

7<sup>th</sup> March 2018

## Seanad Debate: International Protection (Family Unification) (Amendment) Bill 2017: Report and Final Stages

**An Leas-Chathaoirleach:** Before we commence, I remind Senators that a Senator may speak only once on Report Stage, except the proposer of a recommendation who may reply to the discussion on the recommendation. On Report Stage, each recommendation must be seconded. I welcome the Minister of State at the Department of Justice and Equality, Deputy David Stanton.

**Senator Colette Kelleher:** I move amendment No. 1:  
In page 4, to delete lines 39 and 40 and substitute the following:

"(2) This Act shall come into operation no later than three months after the date of its passing."

I thank Senators who supported the Bill to allow it to proceed to Report Stage. The amendment provides that the Act will come into operation not later than three months after the date of its passing. I have been asked why the amendment is necessary and why a Bill on family reunification is urgent and necessary. We are in the midst of the biggest humanitarian crisis since the Second World War. More than 65.5 million human beings have been forcibly displaced as a result of violent conflict, persecution and disaster. According to the United Nations High Commissioner for Refugees, UNHCR, this is the highest number ever recorded. There are an estimated 2.25 million refugees, more than half of whom are children. Enormous human tragedies are taking place every day, including in eastern Ghouta. The Minister for Foreign Affairs and Trade, Deputy Simon Coveney, stated not half an hour ago that he could not watch reports from eastern Ghouta on television, especially what is happening to women and children there. In Yemen, a proxy war is raging and cholera is rampant and we have the tragedy of the Rohingya people who have been displaced from Myanmar. People are living in hell in other places too, far from our awareness and knowledge.

The scale of displacement is vast and almost unimaginable in our stable and comfortable lives. Only a tiny proportion of the world's refugees are able to use safe and legal mechanisms to access asylum or international protection. In 2015, more than 1 million people risked their lives to reach Europe by sea, many on dangerously inadequate boats. More than 4,500 people went missing and are feared drowned. Recorded testimonies of more than 250 people travelling to Europe via Libya detailed sexual violence, torture, denial of food and deprivation of medical care.

While the routes to safety taken by refugees may be diverse, a common thread running through their experiences is the breakdown of the family unit. The destruction of the family unit is an almost universal consequence of refugee experiences according to Brooke Wilmsen who did a study of family separation in the refugee context. When a person reaches safety, finding and reuniting with loved ones is often the priority, as was captured in the recently published Oxfam study, *Safe But Not Settled*. The human misery, sundered families and scale of the crisis demonstrate the imperative on Ireland, as implied in my amendment, to urgently play its part, now more than ever.

Sadly, since the inception of this legislation, the Government has opposed it at every turn. Two successive Ministers have not listened and have instead sought to block the Bill and even mislead. The purpose of the amendment is to ensure that, under law, the Government must move forward with the Bill within three months of legislative approval. I ask Senators to show their support for the amendment, which simply seeks to ensure that the International Protection (Family Unification) (Amendment) Bill 2017 is brought into legal effect three months after its legislative approval to ensure a timely response to refugees and family members anxiously wishing to reunite and mend families that have been broken up by cruel circumstances.

**Senator Frances Black:** I second the amendment.

**An Leas-Chathaoirleach:** Does the Senator wish to speak to the amendment?

**Senator Frances Black:** I do not wish to waste time. I will speak to the next amendment.

**Senator David Norris:** The family is regarded in a particular light in this society and we make special provision for it in the Constitution. It is, therefore, a very important element. It is important that we have accurate statements from the Minister. On Second Stage, I queried his statement that the average number of members of family for which applications for reunification were made under the scheme was 20. I do not believe that for one second and an analysis of the figures released by the Department suggests the figure is inaccurate. One application was for more than 70 family members, which is most extraordinary.

The amendment is important because the Government trots out arguments on matters such as the housing assistance payment, HAP, scheme. However, that is a temporary measure for which narrow parameters have been set in respect of its operation, including eligibility. In addition, the temporary scheme for family reunification is fundamentally different from an amendment to legislation which places family reunification on a statutory footing.

I will support the amendment, although I have one query regarding the Bill. Section 2 refers to circumstances in which "the sponsor is a civil partner". Given that many of the countries from which refugees come do not make any provision for civil partnerships, this wording is rather unusual. I suppose there may be one or two countries which make such provision but many of the societies and countries from which people seek refuge in this country do not make any provision for civil partnerships. In fact, many are extremely homophobic, although not all civil partners are of the same sex. This point needs to be registered.

**Senator Victor Boyhan:** I have spoken at length to Senator Kelleher about this amendment. She articulated her arguments very well and is committed to this issue. I support the amendment and thank the Senator for pursuing the matter.

**Senator Lorraine Clifford-Lee:** The Fianna Fáil Party supports this excellent Bill. I also note the hard work done by Senator Kelleher and her colleagues on the legislation.

**Senator Joan Freeman:** I support the Bill, which is a clear reflection of the great compassion Senator Kelleher has shown for many years.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** To clarify, we are not taking each section?

