



Training of Lawyers on the European Law relating to Immigration and Asylum (TRALIM 2)



The project is co-financed with the support of the Justice Programme of the European Union

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The perspective of the Garda National Immigration Bureau, An Garda Síochána to include Immigration Fraud, Criminal and other Sanctions.

Kenneth Ruane

Head of Civil Legal

An Garda Síochána

4 February 2021

Garda National Immigration Bureau, “GNIB” Overview

- Facilitate Legal Immigration and Monitor illegal Immigration at Points of Entry into the State.
- Enforce Deportation, EU Removal & Transfer Orders issued by the Minister for Justice & Equality.
- Carry out Enquiries for the Department of Justice & Equality (I.N.I.S.)
- Provide Guidance and Assistance for An Garda Síochána in relation to Immigration Related Matters.

Functions

The primary responsibilities of An Garda Síochána regarding Immigration are:

- Registration of Non-Nationals in the State.
- Prevention and detection of illegal immigration.
- Control of Immigration at points of entry into the State.
- Removal of illegal immigrants from the State.
- Enforcement of Deportation Orders, Removal Orders and Transfer Orders.
- Investigation of immigration offences.
- Liaison with Interpol, Europol & Frontex on European border security matters.
- Co-operating with UK Border Management to protect the integrity of the Common Travel Area.
- Collaborating with the Irish Naturalisation and Immigration Service (INIS).

Investigations

- Persons entering the State without permission
- Persons remaining in the State without permission
- Persons who breach/abuse their permissions
- Persons not complying with deportation orders, transfer orders and Ministerial decisions
- Persons facilitating illegal immigration

Relevant Legislation

- Illegal Immigrants (Trafficking) Act, 2000 as amended
- Immigration Acts, 1999 as amended
- Immigration Act 2003 as amended
- Immigration Act 2004 as amended
- Employment Permit Act 2003
- International Protection Act 2015
- Theft and Fraud Offences Act 2001 as amended.
- Civil Registration Act 2004 as amended.

Immigration Acts 2003/2004 as amended

Demand Documents (Section 12 of the Immigration Act 2004, as amended by Section 34 of the civil Law (miscellaneous Provisions) Act 2011) A Non-national shall produce on demand a valid Passport or other equivalent document, which establishes his/her identity and nationality and in cases where he or she is registered, a certificate of registration. It shall be a defence for the person to prove that he or she had reasonable cause for not complying with the requirement.

Arrest without Warrant (Section 13(2) of the Immigration Act 2004, as amended) –Member of An Garda Síochána may arrest without warrant a person whom he/she reasonably suspects to have committed an offence under this Act. (i.e.. Failure to produce documents following a section 12 demand).This section also provides for the arrest without warrant of a non-national working without a valid work permit, contrary to S.2 of the Employments Permits Act 2003.

Immigration Acts 2003/2004 as amended

Report to an Immigration Officer/GNIB (Section 14 of the Immigration Act 2004, as amended) A member of An Garda Síochána may by notice in writing (Sec14(1) notice), require a non-national who does not have permission to be in the State to comply with certain conditions including that he or she report to an Immigration Officer or specified member of An Garda Síochána or to the Registration Officer for the District

A Non-EU National may be refused Leave to Land by an Immigration Officer who has reasonable cause to suspect the person has been unlawfully in the State for a continuous period of less than 3 months (Section5(1) of the Immigration act 2003).

Criminal Sanctions

Theft and Fraud Offences Act 2001 as amended, Section 6- A person who dishonestly, with the intention of making a gain for himself or herself or another, or of causing loss to another, by any deception induces another to do or refrain from doing an act is guilty of an offence. A person guilty of an offence under this section is liable on conviction on indictment to a fine or imprisonment for a term not exceeding 5 years.

Theft and Fraud Offences Act 2001 as amended, Section 26 Using a False Instrument. A person who uses an instrument which is, and which he or she knows or believes to be, a false instrument, with the intention of inducing another person to accept it as genuine is liable on conviction on indictment to a fine or imprisonment for a term of 10 years or both.

Section 69 (3) of the Civil Registration Act 2004, A person who gives to a registrar particulars or information which he or she knows to be false shall be guilty of an offence. A person guilty of an offence shall be liable on summary conviction, to a fine not exceeding €2000 or imprisonment for a term of 6 months or both, or on conviction on indictment, to a fine not exceeding €10,000 or imprisonment for a term not exceeding 5 years or both.

Operation Vantage - Overview

- Operation Vantage was established in August 2015 to investigate “marriages of convenience” and illegal immigration as defined under the Civil Registration Act 2004 as amended
- Non-EU nationals were travelling to Ireland and marrying an EU national with the objective of obtaining residency as a spouse of an EU national
- Once married, they are free to travel within the Europe Union and apply for family reunification.
- Analysis Trends - number of major facilitators identified
- Investigate marriages - EU National/Non-EU National (suspected that an immigration advantage may be obtained)
- Objections to marry – Civil Registrars
- S. 58 (1) of the Civil Registration Act 2004 as amended
- Prevent and Revoke Citizenships
- Review of 2012 – 2015 marriages
- Citizenship Act 1956 – Application to Minister

Operation Vantage - Evolving Issues

- Significant increase short stay visas & residence cards.
- Analysis identified a pattern of commonalities.
- Immigration Agents.
- Creating fictitious lifestyles for UK applicants in Ireland.
- marriage files investigated (both pending and completed) requested and currently under investigation.
- Persons arrested/removed with multiple charges preferred.

Operation Mombasa

- 10.12.19- Search and Arrest Operation conducted by GNIB supported by Officers from Spanish Policia Nacional. Simultaneous searches in Spain.
- Multi Jurisdictional Investigation centred on an organised crime group (OCG) of non nationals to investigate large scale production and distribution of false identity and travel documents for onward transmission outside of Ireland.
- Large amount of data and evidence secured from financial institutions.
- Operation Mombasa was established after Icelandic and Spanish Authorities intercepted nationals within their countries involved in criminal offences. Follow up enquiries established that some of those nationals had sourced false documents from Ireland.
- Number of Arrests, investigations.

‘Surinder Singh’ Judgement

- Applicants began utilising the 1992 European Court of Justice ruling “The Surinder Singh Case”
- Judgement resulted in a legal right for EU nationals to secure rights for their non-EU family dependants by working in another member state for over three months
- UK domestic controls introduced in 2012 placed a value on **undue burden** in the “Free Movement” Directive
- A UK citizen wishing to bring their non-EEA partner into the UK must earn a minimum of £18,600 per year before tax
 - Agent establishes a social and economic “*footprint*” in Ireland for sponsor
 - Agent rented property, obtains utility bills/ bank accounts in the sponsor’s name
 - Obtain a PPS appointment for sponsor and registers a business name with the CRO
 - Application for short term visa submitted
 - Approx. 4-5 months to get first visa, after that a 5-year visa
 - Charge up to £25,000

‘Surinder Singh’ Judgement

- Judgement resulted in a legal right for EU Nationals to secure rights for their non-EU family dependants by working in another member State for over 3 months. UK domestic controls introduced in 2012 placed a value on undue burden in the “ Free Movement” Directive. A UK citizen wishing to bring their non-EEA partner into the UK must earn a minimum of £18,600 per year before tax. UK applicants show an economic footprint in Ireland via short term visa etc. they then apply for family reunification in this jurisdiction.
- UK Nationals paying criminals to create a false paper trail that shows them to be living and working in Ireland while they continue to reside in UK. The agents register a company in the individual’s name at a convenient address and then produce tax returns and pay slips to generate economic activity.
- Agent establishes a social and economic “footprint” in Ireland for sponsor. Agent rents property, obtains utility bills/bank accounts in sponsor’s name. Obtains a PPS appointment for sponsor and registers a business name with the Companies Registration Office. Application for short term visa submitted. Approx. 4-5 months to get first visa, after that a 5 year visa. Charge up to £25,000.

