

# Submission to the Anti-Racism Committee Public Consultation

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# Submission by Nasc, Migrant and Refugee Rights Centre to the Anti-Racism Committee Public Consultation

## Introduction:

1. Nasc, Migrant and Refugee Rights Centre is a non-governmental organisation based in Cork City, Ireland. Nasc, the Irish word for 'link', empowers migrants to realise and fulfil their rights. Nasc works with migrants and refugees to advocate and lead for change within Ireland's immigration and protection systems, to ensure fairness, access to justice and the protection of human rights.

2. Nasc, founded in May 2000, has over two decades of experience supporting refugees, asylum seekers and ethnic minority communities in Ireland. Through our various projects including our free legal service, our migrant youth project and our education and employment project for refugee women, Nasc provides information, advice and support to over 1,200 people annually. Nasc also provides support in the form of referrals and training to mainstream services working with migrant and ethnic minority communities. This submission is directly informed by our day-to-day experiences working with migrants, refugees, asylum seekers and ethnic minorities living in Ireland. It aims to identify issues disproportionately impacting Ireland's migrant, asylum seeking and ethnic minority communities.

3. Nasc welcomes the work of the Anti-Racism Committee and would like to express our thanks for the opportunities to contribute to the Committee's facilitated sessions earlier this year. We would like to state our support for the recommendations made by the Anti-Racism Committee in the Interim Report.

## Domestic and Gender-Based Violence

4. Nasc were particularly pleased to see the recognition given to the needs of migrant women experiencing gender-based violence. Nasc works closely with domestic violence support services in Cork and provides immigration information, support and advocacy to migrants experiencing domestic violence both through our legal information service and through our integration projects working respectively with migrant and refugee women and with children and young people. Nasc's direct experience of working with victims of domestic violence is that in every instance of domestic violence reported to our services where the victim's immigration status has been tied to that of their abuser, the abuser has used that to threaten, control or coerce the victim. Our experience has shown that victims will remain in abusive relationships for longer because they feel trapped by their immigration status.

5. Ireland's immigration system, migrants who hold a derivative residence permission may find their immigration residence permit indefinitely tied to that of a sponsoring family member who may be an Irish citizen or a migrant themselves. The dependent migrant may be the spouse, intimate partner, child or parent of the sponsor. In practical terms, this means that the migrant and sponsor may often need to reside together at the same address (especially where the relationship is a marital or intimate partner relationship) and the dependent migrant may be required to physically present with the sponsor in order to register or to renew their immigration residence permit. Nasc's

experience has been that this creates an imbalanced power dynamic where the abusive sponsor can wield 'control' over the dependent migrant family member as the withdrawal of their cooperation with an immigration renewal application can directly lead to the dependent migrant family member becoming undocumented.

6. This power imbalance is made worse when the migrant family member is entirely financially dependent on their abusive sponsor. Migrant spouses and partners (particularly of employment permit holders) in Ireland are routinely given an immigration permission, colloquially referred to as a 'Stamp 3' which excludes them entirely from the labour market or from accessing social welfare payments or housing supports. There is no clear progression pathway to move from a 'Stamp 3' immigration residence permit to an immigration permission that permits access to the labour market.

7. The Department of Justice's policy document<sup>1</sup> which outlines the discretionary application process for victims of domestic violence to apply under in order to retain an immigration permission excludes undocumented migrants who experience domestic violence from their remit. Nasc are also concerned by inconsistent and untransparent decision-making with no time limit set for a decision to be made on an application. An extended application process can mean that the applicant becomes undocumented and loses housing or financial supports or even employment as a result.

**Recommendations:**

Introduce a statutory right to retain a residence permission in the event of the breakdown of a family relationship where it is warranted by particularly difficult circumstances including domestic or sexual violence.

Introduce an automatic right to an independent residence permit after a 2 year period of residence in the State. This residence permit should allow full access to the labour market.

