12th June 2025

1. Preliminary Vulnerability Checks

Under the Screening Regulation, third country nationals shall be subject to a preliminary vulnerability check as part of the screening process within seven days of arrival. While Ireland cannot opt in to the Screening Regulation, such measures are intended to be implemented at national level. This provides an opportunity to implement best practise and apply humanitarian principles. Preliminary vulnerability checks should be conducted as early as possible to ensure that required specialised supports and special reception conditions are provided where needed. Provisions must also be made for the identification of vulnerabilities that may not be detectible at first instance. Initial vulnerability checks should be the first step in an ongoing process to monitor vulnerabilities. Vulnerability checks require trust, commitment, a coherent approach and investment from authorities as well as close coordination with international and civil society organisations, drawing upon their expertise and humanitarian perspectives.

	Head/Subhead	Comment
1.1	**Head 12**	It is strongly recommended that detention is used as a measure of last resort, in line with the provisions in the Recast Reception Conditions Directive 2024 (RRCD). With reference to Article 8 (7) of the Screening Regulation 2024, which provides that relevant rules on detention shall apply during the screening in respect of third-country nationals who have not made an international protection application, it is our recommendation that while Ireland legislates for the screening process at national level, that persons should not be held in detention for the sole reason that they are seeking international protection, particularly in accordance with the international legal obligations of the Member States and in particular with Article 31 of the Geneva Convention. Applicants should only be detained in clearly defined exceptional cases, in line with the RRCD applying the principles of necessity and proportionality. Detention must be ordered in writing by a judicial or administrative authority, with clearly stated reasons. Detainees must have access to key safeguards, including judicial review and, where applicable, free legal assistance and representation.
1.2	**Head 14**	It is recommended to clarify that the asylum acquis, particularly the provisions of the RRCD, the Asylum Procedures Regulation (APR), and the return acquis, applies in parallel to the screening. This ensures that applicants and people without authorisation receive the procedural safeguards and reception conditions they are entitled to.

1.3	**Head 19 (1)**	It is recommended that a non-exhaustive list of applicant categories that may have special needs is provided for. Such list should include children, unaccompanied minors (UAMs), victims of trafficking, elderly persons, persons suffering from serious illness or mental disorders, persons with disabilities, pregnant women, single parents with underage children, victims of torture, victims of other forms of psychological, physical or sexual violence, victims of violence related to sexual orientation and victims of female genital mutilation[1].
1.4	**Head 19 (2)**	We recommend inclusion that the screening authority may be assisted by international organisations, particularly for capacity building and the establishment of best practise. With the acceleration of asylum procedures, it is essential that all possible measures are taken to ensure the accuracy of this initial check and that vulnerabilities are not overlooked as it could have long term detrimental effects on the applicant whereby they are processed under the incorrect procedure without the provision of necessary supports.
1.5	**Head 19 (3)**	Further clarification should be provided on the special reception or procedural needs applicants may be entitled to receive. This may include gender-sensitive accommodation, child-friendly accommodation and accommodation with access to increased psychological services.
1.6	**Head 19 (6)**	Refusal to undergo a vulnerability check should not have implications on the credibility of an applicant's asylum claim in any circumstance. This contradicts Article 25 of the RRCD which states that assessments will be made *'without prejudice to the assessment of international protection needs'*. There ought to be an express inclusion that preliminary vulnerability checks are without prejudice to further assessments carried out in ensuring procedures following the screening is completed.
1.7		We recommend that Head 19 includes details on what should happen in instances whereby preliminary vulnerability checks are not completed in the required seven-day period.
1.8		Further, Head 19 should include an appeal mechanism for those who wish to appeal an outcome whereby they are not deemed vulnerable and as a result ineligible for special reception or procedural needs.

[1] List extracted from the Italian Government Handbook for the Identification, Referral and Care of Persons Living with Vulnerabilities Entering Italy and within the Protection and Reception System

2. Family Reunification[2]

Family unity is a widely recognised humanitarian principle established across International Humanitarian Law, International Refugee Law and International Human Rights Law. The drafting of new legislation governing our international protection system provides an opportunity to strengthen the protections awarded to family unity and to promote family reunification as a safe and legal migration pathway.

