



REALISING FAMILY REUNIFICATION

TRAVEL ASSISTANCE & RELATED MATTERS

REPORT ON THE UNHCR, IOM AND IRISH RED CROSS
TRAVEL ASSISTANCE PROGRAMME



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Mohamad Omaish and his
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1. EXECUTIVE SUMMARY

“ ‘Wherever your family is, that is your home’. It’s a really famous saying in our culture. Some people say ‘oh you’re so far away from Syria, from your country’, but all of us are here. So we are in our country.”¹

By the very nature of their flight, people are frequently separated from their families for long periods of time. After completing the asylum procedure, often the first priority of refugees is to be reunited with their family. Family reunification is a fundamental right for beneficiaries of international protection in Ireland. This report focuses on the implementation of the UNHCR, IOM and Irish Red Cross (IRC) Travel Assistance (TA) Programme from 2008 to 2019 and looks at some of the practical challenges surrounding reunification. The TA programme assists beneficiaries of international protection in overcoming some of the financial and administrative obstacles to family reunification.

Firstly, in terms of the Irish context, positive elements include that subsidiary protection beneficiaries are entitled to family reunification on the same basis as refugees and Irish travel documents exempt from visa requirements can be issued on behalf of family members for travel purposes.² However, some obstacles remain for achieving family unity after a positive family reunification decision is issued. The practical costs associated with arranging travel for family members are often too high. In addition to flight costs they also include logistical expenses including exit fees, documentation and administrative charges. This is where the TA programme can be of assistance. It provides not only financial assistance with the cost of travel but may also include administrative support for logistical issues, such as arranging exit visas.

From 2008 to 2019 a total of 158 cases have been supported by the programme, comprising of 472 family members reuniting with applicants in Ireland. Exactly half of all beneficiaries of the programme were children and half adults. On average, family members availing of the programme were separated for 6 years. Delays in reunification may be for a myriad of reasons including the nature of flight, delays in the protection determination procedure and logistical issues during the travel assistance process, such as the arrangement of exit permissions. The top five countries of origin of assisted family members were Syria, Somalia, Afghanistan, Democratic Republic of Congo and Iraq.

Protection beneficiaries who arranged their family members’ travel by their own means were also interviewed as part of this research. Such self-payers frequently turned to friends, community members and/or church groups to borrow money for travel. Borrowing from friends sometimes put strain on the relationship and sometimes led to considerable pressure to pay back loans swiftly. Some self-payers placed themselves in considerable debt by turning to private money lenders for high interest loans. To combat this, UNHCR recommends that greater awareness is raised of the ‘It Makes Sense’ Personal Microcredit Loan Scheme among refugee communities and for those refugees who cannot avail of that scheme a formal low-interest loan scheme should be established. To lower costs, administrative fees including visa and travel document fees should be waived or reduced for family members.

For unaccompanied children and young people, challenges remain upon the arrival of family. In the absence of dedicated support, Tusla social workers and aftercare workers by default have to develop, coordinate and implement a whole range of support measures for newly arrived family to prevent them falling into homelessness. This places considerable

¹ Sara and her brother were supported by the TA programme to bring their parents, one minor sister and one adult sister to Ireland in 2016.

² Travel documents can be issued on behalf of family members under Section 55 International Protection Act 2015 and more recently, visas are no longer required for Irish travel document holders: <http://www.inis.gov.ie/en/INIS/Pages/check-irish-visa>



📷 The Khan family from Afghanistan reunited in Dublin. © UNHCR/Andrew McConnell

pressure on the social workers and aftercare workers responsible for the children. UNHCR recommends that an interdepartmental review should be considered to learn about the experience of unaccompanied children, and those who have since turned 18, seeking family reunification and the provision of dedicated support for the arrival of family members.

Obtaining travel documentation and visas can pose an additional barrier. Although the Irish government can issue travel documents, family members may live in locations where they cannot access an Irish Embassy for the purposes of completing the required travel document application form. If family have to access Embassies in other countries, this may pose a considerable risk while logistical challenges may prevent travel. For families in such circumstances another option could be the issuing of laissez passer documents for travel to Ireland which could also be obtained through Irish consulates, including Honorary Consuls.

This research also demonstrated that family members may frequently be in precarious and vulnerable situations while awaiting reunification in Ireland. Of the 34 nationalities supported to travel to Ireland with the TA programme, 65% of persons were

from one of the top ten refugee producing countries in the world. More than half of those persons were already displaced from their country of origin and in neighbouring countries for various reasons including protection risks and dire humanitarian conditions in their country of origin. Interviews with TA applicants and consultations with NGOs, showed that concerns for the safety of family members overseas is a key cause of anxiety during the family reunification process. UNHCR notes the important role that family reunification can play as a safe and legal pathway for protection of family members but in order to be effective, efficient processing of applications is crucial, particularly when family members are in vulnerable situations. UNHCR recommends that family reunification applications and ancillary applications for travel documents and visas for family members are expedited to ensure that family members can join family in Ireland as soon as possible, in particular where there are concerns for their safety.

UNHCR hopes that the recommendations in this report can provide a constructive basis for further dialogue and cooperation with all relevant stakeholders to ensure family reunification for international protection beneficiaries in Ireland.

2. INTRODUCTION

People forced to flee their homes are frequently separated from their families. Once they have obtained international protection status,³ their first priority is often to ensure that their family can join them in Ireland. Although beneficiaries of international protection receive information on their rights and entitlements upon a grant of status, the application process for family reunification can appear complex. Additional factors compound this complexity such as language barriers, the lack of documentary evidence establishing family links and the absence of free legal assistance or representation. When international protection beneficiaries receive permission to have their family members join them in Ireland it can seem that the end of their arduous journey is in sight.

However, many of them are unable to afford the costs of flights and related expenses for their family's travel. International protection beneficiaries in Ireland may have spent years in the asylum system, resulting in challenges integrating, accessing employment and becoming self-sufficient.

A refugee interviewee noted **“It should be understood that people coming from living years in direct provision have nothing. They have no savings to bring their families here.”**

Another refugee interviewee stressed the difficulties in transitioning from the asylum system to independent living in Ireland **“The transition from asylum-seeker to refugee was difficult. For six years, I had no rights. I couldn't work, go to school or integrate. You lose your self-esteem. Even just saying 'hello' to neighbours becomes difficult.”**

For some, this can bring about prolonged anxiety and emotional strain caused by lengthy separations, especially if family members are living in situations of protracted displacement abroad or in very difficult conditions within or close to conflict zones. For others, this can result in taking on significant debt to fund their family's travel.

Without a stable funding mechanism, those without the financial resources to pay for travel are often in practice unable to achieve family reunification. It was with this context in mind that the travel assistance programme was established.

2.1 History of the programme

The TA programme was established⁴ in 2007 in order to provide a safe and dignified alternative for international protection beneficiaries who have no other means of getting their family to Ireland. The programme is the only one of its kind in Ireland and has been in operation since a memorandum of understanding was signed by UNHCR and IRC in 2007.⁵ For the purposes of this report, the implementation period researched is 2008 to 2019 as no persons were successfully reunited under the TA programme in 2007. Under the memorandum of understanding, UNHCR provided the funds for travel costs while the IRC was responsible for gathering information on applicants'⁶ financial status and submitting recommendations to UNHCR on travel assistance requests. IOM assisted with travel arrangements once travel assistance was authorised. On occasion, IOM would also accompany an applicant to the airport to meet arriving family members, for example where elderly persons or unaccompanied children were involved.

³ For the purposes of this report, international protection status refers to being granted refugee status or subsidiary protection. Those that have received such status from the Irish authorities are also referred to as international protection beneficiaries.

⁴ The TA programme in its current format was established in 2007. Prior to 2007, refugees could apply for travel assistance to UNHCR. However, the British Red Cross (UNHCR's then implementing partner for the UK and Ireland) made the financial assessment of cases.

⁵ Steven O'Brien, *Irish Red Cross to help reunite refugee families in Ireland*, 15 February 2007, available at: <https://bit.ly/2ZUxVz4>

⁶ 'Applicant' for the purposes of this report refers to the family member in Ireland applying for travel assistance under this programme. The 'beneficiaries' are the family members who travel under the programme to Ireland to be reunited with the applicant(s) here.



Thaw Thaw Soe and her husband Lo May both from Myanmar, walk the streets of Galway in Ireland with their daughter Su Mya Noe. © UNHCR/Andrew McConnell

After operating on an ad hoc basis for many years, the TA programme was formalised in 2015 when UNHCR signed a Project Partnership Agreement with IOM, and yearly partnership agreements have been in place every year until 2020. This has improved the programme's operation by providing for what is generally a more stable funding mechanism and, as a result, greater clarity for potential applicants, their family members and the organisations involved.

The TA programme provides financial and logistical assistance to protection beneficiaries in Ireland to facilitate reunification with their family members once that permission has been granted by the Department of Justice and Equality. In doing so it provides effective access to a legal pathway to safety in Ireland for family members. To be eligible for assistance, applicants must have refugee status (including programme refugee status)⁷ or subsidiary protection status (or have previously had refugee or subsidiary protection status in the exceptional case that an Irish citizen applies), be claiming social welfare or on a low income and must have been granted family reunification permission. The programme is focused primarily on travel costs, but UNHCR, IOM and the IRC may also help family members with obtaining the required visas (for example, if exit visas will be required for family members from their country of residency) and travel documentation to ensure their safe arrival. This reflects the fact that many of the family members travelling to Ireland are in precarious situations of displacement.

Over the years the programme has supported nearly 500 individuals to reunify with their family members in Ireland. Demand for support continues to grow annually, and the programme is unable to meet the increasing needs of international protection beneficiaries who do not have the means to afford travel and associated costs of family reunification. Without a stable and sustainable funding mechanism, applicants who do not have the financial resources face difficulties in being reunited with their families.