## Access to services

8. Despite 535,475 people identifying as non-Irish nationals living in Ireland in the 2016 census, Ireland's bureaucracy remains slow to adapt to the reality of the diversity of our population. Although migrants are making permanent homes in Ireland and are accessing services here daily, Nasc's experience over the past twenty years is that the needs or experiences of migrants, refugees, asylum seekers and black and minority communities are consistently not thought of, or appear to be an afterthought, when mainstream State services or policies are being designed. The State's failure to take into account the needs of these communities create structural barriers to accessing services. By way of example, policies which require applicants to present national passports as proof of identity prevent recognised refugees who cannot hold national passports as well as asylum seekers from accessing those services. These barriers vary from administrative burdens to ill thought-out nationality criteria to access services which in some cases may breach EU Law.

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<sup>1</sup> Department of Justice, Victims of Domestic Violence Immigration Guidelines, (<http://www.inis.gov.ie/en/INIS/Victims%20Of%20Domestic%20Violence%20-%20Note%20for%20Web.pdf/Files/Victims%20Of%20Domestic%20Violence%20-%20Note%20for%20Web.pdf>)

9. One example of where a mainstream State support likely breaches EU law is the support offered to low-income first-time buyers through the State-financed and local council administered Rebuilding Ireland home loan scheme. Qualification for the scheme includes a requirement for the applicant to have an “indefinite right to remain in Ireland either through nationality or refugee status”. While it is extremely questionable non-EEA family members of Irish citizens (in particular spouses) are excluded from accessing these supports, the exclusion of third country national family members of EEA citizens resident in Ireland under Directive 2004/38 EC is very likely a breach of EU Law.

10. Nasc believes that there is a very low level of knowledge amongst government departments outside of the Department of Justice around the different types of immigration permissions, derivative rights of residence and IRP Cards and this lack of knowledge has led to cohorts of migrants being excluded from accessing services regardless of their length of residence in, or their connection to in the State. This results in cases such as the Rebuilding Ireland example outlined above where a State service was designed (either intentionally or inadvertently) to exclude the vast majority of migrants in the country or cases where mistakes are routinely made in administering a service because civil service staff members are unclear what immigration statuses mean. Our service routinely has to intervene where migrants have been wrongfully denied access to services, include essential service such as social welfare payments, because their immigration status has been misunderstood.

**Recommendation:** When State services are being designed, the relevant Government Department should ensure that their policies are not exclusionary to migrants, refugees, asylum seekers and black and minority communities. Where a decision is made to limit access to services based on nationality or immigration criteria, the Department should provide a short, written justification for why these exclusions apply. This would at least force the Department into actively considering their policy choices.

## Interpretation and translation

11. Ireland’s 2016 census found that approximately 13% of people living in Ireland speak a language other than Irish or English at home. 14.2% of this cohort indicated, when asked about their proficiency in English, that they spoke English ‘not well or not at all’. This cohort of the population relies on interpreters to access services however Ireland’s interpretation services are not regulated. In other countries interpretation and translation are strictly regulated – not only as to their competency in the languages spoken, but also how an interpreter behaves in the course of the interview. In Ireland it is possible for anyone to set themselves up as an interpreter or translator without having to demonstrate a threshold of competency in either language or to demonstrate an understanding of the ethics of interpretation. Put simply, when you hire an interpreter in Ireland, there is no way to gauge that person’s level of competency in English or in the language they are interpreting into.

12. It is perhaps unsurprising then there are widespread reports of poor practice. Nasc have repeatedly heard from our clients and service users they may have struggled to communicate with an interpreter who spoke a different dialect or who wasn’t fluent in the language they were interpreting in. More worrying still are instances where the interpreter deliberately fails to interpret

or misinterprets what is being said. These concerns were raised by asylum seekers who participated in the McMahon Working Group consultations in the context of interpretation asylum application and appeal interviews:

*“LGBT friendly interpreters should be available: Some participants found that interpreters would sometimes chastise the person for being LGBT; they also experienced people using derogatory terms to describe their sexual orientation or gender identity.”<sup>2</sup>*

13. In addition to the issues raised around the quality of interpretation, the availability of interpretation for people accessing public services is inconsistent at best. Nasc’s experience has been that migrants and people from ethnic minority backgrounds continue to rely heavily on family members and friends to provide informal translation when they access health services, housing services and social welfare services and are not made aware of the availability of interpretation services. This can impact significantly on the quality of care or service provided to migrants and people from ethnic minority backgrounds.

14. There is a clear need for the public services to ensure they are meeting their Public Sector Duty (Public Sector Equality and Human Rights Duty, Section 42 of the Irish Human Rights and Equality Commission Act, 2014) by ensuring that their service users are facilitated to access public services in a language they can understand.