Investigating Criminal Offences Trafficking

- The Human Trafficking Investigation and Co-ordination Unit (HTICU) operate to combat human trafficking. The unit engages in wide consultation with a number of agencies including Customs, State Agencies such as the Anti Human Trafficking Unit (AHTU), the Health Service Executive (HSE), the National Employment Rights Authority (NERA), and NGOs.
- Assuming national responsibility for policy development, the co-ordination and implementation of policing methods and the management and co-ordination of investigations within the unit and with divisions throughout the country.
- Providing advice, support and, where necessary, operational assistance to investigations undertaken at District level.
- Working in partnership with Operation Quest in the investigation of trafficking in human beings for the purposes of sexual exploitation.
- Delivery of training and awareness to An Garda Síochána on all aspects of trafficking in human beings.

Criminal Offences Trafficking

- The legislation in Ireland dealing with this crime area includes the Criminal Law (Human Trafficking) Act 2008 and the Criminal Law (Human Trafficking)(Amendment) Act 2013.
- Section 1 of the Criminal Law (Human Trafficking) Act 2008 defines ‘exploitation’ which means:
 - Labour exploitation
 - Sexual exploitation or
 - Forced Criminality or
 - Exploitation consisting of the removal of one or more of the organs of a person.

“*Trafficks*” includes) procures, recruits, transports or harbours the person, or causes a person to enter or leave the State or to travel within the State, takes custody of a person or takes a person or provides the person with accommodation or employment.

Criminal Offences Trafficking

- Section 2 creates the offence of trafficking of a child into, through or out of the State for the purposes of the exploitation of the child. In addition, it creates an offence of selling or purchasing a child.
- Section 3 creates the offences of trafficking a child for purposes of sexual exploitation is guilty of an offence and also creates offence of sexual exploitation of a child or detaining, restricting the liberty of a child.
- Section 4 creates the offence of trafficking in adults for the purposes of sexual or labour exploitation or the removal of their organs. For trafficking to occur under this section, coercion, deception or threats must have been used against the trafficked person or threats, coercion or force must have been used against any person who has charge, care or control of the trafficked person.

Criminal Offences Trafficking

- Section 5, Where, for the purposes of the prostitution of a trafficked person, a person (other than that trafficked person) solicits or importunes another person, including that trafficked person, in any place or where a person (other than a trafficked person) who accepts, or agrees to accept a payment, right, interest or other benefit from a person for the purposes of the prostitution of a trafficked person he or she shall be guilty of an offence. Both offences under this section are arrestable offences.
- In the Criminal Law (Human Trafficking) Act 2008 there is no specific power granted to obtain a search warrant nor is there a section granting a power to arrest.

Victims Of Trafficking Identification

- It is common case that the trafficking of a human person involves a breach of that person's rights under the Constitution, under the European Convention on Human Rights under EU Law. The State has undertaken a range of legal obligations to the victims of trafficking, including the obligation to ensure that, where a victim is suspected of having committed a criminal offence, the prosecuting and judicial authorities respectively have a discretion not to prosecute, or not to punish. The State is therefore obliged to have in place a mechanism for the identification of victims in this context.- P v Chief Superintendent GNIB & Others, High Court Judgement 15th April 2015- O Malley J.
- The Criminal Justice (Human Trafficking) Act 2008 and the Criminal Law (Human Trafficking) (Amendment) Act 2013. The legislation explains the offences of Human Trafficking and the various definitions of each type of exploitation
- The Garda National Protective Services Bureau (GNPSB) has responsibility for investigating if an individual is a victim of Human Trafficking.

Victims Of Trafficking


Garda Protective Services Bureau will determine whether a foreign national is a victim of human trafficking and an offence under sections 2 or 4 of the Criminal Law (Human Trafficking) Act 2008. Provision for permission to remain lawfully within the State for a period of 60 days “recovery and reflection” period in allowing the person time to recover from the alleged trafficking, and to escape the influence of the alleged perpetrators of the alleged trafficking.

The DPP Guidelines for Prosecutors, 2019, paragraph 4.7

“In assessing whether the public interest lies in commencing or continuing with a prosecution, a prosecutor should exercise particular care where there is information to suggest that the suspect is a victim of a crime. An example would be where it is suggested that the suspect is a victim of human trafficking. Such a person may be suspected of a range of offences from breaches of immigration law to offences related to prostitution. In a case where there is credible information that a suspect is also a crime victim, the prosecutor should consider whether the public interest is best served by a prosecution of the suspect.”

Current Issues Arising 2021

- Section 2 Illegal Immigrants (Trafficking) Act 2000.
- Smuggling of Persons Bill 2020.
- Joint Investigation Team (JIT) Belgium, Ireland, France and the United Kingdom December 2019.



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Human Trafficking

Victims' Rights and the Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking in Ireland

Mary Henderson, Solicitor

Immigrant Council of Ireland Independent Law Centre

Overview



#TRALIM 2

- International and regional sources of law
- Implementation in Ireland
- Gaps and challenges

International and regional sources of law

- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
- Council of Europe Convention on Action against Trafficking in Human Beings
- Directive 2011/36 EU on preventing and combating trafficking in human beings and protecting its victims

International and regional sources of law

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

- **Article 3** **Use of terms**

For the purposes of this Protocol:

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

<https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

International and regional sources of law

Council of Europe Convention on Action against Trafficking in Human Beings

Article 4 – Definitions

For the purposes of this Convention:

(a) “Trafficking in human beings” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of “trafficking in human beings” to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in human beings” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age;

(e) “Victim” shall mean any natural person who is subject to trafficking in human beings as defined in this article.

<https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008371d>

International and regional sources of law

Council of Europe Convention on Action against Trafficking in Human Beings

- **Article 10 – Identification of the victims (State obligation)**
- **Article 11 – Right to a private life**
- **Article 12 – Assistance to victims (material needs and recovery)**
- **Article 13 – Recovery and reflection period (30 days minimum)**
- **Article 14 – Residence permit**
- **Article 15 – Compensation and legal redress**
- **Article 16 – Repatriation and return of victims**
- **Article 17 – Gender equality**
- **Article 28 – Protection of victims, witnesses and collaborators with the judicial authorities (when necessary to extend to family members)**

International and regional sources of law

Council of Europe Convention on Action against Trafficking in Human Beings

Monitoring mechanism

Article 36 – Group of experts on action against trafficking in human beings “GRETA”

European Court of Human Rights

Rantsev v Cyprus and Russia 25965/04 7th January 2010

L.E. v Greece 71545/12, 21st January 2016

International and regional sources of law

Directive 2011/36 EU on preventing and combating trafficking in human beings and protecting its victims

Article 2

Offences concerning trafficking in human beings

1. Member States shall take the necessary measures to ensure that the following intentional acts are punishable:

The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

2. A position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.

International and regional sources of law

Directive 2011/36 EU on preventing and combating trafficking in human beings and protecting its victims

Article 2 (continued)

3. Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.

