

.A. Circular No. 1/99

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The Chief Executive Officers
Programme Managers
Appeals Officers
Superintendent CWOS
Community Welfare Officers

PROCEDURES FOR DEALING WITH ASYLUM SEEKERS

INTRODUCTION

The number of people entering this country and claiming asylum at the Department of Justice, Equality and Law Reform (DJELR) under the 1951 United Nations Convention has increased substantially over the past two years. The purpose of this circular is to clarify the procedures for dealing with asylum seekers.

PROCEDURE FOR APPLYING FOR ASYLUM

Any person who seeks asylum is required to complete an application form and return it to the Department of Justice Equality and Law Reform. The applicant is subsequently interviewed in detail concerning the substance of their claim by an official from the DJELR. The waiting period for interview is typically some months, although some applicants may be interviewed on the day their completed application form is returned, while a small number may have to wait up to two years. A final decision on the application will not normally exceed a number of months following the interview. The applicant then has the right to lodge notice of his/her intention to appeal the initial decision. The grounds of appeal must be furnished within 14 days of the issue of the documents on which the initial decision was based. If the appeal is refused, the applicant may apply to the Minister for Justice, Equality and Law Reform to remain in the State on a humanitarian basis.

Immigration Officers (members of An Garda Siochana) are stationed at the main ports and airports and have or can arrange the facilities to interview asylum seekers. The personnel in these locations then forward the documentation to DJELR for processing. In some of these instances a further detailed interview by DJELR may not be necessary.

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ASYLUM SEEKER (AS) CARD

The DJELR issue an identity card, referred to hereunder as an AS Card, to each applicant after they have completed and returned the detailed application form. A colour image of the current DJELR AS Card is attached for your information. **(See Appendix 2)**

This AS Card has the following information:

Colour Photo of the asylum seeker	
DJELR/Asylum Seeker reference number	Date of issue
Expiry date	
Name	
Nationality	
Signature	

The format of the DJELR reference number is 69/1234/98

69 refers to the Section within DJELR

1234 is the specific file opened relating to the asylum seeker and his/her family and

98 refers to the year of application for asylum

This DJELR ID card is accepted as a form of identification by the Department of Social Community and Family Affairs (DSCFA) and the Health Boards where the client has **NO OTHER** source of ID e.g. Birth Cert., Passport etc.

Asylum seekers may have in their possession some form of identification arising from their contacts with the Non Governmental Organisations (NGOs) they may have encountered since they entered the country. NGOs have no statutory functions. An example of such a voluntary organisation is the Irish Refugee Council (IRC). The IRC acts as advisor to asylum seekers. Documentation issued by any NGO should not be accepted as proof of identity.

The DJELR AS Card should always be sought as proof that the individual has made an application at the DJELR for asylum. The card formerly known as the DJELR I.D. Card (the Yellow Card) is now invalid and has been replaced by the DJELR AS Card.

Some AS Cards as described above were issued to asylum seekers with the following exceptions:-

- 1) Those who did not attend for interview to renew card
- 2) Those who have changed status and who have withdrawn from the asylum seeker process (See Section 10)
- 3) In a small number of cases, some applicants were requested to call back again at a later date

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he last case, a letter was issued in lieu by DJELR explaining that the applicant would
ive their new AS Card at the end of their interview.

ny AS Card issued before November 1998 is invalid. Payment of SWA should be
withheld from persons presenting as asylum seekers who do not produce AS Cards or a
letter from the DJELR along the lines of those described. The individual concerned
should be referred to the DJELR.

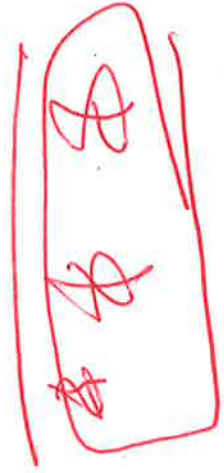
ASYLUM SEEKERS AND SUPPLEMENTARY WELFARE

ALLOWANCE (SWA)

s asylum seekers are not permitted to work or sign on the Live Register, SWA may be
paid as long as the asylum seeker resides in the State and his/her means are insufficient
to meet his needs.

ayments may include all SWA elements such as basic payments, deposits to secure
private rented accommodation, rent supplements and Exceptional Need Payments.

Some asylum seekers may have an entitlement to other payments e.g. Child Benefit,
Lone Parent payments and
ack to School Clothing and Footwear allowance, provided the statutory conditions are
satisfied. They should be advised accordingly.