#### **Recommendations:**

Implement the recommendations of the McMahon Report (2015) relating to the training and registration of interpreters.

Provide training for frontline public sector staff on how to assess language needs and determine when an interpreter is required and how to work through an interpreter.

Ensure that all public sector staff and service users are aware of how to request and book interpreters.

## **Children and Families**

### **Over-representation of migrant children in the care system**

15. The Final Report of the Child Care Law Reporting Project in 2015 found that “a disproportionate number of the families before the child protection courts had at least one parent from an ethnic

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<sup>2</sup> Department of Justice & Equality, Working Group to Report to Government Working Group on the Protection Process on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers (2015) (McMahon Report) at 3.273 available at <http://justice.ie/en/JELR/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf/Files/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf>

minority”<sup>3</sup> with 26.5% of respondents to the research including at least one parent from an ethnic minority (excluding Travellers who represented a further 4.4% of respondents). The report was concerned with both the lack of early intervention and integration services for migrant families as well as the lack of mental health supports for migrant parents, particularly those living in direct provision or from refugee backgrounds who had experienced trauma. This is supported by 2015 data from HIQA which found that the rate of referrals for children living in direct provision was almost 9 times higher than that of the general population of children.<sup>4</sup>

16. More recent research on children and families arriving in Ireland through the Irish Refugee and Protection Programme as refugees described extremely worrying trends as staff in Emergency Reception and Orientation Centres made unnecessary referrals to child protection services. In *Safe Haven: The Needs of Refugee Children Arriving in Ireland through the Irish Refugee Protection Programme: An Exploratory Study* (Safe Haven Report) found that EROC staff had “overly high expectations as regards supervision”<sup>5</sup> with stakeholders expressing that “unnecessary”<sup>6</sup> child protection reports were being made. The report also notes “paternalistic”<sup>7</sup> attitude of some EROC staff towards residents. In the same report, an EROC staff member recounted advising Syrian refugees that their children could be taken from the parents and the family would be deported if they failed to supervise their children at all times.<sup>8</sup>

17. In 2021, the Ombudsman for Children published a report which made serious findings regarding failings in monitoring and oversight in accommodation centres. The report further found that Tusla, has no mechanism in place “gather data about children living in [Direct Provision] accommodation which might identify risks and inform planning at a strategic level.”<sup>9</sup> The Ombudsman for Children also included a report that that “[a] misleading notice was issued to parents which implied that child protection and welfare services may remove children as a result of a lack of parental supervision in the centre”<sup>10</sup>

18. Although we are not aware of any research published on the reasons for the over-representation of children from ethnic minority backgrounds, the incidents outlined above together with anecdotal data from our services including from Nasc’s own social work-led project working with children and young people from at-risk migrant and asylum seeking backgrounds, suggest that the referrals are

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<sup>3</sup> Child Care Law Reporting Project Final Report (2015), Child Care Law Reporting Project, 13, available at [https://www.childlawproject.ie/wp-content/uploads/2015/11/CCLRP-Full-final-report\\_FINAL2.pdf](https://www.childlawproject.ie/wp-content/uploads/2015/11/CCLRP-Full-final-report_FINAL2.pdf)

<sup>4</sup> Health Information and Quality Authority (HIQA) *Report on Inspection of the Child Protection and Welfare Services Provided to Children Living in Direct Provision Accommodation under the National Standards for the Protection and Welfare of Children*, (2015) found that approximately 14% of the population of children living in direct provision were referred to the Child and Family Agency in one year which is a significantly higher referral rate than for the general child population of 1.6%.

