Opening Statement to the Joint Oireachtas Committee on the General Scheme of the International Protection Bill 2025.

21st October 2025

Nasc the Migrant and Refugee Rights Centre has worked with, and provided support to, refugees and asylum seekers for 25 years.

For the sake of time, we are limiting this opening statement to three key issues.

1. **Lack of Consultation and Implementation Timeline**

First, we would like to foreground the lack of consultation with people currently in the international protection process, or with lived experience of it. These are the individuals most directly affected by the proposed reforms, yet their voices have been largely absent from the process to date. The consultation has been minimal, limited in scope, and poorly structured. We are also deeply concerned about the compressed legislative and implementation timeline. We are sceptical that the State will be in a position to meet its implementation deadline of 13 June 2026, given the scale of legal and institutional transformation required.

2. **Lack of clarity on key provisions in the General Scheme**

Second, the Committee is being asked to scrutinise a General Scheme which omits essential details on key provisions. The most notable example is the proposed introduction of legal counselling, which is referenced across several Heads but is not defined, and lacks any clarity as to its scope, provider, professional qualifications, or regulatory framework. We are concerned that the proposed concept of legal counselling will fall significantly short of legal advice or representation. According to the Irish Human Rights and Equality Commission's written submission, they do not consider that barristers or solicitors can provide legal counselling under current professional, ethical, or regulatory standards.[1] The Scheme in effect proposes a two-tier system: a second category of "legal counsellor" not subject to regulation under the Legal Services Regulation Act 2015 and raises serious concerns around confidentiality, oversight, and the effective vindication of applicants' rights.

3. **Restrictions of Movement and De Facto Detention**

Third, and of fundamental concern, are the provisions in the General Scheme relating to restrictions on movement and detention, particularly as they relate to the screening process, border procedures, and designated accommodation. While the Scheme treats screening[2] and border procedures[3] as separate stages, in practice, it is likely that they will be carried out in the same facilities and under similar conditions. Many of the concerns outlined here therefore apply to both processes.

---

[1] Irish Human Rights and Equality Commission, Observations on the General Scheme of the International Protection Bill 2025, p. 8
[2] Head 14
[3] Head 113

Under the General Scheme, restrictions on movement may be imposed during screening and border procedures.[4] These restrictions may include requirements to reside in designated locations or to comply with regular reporting obligations. The Scheme does not currently provide sufficient detail on how such restrictions will be applied, how long they will last, or how applicants can challenge them. In practice, individuals subject to these restrictions may not be permitted to leave a defined geographic area without prior permission, limiting their ability to access legal assistance, attend appointments, maintain family connections, or participate in community life. Failure to comply could carry serious consequences for an applicant's case.

The legal basis for detention in the General Scheme is also problematic. Heads 110–112 allow for detention where an applicant is deemed to pose a risk of absconding, obstructs return procedures, or for reasons of public order. However, these grounds are vaguely defined, and the Scheme sets no clear threshold for when they apply. There is no requirement for detention to be preceded by an individualised assessment, nor any obligation to exhaust less coercive alternatives first.

There is also no provision for judicial authorisation or automatic review of detention orders, and no guarantee of access to free legal assistance, despite these being minimum standards under Article 11(2) of the Reception Conditions Directive.

Applicants may be detained in designated facilities near borders, in repurposed accommodation centres, or in de facto closed camps. Those detained may face limited access to legal representatives, family, or psychosocial supports. Vulnerable applicants, including children, survivors of torture or trafficking, people with disabilities, or those with serious physical or mental health needs, face heightened risk in these environments. While the EU Asylum Procedures Regulation (APR)[5] provides that applicants with special procedural needs or reception needs should not be channelled into the border procedure if necessary support cannot be provided, the effectiveness of this safeguard is entirely dependent on early and accurate identification, which the current screening provisions do not ensure.

Head 19 provides for preliminary vulnerability checks, but these are one-off, lack a mechanism for reassessment, and allow for adverse inference where an applicant declines to participate. These are precisely the applicants most likely to struggle with early disclosure due to trauma, fear, or mistrust. The absence of guaranteed legal representation at this stage means that many may never have the opportunity to disclose vulnerabilities in a safe or supported setting.

The issues I have outlined, together with those raised by my colleagues here today, point to a system that risks being rushed, opaque and overly focused on speed at the expense of fairness.

Fiona Hurley

Email: fionahurley@nascireland.org

[4] Heads 108 and 113
[5] Article 53