

# PQ Digest | 26.02.18 – 09.03.18

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27<sup>th</sup> February 2018

## Naturalisation Applications

**339. Deputy Charlie McConologue** asked the **Minister for Justice and Equality** if consideration will be given to specific circumstances in a proposed naturalisation application by a person (details supplied); and if he will make a statement on the matter. [9891/18]

**Minister for Justice and Equality (Deputy Charles Flanagan):** It is open to any individual to lodge an application for a certificate of naturalisation if and when they are in a position to meet the statutory requirements as prescribed in the Irish Nationality and Citizenship Act 1956, as amended. A determination on whether an applicant satisfies the statutory criteria attendant to naturalisation can only be made after an application for naturalisation has been received.

The granting of Irish citizenship through naturalisation is governed by the provisions of the Irish Nationality and Citizenship Act 1956, as amended. The Act sets out the statutory conditions which must be met for naturalisation. These include that, regardless how long an applicant may have resided in the State, the applicant must have a period of 1 year's continuous residence in the State immediately before the date of application and, during the 8 years immediately preceding that period, have had a further total residence amounting to 4 years (in the case of an application based on being the spouse or civil partner of an Irish citizen the Act reduces this further period to 2 years during the preceding 4 years). The guidance notes attached to the application form inform applicants that arrangements for assessment of residence are on the basis that the person is physically resident in the State for the required period of time and that where there are significant absences from the State the application may be refused.

Where an applicant is found to be non-resident for substantial periods of time such periods will not be reckonable for the purposes of satisfying the statutory residency conditions for naturalisation. While the Act clearly stipulates the statutory minimum periods of residence required in the State, and that the final year be continuous residence, it has long been recognised that many people may travel abroad for a holiday, or may have some unexpected or unavoidable reason to travel abroad. In this regard it is considered that a reasonable and generous period of up to 6 weeks be allowed for absences from the State for normal holidays and other short term and temporary nature absences, such as for business meetings or a family wedding or bereavement or medical emergency while abroad, and that such short term nature absence from the State would not impact on the statutory residence requirement. The Minister may allow some further discretion where there are wholly exceptional or unavoidable circumstances. Every application is considered on its own merits having regard to the statutory conditions set out in the Act.

Queries in relation to the status of individual immigration cases may be made directly to the INIS of my Department by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-

mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

28<sup>th</sup> February 2018

## Traveller Culture

**24. Deputy Gino Kenny** asked the **Minister for Culture, Heritage and the Gaeltacht** the steps she will take to highlight Traveller culture in a positive and meaningful way in view of the fact that Travellers are a distinct ethnic minority; and if she will make a statement on the matter. [10100/18]

**Deputy Richard Boyd Barrett:** On March 1 last year there was an historic, if belated, acknowledgement of Traveller ethnicity and culture. Beyond the symbolic importance of the recognition of Traveller ethnicity and culture, what practical steps and policies is the Minister with responsibility in the area of culture going to take to practically celebrate, acknowledge and promote Traveller culture as a crucial part of Ireland's historic identity and culture?

**Deputy Josepha Madigan:** As I advised the House in my reply to Parliamentary Question No. 267 of 6 December 2017, my Department's commitment to supporting diversity and inclusion is reflected in its policies and operations and in those of the bodies under its aegis.

One of the stated aims of Culture 2025, which is my Department's national cultural policy document, is to create opportunities for increased citizen participation, especially for those currently excluded or at risk of exclusion, with a key value being the right of everyone to participate in the cultural life of the nation. This right runs throughout people's lives, irrespective of where they come from, where they live, their religious beliefs or their economic or social backgrounds. In line with these policy objectives, my Department's Creative Ireland programme continues to promote the Traveller mentoring programme and in 2017, through Cork City Council, funded the renovation of the Traveller culture exhibition at Cork Public Museum in 2017, with the refurbishment designed by visual artist and Traveller, Leanne McDonagh.

In 2017 the Irish Film Board and the Broadcasting Authority of Ireland, BAI, provided €625,000 in funding for Carmel Winters' film, "Float Like a Butterfly", which is due for release this year and is set among the Traveller community. The Arts Council supports the Traveller community under the arts participation and the artist in the community schemes. Managed by Create on the Arts Council's behalf, these schemes encourage artists to work in a culturally diverse context including among the Traveller community. The work of artists from the Traveller community has also been recognised this year with the election to Aosdána of playwright Rosaleen McDonagh and the awarding of the Arts Council's next generation bursary award for 2017 to visual artist Leanne McDonagh.