<sup>5</sup> Ní Raghallaigh M., Smith K. & Scholtz J, *The Needs of Refugee Children Arriving in Ireland through the Irish Refugee Protection Programme: An Exploratory Study*, (September 2019) Children’s Rights Alliance available at <https://www.childrensrights.ie/sites/default/files/Safe%20Haven%20Main%20Report.pdf>

<sup>6</sup> Ibid, p. 39

<sup>7</sup> Ibid, p. 40

<sup>8</sup> Ibid

<sup>9</sup> Ombudsman for Children, *Safety and Welfare of Children in Direct Provision – An Investigation by the Ombudsman for Children’s Office* (April 2021), p. 6 Available to download at <https://www.oco.ie/library/safety-and-welfare-of-children-in-direct-provision-an-investigation-by-the-ombudsman-for-childrens-office/>

<sup>10</sup> Ibid, p. 3

more likely to be made in respect of migrant and/or ethnic minority children and that migrant and ethnic minority parents do not have sufficient access to early intervention services which would potentially prevent child protection issues from escalating. Our own experience at Nasc is that many referrals are made because of poverty-based neglect or parent(s)' mental health issues. A key concern is that there is a perception amongst migrant and ethnic minority parents that any intervention from a child protection social worker will lead to a child being taken into care and this makes parents less likely to work with social workers to improve the situation.

**Recommendations:**

IPAS and Tusla should take immediate steps to implement the recommendations in the *Safety & Welfare of Children in Direct Provision: An investigation by the Ombudsman for Children's Office* report.

IPAS and Tusla should devise specific training on anti-discriminatory practice as well as culturally competent child protection training for all IPAS accommodation staff.

Research should be commissioned into the over-representation of children from migrant and ethnic minority backgrounds in care with examining what, if any, part structural racism plays in child protection referrals and the treatment of referrals.

Early intervention supports with an emphasis on preventing children from entering the care of the State should be developed and funded by Tusla.

**Child Benefit**

19. Since 2004, child benefit payments have not been payable to families in the international protection system<sup>11</sup>. The impact of the loss of financial support for families in the international protection system was noted by the Joint Oireachtas Justice and Equality Committee who found that, “[f]amilies in Direct Provision do not have access to child benefit, with the payment having been discontinued since 2004. Parents often have difficulty in meeting the costs associated with school-going children - such as uniforms, ‘voluntary’ contributions and extracurricular costs such as class trips and sports clubs”<sup>12</sup>. Even Irish citizen children whose parents are not habitually resident in the State receive significantly less State financial support than their counterparts with habitually resident parents<sup>13</sup>.

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<sup>11</sup> The exclusion of protection applicants from some social welfare entitlements is provided for in the Social Welfare and Pensions (No. 2) Act 2009, which prevents protection applicants from fulfilling the habitual residence condition requirement.

<sup>12</sup> Joint Committee on Justice & Equality, Report on Direct Provision and the International Protection Application Process (December 2019), p. 38

<sup>13</sup> *Agha (a minor) & ors v Minister for Social Protection & ors and Osinuga (a minor) & anor v Minister for Social Protection & ors* [2019] IESC 82: The Supreme Court overturned a Court of Appeal ruling which would have allowed parents in direct provision with Irish citizen children or children with a legal residence status apply for child benefit. The Supreme Court found that the provisions of the Social Welfare Act, which required the parents rather than the child to be habitually resident in the State, did not give rise to any inequality of treatment in terms of those entitled to claim child benefit.

Recommendation: The Child Benefit payment is an important mainstay against child poverty in Ireland and as such, it should be a universal payment and not be subject to the habitual residence condition.

### Family Reunification

20. The International Protection Act 2015 (2015 Act) reformed Irish law on refugee family reunification and removed the right for refugees and persons eligible for subsidiary protection to apply for dependent family members including parents, adult children, siblings and wards. The narrow definition of a family in the 2015 Act does not account for the reality of refugee families which can often include orphaned children who have been informally 'adopted' by relatives. The exclusion of dependent adult children from family reunification is particularly egregious given the long delays in the Irish international protection system. Refugees waiting for years to receive a refugee declaration may find that their teenage children have become young adults and are no longer eligible to reunify with the refugee in Ireland. These restrictions have had the effect of undermining the family lives of refugee families<sup>14</sup>.

21. In 2017, the International Protection (Family Reunification) (Amendment) Bill<sup>15</sup> was brought before the Oireachtas. The Bill would have alleviated the harshest restrictions imposed by the 2015 Act and received the support of the Oireachtas Committee on Justice and Equality<sup>16</sup>. Despite wide support from opposition parties, the Bill was opposed by the then-minority government party who prevented it from passing out of Committee Stage by refusing to pass a 'money message'.<sup>17</sup>

**Recommendation:** Pass the International Protection (Family Reunification) (Amendment) Bill to restore family reunification right for refugees.