4. The consent of a victim of trafficking in human beings to the exploitation, whether intended or actual, shall be irrelevant where any of the means set forth in paragraph 1 has been used.

5. When the conduct referred to in paragraph 1 involves a child, it shall be a punishable offence of trafficking in human beings even if none of the means set forth in paragraph 1 has been used.

6. For the purpose of this Directive, 'child' shall mean any person below 18 years of age.

https://ec.europa.eu/anti-trafficking/sites/default/files/directive_thb_l_101_15_april_2011_1.pdf

International and regional sources of law

Directive 2011/36 EU on preventing and combating trafficking in human beings and protecting its victims

Article 8 Directive 2011/36 EU

Member states shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that the competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to commit as a direct consequence of being subjected to any of the Acts referred to in Article 2

International and regional sources of law

Directive 2011/36 EU on preventing and combating trafficking in human beings and protecting its victims

Article 11

- Requires Member States to take measures to ensure that assistance and support are provided as soon as reasonable grounds for believing that the person might have been subjected to a human trafficking offence
- Establish appropriate mechanisms for early identification and provision of assistance and support
- Not conditional on co-operation in the criminal process

International and regional sources of law

Directive 2011/36 EU on preventing and combating trafficking in human beings and protecting its victims

Article 11(5) Directive 2011/36EU

The assistance and support measures referred to in paragraphs 1 and 2 shall be provided on a consensual and informed basis, and shall include at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate.

Implementation in Ireland

No transposing legislation of the Directive other than in relation to the criminal law

Criminal Law (Human Trafficking) Act 2008

Criminal Law (Human Trafficking)(Amendment) Act 2013

Consolidated

https://www.lawreform.ie/fileupload/RevisedActs/WithAnnotations/HTML/en_act_2008_0008.htm

Implementation in Ireland

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking

[Link here](#)

Information on support services

[Link here](#)

Implementation in Ireland

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking

- Apply where a foreign national is identified as a suspected victim of human trafficking and the Minister is required to consider that person's immigration status in the state
- Specifies that EEA nationals do not need an immigration permission, either for recovery and reflection or to reside in the state

“An EEA national who has been identified as a suspected victim of human trafficking will be treated no less favourably than a person from outside that area.”

- Set out three types of residence that may be granted to a non-EEA national who is a suspected victim of human trafficking

<http://www.inis.gov.ie/en/INIS/Administrative%20Immigration%20Arrangements%20for%20the%20Protection%20of%20Victims%20of%20Human%20Trafficking%20-%20March%202011.pdf/Files/Administrative%20Immigration%20Arrangements%20for%20the%20Protection%20of%20Victims%20of%20Human%20Trafficking%20-%20March%202011.pdf>

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking

Paragraph 3

This notice applies to a foreign national who is identified as a suspected victim of human trafficking, that is, where there are reasonable grounds for believing that he or she is a victim of an offence under sections 2 or 4 of the Criminal Law (Human Trafficking) Act 2008 or section 3 (other than subsections (2A) and (2B)) of the Child Trafficking and Pornography Act 1998.

<http://www.irishstatutebook.ie/eli/1998/act/22/enacted/en/print.html>

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking

Trafficking has three elements

- Act -Means -Purpose

Act: Recruitment, transport, transfer, harbouring, receipt of persons

Means: Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, giving payments or benefits

Purpose: Exploitation including, prostitution of others, sexual exploitation, forced labour, slavery or similar, servitude, removal of organs, forced begging, exploitation of criminal activities, illegal adoption, forced marriage, any other behaviour that fulfils the constituent elements

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking

Recovery and reflection period (Paragraphs 6 to 11)

Time to recover from the alleged trafficking and to escape the influence of the alleged perpetrators of the alleged trafficking in order to take an informed decision as to whether to assist Gardaí or other relevant authorities in relation to any investigation or prosecution arising in relation to the alleged trafficking

60 days, not subject to removal, may be terminated on conditions

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking

Paragraphs 12 – 18 deals with the Temporary Residence Permission

In circumstances where the Minister is satisfied that –

The person has severed all contact with the alleged perpetrators of the trafficking, and it is necessary for the purpose of allowing the suspected victim to continue to assist the Garda Síochána or other relevant authorities in relation to an investigation or prosecution arising in relation to the trafficking, the Minister will grant to the person concerned a temporary residence permission valid for a period of 6 months.

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking

Paragraphs 12 – 18 deals with the Temporary Residence Permission

Granted for 6 months

Can be revoked on conditions

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking

Paragraph 21 – Change of Status Application

A person over the age of 18 years who has continued to assist the Garda Síochána or other relevant authorities in relation to an investigation or prosecution arising in relation to the trafficking and who is resident in the State on foot of a temporary residence permission granted in accordance with these arrangements for

A period of three years in the State as the holder of a temporary residence permission, or

A continuous period as the holder of a temporary residence permission during the investigation or prosecution of acts of trafficking, and a determination has been made by An Garda Síochána that the investigation is complete, whichever period is the shorter, may apply for a change of status in accordance with this paragraph.

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking

Operation

- Report of crime to An Garda Siochana
- Initial details taken to establish if Reflection and Recovery applicable
- Referral to support services, including legal advice on options
- Decision on co-operation, residence or international protection applications

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking

Operation

Immigration applications

- International Protection
- Residence application under the Arrangements
- Other applications

Implementation in Ireland

Gaps and challenges

- P v The Chief Superintendent of the Garda National Immigration Bureau & Ors, High Court, 15 April 2015

O'Malley J critical of the identification system

Notes that persons identified as suspected victims accrue rights

Standards established by international instruments are standards the State has undertaken to apply

Measures are to facilitate the investigation of a crime

Person should be identified where there are reasonable grounds indicators

Implementation in Ireland

Gaps and challenges

- Procedures not set out
- EEA citizens
- Inconsistencies in application
- Children
- Material needs including accommodation
- Compensation
- Ongoing legal needs

Conclusion

- Progress and future activity
- Possible challenges

Links

Timetable for GRETA reporting


<https://rm.coe.int/updated-provisional-timetable-of-greta-s-3rd-evaluation-round/1680a0a5a5>

Links to Country Reports

<https://www.coe.int/en/web/anti-human-trafficking/country-monitoring-work>

EU Anti-Trafficking Directive

https://ec.europa.eu/anti-trafficking/sites/default/files/directive_thb_l_101_15_april_2011_1.pdf



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Reception for Asylum Seekers: Contrasting National Law & EU Legal Norms

Dr Liam Thornton, Associate Professor, UCD School of
Law



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**A Common
European
Asylum System**

Ireland: A Cautious CEAS Participant

Paper Overview

- (1) Reception for asylum seekers in Ireland: 'direct provision'
- (2) The impact of the EU Reception Directive 2013 (recast) & 2018 Reception Conditions Regulations: Law & Jurisprudence in Ireland
- (3) Rights of persons with recognized protection status (refugee or subsidiary protection) *time permitting only*

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(1) Reception for Asylum Seekers in Ireland: 'Direct Provision'

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Defining Direct Provision

Challenging Direct Provision: unsuccessful

1. There is no requirement for Oireachtas to legislate for the system of direct provision ([C.A. case](#));
2. Failing to provide for payments to asylum seekers in legislation is not prohibited by the Constitution (*C.A. case*);
3. “[W]here an applicant claims that ‘direct provision’ is having such adverse effects on her life as to cause serious harm and where such circumstances are backed up by appropriate medical and other independent evidence, a **Court would be entitled to grant appropriate relief, even if the only remedy for the wrong involved the expenditure of additional resources by the State.**”





Prohibition on freedom to work: successful

N.H.V. case

Freedom to work goes to the “essence of human personality” and cannot be fully withheld from non-citizens.