The cultural institutions are also active in this space. In 2017 the Chester Beatty Library partnered with the National Concert Hall as part of Dublin City Council's Dublin Culture Connects programme under

which the poet Stephen James Smith is working with the Traveller women's group at Labre Park in Ballyfermot to look at shared stories. The National Museum is planning a major exhibition with the Traveller community to be hosted in the Museum of Country Life from June 2018. The exhibition will focus on the traditions, customs and history of the Traveller community over the years.

*Additional information not given on the floor of the House*

My Department is also represented on the National Traveller and Roma Inclusion Strategy Steering Group, which monitors the implementation and progress of the recently published the National Traveller and Roma Inclusion Strategy 2017-2021. I look forward to working with my Department and those bodies under its aegis in developing these important initiatives.

**Deputy Richard Boyd Barrett:** All of those things are welcome and at some levels, we are moving forward. I also note that 15 March, the national Traveller day of culture will see an important event on Traveller history and ethnicity at the Royal Hospital in Kilmainham. These are all positive things but actual participation in culture starts with the basics where, quite frankly, we are not moving forward. While these are not directly within the Minister's remit, she should consider them as part of the project of making the formal acknowledgement of Traveller ethnicity a reality. Accommodation is one of the most basic elements of Traveller culture but Travellers in this country are 11 times more likely to be homeless. Against the background of disastrous homelessness generally, Travellers are disproportionately hit. Indeed, politicians, including the Minister in the past, have played fast and loose on the issue of Traveller accommodation but we need to move forward on that. In the area of education, we need to reinstate the visiting teacher for Travellers and to provide extra resource teachers in schools for Travellers. We must also include Traveller history and culture in the school curricula.

**Deputy Josepha Madigan:** Regarding my own Department, page 6 of the Culture 2025 document specifically mentions that all people, no matter where they come from, should be included in our culture plans. Culture also has an important role to play in promoting tolerance, inclusivity and social cohesion in our increasingly diverse society. It should be accessible to everyone, irrespective of origin, place of residence, religious beliefs or economic or social background.

I was here in the Dáil when the former Taoiseach, Deputy Enda Kenny, made a statement in recognition of Traveller ethnicity on March 1 last year. The then Taoiseach also visited my constituency and met the Southside Travellers Action Group, who were absolutely delighted that their ethnicity would be formally recognised. Deputy Kenny said that Travellers told him that it took 30 years for a government to listen to them across the table. He went on to say:

The representatives spoke passionately about how this strong message from the State would be a very important symbolic and positive step in acknowledging the uniqueness of Traveller identity. They felt it would resonate strongly among the community and help counter the stigma and shame felt by many, particularly young people, and increase feelings of respect, self-esteem and inclusion.

**Deputy Richard Boyd Barrett:** I acknowledge the historical importance, albeit belated, of the recognition of Traveller ethnicity last year but now we need to move to practical policies and actions. My point is that we have a long way to go. The situation for Travellers in this country is truly shocking. They are seven times more likely to commit suicide and one in 11 young Traveller men die by suicide. Traveller men live

15 years less and Traveller women live 11 years less than their settled counterparts. Infant mortality is four times higher and as I said already, Travellers are 11 times more likely to be homeless. We need to address these issues in the areas of health and accommodation. I would like to see movement on these issues and practical timelines put in place.

There is no budget and no timeline for the national Traveller and Roma inclusion strategy; therefore, it is aspirational rather than a practical policy.

**Deputy Josepha Madigan:** The Deputy makes valid points about members of the Traveller community. They have difficulties, perhaps more than other groups, in dealing with many of the issues that confront them. The Government must do all it can to assist them in reaching their goals in life. I have attended many good events in my constituency aimed at dealing with this issue.

From a broader perspective, the National Museum of Ireland exhibition will be hosted in the Museum of Country Life from June. The idea of the Traveller journey exhibition which will run until May 2019 was originally proposed to members of the western regional Traveller health network who developed the concept at a social inclusion event co-hosted by the museum, Mayo County Council and the Mayo Traveller Support Group in October 2015. A budget of €100,000 is being allocated for the exhibition. On other aspects of the work of my Department, the director of the National Library of Ireland will be attending a national Traveller ethnicity event this week, unless it is postponed. It might have been postponed already. It was due to take place tomorrow. The director will speak on another occasion about genealogy and other source material the National Library of Ireland has available for the study of Traveller family histories.