### (a) Remit of the Ombudsman for Children

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<sup>14</sup> See Smith, Ní Raghallaigh, Johnson & Izzeddin, *Invisible People: The Integration Support Needs of Refugee Families Reunified in Ireland*, Nasc, Migrant and Refugee Rights Centre (2020) available at <https://nascireland.org/publications/invisible-people-integration-support-needs-refugee-families-reunified-ireland-2020> and 'A family belongs together': Roisín Hinds, *Refugees' experiences of family reunification in Ireland*, Oxfam Ireland, Nasc & Irish Refugee Council (2018) available at <https://nascireland.org/publications/family-belongs-together-refugees-experiences-family-reunification-ireland-2018>

<sup>15</sup> International Protection (Family Reunification)(Amendment) Bill 2017, Bill 101 of 2017 available at <https://www.oireachtas.ie/en/bills/bill/2017/101/>

<sup>16</sup> Joint Committee on Justice and Equality Report on Scrutiny of the International Protection (Family Reunification) (Amendment) Bill 2017 [PMB] July 2019 available at [https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint\\_committee\\_on\\_justice\\_and\\_equality/report\\_s/2019/2019-07-04\\_report-on-scrutiny-of-the-international-protection-family-reunification-amendment-bill-2017-pmb\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/report_s/2019/2019-07-04_report-on-scrutiny-of-the-international-protection-family-reunification-amendment-bill-2017-pmb_en.pdf)

<sup>17</sup> Under Article 17.2 of the Irish Constitution, any Private Members' Bill that could result in the expenditure of public moneys requires a "money message" (recommendation) signed by the Taoiseach. This was used to prevent the passage of Bills that otherwise might have enjoyed majority support in the 32<sup>nd</sup> Oireachtas.



22. Migrant and asylum-seeking children are unable to make a complaint about the refugee status determination process or the immigration system to the Ombudsman<sup>18</sup>. Undocumented children who are in the process of regularising their immigration status are also unable to bring complaints to the Ombudsman with regard to their immigration status determination.

**Recommendation:** Extend the remit of the Ombudsman for Children’s Office to include oversight of immigration and international protection applications.

## Policing

23. There are low levels of trust amongst migrant communities in the Garda Síochána. This is supported by the most recent report of the Policing Authority<sup>19</sup> which describes “diminished trust and low expectations amongst migrants as to what they can expect from the Garda Síochána”<sup>20</sup>. The involvement of the Garda National Immigration Bureau in the day-to-day operation and administration of immigration registration outside of Dublin means that many migrants interact with the Gardai primarily in those functions. Together the lack of an immigration firewall, and a perception amongst migrant communities of racial profiling by Gardai, it is unsurprising that migrants may lack confidence in interacting with the Gardai.

### Safe reporting of crime

24. Nasc is concerned that there is no formal guidance on Garda Síochána policy with regard to investigating the immigration status of people reporting crimes or cooperating as witnesses in criminal investigations. In practice, we are aware that Gardai may initiate an investigation of immigration status after the criminal investigation is complete. This is borne out by media reporting of an internal Garda study completed by Inspector David McNerney<sup>21</sup> which states that there were no written instructions about how to handle such cases and decisions about whether to investigate immigration status or when to investigate immigration status were made on a discretionary basis.

25. Our experience is that this has a chilling effect on the reporting of crime by migrant communities particularly where the victim is undocumented or has a precarious immigration status. Similarly, there can be a reluctance or fear in reporting domestic or gender-based violence. In circumstances where the perpetrator of the violence is the immigration sponsor of the victim, almost uniformly our service users have been threatened by their abuser that reporting that abuse to the Gardai will result in their deportation. The Garda Síochána don’t appear to be trained to deal with the unique complications presenting in abusive relationships where the migrant is tied to their abuser through their immigration permission.

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<sup>18</sup> Since 2017 children in the asylum seekers accommodation units can complain to the Ombudsman for Children’s Office regarding accommodation conditions.