However,

Oireachtas can be mindful of ‘pull factors’

Freedom to work for asylum seekers can be limited “to defined areas of the economy perhaps where there is a demonstrated need.”

(2) The 2018 Reception Regulations & Jurisprudence

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The Reception Conditions Directive Recast 2013

Reception Conditions Directive (recast) (RCDr) is unique- why?

- ❖ Recognition of a dignified standard of living;
- ❖ The right to be provided with some form of shelter,
- ❖ **Material reception conditions**, including financial allowances, and;
- ❖ A restricted right to work if no first instance decision within at least 9 months.
- ❖ Education & health rights
- ❖ Rights to challenge decisions



The 2018 Reception Conditions Regulations

- **Reg 2 and Reg 4:** Entitlement to ‘material reception conditions’ i.e. food, shelter, daily expenses allowance and clothing allowances.
- **Reg 11 et seq:** Entitlement to apply for labour market access permission if no first instance decision in **nine months** (but **see next slide!!**)
- Education, health rights, rights of unaccompanied minors, data protection rights also provided.
- **Reg. 20 to 21:** Review and appeal processes for certain decisions made under 2018 Regulations.



STATUTORY INSTRUMENTS.

S.I. No. 230 of 2018

EUROPEAN COMMUNITIES (RECEPTION CONDITIONS)
REGULATIONS 2018

For those who applied on/after 16/01/2021: Administrative Arrangements on Access to the Labour Market

Entee announces reduced 6 month waiting period for internatio

tection can now apply to access the labour market after six mo

ess permission' also increased from six to 12 months.

- If no first instance decision **within six months**, protection applicant may seek a labour market access permission.
- May apply in month five, and permission becomes valid from month six
- Must not be responsible for the delay in status determination.
- Current times ([Pollak, 2021](#)) for first instance determination: 17.6 months for most applicants, 12.7 months for 'prioritised' applicants (on prioritised see, [s.73 of IPA 2015](#)).

Executive Responsibilities

Minister for Children	Minister for Justice	Minister for Emp & Social Protection	Others
Provision of information on reception rights	Labour market access permission	Daily Expenses (direct provision) allowance	Dept of Health- medical card scheme
Provision of material reception conditions	Withdrawal of labour market access permission	Clothing allowance	Education for under 18s- Dept of Education
Variation (applicant has income) or reduction/withdrawal of reception conditions	Request of particular records from employers/protection applicants	Variation (income) or reduction/withdrawal of daily expenses allowance	International Protection Appeals Tribunal- Appeals on certain reception rights, including labour market
Designation of accommodation and reception centres	Detention (through GNIB/Irish Prison Service)	Review Officers- daily expenses/clothing allowances decisions	Review of all other decisions- on same basis as Irish citizens (health, education etc)
Vulnerability assessments (with Minister for Health)	Review Officers for labour market access decisions		
Unaccompanied minors (through Child & Family Agency)			
Review Officers-other rights			

(a) Labour Market Access & Potential 'Dublin' Transfer

The 2018 Regulations- and separation of rights between protection seekers in 'substantive' process and those potentially subject to Dublin transfer.

IPAT in [Albania](#) [2019] IPAT 3 RC & [Pakistan](#) [2018] IPAT 21 RC: Irish transposition measure not in line with Art. 15 RCDr (see case-law on handout)

High Court in [K.S.](#): distinction was permissible, and invited IPAT to follow its approach pending CJEU determination- IPAT declined in [Unknown Nationality](#) [2019] IPAT 4 RC and made its own preliminary reference



On 14 January 2021, CJEU decided:

Only one type of protection applicant

“[N]o provision of the Dublin III Regulation requires an applicant for international protection to lodge his or her application with the Member State of first entry”

Appealing Dublin transfer decision (of IPO/IPAT) or seeking judicial review in the High Court is **NOT** an ‘abuse of rights’

Persons subject to a Dublin transfer, who otherwise meet requirements of Art. 15 RCDr, are entitled to apply to enter the labour market.

See my analysis of this decision [here](#).



(b) The 9-month period (Reg 11(4))

The Minister may, on receipt of an application ...grant a permission to the applicant where satisfied that—

(a) ...a period of **9 months**,* beginning on the application date, has expired, and, by that date, a first instance decision has not been made in respect of the applicant's protection application, and

(b) the situation referred to in subparagraph (a) cannot be attributed, or attributed in part, to the applicant.

*Now note 'administrative arrangement'.



What if.....

Person applied for protection on **26 May 2017**.

A first instance decision issued (rejecting protection claim) in on **04 May 2018** [An appeal is lodged with IPAT]

30 June 2018: Reception Regulations come into force.

28 August 2018: The person is refused labour market access permission by Review Officer in DJE. Appeals this refusal to IPAT.

How do you think IPAT decided this appeal and reasoning for decision?

Based on [Georgia](#) [2018] IPAT 12 RC.

What if....

Application for refugee status on **16 November 2015**.

First instance rejection issued on **08 March 2018** (*delay due to IPA 2015*) and appeal to IPAT was ongoing.

26 November 2018: Review officer determines 2018 Regulations do not have retrospective effect (not argued in previous example!)

How do you think IPAT determined this appeal?

Based on [Bangladesh](#) [2019] IPAT 1 RC

(c) Vulnerability Assessments: Ignoring Legal Obligations

8. (1) The Minister—

(a) shall within 30 working days of the recipient giving an indication referred to in paragraph (a), (b) or (c) of section 13(1) of the Act of 2015, and

(b) may at any stage after the expiry of the period referred to in subparagraph (a), where he or she considers it necessary to do so, assess—

(i) whether a recipient is a recipient with special reception needs, and

(ii) if so, the nature of his or her special reception needs.

(2) The Minister for Health and the Health Service Executive shall provide the Minister with such assistance as is necessary for the performance by him or her or her functions under paragraph (1).

Calls for implementation (but no movement so far)

Vulnerability Assessments:

- The procedures to meet the requirements under the Directive with regard to vulnerability assessments should be enhanced by:
 - The DJE carrying out an initial basic assessment of vulnerability at the initial stage of applications for international protection;
 - The HSE, in respect of the health aspects through the proffered health screening and ongoing medical supports;
 - Vulnerabilities identified, either at the initial screening or subsequently¹, are communicated to the relevant authorities;
 - Arrangements put in place to permit the necessary exchange of information between State entities in relation to the vulnerability assessments, to ensure a coordinated approach to the necessary provision of services. It is noted that State services in this case, when available to persons in the international protection process, are accessed in the same way as Irish citizens, so normal prioritisation, access criteria and waiting times will generally apply.