**An Leas-Chathaoirleach:** The amendment only.

**Deputy David Stanton:** The amendment only. Are we discussing the sections one by one?

**An Leas-Chathaoirleach:** No. We are on Report Stage.

**Deputy David Stanton:** First of all, the situation has not changed since the last time that we were here. The Government opposes the Bill in its entirety in line with its decision to refuse to grant the money message for the Bill. This is being done because of the impact that the Bill will have on the already small amount of accommodation available for those fleeing conflict whom we have committed to house under the Irish refugee protection programme, IRPP. The Bill would add significantly to the pressures on the supply of housing where existing family members reside. It would make it impossible for local authorities and others to quantify how many individuals may ultimately have a right to reside in a local area following an offer of accommodation to one family unit. Ireland already prioritises families under the IRPP as both the Minister, Deputy Flanagan, and I have said in the Second Stage and Committee Stage debates. This Bill is undoubtedly very well intentioned and I agree with colleagues who have recognised that, but it has unquantifiable impacts on the resources required, including for social housing and other State-provided supports.

Ireland already has a broader definition of family reunification than other member states facing significant demands on their services. By seeking to broaden the scope and definition of family members eligible for family reunification and reintroducing an open-ended process, the Bill would also have the unintended but direct consequence of limiting the support that the State can provide for future international crises by way of resettlement and humanitarian admission of refugees. The Government's position is that the International Protection Act 2015 should continue to operate to support the maximum number of families rather than a smaller number of families being able to admit larger numbers of extended family members to the disadvantage of others.

I will take the opportunity to address an issue which has arisen since I last addressed the House about this Bill on Committee Stage in November. The Civil Engagement group has queried the statistics on the number of applications for family reunifications. I made my intervention particularly by reference to a parliamentary question answer by the Minister, Deputy Flanagan, on 29 November 2017. That parliamentary question answer gives the number of applications for family reunification each year between 2012 and 2016 and the number of eligible family members included in those applications. It does not provide a breakdown of the number of family members applied for per application. In the briefing document circulated by the Civil Engagement group in advance of Report Stage, the table included, although the source is listed as the Houses of the Oireachtas, is not the table included in the official response by the Minister, Deputy Flanagan, in the parliamentary question on 29 November. An additional column has been added to the end of the published table which refers to the average number

of eligible family members applied for. This has not been prepared by the Department of Justice and Equality and is not part of the Minister's response to the parliamentary question.

**Senator David Norris:** Is it accurate?

**Senator Martin Conway:** No interruptions.

**Deputy David Stanton:** I did not say it was inaccurate or accurate. I am making the point that it was not prepared by the Department of-----

**Senator David Norris:** The principal point is whether it is fair.

**Senator Martin Conway:** No interruptions.

**An Leas-Chathaoirleach:** Please, Senator.

**Deputy David Stanton:** It is not part of the parliamentary question response. I want to make that clear.

**Senator Colette Kelleher:** It can be extrapolated.

**An Leas-Chathaoirleach:** Senator Kelleher will have a chance to respond to the Minister of State.

**Deputy David Stanton:** In the official response, the Minister clearly states that, in some cases, only one family member might have applied or in some cases there might be a much wider dispersal of family members. It also does not include the figures for applications for family members who were outside the scope of the legislation and were therefore rejected at first instance. They were, however, received as applications and still need to be assessed as such. I trust that clarifies that matter.

The reintroduction of an open-ended family reunification process for extended family members will, by necessity, limit the scope of our response to future international humanitarian crises. It would be impossible, if one had an open-ended process, to quantify for housing and service providers an accurate account of what services will be needed now and in the future. The small community has some houses available now but cannot know how many people will ultimately arrive in their town. We will either see housing stock being withheld to cope with that unknown future demand or offers diminishing as a result of this open-ended process. We cannot afford any more uncertainty to compete with scarce resources. The only impact it will have is to reduce further the housing stock that may be available to us, and this unintended consequence will greatly impact on those needing protection.

While we all support providing the highest level of assistance and help to beneficiaries and their families to integrate their communities, we must balance this with the needs of supporting those who remain most vulnerable, in particular those who are referred to us by the UN High Commissioner for Refugees, UNHCR, from its refugee camps. We already have a waiting list of people who we have accepted to come here from UNHCR camps. We are not prepared to add in a new category further ahead of these especially vulnerable people in the queue. We have made a commitment to bring 4,000 people in need of protection to Ireland, and we are resolute that we will bring them here to safety despite the enormous housing challenge that we face. The resources of the State are not unlimited, especially in the area of

housing, and we must use these resources efficiently to maximise the contribution that the State can make to supporting beneficiaries already in the State while continuing to enhance resettlement efforts and supporting solidarity efforts among EU member states.

