves to mask the enormous human tragedy unfolding before our eyes. Behind these statistics are mothers, fathers, brothers, sisters, sons and daughters – people with hopes, ambitions and loved ones they seek to protect.

The realities are such that only **a tiny portion of the world’s refugees are able to use safe and legal mechanisms to access asylum.** Most will stay close to their country of origin, often in the same region, where some of the world’s poorest communities are helping to provide a safe haven. Low-income countries disproportionately host 84% of the world’s refugees.⁴ Meanwhile, wealthy countries, like Ireland, host relatively few.

Although most stay close to home, some people move further afield in pursuit of international protection. In 2015, over one million people risked their lives to reach Europe by sea, many on dangerously inadequate vessels. More than 4,000 people went missing and are feared drowned.⁵ While the number of people travelling in 2016 fell by two thirds, deaths on the Mediterranean route rose by 34% compared to 2015.⁶ Migrants and refugees have told harrowing accounts of their attempts to reach Europe via transit countries. In 2017, Oxfam recorded the testimony of over 258 people travelling to Europe via Libya, detailing testimonies of sexual violence, torture, denial of food and deprivation of medical care.⁷

While the routes to safety taken by refugees may be diverse, **a common thread running through their experiences is the breakdown of the family unit.** For those most in need, including people with international protection, the situation of family members takes on increased importance. However, the destruction of the family unit is an “almost universal consequence of refugee experiences”.⁸ In the desperate search for safety, families can become separated and scattered, forced to follow different routes as they flee due to limited opportunities or resources.⁹ **When a person reaches safety, finding and reuniting with their loved ones is often their priority.**¹⁰

Despite academic and practitioner evidence¹¹ on the merits of keeping refugee families together, **the Irish government has limited opportunities for family reunion set out in law.** Changes to legislation that began in 2016 have meant that only a very restricted category of family members can apply to be reunited – essentially spouses, parents of minor children and children under the age of 18. This is having a devastating impact on people trying to rebuild their lives in Ireland.

This report looks at the human consequences of the Irish government’s policy – the impact on refugee families and on their ability to integrate into Irish society. It begins with a short analysis of the current policy context and then focuses on the voices of those affected by the legislation – voices too often missing in discussions around refugee family reunification. The evidence shows that the presence of relatives can accelerate integration for both new arrivals and family members already in Ireland. In the conclusion, a series of recommendations are presented for the government to support refugee family reunification.

Methodology note

This report is based on nine semi-structured interviews with Irish-based refugees, all of whom have experienced family separation or family reunification. It is complemented by an interview with a resettlement worker who has practical experience with the Irish asylum system. The interviewees with international protection status come from a range of countries and are all over the age of 18. Once the interviews were completed, they were transcribed and analysed, with key themes identified. To ensure protection and privacy, identities have been anonymised. Interviewees are distinguished by an interview letter and their country or region of origin. The gender breakdown of the interviewees with international protection is seven men and two women.

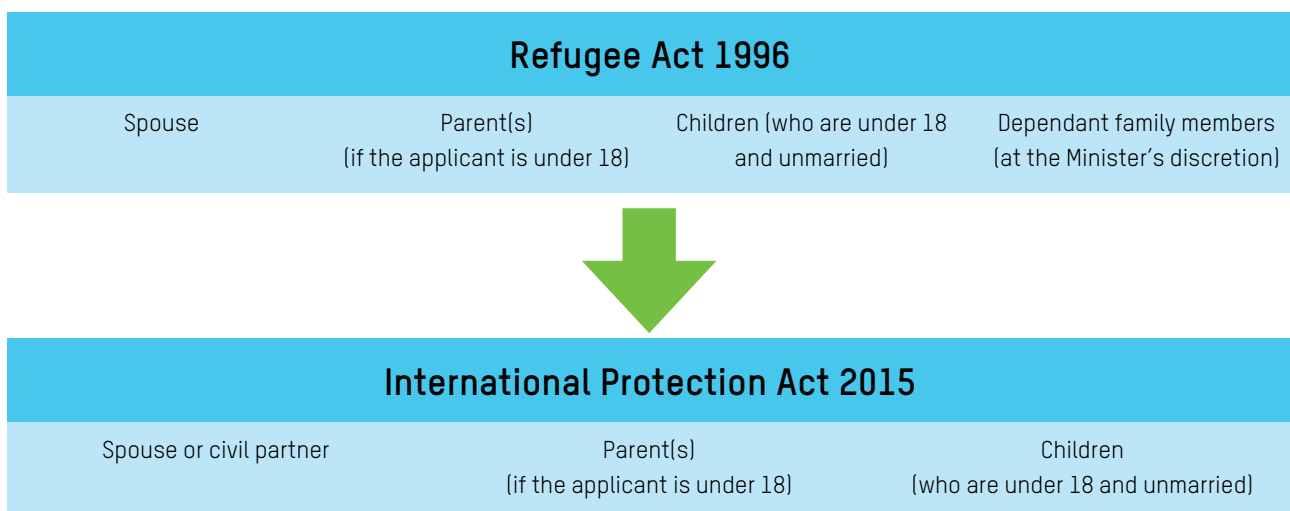
2. Refugee family reunification policy in Ireland