6.6.2 Vulnerability assessments

The assessment of vulnerability is informed by the principles and standards of international refugee and human rights frameworks. The EU Recast Reception Conditions Directive sets out the requirement to take account of the specific situation of vulnerable persons in terms of their reception needs throughout the duration of the asylum procedure with appropriate monitoring of the person's situation.

The current draft plan includes the carrying out a basic assessment of vulnerability at the initial stage of application for international protection by the DJE, supported by the HSE (carried out in parallel with the international protection application process at the IPO office). The outcome of this screening is a supported referral to the Baleskin Health team and it will also inform IPAS on placement options.

The on-going assessment of vulnerabilities is an important part of the overall process, and the Reception Officer (as outlined in the in Department of Justice and Equality *National Standards for accommodation offered to people in the protection process*, August 2019) in each centre is important in the case management process and ensuring a coordinated approach to the provision of services.²²³ The cost supplied by the Department of Health for the four future vulnerability officers for initial assessment (1 in Baleskin, 1 Outreach to emergency accommodation and 2 HSE other) would be €275,890 per annum which is included in the costs as a proxy figure for potential future costs.

Call for urgent implementation of vulnerability assessment, two years after it became mandatory

Press release: Irish Refugee Council call for urgent implementation of vulnerability assessment, two years after it became mandatory

5 November 2020

- Vulnerability assessment is required by law but has not been implemented
- Catherine Day Advisory Group report recommended that vulnerability assessment be quickly implemented
- Irish Refugee Council today publish detailed recommendations around design and implementation

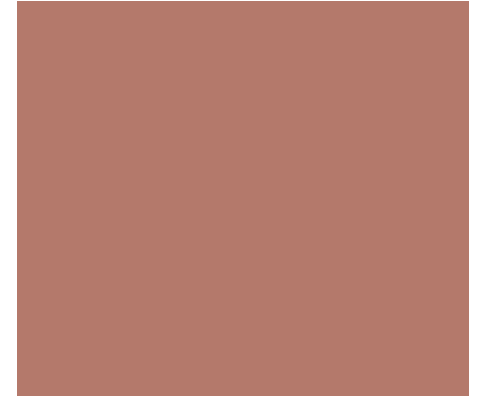
Nick Henderson, CEO of the Irish Refugee Council said:

(d) Damages for breach of EU legal rights under 2018 Regulations

[X & Y \(No 1\)](#): Applicants denied 'material reception conditions' for 27 days after request accommodation- breached Reg 4 of 2018 Regulations/Art. 17 of RCDr (*other claims/reliefs refused*).

[X & Y \(No. 2\)](#): Award of 'Francovich damages':

"...having due regard also to the principle of effectiveness (and so the need to ensure that a sanction for infringement of EU law is such as to guarantee real and effective legal protection and have a deterrent effect), the court will award a total of €1,500 jointly to the applicants by way of damages."



(e) Daily Expenses (Direct Provision) Allowance

- **April 2000 to January 2016:** €19.10 per adult p/w; €9.60 per child p/w
- **January 2016:** €19.10 per adult p/w; €15.60 per child p/w- **why?**
- **June 2017:** €21.60 per adult p/w; €21.60 per child p/w- **why?**
- **March 2019:** €38.80 per adult p/w; €29.60 per child p/w- potential impact of Ireland's opt-in to EU law? Possibly....but....



Potential Significant Developments?

Accommodation

Re-integration into the Irish welfare state

Access to the labour market after 3 months (Ireland has stated it will grant after 6 months- no movement yet).

Recommendations as to processing applications and legal aid/advice

Grant of residency for those in system for 2 years (as of December 2020), while allowing if person(s) wish to continue protection claim.

Awaiting 'White Paper' which will only focus on accommodation.

Protection seekers now may seek permission to enter labour market if no first instance decision in six months.

Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process

September 2020





(3) Rights of Persons with Protection Status *(time permitting!)*

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Assisting victims of human trafficking

The State's response to trafficking in
human beings for sexual exploitation

Deaglán Ó Briain

January 2021

What do we know?

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- 2017: total recognised victims = 72. 42 adult females, 3 minors. 28 for sexual exploitation.
- 2018: total recognised victims – 64. 30 adult females, 3 minors, 26 for sexual exploitation.
- 2019: total recognised victims = 42. 31 adult females, 7 minors, 34 for sexual exploitation, 2 for both sexual exploitation and forced labour
- 650 women advertised online each day. 2,000 women in prostitution. 56% of trafficking in EU for sexual exploitation.

Significant reforms

- Criminal Justice Act 2017 – criminalises the purchase of sex.
- Independent Review under way
- Garda National Protective Services Bureau and DPSUs
- Shift to support and protection: CAB processes.
- Dedicated communications channels during Covid-19

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Other actions

- High Level Group – DPP, AGS, DoJ
- IHREC as National Rapporteur
- Forum for Stakeholders
- Cultural Mediators and Navigator Initiative
- Dedicated accommodation for those within asylum and protection system

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National Referral Mechanism

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- Currently, sole authority for formal recognition of victims of human trafficking is An Garda Síochána.
- We want to involve other agencies in decision-making.
- Different pathways, committee structure bringing all agencies together. Each own due diligence investigation process.
- Separate out immigration issues, prosecution and giving evidence. Takes time to build up self-confidence and trust.
- NGOs as trusted partners.


Future and challenges

- Training and awareness
- *We don't buy it* campaign
- Long-term support for victims and exit routes: income maintenance, housing and immigration issues.
- Successful prosecutions? Includes 2017 Act convictions and CAB processes.
- Revision of 2016 Action Plan.

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Reception and Integration

- The French experience –

Aude Rimalho, Cabinet Aude Rimalho, Paris, France

RECENT LEGISLATIVE DEVELOPMENT:



- **Accelerating asylum procedures:** between 2015 et 2017, the average examining period for an asylum application has dropped from 6 to 3 months at the administrative stage (OFPRA), and from 7 to 5 months at the judicial stage (CNDA).
- **Rationalizing procedures:** Obligation for the applicant, to indicate, upon filing the asylum application, whether he/she considers that he/she can claim another resident permit (family and private life, work etc.)
- **Strengthening the right of protected persons rather than those of applicants:** The duration of resident permit issued to the beneficiaries of subsidiary protection is extended from 1 to 4 years, where as some asylum seekers lose the right to stay in France at the end of the administrative stage of the asylum process.