2.2 Aim of this report

This report provides an overview of the implementation of the TA programme and demonstrates its impact in reuniting family members. It also aims to show the sometimes-unseen practical steps and challenges that may be encountered following a positive family reunification decision. Section 3 outlines the methodology and scope of this report, while section 4 provides a succinct overview of the legal and policy framework on family reunification in Ireland. Section 5 outlines key data in the implementation of the programme while section 6 focuses on related practical challenges in ensuring family unity. Section 6 also includes a section on other sources of funding used by self-payers to finance travel. Section 7 contains concluding remarks and a summary of recommendations with a view to ensuring that more people can effectively access one of their most basic rights: the right to be with their family.

⁷ In the Irish context 'programme refugees' are refugees who have been resettled to Ireland under the Irish Refugee Protection Programme. Such persons do not go through the refugee status determination process in Ireland as they have already been recognised by UNHCR as refugees and are resettled to Ireland from third countries.

3. METHODOLOGY & SCOPE

The analysis in this report predominantly focuses on the implementation of the TA programme and its impact since it was established in 2007. The data gathered and analysed in this report focuses on successful applicants under the programme. The research undertaken also highlighted some ancillary practical challenges surrounding the arrival of family members in Ireland. Section 6 in this report details some of those challenges. The report concludes with outlining key recommendations in this area.

This research began with a mapping exercise to examine the current framework for family reunification in Ireland. This involved desk-based research comprising of a literature review of family reunification discourse, law and policy. This was followed by an analysis of the impact of the TA programme to date. Key stakeholders were interviewed to assist and inform this report including representatives from civil society organisations and international protection beneficiaries.

UNHCR interviewed six families that were reunited with the support of the travel assistance programme. The family members interviewed came from a range of countries including the Democratic Republic of the Congo, Zimbabwe, Syria, Afghanistan and Burkina Faso. For the purpose of obtaining information on alternative support used by protection beneficiaries to finance family travel costs, UNHCR also organised semi-structured interviews by phone with ten refugees who used their own means to finance travel. These persons are referred to as self-payers in this report. Individual consultations were held with the IRC, IOM and representatives from the following non-governmental organisations who have referred cases to this programme: Nasc, Crosscare Migrant Project, the Irish Refugee Council and Doras. The findings in this report are based on these interviews and an analysis of the quantitative data collected on the operation of the programme.



📷 Lassane Ouedraogo and his son Zafir in Dublin, Ireland.
© UNHCR/Andrew McConnell

The collection and processing of personal data as part of this research was conducted in compliance with UNHCR’s Data Protection Policy.⁸ To ensure protection and privacy, the identities of some individuals interviewed and referenced in this report have been anonymised. Those individuals whose identity is included in the report have provided their express consent in line with UNHCR’s Data Protection Policy. The use of the word ‘applicant’ in this report denotes international protection beneficiaries in Ireland who have applied for assistance under the TA programme. Family members who benefited from the TA programme by being reunited with family here in Ireland are referred to as ‘beneficiaries of the programme.’

Issues faced by international protection beneficiaries when submitting family reunification applications to the Department of Justice and Equality and integration challenges post arrival are beyond the scope of this study. UNHCR recommends that further longitudinal research is conducted with respect to the experience of families once reunited in Ireland.

⁸ UNHCR, *Policy on the Protection of Personal Data of Persons of Concern to UNHCR*, May 2015, <https://www.refworld.org/docid/55643c1d4.html>; UNHCR, *Guidance on the Protection of Personal Data of Persons of Concern to UNHCR*, 23 August 2018, <https://www.refworld.org/docid/5b360f4d4.html>

4. LEGAL & POLICY FRAMEWORK

“Home is not complete until you are all together.”⁹

The right to family unity and family life are central rights within international, European and national law. This section covers the main principles and standards on family reunification for beneficiaries of international protection, followed by an overview of national legislation and policy in this area.

4.1 The Right to Family Unity as a principle of International Law

The right to family unity is recognised as an essential right under international law. Article 16(3) of the 1948 Universal Declaration of Human Rights, recognizes the family as “the natural and fundamental group unit of society...[e]ntitled to protection by society and the State.”¹⁰ This universal right is given binding effect by Article 23(1) of the International Covenant on Civil and Political Rights (ICCPR) to which Ireland and all other European States are State parties.¹¹

While neither the 1951 Convention relating to the Status of Refugees nor its 1967 Protocol (‘the Convention’) contain a provision on the right to family reunification, the Final Act of the Conference of Plenipotentiaries at which the Convention was adopted, affirmed “that the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee”, and adopted a strongly worded recommendation that Governments “take the necessary measures for the protection of the refugee’s family, especially with a view to ensuring that the unity of the refugee’s family is maintained... [and for] the protection of refugees who are minors, in particular unaccompanied children and girls.”¹²

UNHCR’s Executive Committee (ExCOM) has repeatedly highlighted the need to protect the unity of the refugee family through a series of Committee Conclusions.¹³ In Europe, similar provisions are contained in the 1996 Revised European Social Charter, the European Convention on Human Rights and within the EU context, the EU Charter on Fundamental Rights.¹⁴

⁹ Mohammad, 24, from Syria was supported by the TA programme to bring his parents to Ireland in 2016.

¹⁰ UN General Assembly (UNGA), *Universal Declaration of Human Rights*, 10 December 1948, 217 A(III), available at: <https://www.refworld.org/docid/3ae6b3712c.html>

¹¹ UNGA, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html> Similar language is contained in Article 10(1) in the 1966 International Covenant on Economic, Social and Cultural Rights, the Preamble, Article 10, Article 16 and Article 22 of the Convention on the Rights of the Child, Article 14 of the Convention on Migrant Workers, Article 74 of Additional Protocol 1 to the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Times of War and in the preamble of the 2006 Convention on the Rights of Persons with Disabilities.

¹² UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, 25 July 1951, A/CONF.2/108/Rev.1, available at: <https://www.refworld.org/docid/40a8a7394.html> See also Annex 1 and Para 182 of the UNHCR Handbook.

¹³ UNHCR Committee has adopted a series of Conclusions that reiterate the fundamental importance of family reunification and call for countries of asylum to adopt liberal criteria in identifying family members of persons recognized in need of international protection. UNHCR Executive Committee of the High Commissioner’s Programme (ExCom), Family Reunification No. 24 (XXXII) - 1981, 21 October 1981, No. 24 (XXXII), available at: <https://www.refworld.org/docid/3ae68c43a4.html> UNHCR Excom, Family Reunion No. 9 (XXVIII) - 1977, 12 October 1977, No. 9 (XXVIII), available at: <https://www.refworld.org/docid/3ae68c4324.html> UNHCR ExCom, Refugee Children and Adolescents No. 84 (XLVIII) - 1997, 17 October 1997, No. 84 (XLVIII), available at: <https://www.refworld.org/docid/3ae68c68c.html> ExCom, Conclusion on International Protection No. 85 (XLIX) - 1998, 9 October 1998, No. 85 (XLIX), available at: <https://www.refworld.org/docid/3ae68c6e30.html> ExCom, General Conclusion on International Protection No. 87 (L) - 1999, 8 October 1999, No. 87 (L), available at: <https://www.refworld.org/docid/3ae68c6ec.html> UNHCR Excom Conclusion on Children at Risk No. 107 (LVIII) - 2007, 5 October 2007, No. 107 (LVIII), available at: <https://www.refworld.org/docid/471897232.html>

¹⁴ Council of Europe, *European Social Charter (Revised)*, 3 May 1996, ETS 163, available at: <https://www.refworld.org/docid/3ae6b3678.html> Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5, available at: <https://www.refworld.org/docid/3ae6b3b04.html> European Union, *Charter of Fundamental Rights of the European Union*, 26 October 2012, 2012/C 326/02, available at: <https://www.refworld.org/docid/3ae6b3b70.html> See also Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification but note that Ireland is not a party to that Directive.

Family unity holds a particular significance in the context of international protection. With respect to refugees, the European Court of Human Rights recognizes that family unity is an essential right and that family reunification is a fundamental element in enabling persons who have fled persecution to resume a normal life.¹⁵

Family reunification procedures may be a primary lifeline to ensuring respect for an international protection beneficiary's right to family life and family unity and a safe legal pathway to protection.¹⁶ Facilitating family reunification helps to ensure the protection, emotional well-being and economic support of beneficiaries of international protection. Reuniting family members can also ensure the sustainability of durable solutions and enhance integration of beneficiaries in their host societies.¹⁷

4.2 Family unity and Irish law

Equally, in Ireland the Constitution recognises the central role of the family unit. Article 41.1.1 of the Irish Constitution declares that "The State recognises the Family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law." The protection afforded under this constitutional provision is not limited to Irish citizen families.¹⁸ For example, Article 42A of the Constitution recognises the 'natural and imprescriptible rights of all children'. Family reunification may be crucial to ensuring that children receive protection and care necessary for their well-being. Family reunification for beneficiaries of international protection is governed by sections 56-57 of the International Protection Act 2015 (hereinafter the 2015 Act).¹⁹ It is established practice that programme refugees are also entitled to apply for family reunification under the 2015 Act.²⁰

Ireland has not opted in to the Family Reunification Directive and does not impose economic conditions on sponsors nor exclude subsidiary protection beneficiaries from family reunification. Section 56 of the 2015 Act governs permission to enter and reside for family members of an international protection beneficiary while section 57 concerns permission to reside for family members who are already in Ireland.

Pursuant to section 56(9), the family members of beneficiaries of international protection are defined as follows:

- a) Where the sponsor is married, his or her spouse (provided that the marriage is subsisting on the date the sponsor made an application for international protection in the State),
- b) Where the sponsor is a civil partner, his or her civil partner (provided that the civil partnership is subsisting on the date the sponsor made an application for international protection in the State).
- c) Where the sponsor is, on the date of the application under subsection (1) under the age of 18 years and is not married, his or her parents and their children who, on the date of the application under subsection (1), are under the age of 18 years and are not married, or
- d) A child of the sponsor who, on the date of the application under subsection (1), is under the age of 18 years and is not married.

