Opening Statement to the Oireachtas Joint Committee on Justice, Home Affairs & Migration on behalf of the Bar of Ireland

Chair, Members of the Committee,

Thank you for inviting us to speak on the General Scheme of the International Protection Bill 2025. I am joined by my colleague Siobhan Clabby BL.

The Bar of Ireland represents over 2,150 barristers. The principles that barristers are independent, owe an overriding duty to the proper administration of justice and that the interests of their clients are defended fearlessly in accordance with ethical duties are at the heart of the independent referral bar. It is essential that any system for international protection is clear, workable, and fully respectful of constitutional and international rights.

While aligning with recent EU reforms is welcome, the Bill's structure and drafting urgently require amendment to provide clarity for applicants, legal advisors, and decision-makers. At present, definitions and procedural tracks such as screening, border, accelerated, and admissibility, are fragmented. This risks confusion, delay and error. We recommend the Scheme be redrafted for clarity, with plain-language, consistent definitions and consolidated procedural signposts introduced throughout.

Second, the protections around legal advice and representation are, as drafted, insufficient. The Bill creates a two-tier system, allowing "legal counsellors" and "cultural mediators" who are not fully qualified lawyers, to act as initial advisors. This undermines legal privilege, trust, and the applicant's right to effective legal assistance. We strongly urge that only practitioners recognised under Irish law may advise or represent applicants at every stage, from screening to appeal, and that existing restrictions on legal practitioner participation be removed in line with international obligations.

Appeal safeguards must also be enhanced. The current 5-day appeal window is so short as to be unworkable, especially for vulnerable people or those needing

translation. The appeals process must instead allow a minimum of twenty working days, and oral hearings should be readily available where personhood or credibility is at stake. These are basic fair procedures; well established in Irish and European law.

The Bill's approach to vulnerability and children also falls short. There is no right to review or appeal of a vulnerability finding, nor are the roles of child representatives or the process of age assessment sufficiently defined. We urge the Committee to ensure clear procedural safeguards including mandatory qualifications for those representing unaccompanied minors, and a transparent framework for reviewing vulnerability and age determinations.

Finally, the State's legal duty to provide adequate accommodation and material reception must be directly stated in the Bill, not just left to policy. Recent High Court judgments have found repeated breaches of fundamental rights arising from the State's failure to meet reception standards. The legislation should specify enforceable obligations, clear duties to designate proper accommodation, and mechanisms for urgent complaint and redress.

In summary, we recommend that the Bill should:

- Clarify all definitions and procedures at the outset;
- Guarantee free, qualified legal representation at every stage;
- Provide fair, workable timeframes and oral hearing rights for appeals;
- Introduce robust review and child protection safeguards;
- Ensure the right to adequate accommodation and reception conditions are properly defined.

These amendments will strengthen the Bill, reduce future litigation, and ensure Ireland meets its constitutional and human rights obligations. Thank you.