The right to family life and the protection of the family are principles enshrined in international human rights law, and are shared values that bridge cultures. The Irish Constitution, *Bunreacht na hÉireann*, specifically recognises the unique position of the family within the Irish State and culture, deeming family the "necessary basis of social order" and "indispensable to the welfare of the Nation and the State".¹² Article 41 "recognises the family as the natural primary and fundamental unit group of Society... possessing all inalienable and imprescriptible rights".¹³

The importance of the family is explicitly recognised in various international and European human rights instruments, including but not limited to, the Universal Declaration of Human Rights (Article 16)¹⁴; the International Covenant on Civil and Political Rights (Article 23)¹⁵; the International Covenant on Economic, Social and Cultural Rights (Article 10), and the Geneva Convention Relating to the Status of Refugees (Article 12).¹⁶ Certain provisions of the European Convention on Human Rights, which has been incorporated into Irish legislation through the European Convention on Human Rights Act 2003, also recognise "the rights of everyone to his or her private or family life".¹⁷

Despite this strong legal basis for the protection and status of the family, the Irish government has failed to protect the right to family life for people with international protection. Refugee family reunification in Ireland is governed by the International Protection Act (IPA) 2015, which came into effect on 31st December 2016. Whether intended or not, **this piece of legislation has made it effectively impossible for family members outside of the nuclear family to reunite with their loved ones in Ireland.** The change in legislation removed a broad category of dependants that were eligible for reunification under the Refugee Act 1996, which included grandparents, parents, brothers, sisters, child, ward or guardian. It narrowed eligibility for reunification by replacing these dependants with a far more restrictive definition of family, limited to spouses and children – if the children are under the age of 18 and unmarried – and parents as well as parents' minor children if the applicant seeking reunification is under the age of 18 and unmarried (See diagram 1).

Diagram 1: Changes to refugee family reunification legislation in Ireland



When the Refugee Act 1996 was in force, the number of people applying for family reunification in Ireland was relatively low.

However, the issue of numbers has been used as justification for the State's restriction on family reunification. In November 2017 Minister of State for Justice and Equality, David Stanton, stated that "the average number of family members applied for under the family reunification provisions of the Refugee Act was 20 and the largest application was for over 70 family members".¹⁸ But this is not borne out in the evidence. Recent figures released by the Department for Justice and Equality show that over a five-year period (2012-2016) **the average number of eligible family members applied for under the broader provisions of the Refugee Act 1996 was just two** (See Table 1). This mirrors the experience of Nasc and the Irish Refugee Council.

Provisions for refugee family reunification outside of the International Protection Act exist through the general administrative mechanisms available to non-European Economic Area (EEA) nationals. However, refugees who apply through this process are expected to meet stringent financial conditions, including a minimum income requirement of €30,000, which must be evidenced through detailed financial statements and proof of earnings.

Setting a narrow parameter of what it means to be a family reconfigures relationships, emphasising certain

relationships over others and separating loved ones that wish to be united. That the decision to restrict opportunities for family reunification was made against the backdrop of the greatest displacement crisis the world has experienced is particularly alarming.

In late 2017, the Irish government announced a new humanitarian admissions programme which will enable 530 family members of refugees living in Ireland to be reunited. The Family Reunification Humanitarian Admissions Programme (FRHAP) applies only to people in 10 "UNHCR recognised conflict zones" and gives priority to families who can meet the accommodation requirements of eligible family members.²⁰ While the scheme will potentially provide a safe route to protection for some, it does not place the rights of refugee families on a statutory footing, or address the family reunification needs of those who fall outside of these provisions, including those who are outside of the "recognised conflict zones".²¹

Significant additional steps still need to be taken to ensure that refugees in Ireland are able to realise their right to family life, to benefit both refugees and the communities in which they live.

Table 1: Family reunification applications under the Refugee Act 1996 (2012-2016)

Year	No. of applications	No. of eligible family members included in applications	Average no. of eligible family members included in applications
2012	251	478	1.9
2013	201	429	2.1
2014	271	648	2.4
2015	452	1,168	2.6
2016	705	1,747	2.5
Total	1,880	4,470	2.4

Source: Author's own calculations based on House of the Oireachtas - Written Answers No. 181¹⁹

3. Refugees' voices: The journey to protection in Ireland

3.1 Flight

There are many reasons why a person becomes a refugee or is forcibly displaced. They can be fleeing persecution due to political or religious beliefs, because of their ethnicity or nationality, or because they identify as Lesbian, Gay, Bisexual, Transgender or Intersex (LGBTI). They can be forced to leave due to the chaos of war or as a result of natural disasters, which are becoming more frequent due to climate change. However, the underlying feeling experienced by all refugees and people forced to flee is one of compulsion – they are driven to leave home and seek safety elsewhere.

The people interviewed by Oxfam, Nasc and the IRC for this report described harrowing experiences in the countries from which they fled, and during their journeys to Ireland. The youngest interviewee was just 17 when he left his home to seek safety in Europe. As war engulfed Syria, his family had fled to another country in the region a few years earlier. However, after his father lost his job, they were at risk of deportation back to Syria.

"I was in the middle of it [In Syria]... I was 13 or 14 [years old], something like that. The army surrounded the town, from everywhere, with tanks and everything. It was okay, they were saying it is for our protection. It was our city and our army. On some of the [TV] channels they were saying that the Syrian army are beating people but we didn't believe it. We believed the Syrian [TV] channels at that time.

