

24th November 2014

Deputy Frances Fitzgerald TD
Minister for Justice and Equality
Office of the Minister for Justice and Equality
94 St. Stephen's Green
Dublin 2

Our Ref: 41092

**RE: Clondalkin Area Committee Meeting of South Dublin County
Council held on 19th November 2014**

Dear Minister,

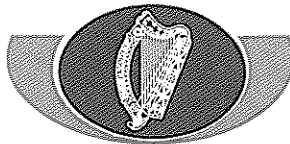
At the meeting of the Clondalkin Area Committee held on the 19th November 2014 the following motion was passed by the Members of the Area Committee:

“That this Area Committee calls on the Department of Justice and Equality to consider the plea of residents currently living in direct provision system at Clondalkin Towers Hotel and other locations to be granted compassionate leave to remain in the State.”

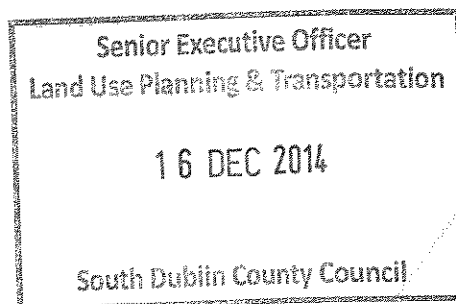
I would be obliged for your comment and response as soon as possible to enable me to revert to the Committee.

Yours sincerely,

Edel Colgan
Senior Staff Officer



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OFFICE OF THE MINISTER FOR JUSTICE & EQUALITY



South Dublin County Council
County Hall,
Tallaght,
Dublin 24.

FAO: Ms. Edel Colgan, Senior Staff Officer

Minister Reference: 1201150223

12 December, 2014

Dear Ms. Colgan,

I have been asked by Ms. Frances Fitzgerald T.D., Minister for Justice and Equality, to refer again to your letter dated 25th November, 2014 (your ref: 41092) in relation to persons residing in Direct Provision accommodation.

Having made enquiries into this matter, I am advised that the asylum/immigration case of every person residing in, and outside of, Direct Provision accommodation will be considered on its individual merits by the appropriate authorities in the Irish Naturalisation and Immigration Service (INIS). This includes the first instance determination of asylum applications by the Offices of the Refugee Applications Commissioner and, where necessary, the examination of asylum appeals by the Refugee Appeals Tribunal. The same position applies to applications for subsidiary protection, at first instance and at appeal stages. Additionally, where a person is unsuccessful at the asylum and subsidiary protection stages, it is open to them to 'apply for leave to remain' at which point they can set out, in writing, any representations they wish to make against the making of a Deportation Order. As a result, it can hardly be said that Ireland's asylum, protection and leave to remain processes are not fair or comprehensive.

As a result of these comprehensive processes, persons who are granted refugee or subsidiary protection status, or indeed humanitarian leave to remain, will have such a decision made following the detailed consideration of their individual circumstances and that, in the Minister's view, is how it should be.

The Minister has also asked me to point out that delays can inevitably occur in these processes. However, many of these delays are outside of the control of the INIS. For example, applicants regularly lodge judicial review proceedings in the High Court

against a negative determination or decision made in their cases. Where such proceedings have been lodged, no further steps can be taken in such cases until the judicial review proceedings have been determined. Equally, where one family member has a case before the High Court, it is difficult to have the cases of the other members of that family unit processed to completion, in either a favourable or an unfavourable manner, while the outstanding case remains before the High Court. The Members of the Council should be aware that it is the practice of the INIS, insofar as it is possible to do so, to finalise the cases of all members of a family unit at the same time.

The Minister accepts that the current multi-layered asylum and subsidiary protection process is far from ideal and, as such, it is her intention to bring forward legislation in the coming months - through the medium of a single protection procedure - to replace the existing processes. The Minister is confident that this single procedure, once implemented, will have a very positive impact on processing times for applications for international protection.

The Minister is very much aware that the whole area of Direct Provision has been the subject of much political and media focus in recent months. In accordance with the commitment in the Revised Programme for Government, the Minister has established a Working Group, under the Chairmanship of Mr. Justice Brian McMahon, to look at this whole area and to make recommendations as to how the system might be improved, within existing budget parameters. The Minister expects to have the Report of that Working Group by Easter, 2015.

In terms of the Motion passed by the Clondalkin Area Committee of your Council, the Minister has asked me to assure the Members that the asylum/immigration case of every person residing in, and outside of, Direct Provision accommodation will be considered on its individual merits at all stages of the process before a final decision is arrived at. In the Minister's view, this is the most appropriate way to deal with such cases. Indeed, the Minister takes the view that to grant persons permission to remain in the State en bloc, and without having regard for the merits of the individual cases, would be a very unwise way to proceed and, as such, she has no plans to proceed in this way.

Overall, the Minister appreciates the Area Committee's interest in this whole area and she hopes these clarifications will be of assistance.

Yours sincerely,



Chris Quattrociocchi
Private Secretary to the
MINISTER for JUSTICE and EQUALITY