	Head	Comment
2.1	**Head 91 (2)**	A policy and practise document should be made publicly available, demonstrating how applications are to be investigated, assessed and determined, including timelines for decision-making. This document should be reviewed annually with input from civil society and international organisations.
2.2	**Head 91 (2) (c)**	Further clarity should be provided on the relevance of 'domestic circumstances' for the purpose of investigation as part of a family reunification application. We propose including this in the above recommended practise document, clearly outlining what falls within this definition and the rationale for investigating same. 'Domestic circumstances' may be integrated with Head 93 concerning the Situation of Vulnerable Persons, opening up the welcome possibility of flexibility on certain application requirements on humanitarian grounds based on individual circumstances at Ministerial discretion, such as exemptions for documentation requirements for particular beneficiaries, prioritisation of applications and grounds upon which extensions to the 12-month period for applications may be granted based on individual circumstances at Ministerial discretion.
2.3	**Head 91 (5) (a) & (b)**	While we welcome that this provision may provide for a more generous time period for permission to reside in the State for arriving family members, it fails to account for an array of situations which might arise, such as changes in beneficiary's circumstances resulting in changes to their residency permission, such as the revocation of status, deportation or death of their Sponsor. We recommend against tying the arriving family member's status to that of the Sponsor without the inclusion of exemptions which would allow arriving family members to retain their immigration permission in certain circumstances regardless of the Sponsor's permission.

[2] For a comparative analysis on Ireland's family reunification practices, see AIDA Report and EMN Inform paper.

2.4	**Head 91 (7)**	Guidance should be published on how the Minister will interpret the threshold of 'strong indications' in order to exercise this power. Civil society should be provided with the opportunity to provide feedback on such guidance prior to publication.
2.5	**Head 91 (10)**	A blanket cessation for all instances will cause undue hardships and unfairness for many beneficiaries, particularly in instances such as domestic violence. We recommend establishing pathways to independent residence permissions in circumstances of dissolution of marriage/civil partnership based on humanitarian exceptions, such as family unity, integration and best interest of the child. Further, the Minister should have express discretion to grant such independent residence status.
2.6	**Head 91 (11)**	We encourage the inclusion of provisions for further extensions of the 12-month time period for application to be granted on the basis of humanitarian grounds, such as personal or domestic circumstances which may justify an extension, with a clear outline of the application process for such.
2.7	**Head 91 (12) (a) (i)**	It is important to provide clarity regarding the eligibility of children/siblings who are not yet born at the time of arrival of the Sponsor to the State. We recommend the inclusion of unmarried partners in stable relationships, as referenced in Article 3 (9) (a) of the Qualification Regulation. A suitable test or list of criteria should be established to meet this definition. In the absence of such inclusion, many couples in stable relationships will be excluded from family reunification, undermining the principle of family unity. This will disproportionately impact on couples in same sex relationships where there is no legal recognition of same sex marriage in their country of origin or marriages conducted outside of legal frameworks, which is common practise in many countries of origin.
2.8	**Head 91 (12) (a) (iii)**	We welcome the inclusion of other adults responsible for the beneficiary, but recommend that the Head includes an inexhaustive list of relationships and circumstances that may give rise to the conclusion that the proposed beneficiary is 'another adult responsible for that beneficiary'. This list may include extended family members and community caregivers, provided that the best interests of the child and safeguarding procedures are adhered to. We have concerns that due to administrative delays outside a minor Sponsor's control in receiving a grant of international protection, they may 'age out' of being eligible to apply for family reunification for specific family members that they would otherwise have been eligible for while under 18. We