<sup>19</sup> Policing Authority, Report on Policing Performance by the Garda Síochána during COVID-19, (2021) p. 10 available at [https://www.policingauthority.ie/assets/uploads/documents/2021\\_04\\_19\\_Report\\_13\\_on\\_policing\\_performance\\_during\\_Covid-19\\_Final.pdf](https://www.policingauthority.ie/assets/uploads/documents/2021_04_19_Report_13_on_policing_performance_during_Covid-19_Final.pdf)

<sup>20</sup> Ibid

<sup>21</sup> Gallagher Conor, *Garda uses discretion over immigration status when investigating crime*, Irish Times (22<sup>nd</sup> August 2020) available at <https://www.irishtimes.com/news/crime-and-law/garda-uses-discretion-over-immigration-status-when-investigating-crime-1.4336083>

Recommendation: The Garda Síochána should adopt an immigration firewall. A public policy should be available to the effect that the reporting of a crime or an incident, or cooperation in an investigation will not impact on a person's immigration status or trigger an investigation.

### Racial Profiling

26. The issue of racial profiling by the Garda Síochána is a contentious one.<sup>22</sup> Although there are limited cases where racial profiling has been proven<sup>23</sup>, the above-mentioned Irish Times report on Inspector David McInerney's internal Garda survey revealed quite damning attitudes of Gardai particularly in respect of Traveller and Roma communities with not a single frontline Garda surveyed expressing a positive attitude towards Travellers<sup>24</sup>. Migrants and people from ethnic minority backgrounds have consistently<sup>25</sup> reported that they believe that they are subjected to racial profiling by Gardai. This tallies with anecdotal evidence from Nasc's service users particularly in relation to traffic stops, low-level public order offences and policing of protests. It is very rare that any of our services users are willing to make a complaint.

#### Recommendations:

The Garda Síochána should commission and publish research into the attitudes of its members towards members of ethnic minority communities and the prevalence of racial profiling.

The findings of the research should inform mandatory training on racial profiling and discriminatory practices.

### Detention

27. In 2018 Nasc published a research report<sup>26</sup> detailing the experience of those placed in immigration-related detention in Ireland. The report found that those detained for immigration-related offences were routinely detained with detainees on remand and convicted prisoners. The report also found that those detained on the basis of an immigration-related offence were unable to

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<sup>22</sup> Former Minister for Justice and Equality, Charles Flanagan strenuously denied that members of the Garda National Immigration Bureau engage in racial profiling: "I wish to make clear at the outset that officers of the Irish Naturalisation Immigration Service (INIS) of my Department or the Garda National Immigration Bureau (GNIB) do not engage in racial profiling."

<sup>23</sup> See Emily Logan, Garda Síochána Act 2005 (Section 42) (Special Inquiries relating to Garda Síochána) Order 2013, (2014) available at <http://www.justice.ie/en/JELR/Emily%20Logan%20report.pdf/Files/Emily%20Logan%20report.pdf>

<sup>24</sup> See supra 20

<sup>25</sup> In research carried out in 2008, The European Union Minorities and Discrimination Survey found in a 12-month period 59% of Africans surveyed had been stopped at least once by gardaí with the stop rate for sub-Saharan Africans being the highest amongst the EU27. EU Fundamental Rights Agency, Data in Focus Report Multiple Discrimination, (2010) available at [https://fra.europa.eu/sites/default/files/fra\\_uploads/1454-EU\\_MIDIS\\_DiF5-multiple-discrimination\\_EN.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/1454-EU_MIDIS_DiF5-multiple-discrimination_EN.pdf)

<sup>26</sup> Nasc, the Migrant and Refugee Rights Centre, *Immigration Detention and Border Control in Ireland: Revisiting Irish Law, Policy and Practice* (2018) available at <https://nascireland.org/publications/immigration-detention-and-border-control-ireland-2018>

access basic facilities such as the right to access legal advice for issues related to residence, detention and deportation. Those detained under the provisions of section 5 of the Immigration Act 2003 do not have the immediate right of access to legal advice. In Nasc's research report, *Immigration, Detention and Border Control in Ireland* only one of the eight detainees, all of whom had been refused leave to land, had been able to avail of a legal representative. No substantive progress has been made in addressing the concerns raised in the report.

**Recommendations:**

Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Amend legislation to allow for a right to appeal an Immigration Officer's refusal of leave to land in the State.

Ensure that immigration-related detainees are not detained in prisons and are provided with the right not to be held incommunicado by facilitating access to a legal representative.