Nasc Working Paper on the Progress of Implementation of the McMahon Report

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Linking migrants to their rights

Introduction

Nasc's Working Paper on the Progress of Implementation of the McMahon Report emanates from our membership on the Working Group on the Protection Process and Direct Provision, the publication of that Working Group's report in 2015 (the 'McMahon Report')[1], and the Government's subsequent publication of three 'Progress Reports' on the implementation of the 173 recommendations in the McMahon Report.

Key Outcomes:

While the implementation of the McMahon report has been slower and more piecemeal than we would like, we do recognise that significant improvements have been made to the protection process and the direct provision system since the publication of the McMahon Report in July 2015. These include:

- **Introduction of the Single Procedure in the International Protection Act, 2015** – When properly resourced and fully operational, this should significantly improve wait times for people in the protection process, thus reducing the amount of time spent in direct provision.
- **General improvements in living conditions** – The Reception and Integration Agency (RIA) have begun to oversee progress in improving the living conditions in the existing centres, primarily in the family centres in relation to increased living space for families and availability of cooking facilities, which we welcome.
- **Access to the labour market** – While we recognise that the Government did not implement this recommendation as a result of the McMahon Report, but were compelled to do so by the Supreme Court, we still see this as a significant improvement and hope this results in the progression of related recommendations on accessing vocational training and work experience for asylum seekers.
- **Opting in to the Reception Conditions Directive** – We very much welcome the Government's recent announcement that, in order to respond to the Supreme Court judgment in relation to access to the labour market, that Ireland will be opting in to the Recast Reception Conditions Directive. Implementation of the Directive will have positive implications beyond the right to work, including greater protections for asylum seeking children and vulnerable applicants.
- **Development of National Standards** – We welcome the Department of Justice's commitment to implementing the recommendations around the development of national standards for the accommodation system, and the establishment of an independent inspectorate. The implementation of national standards will go a long way to ensuring that

[1] 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 ('McMahon Report'): 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

the conditions and the quality of life in accommodation centres is at the very least standardised across the country, and objectively and independently inspected.

- **Clarification of the remit of the Ombudsman and the Ombudsman for Children** – We very much welcome that the remit of the Ombudsman and the Ombudsman for Children has been clarified in legislation to extend to conditions in direct provision. This will provide an important level of independent oversight and hopefully have a positive impact for asylum seekers residing in direct provision. Now RIA must implement the recommendations in relation to its own complaints mechanism, in particular assigning an designated complaints officer within RIA, to ensure that RIA's complaints mechanism is fair, objective and independent for asylum seekers in direct provision.

- **'Long Stayer' Scheme** – We welcome the regularisation of over 1,000 people through an informal 'scheme' for people in the system for 5 years or more, including those on unenforced deportation orders, although the scheme was not entirely in line with the McMahon recommendations.

- **Direct Provision Allowance** – While we welcome the increases to the children's allowance and the small increase to the adult allowance to €21.60 per week, these increases are not in line with the recommendation and we would be keen to see the full increase.

Key Findings:

In general, we found it difficult to verify the implementation of recommendations which had been listed as implemented in the government's three Progress Reports. In addition, there were many recommendations listed as 'Implemented' in the progress reports, which we had evidence to suggest were only 'In Progress' or 'Partially Implemented'. There were also several recommendations listed as 'In Progress' or 'Implemented' where we had evidence to suggest were in fact 'Not Being Progressed'. In some of these cases, the relevant Department's own evidence in the Progress Reports contradicted the status listed.

The Department of Justice, and its various agencies, including the International Protection Office (IPO) and the Reception and Integration Agency (RIA), were deemed the 'Department/Agency Responsible' for the majority of recommendations in the report, and were the Department responsible for co-ordinating implementation generally. However, we were particularly struck by the low level of progress made in implementing recommendations where other Departments had responsibility, in particular the HSE, Tusla, the Department of Education and Skills and the Department of Social Protection.

Total Implementation:

- Out of 173[2] total recommendations in the report, **20 (12%)** could be verified as 'Implemented'.
- **34** recommendations listed as implemented remain 'Unverified'.
- **24** were 'Partially Implemented'.
- **44** are 'In Progress'.
- **40** are 'Not Being Progressed'.
- Amended 'Total Implemented / Partially Implemented / In Progress' from the Government's total of 169 (98%) to **88 (51%)**.

[2] N.B. Although there were 173 recommendations listed in the original McMahon report and in the first Progress Report, 2 recommendations under 4.135 in relation to the complaints procedure were amalgamated into one in subsequent reports, so the final count of recommendations in this report is 172.

Department of Justice Implementation:

- Overall the Department of Justice, including IPO, RIA and An Garda Síochána/GNIB, had sole or combined remit over **135 (78%)**.
- Of those, **19** could be verified as implemented **(95% of the total verified of 20)**.
- **27** could not be verified.
- **19** are partially implemented.
- **36** are in progress.
- **24** are not being progressed.
- **10** are unknown.
- Of the 88 total recommendations verified as implemented / partially implemented / in progress, the Department of Justice had remit over **74 (84%)**.

HSE Implementation:

- With **34** recommendations, the HSE had the 2nd largest number of recommendations assigned to it after the Department of Justice.
- Only **1** recommendation could be verified as implemented and that was removing prescription charges for asylum seekers (Rec. 5.100), which had already been agreed by the then Minister for Health before the publication of the McMahon Report.
- **3** are partially implemented.
- **15** are in progress.
- **13** are not being progressed.
- Of the **37** overall recommendations in the report, that are not being progressed (including resource dependent), **35% (13)** fall under the HSE's remit. This includes most notably the vulnerability assessment.

Tusla Implementation:

- **14** recommendations were assigned wholly or in part to Tusla.
- **2** recommendations could be verified as implemented.
- **4** are in progress.
- **3** are partially implemented.
- **2** are unverified.
- 3 are not being progressed.

Department of Education and Skills Implementation:

- **11** recommendations fell under the remit of the Department of Education and Skills.
- **0** could be verified as implemented (**1** was unverified).
- **3** are partially implemented.
- **4** are in progress.
- **3** are not being progressed.

Department of Social Protection Implementation:

- The Department of Social Protection had **6** recommendation which specifically applied to them in the McMahon Report.
- **0** were verified as implemented.
- **3** are not being progressed.
- **2** are unverified.
- **1** is in progress.

Department of Children and Youth Affairs Implementation:

- The Department of Children and Youth Affairs had specific remit for only **1** recommendation (5.134), which was listed as implemented, but based on our information is only in progress.

Key Areas of Concern:

Our principal area of concern with the implementation of the McMahon Report is the general slow pace of progress and lack of implementation of recommendations, particularly amongst the departments other than Justice that provide services and supports to people in the protection process.

In addition, there are several recommendations that do not appear to be being progressed that are of particular concern to us, as we consider them key areas in need of reform. These include:

- **Vulnerability Assessment** – The development of a multidisciplinary assessment to identify vulnerability, in line with the Reception Conditions Directive, was a key recommendation in the report, and formed the basis for a range of suggested improvements across the three thematic areas covered by the Working Group. Being able to identify particular vulnerabilities in people seeking asylum means that targeted supports and services can be identified, and a person can be accommodated in a place suited to those particular needs. It is also key in the determination process. The lack of resourcing and commitment to implementing this recommendation – in particular by the HSE – is profoundly problematic. With the Government's recent announcement that it will be opting in to the Reception Conditions Directive, the introduction of a vulnerability assessment has become critical.

- **Backlogs –** We are particularly concerned by the growing backlogs that persist in the protection system, despite the introduction of the Single Procedure. Recent information would indicate that some applicants are now having to wait 20 months for their initial substantive interview. This would seem to indicate that the International Protection Office has not been adequately resourced and that the relevant recommendations to address the backlogs have not been implemented. There are concerns that the significant delays in the system will create the same conditions that resulted in the establishment of the Working Group in the first place.

- **Kitchens and Living Space** – While we recognise that work has begun to improve the living conditions in some centres, the implementation of recommendations relating to the physical conditions in centres has been slow and ad hoc. Some centres have communal kitchens available, not no access to provisions, which means residents are required to buy provisions out of their small weekly allowance. Some centres provide living spaces for families and 'own door' accommodation, and others have not made any improvements at all. A timeframe for implementing improvements for single adult centres has not been provided to us, so we do not know if this is even in the planning stages. Much work needs to be done to bring this area of work up to the level looked for in the McMahon Report.

- **Children's rights** – A key recommendation of the Working Group was that the International Protection Bill 2015 should reflect the general principle contained in the UN Convention on the Rights of the Child that the best interests of the child be a primary consideration in all actions concerning children. The International Protection Act falls well short of this recommendation and relates, in the main, only to unaccompanied children. The best interest principle does not extend to all children in the protection process. It is hoped that this lacuna will be addressed when we opt into the Receptions Directive.

Background:

It was Nasc's understanding, during our engagement with the Working Group throughout 2014-2015, that the recommendations that were drafted and agreed to by full consensus by all parties at the table (including Government departments and agencies, NGOs, asylum seekers and UNHCR), would

be implemented in full by the Government upon publication of the report in July 2015. This understanding explains the interconnectedness of the recommendations in the report; they were designed to be implemented in full and not partially, to ensure that the overall system would be significantly improved to respect the dignity of asylum seekers throughout the asylum process.

Since the publication of the report in July 2015[3], it has been a matter of intense political and public lobbying and pressure to ensure that there is progress on implementation. Minister Fitzgerald and Minister of State David Stanton committed to implementing the report and improving the asylum and 'direct provision' system.[4] However, in our view, the progress of implementation in practice has been slow and piecemeal, without proper planning or monitoring of the progress of implementation overall. This has been particularly true in relation to the progress made by departments other than Justice.

Since the publication of the report, the Government has issued three 'Progress Reports' on the implementation of the recommendations – one in June 2016[5]; one in February 2017[6] and a 'Third and Final Progress Report' published in July 2017[7], where it was reported that 98% of the recommendations had been implemented either partially or in full. However, very little additional information was provided in any of these reports on the implementation of specific recommendations, for example of specific actions or evidence to show that the recommendation had in fact been implemented or was being progressed. In addition, for recommendations that were not being progressed, or were listed as 'Resource Dependent', no rationale was provided as to why those recommendations were not being implemented or a timeline for when they would be.

While we recognise that substantial work has been done to begin to improve the protection process and direct provision, we believe that there is still a significant amount of work to be done to bring the implementation to the claimed 98%. In our work with asylum seekers, we are seeing a fairly different picture, with significant wait times for interviews and decisions, reports of mixed implementation of recommendations relating to conditions in direct provision and the provision of services, and other recommendations that appear to have completely fallen off the radar. We are particularly concerned that, with the publication of the Government's final 'Progress Report' and the announcement that 98% of recommendations are implemented or in progress, that those recommendations that have not been progressed will fall off the agenda of the various departments and never be progressed.

In light of these concerns, in May 2017, after the publication of the second Progress Report, we commenced trying to collect information from the relevant departments to verify the

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[3] 'Nasc disappointed in Minister's response to Working Group Report', July 2 2015: http://www.nascireland.org/latest-news/nasc-disappointed-in-ministers-response-to-working-group-report/

[4] 'Commitment to implement the recommendations of the McMahon Report welcomed by Working Group organisations', June 17, 2016: http://www.nascireland.org/latest-news/commitment-implement-recommendations-mcmahon-report-welcomed-working-group-organisations/

[5] Position as of June 2016: http://www.justice.ie/en/JELR/Working-Group-to-Report-to-Government-on-Improvements-to-the-Protection-Process-including-Direct-Provision-and-Supports-to-Asylum-seekers.pdf/Files/Working-Group-to-Report-to-Government-on-Improvements-to-the-Protection-Process-including-Direct-Provision-and-Supports-to-Asylum-seekers.pdf

[6] 2nd Progress Report: http://www.justice.ie/en/JELR/WG_Report_2nd_Progress_Table_2017.pdf/Files/WG_Report_2nd_Progress_Table_2017.pdf

[7] 3rd and Final Progress Report, July 2017: http://www.justice.ie/en/JELR/3rd_WG_Progress_Report_-_July_2017.pdf/Files/3rd_WG_Progress_Report_-_July_2017.pdf

implementation of recommendations and those listed as 'In Progress', and further sought clarification for recommendations that were not being progressed.[8] It should be noted that Recommendation 3.340 of the McMahon Report calls for statistics and other information to be shared more openly amongst key stakeholders, in the spirit that it was undertaken during the Working Group process. This recommendation was listed as implemented as of June 2016, and we believe our requests for additional information are very much in line with the commitments made in that recommendation.

Methodology:

Initially, we contacted the Minister of each of the relevant departments (Justice & Equality; Education; Social Protection; Health; Children & Youth Affairs) and asked for additional information relating to that specific department. Although we did receive acknowledgements from all of the Ministerial offices in response to those letters, only the Minister for Social Protection's office and the office of the Minister for Children and Youth Affairs provided additional information at that point.

In her response, the Minister for Justice at that time, Frances Fitzgerald, suggested we contact the relevant agencies within her Department directly. In June of 2017, we contacted the heads of the Reception and Integration Agency (RIA), the International Protection Policy Division and the International Protection Office (IPO). The Commissioner of the International Protection Office signalled his intention to respond, and passed the query to the IPO's Corporate Support Unit, who after several months (in October 2017) referred us to the three Progress Reports, and enclosed a copy of the IPO Statement on Prioritisation (which is publicly available), a reply to Parliamentary Question from 4th October on processing applications and the management of backlogs, as well as a few other pieces of general information.

The head of the Reception and Integration Agency responded to the email request but did not provide the requested information, although we did receive some information and updates on RIA's progress through regular meetings with that office over the course of 2017. The Principal Officer of the International Protection Policy Division did not provide any additional information or verification, aside from the published progress reports.

INFORMATION TIMELINE

May 2017 – Contacted Ministers of each Department. Acknowledgements from all. Information received from Social Protection

June 2017 – Contacted heads of RIA, IPO and International Protection Policy Division. Information received from DCYA.

July 2017 –FOI requests sent to Education & Skills, HSE, Tusla and the Department of Justice.

August 2017 – Information received from HSE.

September 2017 – Information received from Education & Skills. FOI information received from Tusla & Justice.

October 2017 – Information received from IPO

With very little information forthcoming, we decided to request the information from all of the relevant departments through Freedom of Information (FOI) requests, which were sent in July of 2017 to the Department of Education & Skills; the HSE; Tusla; and the Department of Justice. In response to those requests, we were contacted by the Department of Education, who offered to provide information outside of the FOI process, as did the HSE, which we agreed to. We received

[8] 'Nasc seeks additional information on progress of implementing McMahon Report', May 11, 2017: http://www.nascireland.org/latest-news/nasc-seeks-additional-information-progress-implementing-mcmahon-report/

information through FOIs from Tusla and from the Department of Justice at the end of September 2017.

The information we received through this process has helped inform this Working Paper, and we include information we received in comments relating to specific recommendations, in order to verify the progress of its implementation.

Outline of the Working Paper:

This report is designed to match the Government's Progress Reports, with the Government's 'status' listed and any changes we have made to that status, depending on information provided. It also includes the most up to date 'Departmental Position' on each recommendation as per the Progress Reports, with our comments on that progress underneath. We also have included a Table with the Government's figures, and ours below, to track the level of implementation of the report.

We are conscious that not all of the evidence to verify implementation was made available to us, and that additional information may be provided in future which would change our position on the current status of any recommendation. If a recommendation is listed as 'Unverified', this does not necessarily mean it has not been implemented, but that we have not been able to acquire evidence of its implementation to date. 10 recommendations are listed as 'Unknown' as we considered the implementation of those recommendations to be internal to the Department responsible, and unable to verify. We are also conscious that the Government continues to work to implement various recommendations, particularly those to do with the conditions in the centres, and we are very much involved in these processes. This is very much a 'Working Paper' in that respect, and we fully expect to make additional changes and amendments in the coming months to reflect improvements.

Conclusion:

We continue to see the implementation of the McMahon recommendations as an important first step towards the end of 'Direct Provision' and the introduction of a more humane reception system, and this report is intended to contribute towards the progress of full implementation, in order to bring about that change.

We are hopeful that this report will be useful to the Government, and to the specific departments, and will inform their progress to fully implement the recommendations in the McMahon Report. With the recent announcement that the Government will be opting in to the Reception Conditions Directive (2013/33/EU),[9] we believe the McMahon Report can function as a roadmap that will support the Government's work to bring Ireland's asylum and reception system into compliance with that Directive in the coming months. Since opting in to the Directive was one of the recommendations in the report, many other recommendations reflect what work is required to bring Ireland in line with the Directive.

I would like to take this opportunity to warmly thank Nasc Communications and Campaigns Manager Jennifer DeWan for all her work on this report, and our researcher Alan O'Leary, who has worked tirelessly to compile the information provided by the various departments into a working document. We could not have completed this report without his immense help and support.

Fiona Finn
CEO, Nasc

[9] Government agrees framework for access to work for International Protection Applicants, 21 November 2017: http://www.justice.ie/en/JELR/Pages/PR17000394

McMahon Report Progress Table

Government Progress Reports:	
Implemented at February 2017	121
Implemented since February 2017	12
Total Implemented	133
In Progress/Partially Implemented	36
Total Implemented/In progress	169 (98%)
Nasc Comments:	
Verified as implemented	20
Partially implemented	24
In progress	44
Not being progressed/not yet progressed/resource dependent	37
Information requested (for not being progressed)	3
Unverified (originally listed as implemented)	34
Unknown	10
Amended Total Implemented / Partially / In progress	88 (51%)

Progress of Implementation of McMahon Report

Persons awaiting decisions at the protection process and leave to remain stages for five years or more

Recommendation No: 3.128 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: All persons awaiting decisions at the protection process and leave to remain stages who have been in the system for five years or more from the date of initial application should be granted leave to remain or protection status as soon as possible and within a maximum of six months from the implementation start date subject to the three conditions set out below for persons awaiting a leave to remain decision. It is recommended that an implementation start and end date be set by the authorities as soon as possible

Department/Agency Responsible: Department of Justice & Equality

Current Departmental Position: In responding to length of time issues, the Department, in addition to implementing the single procedure, has been proactively engaged in an examination of cases of those longest in the system. These cases have been expedited resulting in substantial numbers of people who were greater than five years in the system now dealt with. It is estimated that almost all of those identified in the Report as being over 5 years in the Direct Provision system and who don't have any impediments, such as ongoing judicial reviews, have now had their cases processed to completion.

