



## The International Protection (Family Reunification Amendment) Bill 2017

Proposed by members of the Seanad Civil Engagement Group: Senators Colette Kelleher, Frances Black, Alice-Mary Higgins, Lynn Ruane, Grace O'Sullivan and John Dolan

### Context

The world is experiencing an unprecedented global displacement crisis. 65.6 million people have been forced to flee their homes due to conflict and persecution.<sup>1</sup> There are currently over 22.5 million refugees – half of whom are children.<sup>2</sup> Forced displacement separates families. It wrenches children from their parents and grandparents, divides siblings and destroys extended family networks.

The right to family life and the protection of the family are enshrined in international human rights law, and are shared values that cut across cultures.<sup>3</sup> The Irish Constitution, Bunreacht na hÉireann, specifically mentions the value of the family as 'the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law'<sup>4</sup>.

Despite this strong legal basis, Ireland has failed to protect the right to family life for refugees. Ireland is also failing to find solutions to share responsibility for the global displacement crisis. Two years ago, the Government made a commitment to welcome 4,000 refugees by the end of 2017 through the Irish Refugee Protection Programme (IRPP). However, so far, Ireland has fallen far short of this commitment. By the end of May 2017, Ireland had welcomed a total of 1,259 people<sup>5</sup>, less than a third of our pledge.

### Background to the Bill

The International Protection Act 2015, which came into effect 31 December 2016, has had a detrimental impact on refugee family reunification, making it effectively impossible for family members outside of the nuclear family to reunite with their loved ones. The 2015 Act changed Ireland's family reunification policy by removing the category of dependents that existed under the Irish Refugee Act 1996. This narrowed the eligibility for reunification to spouses and children, if the children are under the age of 18 and unmarried, and parents and parents' minor children, if the applicant seeking reunification is under the age of 18 and unmarried.

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<sup>1</sup> UNHCR (2017). Figures at a Glance [Online]. <http://www.unhcr.org/en-ie/figures-at-a-glance.html>

<sup>2</sup> Ibid.

<sup>3</sup> Universal Declaration of Human Rights, Article 16(3)

<sup>4</sup> <http://www.irishstatutebook.ie/eli/cons/en/html>

<sup>5</sup> House of the Oireachtas (2017). Written answers Nos. 97-116.

<http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2017051600059?opendocument>

Amending legislation on family reunification to bring it back in line with the provisions of the Refugee Act 1996 concerning the definition of family not only offers Ireland an opportunity to show leadership in upholding fundamental rights and sharing responsibility for the global refugee crisis, but could also help to meet our existing obligations under the Irish Refugee Protection Programme. Evidence also shows that family reunification offers benefits to both refugee families and host communities<sup>6</sup>.

### Rationale for proposed changes

The proposed legislative amendment would enable a broader group of dependents to apply for family reunification. It restores the legislation in the Refugee Act 1996, with two exceptions. Firstly, we have removed the Minister's discretion that was present in the Refugee Act 1996. Given the strong legal basis for the protection of the family in Irish, European and International law, applicants for family reunification should be subject to legal process rather than the decision of an individual minister.

Secondly, we have deleted the provision in the International Protection Act 2015 that the application for family reunification has to be submitted within 12 months of a person being declared a refugee or beneficiary of subsidiary protection. In Oxfam's and the Irish Refugee Council's experience, when families are fleeing conflict and persecution they can end up scattered across the world and without easy access to all the documents they need. It can therefore take longer than 12 months for family members to be located by their relatives and for an application for their reunification to be made.

### Next steps

The International Protection (Amendment) Bill 2017 will be proposed by Senator Colette Kelleher and members of the Civil Engagement Group during their private members time on July 19th 2017.

If you have any questions on the Bill, please feel free to phone Senator Kelleher's Office on (01) 6183642 or Marissa Ryan, Head of Advocacy and Campaigns, Oxfam Ireland on (01) 6350464.

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<sup>6</sup> UNHCR (2001). Protecting the Family: Challenges in Implementing Policy in the Resettlement Context. <http://www.refworld.org/docid/4ae9aca12.html> Choumanivong, C., Poole, G. and Cooper, A. (2014). Refugee family reunification and mental health in resettlement. New Zealand Journal of Social Sciences. <http://www.tandfonline.com/doi/full/10.1080/1177083X.2014.944917>