Opening statement

Observations on the International Protection Bill 2025

Ombudsman for Children's Office

14th October 2025

Thank you to the Chairperson and the Committee for inviting the Ombudsman for Children's Office here today to provide our observations on the General Scheme of the new International Protection Bill (General Scheme).

The OCO is an independent and statutory human rights body, established in 2004. The OCO has two core statutory functions:

- to promote the rights and welfare of children up to 18 years of age; and
- to examine and investigate complaints made by or for children about the administrative actions of public bodies.

Migrant children are amongst the most vulnerable children in the State who face multiple barriers to the realisation of their rights. The implementation of the EU Pact on Migration and Asylum will directly affect migrant children arriving in Ireland, whether they are seeking asylum or are migrating for other reasons. It is crucial that the implementation of the Pact takes due account of European and international children's rights standards that Ireland has an obligation to uphold. This means the State should set out explicitly how it intends to apply the legal instruments affecting children in line with Ireland's obligations under the Charter of Fundamental Rights of the EU (CFREU), the UN Convention on the Rights of the Child (UNCRC) and the European Convention on Human Rights (ECHR). This intention should also be set out clearly in the new International Protection Act.

We have significant concerns that the General Scheme, as it is currently drafted, does not provide sufficient safeguard for the rights of migrant children as required by international human rights law and the Pact's legislative framework.

The OCO also wants to highlight our concern that a number of placeholders for Heads are found throughout the General Scheme making it impossible to fully scrutinise its provisions, especially in areas that contend with fundamental rights such as age assessments, legal advice and representation and alternatives to detention. We recommend that adequate time be given to the Committee and key stakeholders to examine draft provisions in these areas as part of its pre-legislative scrutiny of the General Scheme. Such provisions should not be introduced at a later stage of the legislative process.

Some of the key changes we need to see are:

1. the inclusion of a requirement that the best interest of the child be a primary consideration in all aspects of the legislation as required by EU law and international children's rights standards,
2. an explicit ban on the immigration detention of children,
3. an independent representative or guardian system for unaccompanied children,
4. access to free legal advice and representation,
5. a presumption of minority and age assessments that comply with international human rights standards,
6. and an international monitoring mechanism whose remit covers screening procedures as well as the asylum border procedure, and that is fully in line with the Fundamental Right's Agency guidelines.

There is an opportunity now for legislators to ensure sufficient safeguards are in place for children and that our legal framework is in line with international human rights obligations, so we can be confident that the rights of children on the move will be fully respected, protected and fulfilled.