When we went [to the city] we entered between the army on our left and right. They are our army. The leaders of the main families were in front – then suddenly the army just opened fire. On the leaders and everyone. There were machine guns all around us. Everyone started running away... Everyone who had a gun just took it out."

Interviewee A, Syria

One father described living in the Central African Republic, his beloved home, when chaos engulfed the nation. He describes his story as a 'classical' refugee story:

"War broke out in my country, a long war, around 2013 it got to a sort of a peak, with a coup. The President at that time, Francois Bozizé, had to flee and the militia - mostly from the north of the country took power. They started committing atrocities on Christians. And [this] is exactly where my story starts."

Interviewee B, Central African Republic

Fearful of violence, the man joined members of his local community to form a neighbourhood watch to protect his and other families. He describes an unimaginable breakdown of social order – "Terrible killing, cutting off heads, burning houses... It was hell. In the capital city, in the whole country." His neighbourhood group would walk in the evening, when violence was most likely to occur – "People would be sleeping and the house would get burned, there would be gunfire at night." In the midst of this conflict, he got separated from his partner and children and lost all contact with them.

Conflict, instability and the need to seek safety were also the experiences of other interviewees:

"In 2014, ISIS attacked our city... All civilians, myself and my family included, we all left our home. We just took our important documents or whatever we can take. We left our home behind us and we left for Turkey. Our city is on the border exactly, just a few metres, on the other side we were looking to our city, seeing bombing – bombing by ISIS."

Interviewee I, Syria

"I came as an asylum seeker from Sudan. Circumstances forced me to leave. At that point the person does not have any options. You just need to escape. You don't have options to ask, you just have to leave the country."

Interviewee F, Sudan

A common thread was the lack of choice people had. For most, it was not a decision to come to Ireland specifically, but rather to any place where they could find safety.

"I never thought I would be living in Ireland. I just needed to leave."

Interviewee D, Sudan

"It wasn't a decision to come to Ireland – it was to Europe, any place where I can be safe, try to get my family, live my life like any normal person."

Interviewee A, Syria

One mother's story began with a war in West Africa. She was just a child when she was captured by armed groups. It would take nearly 10 years for her to be able to escape and seek protection elsewhere.

"Lots of people were killed during the war. I was captured... I was very young – 14. They just came, we were in the house, and they were looking for young girls, and young boys... My parents are trying to hide us, to protect us. But they broke in. Some people tried to escape but where I was hiding, one of them get hold of me."

Interviewee C, West Africa

For others, it was not the onset of war or conflict that made them flee – it was targeted persecution. One father had a comfortable life in Ethiopia but persecution forced him into hiding, then to leave his home country and escape to neighbouring Kenya. He described having a job, a home and a partner. He said that if his life had continued like that, he would not have wanted to leave.

3.2 Being separated from family members

When refugees flee their countries, they are often separated from family members. In a moment of chaos, loved ones may run in different directions or take other routes to safety because of limited opportunities or resources. Studies have shown that separation can also be a temporary protection strategy, for children seeking to escape forced military recruitment, for example, or for political activists who need to go into hiding.²²

With her life at risk and resources limited, one interviewee had to leave her family behind. Although she exhausted every option to bring her children with her, she was forced leave them with a friend.

"The man came back and said, 'He cannot take you and your children, it is only you'. I will never forget that in my life. Where am I leaving my children? My best friend said, 'If you trust me, take me as a sister, I will look after these children... If you die, what is the life of these children? You have to make a decision, and if you go, leave the children with me and I will protect them'. It was not easy, it was not."

Interviewee C, West Africa

3.3 Journeys to Ireland

Most of the people we spoke to for this report began their journeys alone, with some meeting people along the way and others on their own until they reached Ireland. One commonality was uncertainty around where to go and how to access protection. Some relied on parties with knowledge of the asylum process, or went through interlocutors who organised their passage to Ireland.

“You have no idea where you are going in reality – I had no idea of what is even called asylum. In my country, I have never known of this. It is when my life got threatened and I ran away. I was in hiding and I came to meet a priest and this priest, after maybe three or four months hiding, decided to help me flee. He is the one who knows about all of this, I did not know anything. So this is how I came to live in Ireland. He knew that there is something called asylum, he knew what I didn’t know and that is how I escaped.”

Interviewee B, Central African Republic

“He [an interlocutor] made the arrangement and from that point you become not a person but like luggage – they take you from here and put you to here. I think this is one of the hardest things – going from [being] a father and husband and brother to, to just a piece of luggage – and you have to comply with them.”

Interviewee H, Sudan

Two people made the perilous journey across the Aegean Sea from Turkey to Greece. Their descriptions convey the horror of their passage:

“I decided to go by the sea to Greece, to Lesbos Island. It was the worst thing in my life. Maybe 95% of the people who were with me [on the boat] just died. I am the only one who knew how to swim... Most of the Syrian cities are inside, not near the sea. No one even knew the basics.

There were around 50 people on the boat, and it was just made for 20 – all of us on top of each other, and it was sinking in the middle. And in the night, there was no light. No lights from Turkey and no lights from Greece. In the middle of it, we can’t see Turkey, we can’t see Greece – the engine stops and we start to go down... We start sinking and sinking, no one can help each other. Just the side of it is floating, everyone is fighting to get on it. You can’t help anyone... They were dying and you can’t do anything.”