## 6<sup>th</sup> March 2018

### Syrian Conflict

**43. Deputy Brendan Smith** asked the **Tánaiste and Minister for Foreign Affairs and Trade** the recent discussions he has had at European Union and or United Nations level on the ongoing massacre of innocent persons in Syria and the need to have a meaningful and lasting ceasefire; and if he will make a statement on the matter. [10750/18]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** I am extremely concerned by the recent increase in violence in Syria, and in particular the vicious siege of Eastern Ghouta, which has cost the lives of hundreds of civilians in recent weeks. The barbarity of the attacks by the Syrian regime on its own people, the deliberate targeting of civilian infrastructure, including homes, hospitals and schools, and the refusal of the Assad regime to allow humanitarian aid in, or injured civilians to leave, has been shocking, even by the standards of the Syria conflict to date. I can only imagine how terrifying this is for the people there, who have no way to protect themselves or their children, and no way to leave. On

numerous occasions in this House, I have condemned the violence in Syria and I reiterate that condemnation in the strongest terms today.

I attended a UN Security Council briefing on this issue in New York two weeks ago, where UN Secretary General Antonio Guterres appealed for an immediate suspension of violence in Eastern Ghouta to allow for the delivery of humanitarian aid, and for evacuations. Ireland strongly endorsed this call.

I welcome the adoption of a UN Security Council resolution that called for an immediate ceasefire and unimpeded humanitarian access. However, the bombardment of Eastern Ghouta has continued in defiance of this resolution. The international community must redouble its efforts to press for a full and immediate ceasefire, and unhindered humanitarian access to besieged populations in Syria.

EU Foreign Ministers discussed the situation in Syria at their informal meeting on 15 February and again at the Foreign Affairs Council meeting on 26 February where Ireland added its voice to calls for the immediate and full implementation of the ceasefire demanded by the UN Security Council.

Ireland has consistently supported EU sanctions targeting the regime and its supporters, and will continue to do so as long as the situation on the ground justifies these measures.

Ultimately, a long term, sustainable, Syrian-owned and Syrian-led solution to this conflict is needed.

Ireland fully supports the UN-led political negotiations to end the conflict based on the 2012 Geneva Communique and UN Security Council resolution 2254, which call for an end to violence; full humanitarian access, a democratic political transition and accountability and transitional justice.

The EU provides direct assistance to the UN-brokered talks in Geneva and has launched, in coordination with the UN, an initiative to develop political dialogue with key actors from the region to identify common ground.

The EU and its Member States have to date mobilised more than €10.4 billion for humanitarian, stabilisation and resilience assistance inside Syria and in neighbouring countries, making the EU the largest single donor to the effort. The EU hosted a donors' conference for Syria in April 2017 at which pledges totalling €5.6 billion were made, and will host another donors' conference for Syria in April 2018. Since 2012, Ireland has contributed over €90 million to the humanitarian effort in response to the conflict in Syria, including €25 million in 2017 alone. Through our annual contributions to EU Institutions, Ireland also supports the EU's humanitarian response to the Syria crisis. Ireland also supports a broad range of efforts to ensure full legal accountability for all war crimes and crimes against humanity committed in Syria.

## Syrian Conflict

**44. Deputy Brendan Smith** asked the **Tánaiste and Minister for Foreign Affairs and Trade** the discussions he has had at European Union and United Nations level on the need to provide humanitarian aid to the persons most in need in Syria; and if he will make a statement on the matter. [10751/18]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon):** The humanitarian situation in Syria remains of utmost concern. The conflict continues to have a devastating impact on civilians and the suffering in Eastern Ghouta in particular is appalling. Over 13 million people

require humanitarian assistance inside Syria alone and over 5.5 million have fled to neighbouring countries and the wider region. In 2018, the UN estimates that \$7.9 billion is required to meet the needs of the most vulnerable within Syria and across the region – the highest appeal worldwide for a single crisis. Ireland is committed to providing ongoing humanitarian assistance in response to the Syria crisis and has contributed over €90 million to the international humanitarian response since 2012, including over €25 million in 2017. Ireland also supports the EU’s humanitarian response. The largest response to the crisis has been from the EU and its Member States, who together have mobilised more than €10.4 billion for humanitarian, stabilisation and resilience assistance inside Syria and in neighbouring countries. In April this year, the EU will host, in close cooperation with the UN, a second donors’ conference for Syria and the region, focused on sustaining political and financial commitments in response to the crisis. At an informal meeting of EU Foreign Ministers in mid-February, at which Ireland was represented by the Minister of European Affairs, there was broad agreement that a key focus of the conference should be on humanitarian efforts and access in Syria.

At the most recent EU Foreign Affairs Council meeting on 26 February, Ireland joined Member States in calling for an immediate ceasefire, and unhindered humanitarian access in Syria. Ireland will continue to raise the importance of sustained and unhindered humanitarian aid as part of overall efforts to respond to the crisis in Syria in relevant EU and UN fora.