CE: Conseil d'Etat / [Highest Administrative Court](#)

CAA: Cour administrative d'appel / [Administrative Court of Appeal](#)

CNDA: Cour Nationale du droit d'asile / [National Court of Asylum](#)

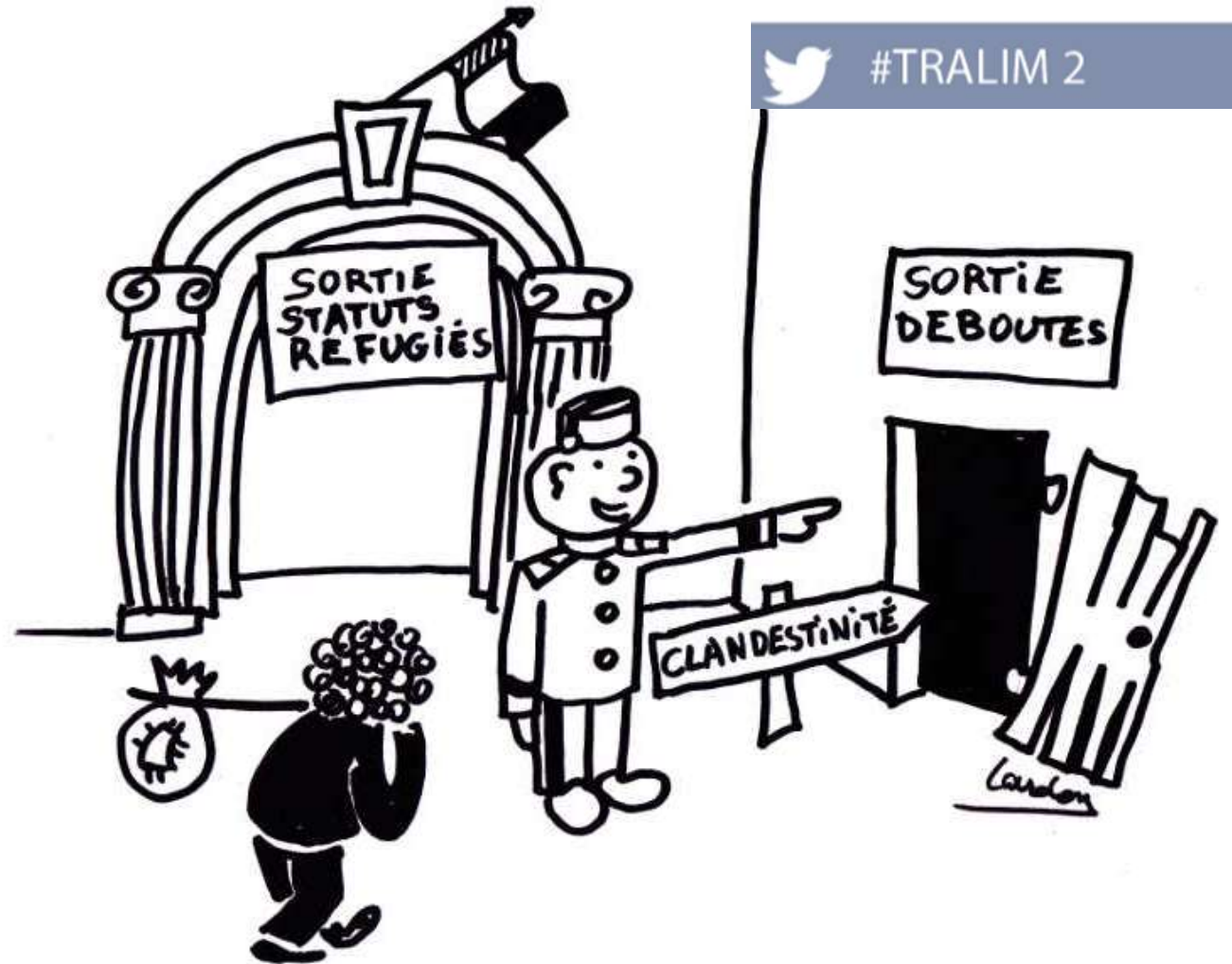
GUDA: Guichet unique pour demandeur d'asile / [One-stop service for asylum seeker](#)

OFII : Office français pour l'immigration et l'intégration / [French Office for Immigration and Integration](#)

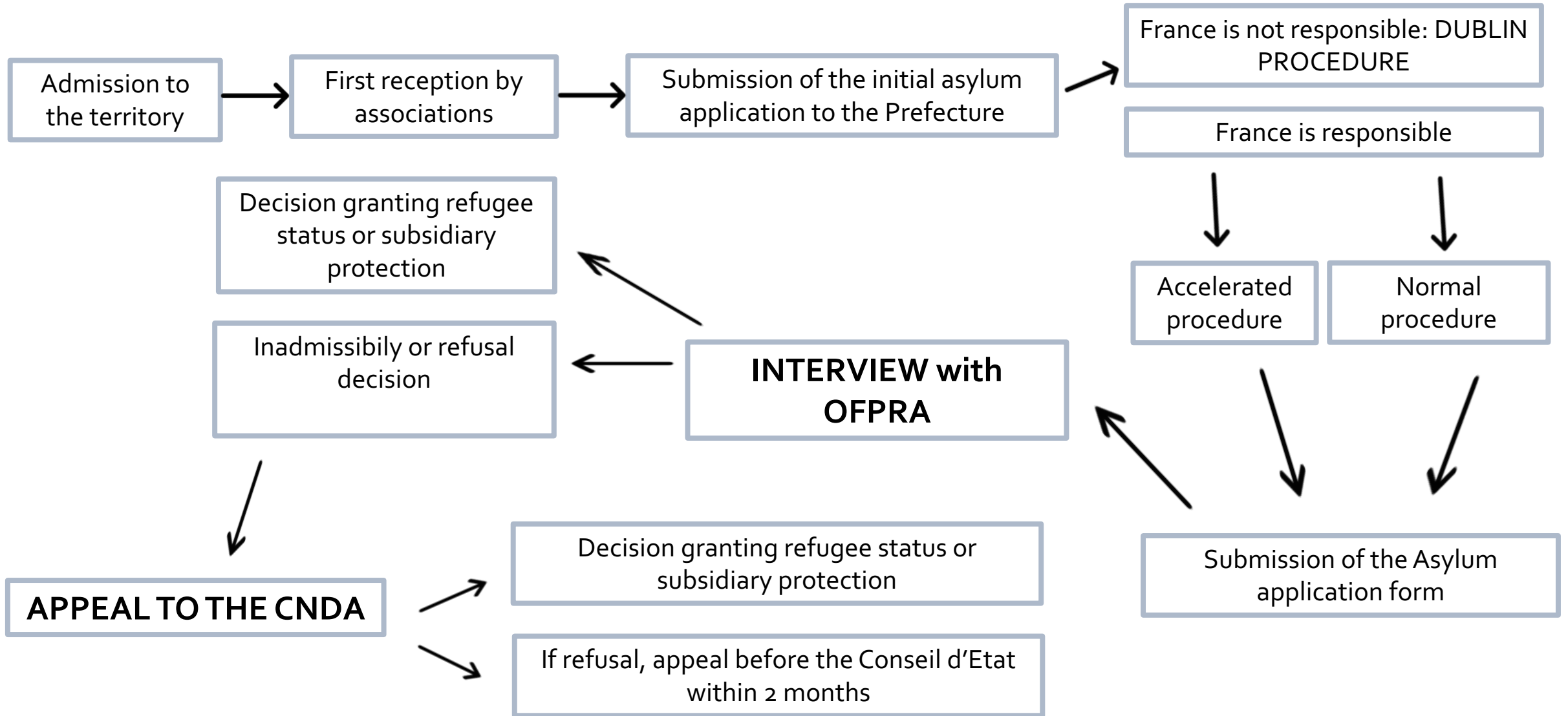
OFPRA : Office français de protection des réfugiés et apatrides / [French Office for the Protection of Refugees and Stateless Persons](#)