The 2015 Act also introduced temporal restrictions in relation to applications and arrival of family members in the State. According to section 56(8), applications for family reunification are required to be submitted within 12 months of an international protection beneficiary receiving their declaration of

¹⁵ ECHR, *Tanda-Muzinga c. France, Requête no 2260/10*, Council of Europe: European Court of Human Rights, 10 July 2014, available at: <https://www.refworld.org/cases,ECHR,53be80094.html> ECHR *Mugenzi c. France, Requête no 52701/09*, Council of Europe: European Court of Human Rights, 10 July 2014, available at: <https://www.refworld.org/cases,ECHR,53be81784.html>

¹⁶ For example, family reunification enables many women and children to access protection in Europe and reduces their exposure to exploitation by smugglers or human traffickers in countries of transit or first asylum as noted in UNHCR, *Position on Safe and Legal Pathways*, 8 February 2019, available at: <https://www.refworld.org/docid/5ce4f6d37.html> para 24.

¹⁷ UNHCR, *Protecting the Family: Challenges in Implementing Policy in the Resettlement Context*, June 2001, available at: <https://www.refworld.org/docid/4ae9aca12.html>

¹⁸ *Fajujonu and Others v Minister for Justice, Equality and Law Reform and Others* [1990] 2 IR 151.

¹⁹ Ireland: International Protection Act 2015 [Ireland], N. 66, 30 December 2015, <https://www.refworld.org/docid/56ded0f24.html>

²⁰ During the course of the TA Programme 30 programme refugee applicants have been supported to reunite with their family members.

status. Furthermore, where permission is granted, the beneficiary will have to arrive in the State by a date specified by the Minister when giving the permission.²¹ In practice, the timeframe granted for travel to and entry into the State has been 12 months from the date of the family reunification grant.

Another important provision to be considered when applying the family reunification provisions is section 58, which requires due regard to be had to the specific situation of vulnerable persons, such as persons under the age of 18 years (whether accompanied or not), disabled persons, elderly persons, pregnant women, single parents with children under the age of 18 years, victims of human trafficking, persons suffering with mental health conditions and persons who have been subjected to torture, rape, or other serious forms of psychological, physical or sexual violence. Furthermore, section 58(2) requires the best interest of the child to be a primary consideration when applying the family reunification provisions.

When the 2015 Act was enacted on 31 December 2016, there were many concerns expressed regarding the restrictions placed on family reunification.²² UNHCR commented on the provisions in the related Bill as follows:

“The proposed amendments to the operation of the current family reunification provisions under Irish law, while broader than what is required under the Qualification Directive significantly reduce their scope from the current position. Whilst the State may wish to limit the current provision regarding dependant relatives, which as a result of recent case law is now interpreted quite widely, the proposals could in effect be a disproportionate interference with the right to family life.”²³

The previous applicable law, the Refugee Act 1996 (as amended)²⁴ contained no temporal restrictions. It also enabled refugees to apply for extended dependent family members including adult siblings, parents and grandchildren. Such applications were granted at the discretion of the Minister for Justice and Equality. That category of family member is now excluded from the family reunification provisions in the 2015 Act.

Recently there have been several developments regarding the family reunification legal framework in Ireland. Several independent senators sought to amend the 2015 Act's family reunification provisions by introducing the International Protection (Family Reunification) (Amendment) Bill 2017, which passed the second stage at Dáil Éireann on 13 December 2018.²⁵ The Bill sought to reintroduce reunification for other dependent relatives. The Bill was due to go before the Dáil for the third legislative stage but lapsed with the dissolution of the government in February 2020. It remains to be seen if this will be carried forward by the new government. The family reunification provisions have also been challenged in the court system regarding their compatibility with the Irish Constitution, the European Convention on Human Rights and International Human Rights Law.

In December 2019 UNHCR intervened as amicus curiae in the Supreme Court case of *X v Minister for Justice and Equality*.²⁶ The case raises questions as to whether the definition of a child within section 56 of the 2015 Act encompasses non-biological children. UNHCR submitted to the court that international human rights law obliges States to take a broad and flexible approach to the interpretation of family life. Accordingly, the definition of a child in section 56 should be interpreted so as to be capable of embracing all children who are part of a family as a matter of fact, whether or not they are related to the

²¹ Section 56(5) International Protection Act 2015.

²² Irish Human Rights and Equality Commission (IHREC), *Human Rights and Equality Commission Critical of 'Retrospective Measures' on Family Reunification for Refugees*, 20 June 2018, available at: <https://bit.ly/3gEHIWe>; Irish Refugee Council, NASC, Oxfam Ireland, *A Family Belongs Together: Refugees experiences of family reunification in Ireland*, March 2018, available at: <https://bit.ly/2ZcPJX5>; Oxfam Ireland, *Ireland must amend restrictions on family reunification to contribute to a humane EU migration policy*, available at: <https://www.oxfamireland.org/blog/amend-restrictions-family-reunification>

²³ UNHCR, *UNHCR Comments on the General Scheme of the International Protection Bill*, May 2015, available at: <https://www.refworld.org/docid/5c2f5b437.html>

²⁴ Refugee Act, 1996 (last amended in 2003) [Ireland], 15 July 2003, available at: <https://www.refworld.org/docid/3ae6b60e0.html>

²⁵ Irish Refugee Council, *Refugee family reunification bill progresses to the Dáil*, 5 December 2018, available at: <https://bit.ly/2DjyRW4>

²⁶ UN High Commissioner for Refugees (UNHCR), *Amicus curiae of the Office of the United Nations High Commissioner for Refugees in the case X and the Minister for Justice & Equality & ors, [2020] IESC 30, Ireland: Supreme Court, 9 June 2020*, available at: https://www.refworld.org/cases,IRL_SC,5ee3430f4.html, and the Attorney General, 11 December 2019, Record No. 2019/137, available at: <https://www.refworld.org/docid/5e147e7c4.html>

qualified person by blood. UNHCR also provided guidance on when DNA testing should be used as a method for verifying biological family relationships.²⁷ On 9 June 2020 the Supreme Court issued its judgment; the court found in favour of the Appellants (the State) and against the Respondent (the family reunification applicant).²⁸ The Supreme Court relied upon the statutory interpretation of the 2015 Act in finding that the meaning of child was limited to the biological or adopted child of a sponsor. However, in establishing family links, it found that DNA testing should only be resorted to in cases where serious doubts remain, bearing in mind the implications such testing has on the right to privacy. Other pending court challenges concern various aspects of the legal framework for family reunification, including: whether families formed since the principal applicant sought asylum in Ireland fall within the scope of the 2015 Act and whether aged out children can invoke section 56 after the 12 month time limit. Currently, there are 2 pending cases before the Supreme Court concerning section 56 of the 2015 Act, and a third was recently decided.²⁹

4.3 Non-EEA Family Reunification Policy Guidelines

In addition to the family reunification provisions in the 2015 Act, Non-European Economic Area (non-EEA) nationals who have permission to remain in the State are also eligible to apply for family reunification under a Non-EEA family reunification policy. The Irish Naturalisation and Immigration Service (INIS) issued a “Policy Document on Non-EEA Family Reunification” which sets out the relevant factors to be considered by decision makers in this area.³⁰ While noting that this policy document creates the framework for such

applications, the policy itself acknowledges that *“Ministerial discretion applies to most of the decision making in the area of family reunification and this will continue to be the case.”*

Although the Non-EEA policy is not explicitly aimed at beneficiaries of international protection, should an applicant’s family reunification application fall outside the scope of the 2015 Act, it is open to them to apply under this policy.³¹ In December 2019 in response to a parliamentary question, then Minister for Justice and Equality, Charles Flanagan T.D., outlined that *“it remains open to me to exercise my discretion under the Non-EEA Policy Document on Family Reunification to waive the economic conditions for sponsors applying for extended family members. My Department will continue to examine such applications on humanitarian grounds on a case-by-case basis.”*³²

When requested to provide data on the number of refugees who have successfully applied for family reunification under this policy, Minister Flanagan stated: *“I am advised by INIS of my Department, that, as the criteria for qualification under the policy does not consider the original basis by which the sponsor came to have permission to be in the State, the data requested by the Deputy is not available.”*³³

4.4 Irish Refugee Protection Programme - Humanitarian Admission Programme 2 (IHAP)

As part of the Irish Refugee Protection Programme (IRPP), a humanitarian admission programme (IHAP) was launched on 12 May 2018.³⁴ The IHAP scheme is additional and complementary to existing rights and

²⁷ For further information see *UNHCR Note on DNA Testing to Establish Family Relationships in the Refugee Context*, June 2008, available at: <https://www.refworld.org/docid/48620c2d2.html>

²⁸ *X -v- Minister for Justice & Equality & ors* [2020] IESC 30.

²⁹ *KN & Ors- v -Minister for Justice & Equality, M.A.M-v-Minister for Justice & Equality* [2020] IESC 32 concerning the previous legislative provisions in the Refugee Act 1996 for refugees who have become naturalised Irish citizens. The Court found that becoming Irish citizens did not deprive them of their right to apply for family reunification.

³⁰ Irish Naturalisation and Immigration Service, Policy Document on Non-EEA Family Reunification, December 2016, available at: <https://bit.ly/3iVi786>

³¹ *Ibid*, p.9.

