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Dept. of Social & Family Affairs

Created: 10-May-2006 02:07pm

Posted: 10-May-2006 02:29pm

Document: 109359

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From: Ann Galvin, EXTERNAL - SEHB

(GALVIN_A)

TO: Don Watts, PO **

(WATTS_D)

Subject: Spouses of persons granted residency under I.B.C.

Don,

An issue has arisen here in Waterford and I assume it is country-wide in relation to lone-parents who have been granted leave to remain in the State on foot of I.B.C. Legislation: ✓

Specifically the letter from the Dept. of Justice Equality and Law Reform granting leave to remain to individuals clearly states- in the final paragraph, that there is no provision for other family members to be admitted to this State to join the person to whom residency is granted. ✓

Already we have several cases of male partners/spouses presenting to the C.W.O.'s stating that they have arrived to join their partner and to exercise their right to reside here as parent of an Irish-born child. By the time they presented to us in the past couple of weeks they had been to Dept. of Justice.... and have Justice I.D. number. We need some clarification as to their status in relation to social assistance payments: ✓

1. Are these people to have their cases processed under the IBC Legislation or are they being considered by O.R.A.C.? ✓

2. Without exception so far, they are seeking a payment on the basis of being an adult dependent and are already moved in to the private-rented or local authority accommodation of the partner- thus they have by-passed completely the Direct Provision Arrangements. What is the position of the Department of Social and Family Affairs in this matter?

3. If the people in question have applied for Refugee Status and we refuse to pay above the Direct Provision Rate to them they will no doubt appeal successfully and S.C.W.O.'s will be instructed by Appeals Officer to pay full A.D.A. rate on the basis that they form part of a family unit and we cannot frustrate that. ✓

The legislation around I.B.C. is very detailed in relation to a partner/spouse who presents and claims parentage of an Irish-born child-there is an onus of proof on the applicant to provide D.N.A. sample (at his own cost) if necessary.

As the situation we are now experiencing was entirely predictable, can you let me know what discussions have taken place between the respective Departments and what provisions are made - legislative or otherwise- to deal with this matter.

I will be grateful for your advice.

Regards,

Anne Galvin, Supt. C.W.O. - Waterford.

• OA status

• Rept

• Habitual Residence Test