Nasc Comments:

An informal scheme was rolled out that took a light touch approach to all those who were in the system for in excess of five years. This applied mainly to applicants who were in, or were about to come into, the Section 3 process and those that had Deportation Orders in place. It must be recognised that this scheme ultimately led to over 1,000 applicants being granted Leave to Remain, with a number of Deportation Orders being revoked and this was welcomed. However, the scheme

was not strictly in line with the recommendation of the Working Group. It was informal in nature and awareness of the "scheme" fell to a few NGOs and through word of mouth. People in the protection process (i.e. not in the Leave to Remain or Deportation Stage) did not, on the whole, benefit from the scheme.

Recommendation No: 3.134 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: All persons with a deportation order (in the system 5 years or more), should have it revoked

Department/Agency Responsible: Department of Justice & Equality

Current Departmental Position: Blanket revocations without due process are not considered appropriate notwithstanding length of time considerations. In responding to length of time issues, the Department has been proactively engaged in an examination of cases of those longest in the system. These cases are being expedited resulting in a substantial number of people who were greater than five years in the system now dealt with. It is estimated that almost all of those identified in the Report as being over 5 years in the Direct Provision system and who don't have any impediments such as ongoing judicial reviews have now had their cases processed to completion.

Nasc Comments:

An informal scheme was rolled out that took a light touch approach to all those who were in the system for in excess of five years. This applied mainly to applicants who were in, or were about to come into, the Section 3 process and those that had Deportation Orders in place. It must be recognised that this scheme ultimately led to over 1,000 applicants being granted Leave to Remain, with a number of Deportation Orders being revoked and this was welcomed. However, the scheme was not strictly in line with the recommendation of the Working Group as it was informal in nature and this awareness of the "scheme" fell to a few NGOs and through word of mouth.

Recommendation No: 3.135 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: Leave to Remain should then be granted as soon as possible, and within 6 months from the implementation start date.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: Leave to remain to be granted only after due process – see previous recommendation. Cases now under the International Protection Act 2015 will have their leave to remain processed as part of the single procedure (see below).

Nasc Comments:

See comments above – all 3 are linked here. There was no formal start date to the informal scheme, however despite that, it is acknowledged that the informal scheme ran for a period in excess of the 6 months that was envisioned by the WG recommendation and this was welcomed development.

Solutions for the future to prevent long delays in the system

Recommendation No: 3.163 Status: Implemented

Recommendation: The early enactment and implementation of the International Protection Bill as a matter of urgency.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: Since the International Protection Bill 2015 was enacted on 30 December 2015 detailed work has been taking place in the Department of Justice and Equality to prepare for the commencement of the principal provision in the Act - the introduction of the single application procedure for international protection. This replaces the current sequential processing system and is the single biggest reform in this area for the past twenty years. The Act was commenced on 31 December 2016, repealing the Refugee Act, 1996. All applications for international protection from January, 2017 are being processed under the new single applications procedure.

Nasc Comments:

The implementation of the International Protection Act occurred almost 18 months from the publication date of the Act. When it became operational, a 4,000 caseload was carried forward to the new system. The International Protection Act is now operational, but not sufficiently resourced.

Solutions for the future to prevent long delays in the system – Time Limit Measure

Recommendation No: 3.166 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: Once the Single Procedure has been enacted, to avoid a repeat of the circumstances which gave rise to the establishment of the Working Group, that the same principle and mechanisms aimed at addressing the situation of persons currently in the system for five years or more should apply for persons who have co-operated with the process in line with statutory obligations. This does not apply to the situation of persons with deportation orders, which is dealt with later in this chapter.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: Since the International Protection Bill was enacted in December, 2015 the Department has continued the practice of expediting those cases longest in the system resulting in almost all of those identified in the Report, which did not have impediments to progress, such as judicial reviews, being processed to completion. This examination ceased with the commencement of the International Protection Act in December, 2016.

Nasc Comments:

This recommendation may have been considered as the response given refers to the International Protection Act 2015. However, as far as we are aware and from the text above, it would appear that it has not been implemented.

Recommendation No: 3.166 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: As an additional safeguard, an annual review of the system with a view to making recommendations to guard against any future backlogs, e.g. failure to provide adequate resources to all decision making bodies, should take place.

Department/Agency Responsible: Department of Justice and Equality, ORAC,

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. It would appear that the review conducted was a once off as opposed to an annual review and therefore at best this recommendation was partially implemented. Also, it would appear from the 'Current Position' that the review took place on or before June 2016 – 6 months prior to the implementation of the International Protection Act 2015. To fully implement this recommendation and to guard against any future backlogs this review should be undertaken on an annual basis and resultant recommendations should be published. This will bring the Department's policy in line with the Reception Conditions Directive, which the Government announced (in November 2017) that they will be opting in to, in response to a Supreme Court judgement on access to the labour market.

Recommendation No: 3.166 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: The review should also look at the option of reducing the 5 year mark in future years as appropriate.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: The review process implemented under Recommendation 3.128 above was a once-off procedure. Recent and current work in tackling backlogs and implementation of the recently commenced Single Procedure will address this recommendation in the future. See also response to 3.163 above.

Nasc Comments:

Nasc requested further details on the work undertaken to tackle backlogs and how this will work to guard against any future backlogs, including submitting a Freedom of Information Request in July 2017. No detailed response was provided by the Department. We would have to conclude therefore that this recommendation is Not Implemented.

Legal Framework

Recommendation No: 3.178 Status: In progress

Recommendation: The State to opt-in to all instruments of the Common European Asylum System, unless clear and objectively justifiable reasons can be advanced not to.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: On 7th April 2016 the European Commission issued a communication outlining its plans for reforming the Common European Asylum System (CEAS) and ensuring and enhancing safe and legal migration routes. The document outlines how the large-scale,

uncontrolled arrival of migrants and asylum seekers in 2015 has put a strain not only on many Member States' asylum systems but also on the CEAS as a whole. The Commission has issued two packages of reform proposals which aim to address structural shortcomings in the design and implementation of the CEAS and of the "Dublin" arrangements in particular. The process of negotiating the files is ongoing at the EU-level. Ireland is actively involved in these discussions. A decision to opt-in to any of the measures under discussion will be made post-their adoption by the EU Council.

Nasc Comments:

Wording in the introduction to International Protection Act 2015 stated the legislation now brought Ireland into line with EU directives, however these are the old Directives not the recast. No rationale was provided with the publication of the Act for not opting in to the current suite including the Recast Reception Conditions Directive. In November 2017, in response to a Supreme judgment on access to the labour market for asylum seekers, the Government announced that it will be opting in to the Recast Reception Conditions Directive, which we welcome. However, there has been no additional statement made on the CEAS as a whole.

Recommendation No: 3.178 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: Where the State does not opt-in to an instrument for discreet reasons (as above), the State should give full effect to the remaining provisions in order to safeguard important common standards and to promote consistency in the application of protection procedures and standards across the EU.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No narrative was provided in the June 2016 or subsequent progress reports on the implementation of this recommendation. In November 2017, in response to a Supreme judgment on access to the labour market for asylum seekers, the Government announced that it will be opting in to the Recast Reception Conditions Directive, which we welcome. However, no rationale was provided for not opting into the Recast Procedures Directive so it is unclear how or whether the State has given effect to the remaining provisions. Given the current position outlined in the progress of implementing the above recommendation, it is unclear how this recommendation could be implemented.

Legislating for the Best Interest of the Child

Recommendation No: 3.192 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: The International Protection Bill 2015 should reflect the general principle contained in the Convention on the Rights of the Child that that the best interests of the child be a primary consideration in all actions concerning children.

Department/Agency Responsible: HSE, Department of Justice and Equality,

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No narrative was provided in the June 2016 or subsequent progress reports. This was a very broad ranging recommendation and agreement was reached in the Working Group that the principle will apply to all actions concerning all children in the protection process. The best interest's principle is mentioned three times in the International Protection Act: firstly, in Section 24 which related to the age assessment or determination of a separated or unaccompanied child; secondly in Section 36 which refers to the determination procedure and finally in Section 25 which refers to the carrying out of an examination to determine the age of the applicant when a considering detention (Section 20). Except for section 25, the principle only applies to unaccompanied children, it does not apply to asylum seeking children who are in the company of their parents or other carers. In that context, we must conclude that the recommendation is only very partially implemented; and the spirit of the recommendation is not recognised within the Act. The only time the principle applies to asylum seeking children who are not unaccompanied is in the context of a decision to detain. Therefore, this recommendation can only be listed as Partially Implemented.

Recommendation No: 3.199 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: The International Protection Bill should clearly provide that all children have the right to lodge an application for international protection directly or through a representative which, in the case of accompanied children, may be the parent(s) if this is appropriate in the circumstances of the case.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No narrative was provided in the June 2016 or subsequent progress reports. While the International Protection Act does provide children with the right to apply for asylum, there are some concerns. Section 15 of the Act states that a parent or 'person taking responsibility' for a child will be deemed to have made an application for asylum on behalf of the child, should the parent or responsible adult make an application for asylum. It is unclear whether this would allow for an examination of the child's claim to persecution independent of the adult and we would welcome clarity on this matter.

Recommendation No: 3.199 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: In relation to separated children, work should be undertaken to clarify the position with regard to access to the protection process in practice and age assessment procedures.

Department/Agency Responsible: Tusla

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

The June 2016 and subsequent progress reports contained no narrative or detail on the implementation of this recommendation. In response to a Freedom of Information request, Tusla information showed that young people in the protection process are supported throughout the protection process from initial application through to support and facilitation of family reunification. They are appointed legal support and accompanied to all meetings related to the process.

However, we continue to have concerns that separated children's applications for asylum are not being lodged before their 18th birthday. We would strongly argue that it is imperative there is greater attention paid to accessing early legal advice to determine if a separated child should make an application prior to turning 18, given the negative implications for family reunification rights for those recognised after their 18th birthday.

In addition, Tusla outlined its age assessment procedure as follows:

> The best interest of the child is regarded as a primary consideration during the process.
>
> It is required that the young person understands what is happening, the methods to be used, possible outcomes/consequences of the assessment, the consequences of refusing to undergo the assessment and the option to conduct the assessment in the language of their choice.
>
> The assessment is to be carried out with the consent of the young person or and adult taking responsibility for the care of the young person, or a Tusla employee.
>
> An assessment is only undertaken as a measure of last resort, where there is serious doubt, and other attempts to establish the individual's age have failed.
>
> The young person is given opportunity to express him/herself and to respond to issues identified during the process.

We also have considerable concerns about Tusla's age assessment procedures, or more specifically when their age assessment procedures are not being called upon, as we are aware of cases where age disputed minors end up in direct provision centres, with no access to appeal the initial age assessment, which is usually conducted at the frontiers of the state, and therefore unable to access the supports and aftercare provided to separated children. In addition, the Tusla information provided noted that there is no training available in Ireland for conducting age assessments, and Tusla has no statutory function to determine age. Given these factors, we have listed this recommendation as Partially Implemented.

Recommendation No: 3.203 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: The International Protection Bill 2015 should be further scrutinised to ensure the rights of the child to be heard are given sufficient expression and protection.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No narrative was provided in the June 2016 or subsequent progress reports. It is our view that that rights of the child in the Act could be further protected – see comments on 3.192 above.

Recommendation No: 3.210 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: The International Protection Bill 2015 should contain a provision requiring decision-makers who take decisions in relation to children and those who interview them to have received and continue to receive appropriate procedural and substantive training.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No narrative was provided in the June 2016 or subsequent progress reports. Though training is referred to in sections 35 and 36 of the International Protection Act, and information provided by the IPO suggests that relevant training 'for case processing purposes' is provided by UNHCR experts, no information has been provided by the Department as to the nature and frequency of the training and how it in implemented in practice, so therefore it cannot be verified as fully implemented.

Recommendation No: 3.213 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: The International Protection Bill 2015 should provide that the rights of the child, as enumerated in the UN Convention on the Rights of the Child, are potentially relevant to evaluating a claim for refugee or subsidiary protection status where the applicant is a child.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

The June 2016 or subsequent progress reports had no narrative pertaining to the relevance of the Rights of the Child to the evaluation of a claim (see S. 28 (5) a and b. General comment- there are no rights enumerated in the Act). We therefore have to conclude that the recommendation is only partially implemented.

Recommendation No: 3.216 Status: Implemented

Recommendation: The International Protection Bill 2015 when drafted should ensure that the Minister may continue to prioritise cases where appropriate by reference to the age of the applicant, or his/her status as a separated child.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

This is provided for in Section 73 – (i) as one of the grounds for prioritisation. This recommendation has been implemented.

Recruitment

Recommendation No: 3.233 Status: Implemented

Recommendation: Transparent and competitive recruitment procedures for the protection determination bodies be maintained and further developed.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was given in the June 2016 report, however we have been given to believe that the Public Appointments Service are being used and maintained to ensure transparent and competitive recruitment procedures.

Recommendation No: 3.233 Status: Implemented

Recommendation: Provision to be made for open recruitment procedures and relevant expertise in law

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was given in the June 2016 report. However, we have been given to believe that open recruitment procedures are being used and maintained.

Recommendation No: 3.233 Status: ~~Implemented~~ [UNKNOWN]

Recommendation: The preceding recent examples of good practice for the knowledge and experience required in the recruitment process be followed to ensure that appropriate candidates are sought.

Department/Agency Responsible**:** Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was given in the June 2016 Report. This is internal to Department, cannot verify or comment.

Recommendation No: 3.233 Status: Implemented

Recommendation: Adequate human resources be provided to the protection determination bodies.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: Human resource requirements in respect of protection related functions are constantly kept under review but are at all times subject to the wider HR demands across the Immigration Service generally and the Department of Justice and Equality as a whole [June 2016].

[June 2017 update] Additional resources have been assigned to the protection determination bodies and the resource requirement in respect of protection related functions are constantly kept under review but are at times subject to the wider HR demands across the Immigration Service generally and the Department of Justice and Equality as a whole. *The recommendation is implemented in the context of a demand led service affected by highly variable asylum and immigration trends.

Nasc Comments:

This is internal to Department, cannot verify or comment. However information provided by the IPO suggests that current wait times for an initial protection interview for non-prioritised cases can run to 20 months. We would therefore conclude that additional resources are required.

Recommendation No: 3.233 Status: ~~Implemented~~ [UNKNOWN]

Recommendation: The recruitment of dedicated legal support staff to the various agencies (IPO, IPAT, INIS), should be facilitated to ensure that issues identified in emerging jurisprudence are disseminated and addressed by the agencies concerned.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was given in the June 2016 Report. This is internal to Department, cannot verify or comment.

Quality Tools

Recommendation No: 3.239 Status: ~~Implemented~~ [UNKNOWN]

Recommendation: Quality tools and templates be maintained and continually updated in conjunction with legal support and training staff to ensure that decision- makers are guided by the latest jurisprudence and best practice.

Department/Agency Responsible: IPO, IPAT

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was given in the June 2016 Report. This is internal to Department, cannot verify or comment.

Recommendation No: 3.239 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Mechanisms to review on a regular basis the quality of decision-making be maintained and further developed

Department/Agency Responsible: IPO, IPAT

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

The June 2016 and subsequent reports gave no detail as to the nature and type of mechanisms in place. Information was requested from the International Protection Office, who informed us that quality mechanisms are in line with paragraphs 3.236 and 3.237, however no additional information was provided so we are not able to verify the implementation of this recommendation.

Recommendation No: 3.239 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Sufficient resources be allocated to enable staff with appropriate levels of experience and training to manage quality systems and to coordinate this work with those in charge of training and with the relevant legal expertise.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No information was provided in the June 2016 or subsequent progress reports. More information was requested from the Department of Justice, including through a Freedom of Information request, but no additional information was provided so we are not able to verify the implementation of this recommendation.

Recommendation No: 3.239 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: The determining bodies continue to engage constructively with UNHCR, NGOs and other stakeholders to monitor the operation of the protection system and to welcome feedback on the experiences of those in the system.

Department/Agency Responsible: IPO, IPAT, Tusla

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in the June 2016 or subsequent progress reports. While we do regularly engage with IPO/IPAT through their Customer Service Liaison Panel, and welcome the openness and constructiveness of this information exchange, we do not engage in a similar manner with Tusla, and we cannot speak to engagement with other NGOs or stakeholders. Given this, and given that no additional information was provided on this, we can only attest to this recommendation being partially implemented.

Training

Recommendation No: 3.247 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: Consideration be given to formalising in law the requirement that decision-makers be provided with sufficient and dedicated training adequate to their needs.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in the June 2016 or subsequent progress reports on the implementation of this recommendation. Given the recommendation has not been formalised in law, and no information was provided upon request, this was not implemented and it would appear that it is Not Being Progressed.

Recommendation No: 3.247 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: The development of closer ties between state protection agencies, academics, NGOs, and legal practitioners be promoted in order to promote open dialogue on legal issues of concern and the open exchange of knowledge.

Department/Agency Responsible: IPO, IPAT

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in the June 2016 or subsequent progress reports. While we do regularly engage with IPO/IPAT through their Customer Service Liaison Panel, and welcome the openness and constructiveness of this information exchange, we cannot speak to engagement with other NGOs or stakeholders. Given this, and given that no additional information was provided on this, we can only attest to this recommendation being partially implemented.

Recommendation No: 3.247 Status: ~~Implemented~~ [UNKNOWN]

Recommendation: Adequate funding and human resources be provided to the protection determination bodies in terms of dedicated training and legal support staff.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in June 2016 or subsequent progress reports. Internal to Department, cannot verify or comment, however as noted above current wait times for an initial protection interview can exceed 20 months which would indicate that additional resources are required.