³² Minister for Justice and Equality, Charles Flanagan T.D.’s response to a parliamentary question by Deputy Sean Fleming [51270/19, 51271/19] 10 December 2019, available at: <http://www.justice.ie/en/JELR/Pages/PQ-10-12-2019-249>

³³ Minister for Justice and Equality, Charles Flanagan T.D.’s response to a parliamentary question by Deputy Thomas Pringle, [23540/19], 11 June 2019, available at: <http://www.justice.ie/en/JELR/Pages/PQ-11-06-2019-334>

³⁴ There was a previous humanitarian programme in Ireland called the Syrian Humanitarian Admission Programme (SHAP) which is the reason why the IRRP IHAP is called IHAP 2. SHAP was limited to people from Syria.

entitlements to family reunification under Irish law. It provides an opportunity to Irish citizens and persons with refugee status, subsidiary protection status, and programme refugee status, who have immediate eligible family members³⁵ from the top ten source countries of refugees, to propose to the Minister for Justice and Equality for these family members to join them in Ireland. The IHAP programme's initial aim was to provide humanitarian admission to 530 eligible family members. In December 2019 the commitment was extended to 740 family members.³⁶

In deciding the eligible countries of nationality for consideration under the IHAP, the Department of Justice and Equality chose the top ten source countries of refugees set out in UNHCR's Annual Global Trends Report.³⁷ UNHCR Ireland welcomed the IHAP as an innovative complementary pathway and expression of Ireland's continued commitment to providing increased opportunities to some of the most vulnerable people and their families to come to Ireland to find safety and rebuild their lives here.³⁸ The programme operates under the Minister for Justice and Equality's discretionary powers and the proposal process considered various elements such as the family composition, size and available accommodation in Ireland. There have been two calls for proposals under the IHAP programme. Under

the first call of the IHAP, which ran from 14 May - June 2018, a total of 908 proposals were submitted in respect of 2,183 proposed beneficiaries.³⁹ 166 people were ultimately granted permission to enter and reside in Ireland under that call. A second call for proposals ran from 20 December 2018 – 08 February 2019 whereby 827 proposals were received in respect of 1,782 potential beneficiaries. To date, 255 proposals were granted in respect of 440 beneficiaries.⁴⁰ Minister of State for Equality, Immigration and Integration Stanton in December 2019 noted that "there will be some delay in the completion of the IHAP programme, as those granted permission to travel to Ireland make their own arrangements for travel, the exact timing of which is not known to the Department."⁴¹ In addition some decisions are still to be issued with respect to the second strand of the IHAP programme, IHAP beneficiaries are responsible for their own arrangements to travel to Ireland. However, the IRPP has provided travel assistance to a small number of exceptional cases.

³⁵ Eligible categories of family members under the second call for IHAP proposals (20 December – 08 February 2019) are as follows:

- **The proposer's adult child** (who must be unmarried and without dependants);
- **The proposer's minor child** (where the Minor Child is not eligible for reunification with a sponsor under the terms of the International Protection Act 2015. The Minor Child must be unmarried and without dependants);
- **The proposer's parent** (where not eligible for reunification with a sponsor under the terms of the International Protection Act 2015)
- The Proposer's Grandparent;
- **A related minor child without parents for whom the proposer has parental responsibility** *(The related Minor Child must be unmarried and without dependants)(e.g. Orphaned Niece/Nephew/Grandchild, Sibling);
- **A vulnerable close family member who does not have a spouse/partner or other close relative to support them;**
- **The proposer's spouse or civil partner as recognised under Irish law** (where not eligible for reunification with a sponsor under the terms of the International Protection Act 2015) or **the Proposer's De Facto Spouse.**

³⁶ Department of Justice and Equality, *Ireland commits to a new refugee protection programme*, 17 December 2019, available at: <http://www.justice.ie/en/JELR/Pages/PR19000319>

³⁷ The Department of Justice and Equality chose the top ten Refugee Producing countries as indicated in the applicable UNHCR Global Trends Report for the first and second calls for IHAP proposals: The 2016 Report was the reference point for the first call for IHAP proposals: UNHCR, *Global Trends: Forced Displacement in 2016*, 21 June 2017, available at: <https://www.refworld.org/docid/594aa38e0.html>; The 2017 Report was published prior to the second call for IHAP proposals however the top ten Refugee Producing countries remained the same in the 2017 Report so in practice there was no change to the eligible countries of nationality in the second call: UN High Commissioner for Refugees (UNHCR), *Global Trends: Forced Displacement in 2017*, 22 June 2018, available at: <https://www.refworld.org/docid/5b2d1a867.html>

³⁸ UNHCR Ireland, *UNHCR welcomes Humanitarian Admission Programme for vulnerable family members*, 14 May 2018, <https://bit.ly/2W4m2FP>

³⁹ Minister for Justice and Equality, Charles Flanagan T.D.'s response to a parliamentary question by Deputy Catherine Connolly [190/19], 15 January 2019, available at: <http://www.justice.ie/en/JELR/Pages/PQ-15-01-2019-448>

⁴⁰ Department of Justice and Equality, *Ireland commits to a new refugee protection programme*, 17 December 2019, available at: <http://www.justice.ie/en/JELR/Pages/PR19000319>

⁴¹ Minister for Justice and Equality, Charles Flanagan T.D.'s response to a parliamentary question by Deputy Patrick Costello (481), 20 May 2020 available at: <https://www.oireachtas.ie/en/debates/question/2020-05-20/481?highlight%5B0%5D=ihap&highlight%5B1%5D=iha&highlight%5B2%5D=ihap&highlight%5B3%5D=ihap> ; See also Department of Justice and Equality, *Ireland commits to a new refugee protection programme*, 17 December 2019, available at: <http://www.justice.ie/en/JELR/Pages/PR19000319>

5. THE TRAVEL ASSISTANCE PROGRAMME

5.1 The application process for travel assistance

Many international protection beneficiaries cannot afford the travel costs for family members for a variety of reasons. These include a lack of savings and long periods in direct provision without access to the labour market, making it more difficult for them to then enter employment once they receive their status.⁴² Some applicants are also obliged to send subsistence money to family abroad, particularly when their family are in a vulnerable situation and have no access to basic services. This often means applicants cannot meet the substantial costs of travel to bring their family member(s) to Ireland.

UNHCR, IOM and the IRC have set eligibility requirements for applicants seeking to avail of financial support under the TA programme. A basic requirement relates to their status: applicants must have some form of international protection status in order to be eligible. Irish citizens who previously had such protection status before becoming naturalised in Ireland may also apply for travel assistance for family members, but such applications are relatively rare.

Fig 1: Residency Status of Successful Applicants to the Travel Assistance Programme 2008-2019 Chart

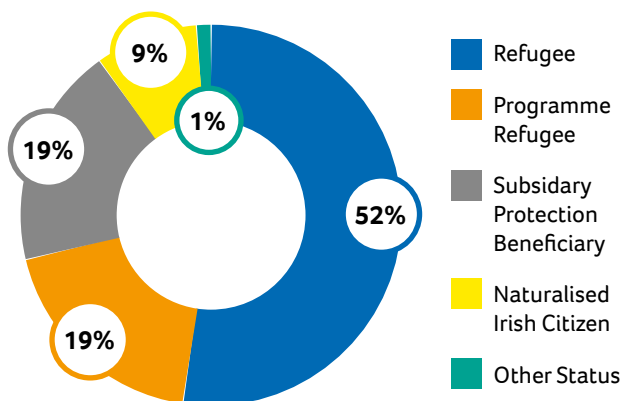
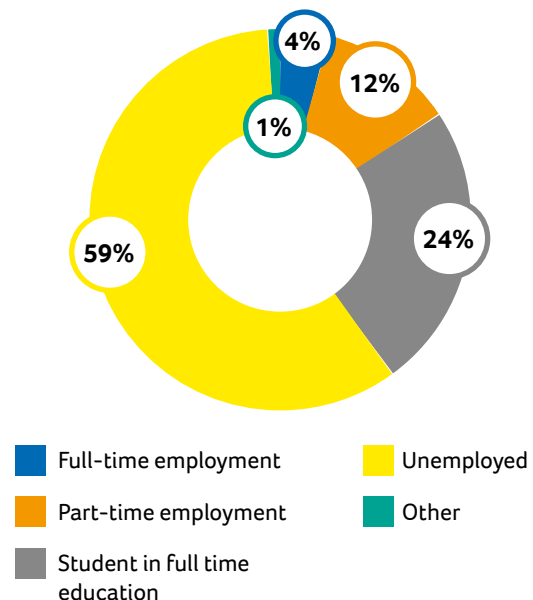


Fig. 1 depicts the status of applicants who received travel assistance support with UNHCR, the IRC and IOM since 2008 until 2019.⁴³ The largest category are refugees who went through the protection process in Ireland, followed by programme refugees resettled from third countries and subsidiary protection beneficiaries. Naturalised Irish citizens account for nine percent of successful TA applicants. In total, from 2008 to 2019 158 cases have been supported by the TA programme, comprising of 472 family members reuniting with the applicant in Ireland.

Fig 2. Employment Status of Successful Applicants 2008-2019



Other eligibility requirements include that the applicant in Ireland is in receipt of social welfare and/or is on a low income. The applicant must also have been granted family reunification permission by INIS in respect of their family members. UNHCR, the IRC or IOM also gather information on any vulnerabilities the applicant in Ireland and/or family members abroad may have, such as serious medical issues, protection concerns for the family or whether the applicant and/or family member is an unaccompanied

⁴² For example, in 2018 the average length of stay for applicants in Direct Provision was 14 months.

⁴³ Although the travel assistance programme in its current format was established in 2007, no beneficiaries travelled under the programme that year. Due to delays in arranging the travel assistance applicants for the programme that year withdrew from the programme and self-organised their families own travel. Therefore, the data in this report covers the period from 2008 to 2019 inclusive.

child. Applications by unaccompanied children and young people seeking support to be reunited with their family members are prioritised on account of their inherent vulnerabilities.⁴⁴

Since 2008, the TA programme has assisted 93 unemployed applicants, 38 students, 19 part-time workers, 6 full time workers on minimum wage and one person on a job-bridge internship. It can be difficult for such persons to raise the income required to finance travel costs, which is where the TA programme can be of assistance.

There are a few procedural steps which must be taken in order to make a successful application and obtain support under the TA programme, as set out in this diagram.



As a first step, the applicant is usually referred to the IRC where the Restoring Family Links Desk Officer requests them to complete a criteria questionnaire. The questionnaire records, among other data, the legal and financial status of the applicant as well as the location, status, relationship, ages and vulnerabilities of the applicant's family members, and whether family members have travel documents and/or Irish entry visas or exit permissions if applicable. It also records details on the housing situation of the applicant so that a referral can be made to an organisation that can provide housing support if necessary. In recent years the housing section in the questionnaire was added to take account of the rising level of homelessness and ensure that applicants are linked with appropriate support as needed prior to the family member's arrival in Ireland.