Interviewee A, Syria

“In Greece, on the boats, it was... horrible. The boat is sinking, the water is high; they [the Turkish coastguard] caught us with a long iron rod. Already we die... Some people died; four, five people. One lady, her daughter, she was one or two [years old], she was sinking. After they took her out, to the hospital, she had already died. There was no media, no public, nothing.”

Interviewee E, Ethiopia

Relatives embrace after they were reunited at Hassansham camp, east of Mosul. Oxfam provided clean water for the 1,950 families staying in the camp. Photo: Abbie Trayler-Smith/Oxfam



3.4 Receiving refugee status in Ireland

When each of the interviewees reached Ireland, they immediately applied for asylum. While some received their status within six to eight months, others were waiting many years – in one case seven years – until their application was heard and approved. Throughout the process, and even when refugee status was secured, the interviewees' priority was to be reunited with family and ensure the protection of those they had left behind. Many spoke of receiving their refugee status as an important moment – they were finally safe – but one which did not divert them from the overall goal of reuniting with their loved ones.

"I was happy [when I received refugee status] because it is a big difference. I know my age is gone, I suffer a lot of things, but Ireland for me saved me... For me it is different. When I go outside it is quiet, it is safe. It is like starting a new life."

Interviewee E, Ethiopia

"I was very happy [to receive refugee status] but still very disturbed because still up until that time I had no answer from the Red Cross apart from saying that they have received my file and they are doing the search [for his family]. I was still very perplexed and so that was the feeling – I was happy to have the refugee status but I was still very... I don't have any soil under the legs because I was still looking for my family, for my children... My life was all about my family. Even today, it is all about them."

Interviewee B, Central African Republic

3.5 Early experiences: Small acts of kindness

In their first few months in Ireland, still uncertain of their new surroundings, a number of the interviewees had a positive experience with Irish people that they wanted to share. These small acts of kindness came during a time of severe isolation and fear, and had a significant impact on their lives, framing their impressions of the Irish community:

"My first experience here – I didn't know anything. I was on the road and I was lost. Someone – I didn't ask him – he saw I was lost. He said, 'Are you looking for somewhere? Are you lost?' I said 'I wanted to go here' and he said, 'Okay, you go here and here, left and right'. And he could see that I didn't get it. So he took my hand and said, 'Come with me'. And I felt, 'Oh I am in the right place now, the right people'."

Interviewee D, Sudan

"When I came here first, I went to the shopping mall and I wanted to buy some fruit. So I opened my bag and my money wasn't enough so I was counting my money, and looking at the fruit, and she [a stranger in the queue behind] was standing watching me. So I just shook my head and turned my back to go and she came and gave me €20 – that was my first experience in this country. I was [shocked], 'Are you serious?' She said, 'Yes, you can have it'. Tears just flew from my eyes. She said, 'Why are you crying?' I said, 'Nobody ever gave me money. You gave me €20, my God, thank you'. She said, 'Don't cry, please no'. I was shaking, it was a big thing for me that day. I said, 'Thank you'. She said, 'Stop saying thank you'. That woman was an angel. I will never forget."

Interviewee C, West Africa

4. Refugees’ voices: The impact of separation

Being separated from loved ones can be difficult for anyone. But the separation experienced by refugees and their families is all the more traumatic due to its often involuntary and hasty nature. Several academic studies point to prolonged separation causing significant stress and anxiety for refugees, including “enormous distress, depression and loneliness”.²³ For those who have experienced traumatic events, extended separation from family members can also become a “continuing link to an unbearable past”.²⁴

Interviewees spoke of reliving painful experiences; concern around news or lack of news from family members; isolation and loneliness; guilt because of relatives left behind; and the fear of reprisals and threats against the family. All of these factors significantly impacted on their ability to rebuild their lives in Ireland. With the family reunification process taking months, even years, refugees are left in limbo and unable to fully participate in their new lives.

4.1 Fear for the welfare and safety of those left behind

In many of the countries from which refugees and asylum seekers are fleeing, access to protection falls well below international standards. Family members that are left behind can face significant risks. A report for the Council of Europe’s Commissioner on Human Rights recently stressed that for refugees, “delaying the enjoyment of their right to family reunion also denies effective protection to family members in camps and conflict zones”.²⁵

A common thread running through the interviews was the deep concern for the security and wellbeing of family members left behind. For one husband, the destabilising situation in Syria left him fearing for his wife’s safety. He describes the panic and trauma of seeing news reports of violence and being unable to get in touch with his family:

“After I was here [in Ireland] one month, an explosive bomb happened where she was. I was getting mad, crazy, calling my wife, nobody answered. I thought she was inside that attack. Thank God she was safe and my family was safe, but more than a hundred people were killed.

When you call and nobody answers... [When] something happened and you call them and nobody answers, you get nervous.”

Interviewee I, Syria

“I miss my mother, my father, my sister, my brother. If I talk to them and somebody is sick I can’t sleep. I think about them.”