Senators should not forget that alternative avenues for family reunification for extended family members are already available under the Irish Naturalisation and Immigration Service, INIS, non-EEA policy document on family reunification. The Minister, Deputy Flanagan, can and does use his discretion under this policy document to waive the economic conditions for certain extended family members. All applications are examined on a case-by-case basis. It is vital that we maintain this discretionary element that disappears once categories of persons are selected and put into law as this Bill proposes. The family reunification humanitarian admissions programme, FRHAP, is a natural extension of this existing policy, allowing for the humanitarian use of discretion and considerable flexibility. If, in the rolling out of the family reunification humanitarian admission programme, a particular issue arises, it can also be quickly addressed as the scheme can be more flexible and responsive than formal legislation when required. The Oireachtas joint committee called for a humanitarian scheme to be introduced.

The Government is committed to supporting beneficiaries of international protection and their families in the State and to providing opportunities to respond to ongoing and future crises by way of resettlement and humanitarian admission. However, for the important reasons I have outlined, we cannot support this Bill. The unintended consequences of well-motivated legislation may, in effect, impede progress on this humanitarian issue, leaving those in need of protection in camps abroad further down the housing list and further delaying their arrival to safety in Ireland. It is a price that we are not willing to pay on their behalf. The Government has listened to previous debate and has heard the advice of colleagues to prioritise conflict zones and to maximise use of discretion in dealing with humanitarian issues. Discretion is important. I am confident that a combination of the IRPP and the FRHAP are a more fitting and flexible response to the immediate needs of those fleeing conflict. They are already up and running and responding to this grave need. I look forward to the rolling out of FRHAP in the coming weeks. It will achieve, in a shorter timeframe, what the intentions behind this Bill seek to achieve. We are already doing that.

I will respond to Senator Norris regarding same-sex relationships. Ireland recognises de facto same-sex relationships in a humane way already.

**Senator Colette Kelleher:** The Minister of State and I worked together very closely on many things and agree on many things. We disagree, unfortunately, about the means but not the end of how we get to being decent to people in trouble all over the world. Despite overwhelming evidence about the merits of keeping refugee families together, the Government has limited opportunities for family reunions set out in law. Changes resulting from the International Protection Act may be unintended consequences too and have meant that only a very restricted category of family member can apply to be reunited - essentially, spouses, parents of minor children and children under the age of 18. The restrictions of the International Protection Act are having a devastating impact on people. I know that from the work I know through Nasc in Cork, the Irish Refugee Council, Oxfam and others. However, we have an opportunity today to right this wrong. I am seeking to amend the International Protection Act which is failing a great many people. I am seeking to return to the provisions that were enshrined in Ireland's Refugee Act 1996. I am hardly proposing revolution or radicalism. It is legislation that was more flexible, more able to respond to the

realities of international refugee crises such as we find ourselves in today, and more fit to protect and respect the rights of all refugees who would seek a safe haven in Ireland.

Some of the reasons that have been given by Government for its opposition to the International Protection (Family Reunification) (Amendment) Bill, do not stack up. I disagree that the Bill is unquantifiable. When the Refugee Act 1996 was in force, which is all that we want to go back to, the number of people applying in Ireland was relatively low. We were given misleading information about the average numbers of family members applied for under the reunification provisions of the Refugee Act. We were told that the average number of family members applied for was 20 and the largest application was for more than 70 family members. I checked the facts from the information given by the Department of Justice and Equality when referring to eligible family members. It is important to compare like with like. I accept the Minister's point that the Department did not provide that figure but if one extrapolates from the figures provided it is about two people. For the purposes of this Bill I am talking about eligible family members. The number of eligible family members applying is borne out by Nasc, which says it is approximately two to three people from its perspective and the UNHCR says it is between three and four. Those figures were put on the record at the European Migration Network conference last November. The Government said it would introduce a new temporary scheme of family reunification - the humanitarian admissions programme - which would do away with the need for the family reunification Bill.

The humanitarian admissions programme is very welcome and complementary to the family reunification Bill but the humanitarian admissions programme is a temporary scheme with narrow parameters, a two-year life span and it is limited to people living in UNHCR-established conflict zones. We know there are people in trouble who live outside of those zones whom we would seek to help. The humanitarian admissions programme is fundamentally different from an amendment to legislation which would place family reunification on a statutory footing. We are still waiting to hear more detail about the humanitarian admissions programme from the Government.

The family reunification Bill is not open ended, as was charged by the Government. The Bill is well defined and focuses on family members who are "dependent on the qualified person or is suffering from a mental or physical disability to such an extent that it is not reasonable for him or her to maintain himself or herself". The resources or a money message obstacle should not apply or be used to block this Bill as resources have already been allocated by Government for this area of public policy and international commitments, which we are missing.

Which of us if we, by accident of birth, country or region, had to flee for our very lives, leave our beloved families, our country and home and by some miracle reached a safe shore, would not wish to reunite with our families especially if they needed us and were unable to fend for themselves? Last week I witnessed many acts of random kindness to strangers in the snow. Men and women from the ambulance service and the Army carried a woman in her late 80s who had a turn down a steep and snowy hill to hospital. It is Ireland's turn now do some "lifting up" of people. People are depending on us to do the right thing.