A copy of the family reunification grant letter from the Department of Justice and Equality and other supporting documentation must also be submitted to the IRC. The IRC collect receipts/welfare payment slips as evidence of financial need. If an applicant lives in an area outside of Dublin, an established NGO counterpart may be requested to assist the applicant to complete the criteria questionnaire. Most individual applicants themselves approach the IRC for support under the TA programme but sometimes NGOs refer them. Since 2008, 38 of the supported cases have been referred for travel assistance by various organisations such as Nasc, Doras, Regional Citizens Information Centres, Immigrant Services Kilkenny, TUSLA, Breffini Integrated CLG Cavan, Crosscare, Diversity Mayo, Immigrant Council of Ireland and Ruhama.

Once the criteria questionnaire is completed, the IRC assesses whether the applicant is eligible for travel assistance by considering the financial situation of the applicant. The IRC shares the completed questionnaire and family reunification grant letter with UNHCR and IOM. Once UNHCR is in agreement that the case is provisionally eligible to be funded, IOM is requested to provide a cost estimate for travel. Family members must be 'travel ready' before a commitment on funding can be made under the TA programme other than in exceptional circumstances.⁴⁵ Travel ready means all logistical and personal arrangements are in order so that a travel booking can be made. This also indicates that all family members possess valid passports or travel documents in order to travel. It is at this stage of the process that the decision to provide travel assistance is communicated to the applicant.

⁴⁴ This includes unaccompanied children who may have aged out and turned 18 years of age during their time in Ireland. Such persons are supported by after-care workers from the Tusla Social Work Team for Separated Children Seeking Asylum.

⁴⁵ Examples of exceptional circumstances include priority cases with a high degree of vulnerability, for example concerning unaccompanied or separated children and/or a volatile humanitarian situation in country of residence of family members travelling to Ireland. In such cases, it would have been difficult and/or very costly for the applicant to proceed independently to become travel ready without a guarantee that the case would be funded.

If exit permissions from the family member's country of residency will be required, then assurances will be needed that these will be obtained in a reasonable timeframe before family members will be considered travel ready.

Once travel ready, IOM arranges flights and, where necessary, exit permissions and pre-departure medical examinations to ensure family members are fit to travel. Where required, IOM will also arrange a medical escort to assist family members throughout their journey. There have been 42 cases involving family members with medical issues coming to Ireland during the course of this programme.

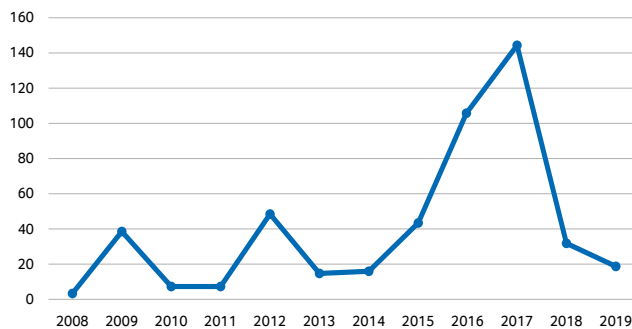
Examples of cases involving medical issues include a vulnerable 15-year-old with developmental problems who travelled with a nurse escort to reunite him with his mother in Ireland, as well as a woman who suffered from epilepsy and frequent seizures who required a medical escort for travel purposes.

Before travel, applicants and family members are consulted by IOM about the practical aspects of the travel arrangements. IOM provides assistance to family members at transit airports and Dublin Airport on their arrival. An IOM escort is also provided if the family member travelling is an unaccompanied child depending on the age of the child and/or airline policy in place.

5.2 Impact of the TA Programme

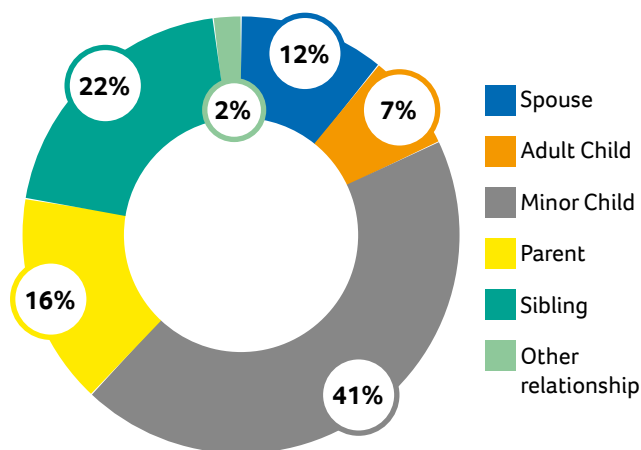
This section provides an overview of key data concerning the TA programme and its impact. During 2007, the first year of the programme, there were lengthy delays in its operation with processing times taking longer than expected, which led to all applicants for the programme that year withdrawing their requests. Therefore, the first family to benefit from the programme only arrived in Ireland in 2008, hence the data below starts from that year to 2019 inclusive.

Fig 3. Family Member Beneficiaries Assisted to Travel per Year



As stated above, 158 cases have been supported by the TA programme, comprising of 472 family members reuniting with the applicants in Ireland. In some years demand increased sharply, whilst in other years funding only became available towards the end of the year, thus limiting the number of cases that it was possible to fund in that year.⁴⁶ That explains why the number of cases supported was relatively low some years. Overall, 323 applications have been submitted with 158 cases provided with travel assistance which amounts to a 48.9% grant rate per application.

Fig 4. Relationship of Family Member Beneficiary to the Applicant



The above chart depicts the most common categories of family members that have availed of the travel assistance programme.⁴⁷

⁴⁶ In 2012 funding was reduced for the programme. However, some funds were utilised to support a small number of outstanding travel assistance cases in 2013 for which funding had already been committed on a 50:50 basis with the IRC. This is reflected in the low number of TA cases in 2013. Conversely more funding was available in 2017 so that 42 cases (143 family members) travelled to Ireland under the programme that year.

⁴⁷ The category of 'other relationships' refers to a small number of cases consisting of grandchildren, nieces, nephews and one cousin who were granted family reunification under the Refugee Act 1996.

50% of all family members reunited under this programme were children under the age of 18 years. 44 of these children were unaccompanied children who were escorted to Ireland with the assistance of IOM.

Applicants based in the following 22 counties in Ireland have been supported by the TA programme:

Carlow, Cavan, Clare, Cork, Dublin, Galway, Kerry, Kildare, Kilkenny, Laois, Limerick, Longford, Louth, Mayo, Meath, Offaly, Sligo, Tipperary, Waterford, Westmeath, Wexford, and Wicklow. Most of the applicants were based in Dublin followed by Cork (17 applicants), Limerick, Laois and Galway.

The TA programme has assisted family members of 34 nationalities to reunite with family in Ireland:

Afghan, Albanian, Bangladeshi, Beninese, Burkinabé, Burundian, Cameroonian, Congolese DRC, Congolese RC, Eritrean, Ethiopian, Georgian, Guinean, Iranian Iraqi, Ivorian, Stateless (from Kuwait), Lebanese, Myanmar, Nigerian, Pakistani, Palestinian, Somali, South Sudanese, Sudanese, Syrian, Togolese, Ugandan, Ukrainian, Uzbek, Yemeni, Zambian, and Zimbabwean.

Key Figures

On average, family members availing of the TA programme were separated from the applicant in Ireland for **6 years**.

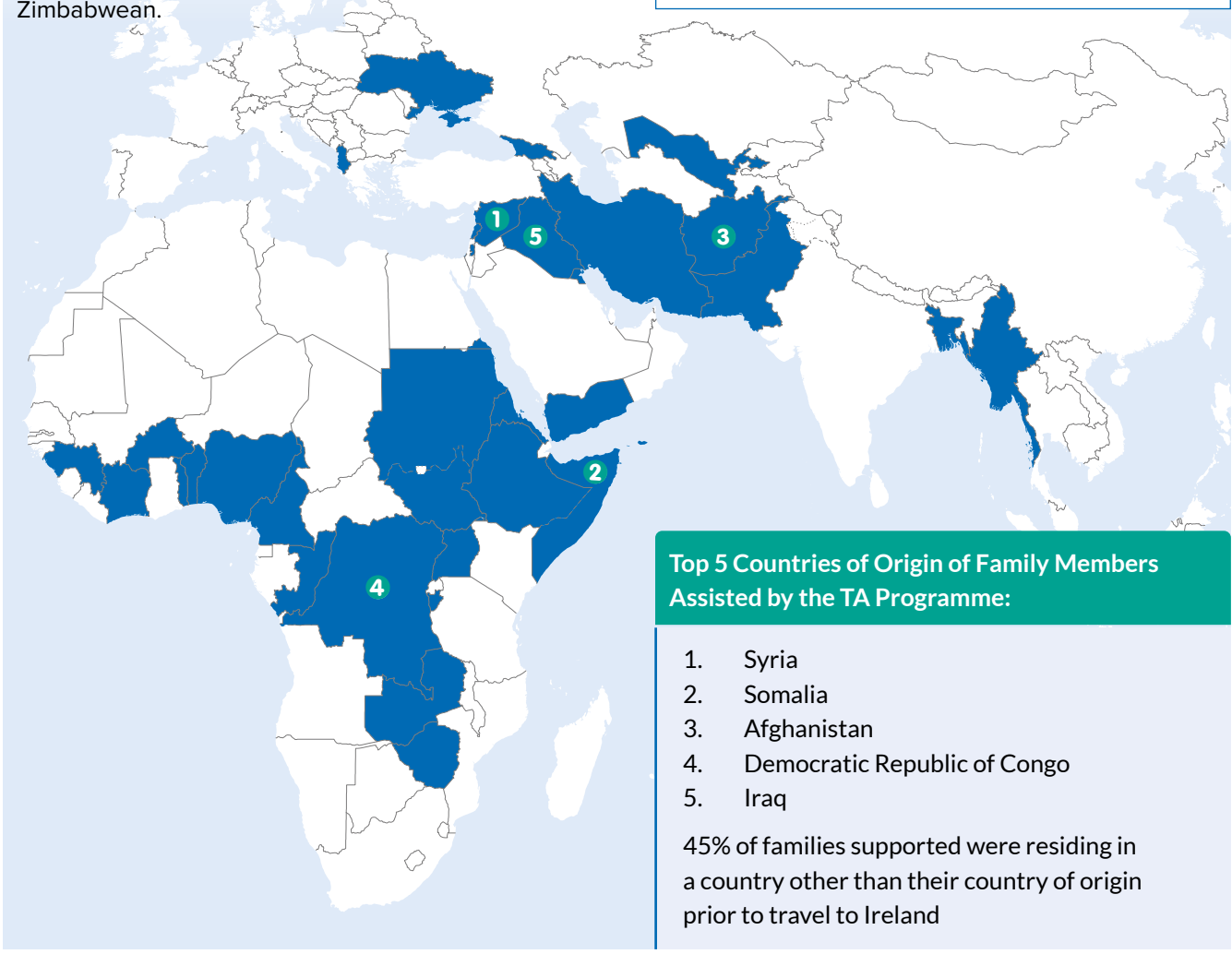
22 applicants supported by the TA programme were separated from their family members for **over 10 years** before reuniting with them.