Interviewee G, Sudan

Another father spoke about the impact his separation from his young children has had on them:

“The youngest [child] found it very difficult [to be apart]. At school he wouldn’t accept work anymore, some days he would rebel and when they asked him he’d say ‘No, I want to see my father’. So the teacher told my wife and my wife told me and we could see that they were feeling it [the separation] even more. The youngest would pray – this boy would wake up in the morning and pray to God that he would not see his father on Skype anymore, he wants to touch him. When my wife told me that, I thought, ‘Oh my God, this guy is really feeling something’ – it’s not just to see me but to touch me.”

Interviewee B, Central African Republic

4.2 Impact on health and wellbeing

Many people spoke about family separation contributing to deteriorating mental health and wellbeing, and causing or exacerbating anxiety, depression and other mental health issues.

“When they were not here, [I suffered] from anxiety, from depression, from loneliness. I had to go to the doctor several times... I became friendly with him. He’d say, ‘This is stress and when your family will come you will be okay’.”

Interviewee H, Sudan

“I didn’t know where my children were, I was ill, I had depression, my blood pressure, I was always in hospital, I thought I was going to die, I didn’t know where my children were.”

Interviewee C, West Africa

Intense feelings of guilt accompanied many of those who found refuge in Ireland – the guilt of living in relative safety while their family members continued to struggle. This guilt caused significant distress and affected people’s mental health, as well as their ability to focus on integration. Some interviewees spoke about sending as much money as they could to their loved ones, doing whatever they could to improve their situation.

One mother reflects on the guilt she felt about leaving her children:

“Oh my God, it was too much. I was not expecting to come [to Ireland] and stay that long without seeing them... There are many times I wanted to give up, if I am going to die, okay, if they are going to put me in prison, fine. But there are so many times I regret why I even left them in the first place – will they think I abandoned them? I am feeling guilty in so many ways – it was so hard, it was so hard.”

Interviewee C, West Africa

4.3 Changing family dynamics and impact on relationships

Separation can have significant and long-lasting impacts on relationships. One interviewee spoke about how the length of the application process can contribute to a breakdown in relationships, something he has witnessed in the broader refugee community in Ireland.

“Many people in my experience – because there is a delay in the process – [the result is family] separation in the end. In that case the whole family collapses, especially if there are kids there. There are many examples of that.”

Interviewee F, Sudan

4.4 Impact on settlement and integration

A key message from the interviewees and from academic evidence on family reunification is that **family separation is a destabilising force and hampers refugees’ settlement**

in a new place.²⁶ Each interviewee described separation from their loved ones as having a pervasive impact on their wellbeing and on their capacity to participate and map their own futures. While they tried to integrate into Irish life – by attending English classes and doing voluntary work – separation hampered their ability to concentrate and improve their language or employment skills. This led to a vicious cycle where separation impacted on mental health and wellbeing, impeding concentration and employability, which delayed employment, and in turn, negatively affected mental health. Some of the refugees’ experiences are detailed below:

“I was not thinking about school – when the teacher was talking all I was thinking about was, ‘What are my children eating?’ I was crying, I was not focusing.”

Interviewee C, West Africa

“Before my family got here, I sometimes did nothing – nothing important. I’d get up every morning and then try and find something to make myself helpful, and I went to the college – still I am in college. But I was not settled, I was not happy. I was worried. But when I got them here, I am feeling much more settled, thinking positive things.”

Interviewee D, Sudan

“It affected me [being separated from family]. Even when I started my job, I was not performing very well. And this is my job that I have done for years. I can do blindly. But I was stressed, I was thinking – sometimes I’d wake up at one o’clock in the morning and I’d sit on the bed and I’m thinking about my daughter, she might be raped – I know that my wife is taking care of her, but within a minute [everything can change].”

Interviewee H, Sudan

“I am here three years but my mind is over there. Even [with] my wife here, my parents are there, my brother is there. You can’t – even if you are safe, your mind is over there, your memory is over there.”

Interviewee I, Syria

5. Refugees’ voices: Challenges in applying for family reunification

With family reunification their priority, all of the people we met began the application process as quickly as possible. Most of them started within days of receiving their refugee status.

“I applied for family reunification the first day [I had refugee status] – the first day, because family is very important. The first thing I did was apply for her.”

Interviewee F, Sudan

While one father was able to find his family within the time period, it took another years to locate his daughter. This meant that he had few options when it came to applying for family reunification:

“I applied for my daughter but they refused me because the 12 months passed. [My lawyer] told me that if I get a job and save €40,000 I can bring her here but that is a joke.”

Interviewee E, Ethiopia

5.1 Twelve-month time limit

Under the International Protection Act 2015, a person has 12 months to submit an application for family reunification from the date on which they were recognised as a refugee or received subsidiary protection status. While this may seem like sufficient time, in practice it is often not enough to enable applicants to find their family and source the necessary documentation. Compared to Ireland, France has an 18-month time limit, while the UK provides unlimited time.

For one father, finding his family members was a challenge. He had submitted a Red Cross trace search but it had not been able to locate his wife and young children. He frantically contacted anyone he could in his home country. After some time he managed to locate his family, who had fled to a neighbouring country.

“Before applying for family reunification I had to find them. I kept looking for ways to contact my family, thinking about whom I could contact until I could discover where they are and we could reconnect with each other... I found my family, not the Red Cross. I found them through contact, contact, contact, contact... [The children] know what is war; they know what running away is. Sometimes we sit down at home and they speak about it. ‘You remember when we used to run away and there were gun shots and they were shooting [imitates the sound of gunshot]’. They know the sound of it.”