Early Legal Advice

Recommendation No: 3.255 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: Resources be provided to the Legal Aid Board to fund the roll out of Early Legal Advice to all applicants.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: The Legal Aid Board's services, both in-house and delivered by panel private practitioners, will include early legal advice from the commencement of the International Protection Act. The service will be reviewed after 3 months of operation.

The Department has also financially supported the Irish Refugee Council's early legal advice service over the last number of years.

Nasc Comments:

Clarity is needed on the definition of early legal advice. From our interaction with protection applicants, the RLS and Private Practitioners, it would seem that applicants are given guidance initially on the questionnaire – this is generic guidance. PPs and RLS lack the capacity to deliver in-depth legal advice to protection applicants and much panic and confusion was caused initially, when

the Single Procedure questionnaire was first rolled out. More information was requested from the Department on the implementation of this recommendation, but was not provided.

In completing this report Nasc contacted a number of practitioners in the area and we have learned that given the increased complexity of the work under the Single Procedure, and the corresponding poor level of resources available, many felt that they could not adequately provide early legal advice and in fact to do so, given the low level of fees payable, could be detrimental to their client. It is also worth noting that a number of practitioners have removed themselves from the panel as the fee structure was so poor resulting in a huge loss of expertise in the area.

This recommendation can only be listed as Partially Implemented.

Recommendation No: 3.255 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: The development of the Quality Audit reviews of legal service provision be continued and applied to the operation of the new early legal advice scheme under development

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: File reviews take place and are benchmarked against best practice guidelines in relation to the service. The intention is that file reviews will continue after the roll out of the more comprehensive early legal advice programme on commencement of the International Protection Act.

Nasc Comments:

More information was requested from the Department relating to the 'best practice guidelines' referenced, but nothing was provided. We have therefore listed this recommendation as Unverified.

Recommendation No: 3.255 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: The monitoring and review of the roll-out of early legal advice continue with regard to its effectiveness and all regular stake-holders be consulted regularly to see if any new/changed procedural or practical measures may be beneficial to its enhanced operation.

Department/Agency Responsible: Legal Aid Board

Current Departmental Position: The Board's Services, both in house and delivered by panel private practitioners, includes early legal advice since the commencement of the International Protection Act (January 2017). This service will be reviewed after three months of operation.

Nasc Comments:

As per our comments above, the PPs and RLS do not have the capacity to deliver in-depth legal advice and are only providing information at first instance. As information - not advice - is provided, this recommendation could not be implemented.

Recommendation No: 3.255 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

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

Department/Agency Responsible: IPO

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No additional information was provided on the implementation of this recommendation in the June 2016 report. There is a note on the questionnaire advising applicants to seek legal advice, however the PPs and RLS do not have the capacity to deliver in-depth legal advice and are only providing information at first instance. As information - not advice - is provided, this recommendation has not been implemented. In response to an FOI, RIA claim that "applicants are routinely informed re ELA services", however, this is not in line with the recommendation, and it is unclear at which stage they are informed. Given the lack of resources allocated to the RLS and private practitioners legal advice is provided at appeal stage. Protection applicants are required to complete the initial complex questionnaire themselves. Not Implemented.

Special Measures with Regard to Children

Recommendation No: 3.260 Status: Implemented

Recommendation: Good practice in relation to training and the provision of child-sensitive procedures should be maintained and developed further, particularly under a future single procedure.

Department/Agency Responsible: Tusla, IPO, IPAT, RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in June 2016 or subsequent progress reports. In response to an FOI request from Nasc, RIA gave the following information:

> It is intended to maintain and develop good practice going forward in this regard. RIA continues to operate its revised Child and Family Services Unit and all staff in all centres have been fully briefed on its requirements. A secondment vacancy (Tusla) has been filled. Department of Education and Skills secondment position remains in place. RIA has a fully operational Child Protection policy with all Tusla services mainstreamed. RIA's Policy and Practice Document on domestic, Sexual and Gender-based Violence, along with associated training has been fully rolled out. This also links to mainstream services and supports.

Additional information provided by Tusla also attest to this work being carried out. Recommendation is verified as implemented.

Recommendation No: 3.260 Status: ~~Implemented~~ [IN PROGRESS]

Recommendation: Inter-agency co-operation be maintained and further promoted in order to ensure that the principle of the best interests of the child can be effectively implemented.

Department/Agency Responsible: Tusla, IPO, IPAT, HSE

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in June 2016 or subsequent progress reports. Information provided by Tusla suggests regular meetings between Tusla staff and RIA, in particular the seconded child protection social worker, at least in relation to separated children. A Tusla update, dated August 2016, reports that Tusla and RIA agreed to establish a group comprised of Information and Advice Officer (Children First), National Policy Manager (Child Protection), and relevant RIA staff, including the seconded Child Protection Officer, with the aim of reviewing child protection policies operating in Direct Provision centres. Given the date of this update, the recommendation could not have been implemented by June 2016, and no additional information was provided about this inter-agency group. Status should be in progress.

Recommendation No: 3.260 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: An inter-agency review of procedures and practices relating to children occur regularly to ensure that procedures do not fall short and that best practice is maintained.

Department/Agency Responsible: Tusla, HSE, IPO, IPAT, RIA

Current Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in June 2016 or subsequent progress reports. In addition to the information provided by Tusla noted in the above comment about the establishment of a Tusla/RIA group, which reportedly 'regularly review procedures and practices and address any deficits in practice', the HSE informed us that it participates in a High Level group led by the Department of Justice. It comprises representation from RIA, IRPP, Departments of Social Protection and Education, TUSLA and HSE Social Inclusion. However, no evidence was provided of regular reviews or their outcomes, and there was no specific mention of practices relating to children. In addition, either of these groups seem to include representatives from IPO/IPAT. We have listed this recommendation as Partially Implemented.

Recommendation No: 3.263 Status: Implemented

Recommendation: ORAC, the Department of Justice, the Legal Aid Board and the RAT provide child-friendly materials containing relevant legal information for children.

Department/Agency Responsible: Department of Justice and Equality, IPO, IPAT, Legal Aid Board

Current Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

Implemented but not in June 2016. A child sensitive leaflet was produced in December 2016 for the commencement of the International Protection Act 2015.

Recommendation No: 3.263 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Initiatives to make information about the protection process more accessible to children should be supported by the relevant agencies.

Department/Agency Responsible: Department of Justice and Equality, IPO and IPAT

Current Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in June 2016 or subsequent progress reports. No evidence of these initiatives – bar the leaflet – was provided upon request, so we have listed the status of this recommendation as Unverified.

Recommendation No: 3.267 Status: Implemented

Recommendation: In order to ensure that children have access to the protection process, where an accompanied child has not made an application / has not been included in a protection application by their parent/guardian, the law should be amended to provide that the child be deemed to be an applicant for protection.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

Implemented – however the corresponding recommendation that all children should have the right to claim asylum individually is absent.

Recommendation No: 3.267 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: A presumption that children are included in their parent/guardian's application should apply, but in all cases the State and the applicant's legal advisor/representative should assess whether this presumption is appropriate. If not, the child should be deemed to have made an application in their own name.

Department/Agency Responsible: ORAC, Legal Aid Board, Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in the June 2016 or subsequent progress reports. Section 15 of the International Protection Act refers to this recommendation, but the section is silent on the rights of children to lodge an application in his or her own right. More information was requested from the Departments/Agencies responsible, but no information about, nor any policy documents related to, the implementation of this recommendation were presented to us, so we have listed this as Unverified.

Recommendation No: 3.267 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: A child who is incapable of expressing his or her own views should have access to the assistance of a representative.

Department/Agency Responsible: Tusla

Current Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in the June 2016 or subsequent progress reports. Unaccompanied minors do receive assistance in their application process, but it remains unclear if this is true for all children. No detail was provided upon request, so this recommendation has been listed as Unverified.

Use of interpreters

Recommendation No: 3.275 Status: ~~Implemented~~ [IN PROGRESS]

Recommendation: More formal procedures be introduced to ensure appropriate training is provided to all interpreters and a register be maintained to indicate who has completed this training in order to be eligible to work.

Department/Agency Responsible: HSE, Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in the June 2016 report. According to the HSE, the official position as of August 2017 is as follows:

> A specific condition (as a minimum requirement) of the current procurement procedure which has not yet been completed is that the educational and professional qualifications of all interpreters must be provided. In addition, the Immigration Service has reserved the right to request that the successful service provider undergoes training in the specific business of the immigration service.
>
> Once the procurement process has been completed and the contract for the provision of the services has been awarded formal procedures will be introduced to monitor the training provided and a register will be compiled of appropriately trained interpreters.
>
> It is thought the process will be completed by February 2018, at which point a formal procedure to monitor the training of interpreters will be implemented and a register will be established.

Given the August 2017 position, there is no possibility that this recommendation was implemented in 2016. Status should be In Progress.

Recommendation No: 3.275 Status: In Progress

Recommendation: A coordinated system of reforms to be implemented on a phased basis to move to a system where all interpreters in the protection process have appropriately accredited qualifications.

Department/Agency Responsible: Department of Justice and Equality, Department of Education and Skills, HSE

Current Departmental Position: A procurement competition for these services has recently been conducted. However, the outcome of the competition is the subject of a legal challenge by an unsuccessful tenderer. Pending a resolution of the challenge, INIS is not in a position to enter into the new contract with the successful tenderer.

It should be noted, however, that a specific condition (as a minimum requirement) of the procurement procedure was that the educational and professional qualifications of all interpreters

must be provided. In addition, the immigration service reserved the right to require that the successful service provider would undergo training in the specific business of the immigration service.

It was envisaged that once the procurement process had been completed and the contract for the provision of the services had been awarded, formal procedures would be introduced to monitor the training provided and a register compiled of appropriately trained interpreters.

At this point it is not possible to give a timeframe as to when the legal issues surrounding this procurement will be resolved.

In addition to the above, the HSE, in collaboration with University of Limerick Primary Care, are working to develop a model around interpreting provision. 3 Aspects of training of interpreters and associated accreditation will form part of this project.

Nasc Comments:

See above, no additional comments.

Recommendation No: 3.275 Status: In Progress

Recommendation: A system of accreditation to be established and maintained.

Department/Agency Responsible: Department of Education and Skills, HSE, Department of Justice and Equality

Current Position: See update provided in previous recommendation.

Nasc Comments:

This recommendation can only be progressed in line with Rec. 3.275, above.

Recommendation No: 3.275 Status: ~~Implemented~~ [IN PROGRESS]

Recommendation: The tendering process and terms of contracts for interpreting and translation firms should require them to prioritise or incentivise more those who have recognised accredited qualifications. Once the process of reform has been completed, accreditation to be a necessary requirement.

Department/Agency Responsible: HSE, Department of Justice & Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided on this in the June 2016 report. According to information provided by the HSE, the August 2017 position is as follows:

> As part of the above procurement competition, tenderers were asked to submit a service delivery plan demonstrating how they will ensure provision of consistently high quality service delivery and these plans will be marked as part of the tenderer evaluations. Tenders must include a service delivery plan which is to demonstrate the manner in which Tenderers are in a position to demonstrate the currency of interpreters practice in all four of the language groups.

Given that the process of reform has yet to be completed, including accreditation, this recommendation is at best IN PROGRESS.

Recommendation No: 3.275 Status: ~~Implemented~~ [IN PROGRESS]

Recommendation: All parties should ensure in the selection of an interpreter that there is no potential conflict of interests or potential breaches of confidentiality.

Department/Agency Responsible: HSE, Department of Justice & Equality

Current Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in the June 2016 or subsequent progress reports. According to information provided by DJE, when booking an interpreter, the IPO ensures as far as possible that there is no potential conflict of interest or potential breaches of confidentiality. No further detail was provided in response to our requests for information. Given the status of the above recommendations and the position of the HSE, this recommendation cannot reasonably be stated as implemented.

Recommendation No: 3.275 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: Mechanisms should be put in place to carry out randomised independent assessments of the standards of interpreting to ensure they meet appropriate standards.

Department/Agency Responsible: HSE, Department of Justice & Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in June 2016 report. Evidence of mechanisms and outcomes of independent assessments of standards were requested, but were not received. According to information that was provided by DJE, there is a system in place whereby panel members and caseworkers can bring issues surrounding interpreters to the attention of management (ORAC comments). Regular meetings are also held by ORAC with service providers to provide feedback on service delivery. ORAC also arranges basic training for interpreters on the operation of the Protection Process. Such training is delivered by the UNHCR and ORAC training teams (ORAC comments, 2015). Though this may improve interpreting standards, it is not in line with the recommendation. It is also unclear what the 'appropriate standards' are, given the progress of the related recommendations, above. Status should be Not Being Progressed.

Identification of Vulnerable Applicants

Recommendation No: 3.299 Status: ~~Implemented~~ [IN PROGRESS]

Recommendation: The continuance and further development across the system of a method of prioritisation of cases for vulnerable applicants. This must however be balanced with the need to be sensitive to the needs of vulnerable applicants who in appropriate cases may need extra time, for example, to allow for the disclosure of traumatic experiences or for referral to appropriate psychological/social/health services or the preparation of reports.

Department/Agency Responsible: HSE, Department of Justice & Equality, ORAC

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

Implemented but not in June 2016. Prioritisation policy published 27th February 2017. However, as this recommendation is linked with the introduction of a multidisciplinary vulnerability assessment, which has not yet progressed (see below), we have listed this recommendation as 'In Progress'.

Recommendation No: 3.299 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: The establishment of formal mechanisms of referral in the case of disclosed or diagnosed vulnerabilities to ensure that such persons are provided with appropriate information, health or psychological services and procedural supports

Department/Agency Responsible: HSE, RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in the June 2016 report. Evidence of these referral mechanisms was requested from the HSE and RIA. RIA produced the following statement:

> RIA and other state service providers under Direct Provision policy continue to engage with newly arrived and existing residents to ensure that vulnerabilities and needs are identified and addressed within the DP system.
>
> All newly arrived asylum seekers are offered medical screening. The State's Reception Centre for newly arrived asylum seekers has an onsite health centre which offers medical screening, GP, Public Health Nurses, Social Work and Psychological supports to asylum seekers at first instance.
>
> Health Services to asylum seekers in Ireland are mainstreamed and available to asylum seekers on the same basis as to Irish citizens. In addition, a number of services are provided on-site at centres or a specifically targeted in the community health setting for this group.
>
> Asylum seekers in direct provision accommodation qualify for a medical card and are exempt from paying prescription charges. They avail of the full suite of HSE services provided under the medical card scheme and do so free of charge.
>
> RIA's child protection policy is actively in place and any vulnerable children are identified at the earliest possible opportunity.
>
> The vulnerability of persons is assessed when dispersals and transfers are being requested and taking place.

Though the current position suggests that some supports and services are available, the position outlined above reflects the situation pre Mc Mahon, and it is not in the context of a full multidisciplinary vulnerability assessment. The HSE informed us that they were engaging with a 'range of stakeholders around an appropriate assessment/approach to assessing vulnerability and supporting and protection vulnerable persons, with due regard to the timing of interventions, risks of retraumatising and other key considerations'. The HSE further stated that:

> 'It is noteworthy that where people are identified as vulnerable, referral pathways are in place for access to Spirasi as well as to Psychology and related support services. Clearly this is not a sufficient or adequate response- and is one where all involved in the asylum process need to work together to assure a coherent, responsive approach to vulnerability and the circumstances in which people seeking asylum find themselves – but we are working towards a more sustainable approach to identifying vulnerable service user and putting appropriate measures in place to provide necessary supports.'

There is also a commitment in the draft HSE Service Plan for 2017 to develop a "Vulnerability Assessment" in collaboration with mental health colleagues.

Given these comments, there is no evidence of the development of a formal system of referral. However, keeping in mind the recent announcement by the Government that it will be opting in to the Reception Conditions Directive – which will require a vulnerability assessment in law, it is particularly critical for the HSE and RIA to begin to progress the implementation of the vulnerability assessment and the related recommendations on referral, follow up and monitoring.

Recommendation No: 3.299 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: Follow-up and monitoring of persons who fall into the category of vulnerable should occur on an on-going basis until such time as the applicant exits the system.

Department/Agency Responsible: HSE, RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No additional information was provided in the June 2016 on the implementation of this recommendation. P. 62 of the 2nd WG Progress Report 2017 states that in ref to Rec # 4.210 (which is the same as this recommendation), that the implementation of this recommendation is "resource dependent", and that 'significant resource and cost implications have not facilitated progress of this recommendation to date'. P. 26 of the 3rd Progress Report states that the introduction of vulnerability screening is a 'desirable objective but carries significant resource implications' and is unlikely to be implemented in the 'medium term'. Without a vulnerability assessment, follow up and monitoring of those identified as vulnerable would be impossible, so this recommendation could not have been implemented in June 2016. Also see comments above in relation to information provided by RIA and the HSE.

Though supports for asylum seekers are available, monitoring the ongoing situations of vulnerable people- those who may be unable or unwilling to access these services themselves- does not seem to be taking place. It is hoped that the implementation of this critical recommendation will be progressed in the lead up to compliance with the Receptions Directive. Current status should be Not Being Progressed.

Recommendation No: 3.299 Status~~: In Progress~~ [NOT BEING PROGRESSED]

Recommendation: Public awareness and training programs should be developed as part of such procedures to include legal representatives (to be involved from the earliest stages possible), health professionals, NGO staff and other frontline workers so that they will be aware of the type of

vulnerabilities frequently found in the protection- seeking population and what they can do to refer them to the appropriate services.

Department/Agency Responsible: HSE

Current Departmental Position: As part of the HSE National Operation Plan 2017 in respect of intercultural training for staff, work has commenced on the development of an Intercultural Health training and Education Framework. The framework will provide a template for the provision of training and support to staff in work towards delivery of a responsive, culturally competent health service. Key stakeholders are currently being consulted.