Ultimately, an end to violence is urgently needed in order to relieve the suffering of the Syrian people. Ireland and the EU fully support the UN-led political negotiations to end the conflict based on the 2012 Geneva Communique and UN Security Council resolution 2254, which call for an end to violence; full humanitarian access; a democratic political transition, and accountability and transitional justice.

## Migrant Integration

**92. Deputy Jack Chambers** asked the **Minister for Justice and Equality** if grants or funding are available to community groups to assist in the area of tackling isolation and loneliness; if there are any grants or funding available to assist promoting integration among different groups; and if he will make a statement on the matter. [10693/18]

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** As the Deputy is aware, I launched the Communities Integration Fund in 2017 which provides small grants for community groups to assist in promoting the integration of migrants. 131 projects were grant-aided across the country last year under this initiative.

I plan to announce this year's call for applications for funding under this grant scheme later this month. I hope that the initiative will act as a catalyst for groups across the country to take action to promote community integration among migrants and non-migrants.

## Immigration Controls

**101. Deputy Jim O'Callaghan** asked the **Minister for Justice and Equality** if the treatment of persons in custody regulations apply to persons detained at all ports of entry; if not, the protections available to persons detained by An Garda Síochána at all ports of entry; and if he will make a statement on the matter. [10753/18]

**Minister for Justice and Equality (Deputy Charles Flanagan):** The provisions of the Criminal Justice Act, 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations, 1987 and 2006 provide rules and procedures regarding how a person must be treated whilst in custody in Garda Síochána stations. Thus, the said Regulations of 1987 and 2006, apply to persons who have been arrested at ports of entry to the State and are subsequently detained at a Garda Síochána station.

Section 5 of the Immigration Act 2003 (as amended) addresses the issue of removal from the State of persons refused leave to land. In particular, section 5(2)(a) of the Immigration Act 2003 as amended by Section 80 of the International Protection Act 2015 applies to persons who have been arrested and are detained pending their removal from the State. A person arrested pursuant to the said section 5 may be brought to a prescribed place, including a Garda Síochána station. However, section 5, as amended, also provides for particular circumstances where a person arrested for the purpose of removal from the State is detained for a period not exceeding 12 hours, within a port or in a vehicle, for the purposes of bringing the person to the port from which the ship, railway train, road vehicle or aircraft on board which they are to be removed from the State is due to depart.

Detentions under the provisions of section 5 of the Act of 2003 are subject to the provisions of section 5 of the Refugee Act 1996 and section 4 of Criminal Justice (United Nations Convention against Torture) Act 2000.

## 8<sup>th</sup> March 2018

### Passport Application Refusals

**8. Deputy Kevin O'Keeffe** asked the **Tánaiste and Minister for Foreign Affairs and Trade** if his attention has been drawn to a ruling of the Supreme Court on the refusal to grant a passport when adjudicating a similar case (details supplied) which was refused by his Department. [10845/18]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** All passport applications are subject to the provisions of the Passports Act 2008 ("the Act"). The Act provides, among other things, that a person must be an Irish citizen before a passport can be issued to him/her. In order to meet this legal requirement, each person must demonstrate an entitlement to Irish citizenship in his/her passport



application. The applicant referred to was born in January 2017. Any possible claim to citizenship for the applicant is governed by the terms of the Irish Nationality and Citizenship Act, 1956 as amended (“the 1956 Act”). Section 6A of the 1956 Act provides that a person born in the State on or after 1 January 2005, where neither parent is an Irish or British citizen or otherwise entitled to reside in the State or Northern Ireland without restriction at the time of that person’s birth, may claim citizenship by birth in the State (and thereby establish eligibility for an Irish passport) only where a parent has been lawfully resident in the State for three years of the four years preceding his/her birth. In such cases, proofs of lawful residence in the State are required to determine if a parent has the required three year residence. For non-EU parents, permission to remain in the State recorded on passports, and/or registration cards, as issued by the Garda National Immigration Bureau (GNIB), are acceptable proofs of a parent’s lawful residence in the context of a passport application.

In this case, the applicant’s parent has not provided proof of lawful residence in the State for the required time-period prior to the child’s birth. Without such proof of lawful residence, an entitlement to citizenship and therefore eligibility for an Irish passport, has not been established.

Citizenship – including naturalisation – comes under the remit of the Department of Justice and Equality (Irish Naturalisation and Immigration Service) and further information is available on the website [www.inis.gov.ie](http://www.inis.gov.ie)