

Doc 5 Moll (41)

Ann Mulrennan

From: David X. McGrath [DXMcGrath@justice.ie]
Sent: 14 December 2010 16:57
To: Anne McManus
Cc: Ann Mulrennan; Paddy J. Duffy
Subject: Re: Direct Provision

Dear Anne,

In response to the questions in your email below:

The Reception and Integration Agency (RIA) is responsible for the accommodation of asylum seekers in accordance with the Government policy of direct provision and dispersal. Asylum seekers are not obliged to avail of RIA accommodation offered in the first instance and may subsequently leave the accommodation if they so choose. Asylum seekers may choose, for example, to stay with friends or relatives instead of availing of direct provision accommodation.

Exceptions do arise where reside requirements are placed on individuals or groups under the Immigration Act or Refugee Act e.g. for the purpose of prioritising their asylum application or facilitating their removal from the State.

Asylum seekers who choose not to avail of RIA provision are not entitled to any alternative social protection support nor are they entitled to work.

Please contact me if you require any further information.

Best regards

Dave McGrath
Asylum Policy Division
Ph: 6167657

#ExploringDP

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| From: |
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| Anne McManus <anne.mcmanus@welfare.ie>
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| To: |
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| "dxmcgrath@justice.ie" <dxmcgrath@justice.ie>
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| Cc: |
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#ExploringDP

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|Ann Mulrennan <ann.mulrennan@welfare.ie>
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|13/12/2010 15:55
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|Subject:   |
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|Direct Provision
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Dear Dave

Further to my phone call, we have a forthcoming court case (judicial review) concerning an asylum seeker who is seeking to overturn the decision refusing to pay her child benefit. She claims, inter alia, that she should be treated as a "family unit" with the father of the two children concerned, who is Irish and long-time resident in Ireland.

The AG's office have retained counsel and we will of course be opposing the case.

One of the questions asked by counsel is as follows: "FLAC at one point contend that the Applicant as an asylum seeker is "required" to remain in Direct Provision accommodation. Is this correct? If she leaves Direct Provision accommodation, what are the consequences for her? "

My understanding is that she is free to leave Direct Provision, but that she would then not be entitled to any alternative support from yourselves or RIA (and would not qualify for most social welfare payments as she would not be deemed "habitually resident".) Perhaps you would confirm this - it would be helpful if we had the wording of whatever is the "standard line" in such cases.

Regards

Anne

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An Roinn Coimirce Sóisialaí - Víreas-scanta

Is le haghaidh an duine nó an eintitis ar a bhfuil sí dírithe, agus le haghaidh an duine nó an eintitis sin amháin, a bheartaítear an fhaisnéis a tarchuireadh agus féadfaidh sé go bhfuil ábhar faoi rún agus/nó faoi phribhléid inti. Toirmiscear aon athbhreithniú, atarchur nó leathadh a dhéanamh ar an bhfaisnéis seo, aon úsáid eile a bhaint aisti nó aon ghníomh a dhéanamh ar a hiontaoibh, ag daoine nó ag eintitis seachas an faighteoir beartaithe. Má fuair tú é seo trí dhearmad, téigh i dteagmháil leis an seoltóir, le do thoil, agus scrios an t-ábhar as aon ríomhaire. Is é beartas na Roinne Dlí agus Cirt agus Athchóirithe Dlí, na nOifigí agus na nGníomhaireachtaí a úsáideann seirbhísí TF na Roinne seoladh ábhair cholúil a dhícheadú.

Más rud é go measann tú gur ábhar colúil atá san ábhar atá sa teachtaireacht seo is ceart duit dul i dteagmháil leis an seoltóir láithreach agus le mailminder[ag]justice.ie chomh maith.

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Ann Mulrennan

From: David X. McGrath [DXMcGrath@justice.ie]
Sent: 20 December 2010 15:46
To: Anne McManus
Cc: Ann Mulrennan; Paddy J. Duffy
Subject: RE: Direct Provision

Relates to MF's JA of CB for parent (42)
AS

Doc 25 / Doc 6 Mull

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Dear Anne,

Just to confirm that the person referred to in the email below, isn't currently on a reside requirement,

Best regards,

Dave McGrath
Asylum Policy Division
Ph: 6167657

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 | Anne McManus <anne.mcmanus@welfare.ie> |
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 | To: |
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 | "David X. McGrath" <DXMcGrath@justice.ie> |
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 | Cc: |
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 | Ann Mulrennan <ann.mulrennan@welfare.ie>, "Paddy J. Duffy" <PJJDuffy@justice.ie> |
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 | 17/12/2010 13:15 |
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|RE: Direct Provision
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Dear Dave

Thanks, that's very helpful and have slotted it into our preliminary briefing for Counsel. But just to make sure that there's no possibility of us tripping up, would it be possible to check if the person concerned in the case is covered by the general rules (i.e. free to stay with friends etc) and is not one of the exceptions where residence requirements have been imposed.

The case concerns: 

If you can do anything to check her status re the exceptions in your mail, that would be appreciated.

Best wishes

Anne

-----Original Message-----
From: David X. McGrath [mailto:DXMcGrath@justice.ie]
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Cc: Ann Mulrennan; Paddy J. Duffy
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| To: |
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| Cc: |
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| Ann Mulrennan <ann.mulrennan@welfare.ie>
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| Date: |
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| 13/12/2010 15:55
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