		recommend that the Head be amended to substitute in the date of the application for international protection as the relevant date of eligibility for minors or the addition of a provision that Ministerial discretion may be awarded in such instances.
2.9	**Head 91 (12) (b)**	Generally, this is welcomed as a positive development, however, the use of such a restrictive definition that fails to account for circumstances in which the only remaining family member in the country of origin could be an adult sibling who is acutely at risk, e.g. a single female. We recommend that the circumstances be expanded to include where there are extenuating humanitarian circumstances justifying their inclusion in the application. Further, we have concerns over the implementation of this provision and the conduct of the 'individual assessment'. We recommend that guidance is published on how the FRU will conduct such assessments. Civil society and international organisations should be consulted in the development of such guidance. Due regard for the different cultural family structures in the applicant's country of origin should be considered.
2.10	**Head 93**	We recommend the inclusion of a non-exhaustive list of the ways in which the provisions under this Head can positively impact applications, such as the expedition or prioritisation of investigations or waivers on requirements, such as certain documentation[3]. This is a welcome humanitarian measure.
2.11		Reasonable allowances should be provided for in the assessment of evidence provided by individuals seeking to prove family ties and the challenges applicants may face in obtaining proof of their identification or relationship should be considered with particular regard to common practise for documentation in their country of origin and the circumstances in which they fled. As referenced above, this could tie in with the provisions provided for in Head 93.
2.22		We encourage reverting to the wider definition of eligible family members and scope for Ministerial discretion as previously provided for in Section 18 (4) of the Refugee Act 1996. Family reunification procedures provide safe migration pathways to Europe and the expansion of such pathways are essential in reducing the number of people who take enormous risks to reach Europe.

[3] For further details on best practice for upholding the right to family reunification for beneficiaries of international protection in Europe see the Red Cross EU Office position paper

3. **Resettlement**

Safe and regulated migration pathways, such as resettlement, humanitarian admissions and community sponsorship should be promoted. We would welcome that Irish authorities lead by example, by committing to ambitious multi-annual resettlement pledges.

	Head	Recommendation/Concern
3.1	**Head 94**	We welcome the recent establishment and Ireland's confirmed participation in the Union Resettlement and Humanitarian Admission Framework Regulation and the Union Resettlement and Humanitarian Admission Framework Regulation as a means to promote safe and regulated migration pathways to protection in the European Union. We support the prioritisation of humanitarian corridors and community sponsorship programmes to further expand safe pathways. It is recommended that Ireland promotes inclusive definitions that ensure access to resettlement for all vulnerable groups identified by UNHCR, including those lacking formal status or documentation.

4. **Temporary Protection**

Those residing in Ireland under the Temporary Protection Directive are facing extreme levels of uncertainty, having an unimaginable effect on their integration abilities. This section of the General Scheme presents an opportunity to provide such individuals with more clarity on their options for the future.

	Head/Subhead	Recommendation/Concern
4.1	**Head 95**	We see opportunity in this Head for the inclusion of further clarity regarding longer term options for BOTPs, such as eligibility for longer term residency options and/or clarity on whether time spent in Ireland is considered reckonable residency for the purpose of naturalisation. We recommend that time spent in Ireland under Temporary Protection should count towards the process of naturalisation.
4.2	**Head 96**	We recommend either the exclusion of the possibility for revocation of TP status on the basis of exceeding 90 days outside the State or including an inexhaustive list of flexible humanitarian

		exemptions. As well as the need to travel for humanitarian reasons, such as medical treatment, bereavement and visiting family members, it is also essential for BOTPs to have the autonomous option to visit Ukraine for prolonged periods to explore the option of return, keeping in line with one of the potential transition approaches for phasing out the TPD being (assisted) voluntary return. For this to be an option, it is crucial that BOTPs would not lose their protection status by moving to and from Ukraine[4]. Without this possibility, the prospect of return could be hindered due to panic and lead people to the IP system. The introduction of a clear appeals mechanism for the revocation of TP is welcomed.

5. Reception

All asylum applicants should be accommodated and provided with material reception conditions in a dignified manner, compliant with human rights principles. Adequate contingency planning must be established to ensure that homelessness is not a reality for many arrivals. The withdrawal of material reception conditions should only be considered in extreme circumstances, while still upholding the principle of human dignity.

	Head/Subhead	Comment
5.1	**Head 118**	This Head should expressly include the obligation to consider special reception needs and family unity during the allocation of accommodation. Such allocation procedure should be transparent.
5.2		The General Scheme fails to include provisions for reception capacity and contingency planning as obligated under Article 32 of the RRCD, which is essential to strengthen our preparedness for increased migration flows and ensure that our asylum system can adequately accommodate arrivals in a dignified manner. Such solutions as pledged accommodation should be explored as a potential solution to helping those with status to move out of State provided accommodation and into independent, integrated living in Ireland, making bed spaces available to new arrivals. Civil society and international organisations should be consulted in the development of such reception contingency responses.