PADA: Plateforme d'accueil du demandeur d'asile / [Reception Platform for asylum seeker](#)

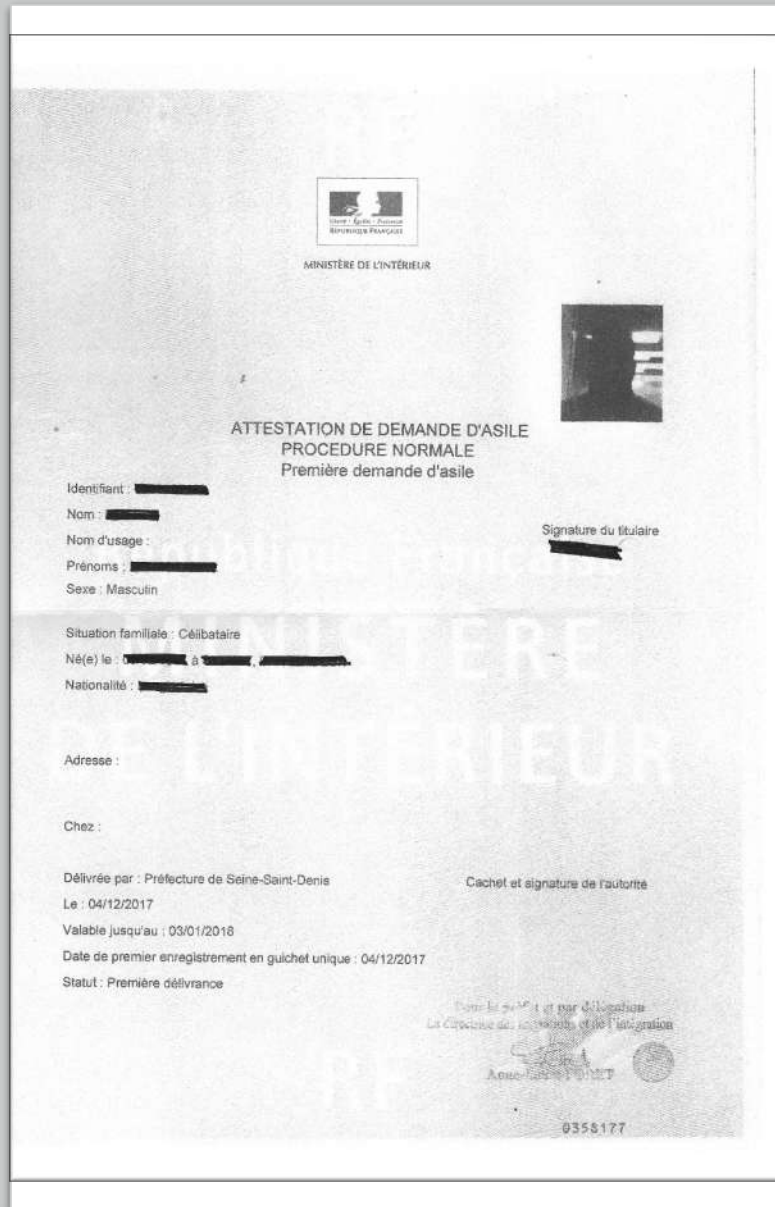
TA: Tribunal Administratif / [Administrative Court](#)



THE FRENCH ASYLUM PROCEDURE



SUBMISSION OF THE ASYLUM APPLICATION



MINISTÈRE DE L'INTÉRIEUR

ATTESTATION DE DEMANDE D'ASILE
PROCEDURE NORMALE
Première demande d'asile

Identifiant : ██████████
Nom : ██████████
Nom d'usage : ██████████
Prénoms : ██████████
Sexe : Masculin

Situation familiale : Célibataire
Né(e) le : ██████████ à ██████████
Nationalité : ██████████

Adresse :
Chez :

Délivrée par : Préfecture de Seine-Saint-Denis
Le : 04/12/2017
Valable jusqu'au : 03/01/2018
Date de premier enregistrement en guichet unique : 04/12/2017
Statut : Première délivrance

Signature du titulaire
Anne-Jaspe

0358177

Associations in charge of
the initial reception
(PADA)

✓ Information on the asylum
application electronic
registration

✓ Appointment at the one-stop
service (GUDA)

Then, submission of the
application in Prefecture
(GUDA):

✓ Fingerprints => DUBLIN?

✓ Individual interview designed to
retrace the journey from the
country of origin

✓ Care package proposal from
OFII

Care package proposal from OFII:

1 Right of access to housing



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- If the applicant refuses the proposed accommodation or does not show up within the 5 days to the place he is assigned to, he/she cannot claim any financial assistance and will be refused or withdrawn the benefit of material reception conditions.
- Since January 1, 2019, if the asylum seeker has temporarily left the region where he is domiciled without authorization from OFII, the benefit of material reception conditions is also removed.



2 Financial help



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- the asylum seeker receives an allowance, paid by OFII:
 - 6,80 euros per day per person,
 - + 3,40 euros per additional person in the household.

- The allowance may be suspended in the event of:
 - a refusal of an accommodation proposal,
 - failure to comply with the obligation to report to the authorities,
 - failure to attend personal interviews or in the absence of a response to requests for information without legitimate reason,
 - abandonment without legitimate reason of his place of accommodation..



Right to stay on the territory



- Since December 1, 2018, the asylum applicant benefits from the right to remain on the territory, no longer until notification of the CNDA's decision by post, but until the Court's decision is read in open court.
- Applicants placed under the accelerated procedure may be subject to an order to leave the territory after OFPRA's rejection.





Normal Procedure or Accelerated procedure?

- Safe country
- Asylum application registered more than 90 days after arrival in France
- Request for re-consideration of the Asylum application
- Refusal to give fingerprints / Multiple applications under different identities
- The presence on the territory constitutes a serious threat to public order [...]

List of safe countries

- | | |
|----------------------|-------------|
| ✓ Albania | ✓ India |
| ✓ Armenia | ✓ Mauritius |
| ✓ Bosnia-Herzegovina | ✓ Moldova |
| ✓ Cape verde | ✓ Mongolia |
| ✓ Georgia | ✓ Senegal |
| ✓ Ghana | ✓ Serbia |
| ✓ Macedonia | ✓ Kosovo |
| ✓ Montenegro | |

4 Right to work



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- Since 1991 in France, asylum seekers no longer have the right to work.
- However, they can apply for a work permit if OFPRA delays in processing the application for asylum. The work permit application is processed according to the rules of common law.
- Access to the labor market may be granted to asylum seekers when OFPRA has not ruled on the asylum application within 6 months of the registration.



Right to health

Asylum seekers have the right to "health protection", even if they are in the "accelerated procedure" or in the "Dublin procedure".

During the first three months of presence in France, adult asylum seekers (18 years and over) are entitled to free treatment only in hospital (with coverage under the "urgent and vital care" system).