The shortest period of separation was **6 months**. The longest period of separation of family members was **20 years**.

The average number of family members per travel assistance case is **3**.

The average length of time from family reunification grant to reunification was 6.6 months with family members in 88% of cases reuniting within 12 months*

*This figure only refers to the TA cases where dates were provided by decision and arrival.



Top 5 Countries of Origin of Family Members Assisted by the TA Programme:

1. Syria
2. Somalia
3. Afghanistan
4. Democratic Republic of Congo
5. Iraq

45% of families supported were residing in a country other than their country of origin prior to travel to Ireland



📷 Diane Ihirwe (left) stands in Dublin city centre with her brother Joel and sister Dorca.
© UNHCR/Andrew McConnell

Diane is a refugee who benefited from the TA programme. This is her account:

“ My name is Diane and I fled conflict in the Democratic Republic of the Congo. I’ve been living in Ireland for 10 years. It is the first country I can say I belong to. When I first arrived, I was 16, so I lived in a hostel for minors. I had a lot of different social workers and they inspired me to study social care. I have two brothers and a sister. For eight years, I didn’t hear from them. I thought they were dead. Then I found out they were living in Nakivale refugee settlement in Uganda.”

Diane applied for family reunification with her siblings, under the old provisions of the Refugee Act 1996, two years after receiving her declaration of refugee status upon re-establishing contact with them. “Thanks to the Travel Assistance Programme, I applied for family reunification. They arrived in Ireland in 2017. I’m so grateful. Without the programme, I would never have been able to bring them here.

It was surreal when they arrived at Dublin airport. It was like meeting strangers that you know somehow. The biggest challenge was juggling everything on my own – being a mum, studying and working at the same time. That was hard.

Now we’re doing fine. It’s so good when we get together on a Sunday for a meal. My four children having uncles and an auntie to be there for them – I can’t put into words how that feels. It’s beyond everything. It’s beyond having a million dollars.”

6. OTHER PRACTICAL CHALLENGES IN ENSURING FAMILY UNITY

This section of the report outlines practical challenges, other than travel costs, to achieve family unity. This section covers the experience of both successful applicants under the TA programme and self-payers.

6.1 Additional financial costs

Once family reunification is granted, bringing family members to Ireland can be a costly process. Accumulated costs may mean family members have to spend thousands of euros, depending on the size of the family and their country of residence.

Costs may include:

- Visa and related administrative fees for family members
- Travel document fees for family members, including related transportation costs such as courier service for delivery of documents
- Legal fees

There may be additional costs where an IOM escort is necessary for unaccompanied children or for medical purposes when a pre-departure medical screening is required as part of the travel assistance services. Depending on the country of residence for family members there may also be exit fees to be paid prior to departure.

Gathering the finances to pay for travel costs is a considerable cause of anxiety and stress. **For example, the average cost of travel per person assisted by the TA programme in 2019 was €928 and €2,204 per family assisted.** Some individuals interviewed as part of this study also noted the additional costs for family members post arrival.⁴⁸

Unregistered migrants in some countries may face fines up to €1,200 per person prior to departure.

6.2 The experience of self-payers

Self-payers may have paid for flights and other travel logistics and arranged them independently or paid IOM to arrange travel. The information gathered and outlined below was also informed by our consultations with NGOs working in this area.

According to self-payers or NGOs assisting them, some people with very limited means, if paying for travel costs themselves, use the most low-cost option, for example, the cheapest flights with no travel insurance. Some have lost considerable amounts of money this way on account of missing flights for various reasons.

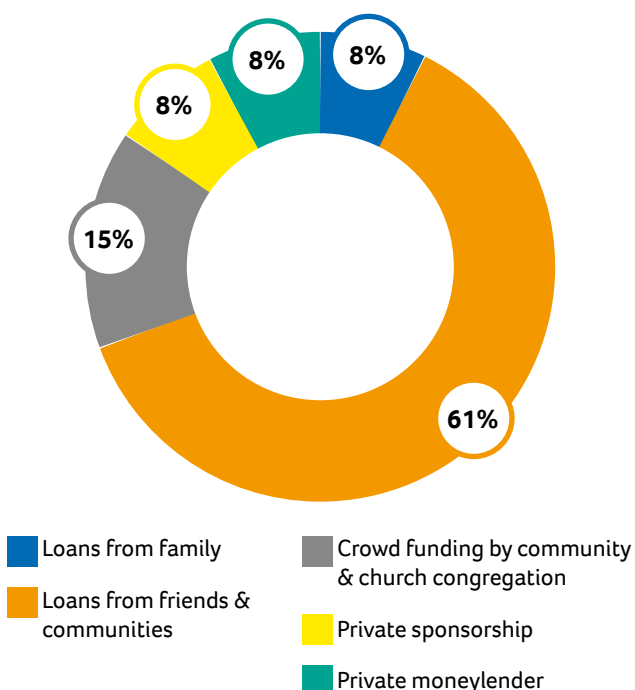
Others find alternative means to self-finance travel, frequently turning to friends, family members, community members and/or church groups to borrow money. Some people use funds that should otherwise be used for other purposes such as medical needs or housing costs. Others have turned to sometimes unscrupulous money lenders for high interest loans or requested advances in their wages from employers to assist with travel costs. An NGO reported that some of their clients have received threatening letters from money lenders and others have got into so much debt that they have been referred to the Money Advice and Budgeting Service (MABS) to provide support.

Of the self-payers interviewed for this report the following chart demonstrates the different sources availed of for that purpose. Most self-payers obtained funds from friends and migrant communities in Ireland. The interviewees noted that borrowing from friends sometimes put a strain on that relationship

⁴⁸ Such costs include ensuring access to basic necessities upon arrival including accommodation costs.

and people were under considerable pressure to pay back loans as soon as possible.

Fig 5. Funding Sources to Finance Travel for Self-Payers



One interviewee commented
“Our family were lucky as we have a community here. For someone with no community it would be very hard.”

Another noted the strain he is under to repay a friend *“I asked a friend instead and borrowed about €1500. My friend also borrowed this money from someone else and he needs it to be repaid soon. He is calling me all the time looking for the money.”*

A third self-payer interviewed stated
“It’s very stressful...I had to borrow a few thousand euro and it will take years to repay my friends.”

The interviewees cited high interest rates and a lack of their own deposit as a reason for not approaching banks for a loan. One interviewee applied for a bank loan but was refused. Several self-payers recommended that the Irish government pay a proportion of the costs, which would greatly assist them in reuniting with family.

Interviewees were also asked whether they had considered applying for the Personal Microcredit loan scheme, known as the ‘It Makes Sense’ loan.⁴⁹ This scheme has been rolled out nationally after a successful pilot run between November 2015 and May 2016. It is offered by participating credit unions in Ireland, providing loan amounts from €100 - €2,000.⁵⁰ Although it is not compulsory for all credit unions to provide this scheme, it is estimated that 47% of credit unions nationally are participating in the scheme.⁵¹ The initiative is the response from credit unions and a number of stakeholders to the growing money lender problem in Ireland by providing an alternative low-interest loan.⁵² At the time of interview all the self-payers were unaware of this option to pursue a microcredit loan scheme. It was also noted that sometimes travel costs can be greater than the upper limit of €2,000 for family members, so it was unclear how much such a loan could benefit those with large numbers of family members. Further awareness raising of this loan scheme among refugee communities is necessary in order for them to avail of it where required.

There are a number of instructive examples in other countries of alternative means to finance travel for family members. For example, a no interest loan scheme is operated by [IOM Australia](#) and private loan schemes are available from [RefuAid](#) in the UK and [Credal](#) in Belgium to assist people to meet their travel costs.

Expenses and financial costs will also accumulate once family arrive in Ireland. Delays in accessing social benefits and housing shortages may mean

⁴⁹ For further information see: <https://itmakessenseloan.ie>

⁵⁰ Participating credit unions: <http://itmakessenseloan.ie/participating-credit-unions>

⁵¹ Irish Government, Houses of the Oireachtas, Dáil Éireann debate - Wednesday, 12 Dec 2018: Consumer Credit (Amendment) Bill 2018: Second Stage [Private Members] <https://www.oireachtas.ie/en/debates/debate/dail/2018-12-12/38>

⁵² These stakeholders include individual participating credit unions, the Department of Social Protection, Department of Finance, the Central Bank: Registry of Credit Unions (RCU), Irish League of Credit Unions (ILCU), An Post, Social Finance Foundation, Citizens Information Board, MABS, St Vincent de Paul (representing NGOs), the Credit Union Managers’ Association and the Credit Union Development Association.

that people are left destitute and homeless upon arrival. The example of the Scottish Welfare Fund is helpful in this regard as it is a specific fund providing crisis grants to support the integration of refugee families who would otherwise be destitute. The grant provides families with the financial support they need to meet their basic needs during their first days in Scotland before they can access employment or welfare benefits.⁵³

6.3 The experience of unaccompanied children and young people

Travel assistance applications by unaccompanied children, and by such young persons who have since turned 18, are prioritised on account of their being without their family support at an important stage of their lives in Ireland. Some of these unaccompanied children may have claimed asylum individually in Ireland while others may have been relocated from Greece, Malta, or France as part of the Irish Refugee Protection Programme.⁵⁴ Such young people are placed in the care of the Tusla Social Work Team for Separated Children Seeking Asylum.⁵⁵ They often face particular difficulties when reuniting with their family as they do not have their own financial means to arrange accommodation and supports in advance of their family's arrival. This means that their families often have no choice but to resort to accessing accommodation supports and services for the homeless upon arrival, which places incredible stress and strain on all the family.