Interviewee B, Central African Republic

5.2 Non-eligible family members

The biggest concern raised by the interviewees was the issue of family members who are outside the provisions of the International Protection Act 2015. Cases where children had turned 18, brothers and sisters who were ‘too old’, and grandparents that did not qualify were cited from both personal experience and the experiences of friends. Cultural understanding of the family had a particular resonance, and many interviewees expressed surprise over the Irish government’s definition of what constitutes a family member, particularly the exclusion of older parents. UNHCR recognises the complexity of refugee families by taking an inclusive and broad approach. While the nuclear family is recognised foremost, other family members and dependants are also acknowledged, including parents, children over 18 and other dependent relatives. This is also in line with Irish family networks which often focus on grandparents, aunts, uncles and cousins.

A resettlement worker reflects on her experiences working with refugees who want to be reunited:

“Under the new Act, parents are not accepted and that is one of things refugees aren’t happy about because most of them would want to apply for their parents. I had someone come in [saying] that he is the unique and only child for his mother. His mother is very ill, he is here, he is working, and he would like only to bring his mother here. Financially, he does not fit within the criteria [earning less than required under

non-EEA mechanisms] and then he can't apply under refugee law, even though he is a refugee, because his mother is not one of the family members under the definition."

Resettlement worker, Dublin

The **length of time spent within the asylum system** in Ireland can contribute to family members becoming ineligible for reunification. One case was that of a mother who spent more than five years in the system before she received her status. During that period, one of her daughters turned 20 and was thereby considered 'too old' for family reunification. Faced with having to leave their elder sister, her younger children would not travel to Ireland, leaving her in the desperate situation of having none of her children with her.

"I really need my daughter here with me. My kids have suffered a lot, I just want to them to have peace and have a good life. That is all I want. This law does not make sense any more, it is not good – it is separating family. If those [younger] ones came and not my daughter, I will never have peace – never. If three are here and one is there I will never have peace, never. They are very, very close."

Interviewee C, West Africa

Another challenge cited was the **requirement for couples to be legally married**. For those experiencing conflict or persecution, forming a legal union may not be a priority when survival is a daily necessity. The partner of one man we spoke to was not eligible for family reunification, despite a long and happy relationship. To make her eligible, he had to arrange to bring his family to a safe place where they could legally marry:

"I was not married, we have the children but... marriage was like a formality – a formality because what is necessary is to get the kids something to eat, to grow. Marriage in our places, traditional rules at times is a little crazy, you have to buy a lot of things and you don't have anything to give the children to eat. So we were focusing

on taking care of the kids. She was my wife but it wasn't written or signed somewhere."

Interviewee B, Central African Republic

With much difficulty, he managed to meet his partner in a third country where they were able to legally marry. He said the first time he saw his partner and children after many years apart was "indescribable" and spoke of the trauma of having to leave them again and return to Ireland to submit the application – "It was terrible, it was destruction again. And why, because it is a family, a family belongs together."

For **same-sex couples**, barriers to forming a legal union can be substantial and are often insurmountable. Same-sex marriages or civil partnerships are illegal in many of the main refugee – producing countries. Under these circumstances, it would be unrealistic to expect same-sex couples to have married or obtained a civil partnership before the sponsor flees their country of origin. Under the current legislation in Ireland, this effectively means that LGBT refugees are unable to realise their rights to family unity.

Another issue identified by interviewees was that of **dependency**. Many people have family members who do not qualify for family reunification but are wholly dependent on them. One person's younger brother is entirely dependent on him but at 20 years old he is outside of the provisions of the International Protection Act. He describes how having his brother here would have a positive impact on his ability to integrate in Ireland:

"My brother, I support him, I send him money. It is war over there. At midnight he contacted me and said there was an earthquake. He showed me the wall was destroyed – he ran away. Always my mind is there. If he was here [it would be different]... it is your family. Your family is more important than everything. If it is your child in front of you, you will be happy as well. If your family is happy, you would be happy as well. You will think to work, to your life, not think about safety."

Interviewee I, Syria

6. Refugees' voices: Reuniting

For those who have been successful in their family reunification application, the feeling of elation was palpable. Interviewees spoke of being at the airport hours before the plane was due to land, about the excitement of seeing their family members walk through the terminal and the joy of being able to hold them once again.

"I can't ever forget it. Oh, my God, I can't believe they are really here. I said nothing, just a hug first. Just looking at them, they are in Ireland, in Ireland. I've got all the family in Ireland, I am proud of myself."

Interviewee A, Syria

"I could barely stand up when their flight was at the airport... I remember when I saw them come out. How can I describe it, it was a wonderful moment to see them arrive at last. It was a wonderful moment. It was somehow the end of a very long tunnel that we all had gone through, and it was a wonderful moment, a wonderful moment."

Interviewee B, Central African Republic

"I went very early and I saw my wife and I cried. Because of joy but also because she was really tired, when I saw her face, I could see... the kids were okay, they were okay. We took the bus and the minute we boarded, and with the children around and my wife sitting next to me, she put her head on my shoulder and she slept. She was totally at ease – all her worries had gone."