Asylum seekers who can prove that they have been in France for more than 3 months are entitled to health insurance, as well as, without any delay, minor asylum seekers or dependent children of an applicant for asylum.




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associate professor**

Department of European Constitutional Law

Attorney, member of the Human Rights Committee, National Bar of Attorneys (Poland)



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Trafficking in Human Beings – the Polish Experience

Training of Lawyers on
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Outline:

- 1) Applicable law
- 2) Practical issues

Trafficking in Human Beings – the Polish Experience

Applicable law

1. International law
2. EU law
3. Domestic provisions:
 - a. 1997 Penal Code (definition)
 - b. 2013 Law on Foreigners (temporary residence permit for 3 months → a foreigner who is presumed to be a victim of trafficking in human beings within the meaning of art. 115 § 22 of the Penal Code, a certificate confirming the existence of this presumption is issued; the certificate is issued by the state organ responsible for prosecution of the crime referred to in Article 189a PC; valid for 3 months)
 - c. 2003 Law on Affording Protection in the Territory of Poland to Foreigners (Refugee Law)



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Trafficking in Human Beings – the Polish Experience

Practical issues

1. 15,000 victims annually (official statistics do not confirm)
2. National action plans
3. National Intervention and Consultation Centre for Polish and foreign victims of trafficking in human beings
4. definitional inconsistency (consent?)
5. insufficient consideration of circumstances concerning human trafficking in the context of applications for international protection



#TRALIM 2

Reception for Asylum Seekers: Contrasting National Law & EU Legal Norms

[Dr Liam Thornton](#), Associate Professor, School of Law, University College Dublin.

Website: www.liamthornton.ie

Twitter: [@LTLaw](#)

Key Legislation

European Union Law: [Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection \(recast\)](#), OJ L 180/96 -105/32; 29.6.2013, 2013/33/EU

Irish Transposition Measure: [S.I. No. 230 of 2018 European Communities \(Reception Conditions\) Regulations 2018](#), as amended by [S.I. No. 436 of 2020 Disability, Equality, Human Rights, Integration and Reception \(Transfer of Departmental Administration and Ministerial Functions\) Order 2020](#).

Part 8 of the [International Protection Act 2015](#) (as revised), ss.53-58.

N.B. On 28 January 2021, the Minister for Justice announced that administratively, pending changes to the 2018 Regulations, protection seekers will be granted permission to enter the labour market after six months, where this has been no first instance determination of the protection claim. See details of this administrative arrangement [here](#) and [here](#). This administrative arrangement was applied from 26 January 2021, for applicants received on/after 18 January 2021.

Key Case-Law

1. Access to the Labour Market (Applicant/Recipient Distinction-Potential Dublin Transfer)

Court of Justice of the European Union

Joined Cases C-322/19 and C-385/19, [K.S., M.H.K., R.A.T. and D.S. v Minister for Justice and Equality, IPAT and others](#), 14 January 2021 (Advocate General De la Tour's opinion can be accessed [here](#)).

Irish High Court:

[K.S. \(Pakistan\) v The International Protection Appeals Tribunal ; M.H.K. \(Bangladesh\) v The International Protection Appeals Tribunal](#) [2019] IEHC 176.

International Protection Appeals Tribunal (IPAT)*:

* Please note that the neutral identifiers are not part of IPAT's decision numbering system, but have been created by Liam Thornton for ease of reference. All IPAT decisions on the RCDr 2013 and 2018 Regulations referenced in this presentation are available through the *Exploring Direct Provision* project:

[Iraq](#) [2019] IPAT 7 RC (second IPAT preliminary reference).
[Unknown Nationality](#) [2019] IPAT 4 RC (first IPAT preliminary reference).
[Albania](#) [2019] IPAT 3 RC.
[Pakistan](#) [2018] IPAT 21 RC (First disapplication of 2018 Regulations by IPAT).
[Bangladesh](#) [2018] IPAT 20 RC (IPAT indicated (somewhat) that the 2018 Regulations on entry to the labour market did not comply with the EU RCDr 2013).

2. Access to the Labour Market (Other Issues)

- (a) Request for internal review must occur prior to IPAT having jurisdiction: [Afghanistan](#) [2019] IPAT 8 RC.
- (b) Once a first instance decision issues prior to 9 months, then no entitlement to apply to access the labour market, see e.g. [Georgia](#) [2019] IPAT 9 RC.
- (c) A person who had been waiting a determination of a first instance decision for over nine months, prior to the commencement of the 2018 Regulations (and was now awaiting IPAT appeal)- did not have an entitlement to access the labour market, see: [Bangladesh](#) [2019] IPAT 1 RC, overturning previous IPAT decisions in [Georgia](#) [2018] IPAT 12 RC.

3. Damages for breach of Rights under 2018 Regulations

[X & Y v Minister for Justice and Equality \(no 1\)](#) [2019] IEHC 133.
[X & Y v Minister for Justice and Equality \(no 2\)](#) [2019] IEHC 226.

4. Detention

[Re in the matter of Article 40.4.2 of the Constitution, Singh v Governor of Cloverhill Prison](#) [2019] IEHC 317 (note: applicant was not claiming protection, so 2018 Regulations not relevant to his detention)

5. Rights of Persons with Protection Status (Family Reunification)

A v Minister for Justice & Equality, S v Minister for Justice & Equality, I v Minister for Justice & Equality [2020] IESC 70 (judgment of [Dunne J.](#); judgment of [Charlton J.](#)).

Select Literature (Law)

Direct Provision System (pre- 2018 Regulations)

Liam Thornton, “[A View from Outside the EU Reception Acquis: Reception Rights for Asylum Seekers in Ireland](#)” in Paul Minderhoud and Karin Zwaan (eds). *The recast Reception Conditions Directive: Central Themes, Problem Issues, and Implementation in Selected Member States* (Oisterwijk, The Netherlands: Wolf Legal Publishers), pp.49-76.

<https://exploringdirectprovision.ie/reception-conditions-decisions-database/>. Decisions were made available pursuant to Freedom of Information requests to IPAT (FOI Reference 01/2019, 02/2019 and 03/2019).

Access to the Labour Market, EU Law & 2018 Regulations

Clíodhna Murphy and Desmond Ryan, "Work, dignity and non-citizens: reflections from the Irish constitutional order" (2020) *Public Law* 30-40.

Liam Thornton, "[Clashing Interpretations of EU Rights in Domestic Courts](#)" (2020) 26 (2) *European Public Law* 243-264 (for those without subscription, open access article [here](#)).

Daily expenses allowance (previously known as direct provision allowance)

Liam Thornton, "[Augmenting social welfare for asylum seekers in Ireland](#)" (2020) 42(4) *Journal of Social Welfare and Family Law* 441-460 (for those without subscription, open access article [here](#)).

Vulnerability Assessments

Irish Refugee Council, [The Vulnerability Assessment: Recommendations for design and implementation](#) (November 2020).

Further Potential Developments

[Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process](#) ('Day Report'), October 2020.

Government of Ireland, [Interdepartmental Group on Direct Provision](#), December 2019.

Other resources

Access twenty plus years of documentation obtained on the system of direct provision, law, policy and politics, on the [Exploring Direct Provision](#) database [here](#).