This also places considerable pressure on the Tusla social workers and aftercare workers who are responsible for the unaccompanied children and young people in their care. In the absence of dedicated supports, it often falls to them by default

to develop, coordinate, and implement a whole range of support measures for newly arrived family members including arranging housing support and meeting other basic necessities such as medical and educational needs. This exceptional and practical response, which may take up to a year to deliver, is placing significant and unsustainable strains on the service and diverting them from their responsibilities towards children and young people in their care. A more coordinated and adequately resourced approach is needed to ensure positive integration outcomes for these children and their newly arrived family members.

While integration support post arrival is beyond the explicit scope of this research, the deficit of support for this vulnerable group is readily apparent to UNHCR from implementing the TA programme and engaging with Tusla's Social Work Team for Separated Children Seeking Asylum more generally.

6.4 Access to travel documents

Obtaining travel documents and visas can pose an additional barrier to family reunification.⁵⁶ The TA programme is focused primarily on travel costs, but UNHCR, IOM and the IRCs may also help family members with obtaining the required visas and travel documentation to ensure their safe arrival.

One positive development with the introduction of the International Protection Act 2015 was the inclusion of Section 55, which resulted in an Irish travel document being provided to family members of international protection beneficiaries provided they fulfil certain conditions. The travel document fee is €80 per application/document and applications may take up to sixteen weeks to process.⁵⁷ It was positive to note during the implementation of the

⁵³ For further information see <https://www.gov.scot/publications/scottish-welfare-fund-family-reunion-crisis-grant-guidance>

⁵⁴ The Irish Refugee Protection Programme (IRPP) was established in September 2015 as a direct response to the humanitarian crisis at that time. Under this programme, the Irish government committed to accepting a total of 4,000 people into Ireland under various strands including resettlement from Lebanon and Jordan, relocation of asylum seekers from Greece and various other measures including relocation of unaccompanied children and adults arriving in Italy and Malta from search and rescue missions in the Mediterranean Sea and the transfer of unaccompanied children from the disbanded Calais camp in France to Ireland. For more information on the IRPP see: <http://www.integration.ie/en/isecc/pages/irpp>

⁵⁵ Tusla is the Child and Family Agency and more information on the work of the Social Work Team for Separated Children Seeking Asylum is available here: <https://www.tusla.ie/services/alternative-care/separated-children/>

⁵⁶ UNHCR, *The "Essential Right" to Family Unity of Refugees and Others in Need of International Protection in the Context of Family Reunification*, January 2018, 2nd edition, pp128-131, available at: <https://www.refworld.org/docid/5a902a9b4.html>

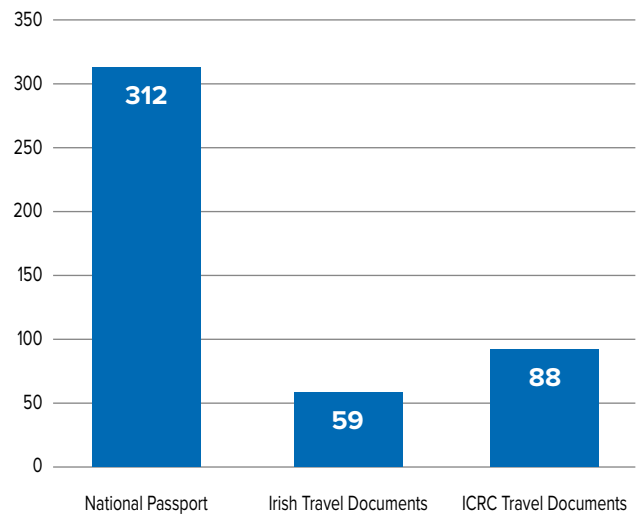
⁵⁷ Irish Naturalisation and Immigration Service, Travel Documents, 23 August 2017, available at: http://www.inis.gov.ie/en/INIS/Pages/Application_for_a_Travel_Document

IHAP programme that the administrative processing fee of €80 for obtaining travel documents was waived for beneficiaries. To reduce costs, such waivers could also be considered for family members reunited under the International Protection Act 2015 who require Irish travel documents. Another positive development in 2020 is that family members travelling on Irish travel documents no longer require Irish entry visas.⁵⁸

International protection beneficiaries may apply for travel documents on behalf of their family members. However, UNHCR has observed from individual casework that family members abroad will need to attend an Irish Embassy for the purposes of completing part of the form. Sponsors are alerted to this in family reunification grant letters issued by the Department of Justice and Equality. As elaborated upon further in UNHCR's report *Families Together*⁵⁹, a significant obstacle to family reunification for some can be access to embassies overseas. Those living far from embassies may face logistical, financial and even security challenges that inhibit access. For family members who remain living in their country of origin, going to the embassy of a foreign state can pose a risk, in particular where the regime is potentially a source of persecution and/or the security situation is unstable. This issue was also observed by UNHCR Ireland in the TA programme. In other cases, there may not be an Irish Embassy in the country and visa restrictions, financial and logistical challenges may prevent family members from travelling to embassies in neighbouring countries.

Fig. 6 documents the most common types of travel document used by family members when availing of the TA programme:

Fig. 6 Travel Documentation used by TA Programme Beneficiaries



95% of those travelling on Irish Travel Documents were Somali nationals, travelling predominately from Ethiopia, Kenya, and Uganda. Other nationalities that travelled on Irish travel documents included Syrian, Beninese, and Cameroonian family members.

In some cases where there are difficulties obtaining travel documents, the International Committee of the Red Cross (ICRC) provided ICRC Travel Documents. The largest proportion of persons travelling on ICRC travel documents to Ireland under the TA programme were Congolese (DRC) and Syrians. Among nationalities that travelled on ICRC Travel Documents were stateless Kuwaiti Bidoon beneficiaries. Stateless persons face particular challenges on account of being stateless, which leaves them struggling to access basic services.

Where necessary, IOM and/or UNHCR may make enquires with field offices on behalf of the family members about logistical matters such as the acceptance of travel documents and exit permission and/or exit visas required. UNHCR Ireland may liaise with field colleagues to assist in registering the family members as refugees where appropriate and where they have protection needs.

⁵⁸ INIS has recently clarified this on the following link: <http://www.inis.gov.ie/en/INIS/Pages/check-irish-visa>

⁵⁹ UNHCR, *Families Together, Family Reunification in Europe for Refugees, December 2018*, available at: <https://data2.unhcr.org/en/documents/details/67136>

Obtaining national passports or other travel documents may be problematic for family members, especially where the concerned family members remain in the country of origin and fear persecution at the hands of state agents.⁶⁰ In addition, family members outside their country of nationality without national passports may face further administrative and logistical difficulties. Other challenges faced by family members included travelling on a travel document from or through a country that does not recognise the document and travel documents sometimes being seized in the post by other country authorities. For example, at the time of writing, a number of countries do not recognise the ICRC travel document.

During the implementation of the TA programme UNHCR has observed difficulties, for example for family members in certain countries of origin who are without national passports, in obtaining Irish travel documents. It can be challenging for such persons to obtain Irish travel documents when there is no Irish Embassy present in their country of origin. In such cases UNHCR Ireland is aware that individuals have had no other option but to cross international borders, sometimes in an irregular manner, to access Irish Embassies to obtain a travel document. Some people may also face protection risks and visa restrictions when trying to travel to a neighbouring country. Access to an Irish Embassy is necessary for obtaining an Irish travel document as the signature of an embassy official is required to complete the travel document application form.⁶¹ Where personal attendance at an embassy abroad is required, the Irish authorities should reduce the number of times that family members abroad need to approach

an embassy and provide flexibility regarding appointments at embassies when individuals miss their appointments because of difficulties crossing borders or reaching the embassy. From experience, it appears that Irish consulates are not used for this purpose, although such offices can issue visas to family members. **Of the 40 countries where family members assisted under the TA programme were residing, 60% are countries without an Irish Embassy.** The possibility of utilising Irish consulates and/or other countries' embassies⁶² present in the territory where family members reside should be explored further to ensure that difficulties accessing Irish travel documents are not an effective bar to family unity.⁶³ For family members who cannot access embassies for travel documents nor obtain national passports, another option could be the issuing of laissez-passer documents for travel to Ireland, which could also be obtained through Irish consulates.

Article 28 of 1951 Refugee Convention⁶⁴ confers an obligation on States to issue and to recognize UN 1951 Convention Travel Documents to refugees lawfully staying in a state territory.⁶⁵ Such a document will be useful in those instances where family members are refugees abroad and residing in countries which are signatories to the 1951 Refugee Convention.

With regards to the issuance of Irish entry visas, it is general practice that the visa can be printed in Ireland and the passport or travel document can be posted overseas, should the family members' country of residence not have an Irish Embassy. Visas are not required where family members travel on Irish travel documents.

⁶⁰ UNHCR, *Refugee Family Reunification: UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, p. 14, available at: <https://www.refworld.org/docid/4f55e1cf2.html>

⁶¹ The Travel Document Application Form set out in Schedule 1 of S.I. No. 667/2016 International Protection Act (Travel Document) Regulations 2016 requires the travel document application form declaration to be signed in the presence of a member of An Garda Síochána. An administrative practice has developed whereby Irish Embassy officials may be present for the signing of the declaration form for applicants who are not resident in Ireland.

