**What:** Meeting of the Joint Committee on Justice, Home Affairs and Migration to discuss the General Scheme of the International Protection Bill 2025

**When:** Tuesday, 14th October 2025 at 3.00 p.m

**Where:** Committee Room 1, LH2000, Leinster House.

**Who:** IHREC Chief Commissioner Liam Herrick and Stephen Collins, Senior Solicitor, IHREC, and Michael O'Neill, Head of Legal, IHREC (online)

**Brief opening speech (3 mins)**

Chair, members of the Committee, thank you for the opportunity to address you today.

By 12 June 2026, Ireland must implement the EU Migration and Asylum Pact in a manner consistent with EU and human rights law. Having reviewed the General Scheme, we are concerned that it will not do so.

A major problem is ambiguity around the Government's intentions, due to the incompleteness and lack of clarity in the General Scheme of the International Protection Bill 2025. This poses a fundamental challenge not only for IHREC and experts who could contribute meaningfully to pre-legislative scrutiny of the Bill, but also to the ability of Oireachtas members to effectively scrutinise this important piece of legislation.

As a general observation, the Bill goes further than the Pact requires in restricting rights and freedoms, and not as far as the Pact requires to protect them. This is particularly evident in the way the Bill treats vulnerable people including victims of trafficking[1], disabled people[2], and children[3].

Two issues potentially affect the rights of all international protection applicants.

First, access to justice. The Bill provides that, shortly after arrival in Ireland, applicants will get 'legal counselling' before their first instance interview, and not legal advice and representation.

But the Bill does not define 'legal counselling'. We do not know what 'legal counselling' is. We know what it is not: legal advice. This is a backwards step from the current situation where legal advice is available and Ireland has opted for a minimalist approach here. People seeking international protection, many who are vulnerable and traumatised, will now have to navigate

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[1] IHREC is the National Rapporteur on Victims of Trafficking. The Bill takes little or no account of VoTs. It is difficult to see how VoTs will be sufficiently supported and advised and feel sufficiently safe to disclose their experiences in the framework of an IP application described by the Bill.

[2] IHREC is the Independent Monitoring Mechanism for UNCRPD. The Pact provides that people with special reception needs including disabled people should not be detained where it would their physical and mental health at serious risk, however, in creating an almost entirely open-ended form of *de facto* detention, the Bill appears to provide for the detention of persons with special reception needs including disabled people.

[3] The Pact states that the State cannot use any form of force against minors to ensure their compliance with the obligation to provide biometric data. It also provides that if national law permits it, *as a last resort,* the State may use a proportionate degree of coercion against minors to ensure their compliance so long as the State respects the minors' dignity and physical integrity. But the Bill provides that if a child as young as six does not comply with a request to give potentially intimate and deeply personal biometric date, the State can use "reasonable force" to get it. Notably, the Bill removes references to the United Nations Convention on the Rights of the Child contained in the Pact.

the critical first stage of the IP process without the support and protection of independent and confidential legal advice.

The Bill says that 'legal counsellors', will be engaged but it is not clear who they will be. In our view, legal counselling cannot be provided by solicitors or barristers because they are bound by their professional code of ethics to provide confidential advice.

In our view, this approach raises grave questions about effective access to justice and the right to an effective remedy. We call on the State to continue providing legal advice at first instance, as it does currently, and as the Pact permits it to do. The State must demonstrate that those providing 'legal counselling' have the necessary expertise, can effectively support applicants and demonstrate how 'legal counsellors' will be regulated.

The second issue that affects all applicants is that the Pact requires a Chief Inspector of Border Procedures.[4] Under the Pact, the IMM must meet the standards set out by the EU's Fundamental Rights Agency ("FRA"). These include the IMM must be independent from the Department; that it must be empowered to investigate allegations of rights violations; and that it must be adequately resourced.

In direct contrast, the Bill provides for a Chief Inspector who is appointed by, funded by and who can even be removed by the Minister for Justice. Furthermore, we understand that the Chief Inspector and staff will not be warranted to conduct investigations, including into death or serious harm. In our view, therefore, the Chief Inspector cannot be considered a credible independent monitoring mechanism. It will not vindicate the right to an effective investigation.

Based on these concerns, IHREC is currently considering whether it is appropriate for us to sit on the proposed Advisory Board to the Chief Inspector, as provided for under the Bill.

Chair, members of the Committee, these are only two of our concerns about the Bill (others include detention, age assessments, vulnerability assessments, victims of trafficking). If it passes in its current form, the Bill will attempt to create a system that by its nature undermines fundamental rights. I welcome the opportunity to discuss these and other important issues in this landmark legislation with you today. Thank you for your time.

[4] This is referred to as the Independent Monitoring Mechanism in The Pact