**An Leas-Chathaoirleach:** Does the Minister of State have a further point of clarification? He is entitled to do make one.

**Deputy David Stanton:** Yes, if that is in order. I am not fully *au fait* with the procedures in the Seanad.

**An Leas-Chathaoirleach:** On Report Stage Senators can only speak once but I am advised there is no restriction on a Minister.

**Senator Martin Conway:** The Minister of State is entitled to speak as often as he likes.

**Deputy David Stanton:** Thank you very much, a Leas-Chathaoirleach. I wanted to be clear on that. I spend a lot of my time working with asylum seekers and refugees. In fact, I have spent almost all day today on this particular area dealing with people on the ground so I am very aware of the pressures, problems and issues that arise, as are colleagues here. I respect the genuine concern Senators have, in particular that of Senator Colette Kelleher, but I must caution that there are times when one could have unintended consequences and in working to make something better one could make it infinitely worse. I am genuine about that and advise caution.

Section 2, for example, proposes the deletion of section 56(8) of the International Protection Act 2015, which introduces a 12-month time limit from the making of a family reunification application after the granting of international protection status. Section 56(9) of the International Act 2015 already includes the text proposed in section 56(8)(a) to (d) in this Private Member's Bill. A new paragraph (e) is to be inserted to broaden the scope of the definition of family members eligible to include a grandparent, parent, brother, sister, child, grandchild, ward or guardian of the sponsor who is dependent on the sponsor - essentially reinstating section 18(4) under the repealed Refugee Act 1996, but without the discretionary element for the Minister.

The Minister, Deputy Flanagan, and I announced last November a family reunification humanitarian admissions programme, which will cover many of the family members proposed for inclusion under paragraph (e) of subsection (8) of this Bill. We will shortly be opening the applications process for the programme. It will prioritise applications from beneficiaries of international protection here who have the capacity to offer accommodation to their family member, thus not increasing demand on limited housing supply, particularly in small communities. This is a quicker, fairer and less cumbersome process than the measure proposed. Therefore the Government opposes the section. Subsection (8), paragraphs (a) to (d) of the Bill are already found in section 56(9) of the International Protection Act 2015, which means there is an element of duplication and that complicates matters.

The removal of a time limit for the making of an application once international protection status has been granted, which is an established practice under EU law, would lead to an open-ended family reunification process. This is counter to the practice of our fellow EU member states. It would also substantially curtail the State's ability to respond to ongoing and future crises by way of resettlement and other forms of humanitarian admission because we could not provide certainty in numbers for service providers and the openended approach here may result in a shortfall in offers which would have serious consequences for those families hoping to be resettled as soon as possible under the IRPP. It is also contrary to the principle of family reunification, which should be to ensure that families are reunited as soon as possible.

As I have previously stated, our priority is to ensure that we can support a maximum number of families, rather than having a smaller number of families being able to admit larger numbers of extended family

members to the disadvantage of others. The provisions of the International Protection Act 2015 provide specific rights for family reunification and a pathway to reunification for family members of those granted international protection, which is less restrictive in terms of both the application time limits and the economic conditions which may be imposed by other EU member states. The EU family reunification directive provides for a similar definition of eligible family members as is found in the International Protection Act 2015. In addition, persons granted subsidiary protection status, as opposed to refugee status, are excluded from the right to family reunification under the EU directive. That is not the case in our legislation where those granted subsidiary protection are treated in the same way as those with refugee status. The Government is determined to maintain this broader facility at a time when some member states are restricting numbers arising from heavy demand.

In subsection 8 paragraph (e), it is unclear how the nature of the dependency of the family member on the sponsor can be assessed or verified. We do not need opaque measures being brought into law.

I also wish to note that the Report on Immigration, Asylum and the Refugee Crisis produced by the Joint Oireachtas Committee on Justice and Equality last year did not recommend widening the scope of the definition of member of the family in sections 56 and 57 of the International Protection Act, nor the removal of the 12-month time limit for a sponsor to make an application for a family member to enter and reside in the State. It did recommend that the Government would introduce a humanitarian admission programme for beneficiaries of international protection with family members living in conflict zones. In response, as I have already mentioned, last November, the Minister, Deputy Flanagan, and I announced the establishment of a family reunification humanitarian admission programme. Since then, the Department of Justice and Equality has been working closely with UNHCR Ireland to refine the operational details of the programme. I am pleased to say that those have now been finalised and the first call for applications under the scheme will open in April.

**An Leas-Chathaoirleach:** I hate to interrupt but I think the Minister of State has gone beyond speaking to the amendment. That information might be more appropriate when we come to the Final Stage of the Bill. We are dealing with an amendment now.