⁶² For example, The EU Visa Code Regulation [Regulation (EC) No 810/200] provides for EU Member States to establish bilateral arrangements for representing each other to collect visa applications and issue visas. At least five EU Member States currently make use of this provision. Ireland does not participate in this Regulation.

⁶³ This may require a separate application form or process to be set out in Regulations for applicants who are not resident in Ireland or for the existing procedure to be adapted for such purposes as required on an administrative basis.

⁶⁴ UNHCR, *Refugee Family Reunification: UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, p. 14, available at: <https://www.refworld.org/docid/4f55e1cf2.html>

⁶⁵ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, Article 28, available at: <https://www.refworld.org/docid/3be01b964.html>



📷 Wissam Kharita sits between his parents Abdulatif, and Fatima at their home in Tullamore, Ireland. © UNHCR/Andrew McConnell

6.5 Protection concerns for family members

Sometimes family members are in a precarious and vulnerable situation while waiting to be reunited with the applicant in Ireland. The protection needs of family members, as mentioned earlier, are also taken into consideration when selecting cases for travel assistance. Of the 34 nationalities supported to travel to Ireland with the TA programme, **65% of persons were from one of the top ten refugee producing countries in the world.**⁶⁶ Syrians, the largest forcibly displaced population globally,⁶⁷ accounted for 17% of persons who travelled under the TA programme. 15% of family members were Somali, 14% Afghan, and 12% were Congolese (DRC).

Approximately 45% of the families travelled to Ireland from countries neighbouring their country of origin, where they were residing, for some in precarious conditions. These families include nationals of Syria, Afghanistan, Eritrea, Sudan, South Sudan, Myanmar, Democratic Republic of the Congo, Benin, Cameroon, Burundi, Iraq and Iran.

Interviews with TA applicants and families supported to travel under this programme and consultations

with NGOs, showed that concerns for the safety of family members overseas is a key cause of worry and anxiety during the family reunification process. As one refugee interviewed stated,

“You are constantly afraid for your family, thinking about them every hour, every minute, every second of your day.”

As an example, one applicant in Ireland was extremely anxious about his mother, brother and wife’s safety as his brother was attacked and hospitalised in their country of origin. The situation for the family worsened during the family reunification process when a bomb exploded beside their house and killed their neighbours.

An NGO cited a case involving an Iraqi client of their services; the person’s wife was killed while they were awaiting the outcome of the family reunification application. Protection concerns are not only noted for those family members still in their country of origin; people can be placed in a hazardous situation when staying in third countries. Another NGO remarked that there are a cohort of undocumented persons in third countries where they cannot apply for asylum and are at risk of deportation.

⁶⁶ The top ten refugee producing countries in 2019 were Syria, Venezuela, Afghanistan, South Sudan, Myanmar, Somalia, DRC, Sudan, Iraq, Central African Republic : UNHCR, *Global Trends: Forced Displacement in 2019*, 18 June 2020, available at: <https://www.unhcr.org/globaltrends2019/>

⁶⁷ Ibid.

This account by Sara, a successful recipient of the TA programme, highlights the worries faced by applicants as they wait for their family to join them.⁶⁸

“ I don't remember any day where I was sleeping calmly while we were separated. Families need to stay together. If a family is separated, I'm sure that even the ones who are in a safe place have psychological problems. Constantly being worried can just drive you crazy. The biggest problem for me after arriving here was that my family was still back in Syria. Especially as the situation started to get worse in Aleppo. Even in our area, that we considered to be safe before, but one year after we arrived here the situation was terrible. I was talking to my mum one day and she told me that my younger sister, who was studying medicine in Aleppo, nearly got hit by bombs on her way from university. Hearing all of those stories was terrible. I was here and couldn't do anything, just imagining what life was like.

I remember sometimes when my sister and I would wake up with terrible news from Syria on our phones or Facebook and we tried contacting our family to see if they were ok. But the connection was very poor and we often couldn't reach them. It took hours until they could tell us that they were in good health and everything was ok. Those were really difficult hours for all of us.”

Funding shortages for the TA programme in certain years have resulted in waiting lists for travel assistance for several months. The self-payers interviewed for this research had previously applied for travel assistance but ultimately sourced their own funds. When providing reasons for their withdrawal they specifically stated that they withdrew as they were worried about their family's safety and wished to expedite their travel. One interviewee feared for his family's safety on account of his work with a humanitarian organisation, stating:

“ I worked with a humanitarian organisation in my home country. Because of this the armed groups were targeting my family and they were forced to move home.”

Other examples of protection concerns include family members being threatened and harassed by authorities and/or extremist groups by virtue of their link to the applicant in Ireland, being forced into hiding, generalised violence and instability in countries such as Syria, Afghanistan, and Libya, and family members at heightened risk such as destitute unaccompanied children and elderly relatives. The large number of children reunited with parents, siblings or other family members under the TA programme demonstrates that the programme is trying to meet the needs of the most vulnerable. **Half of all family members who have been supported by the TA programme were children**, 18% of whom were unaccompanied children. One example is that of three unaccompanied children, a 16-year-old and two 12-year olds, who had been living with extended family since the death of their mother and disappearance of their father. However, the extended family no longer had the capacity to look after them, so they were living by themselves when their travel was arranged under the TA programme to be reunited with their older sister who is a programme refugee.

22.7% of families supported to travel were female-headed households.⁶⁹ A review of individual case files revealed that some applicants feared that their female family members were at risk of gender-based violence in their countries of origin or in a third country of residence as they were living without an adult male. As one interviewee stated,

“ A woman without a husband in my country is at risk of rape. My wife was pregnant at the time which made her more vulnerable, I could not delay in bringing her here.”

This concern echoes NGO reports which have documented that deep concern for the security and well-being of family members left behind is a common worry for international protection beneficiaries.⁷⁰ Whilst family reunification can be a safe and legal pathway for protection of family members, in order to be effective, efficient processing of applications is crucial, particularly when family members are in vulnerable situations.

⁶⁸ Sara and her brother were supported by the TA programme to bring their parents and two younger sisters to Ireland in 2016.

⁶⁹ 36 out of the 158 TA programme cases concerned female headed households.

⁷⁰ Irish Refugee Council, NASC, Oxfam Ireland, “A Family Belongs Together” Refugees Experiences of Family Reunification in Ireland, available at: https://www.oxfamireland.org/sites/default/files/upload/pdfs/3678-OxfamRefugeeReport_FINAL.pdf

7. CONCLUSION & RECOMMENDATIONS

The TA programme has supported 472 people to reunite with family in Ireland since 2008. As the only programme of its kind in Ireland, it is providing vital support to the most vulnerable protection beneficiaries facing challenges in overcoming the financial and logistical barriers to effectively accessing family reunification. Excellent working relationships have developed between UNHCR, the IRC and IOM, which ensures effective coordination and consultation on cases and there is now a strong structure in place for administering the programme. The programme has made a tangible difference to the lives of the beneficiaries of the programme based all over Ireland.

Notwithstanding that, family reunification can be a costly process at every stage. International protection beneficiaries face particular barriers to access sufficient funds for travel after long periods spent in the protection system in Ireland. The introduction of access to the labour market in some circumstances for international protection applicants in June 2018 may assist applicants in raising funds for family members' travel, but this remains to be seen.⁷¹ In the absence of a formal scheme of financial support in Ireland for the purpose of family reunification there continues to be a need to provide travel assistance to ensure families are reunited in Ireland. Demand for the TA programme continues to grow annually and the programme is unable to meet the increasing needs. Funding for the programme is uncertain for future years and without a sustainable funding mechanism, applicants who do not have the financial resources to pay for travel will face difficulties in being reunited with their families. More long-term avenues should be considered to sustain this important resource for beneficiaries of international protection.

This study has also identified other practical challenges and concerns that may arise following a positive family reunification decision. These include additional financial costs such as exit fees and permissions from certain countries of residence, the issue of obtaining travel documentation and the need for access to an Irish Embassy or consulate and protection risks faced by family members who may be in vulnerable situations in their country of origin or residence. Considering the above findings, UNHCR makes the following recommendations to the Irish government:

- Raise awareness and promote the use of the 'It Makes Sense' Personal Microcredit Loan Scheme among refugee communities for the purpose of family reunification related costs.
- For those refugees who cannot avail of the 'It Makes Sense' scheme, including for when their travel costs exceed the maximum loan limits, the establishment of a formal low-interest loan scheme should be explored. This scheme would be aimed at international protection beneficiaries who do not have sufficient resources to cover the costs of flights and associated costs for the purposes of family reunification.
- Reduce and/or waive administrative fees including visa fees for passport holders and holders of travel documents other than Irish travel documents and reduce and/or waive travel document fees for family members of beneficiaries of international protection.

⁷¹ On 6 July 2018 Ireland adopted the European Communities (Reception Conditions) Regulations 2018 (S.I. 230 of 2018) through which it transposed the EU recast Reception Conditions Directive. The legislative reform permits access to the labour market and self-employment for applicants who have not received a first decision on their claim after 9 months through no fault of their own. For further information see National Legislative Bodies / National Authorities, Ireland: S.I. No. 230 of 2018 European Communities (Reception Conditions) Regulations 2018, 6 July 2018, available at: <https://www.refworld.org/docid/5b55a9b57.html>

- Travel of family members should be facilitated by the issuing of laissez-passer documents where such persons do not have national passports and cannot access an Irish Embassy for a travel document. Laissez-passer documents could be issued by consular staff in such situations.
- Expedite family reunification applications and applications for related travel documents and visas to ensure that family members can join family in Ireland as soon as possible, in particular where there are protection concerns.
- The Department of Justice and the Department of Children, Equality, Disability, Integration and Youth should jointly review the experience of unaccompanied children, including those who have since turned 18, seeking family reunification and consider the provision of dedicated support for the arrival of their family members including housing assistance.

UNHCR hopes that this study can open further dialogue and research about an often-overlooked part of the family reunification process. In addition, UNHCR hopes that the above recommendations can provide a constructive basis for continued discussion and cooperation with all relevant stakeholders to ensure family reunification for international protection beneficiaries in Ireland.

