



CHURCH of IRELAND GENERAL SYNOD  
CHURCH in SOCIETY COMMITTEE  
Social Justice and Theology (RI) Sub-Committee

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**REFUGEES AND ASYLUM SEEKERS IN IRELAND**

**Introduction**

With the advent of totalitarianism in the 1930s, the abuse of human rights became common place in much of mainland Europe. Active Trade Unionists, Socialists and Communists were arrested, jailed, tortured and murdered and in Germany those of Jewish origin were particularly singled out for inhuman treatment. In Stalinist Russia, millions of people disappeared into labour camps and died from barbarous ill-treatment. Despite pleas for help and shelter from those being persecuted, many countries - Ireland included - simply refused to act or to believe that it could possibly be as bad as was being claimed.

When the extermination camps were liberated and the full horror of what had happened was at last revealed, the nations that had stood idly by felt a sense of shame and guilt at their earlier complacency. In 1951 a conference was held in Geneva at which the nations of post war Europe agreed to promote and uphold basic standards of human rights.

**At this conference a ‘refugee’ was defined as: ‘A person with a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.’**

Throughout the 1960s, 1970s and into the 1980s this definition served us well. However, as time passed, in addition to the many refugees fleeing persecution, a new kind of immigrant appeared in Europe; the ‘economic migrant’ who was fleeing poverty and hopelessness usually somewhere in the Third World. When, in 1990, the communist regimes of Eastern Europe imploded numbers seeking entry to the EU states began to soar and Europe started to review its earlier commitment to providing a safe haven to refugees.

**June 1991 - EU states adopt a common refugee policy**

The total number of applicants for asylum in EU member states in 1986 was 200,000. By 1989 the number had reached 316,900 and in 1992 there were 696,500. In response to the increasing numbers seeking asylum **a common policy throughout the EU was adopted.**

It had three basic plans:

Border control policies common to all EU member states;

A common foreign policy in dealing with asylum seekers;

A common asylum law for all EU member states. This meant changing asylum laws throughout the EU and, effectively, introducing a zero admittance policy.

### **EU Proposals in Action**

Access to EU member states was to be curtailed;

First country applications - asylum seekers could not travel beyond the first country in which they arrived and could not apply for asylum elsewhere;

Welfare payments to asylum seekers were to be reduced to a minimum (or less in some cases);

Those refused refugee status that were unlikely to leave willingly were to be detained;

Claimants who alleged they were persecuted by 'non-state agents' e.g. terrorised by rebels or religious fanatics could not claim asylum.

### **The background to the situation in Ireland**

Ireland has had occasional groups of refugees arrive in the past. The Huguenots in the seventeenth century settled here and made an enormous contribution to the economy of the country by developing the linen industry. Refugees from Central Europe came later and revived the glass industry in Waterford and in the 1930s small numbers of Jewish refugee children were allowed to come into Ireland.

However, it is important to remember that for many of the last 150 years Irish people have left these shores where they were impoverished and regularly unemployed and have sought a better future for themselves in other countries e.g. Britain, Canada, Australia and the USA. Many of those arriving in Ireland today from Eastern Europe and Africa are doing the same thing as the Irish of old. They're trying to find a better life for themselves and their families.

Before 1993 there were never more than fifty applications in any one year from asylum seekers wishing to come to Ireland. But there were what were called '**Programme Refugees**' from Vietnam and Bosnia. These were refugees who were identified in crisis situations and who were invited to come here by the Irish Government. Special arrangements were put in place to welcome them, though few remained where they originally settled and many moved to Dublin or elsewhere in the EU when they got a chance. Some have claimed that they were not made welcome and were discriminated against.

### **Definitions of different kinds of refugee**

**An asylum seeker** is a person who seeks **to be recognised as a refugee** in accordance with the terms of the 1951 (Geneva) Convention relating to the status of refugees. Asylum seekers are given temporary permission to reside in Ireland while their cases are being processed and they will be issued with a Temporary Residence Certificate. They are not allowed to work or study unless they are under 18 years of age when they will be provided with a place in an appropriate school. They must live in government provided hostels where they are provided with free food, accommodation and €19 a week on which to subsist.

**A Convention Refugee** is a person who fulfils the requirements of the definition of a refugee under the 1951 Convention relating to the Status of Refugees. When this status has been granted refugees are allowed to work, study and eventually apply for Irish Citizenship.

**A Programme Refugee** (as stated above) is a person who has been invited to Ireland on foot of a Government decision in response to humanitarian requests from such bodies as the United Nations High Commissioner for Refugees (UNHCR).

**Non-national parents of Irish-born children** have been granted residency rights to care for their Irish-born children. However, following a recent court ruling there is no longer any guarantee that parents of such children will be allowed to remain in Ireland.