Interviewee H, Sudan

One couple – a husband in Ireland and a wife who was arriving through family reunification – described the moment they saw each other after two years apart:

"I met her at the airport with flowers. It was nice, it was so nice. I got the bus... and I waited there, maybe three hours I think. And it was emotional – oh, it was nice – she came through the doors and [I gave her] a big hug."

Interviewee F, Sudan

"When I went past immigration, I was not concentrating. I saw my husband, I saw my husband. I was so happy, very happy, really. Because this is life and this is a dream. A dream of us to stay together in the same place and make a beautiful family."

Interviewee G, Sudan

Compared to the joy of a positive application, a resettlement worker describes the devastation a person experiences when they are told their request has been unsuccessful. Reactions include feelings of desperation and even a willingness to risk danger to be able to see their loved ones again.

"There are so many reactions – anger, disappointment, sometimes it is more sadness. Others may get upset, others may get angry. I have heard some people say, 'I want to go back in this case, there is no point in me staying here'. I had one old man whose children were all here except one daughter who was in [a refugee camp], and because she is over 18 he cannot bring her here under family reunification... Culturally the female should stay with her parents until she is married. He can't really accept the reality so he thinks, 'I am going back if my daughter does not come'."

Resettlement worker, Dublin

7. Refugees’ voices: The impact of family reunification

While family separation can be a barrier to integration, **the presence of family members can accelerate the integration of both new arrivals and family members already in Ireland.** The nurturing and coping strategies a family unit can provide are broad, and can range from financial and physical support, to emotional support and guardianship. Above all, the family can help anchor a loved one in a new place and contribute to building cohesion, as well as boosting their ability to engage with social institutions outside the family unit.

The people we spoke to for this report told us that having their family with them had a significant impact on their lives. They spoke of how that presence made them “balanced”, of the importance of companionship and comfort, and how the added responsibility motivated them to build the best life they could. All the interviewees described how having their loved ones in Ireland made it easier for them to concentrate on employment and education. For parents, the presence of their children also helped them to integrate into the local community through school and sporting activities. Above all, the interviewees described how the presence of family made them feel that Ireland is finally “home”.

“I think, especially for us foreigners, when you are away from your home country, for example, like we are here in Ireland, the best will only come out of you if you are balanced. And it is good for you and for the place you are for you to give your best. And you need family. If you are a family man like me, you need your family. I used to tell my colleagues I stand on one leg until they came... I would finish work and feel terrible to come home because I would meet my four walls and call them on the telephone – this was terrible.”

Interviewee B, Central African Republic

“It is important to have a family here to have a life. Without a family you are just a traveller... You are just here for several years and going back; you are not Irish, even if you have an Irish passport, you are not an Irish. If you have your family, you are one of the community, you are a person – you are a member of this community, a member of the Irish people. For myself, now I consider myself as Irish, not before they came.”

Interviewee A, Syria

For many people, the presence of family had a demonstrable effect on how they and their children were able to envision and speak about their future in Ireland. Many talked about wanting to make a positive contribution to Ireland, a country they felt offered them safety.

“You feel it with the kids themselves, they have escaped something, they have a chance, and they even have better chances than where they were before...”

We try to let them remember that this life gave them a chance that it did not give to some other people. And that they have to use this chance right. They have to be good boys, to make something out of this life that remains, because many died and even today many are dying back home... so yes, there is a big change. They feel like they have a chance if they give their best. They have a chance to do something better.”

Interviewee B, Central African Republic

"I wish that my daughter finish school here – to add something to this country, to learn, to pay something to this country.

I'm doing a course now and still I'm working – and that is why I am feeling full of power. At the end of the day, when I go home, I find my family and they are happy, and me myself, I did something positive for myself, I am studying. Maybe someone will benefit from what I am doing. I think it's good. For that I wish everyone could have it. To have their family."

Interviewee D, Sudan

"Our dream is simple, just to live in a safe place. When a person is safe he is thinking to develop his situation, his house, his work. Over there we just thinking about being safe."

Interviewee I, Syria

"My family are here four years now. It has been very productive. Less visits to the doctor – you have to provide. 'Dad do this, dad do that'. I need to do this, I have to go to the passport office, PTA meetings, you are involved in this beautiful life of family unity, and this is the whole purpose of being part of the family. You can't have a family if she is in Afghanistan and the husband is in Ennis. I don't understand this system."

Interviewee H, Sudan

"Ireland is my country. Here you have rights that nobody can stand against... When I got the letter from the Minister she wrote your rights, when I read my rights I was feeling it, I was in a democracy. You are safe, you have rights. You have the right to work, like Irish people, to travel. Nobody will stand against it. You are feeling something, you are human."

Interviewee I, Syria

Children playing in an informal settlement in Lebanon. Photo: Pablo Tosco/Oxfam



8. Conclusion: Supporting refugee family reunification in Ireland

“[Family separation] is a break, it is a wound that I don’t have any words to describe. It is terrible, you feel it. And when you put the family together you can’t find a word to describe the happiness because it is the way it just has to be, it is complete.

A family belongs together.”