**Deputy David Stanton:** Okay.

**Senator Martin Conway:** Surely we should be able to deal with it all now, a Leas-Chathaoirligh.

**An Leas-Chathaoirleach:** I have been advised that I must deal with the amendment. I am sorry about that.

**Senator Martin Conway:** Speakers frequently divert from amendments on Committee Stage.

**An Leas-Chathaoirleach:** Order. We are dealing with an amendment at this point.

**Deputy David Stanton:** I am sorry. I am not familiar with the procedures in the Seanad.

**Senator Martin Conway:** The Minister of State is as well off.

**An Leas-Chathaoirleach:** The Minister of State will have an opportunity to comment further, as will others briefly, when we come to the next Stage of the Bill. We are dealing with an amendment and Senator Kelleher has responded so I must ask her if she is pressing the amendment.

**Senator Colette Kelleher:** It is being pressed.  
Amendment put:

The Seanad divided: Tá, 25; Níl, 17.

Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Bacik, Ivana.	Burke, Paddy.
Black, Frances.	Buttimer, Jerry.
Boyhan, Victor.	Coffey, Paudie.
Clifford-Lee, Lorraine.	Conway, Martin.
Conway-Walsh, Rose.	Feighan, Frank.
Craughwell, Gerard P.	Hopkins, Maura.
Daly, Mark.	Lombard, Tim.
Daly, Paul.	McFadden, Gabrielle.
Devine, Máire.	Mulherin, Michelle.
Dolan, John.	Noone, Catherine.
Freeman, Joan.	O'Donnell, Kieran.
Gavan, Paul.	O'Donnell, Marie-Louise.
Higgins, Alice-Mary.	O'Mahony, John.
Kelleher, Colette.	O'Reilly, Joe.
Nash, Gerald.	Reilly, James.
Norris, David.	Richmond, Neale.
O'Sullivan, Grace.	

O'Sullivan, Ned.	
Ó Céidigh, Pádraig.	
Ó Domhnaill, Brian.	
Ó Donnghaile, Niall.	
Ó Ríordáin, Aodhán.	
Ruane, Lynn.	
Warfield, Fintan.	

Tellers: Tá, Senators Frances Black and Colette Kelleher; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared carried.

**An Leas-Chathaoirleach:** Senator Kelleher omitted to vote, so her vote has been added.  
Bill, as amended, received for final consideration.

**An Leas-Chathaoirleach:** When is it proposed to take Final Stage?

**Senator David Norris:** Now.

Question put: "That the Bill do now pass."

The Seanad divided: Tá, 25; Níl, 17.

Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Bacik, Ivana.	Burke, Paddy.
Black, Frances.	Buttimer, Jerry.
Boyhan, Victor.	Coffey, Paudie.

Clifford-Lee, Lorraine.	Conway, Martin.
Conway-Walsh, Rose.	Feighan, Frank.
Craughwell, Gerard P.	Hopkins, Maura.
Daly, Mark.	Lombard, Tim.
Daly, Paul.	McFadden, Gabrielle.
Devine, Máire.	Mulherin, Michelle.
Dolan, John.	Noone, Catherine.
Freeman, Joan.	O'Donnell, Kieran.
Gavan, Paul.	O'Donnell, Marie-Louise.
Higgins, Alice-Mary.	O'Mahony, John.
Kelleher, Colette.	O'Reilly, Joe.
Nash, Gerald.	Reilly, James.
Norris, David.	Richmond, Neale.
O'Sullivan, Grace.	
O'Sullivan, Ned.	
Ó Céidigh, Pádraig.	
Ó Domhnaill, Brian.	
Ó Donnghaile, Niall.	
Ó Ríordáin, Aodhán.	
Ruane, Lynn.	
Warfield, Fintan.	

Tellers: Tá, Senators Frances Black and Colette Kelleher; Níl, Senators Gabrielle McFadden and John O'Mahony.

Question declared carried.

**An Leas-Chathaoirleach:** Senator Ruane omitted to vote, so her vote has been added.  
(Interruptions).

**An Leas-Chathaoirleach:** I am sorry, but applause from the Gallery is out of order. I am awaiting the Minister of State's return. If he wishes to say a few brief words, he has the floor. Order for the Minister of State, please.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):**   I recognise the genuine way in which colleagues have approached this issue and supported the ongoing work, which has been challenging. What is happening internationally is difficult and very alarming. Things are not getting any better out there, but worse.

I take all legislation and suggestions that come to me from this and the Lower House seriously. Where possible, we incorporate them following robust debate. However, where I feel that legislation or suggestions could have a detrimental effect, then I must be honest with colleagues and say that we should think about it again.

To be helpful, if colleagues want briefings from officials, we can arrange for that. They might get an insight into the other challenges. I want to be as helpful and open as I can with everyone across the House on this issue, which should not divide us but unite us, because it is so important. In my daily work, I meet victims of torture, as I know colleagues do. Sometimes, I feel like our world is going backwards instead of forwards, but we live in hope.

I apologise for getting mixed up on the procedure before the break.

**An Leas-Chathaoirleach:** It is quite all right.

**Deputy David Stanton:** Senator Kelleher spoke so well, I believed I had a right to respond, but obviously I was mistaken. The Report on Immigration, Asylum and the Refugee Crisis produced by the Oireachtas Joint Committee on Justice and Equality last year did not recommend widening the scope of the definition of "member of the family" in sections 56 and 57 of the International Protection Act nor the removal of the 12 month time limit for a sponsor to make an application for a family member to enter and reside in the State. I was Chair of that committee for quite a bit. Its reports are well researched and need to be taken seriously.