Nasc Comments:

It is important to note that intercultural/cultural competency training is not the same as training programmes for stakeholders on types of vulnerabilities frequently found in the protection seeking population and the two should not be conflated by the HSE. Information provided by the IPO suggests that training in respect of dealing with vulnerable groups is being delivered to IPO staff by the UNHCR and other experts. This does not appear to be happening in any other department. We have listed this as 'Not Being Progressed'.

Recommendation No: 3.299 Status: ~~Partially implemented~~ [NOT BEING PROGRESSED]

Recommendation: That sufficient resources be made available at the earliest possible stage, both to relevant NGOs and state agencies, particularly under the proposed more truncated single procedure in order to facilitate early identification.

Department/Agency Responsible: HSE

Current Departmental Position: The HSE already funds some NGO's to support vulnerable groups. No specific funding has been allocated to services for asylum seekers in HSE funding allocation for 2017 so no additional resources will be available to further this recommendation in the medium term. Representations around additional funding will be made in the Estimates process for 2018.

Nasc Comments:

See above comments on the vulnerability assessment. If the HSE has no intention of allocating funding to facilitate early identification of vulnerable applicants, then this status should be changed to Not Being Progressed.

Assisted Voluntary Returns

Recommendation No: 3.312 Status: ~~Implemented~~ [UNKNOWN]

Recommendation: Swift implementation of an adequately resourced single procedure to deliver quality decisions within a 12-month timeframe which will create the conditions whereby Assisted Voluntary Return is more likely to be availed of.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: The International Protection Act, 2015 was fully commenced on 31 December, 2016 introducing the single application procedure.

Nasc Comments:

Assessment of the full implementation of this recommendation cannot be made until Jan 2018 given the stated 12-month timeframe.

Recommendation No: 3.312 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Provision of support to the International Organisation for Migration (IOM), NGO's and other organisations to raise awareness about Assisted Voluntary Return and provide quality information about this option.

Department/Agency Responsible: Department of Justice and Equality, RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in June 2016 or subsequent progress reports. Cannot be verified as implemented as no additional information was provided by the Department.

Recommendation No: 3.312 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Provision of support to the IOM for the delivery of Assisted Voluntary Return counselling and services to persons wishing to avail of Assisted Voluntary Return.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in June 2016 or subsequent progress reports. Cannot be verified as implemented as no additional information was provided by the Department.

Recommendation No: 3.312 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Where appropriate, the Legal Aid Board should include information about Assisted Voluntary Return as part of the early legal advice it plans to deliver in all cases in the near future.

Department/Agency Responsible: Legal Aid Board, Department of Justice & Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in June 2016 or subsequent progress reports. Cannot be verified as implemented as no additional information was provided by the Department.

Recommendation No: 3.312 Status: Implemented

Recommendation: Inclusion of specific provision for access to Assisted Voluntary Return at all stages of the new single procedure and expansion of the time period before issuance of a Deportation Order when Assisted Voluntary Return can be availed of (5 days is envisaged in the General Scheme of the International Protection Bill).

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

Verified as implemented.

Measures to address unenforced deportation orders

Recommendation No: 3.330 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: Swift implementation of an adequately resourced single procedure which creates the conditions whereby Assisted Voluntary Return may be taken up by a greater proportion of persons and which includes provisions to address the "trailing family member" and unregistered child issues.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: The International Protection Act, 2015 was fully commenced on 31 December 2016 introducing the single application procedure.

Nasc Comments:

The International Protection Act contains measures to address "trailing family members". Provisions to address unregistered children have been implemented. Additionally, there is provision in the Act to provide applicants with the option of availing of Assisted Voluntary Returns. The time limits set however are short. In addition, we do not believe the IPO/IPAT has been sufficiently resourced, so we have listed this recommendation as 'Partially Implemented'.

Recommendation No: 3.330 Status: Implemented

Recommendation: Introduce a legal power of entry for the purposes of enforcing a deportation order, possibly by way of the International Protection Bill to this effect.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

Implemented, no additional comment.

Recommendation No: 3.330 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: In the future for persons who are five years or more in the system, who have an unenforced Deportation Order for 24 months and who have cooperated with the authorities, and taking into account relevant public policy issues, consideration should be given on a case by case basis to apply the principles and solutions outlined at para. 3.134.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: Revocation of deportation orders has been considered on a case by case basis since June 2015. The satisfactory implementation of the Single Procedure (which commenced on 31 December, 2016) over a period of time will continue to assist in this process.

Nasc Comments:

We have no evidence, either from the Department or from our work with asylum seekers, that the Department is reviewing and revoking unenforced Deportation Orders which have exceeded 24 months, since the commencement of the International Protection Act on 31 December 2016.

Recommendation No: 3.330 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Continuation of current efforts to reduce the backlog of judicial review cases at the Courts and expedite case processing at the Courts.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No details were provided in the June 2016 or subsequent progress reports. In response to a request for information, Nasc was informed that the Department continues to actively manage the judicial review workload but no additional information was provided so the status of this recommendation cannot be verified.

Recommendation No: 3.330 Status: Implemented

Recommendation: Review human resource capacity at the Garda National Immigration Bureau and ensure adequate resources are in place for the implementation of deportation orders.

Department/Agency Responsible: Garda Commissioner

Current Departmental Position: The Repatriation Unit of the Garda National Immigration Bureau is adequately resourced and is supplemented by additional GNIB officers when required. Gardai also carry out immigration duties at Dublin Airport including the detection of persons entering the State who are subject to deportation orders.

Nasc Comments:

Implemented. No additional comment.

Recommendation No: 3.330 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Establishment of procedures for the practical enforcement of deportation orders setting out standards and guidance in compliance with human rights standards. Deliver training to all personnel involved in the implementation of deportation orders.

Department/Agency Responsible: Garda National Immigration Bureau

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in the June 2016 or subsequent progress reports. In response to a request from Nasc, no further information was provided by the GNIB.

Recommendation No: 3.330 Status: Implemented

Recommendation: Maintenance of the current practice in Ireland under which separated children are not deported.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

Implemented. No additional comment

Data Collection and Policy Analysis

Recommendation No: 3.340 Status: ~~Implemented~~ [UNKNOWN]

Recommendation: Appropriate staffing levels be established and maintained with the necessary expertise at the Asylum Policy Unit and Statistics and Reporting Units in INIS and other relevant bodies (and their successors under the general scheme of the International Protection bill) to enable them to carry out their functions effectively. Any vacancies arising should be filled as soon as possible, particularly at times of increased work load.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in June 2016 or subsequent progress reports. Internal for Department, cannot verify or comment.

Recommendation No: 3.340 Status: ~~Implemented~~ [UNKNOWN]

Recommendation: Unified data collection systems to be developed which can produce up-to-date data on the operation of the system as a whole and all of its constituent parts on an on-going basis. The system should include built in indicators capable of identifying stresses in the system so that measures to addresses those stresses can be put in places at the earliest opportunity.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: IINIS operates a Reporting and Analysis Unit which produces up to date data and analysis on the operation of the system on an ongoing basis. Further development of this Unit is subject to resource availability.

Identification of stresses in the system is also carried out routinely as part of the risk analysis function.

The introduction of the new single application procedure system under the provisions of the International Protection Act, 2015, which will streamline the application and appeal processes, will greatly assist in the analysis of international protection processing data in future.

Prior to the commencement of the Act, a number of changes were required to INIS' ICT system to support the introduction of the single application procedure. This project commenced in Q1 2016. The main changes to the ICT system were completed by end 2016 in time for the commencement of the Act on 31 December 2016.

Nasc Comments:

Internal for Department, cannot verify or comment.

Recommendation No: 3.340 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: The good practice established through the work of the Working Group of sharing and discussing statistics and other information in a safe setting among key stakeholders be continued.

Department/Agency Responsible: All stakeholders

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in June 2016 or subsequent progress reports. Bar the quarterly meetings with RIA, which have now moved onto looking at standard setting across all DP Centres, the Department has been requested to show additional evidence of where statistics and other information is being shared with key stakeholders from the Working Group. As evidenced from this report and the efforts taken to secure additional information, it is apparent not much information has been shared to date. Status should be Not Being Progressed.

Institutional Arrangements

Recommendation No: 3.349 Status: Implemented

Recommendation: Careful transitional planning should be put in place to minimise any disruption in the transfer of responsibilities and the on-going processing of applications.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

Implemented. No additional comment.

Recommendation No: 3.349 Status: ~~Implemented~~ [UNKNOWN]

Recommendation: Continuity of personnel and institutional arrangements should be maintained as much as possible in order to safeguard institutional memory and human capital.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in June 2016 or subsequent progress reports. Internal for Department, cannot verify or comment.

Recommendation No: 3.349 Status: ~~Implemented~~ [UNKNOWN]

Recommendation: Existing quality procedures and tools should be carried over to the Department of Justice and Equality when it takes over responsibility for case processing from ORAC.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in June 2016 or subsequent progress reports. Internal for Department, cannot verify or comment.

Recommendation No: 3.349 Status: ~~Implemented~~ [UNKNOWN]

Recommendation: All staff must be suitably trained and appropriately skilled to carry out protection determination work; no Department of Justice and Equality staff should be transferred to do this work with being so qualified and without undergoing appropriate training.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in June 2016 or subsequent progress reports. Internal for Department, cannot verify or comment.

Advisory and Governance Arrangements

Recommendation No: 3.360 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: The International Protection Bill put in place appropriate governance structures to safeguard the independence of the International Protection Appeals Tribunal while providing for robust forms of accountability. Ideally this should be achieved by the introduction of a traditional board structure. For the avoidance of doubt, this would be separate to any advisory body that might be established.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detail was provided in June 2016 or subsequent progress reports. Upon request, Nasc was informed that Sections 61-67 of the International Protection Act refers to the above recommendation. However, no evidence of an appropriate governance structure has been provided, and it is Nasc's opinion that there are no governance structures in the Act designed to safeguard the independence of IPAT and provide accountability, so we have listed the status as Not Being Progressed.

Adequate funding of the NGO Sector

Recommendation No: 3.365 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

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

Department/Agency Responsible: Relevant Government Departments

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

This was reported as implemented in June 2016 (although no detail was provided), however the call for AMIF did not go out until December 2016. In addition, the constraints put on the AMIF application for match funding (20%), meant many smaller organisations were not able to apply. Additional funding for integration supports was also made available to community organisations and EU Funding under the European Social Fund Programme for Employability, Inclusion and Learning 2014-2020 and Dormant Accounts was also available in 2017. In general, availability of funding is much improved from previous years.

Communications with applications at all stages in the System

Recommendation No: 3.379 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: Applicants should be able to personally access information with State agencies on time frames applicable to the processing of their case.

Department/Agency Responsible: IPO, IPAT, Department of Justice and Equality

Current Departmental Position: Applicants will receive a date for their substantive protection interview some weeks in advance of the interview.

Legislation provides that if a recommendation cannot be made within 6 months of the date of the application for a declaration, the applicant, on request, must be provided with information on the estimated time within which a recommendation may be made, although the processing body is not bound by that timeframe.

Following their substantive interview applicants may contact the Customer Services Unit in the International Protection Office if they wish to enquire about the status of their application.

Applications to the International Protection Appeals Tribunal for appeal against the recommendations of the International Protection Office are dealt with in date order. An estimated time-frame on the status of an appeal hearing, (or on the issuing of a decision in relation to their case) is provided to any applicant or their legal representative who requests this information.

Current Departmental Position: This recommendation was reported as implemented.

Nasc Comments:

Nasc requested additional information from the relevant agencies, including clarity on the proposed timeframe for interviews and the official policy on 'some weeks'. Although no additional information was provided, the Commissioner has stated in public fora that the current wait time for initial

interview in somewhere in the lines of 20 months. We do not believe applicants are receiving information from IPO/IPAT to reflect the current wait times, however we understand that the Customer Services Unit will inform applicants as to what stage their application is at. This recommendation can at best be listed a Partially Implemented.

Recommendation No: 3.379 Status: Implemented

Recommendation: Any necessary IT and administrative supports should be provided for this purpose.

Department/Agency Responsible: IPO, IPAT, Department of Justice and equality

Current Departmental Position: IT systems to prepare for the implementation of the Single Application procedure were introduced in December, 2016 in the International Protection Office, the International Protection Appeals Tribunal and in INIS. Admin supports are also in place to deal with applicants queries.

Nasc Comments:

Implemented, no additional comment.

Physical Conditions – Physical space for exclusive occupation by residents

Recommendation No: 4.58 Status: ~~Implemented*~~ [IN PROGRESS]

Recommendation: In the short term RIA should identify spare capacity within accommodation centres and, subject to contractual obligations, seek to bring it on stream so that the situation of those sharing in cramped conditions can be alleviated.

Department/Agency Responsible: RIA

Current Departmental Position: This is an ongoing project within RIA and will continue to be so. It is subject to variations based on demand at any given time.

The accommodation centres are all different and feasibility and solutions will differ accordingly. There remain technical challenges in some instances, including planning, fire safety and insurance restrictions which need to be identified and overcome. The review proves is an ongoing feature.

*The recommendation is implemented in the context of a demand led service.

Nasc Comments:

Additional information was requested from RIA on the outcome of space capacity assessments, however nothing was provided. This recommendation was in relation to the possibility that within particular centres, there may be areas of space that were not in use when members of the Working Group conducted their site visits. The 'Current Position' statement does not refer to that type of space. However, we do accept that RIA treats this review as ongoing in relation to demand and feasibility, so although RIA updated this to 'Implemented' in the final progress report, we believe is it more suitably listed as 'In Progress'.

Recommendation No: 4.58 Status: In progress

Recommendation: RIA should without delay develop a set of criteria for assessing the bed capacity of accommodation units that takes account of the considerations identified in the Department of the Environment, Community and Local Government Guidelines, viz:

- each room should facilitate the range of activities likely to be carried out in that room,
- adequate floor areas and room sizes,
- spaces should be well proportioned in terms of floor shapes and ceiling heights so as to provide good- quality living environments for occupants,
- space provision should be adequate to accommodate appropriate furniture and equipment while allowing free circulation within that area.

Department/Agency Responsible: RIA

Current Departmental Position: It must be noted that the criteria set out in the Guidelines referred to above are the minimum requirements and in many cases existing accommodation exceeds those guidelines. RIA continues to engage with commercial property contractors as part of contract reviews to develop plans for the re-structuring and development of solutions at family accommodation centres across the portfolio. Bed space allocations within centres have been the subject of adjustment over the past 2 years with room capacities being reduced in order to allow extra living space within rooms. A number of centres have installed adjoining rooms where feasible to complement the downward adjustment of room bed space capacities. Additional kitchenettes and communal rooms have also been designated at a number of centres, including RIA's main Reception Centre at Balseskin. The State-Owned centres at Knockalisheen and Kinsale Road have undergone works over the same period to allow for greater accommodation flexibility in the family units with apartment-style solutions including kitchenettes and living space being applied to the layouts.

RIA is working to have recommendation included in proposals for new contracts and associated service delivery models.

RIA will continue to work with contractors, including the OPW in respect of further developments in this area across the Commercial and State-Owned portfolio. This includes assessment of technical issues in respect of costs, planning legislation, fire safety, health & safety and insurance.

RIA is developing the criteria for assessing bed capacity, taking into account the variability that exists within its accommodation portfolio.

Nasc Comments:

RIA agreed to provide former Working Group members with a breakdown of the changes that have been made to living spaces in each centre, and how many family living spaces this will put on stream in what timeframe. We have received an overview of changes, but nothing detailing how many living spaces will be available in future. We requested additional information regarding the criteria developed. A sample of the new contract, and the criteria for assessing bed capacity, were also requested from RIA. None of these were received, however given the updates we have received over the course of this year from RIA, we do accept that this recommendation is likely 'In Progress'.

Recommendation No: 4.58 Status: In progress

Recommendation: Once the revised set of criteria has been developed, RIA should conduct a review of accommodation units with a view to ensuring that their capacity is aligned with the revised criteria in so far as contractual obligations permit.

Department/Agency Responsible: RIA

Current Departmental Position: RIA is engaging with commercial property contractors as part of contract reviews to develop plans for the re-structuring and development of solutions at family accommodation centres across the portfolio. Bed space allocations within centres have been the subject of adjustment over the past 2 years with room capacities being reduced in order to allow extra living space within rooms. A number of centres have installed adjoining rooms where feasible to complement the downward adjustment of room bed space capacities.

Additional kitchenettes and communal rooms have also been designated at a number of centres, including RIA's main Reception Centre at Balseskin.

The State-Owned centres at Knockalisheen and Kinsale Road have undergone works over the same period to allow for greater accommodation flexibility in the family units with apartment-style solutions including kitchenettes and living space being applied to the layouts.

RIA will continue to work with contractors, including the OPW in respect of further developments in this area across the Commercial and State-Owned portfolio. This includes assessment of technical issues in respect of costs, planning legislation, fire safety, health & safety and insurance.

Structural changes in any centre will by definition take time to implement. RIA has also ensured that existing family type accommodation e.g. Mosney, Athlone etc is maximised to the largest extent possible by families.

Nasc Comments:

See previous Nasc comment, above.

Recommendation No: 4.58 Status: ~~Implemented*~~ [IN PROGRESS]

Recommendation: RIA should without delay review the minimum requirements in terms of furniture for such multipurpose rooms so that they include furniture suited to sleeping and living, e.g. chair, desk, and adequate storage.

Department/Agency Responsible: RIA

Current Departmental Position: RIA is undertaking a review of the minimum requirements. RIA has also been working on logistical solutions in respect of existing portfolio accommodations which will be rolled out across the accommodation in due course. RIA has started a process of liaison with the Office of Government Procurement (OGP) on how best to approach a future tender in this area. In parallel, RIA is undertaking a review of the minimum requirements which is scheduled to be completed by mid-2017.

*The recommendation is implemented in the context of a demand led service.

Nasc Comments:

Information was requested from RIA on the outcomes of the work on logistical solutions, as well as the results of the review. The information was not forthcoming, therefore given the previous comments, the recommendation should continue to be listed as 'In Progress'.