**‘Leave to remain’** may be granted on the initiative of the Minister for Justice on humanitarian grounds. Very few such requests – less than 1% - are granted.

### **The situation in Ireland**

#### **Latest available statistical information:**

#### **Inward migration to Ireland, 1995-2000**

<i>Origin</i>	<i>Percentage</i>	<i>Number</i>
Returned Irish	50%	123,100
UK	18%	45,600
Rest of EU	13%	33,400
USA	7%	16,600
Rest of World	12%	29,400

**(Central Statistics Office, Dublin)\***

‘The number of asylum seekers to Ireland has increased in recent years and has levelled out at approximately 11,000 per year. This is slightly higher than the EU average per head of population, but it is also the case that the total number of asylum

seekers and refugees in Ireland is much less than many other EU countries per head of population as there were virtually no asylum seekers coming to Ireland before 1996.'

The main countries of origin for asylum seekers in Ireland in 2000 were:

Nigeria	3,404 asylum seekers
Romania	2,384 asylum seekers
Czech Republic	403 asylum seekers
Moldova	388 asylum seekers
Congo DR	358 asylum seekers

**\*“Towards a National Action Plan against Racism in Ireland” Dept. of Justice and Law Reform, March 2002**

**Total cases finalised by Office of the Refugee Applications Commissioner, 20.11.2000 – 31.12.2001\***

Recommendations to grant asylum	467
Recommendations to refuse asylum	
Substantive, after interview	4,056
Manifestly unfounded, after interview	600
Failure to appear at interview	1,975
Withdrawals processed	4,873
Determinations for transfers to other countries	234
Unprocessable	372
<b>Total</b>	<b><u>12,577</u></b>

**\*Office of the Refugee Applications Commissioner, Annual Report 2001**

**Applications for asylum from unaccompanied minors**

During 2001, over 600 applications for refugee status were received from unaccompanied minors, which marked a very considerable increase in the number of applications from this group. Concern was also expressed at some applicants who claimed to be minors but whose ages could not be verified. Indications are that the concerns are justified. The majority of those tested were found to be over 18 years old.

### **Why do people seek asylum?**

Among the 11,634 people applying for asylum in Ireland in 2002 no doubt there were those who, like the Irish before them, were seeking to improve their lot and used 'asylum' as the means by which to gain legal entry to this country. However, there were others who were genuinely fleeing persecution or fear of being killed.

Increasing political repression, murder and torture in countries such as Zimbabwe or Congo have added to the numbers applying for asylum. Some people live in areas of intense religious tension between Muslims and Christians e.g. northern Nigeria. Current problems of global terrorism and the response of western powers can heighten communal conflict. People speak of fears of being killed if they return home.

Many people seek refuge for personal and family reasons that are not readily understood in secular western societies. Women who flee their homes may do so to avoid genital mutilation for themselves or their daughters. There may also be aspects of ritual murder or human sacrifice that appear unbelievable to western minds but are a real threat to people who have come here to escape. The complexities of ongoing conflicts in countries far away may not always be appreciated by those whose job it is to make decisions on asylum requests. And there is also the difficulty of people trying to tell their experiences through translators. Language can be problematic in presenting a credible case.

### **What are the feelings of refugees coming to Ireland?**

Lack of understanding of why refugees come here generates a lot of heated debate, much of which is ill-informed. There is almost no Irish research on the needs and patterns of settlement of immigrants. A detailed survey, limited to Vietnamese and Bosnian programme refugees, was however, conducted by five Irish Government departments in 1997.

**Bosnian** refugees, when asked, stated: -

They had suffered considerable personal loss;

Many had experienced the trauma of war, injury, death of loved ones;

They were seeking security and peace in Ireland;

They were very fearful.

**Vietnamese** refugees stated, in addition to the above

They were seeking to reunite their families.

**Most** refugees were negative about having to flee their homes and all

experienced sadness, depression, grief;

were fearful and suffered panic attacks;

Felt lost, confused and insecure. Also felt they had no control over their lives;

43% of Bosnians said they were worse off by coming to Ireland.

***“The experience in Ireland has shown that policies aimed at assimilating refugees into Irish society do not work.”*** From: ‘Cultivating Pluralism’ Ed. By Malcolm Mac Lachlan and Michael O’Connell.

### **What challenges face newly arrived immigrants in Ireland?**

Asylum seekers confront numerous challenges when they arrive in Ireland and need support in dealing with them.