The report in question recommended that the Government introduce a humanitarian admissions programme for beneficiaries of international protection with family members living in conflict zones. In response, the Minister, Deputy Flanagan, and I announced last November the establishment of a family reunification humanitarian admissions programme, FRHAP. Since then, the Department of Justice and Equality has been working closely with UNHCR Ireland to refine the programme's operational details. I am

pleased to say that these have been finalised and the first call for applications under the scheme will open in April. We are doing a great deal of what Senators want virtually straight away. Two further calls will be made this year, with an expected four open calls in total in 2019. Every quarter, a call will be open for four weeks. As we announced in November, the intention is to provide for the reunification of more than 500 vulnerable family members over the next two years. This is in addition to the 600 programme refugees whom we have agreed to resettle this year and a further 600 resettlement places that we have pledged for next year. In case there is a feeling out there that we are not doing anything and nothing is happening, this is what is happening.

The FRHAP is being limited to conflict zones for a reason. We listened carefully when, in recent debates, Senators strongly cited conflict zones from which people were fleeing. Otherwise, this Bill would have prioritised regular applicants, such as people from Georgia and Albania, ahead of Syrians. We got the hint from colleagues in the House that they wanted to prioritise the most impacted people from conflict zones. That is what we are trying to do.

The measures in the International Protection Act are more broadly based than in many European countries. For example, Germany does not give family reunification to those granted subsidiary protection as we do. We constantly want to improve what we have and do better. The Refugee Act was discretionary, whereas the proposal in this Bill is mandatory. Rather than mirroring the provision, it introduces a concept that did not previously exist. This is another important point.

I thank colleagues for the work they have done on this Bill and for holding this debate. It is an important issue, but there are other considerations and unintended consequences could flow from passing this. If colleagues have other ideas and suggestions, want to introduce legislation and want to sit down with departmental officials to get an insight into the impact of, for example, the unintended consequences, I am happy to arrange for that and to be helpful, but we should not divide on this matter. It should not be a political issue. The Minister and I want to do the best we can to support the most vulnerable people out there. After we have introduced the FRHAP in April, I will invite colleagues to tell us how it is working. We are working with UNHCR Ireland on it. It is an ambitious and important programme, and it will make a major difference. The Minister's discretion is still maintained because discretion is important and we do not want to remove it under any circumstance.

I thank the Leas-Chathaoirleach and colleagues for their attention.

**Senator Niall Ó Donnghaile:** I will begin by apologising to the proposers, the Minister of State and the Leas-Chathaoirleach for being unable to contribute on Report Stage. I commend the proposers, in particular Senator Kelleher, who has done a phenomenal degree of work on this and other issues relating to human rights, civil liberties, equality and fair treatment. Civil liberties and human rights are beautiful things. They are things that we value, love and cherish for ourselves, and this legislation is about sharing that same ethos with people who come from elsewhere to live here. Trojan work has been done on the Bill and, notwithstanding what the Minister of State has said, today is a good day. As the Bill progresses to the other House, we will have the opportunity to refine it and deal with some of the issues, even though it is already commendable legislation, but that is up to Senator Kelleher and those who are champions in this field, such as the Minister of State.

Today is a good day and the Bill's passage through the House is welcome. I commend the proposers and the work that has been done.

**Senator Alice-Mary Higgins:** I will be brief, as the final comment will be from my colleague, Senator Kelleher. I commend her on her extraordinary work in bringing this important Bill through the House, and I thank everyone in the House who has supported it.

Mine is a simple and small point. There is no limitation on being good and delivering our targets. The Minister of State referred to the European target of 40,000 refugees to which Ireland agreed, but it has not even come close to being reached. As such, it would be inappropriate for us to place vulnerable persons in a competition against other vulnerable persons. The small number of people who have been awarded refugee status and whom Ireland takes in have the right to have their closest and dependent family members with them. This is not something that we should be setting against other important issues.

I wish to raise a concern on a practical level. The Minister of State has spoken about a Government decision to deny a money message. The denial of a money message is a matter that can only take place in the Lower House of the Oireachtas. Moreover a decision on a money message can only be made following a decision of the Ceann Comhairle that a money message is required in respect of a Bill. The decision on a money message comes between the Second and Committee Stages in the Dáil. I think it is very important that there be no signal sent out that due process and proper full consideration would not be given to this Bill. I know and I am sure that other Members will be demanding and expecting that the Bill be given its full consideration.

The Minister of State raised the question of discretion. He may well have amendments or proposals in respect of ministerial discretion and I am sure that they will be listened to openly and given proper consideration. For the amendments to be given proper consideration, the Bill must proceed to Committee Stage for a full discussion.