Recommendation No: 4.58 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: All single residents sharing rooms and all family units should be provided with an individual locker for the storage of personal items. This should be acted on without delay.

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or subsequent reports on the implementation of this recommendation. Reports from residents indicate that the implementation of this recommendation has been mixed. This item is not included in current inspections reports. Additional information was requested from RIA to provide details of how they are monitoring the implementation of this recommendation. As this information was not received, the recommendation can only be verified as Partially Implemented.

Recommendation No: 4.58 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: All centres should, in so far as practicable, provide a secure storage facility for bulky items (e.g. suitcases).

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. More information was requested from RIA on how they are monitoring the implementation of this recommendation. As this information was not received, we have listed this recommendation as Partially Implemented.

Recommendation No: 4.58 Status: ~~Implemented*~~ [IN PROGRESS]

Recommendation: The revised set of criteria developed for assessing bed capacity should be incorporated in requests for tender for accommodation centres.

Department/Agency Responsible: RIA

Current Departmental Position: RIA is working with commercial contractors on proposals to move away from a primarily bed space cost structure to an accommodation package structure. This principle is being applied to contract negotiations and to engagement on future accommodation solutions in line with recommendation on additional living space and catering solutions in particular.

RIA procures its services by way of calls for expressions of interest. The next call for expressions of interest will be published early in 2017 and will include specifics in relation to accommodation to reflect this recommendation.

* This recommendation is implemented in the context of a demand led service.

Nasc Comments:

More information was requested from RIA on the 'principle being applied to contract negotiations'. A sample copy of the expression of interest and a sample contract reflecting changes have also been requested. As these were not provided to us, the recommendation cannot be verified as 'Implemented' and should remain 'In Progress'.

Family Life and Children

Recommendation No: 4.75 Status: In Progress

Recommendation: All families should have access to cooking facilities (whether in a self-contained unit or through use of a communal kitchen) and their own private living space in so far as practicable. In order to achieve this:

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

All requests for tender should specify the requirement for self-contained units (with cooking facilities) and/or family quarters together with communal kitchens.

Department/Agency Responsible: RIA

Current Departmental Position: 15 of 33 accommodation centres currently under contract already have some form of personal catering. These range from entirely self -catering options in Watergate and Carroll Village to fully fitted kitchens in Athlone etc for reheating food and preparing breakfast to communal cooking stations in Great Western in Galway and St Patrick's in Monaghan. Fresh food is made available by contractors in areas where communal catering is provided.

RIA is also working with Contractors at a number of centres (both State owned and commercial) to commence pilot projects for full independent living for residents. This will include home cooking

within the family accommodation units in some instances and access to communal cooking stations for residents in others.

Full independent living has been introduced in Mosney with the introduction of an on-site food hall from where residents may acquire fresh and ethnically appropriate products. Residents are now able to cook and prepare meals for their families in their own accommodation in Mosney. The same system has also been introduced in Old Convent in Ballyhaunis. A similar system will be installed in Athlone over the coming months and new communal kitchens have been introduced and are operational in Clonakilty and in Kinsale Road.

These projects will be reviewed over a number of months and refined with a view to their application across the accommodation portfolio where feasible in 2017.

Nasc Comments:

Some information has been provided on the rollout of kitchens by RIA. Although we have received mixed reports from residents on the implementation of the pilot projects for delivery of foodstuffs, for example some centres have kitchens but no food is yet being provided, we can verify that this recommendation is being progressed in some centres. We have to conclude however that implementation of this recommendation has been slow as the majority of Direct Provision Centres still do not have cooking facilities. The recommendation was that cooking facilities be in place 12 months following the publication of Report. The claim that 15 of the 33 centres may have some form of cooking facilities does not consider the adequacy of these facilities, or the availability of supplies.

Recommendation No: 4.75 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: All existing centres that host families should install appropriate play, recreation and study facilities in so far as practicable and should ensure access to an on-site or off-site crèche/pre-school.

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. Reports from residents suggest the implementation of this recommendation is mixed, in particular in relation to access to facilities. We have requested a breakdown of this by centre, and any reports of residents' issues with accessibility to these facilities. Some information was provided by RIA but based on residents' reports, the recommendation is, at best, Partially Implemented.

Recommendation No: 4.75 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: All existing centres that host families should enter into partnership agreements with local leisure centres and sports clubs by end of 2015.

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. More evidence of these agreements broken down by centre, as well as details on how the implementation of this recommendation was being monitored, was requested, and some evidence was provided by RIA though it remains unclear how this will be monitored by RIA. In addition, we have reports from some centres of issues with transport, so access remains an issue. We have listed this as Partially Implemented.

Recommendation No: 4.75 Status: Implemented [UNVERIFIED]

Recommendation: All requests for tender should specify the requirement for adequate recreational space (indoor and outdoor) for children and young people. A requirement to consult with the children and young people who are resident in the centre should be built into the specifications.

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. A sample request for tender was requested to see the outline of this specification. Information on the specification's inclusion in existing contracts was also requested. Neither was provided to us, so we cannot verify if this recommendation has been implemented.

Recommendation No: 4.75 Status: In progress

Recommendation: Notwithstanding references to "as far as practicable" in the above, the facilities must be in line with the standards to be agreed under the recommendations at para. 4.226.

Department/Agency Responsible: RIA

Current Departmental Position: A standards development group is being established and, with the support of HIQA, will develop a set of suitable and appropriate standards applicable to all accommodation centres.

This group will also look at recommendation 4.58 and identify any aspects of that recommendation that may be appropriate for consideration by the group.

Nasc Comments:

A Standards Advisory Group has been established and work on the development of national standards has significantly progressed. Although HIQA has been consulted, they are not involved in the development of standards.

Living conditions for single people

Recommendation No: 4.87 Status: ~~Implemented~~ [IN PROGRESS]

Recommendation: In the short term, and subject to contractual obligations, RIA should ensure that available capacity within existing accommodation is brought on stream to reduce the number of single people sharing rooms.

Department/Agency Responsible: RIA

Current Departmental Position: This is an ongoing project within RIA and will continue to be so. It is subject to variations based on demand at any given time. At the present time (January 2017) 38% of single people have their own room, 44% are sharing with one other person and a further 15% are sharing with two other persons.

Nasc Comments:

Given RIA's description of this as an 'ongoing project', it is unclear how it could be described as 'implemented'. We recognise that this recommendation is subject to demand and capacity, so we suggest this recommendation should be listed as 'In Progress'.

Recommendation No: 4.87 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Single people should be given the right to apply for a single room after nine months and it should be ensured, in so far as practicable, that they are offered a single room within 15 months.

Department/Agency Responsible: RIA

Current Departmental Position: While this will be implemented on 1 January 2017, it must come with the caveat that demand may exceed supply and as a consequence not every request may be granted.

Nasc Comments:

The following information was requested from RIA: whether this recommendation was implemented on 1st January 2017, how it has been communicated to residents, how residents apply, the criteria for decision making, how many applications have been received and how many moves into single rooms have been made. The information was not provided to us, so we cannot verify if this recommendation has been implemented.

Recommendation No: 4.87 Status: ~~In Progress~~ [NOT BEING PROGRESSED]

Recommendation: Existing centres for single people should be reconfigured to provide communal kitchens by end 2016 in so far as practicable, having regard to contractual obligations. The option to cook for themselves should run in parallel with a catering option, as not all residents may wish to cater for themselves. Single people in mixed centres should have the same opportunities as families to cook for themselves.

Department/Agency Responsible: RIA

Current Departmental Position: 15 of 33 accommodation centres currently under contract already have some form of personal catering. These range from entirely self -catering options in Watergate and Carroll Village to fully fitted kitchens in Athlone etc for reheating food and preparing breakfast to communal cooking stations in Great Western in Galway and Mount Trenchard in Limerick and St Patrick's in Monaghan. Fresh food is made available by contractors in areas where communal catering is provided.

RIA is also working with Contractors at a number of centres (both State owned and commercial) to commence pilot projects for full independent living for residents. This will include home cooking within the family accommodation units in some instances and access to communal cooking stations for residents in others.

Full independent living has been introduced in Mosney with the introduction of an on-site food hall from where residents may acquire fresh and ethnically appropriate products. Residents are now able to cook and prepare meals for their families in their own accommodation in Mosney. The same system has also been introduced in Old Convent in Ballyhaunis. A similar system will be installed in Athlone over the coming months and new communal kitchens have been introduced and are operational in Clonakilty and in Kinsale Road.

These projects continue to be reviewed and refined with a view to their application across the accommodation portfolio where feasible in 2017.

Nasc Comments:

We have received a breakdown from RIA of the rollout of kitchens across some of the centres (see comment above under Rec. 4.75). However, it is our understanding that the provision of self-catering and communal kitchens has been prioritised for family centres and family units, and none of the abovementioned centres are single adult centres. Additional evidence was requested from RIA on the proposed timeline for the rollout of kitchens to adult only centres, but was not provided to us.

Recommendation No: 4.87 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: All requests for tender for centres for single people should specify the requirement for communal kitchens.

Department/Agency Responsible: RIA

Current Departmental Position: While no new requests for expressions of interest have issued since this recommendation was published, this will be implemented when any new premises are being examined in the future.

Nasc Comments:

We requested that RIA provide a sample copy of the Request for Tender and expression of interest that reflects the inclusion of this recommendation. The information was not forthcoming, so cannot verify how this recommendation could be implemented.

Food

Recommendation No: 4.102 Status: In Progress

Recommendation: RIA should engage a suitably qualified person to conduct a nutrition audit to ensure that the food served meets the required standards including for children, pregnant and breastfeeding women, and the needs of those with medical conditions affected by food, such as diabetes.

Department/Agency Responsible: RIA, HSE

Current Departmental Position: A procurement process has been completed and it is expected that this matter will be progressed in the third quarter of 2017.

Where communal, independent or self-catering is provided in a centre, it will remain the responsibility of parents as the primary carers of their children to ensure that a balanced nutritional diet is provided.

Nasc Comments:

Verified that this is in progress, no additional comment.

Recommendation No: 4.102 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Include an obligation in new contracts to consult with residents when planning the 28-day menu cycle.

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. A sample contract, which reflects the inclusion of this recommendation, was requested, but not provided.

Location of some accommodation centres

Recommendation No: 4.111 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: In the case of existing providers that provide a transport service for residents, the plan should be reviewed to ensure that it meets the reasonable needs of residents.

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. Evidence of these transport plans across all centres, as well as evidence of the consultation and review process for each plan and how implementation of these plans were monitored, was requested from RIA, but not provided.

Recommendation No: 4.111 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: In the case of existing providers who do not already provide a transport service, an obligation should be included in new contracts to draw up a transport plan specific to the location to meet the reasonable needs of residents (including participation in after-school activities) free of charge - the plan should be drawn up following consultation with residents on their transport needs and reviewed from time to time.

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. We requested from RIA a sample copy of the contract that reflects this recommendation. We also requested information on how contractors can show that they have consulted with residents and that plans are reviewed on a regular basis. This information was not provided, so the implementation of this recommendation cannot be verified.

Recommendation No: 4.111 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: It should be ensured that future requests for tender for accommodation specify that centres are sought in locations with easy access to recreational, educational, medical and other services, or in the alternative it should be specified that a transport plan specific to the location must be drawn up to meet the reasonable needs of residents (including participation in after-school activities) free of charge - the plan should be drawn up following consultation with residents on their transport needs and reviewed from time to time.

Department/Agency Responsible: RIA

Current Departmental Position: All future requests for tender or expressions of interest will specify that centres are sought either in locations with easy access to services or provide a transport plan enabling residents to access such centres.

Nasc Comments:

We requested that RIA provide a sample Request for Tender or expression of interest that reflects this recommendation, but none was provided, so we cannot verify that this recommendation has been implemented.

Recommendation No: 4.111 Status: In Progress

Recommendation: Compliance with these contractual obligations should be monitored as part of an expanded inspection process referred to at para. 4.226.

Department/Agency Responsible: RIA

Current Departmental Position: The standards development group referred to in 4.226 has recently been established and will examine the setting up of an expanded inspection process. In the meantime, RIA includes compliance monitoring in its own Inspections and will also request that it be covered by any independent inspections put in place in the future.

Nasc Comments:

Evidence has been requested from RIA of its compliance monitoring in current inspections, though none has been provided. We can verify that the Standards Advisory Group are taking into account the recommendations in the McMahon Report, including the above recommendation, in the development of national standards.

Security Arrangements

Recommendation No: 4.122 Status: In Progress

Recommendation: RIA to conduct a review of the security arrangements across the accommodation stock to ensure that the arrangements (including physical barriers and gates, use of security guards, use of CCTV) are proportionate to the security risks that have been identified.

Department/Agency Responsible: RIA

Current Departmental Position: In association with OGP, RIA is developing a tender to carry out this work.

Nasc Comments:

More information has been requested, and we have asked if NGOs may see the tender being developed. No further information has been provided.

Recommendation No: 4.122 Status: In Progress

Recommendation: Include in all new contracts an obligation to ensure that security arrangements (including CCTV, security barriers and gates, use of security guards) are proportionate to the security risks that have been identified.

Department/Agency Responsible: RIA

Current Departmental Position: Will be implemented in light of the review to be carried out as part of previous recommendation. RIA is also in consultation with the Data Protection Commissioner on this issue.

Nasc Comments:

More information was requested from RIA on the involvement of the Data Protection Commissioner, though none was provided.

Recommendation No: 4.122 Status: In Progress

Recommendation: Include within new contracts an obligation that security personnel must have undergone awareness training in equality and diversity issues before they come on-site.

Department/Agency Responsible: RIA

Current Departmental Position: A procurement process has been completed and RIA are in the process of notifying successful and unsuccessful bidders of the result of the competition.

RIA expects the work to begin in the coming months.

Nasc Comments:

More information was requested on the request for tender and the pilot training, as well as a sample contract, but nothing was provided.

Recommendation No: 4.122 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Ensure that rooms without CCTV are available for receiving visitors, social workers, legal representatives and other advocates. It is noted that the response to the finding of the High Court in CA and TA that the outright ban on visitors in private quarters may go some way towards addressing this issue.

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation, and no provision for monitoring this is included in current

inspection reports. We requested that RIA provide a breakdown by centre of what rooms are with/without CCTV, and how this is being monitored, but no such information was provided.

Recommendation No: 4.122 Status: In Progress

Recommendation: Compliance with these contractual obligations should be monitored as part of an expanded inspection process referred to at para. 4.226.

Department/Agency Responsible: RIA

Current Departmental Position: While the process referred to has not yet been established, RIA includes compliance monitoring in its own inspections and will also request that it be covered by independent inspections in the future.

Nasc Comments:

No additional comment.

Operation and Management Issues – Complaints procedure including implications of "CA and TA" High Court judgment

Recommendation No: 4.135 Status: Implemented

Recommendation: The remit of the Office of the Ombudsman and the Office of the Ombudsman for Children should be extended to include complaints relating to:

- services provided to residents of Direct Provision accommodation centres, and
- transfer decisions following a breach of the House Rules.

Recourse to the two Offices should be available to a complainant who is dissatisfied with the final outcome of the RIA complaints procedure.

Department/Agency Responsible: Department of Justice and Equality

Current Position: This recommendation has been implemented. RIA has amended its House Rules and these rules now include reference to the relevant Ombudsman. The relevant Ombudsperson will be the final appeals person in any instance.

Nasc Comments:

No additional comment – verified as implemented in April 2017. Please note, this was originally two specific recommendations which have been amalgamated into one.

Recommendation No: 4.135 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: In relation to its internal complaint procedure, RIA should:

- appoint a designated officer who is not involved in operational matters to handle complaints that are referred to it or are submitted to it directly,
- review the complaints procedure to ensure that it is accessible to residents including children and young people,

- engage in renewed efforts to build confidence and trust in the complaints procedures, including by ensuring that residents understand the House Rules, are aware of the complaints procedures and how to use it, and understand that it is impartial and that they will not be adversely affected by making a complaint,
- engage in efforts to ensure that centre management buy into the importance of ensuring an open culture that is conducive to residents making complaints.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: This recommendation has been implemented. RIA has amended its House Rules in 2015 and these rules now include reference to the relevant Ombudsman. The relevant Ombudsperson will be the final appeals person in any instance.

Nasc Comments:

A designated officer within RIA has not been appointed. Information has been requested from RIA on the following: when that officer will be appointed, and details about how this information will be communicated to residents; details about what RIA is doing to ensure that the complaints mechanism is accessible and to build confidence in the mechanism amongst residents; and what RIA is doing to create a more open culture around making complaints. No information was provided. We do not believe this recommendation is being progressed.

Management of difficulties – transfers and expulsions

Recommendation No: 4.146 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: RIA should continue its policy of providing detailed written reasons for involuntary transfers.

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. A breakdown of involuntary transfers and reasons was requested from RIA, but not provided.

Recommendation No: 4.146 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: RIA should define what constitutes an involuntary transfer and record voluntary and involuntary transfers and include details in its Annual Report.

Department/Agency Responsible: RIA

Current Departmental Position: Details will be included in the Annual Report for 2016 and in future annual reports.

Nasc Comments:

No details on voluntary and involuntary transfers were provided in the 2016 Annual Report.

Management Role and Culture

Recommendation No: 4.155 Status: In Progress

Recommendation: The contract with providers should include additional requirements in relation to the qualities required of a centre manager. The Working Group considers that ideally a manger should have: substantial experience of working cross-culturally and working with protection applicants and refugees; have an understanding of basic mental health issues, medical and social welfare systems; have strong communication skills, and have a compassionate and empathetic style. To inform further work on the qualities required by a centre manager, RIA should commission a short piece of academic research to identify best practice by centre managers. That work should also feed into the development of standards for accommodation centres as recommended at para. 4.226.

Department/Agency Responsible: RIA

Current Departmental Position: Subject to legal advice, requirements in relation to qualities required of a Centre Manager will be included in all future contracts.

The piece of academic research referred to in the recommendation has not been undertaken to date but will be considered as part of the work of the Standards group, which has recently been established.