**English language teaching** is not available in any systematised manner and this prevents many asylum seekers from integrating into Irish society;

**Dealing with Irish bureaucracy** can be extremely frustrating and slow. Many asylum seekers do not have adequate assistance in establishing their entitlements;

**Many asylum seekers suffer severe depression and / or psychological trauma** which are not properly treated or helped by being incarcerated in overcrowded and often very noisy hostel accommodation. Privacy and security of belongings are also concerns for many refugees;

**Asylum seekers may not officially work or study** in Ireland until they have had their status as refugees confirmed and that can take a *very* long time. There is an inevitable temptation to take up offers of poorly paid illegal work;

***“The policy of putting asylum seekers into a limbo of several years’ duration, where they are prohibited from working, and they and their families discouraged from learning English, is souring the whole induction process for immigrants,”*** says Fr. Bill Toner, director of the Jesuit Centre for Faith and Justice in Dublin;

**Employment** for those who are eventually granted refugee status is usually non-skilled and for many refugees who are highly educated, this adds to their loss of self-worth.

### **Ireland needs skilled immigrants**

Irish government policy is increasingly based on the premise that increased numbers of migrants into Ireland are necessary for the continued expansion of the economy. Ms Mary Harney, the Tanaiste, stated: -

***“It is in our own economic self-interest that we adopt a more open attitude to immigration.”***

Most of those invited to take up the vacant jobs are, however, from within the EU or the Eastern European states awaiting membership of the EU. None of them may stay in Ireland when their work permits expire unless invited to do so.

### **Positive efforts needed to help refugees integrate**

English language classes are especially helpful as a way to reach refugees;

Help with understanding the language of official documentation is usually needed;

Discussion after church services with refugees makes them feel welcome;

Listening to those who express racist comments and trying to respond with the facts is an important way to defuse it;

There is a considerable body of information on refugee law and social service assistance available from refugee organisations. Those who wish to can obtain this information and pass it on to those who need it.

### **Theological reflections**

**The birth narratives of Jesus** portray the Holy Family fleeing to Egypt to escape the tyrannical cruelty of King Herod. Matt. 2: 21-23. In the Christian story there is an appreciation of the plight of the refugee.

**Attitudes to the stranger** in the Old Testament encourage acceptance and fairness towards the stranger. The Chosen People are to remember that they were slaves and strangers in Egypt and to treat others with the respect they would want for themselves. *Deut. 10:19 'You shall also love the stranger, for you were strangers in the land of Egypt.'*

*Lev. 19:34 'The alien who resides with you shall be to you as the citizen among you; you shall love the alien as yourself.'*

**The inclusive family of the Church** in the NT is increasingly aware that there are no boundaries to God's care. For Paul this was a passionate conviction. *Galatians 3:28 'For there is neither Jew nor Greek; there is neither slave nor free; there is neither male nor female; for you are all One in Jesus Christ.'*

For Peter it was a truth that dawned slowly through personal encounter and divine revelation. *Acts: 10:34 'Truly, I perceive that God shows no partiality, but in every nation anyone who fears Him and does what is right is acceptable to Him.'*

**Compassion is the touchstone of right belief** and in the story of the sheep and the goats, the response to our neighbour is our response to Christ Himself. *Matt. 25:35 '.... For I was hungry and you gave me food. I was thirsty and you gave me drink. I was a stranger and you welcomed me.'*

The tradition of Christian hospitality encourages Christians today to respond openly to the challenge of the asylum seeker. We do well to remember that while numbers of asylum seekers have grown significantly in Ireland since 1996, the majority of refugees are to be found in third world countries which have fewer resources to respond to the challenge.

A system of assessment of asylum cases is being developed but it is disquieting to reflect that Ireland has one of the lowest rates of acceptance of refugees in Europe. While recognition rates in Germany and the UK are 24% and Denmark recognises 45%, the rate in Ireland is only 4%.

#### **New asylum applications**

September 2002 - **1,199**

October 2002 - **1,149**

These were the highest monthly figures so far for 2002.

#### **Countries of origin**

Nigeria, Romania, Moldova, Zimbabwe and Ukraine.

#### **Cases dealt with in September and October 2002**

Cases completed: **2,459**

**1,020** withdrawn applications and

**209** refused asylum on grounds of failure to turn up for interview.

#### **Appeals**

Number heard in September and October: **1,040**

Number recognised as refugees: **204**

#### **Backlog of unprocessed cases**

By October 31 the backlog was **7,671** of which **2,500** were at appeals stage.

#### **Deportation orders**

From 13th September 2002 to 28<sup>th</sup> November 2002:

*signed* – 237; *effected* – 82

Top nationalities deported: Czech – 21; Nigerian – 14; Bulgarian – 5;

Polish – 4.

#### **Accommodation for asylum seekers**

There were **3,846** asylum seekers in 53 accommodation centres in 23 counties in the country in mid-November 2002. This represents an occupancy rate of 76% of current accommodation at the disposal of the Reception & Integration Agency.