I plead that the Bill be given the full consideration of the Dáil. This is a very positive day for Ireland in sending a positive signal. Given that we hosted the UN meeting on refugees more than one year ago, we take the issue seriously and will follow through on the message we send at the highest level.

**Senator Frances Black:**   I will be as brief as I can be. I am delighted the International Protection (Family Reunification) Bill 2017 has passed. On behalf of the Civil Engagement group I especially commend our colleague, Senator Colette Kelleher, and her office for their incredible leadership on this issue. Senator Kelleher has done phenomenal work. I would particularly like to note the contribution of Mr. Pádraig Rice, who did amazing work on this before leaving Leinster House to move back to Cork. This Bill is a testament to both of them.

I know my colleague will thank the Irish Refugee Council, Oxfam Ireland and Nasc for their years of dedication on this issue and help in developing the legislation. It is a modest but meaningful change that will see us treat refugees arriving in Ireland with more compassion, kindness and understanding. Ireland is at its best when we extend a hand of friendship to those seeking refuge on our shores. This is how we should react to the most serious humanitarian crisis since the Second World War.

Importantly, this is not just a more humane way to treat people, it is also smarter policy - we know that people fare better with their families around them. How can a person focus on a new home, a new community, a new life, when one does not know if one's children or parents are safe from harm on the other side of the world? These people have already been through so much. It is harrowing to hear about the additional trauma, stress and anxiety caused by constant worrying about the welfare of one's loved ones. A Leas Chathaoirleach, I just need two seconds to comment on one interviewee from South Sudan who spoke about how difficult it was without his family, stating that:

I miss my mother, my father, my sister, my brother. If I talk to them and somebody is sick I can't sleep because I think about them.

On meeting his family another interviewee said:

I saw my wife and I cried. Because of joy but also because she was really tired - when I saw her face, I could see it. The kids were OK, they were OK. We took the bus and the minute we boarded, and with the children around and my wife sitting next to me, she put her head on my shoulder and she slept. She was totally at ease - all her worries had gone.

That is what this Bill is all about. That is why we proposed this legislation - for moments that respect the dignity of all human beings and the need for a humane, compassionate response to those fleeing war and persecution. I am calling on all colleagues to support this Bill today, to support this Bill in the Dáil, and to enact it as quickly as possible. We have an opportunity to keep refugee families together and we should take it.

**Senator Martin Conway:** In her two years in this House, Senator Colette Kelleher has made an indelible contribution on social issues about which we care deeply. I think back to the time when Traveller ethnicity was recognised. That was a great day.

This is a great day for Senator Kelleher to have her Private Members' Bill pass through the Seanad, without Government support. This was probably due to technical reasons. I am very happy for Senator Kelleher because I know how committed and passionate she is on these issues. This Bill has made us think about these issues in greater depth than we would otherwise. It does impact on people coming from the most difficult part of our planet. I am very happy that we have a Minister of State in the person of Deputy David Stanton who is leading this country's humanitarian response. I know the Minister of State would like to be able to do a whole lot more but there is only so much that can be done. There are constraints and challenges. In my own community in north Clare, the Department will open a direct provision centre in Lisdoonvarna. Even in a small community such as Lisdoonvarna which is very welcoming of people, there is fear of the unknown. We all face challenges. We all have to show leadership where we can.

Senator Kelleher has shown leadership. All Senators in this House show leadership in trying to do the right thing. It is important to salute and recognise the work of Senator Kelleher and the Minister of State who provide the type of leadership that we can all be proud of and which we are proud of.

**An Leas-Chathaoirleach:** Before I call on Senator Kelleher, I invite the Minister of State to make a brief comment.

**Deputy David Stanton:** Let me reiterate that I recognise the genuine approach of Members. I listened to Senator Higgins's contribution on the money message. I apologise if I was in any way misleading. I will definitely check it out and look at it in the future.

If Senators have suggestions about legislation or changes in the legislation that they would like to bring forward in this area, I request that they please contact me and we can arrange briefings for them before they go further, in case there are issues on which they need to be aware, as I firmly believe is in this Bill. I think there are traps that could actually make things worse for people. I am not trying to be political but having looked at the Bill that is my genuine opinion. I think we should let the family reunification humanitarian admission programme go forward and see how it works and keep the discretion and the lines of communication open.

As I said earlier, we live in a global world that is becoming increasingly violent. There are more than 65 million people displaced across the globe and the situation does not seem to be getting any better. There are intractable conflicts. Many of these conflicts are between people in these countries. There are very few conflicts that are between countries, but there is internal conflict and some of the consequences are absolutely awful. One could not comprehend the inhumanity that is happening in many states across the globe.

We are a very small country on the edge of Europe and we are doing the best we can. Thankfully we do not have any reaction to migration, as is happening in other countries. We can see in neighbouring states the negative reaction to migration and the impact it is having. I am concerned about the longer-term impact. We have to be very careful about that too, that it does not start up here. So far it has not happened, but I get messages accusing me of being a person who likes people who should not be in Ireland. I will not go into detail, but some of the messages are not repeatable. We must be careful that such tensions are not stoked up in this country.