Interviewee B, Central African Republic

Family reunification offers refugees the best chance to rebuild their lives on a firm footing – with their family by their side. Oxfam, Nasc and the IRC are calling on the Irish government to right the wrong within the International Protection Act 2015, and change the rules to help keep refugee families together. A minor legislative change to return to the provisions of the Refugee Act 1996 would enable a wider range of dependants to apply for reunification, and would have a significant impact on the lives of many vulnerable people, as well as on their integration into communities.

In July 2017, a Bill to amend the International Protection Act and expand opportunities for refugee family reunification was introduced to the Seanad by the Civil Engagement Group of Senators. The International Protection (Family Reunification) (Amendment) Bill 2017 received cross-party support, despite opposition from the government.²⁷ The Bill is currently awaiting the Fourth and Fifth Stages in the Seanad. If it progresses, it presents a real opportunity to change the legislation in support of refugee families.

Drawing from the experience of those most affected by the policy, we are calling on the Irish government to act now and support family reunification by:

- Amending the International Protection Act 2015 to expand the definition of family to include young adults who are dependent on the family unit prior to flight, parents, siblings, in-laws and any other dependent relative. At the very least, the Minister of Justice’s discretionary power to reunite dependants should be reinstated as per the 1996 Refugee Act.
- Introducing legal aid for people seeking refugee family reunion through increased funding to the Legal Aid Board by the Department of Justice.
- Waiving the income requirements for those who have received international protection who apply for family reunification through non-EEA general administration mechanisms.
- Amending the International Protection Act 2015 to include a statutory right of appeal for family reunification applications which have been refused at first instance. At present, the only legal recourse open to unsuccessful family reunification applicants is judicial review.

- ¹ UNHCR (1999) Family Protection Issues. UN Doc. EC/49/SC/CRP.14 cited in Wilmsen (2011).
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- ³ Ibid.
- ⁴ UNHCR (2017). Global Trends: Forced displacement in 2016. UNHCR. <http://www.unhcr.org/5943e8a34>
- ⁵ UNHCR (2015). Over one million sea arrivals reach Europe in 2015. [Online]. <http://www.unhcr.org/afr/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html>
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- ⁸ Wilmsen, B. (2011). Family separation: The policies, procedures, and consequences for refugee background families. *Refugee Survey Quarterly*. 30(1). <https://academic.oup.com/rsq/article-abstract/30/1/44/1547252/Family-Separation-The-Policies-Procedures-and?redirectedFrom=PDF>
- ⁹ Sample, E. (2007). State practice and the family unity of African refugees. *Forced Migration Review*. 28. <http://www.fmreview.org/sites/fmr/files/FMRdownloads/en/capacitybuilding/sample.pdf>
- ¹⁰ Beaton, E., Musgrave, A. and Liebl, J. (2018). Safe but not settled. The impact of family separation on refugees in the UK. Refugee Council/Oxfam International. <http://oxfamilibrary.openrepository.com/oxfam/bitstream/10546/620409/1/rr-safe-but-not-settled-refugees-uk-310118-en.pdf>
- ¹¹ See for example, UNHCR (2013). A New Beginning: Refugee Integration in Europe. UNHCR. <http://www.unhcr.org/protection/operations/52403d389/new-beginning-refugee-integration-europe.html>; Wilmsen, B. (2011). Family separation: The policies, procedures and consequences for refugee background families. *Refugee Survey Quarterly*; Beaton, E., Musgrave, A. and Liebl, J. (2018).
- ¹² Constitution of Ireland (1937). <http://www.irishstatutebook.ie/eli/cons/en/html#article41>
- ¹³ Constitution of Ireland (1937). <http://www.irishstatutebook.ie/eli/cons/en/html#article41>
- ¹⁴ Universal Declaration of Human Rights. <http://www.un.org/en/universal-declaration-human-rights/>
- ¹⁵ International Covenant on Civil and Political Rights. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>
- ¹⁶ UNHCR (2017). The 1951 Refugee Convention. [Online] <http://www.unhcr.org/en-ie/1951-refugee-convention.html>
- ¹⁷ Article 8, 'The Right to respect for private and family life'. European Convention on Human Rights. http://www.echr.coe.int/Documents/Convention_ENG.pdf. Two judgements by the European Court of Human Rights in 2014, *Mugenzi v. France and Tanda-Muzinga v. France*, emphasised that family reunion is an essential right for refugees and a 'fundamental precondition for allowing persons who have fled persecution to re-establish a normal life'. The Court also underlined that in its judgement that family reunification procedures, particularly in the refugee cases, should be flexible, prompt and effective.
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- ²⁰ INIS (2017). Minister Flanagan and Minister of State Stanton announce new Family Reunification Scheme in support of refugees and their families under the Irish Refugee Protection Programme. INIS [Online]. <http://www.inis.gov.ie/en/INIS/Pages/family-reunification-scheme-fhrap-150917>
- ²¹ While the details of the FRHAP scheme have not yet been released, at the EMN conference 2017 in Dublin, Brian Merriman stated that those eligible will come from 'ten conflict zones on the UNHCR list'. EMN (2017). EMN Ireland conference summary. Migrant family reunification: policy and practice. Pg. 12. http://emn.ie/media/2017MigrantFamilyReunificationconference_summary_final1.pdf
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- ²⁷ International Protection (Family Reunification) (Amendment) Bill 2017. <https://beta.oireachtas.ie/en/bills/bill/2017/101/>



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