[4] International Centre for Migration Policy Development – Phasing out Temporary Protection? Shaping EU Policies Through National Experiences

		The General Scheme omits a provision for the assessment of special reception needs as required under Article 25 of the RRCD.
5.3		The General Scheme does not account for the accommodation of UAMs. While Article 27 (9) of the RRCD allows for the placement of those aged 16 or over in adult accommodation centres, as this derogation is optional, it is our recommendation against such inclusion. All children under the age of 18, accompanied or not, as well as age disputed minors, should be accommodated appropriately in specialised child protection facilities, separate from adults unrelated to them and supported by trained staff.
5.4		We welcome that the General Scheme does not expressly include the withdrawal of material reception conditions under specific circumstances, as provided for under Article 23 (2) of the RRCD. Such withdrawals should only be applied exceptionally with the right to human dignity adhered to at all times regardless of the reason for withdrawal. Essential supports such as medical care and food should never be withheld under any circumstances. Applicants should have the right to access an effective appeals mechanism should they wish to appeal such decisions.
5.5		We recommend the express inclusion that all reception conditions provided to applicants is tailored to people's immediate needs and extends beyond minimum standards regardless of the type of facility. National Standards should continue to apply in respect of accommodation centres. HIQA inspections should regularly be conducted with minimal notice provided to the centre to ensure that such standards are upheld.
5.6		Access to reception centres by relevant international organisations to provide humantarian aid, essential support and integration services should be provided for.

6. Detention

The concept of detention within the international protection context is new to Ireland. Government officials have indicated that alternatives to detention[5] will be explored and utilised, which is a welcome assurance. However, it is imperative that such alternatives that restrict the movement of applicants do not result in de facto detention. Restricting the movement of any applicant should be a measure of last resort.

	Head	Comment
6.1	**Head 121 (1)**	The restriction of movement of an applicant whereby an immigration officer requires them to reside in a particular accommodation centre should only be implemented proportionately, as provided for in Article 9 (4) of the Recast Reception Conditions Directive. A test to determine proportionality for the restriction of freedom of movement should be established and implemented to conclude if it is necessary based on the particular circumstances. The restriction of freedom of movement should be a last resort and avoided at all costs. Rationale for such restrictions should clearly be justified and explained to the applicant in writing. The principle of family unity ought to be applied at all times, particularly where movement is restricted.
6.2	**Head 122 (2)**	Arrest without warrant should only occur where there is reasonable suspicion of an individual having committed an 'arrestable offense' as defined by the Criminal Law Act 1997.
6.3	**Head 122 (3)**	A more specific definition of 'place of detention' should be provided as it leaves ambiguity as to whether applicants will be detained in specific immigration detention centres or in the general prison population. Our recommendation is the express exclusion of mainstream prisons from the list of acceptable detention centres for immigration purposes.
6.4		Detention should explicitly be referenced as a last resort, particularly with respect to those who are vulnerable and have special reception needs.
6.5		Access to 'places of detention' should be granted to international organisations for the purpose of providing humanitarian assistance and for family tracing purposes.
6.6		The General Scheme is silent on the detention of children. We recommend that Ireland exercises its discretion when laying down grounds for detention in national law to expressly exclude minors

[5] See Red Cross EU Office position paper on reducing the use of immigration detention in the EU

		entirely even while part of a family unit based on the particularly harmful effects to children's wellbeing that such confinement can have.

7. Family Tracing

Family tracing is a core humanitarian activity explicitly recognised and supported under the Geneva Conventions. The inclusion of an express legislative requirement for authorities to support family tracing for arriving UAMs is a welcome development, however, expanding such provision to all arrivals and not just for the purpose of family reunion criteria under the Asylum and Migration Management Regulation (AMMR) would be a welcome development.

	Head	Comment
7.1	**Head 141 (10) (k)**	We recommend that an appropriately funded and robust family tracing service be established or that existing tracing services be adequately resourced and upscaled to efficiently respond to tracing requests. It is important to consider the broader humanitarian purpose to tracing, which is to clarify the fate and whereabouts of a missing person and to address the right to know of their relatives. Family tracing is not always necessarily linked to the objective of family reunion.
7.2		The inclusion of provisions for family tracing for all arrivals, not just UAMs, to fulfil a humanitarian purpose, outside of the particular purpose of family reunion under the AMMR would be a welcome addition to the General Scheme.