I am genuine about the legislation. I invite Members to contact my Department if they have ideas or suggestions that they would like to progress. We will advise and support if we can, but obviously there is a process. When a Bill is passed by the Seanad it will go to the Dáil. It is possible that it can be improved in the Dáil, but I think we should allow the new family reunification humanitarian admission programme schemes time to bed down and see how they work. They will take time and resources and they are focused on the most vulnerable people.

On the previous occasion I was in the House, Members were highlighting the violent areas in the world where people are living on what I term "hell on earth".

**An Leas-Chathaoirleach:** I thank the Minister of State. I call Senator Kelleher..

**Senator Colette Kelleher:** I genuinely appreciate the offer of the Minister of State to continue to work with me on this Bill. I think we differ on the means in this instance, but we share the end that we wish to achieve. I see that from the work we have done on other issues together. We differ on the best routes to achieve that end, but I am very happy that the door is and will remain open. We will continue to work together on this and other issues.

There are many reasons it is right to support the Bill and send it to the Dáil where it will be in the capable hands of Deputy Fiona O'Loughlin who will steer it on its passage through the Lower House. They include the 65.5 million people forcibly displaced throughout the world; the 22.5 million refugees worldwide; the more than 11 million child refugees who are vulnerable to many dangers; the 1 million people, of whom 600,000 are children, with cholera in Yemen where public health and sanitation services have broken down because of war; and the 1 million people who risked their lives to reach Europe by sea. The reason there is strain on countries such as Italy which take a disproportionate number of refugees may be we need to do more in Ireland. If we do not want to see a reaction, we must play our part and share the load. Other reasons to support the Bill are the 4,500 people missing in the Mediterranean who attempted to cross in inadequate and dangerous boats in the hope of reaching safety, the 900,000 Rohingya refugees who were displaced and ethnically cleansed to Bangladesh and the 2,700 people who ought to have been welcomed to Ireland to meet our pledge to welcome 4,000 refugees under the Irish Refugee Protection Programme. Which of us would not flee and seek international protection if we were in the same desperate and unimaginable position as many of those mentioned who are in it through no fault of our own but by accident of birth or geography?

People who have fled have given their reasons having a decent system of family reunification for refugees and their families is so important. They are reasons all Members will recognise. A recently interviewed person who is originally from Syria said: "It wasn't a decision to come to Ireland – it was to Europe, any place where I can be safe, try to get my family, live my life like any normal person." A man who had fled from Sudan said: "One of the hardest things – going from [being] a father and husband and brother to just a piece of luggage." A person from the Central African Republic said: I was very happy [to receive refugee status] but still very disturbed because still up until that time I had no answer from the Red Cross apart from saying that they have received my file and they are doing the search [for his family]. I was still very perplexed and so that was the feeling. [We went a longer time period than 12 months because such searches for families can take a very long time when people are in very uncertain circumstances.] I was happy to have the refugee status but ... I don't have any soil under the legs because I was still looking for my family, for my children ... My life was all about my family. Even today, it is all about them.

A person from Sudan said:

Before my family got here, I sometimes did nothing – nothing important. I'd get up every morning and then try and find something to make myself helpful ... I went to the college – still I am in college. But I was not settled, I was not happy. I was worried. But when I got them here, I am feeling much more settled, thinking positive things.

They are reasons given by people who are directly affected by our family reunification arrangements and for whom we could make things better by supporting the Bill. I have my reasons for doing so and, if Senators dig deep, they will have their own.

During the summer I read a book entitled, *East West Street*, by Phillippe Sands, a human rights lawyer. It tells the life story of Hersch Lauterpacht, one of the principal architects of the internationally recognised law covering crimes against humanity. His work on an international Bill of Rights for the individual inspired the UN Declaration of Human Rights of 1948. He had lost most of his family in the Holocaust but

was able to bring his niece, Inka, to England. She watched through the window as her mother was arrested and saw her father running out after her. She never saw them again and was left to fend for herself at the age of 12 years. Hersch Lauterpacht brought her to safety in Cambridge, thus uniting what was left of his family. Under our family reunification rules, he would not be able to do so as of right and that must change. In London next week I will be meeting friends, many of whom are second or third generation Jewish refugees. Some lost large numbers of their families, while, thankfully, others escaped and brought their families with them to safety in England. A restrictive family reunification regime might have left my friends behind, never to have the chance of a good or any life.

I first time came across the word "refugee" when, with my father, a butcher, I was taking a gift of parcels of meat to Kilworth Camp in Cork where people who had fled from the North to the South which was safer during the Troubles were given refuge. It was the first time I had met refugees and I was eight or nine years old. My father taught me a lesson for life: to be kind and generous and extend the hand of friendship, especially in people's hour of need. The International Protection (Family Reunification) (Amendment) Bill recognises and addresses these sentiments and all of the reasons I have given. Senators will have their own. I am very pleased to have the support of the House to send the Bill to the Dáil where it may be improved. I hope the Minister of State and his colleagues will do so before exposing it to the chill of a money message.