Nasc Comments:

A sample contract, showing evidence that these requirements are included, was requested from RIA, but not provided. The piece of academic research has not been discussed by the Standards Advisory Group to date, however the Group is considering this recommendation in the context of developing national standards, so we accept that, although it is not being implemented fully, this is 'In Progress'.

Recommendation No: 4.155 Status: ~~Implemented~~ [IN PROGRESS]

Recommendation: RIA should arrange seminars on a regular basis for managers to allow for the sharing of experiences and the dissemination of best practice.

Department/Agency Responsible: RIA

Current Departmental Position: The Inter-Agency meetings which are already in place will be expanded during the course of 2017 and beyond to include seminars as envisaged in this recommendation.

Nasc Comments:

We have been informed by RIA that they intend to arrange seminars for managers in the near future. It also should be noted that some NGOs are not allowed to sit on these Inter Agency meetings.

Recommendation No: 4.155 Status: ~~Implemented~~ [IN PROGRESS]

Recommendation: RIA should ensure that managers and staff members have undergone training in equality and diversity issues – this should be included as a requirement in the contracts with providers, and would assist in ensuring that misunderstandings as potential sources of conflict are avoided. RIA should consider working with The Irish Human Rights and Equality Commission to develop equality and diversity training for centre management and staff. This training should be aimed at ensuring that centre managers and staff working directly with protection applicants are aware of their equality legal obligations towards protection applicants. It should also tackle any

underlying prejudices and support centre staff to deliver a high- quality service. This training and support should be evaluated to track learnings and outcomes.

Department/Agency Responsible: RIA

Current Departmental Position: This will be in all new contracts with immediate effect. See recommendation 4.122 also.

Nasc Comments:

We requested that RIA provide a sample contract which reflects the inclusion of this recommendation, but none was provided. We also requested proof of trainings delivered to existing managers and staff, but nothing was provided. We have been unable to verify this, however we are aware that training is being included in the development of national standards, so we have listed this recommendation as 'In Progress'.

Recommendation No: 4.155 Status: ~~Implemented~~ [UNVERIFIED]

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

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. We can attest that we are aware that some centre managers are doing this, while others are not. We requested that RIA provide evidence of what has been done to promote this in centres, how many residents' committees have been set up since the recommendation was reported as implemented in 2016, and reports from residents and staff as to their effectiveness. None of the above information was provided to us, so we cannot verify its implementation.

Restrictions on Residents including implications of "TA and CA"

Recommendation No: 4.172 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: RIA should review its proposal in relation to guests in private quarters in terms of its proportionality.

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 on the implementation of this recommendation. We have requested that RIA comment in more detail about how this recommendation has been

implemented; and does it have plans to further revise the current house rules (2015) to reflect a review on the proportionality of visiting requirements which were put in place in the wake of the TA & CA judgment. We received no response in this regard.

Safeguards and standards – Child Welfare and Protection

Recommendation No: 4.199 Status: ~~Implemented~~ [IN PROGRESS]

Recommendation: Tusla - Child and Family Agency should liaise with RIA to develop a welfare strategy within RIA, to advise on policy and practice matters and to liaise on individual cases as required.

Department/Agency Responsible: Tusla, RIA

Current Departmental Position: RIA has a dedicated Child and Family Services Unit. There is a secondment post for a Tusla Officer which was filled in December 2016.

Tusla and RIA have begun discussions regarding the need to develop a wider child welfare strategy to ensure that all future policies and developments take the welfare of children as being of crucial importance. The seconded Child Protection Officer will act as conduit to ensure communication between both agencies so that consultation and advice can be sought from Tusla regarding individual cases and on wider policy matters. Principal Social Workers and duty teams will continue to be available to liaise with the seconded Child Protection Officer.

Nasc Comment

While we welcome the appointment of an experienced Child Protection Officer to liaise between RIA and Tusla on child protection and welfare matters, the absence of a published strategy to date is cause for concern for Nasc. While we are aware that discussions around the development of the strategy are ongoing, and that RIA has strong child protection policies in place and are in compliance with Children First legislation, we believe an operational strategy taking into account the unique context of Direct Provision accommodation whilst ensuring the safety and welfare of the child, is crucial to implement this recommendation, so we have listed this as 'In Progress'.

Recommendation No: 4.199 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: RIA, in conjunction with Tusla, should review its House Rules in so far as they require children under the age of 14 years to be attended at all times within the accommodation centre.

Department/Agency Responsible: RIA, Tusla

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 on the implementation of this recommendation. This has not been changed in the House Rules, and no detail was provided to us by RIA or Tusla on why this is the case. In response to an FOI request, information acquired from Tusla showed that this particular House Rule may be followed within reason, and that older children, for example, can supervise younger children for periods. This implies that the issue of supervision is being treated in a

discretionary way, which we would welcome, but no such change has not been reflected in the House Rules, so this is Not Being Progressed.

Recommendation No: 4.199 Status: ~~Implemented~~ [IN PROGRESS]

Recommendation: Tusla, HSE and RIA should collaborate to provide onsite preventative and early intervention services and to gather data on national trends of referrals to services.

Department/Agency Responsible: Tusla, HSE, RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 on the implementation of this recommendation. More information was requested from the agencies involved on how this recommendation has been implemented, a policy document outlining the onsite services, how data is collected, and how it is being used/monitored. Information provided from Tusla suggests that the seconded Child Protection Officer in RIA works with families who are need of additional support, which we can verify in our own work with that Officer. Additional information received from Tusla, dated June 2017, clearly shows ongoing discussions about the possible implementation of this recommendation, including the development of an 'Interagency Protocol' to provide a cohesive support programme to children in direct provision. Therefore, the recommendation could not have been implemented in June 2016 and status should be listed as 'In Progress'.

Recommendation No: 4.199 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: RIA should continue to have consideration for child safety when assigning different categories of residents to a Direct Provision centre.

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation, and no further information was offered upon request.

Recommendation No: 4.199 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: Tusla and HSE should identify a named social worker on their respective child protection, mental health and primary care teams to be the identified lead social worker for a Direct Provision centre in their area.

Department/Agency Responsible: HSE, Tusla

Current Departmental Position: Direct Provision centres have contact details for all duty social work services in their areas. These ongoing arrangements to be closely monitored by the secondee from Tusla to RIA and if enhancements are required to the liaison arrangements this will be considered.

Nasc Comments:

Based on records provided by Tusla, the implementation of this recommendation was costed but no action to implement this specific recommendation was undertaken. While we accept that there may be a better, or more efficient way to ensure access to social work services in direct provision centres throughout the country, if there is no intention of implementing this recommendation, the status should be changed to 'Not Being Progressed'.

Recommendation No: 4.199 Status: ~~Implemented~~ [IN PROGRESS]

Recommendation: Professional staff with the HSE and Tusla working with residents in Direct Provision should have access to cultural diversity training and interpreting services where not already available.

Department/Agency Responsible: HSE, Tusla

Current Departmental Position: This recommendation was reported as implemented in June 2016

Nasc Comments:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. We have requested that these agencies provide details of this training, how many sessions have been requested/delivered, and how many times interpretation services have been requested. The HSE stated that:

> Provision of training to staff and service providers across the asylum system is key to ensuring understanding of, and responsiveness to the care and support needs of vulnerable applicants and here the HSE has been engaged in a range of initiatives – form commissioning Rape Crisis Centre to deliver training around working with people who have experienced trauma (including sexual trauma) to developing a framework for provision of Intercultural health training and piloting rollout of some associated training. Actions in relation to this element are expected to be included in the HSE National Service/Operation Plan for 2018. Resourcing and capacity issues do present barriers to numbers attending training but efforts are underway towards development of innovative means of providing necessary training and associated ongoing support.

In addition, the HSE noted that they have recently established a group to progress issues around the provision of quality interpreting services. No additional information was provided on this recommendation from Tusla. We believe it is fair to list this recommendation as 'In Progress'.

Vulnerable Residents

Recommendation No: 4.210 Status: ~~Partially Implemented~~ [NOT BEING PROGRESSED]

Recommendation: The existing voluntary health screening service provided by the HSE at the Balseskin Reception Centre should be reviewed and strengthened so as to facilitate a multi-disciplinary assessment (including medical, psychological and social needs) of all protection applicants within 30 days of the lodging of an application for protection to identify and appropriately assist vulnerable applicants. *Please see recommendation 3.299*

Department/Agency Responsible: HSE

Current Departmental Position: Additional health staff now augment team at Balseskin. However, HSE have not been in a position to provide the level of significant resourcing necessary to facilitate the 30-day time frame mentioned in recommendation.

Commitment in draft HSE Service Plan for 2017 to develop a "Vulnerability Assessment" in collaboration with Mental Health colleagues will be progressed accordingly. A business case is currently being progressed in respect of additional resourcing for Balseskin to enable full implementation of this action

Nasc Comments:

See our comments under Recommendation 3.299 in relation to DJE's and the HSE's current position on this recommendation. The establishment of a vulnerability assessment for applicants was a key recommendation in the Working Group Report, and critical to ensuring the health, wellbeing and safety of applicants. We are profoundly concerned at the failure to date to properly resource the implementation of a vulnerability assessment, and we do not believe that the current health screening in Balseskin is adequate to identifying crucial vulnerabilities to ensure applicants are getting the care and supports they need when and as their issues emerge. It is crucial that the recommendations pertaining to the implementation of the vulnerability assessment be prioritised and properly resourced as an urgent matter. This is particularly vital if we are to be compliant with the Reception Conditions Directive, which requires Member States to put a vulnerability assessment on a statutory footing, under Article 21 & 22.

Recommendation No: 4.210 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: The outcome of the assessment should be taken into account in the protection determination process.

Department/Agency Responsible: HSE, IPO, IPAT

Current Departmental Position: See previous recommendation. Any material submitted (including reports of this nature) in respect of an applicant's claim (before a recommendation issues) is examined and considered by both IPO and the IPAT.

Nasc Comments:

This recommendation cannot be deemed to be implemented if there is no vulnerability assessment in place. See above comment and comments under Recommendation 3.299.

Recommendation No: 4.210 Status: ~~In progress~~ [NOT BEING PROGRESSED]

Recommendation: Follow-up and monitoring of persons who fail into the category of "vulnerable" should occur on an on-going and regular basis until such time as the applicant exits the protection system.

Department/Agency Responsible: HSE

Current Position: When asylum seekers arrive, they are encouraged to avail of the full health assessment in Balseskin. Persons identified as vulnerable are referred to the appropriate services such as Spirasi, in the case of torture victims. As medical card holders, vulnerable applicants may access the supports that are available on the same basis as all other medical card holders in the State.

Nasc Comments:

In the 2nd Progress Report in May 2017, this recommendation was listed as 'Resource Dependent' and the HSE's position was as follows: "Significant resource and cost implications have not facilitated

progress of this recommendation to date." This recommendation cannot be deemed to be implemented if there is no vulnerability assessment in place. See above comments and comments under Recommendation 3.299.

Recommendation No: 4.210 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: The responsible unit should be enabled to communicate in a timely fashion with RIA, legal advisors for the protection applicant, other health care providers including and especially the primary carer.

Department/Agency Responsible: HSE

Current Position: The HSE participates in regular high level meetings with RIA officials around issues pertaining to asylum seeker needs, emerging issues etc with the aim of resolving such issues, and addressing any that have escalated.

Nasc Comments:

See above comments and comments under Recommendation 3.299. How can this recommendation be implemented if the vulnerability assessment has not been put in place and the HSE has not been properly resourced? In addition, the high level meetings relate (as far as we understand) to overall interagency policy, not to individual protection applicants and their needs. This recommendation's status must therefore be amended to Not Being Progressed.

Recommendation No: 4.210 Status: ~~In Progress~~ [NOT BEING PROGRESSED]

Recommendation: Efforts should be made by RIA, HSE, centre management and others to take steps to encourage applicants to avail of the assessment.

Department/Agency Responsible: HSE

Current Position: When asylum seekers arrive they are encouraged to avail of the full health assessment in Balseskin and are supported in applying for Medical Cards in order that they may access medical services. The HSE participates in regular high level meetings with RIA officials around these issues pertaining to asylum seeker needs, emerging issues etc. these meetings are the forum for such discussions. The HSE participates in interagency groups and promotes the availability of various supports to residents.

Nasc Comments:

There is no vulnerability assessment to encourage applicants to avail of, only the medical screening. See above comments and comments under Recommendation 3.299.

Oversight and Standards

Recommendation No: 4.226 Status: Implemented

Recommendation: The Minister for Justice and Equality should establish a standard- setting committee to reflect fully government policy across all areas of service in Direct Provision. The committee should include relevant stakeholders and should recommend a set of standards to the Minister within three months of its establishment.

Department/Agency Responsible: Department of Justice and Equality, RIA

Current Departmental Position: Awaiting outcome of work of Standard Setting Committee i.e. when a set of suitable and appropriate standards have been developed. It should be noted however that a contract is already in place with an independent company. This company carries out unannounced inspections as do officers from RIA on all accommodation centres. The results of these inspections are published.

Nasc Comment:

We can verify this recommendation is implemented. However, to clarify, a standards advisory group, made up of RIA staff, a few representatives from other departments, UNHCR and former NGO members of the Working Group, and a few other individuals, has been formed and charged with supporting and advising the drafting of national standards for the accommodation system. That work is still ongoing and recommendations to the Minister are expected next year.

Recommendation No: 4.226 Status: ~~Partially implemented~~ [IN PROGRESS]

Recommendation: The Minister for Justice and Equality should establish an inspectorate (or identify an existing body), independent of RIA, to carry out inspections in Direct Provision centres against the newly approved standards. As is the case with RIA's existing practice, inspection reports should be written in such a manner that there is no impediment to their being made available to the public.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: Awaiting outcome of work of Standard Setting Committee referred to in previous recommendation i.e. when a set of suitable and appropriate standards have been developed. It should be noted however that a contract is already in place with an independent company. This company carries out unannounced inspections as do officers from RIA on all accommodation centres. The results of these inspections are published.

Nasc Comments:

As this recommendation is not currently progressing while the Standards Advisory Group is working to develop national standards, this status should be listed as 'In Progress'. We would strongly re-emphasise the importance of establishing an independent inspectorate or identifying an existing independent inspectorate (such as HIQA) to take on this role, as a company contracted by RIA to provide inspections does not qualify as 'independent'.

Recommendation No: 4.226 Status: Not Yet Progressed

Recommendation: The Inspectorate, based on its overall findings, should separately make regular reports to the Minister on general matters relating to the welfare of residents in Direct Provision centres.

Department/Agency Responsible: Department of Justice and Equality

Current Position: Awaiting outcome of work of Standard Setting Committee. See previous recommendation.

Nasc Comment:

See above.

Financial Supports

Recommendation No: 5.30 Status: ~~Partially Implemented~~ [NOT BEING PROGRESSED]

Recommendation: The Direct Provision weekly allowance should be increased from €19.10 to €38.74 for adults and from €9.60 to €29.80 for children.

Department/Agency Responsible: Department of Justice and Equality, Department of Social Protection

Current Departmental Position: On 13 June 2017, it was announced that the DP Allowance for children would be raised from €15:60 to €21:60 per week, and from €19:10 to €21:60 for adults. This is the second increase in the Direct Provision payment for children in the past 18 months and represents a significant improvement on €9.60. These increases are in line with commitments in the programme for government to reform Direct Provision with a particular focus on families and children. At the time the working group report was published one parent and two children would have received €38.30 per week whereas now they will receive €64.80 per week.

Any further increase to the DPA rate is a matter for Government and would have to be considered in a budgetary context.

Nasc Comments:

Though the children's allowance was increased by €12 and the adult's allowance by €2.50, an increase in line with the recommendation (as agreed upon by the Minister for Justice and Equality) seems unlikely. There was no increase announced in the 2017 budget. Given the major shortfall between recommendation and implementation we believe the status of this recommendation be amended to NOT BEING PROGRESSED, rather than PARTIALLY IMPLEMENTED.

Recommendation No: 5.30 Status: ~~Implemented*~~ [NOT BEING PROGRESSED]

Recommendation: The Department of Social Protection should reinstate on-site Community Welfare Service to residents in Direct Provision accommodation centres.

Department/Agency Responsible: Department of Social Protection

Current Departmental Position: The Department of Social Protection is providing the necessary income supports to persons in the asylum process and those under the Irish Refugee Protection Programme through the payment of Direct Provision Allowance, Exceptional Needs Payments (ENPs), Back to School Clothing and Footwear Allowance and other social welfare payments as appropriate.

Community Welfare Services clinics are provided on-site in some Direct Provision accommodation centres and are generally provided at Intro Centres and some 180 other locations throughout the country. If a person is unable to travel to a clinic, for example due to illness, alternative arrangements are in place including arranging a visit to the Direct Provision accommodation centre if necessary.

DSP continues to review its service provision to ensure that the necessary income supports continue to be provided to persons in the asylum process and those arriving under the Irish Refugee protection Programme.

* In instances where the Community Welfare Service is not on-site, arrangements are made to facilitate direct contact with residents and no impediment exists in accessing this service.

Nasc Comment:

An issue brought up during the consultation process with residents of DP was the need for better access to a designated Community Welfare Officer at some centres, especially in rural areas. It appears the Department of Social Protection will not be reinstating any CWOs on site, and will not fully implement this recommendation, so we have listed this as Not Being Progressed.

Recommendation No: 5.30 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: The Department of Social Protection should continue to make every effort to ensure that Designated Persons in the Community Welfare Service strive towards consistency when administering the Exceptional Needs Payment Scheme in relation to persons in the system throughout the country.

Department/Agency Responsible: Department of Social Protection

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No additional information was provided in the June 2016 or subsequent progress reports on this. In October 2015, the Department issued guidance to staff administering Exceptional Needs Payments, in the form of a circular entitled "Guidelines on Administration of Payments to Protection Seekers residing in the Direct Provision system." Updates were issued in May and July 2016. Despite this document, ENPs are issued at the discretion of administering officers, and no document was provided to show that their consistency and accuracy in administering are monitored. Anecdotally, we continue to receive reports of differing decision making impacting residents in different areas of the country. This recommendation should state 'Not Being Progressed'.