PROCEDURES TO BE FOLLOWED WHEN A CLAIM FOR SWA IS MADE

The procedures in all Health Boards should be similar so as to ensure equitable
treatment of the people concerned and to ensure the proper processing and control of
claims.

he majority of asylum seekers reside in the Eastern Health Board (EHB) area. All new
asylum seekers in the EHB area should be referred to the Refugee Applications Centre
in Mount St., Dublin 2, **(See Appendix 3)** if they have not already presented
themselves to the Refugee Applications Centre.

n every Health Board, the asylum seeker who visits a Health Centre should be asked if
they have made an application for asylum. If they have, they should be asked for their
DJELR ID card which will have been issued during or after November 1998 and which
should match the description as outlined in Section 3. If an asylum seeker produces an
invalid AS Card (issued prior to November 1998) and is not in possession of a letter of
explanation from the DJELR he/she should be referred to the Asylum Division, DJELR
Refugee Application Centre, Mount St. Dublin 2. No payment should be made until
the matter is clarified.

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If the person has not made an application for asylum and wishes to do so, he/she should be referred to the DJELR.

Asylum seekers should register at the local Garda Station in the area in which they are resident.

The DJELR Aliens Branch Office is normally located in the Garda Superintendent's station. Asylum seekers residing in Dublin can avail of this service at the Refugee Applications Centre.

It is only when an asylum seeker has registered with DJELR that their application for SWA should be processed. Asylum seekers can then be paid SWA appropriate to their family size. Bed and Breakfast or self catering accommodation can be arranged and ENPS paid, where appropriate, to assist with clothing etc. Asylum seekers should also be informed about and invited to apply for other services (e.g. medical card) to which he/she may be entitled.

ASYLUM SEEKERS AND RSI NUMBERS

Application for RSI Numbers should be made by the CWO to ISTS User Cleanup Team Section (UCT), Floor 2, 157/164 Townsend St., Dublin 2. **(See Appendix 1)**

Centralisation of RSI requests to the ISTS UCT Section, Townsend St. minimises the potential for multiple RSI Nos being issued to the same individual and ensures that the asylum seeker is not issued with a White Social Services swipecard.

At RSI Allocation stage, the DJELR ID No is required. It will be cross referenced and set up as an Alternate ID on Central Records of Type "AS".

At ISTS Claim Registration stage, Claim Categories should be inserted as NNAT and ASE.

White Social Services Card (SSC)

Each asylum seeker should have in his/her possession a White Social Service Card (SSC). However, a number were issued before the issuing of RSI Nos. was centralised.

If an asylum seeker is found to be incorrectly in possession of a White SSC, it should be taken from him/her and returned to the address below with a covering note outlining the position:

Registration Section,
Floor 4,
Gandon House,
Amiens Street,
Dublin 1.

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If an asylum seeker is granted Refugee Status, he/she may lodge a claim to UA and, as he/she is no longer an asylum seeker but a refugee. He/she may seek employment or claim Unemployment Assistance. A White SSC will then issue.

Yellow Temporary Payments Card

A number of asylum seekers have been given yellow temporary cards to enable them to collect payments from Post Offices. The introduction of the Blue Temporary Payments Card below eliminates the need for this card. Asylum seekers should be paid by cheque while awaiting the production of their Blue card. (See Circular 2/99 on procedures relating to Yellow cards)

Blue Temporary Payments Card

The method of payment for asylum seekers should be PDTs. Where an asylum seeker is being paid SWA and the payment method is PDT, he/she is issued **with a BLUE Temporary Payments Card** by the Health Board. CWOs receiving applications from new asylum seekers can request Blue cards from ISTS UCT on a weekly basis. (See Circular 2/99 on procedures in relation to Blue Cards).

CONTROL

The vast majority of asylum seekers do not have any form of ID available when making an application for asylum. It is therefore necessary to exercise additional control measures to ensure the integrity of any payments made. Because asylum seekers rarely have any form of identification, which is the first principle of control in all schemes, it is necessary to get detailed information and to make thorough searches using ISTS to avoid duplicate payments and prevent the issue of more than one RSI number to the same person.

Reviews, as with all SWA payments, should be carried out regularly and should involve home visits. CWOs should visit places of residence to identify and monitor recipients and assess their accommodation and on-going needs. All Health Boards should work closely with each other and liaise with the Department of Justice, Equality and Law Reform and with the local Aliens Branch of the Gardai in these matters.

STATISTICS

There are frequent requests to SWA Section for information on asylum seeker numbers and whether they are single, male or female, married with or without child dependants, and for all the relating SWA costs. Statistics should be kept by each CWO and collated in each Health Board area to ensure that they are available at short notice on request.

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Return of statistics should be made on a monthly basis to SWA Section, Floor 5, Aras
Mhic Dhiarmada, Store St.,
Dublin 1. **(See Appendix 4)**

ASYLUM SEEKER CHANGE IN CIRCUMSTANCES/STATUS

Parent of an Irish Born Child.

An asylum seeker who becomes the parent of an Irish born child may either continue or withdraw their application for asylum. In most cases, they also apply to Immigration Section of the DJELR for permission to reside in the State on the basis of being the parent of an Irish born child. If permission to reside is granted, a Garda Certificate of Registration (Green Book) is issued to the applicant.

The individual may then take up employment or alternatively is eligible to apply for Unemployment Assistance (UA).

