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Mr John O Donoghue, T.D,
Minister for Justice, Equality and Law Reform,
72 - 76 St Stephen's Green,
Dublin 2.

24th July 1998

Dear John,

Further to report of the inter-Departmental Committee on Immigration, Asylum and Related Issues, I thought it would be useful to elaborate on some of the ideas presented in our discussion of the issues arising in that area.

I welcome the fact that additional staff are to be provided to you to deal with the backlog of asylum claims as the lack of a system to provide fair and timely processing of asylum claims has been a critical weakness up to now. However, the deployment of these additional staffing resources will be effective only if failed applicants are removed from the State once due processes have been completed. It is important that not only do we make decisions but also that we implement them. I have instructed my officials to co-operate fully in whatever way they can with your Department to safeguard the integrity of the asylum process and to maintain the integrity of the social welfare system.

In addition to the staffing position, there are a number of other issues which I feel need to be addressed:

1. Surveillance at the point of entry to the State

I remain concerned, however, that the lack of surveillance at the point of entry to the State will lead to difficulties in removing failed applicants in cases which are contested either by the individual or by the receiving State or both, given that most applicants are not detected at the point of entry. The fact that this State has no information concerning where most failed applicants came from immediately prior to claiming asylum here will weaken our position considerably when it comes to repatriation. It could eventually transpire that most failed applicants will have to remain in this State as there may be no basis for removing them to another State because of the lack of surveillance at the points of entry.

The lack of surveillance also leads to unnecessary Exchequer costs. It extends the duration of social welfare payment because we cannot avail of the speediest possible processing options - e.g. using the Dublin Convention - unless we know from where the failed applicant came from immediately prior to claiming asylum here.

2. Reports that asylum seekers are leaving and re-entering the State

I am also concerned at reports that some asylum claimants are travelling back and forth between the UK and Ireland. This practice was highlighted at this time last year also. At that time, a procedure was agreed between our two Departments under which details would be notified by Immigration officers so that SWA could be suspended. However, only a handful of cases have been notified. My Department will ensure that appropriate action is taken in all cases where details are provided by your Department or by Immigration Officers.

Enforcing the requirement for non-nationals to report at the Aliens Registration Office or at their local Garda Station would also frustrate this practice. I understand the arguments put by the Gardai in this regard but I feel that the absence of contact between asylum seekers and the Department and the Garda and immigration authorities facilitates abuse of the social welfare system in this area.

3. Duplicate claims

The lack of a unique identifier for asylum seekers, given their lack of identification documentation, is potentially damaging to the integrity of the social welfare system. My Department relies on your Department's systems to establish a unique identifier for each asylum claimant to ensure that social welfare payments are made only to appropriate individuals and that only one social welfare payment is made in each case.

I am advised that some other States deal with this problem by fingerprinting all asylum seekers. I appreciate that there may be legal difficulties preventing us adopting a similar approach but, nonetheless, it is clear that we need to take effective action to address the problem of the lack of a reliable and secure identifier for each individual. If the difficulties preventing fingerprinting cannot be overcome, then the only viable option lies in the area of biometrics. My understanding is that computer-based digital photography technology is available which would detect individuals who make multiple asylum claims. I am concerned to learn that your Department does not now propose to incorporate this technology in the new computer system which is currently being developed for use in the asylum seeker area and have no proposals for an effective alternative. It is vital that the new system and the new identification card incorporate the greatest possible degree of security, given the exposure to fraud and abuse, for example through forgery, which is apparent in this area.

4. Scope for further co-operation

For my part, I am anxious to do all I can to counter fraud and abuse. As you know, a considerable amount of effort has been put in to matching details held in your Department's files with those held by the Health Boards. This will facilitate co-operation in individual cases as required and will also identify cases which require investigation e.g. asylum claims which are regarded as "active" where no SWA is in payment. An additional manager has been appointed to the Eastern Health Board's Refugee and Asylum Seeker Unit with a specific brief to improve procedures to counter fraud and abuse. I have instructed my officials to review with their Health Board counterparts the procedures currently in place for dealing with new applications and making payments to existing claimants.

I have also asked that they explore further areas for co-operation with your Department, now that the first batch of additional staff are in place and there will be greatly increased contact between your Department and the asylum seekers. For example, it may be possible to put in place a more rigorous initial interview both at your Department and subsequently at the Health Board, with immediate follow up in relation to any discrepancies.

As the situation evolves, it is all the more important that the closest co-operation is maintained between the various agencies involved.

Yours sincerely,

Dermot Ahern, T.D.,

Minister for Social, Community and Family Affairs