Access to the Labour Market

Recommendation No: 5.49 Status: In Progress

Recommendation: Provision for access to the labour market for protection applicants who are awaiting a first instance decision for nine months or more and who have co-operated with the protection process (under the relevant statutory provisions), should be included in the International Protection Bill and should be commenced when the single procedure is operating efficiently.

This recommendation takes account of the fact that, under the current statutory arrangements, first instance decisions in respect of refugee status and subsidiary protection do not (in the normal course) issue within nine months at present.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: The Supreme Court decision in N.H.V. v The Minister for Justice & Equality is being examined by the Department in conjunction with the Attorney General and in consultation with other relevant Departments. Proposals will be brought to Government in the coming period to give effect to the judgement.

Nasc comments:

The Cabinet has recently announced (November 2017) that in response to the Supreme Court judgement (N.V.H. v. The Minister for Justice and Equality), the Government will be opting in to the Recast EU Reception Conditions Directive, which is in line with the above recommendation. We do

not yet know when access to the labour market will be enacted, or any details pertaining to eligibility criteria or restrictions on employment.

Recommendation No: 5.49 Status: In Progress

Recommendation: Any permission given to access the labour market should continue until the final determination of the protection claim.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: See previous recommendation.

Nasc Comments:

As stated above, we do not yet know the details attached to the Government's framework on accessing the labour market, so cannot comment on the status of this recommendation.

Recommendation No: 5.49 Status: In Progress

Recommendation: A protection applicant who has the right to access the labour market and is successful in finding employment, and who wishes to remain in Direct Provision, should be subject to a means test to determine an appropriate contribution to his/her accommodation and the other services provided to him/her.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: See previous recommendation.

Nasc Comments:

As stated above, we do not yet know the details attached to the Government's framework on accessing the labour market, so cannot comment on the status of this recommendation.

Access to Education – School Going Children

Recommendation No: 5.63 Status: ~~Implemented~~ [UNVERIFIED]

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

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comment:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. We have requested that RIA provide evidence that every

centre has a functioning, operative and accessible homework or study club with consultation from residents of each centre, and how this is monitored by RIA. This information was not provided, so we cannot verify if this recommendation has been implemented.

Recommendation No: 5.63 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: An awareness initiative should be rolled out to ensure that Boards of Management and school principals are familiar with the financial and other challenges facing children in Direct Provision and their families.

Department/Agency Responsible: Department of Education and Skills

Current Departmental Position: RIA has for over 10 years been hosting Interagency Meetings for State Service Providers. These meetings are now held twice a year in Sept/Oct and in Feb/March. It is not feasible for RIA to hold these meetings in every centre so centres are clustered for the purposes of the meetings.

Representatives from Schools are invited to attend these meetings. A range of items come up for discussion and these meetings gives all attendees an insight into the challenges facing children and families who are living in centres under contract to RIA. These meetings lead to, inter alia, networking with attendees outside of these meetings and school representatives make regular contact with RIA on issues of concern.

The Department of Education and Skills has seconded an officer to RIA and that Officer links in with local schools and accommodation centres as appropriate and necessary.

Nasc Comment:

Nasc requested additional information regarding the implementation of this recommendation, including the details of the seconded officer and evidence of the awareness initiative rolled out to schools. RIA provided details of the seconded officer. Although we do not believe the recommendation is implemented in its entirety, we accept that there is regular contact between schools and centres and that this is further facilitated by the seconded officer, so we have listed this as 'Partially Implemented'.

Access to Education – School Leavers

Recommendation No: 5.70 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: The extension of student supports for third-level and Post Leaving Certificate courses to persons who are protection applicants or are at the leave to remain stage, have been in the Irish school system for five years or more, and satisfy the relevant academic and other eligibility criteria. The Working Group welcomes the public commitment by the Minister for Education and Skills in this regard.

Department/Agency Responsible: Department of Education and Skills

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comment:

No detailed information was provided in June 2016 on the implementation of this recommendation. However, it is public knowledge that this recommendation was implemented as a 'Pilot Scheme' in

2015. According to DES, a total of 39 applications were received for the 2015 pilot scheme with 2 applicants qualifying for support. This 'Pilot Scheme' was then renewed in 2016. We requested that DES supply the numbers for 2016, and also confirm the extension of student supports for those who fit these criteria as an ongoing programme. DES informed us that a total of 15 applications were received in 2016, of which 13 were deemed ineligible and 2 were allowed to apply to SUSI for free fees and grants. The decision to continue the 'Pilot Scheme' for a third year was taken following a review of the 2016 scheme, with applications opening on 10th August 2017. The outcomes of this review were not made available to us, and we do not yet know the numbers for 2017. DES has commented that future policy will be contingent on how the pilot operates in 2017. The extension of student supports should be confirmed indefinitely, in order to guarantee at the very least that those few who have been deemed eligible are able to complete multi-year courses at third level. We would argue that since so few people have been deemed eligible, it would also be worth extending the criteria to 3+ years instead of 5. Given that is continues to be listed as a 'Pilot Scheme, the status should be 'Partially Implemented'.

Access to Education – Adults – New Arrivals

Recommendation No: 5.74 Status: ~~In progress~~ [NOT BEING PROGRESSED]

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

Department/Agency Responsible: RIA

Current Departmental Position: An initiative will be implemented to provide orientation classes to Direct Provision residents. Subject to available resources, it is hoped to commence this initiative in the second half of 2017.

Nasc Comment:

RIA was asked to provide more detail on how this recommendation is being progressed and when it will be implemented. This information has not been forthcoming, so we have listed this recommendation as 'Not Being Progressed'.

Recommendation No: 5.74 Status: ~~Implemented~~ [NOT BEING PROFRESSED]

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

Department/Agency Responsible: Department of Education and Skills

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comment:

No additional information was provided in the June 2016 or subsequent progress reports on the implementation of this recommendation. According to information provided by DES upon request,

there is no specific policy whereby ESOL and/or Adult Literacy Service is provided within a four-week period from the date of application, so we have listed this recommendation as 'Not Being Progressed'.

Adults – Access to Higher and Further Education

Recommendation No: 5.82 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: An initiative to apply the EU fee rate for higher education courses to persons in the system five years or more and who are protection applicants or who are at the leave to remain stage, where fees are payable.

Department/Agency Responsible: Department of Education and Skills

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comment:

No additional information was provided in the June 2016 or subsequent progress reports. According to information provided upon request from DES, they have "requested the cooperation of the HEIs in ensuring that students who do benefit from the pilot scheme [the 'Pilot Support Scheme'] are charged the EU/EEA rate of fee rather than the international rate". No detail was provided on those not eligible for the pilot scheme who have been in the system for five years or more. This recommendation is clearly Not Being Progressed.

Recommendation No: 5.82 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

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

Department/Agency Responsible: Department of Education and Skills

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comment:

No additional information was provided in the June 2016 or subsequent progress reports. According to information provided by DES upon request: "Information on the ETBs is included in induction packs that the centres provide to people on arrival to the centre. Information is also displayed on notice boards, given at resident meetings and through word of mouth."

It is not clear from this whether the information about the ETBs includes guidance on what courses are available to asylum seekers (for example, asylum seekers are excluded from courses which are funded through job activation measures), or if there is information about what fees will be charged (e.g. non EU/EEA). If only general information is provided in induction packs, this is not entirely in line with the recommendation so we have listed this as 'Partially Implemented'.

Recommendation No: 5.82 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Notwithstanding any restriction on access to the labour market, work experience components in educational courses should not act as a bar to protection applicants or persons at the leave to remain stage from accessing such courses.

Department/Agency Responsible: Department of Education and Skills

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comment:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. We requested that the Department provide evidence of a policy document being distributed to further education and training institutions in line with the recommendation. No such document was provided, and given the subsequent recommendations on access to work experience, we cannot verify that this recommendation has been implemented.

Recommendation No: 5.82 Status: In Progress

Recommendation: Persons who are in the system for two years or more and who are protection applicants or who are at the leave to remain stage should be eligible to apply for access to further education and vocational training courses where they satisfy the relevant course entry requirements.

Department/Agency Responsible: Department of Education and Skills

Current Departmental Position: The Supreme Court Decision in N/V/H v The Minister for Justice & Equality is being examined by the Department in conjunction with the Attorney General and in consultation with other relevant Departments. This ruling may also impact on 3rd level courses that have a work experience element to them. Proposals will be brought to Government in the coming period to give effect to the Judgement. The implemented of this recommendation is linked to the applicant's access to the labour market.

Nasc Comment:

The Government's recent announcement (in October 2017) on the right to work did include a reference relating to accessing further education and vocational training which are funded by labour activation measures, although we do not yet know the details of that access. However nothing about this was mentioned in the November 2017 statement on opting in to the Reception Conditions Directive. There are provisions for accessing training in that Directive - however we do not know any details yet of the Government's proposed framework.

Recommendation No: 5.82 Status: In Progress

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

Department/Agency Responsible: Department Justice and Equality

Current Departmental Position: See recommendation above.

Nasc Comment:

See Nasc comments above.

Recommendation No: 5.82 Status: ~~In Progress~~ [NOT BEING PROGRESSED]

Recommendation: A forum or for a of professional recognition bodies and trade associations, trade unions and the community and voluntary sector should be convened to devise a scheme to allow access to internships, apprenticeships and professional development opportunities for protection applicants or persons at the leave to remain stage.

Department/Agency Responsible: Department of Education and Skills, Department Justice and Equality

Current Departmental Position: See recommendation above.

Nasc Comment:

This recommendation is not necessarily linked to access to the labour market, and could be developed separately. Since no information has been provided by DJE or DES on the development of this recommendation, we assume that it is currently Not Being Progressed.

Healthcare Supports

Recommendation No: 5.100 Status: Implemented

Recommendation: Recommends that the HSE initiative to exempt residents from prescription charges, which the Working Group welcomes, be implemented as soon as possible.

Department/Agency Responsible: HSE, Department of Justice and Equality

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No additional comment, verified as implemented as the annoucement of this initiative pre-dated the Working Group report.

Recommendation No: 5.100 Status: ~~Implemented~~ [IN PROGRESS]

Recommendation: Recommends that a health promotion initiative be targeted at residents of Direct Provision centres to inform them about access to breast screening, cervical checks, bowel and diabetic screening services free of charge.

Department/Agency Responsible: HSE

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comment:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. We requested that the HSE provide evidence of the health promotion initiative and how it was rolled out, and the HSE acknowledged that 'health promotion activities are not offered in coordinated manner across all Direct Provision Centres – this is in large part due to resource constraints and association pressures across different Community Health Organisations (CHOs). Nonetheless it is an area that requires further focus. In this regard – as one positive measure – we have initiated development of resources, translated health promoted

materials and information, etc.'. Given this response, we have listed this recommendation as 'In Progress'.

Recommendation No: 5.100 Status: ~~Implemented~~ [IN PROGRESS]

Recommendation: Strongly urges that a review by the relevant organisations of services for persons in the system experiencing a crisis pregnancy be undertaken immediately with a view to a protocol being agreed to guide State agencies and NGOs supporting such persons. Particular attention should be paid to addressing the needs of the individual in the context of the legislative framework. Issues relating to travel documents, financial assistance, confidentiality, and access to information and support services should be addressed.

Department/Agency Responsible: HSE

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comment:

No detailed information was provided in June 2016 on the implementation of this recommendation. In response to a request for more information, the HSE provided information showing that staff are currently working on a *Care Pathway for Women living in Direct Provision with a Crisis Pregnancy.* According to the HSE, relevant professional bodies will be consulted regarding its content, before finalisation and dissemination. In June 2016, the HSE Sexual Health Crisis Pregnancy Programme facilitated a training workshop with all relevant services on guidance to support asylum seeking woman experiencing a crisis pregnancy. Subsequently, all services developed their own guidance on supporting asylum seeking women through a crisis pregnancy. Given the information provided, we have listed this recommendation as 'In Progress'.

Recommendation No: 5.100 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Welcomes the development by RIA of a Sexual and Gender-based Violence Policy and recommends that it be rolled out as soon as possible and accompanied by an awareness-raising and training plan.

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comment:

No detailed information was provided in June 2016 on the implementation of this recommendation. Despite a request for additional information on the roll out of this policy and the accompanying awareness raising, no information was provided so we cannot verify if this recommendation has been implemented.

Recommendation No: 5.100 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Recommends that an initiative be put in train to facilitate access by persons in the system to information and services concerning sexual and reproductive health and family planning.

Department/Agency Responsible: HSE

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comment:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. We requested that the HSE provide evidence of this initiative and how it has been rolled out, but no such information was provided.

Recommendation No: 5.100 Status: In Progress

Recommendation: Recommends that an adequately trained and resourced interpreting service be put in place where demand exists. Interpreters dealing with persons in the system should be sensitivity trained, especially when interpreting the disclosure of needs, experiences and values of vulnerable groups. General Practitioners should be encouraged to offer interpreting services to this client group. *Please also see recommendation 3.275*

Department/Agency Responsible: HSE

Current Departmental Position: Interpreting provision remains a key issue - and is one where a coherent coordinated approach is required - together with core resourcing. Within the HSE, we continue to be engaged in improving elements of interpreting provision - a number of general actions targeted at interpreting for all migrants have been undertaken, with a group currently in place to explore and progress aspects of this.

A key action here includes work in collaboration with University of Limerick Primary Care to develop a model around interpreting provision – aspects of training interpreters and associated accreditation form part of this project.

See also response to recommendation 3.275 above.

Nasc Comments:

See Nasc comments to recommendation 3.275.

Recommendation No: 5.100 Status: In Progress

Recommendation: Notes the actions identified in the HSE's Mental Health Division's Operational Plan. To address the overriding need to provide health-related targeted education and training to staff working in Direct Provision accommodation centres, all centre staff should be provided with mental health awareness training by the HSE or designated NGOs. This training should cater for recognition of mental health issues and assist staff in alerting appropriate services, while ensuring the safety and well-being of the individual and all those who work and live in the centre.

Department/Agency Responsible: HSE

Current Departmental Position: Work has commenced on the development of a Social Inclusion Intercultural Health Education and Training Framework. This framework will provide a template for the provision of training and support to staff in working towards the delivery of a responsive, culturally competent health service. Mental health awareness will form part of this framework. Consultation with key stakeholders will commence shortly. The HSE Social Inclusion Service CHO 5 (Southeast) have developed a model of training on a Train the Trainer basis in Intercultural Awareness and Practice. This training programme has been approved for national roll out through the Intercultural Health Governance Group.

Nasc Comment:

We can verify this is in progress, no additional comment.

Recommendation No: 5.100 Status: In Progress

Recommendation: Recommends that sensitivity training on issues that impact on vulnerable groups should be provided to all relevant Direct Provision staff. Each centre should have a strong visible presence of a safety, dignity and free from harassment statement, reminding both residents and staff of their requirement to ensure a safe and respectful living environment. Such visible messages may facilitate disclosure by vulnerable groups, which must result in immediate contact with relevant services.

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation will be included in all future contracts and will be included as part of future training and information seminars. In respect of staff in accommodation centres, RIA are in the process of placing contractual requirements on contractors to ensure that all their staff are appropriately trained as recommended. This will happen over a period of time as new contracts are agreed.

Nasc Comments:

We have requested from RIA a sample contract and outline of all scheduled training and information sessions, this information was not provided.

Recommendation No: 5.100 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: Recommends that information leaflets, posters, talks and confidential contact details be provided in every centre and kept up to date to target vulnerable groups and promote dignity. Issues to be identified include e.g. FGM, torture, HIV, mental health, LGBT, +disability, religion, domestic violence, human trafficking, exploitation, prostitution and older people's needs.

Department/Agency Responsible: HSE, RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 on the implementation of this recommendation. We have requested that RIA provide evidence of what information is available in every centre, and how it is monitored that this information remains available and up-to-date. This information was not provided. Information provided by the HSE suggests that some resources and translated health promotion materials and information are being developed. We have listed this recommendation as Partially Implemented.

Recommendation No: 5.100 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Recommends that residents be able to access appropriate transport provision or financial assistance to ensure attendance at medical appointments and safe return to the centre. *Please see recommendation 4.111 (part 3)*

Department/Agency Responsible: HSE, Department of Social Protection

Current Departmental Position: The Department of Social Protection provides support under the Exceptional Needs Payments to persons in Direct Provision towards travel. In 2016, approximately 11,500 payments were issued to persons in Direct Provision towards travel costs, including medical related travel, to the value of almost €500,000.

Nasc Comments:

We requested that the DSP provide evidence of the policy document which ensures that residents receive ENPs for medical appointments (to include subsistence for missed meals). This documentation was not provided. Though we are aware that ENPs are provided for travel costs, the implementation of this recommendation is not fully verifiable, and anecdotally there are reports from residents regarding issues accessing medical appointments. The figure cited by the Department includes all payments relating to all transport needs, medical related travel has not been disaggregated. See also our comments to recommendation 4.111.

Recommendation No: 5.100 Status: Implemented [NOT BEING PROGRESSED]

Recommendation: Recommends that the HSE National Operational Plan should include an account of progress on the implementation of the health- related recommendations made by the Working Group that are adopted by Government.

Department/Agency Responsible: HSE

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:
No additional information was provided in the June 2016 progress report. Of the operational plans available to the public on the HSE website, none makes any mention of the McMahon Report, and the only time asylum seekers were mentioned was in the context of generally improving health outcomes for marginalised communities. We have listed this recommendation as 'Not Being Progressed'.

Supports for Persons who are LGBT

Recommendation No: 5.113 Status: In Progress

Recommendation: Recommends that organisations that provide services relevant to persons in the system should consider training staff in LGBT issues to sensitively deal with queries and build trust so as to encourage disclosure. Where possible, a trained staff member should be identified as a point of contact and their details made available in centres. This is important to ensure that appropriate services are extended to members of the LGBT community in the system.