In the interim, while awaiting a decision on status he or she should hold a Blue Temporary Payments Card and a letter from the Department of Justice, Equality and Law Reform confirming the position.

- Asylum Seeker Marries an Irish National

The procedure in relation to an asylum seeker who becomes the spouse of an Irish national is the same as that described in relation to an Irish Born Child.

An asylum seeker who becomes the spouse of an EU national has to apply to Immigration Division, DJELR for a residence permit and after a further investigation of his/her circumstances may take up employment. He/she may then seek employment and should be referred to the Local Office to claim UA in the event of their not finding work.

ASYLUM SEEKER GRANTED REFUGEE STATUS

If the application for asylum is successful the asylum seeker is granted **refugee** status. DJELR will issue the applicant with documentation confirming the status of refugee. A successful applicant for refugee status does not require a work permit. He/she may seek employment and should be referred to the Local Office to claim Unemployment Assistance in the event of their not finding work.

Refugee may seek Irish citizenship, after residing in the country for 5-7 years.

DESIGNATED COMMUNITY WELFARE OFFICER

In May 1993, an Interdepartmental Committee was set up to examine policy and practices with regard to non-Irish citizens who are resident in the State including people who apply for refugee status. Under the Guidelines which were published in June 1996, each Health Board has nominated a designated CWO to deal with the reception of asylum seekers to act as a co-ordinator and to provide practical assistance with their special needs. CWOs dealing with asylum seekers in different parts of their Health Board area should keep in contact with their designated CWO. **(See Appendix 3)**

FURTHER INFORMATION

The asylum seeker ID reference number assigned by DJELR is included as an alternative ID (ALT_ID) on the RSI request and forms part of a detailed record held by the Control Division, Townsend St. in respect of each application for asylum.

It is important that all possible checks are carried out to ensure that only genuine applicants receive payment. You are encouraged to contact Control Division (SECT_CONTRL1 or Phone 7043176 or 8748444 Ext 2100) in situations where additional clarification of information concerning an asylum seeker is required.

When enquiring on details of asylum seekers the following information should be supplied:

FORENAME (N.B. watch the spelling)
SURNAME (" ")
DATE OF BIRTH
JUSTICE ID NUMBER

likewise, direct clarification can be sought from the DJELR.

list of contact names, addresses and phone numbers is attached for further assistance **(Appendix 3)**.

ny queries regarding this Circular should be addressed to SWA Section, Floor 5, Aras Mhic Dhiarmada, Store St., Dublin 1 (Ph: 7043796).

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PENDIX 1

APPLICATION FOR RSI NUMBERS FOR ASYLUM SEEKERS

When CWOs require an RSI number for an asylum seeker, they should firstly ensure that the asylum seeker:-

- is registered with DJELR
 - has a valid DJELR ID card
 - is who they say they are.

This is particularly important because most asylum seekers do not have a primary source of identification, such as a Birth Certificate or a Passport. In the absence of primary documentation, the RSI number and associated identification can become a de facto substitute.

Once satisfied the above criteria are met CWOs should then forward the RSI requests to ISTS UCT Section. This can be done by e-mail to **SECT_ASY**.

The minimum information required by ISTS UCT to allocate a number is as follows and a separate RSI application stencil must be forwarded for each person be they the claimant, qualified adult or child dependant:

- DJELR ID
- Title
- Firstname
- Surname
- DOB
- Address
- Sex
- Marital Status
- Nationality
- Birth Surname
- Mother's Birth Surname
- Name of requesting CWO (for DSCFA records)

In addition, the RSI application form used, has spaces for the following information which should be supplied if available:

- Spouse RSI, if available
- Relationship Type (e.g. Mother, Father, son, etc.)

Date of Marriage

- Child Benefit Number
- Any other ID Number available.

When requesting an RSI number for a child, either a parent's RSI (unless being requested as a family) or a Child Benefit number must be supplied so that records can be associated.

APPENDIX 5

ful Definitions

Asylum Seeker

An Asylum seeker is a person who arrives in the State seeking recognition as a refugee.

Refugee

A Refugee is a person who meets the criteria laid down in 1951 United Nations Convention relating to the Status of Refugees, as amended by the 1967 New York Protocol thereto. defining a refugee. Basically, this means that the applicant is a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country.

Programme Refugees

Programme Refugees are groups of people who are admitted to Ireland for resettlement in Ireland under a Government decision. The Refugee Agency under the aegis of the Department of Foreign Affairs co-ordinates measures to integrate refugees admitted to Ireland under Government decisions. These refugees are comprised mainly of Bosnians and Vietnamese boat people. They have work permits and visas and have the same social welfare entitlements as Irish citizens.

E.U. Resident Aliens

Asylum Seekers who have withdrawn their asylum claims on the grounds of Irish born children or marriage to Irish/E.U. nationals and who have been given permission to reside in the State are referred to as E.U. resident aliens.