Department/Agency Responsible: HSE

Current Departmental Position: The HSE Primary Care Division National Operational Plan for 2016 contains an action 'Provide LGBT training for health service staff across 3 community Health organisations'. This action currently being progressed.

The HSE National Social Inclusion Office funds a development worker position in TENI; part of this remit is provision of training to staff and service providers in respect of ensuring sensitive service delivery to persons who are transgender. This training is delivered in a phased manner across the health system e.g. 3 outreach/health advocate staff who work with the 5 Reception centres in the South East completed Transgender Health training.

Work is ongoing in this area. Resource developed for GPs working with transgender service users, Advisory Forum established around LGBTI issues will include consideration of LGBTI Asylum seekers.

Nasc Comments:

Although we accept that work on this recommendation is being progressed, we did request additional information including how the trainings will be rolled out, including training for LGB issues (in addition to 'T') and the identification of a staff person to act as liaison, but these details were not forthcoming.

Recommendation No: 5.113 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Recommends that Designated Persons in the Community Welfare Service should exercise discretion in administering the Exceptional Needs Payment scheme to support LGBT people in the system to access appropriate supports and services.

Department/Agency Responsible: Department of Social Protection

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. We requested from DSP the policy document/circular which pertains to this recommendation, and how they are monitoring its implementation, though this was not provided.

Recommendation No: 5.113 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Recommends that information by way of posters, pamphlets, contact numbers and visits by relevant NGOs, Garda LGBT Liaison Officers, and Sexual Health Promotion Officers should be available in all centres.

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or subsequent progress reports on the implementation of this recommendation. We requested that RIA provide evidence of the roll out of this initiative and how it is being monitored to ensure information is accessible and up to date. This information was not provided.

Recommendation No: 5.113 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Notes that RIA has a safety statement and recommends that all Direct Provision centres should have safety statements and dignity and respect policies incorporating the rights of LGBT people prominently displayed.

Department/Agency Responsible: RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 or 2017 on the implementation of this recommendation. We have requested that RIA provide evidence that this statement is available in all centres, and information on how it is being monitored to ensure compliance. No such evidence was provided.

Supports for separated children

Recommendation No: 5.134 Status: ~~Implemented~~ [UNVERIFIED]

Recommendation: Tusla- The Child and Family Agency should ensure its Equity of Care principle is applied equally to separated children in aftercare planning and supports, irrespective of the child's status. All separated children over the age of 16 should have an aftercare plan.

Department/Agency Responsible: Tusla

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 on the implementation of this recommendation. We requested that Tusla provide evidence of the policy document in relation to the care of separated children in aftercare planning and supports. Especially as this applies to unaccompanied minors who 'age out' while still awaiting a determination on their asylum application, as the default in this situation appears to be to treat direct provision as 'aftercare'. Tusla responded that irrespective of a separated child's status, all young people are allocated an aftercare worker as they approach leaving care. All young people accessing aftercare support have an aftercare needs assessment and plan in place. It was not stated whether all children over the age of 18 continue to have aftercare plans in place, once they are placed into direct provision accommodation, nor was the issue of direct provision as aftercare addressed.

Recommendation No: 5.134 Status: Implemented

Recommendation: The aftercare plan for a separated child who is awaiting a decision regarding their status should, as far as is practicable and subject to their wishes, accommodate them in a Direct Provision centre located near to their foster care or residential placement to facilitate on-going support.

Department/Agency Responsible: Tusla, RIA

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

See above Nasc comment regarding our concens about the aftercare plan for separated children entering direct provision, and the use of direct provision as 'aftercare'. Tusla did provide additional information through an FOI of their regular engagement with the seconded Child Protection Officer and the seconded Education Officer in RIA in relation to young people leaving care and moving into direct provision: "The purpose of these meetings is to explore the needs of the young people being referred for accommodation based on reports from the young person's social worker and aftercare worker with the purpose of identifying and placing them in the most appropriate centre".

While we accept that this recommendation has been implemented, we remain concerned – as we expressed during the Working Group process – that aged out minors should be treated as a particularly vulnerable group and should be given the option, if they choose, to remain in their foster environment beyond their 18th birthday and not be moved into direct provision. In our experience working with aged out minors, the move to direct provision can be traumatic and difficult for a young person, and should be avoided if that is what the young person wishes. Aged out minors, in our view, should continue to be treated the same as young Irish people in care, until their application is assessed. Regardless of where aged out minors end up, they should be consulted in any decision making regarding their care, and we did not see evidence of this in Tusla's information.

Recommendation No: 5.134 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: Training and support provided to foster carers of separated children should include a focus on independence and resilience, to ensure the young person has the life skills necessary to make the transition to a Direct Provision accommodation centre or independent living at 18.

Department/Agency Responsible: Tusla

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 on the implementation of this recommendation. In response to an FOI request, Tusla provided information that suggested that in 2016 they would review their Service Level Agreement with the agencies that provide residential and foster care services to separated children to implement this recommendation. However there was no follow up update. In addition, the following information was provided by Tusla: Foster carers do receive comprehensive training, including on issues relating to children who may have been smuggled or trafficked into the country, dealing with racism, cultural norms, etc, where relevant. It does not appear that this includes focus on the independence and resilience of the young person, but rather on skills for the carers, so the status of this recommendation should be Not Being Progressed.

Recommendation No: 5.134 Status: ~~Implemented~~ [IN PROGRESS]

Recommendation: The Department of Children and Youth Affairs should convene a stakeholder group to consider the optimum supports for separated children while in care and aftercare, including support with the process of integration to Irish society.

Department/Agency Responsible: Department of Children and Youth Affairs

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 on the implementation of this recommendation. We requested that DCYA provide evidence of this stakeholder group – who are its members, how often does it meet, and what have the outcomes been to date. DCYA subsequently called a meeting of stakeholders on this issue in the summer of 2017. Tusla also provided evidence of meetings with RIA staff, specifically the seconded officers from Tusla and the Department of Education. These meetings centre around the needs of young people leaving care and moving to state provided accommodation. Meetings are based on reports from the young people's social and aftercare

workers, the purpose being to place the young people in the most appropriate care. Status of recommendation should be In Progress.

Linkages with Local Communities

Recommendation No: 5.152 Status: In Progress

Recommendation: Every Direct Provision centre should be contractually obliged to encourage and facilitate linkages with the local community. The centre management should facilitate the setting up a "Friends of the Centre" Group consisting of residents, local statutory services and community/voluntary groups.

The centre management should be required to report to RIA every six months on activities in this regard.

Department/Agency Responsible: RIA

Current Departmental Position: Centres have made contacts in their local communities and outcomes will be analysed and used to improve linkages across the portfolio. Friends of the Centre groups will be established in all centres in 2017. This recommendation will be fully implemented in 2017.

Nasc Comments:

Information was requested from RIA on what work has been done to date by centres and how RIA is monitoring progress. Although we did receive a breakdown from RIA of developments to date on this progress, we are not aware of how they are monitoring developments or how they will monitor compliance in future. We are aware however that a number of Centres have held "Open Evenings" where asylum seekers can meet with local community groups, but we are also aware that this is not happening across the board in all centres.

Recommendation No: 5.152 Status: In Progress

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

Department/Agency Responsible: RIA

Current Departmental Position: See update in relation to previous recommendation. This recommendation will be fully implemented in 2017.

Nasc Comments:

See comment above.

Recommendation No: 5.152 Status: ~~Implemented~~ [NOT BEING PROGRESSED]

Recommendation: The Government give consideration to including persons awaiting a decision on their protection or leave to remain case in its national integration strategy or co-ordinated plan for the integration of migrants.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: The new Migrant Integration Strategy was published on 7 February 2017. The Strategy covers all EEA and non-EEA nationals and will run from 2017 until 2020.

Nasc Comments:

In the Government's 2nd Progress Report, this recommendation was listed as 'Not Being Progressed' for the following reason:

> Current Departmental Position: The provisions of the new Integration strategy will apply only to those who have been granted status. The commencement of the International Protection Act and the implementation of the Single Procedure are expected, in time, to result in more timely decision making in the protection process.

It continues to be the case that the Migrant Integration Strategy does not apply to people in the protection process and at leave to remain stage. Information was requested on the rationale for not progressing a recommendation that will enhance the integration prospects of Protection Applicants, especially those who are subsequently granted a residency or protection status. The Single Procedure does not in any way address this recommendation. No information was provided to us. This recommendation cannot be implemented, and is therefore reverted back to 'Not Being Progressed'.

Recommendation No: 5.152 Status: Implemented

Recommendation: Relevant Government Departments should make funding available to assist the integration of persons awaiting a decision on their protection or leave to remain case; in particular, the funding to facilitate the implementation of local integration strategies should be restored and existing community grant schemes should specifically encourage applications from those involved in developing linkages with protection applicants.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: Following the publication of the Migrant Integration Strategy in February 2017, the Communities Integration Fund was launched. €500,000 has been made available in 2017 to 129 local groups to promote integration in communities by local community-based groups. To complement this Fund, an additional funding stream of National Funding to Promote the Integration of Immigrants was launched with available funding of €1.8 million over a three-year period. This funding has been awarded to 14 projects led by public bodies and NGOs. In additional €4.5 million has been awarded to projects over three years under the EU Asylum Migration and Integration Fund (AMIF).

Nasc Comments:

The provision of funding for integration measures has improved considerably, both in the context of the Migrant Integration Strategy and for asylum seekers.

Transitional Supports

Recommendation No: 5.169 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: The Minister of State for Equality, New Communities and Integration as a matter high priority should convene a task force of cross-departmental representatives, State agencies and

relevant NGOs to roll out a consistent integration plan for the legacy cohort in Direct Provision who have been, or will be, granted status, and also to address the transitional support needs of future applicants who will be processed under the proposed Single Procedure.

Department/Agency Responsible: Department of Justice and Equality and other Government Departments.

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

No detailed information was provided in June 2016 on the implementation of this recommendation. Although we are aware a Task Force was convened and they produced a report, we requested that the Department provide additional input on the outcomes of the Task Force, what the integration plan for the legacy cohort is, and how those outcomes are being monitored. The Department did not provide this information, so we can only list this as 'Partially Implemented'.

Training for organisations/persons

Recommendation No: 5.186 Status: Implemented

Recommendation: The Irish Human Rights and Equality Commission (IHREC) should consider, in the preparation of its Strategic Plan, the inclusion of education and training on equality and diversity issues for public bodies engaged in the provision of supports to persons in the system.

Department/Agency Responsible: IHREC

Current Departmental Position: This recommendation was reported as implemented in June 2016.

Nasc Comments:

In communication with IHREC, we were informed that IHREC was approached by RIA regarding this recommendation and were subsequently given to understand that this recommendation would be implemented by RIA itself.

Recommendation No: 5.186 Status: In Progress

Recommendation: Recommends that:

- Persons who provide health and other services to persons in the system should receive on-going training in cultural competency and sensitivity;
- Training should be provided for accredited interpreters and for staff working with interpreters, who provide interpreting services either in person or over the phone;
- Training should include skill development for dealing with people who do not have English as a first language;
- These programmes should be evaluated to ensure relevance and effectiveness.

Department/Agency Responsible: HSE, Department of Social Protection, Department of Education and Skills, RIA

Current Departmental Position:

HSE: Some intercultural health training continues to be provided across the health system with a number of staff, service providers, Community knowledge workers and Roma health advocates trained in this regard. Currently all training in this area is being reviewed with a view to agreeing a model of intercultural health training that can be used consistently across the HSE.

A second HSE National Intercultural Health Strategy is expected to be launched towards the end of Q2 – this will contain reference to ongoing actions in respect of training, education, awareness raising etc. The HSE has produced a number of resources to support service providers around working with service users from diverse ethnic and cultural groups – these include mobile APPs, an Intercultural Guide etc.

Tusla: Regarding the Child Welfare and Protection services and Alternative Care services under the remit of Tusla a number of courses were organised by Tusla in 2015. These were locally based involving Tusla Training and Development officers or externally commissioned personnel.

During 2015 Tusla commissioned the development of a standardised programme entitled 'Diversity in modern Ireland'. The programme is currently being established and training of social work staff is due to begin in the coming months. It is expected that the training will be delivered to Tusla staff initially and there is a specific piece on the Roma Child Care Case from October 2013 and Roma Culture.

DSP: DSP's Customer charter and Action Plan sets out the Department's commitments to providing a professional, efficient and courteous service to all customers. Specific commitments are included relating to the provision of interpretive and translation services and the provision of information in alternative formats such as Braille or Audio. The following services are provided to customers where required:

- A translation service for documents required to process acclaim
- A language interpretive service provided by 3 way phone conversation
- A face to face service where an accredited language interpreter attends in person, to facilitate customer/staff interaction
- A sign language interpreter to facilitate customer/staff interaction
- Written information or application forms in Braille, Audio, or large print

Department staff will assist customers in accessing the required service.

DES: Persons providing educational services receive on-going cultural training through CPD (Continuing Professional Development).

RIA: In the process of placing contractual requirements on contractors to ensure that all their staff are appropriately trained as recommended. This will happen over a period of time as new contracts are agreed.

Nasc Comments:

Since none of the Departments have actually implemented this recommendation as yet, we are awaiting progress reports on the roll out of this recommendation by each department, including evidence that the trainings – once delivered – fit all of the criteria in the recommendation and are evaluated and improved to ensure effectiveness.

Recommendation No: 5.186 Status: ~~Implemented~~ [PARTIALLY IMPLEMENTED]

Recommendation: Notes the various initiatives that An Garda Síochána has undertaken to address the needs of the protection-seeking community and urges it to continue to ensure the effectiveness of its various initiatives by, inter alia, naming a "Diversity Champion" at a senior level, ensuring that the Garda Racial Integration and Diversity Office is adequately resourced, promoting awareness of its Ethnic and LGBT Liaison Officer Services among protection-seeking community; and rolling-out diversity training and cultural awareness programmes at all levels in an Garda Síochána.

Department/Agency Responsible: An Garda Síochána

Current Departmental Position: The Garda Racial, Intercultural and Diversity Office (GRIDO) ensures the provision of a quality service to members of the protection seeking community and acts as necessary to meet emerging needs of groups and/or individuals which is central to AGS's anti-discrimination and integration policy by continuing to identify local issues and problems; assisting in informing minorities about current Garda strategy through community engagement, consultation and meeting with newly arriving immigrants; creating awareness among the protection seeking community of the specialist services available through the medium of Garda Ethnic Liaison Officers/LGBT Officers; developing a two-way process where members become au-fait with customs, protocols, and practices of all religious denominations that they are required to police within the community; creating an environment of trust with minority communities through national and local initiatives.

Nasc Comments:

Since the establishment of GRIDO pre-dates the Working Group, its existence does not suggest that this recommendation has been implemented. More evidence was requested from An Garda Síochána on the implementation of the recommendation, but nothing was provided. If the naming of a Diversity Champion; implementation of policies that ensure the adequate resourcing of GRIDO; implementation of awareness raising amongst asylum seekers; or rolling out of diversity and cultural awareness training are not being progressed, then this recommendation's status should be changed to, at best, 'Partially Implemented'.

Recommendations not being progressed because they are either superseded by/not accepted on the basis of Government Policy or cannot currently be progressed due to Resource Dependency

Recording of interviews/hearings

Recommendation No: 3.286 Status: Not Being Progressed [INFO REQUESTED]

Recommendation: An expert group to consider the issue in more detail in order to fully explore the implications and costs concerned and to come to a conclusion on whether or not recording of interviews / hearings should be implemented at first instance and/or appeal.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: Recording of interviews is not provided for in the International Protection Act, 2015 and is not currently under consideration.

Nasc Comment:

Clarification was requested on whether this is as a result of Government Policy or resources. If Government Policy, we have requested the rationale and, if it is a resource issue, we have requested evidence of a timeline or proposal to assign the resources at a future date. Neither rationale nor evidence were provided.

Advisory and Governance Arrangements

Recommendation No: 3.360 Status: Not Being Progressed [INFO REQUESTED]

Recommendation: An advisory body be established, following and further developing the general scheme of the Refugee Advisory Board.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: No such body is provided for in the International Protection Act, 2015.

Nasc Comments:

The recommendation did not require the proposed advisory body to be a statutory body. On that basis legislation is not required. The rationale was a safeguarding measure to ensure against mounting backlogs etc. We requested information on whether this is government policy or resource lead, and if there are any plans to establish a Board in the future. This information was not received.

Recommendation No: 3.360 Status: Not Being Progressed [INFO REQUESTED]

Recommendation: Any such independent advisory body established be given the necessary flexibility to consider all matters related and relevant to the operation of the system.

Department/Agency Responsible: Department of Justice and Equality

Current Departmental Position: See previous Recommendation. No further info in 3rd progress report

Nasc Comment:

Please see the above comments.

Recommendations that are Resource Dependent

Identification of Vulnerable Applicants

Recommendation No: 3.299 Status: Resource Dependent

Recommendation: The introduction of vulnerability screening for all applicants beyond the scope of the current public health screening available to residents of Direct Provision accommodation. This should be made equally accessible to applicants who chose not to live in Direct Provision accommodation and should be performed no later than 30 days after an initial application has been made.

Department/Agency Responsible: HSE

Current Departmental Position: A desirable objective but carries significant resource implications. This recommendation is unlikely to be implemented in medium term.

Nasc Comments:

See our comments under Recommendations 3.299 and 4.210 on the establishment of a vulnerability assessment and related issues. This recommendation, if implemented, has the potential to lead to better outcomes, and a reduced cost to the exchequer in the long run as it places early intervention at its core. Additionally, it is a recommendation that would go some way to treating protection applicants with human dignity, as was the key objective of the Working Group. Related recommendations around vulnerable applicants under 3.299 and 4.210 are listed as being in progress or implemented, which suggests those should also be included under this subheading if there are no plans to implement the assessment in the medium term. In addition, the Government's recent announcement that they will be opting in to the EU Reception Conditions Directive will push the implementation of this recommendation, as it is required that Member States have a vulnerability assessment.