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#ExploringDP

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.

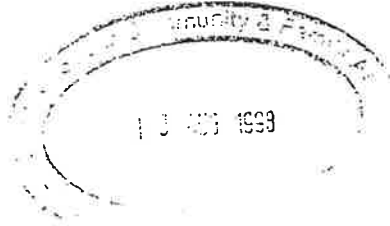
Yours sincerely,

Dermot Ahern, T.D.,

Minister for Social, Community and Family Affairs



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7 August, 1998

Mr Dermot Ahern, TD
Minister for Social, Community and Family Affairs.

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Dear Dermot,

Thank you for your letter of 24 July about the report of the Inter Departmental Committee on Immigration, Asylum and Related Issues.

I appreciate the co-operation offered by your Department in maintaining the integrity of the social welfare system and your comments on the movement of asylum seekers into this State. The issues mentioned in your letter can appropriately be further examined by the Inter-Departmental Committee although I will respond to some specific points later in this letter. However I have to express some concern that you do not refer at all to the issue of our welfare provision in respect of asylum seekers which every immigration service in Europe is telling us is serving as a magnet.

The British authorities whose existing welfare provision is already less generous in this respect have now decided to phase out cash payments to asylum seekers altogether in legislation being brought forward on an emergency basis this Autumn. This has been announced to Parliament by Home Secretary Jack Straw and detailed in a White Paper which my Department has circulated to your representatives on the Inter Departmental Committee. I enclose a copy herewith for ease of reference. See especially pages 37 to 40 in this regard. This is an issue on which we will have to bite the bullet soon if my confidential direct discussions with Jack Straw are any guide. 80,000 asylum seekers in the UK are affected by the proposed legislation and they will be well aware of the different regime we operate. It must also be pointed out in this regard that the increase in the number of persons seeking asylum here in 1996 coincided with the curtailment of welfare benefits to asylum seekers in the UK. Indeed the White Paper notes in paragraph 8.20 that the number of asylum applications in the UK fell by 30% following the withdrawal of some social security

benefits in 1996 and, despite a long term underlying upward trend and the intervention of the courts in respect of an aspect of the changes, the number remains at a lower level than in the year before the changes.

With regard to your views on Garda surveillance at points of entry, you will be aware that the Garda authorities do not consider that the allocation of further personnel to this task would represent the best deployment of resources. I am inclined to accept their judgement in this matter. I would also point out that the mere fact that a person arrives from another EU State is not in itself sufficient to invoke the provisions of the Dublin Convention. In the absence of documentary proof of residence in that other State, we would have to prove that the other State was the first in the EU entered by the applicant. This is difficult.

Another aspect of increasing checks on persons entering the State from the UK - and I am convinced that the vast majority of our asylum seekers transit the UK - is that it could effectively end the Common Travel Area. It has always been accepted by successive Governments that the CTA confers considerable benefits on Irish residents and, indeed, this view has been endorsed by the High Court. Coming from near the Border, you will be very conscious of how intolerable it would be if local people were subject to immigration control going to and from Northern Ireland. The CTA is a mutual arrangement: we cannot expect the UK authorities to give the benefit of passport free access to our residents if we cease to reciprocate. Even the existing controls have given rise to a considerable volume of complaints.

I do not see the relevance of surveillance at the point of entry to the issue of the eventual repatriation of failed asylum seekers to their country of origin. Repatriation is to the country of a person's nationality and we need to ensure as far as possible that countries will accept their own nationals back. To this end, my Department is pursuing the question of re-admission agreements with certain States.

Like you, however, I am concerned at the extent to which asylum applications are not made at points of entry but rather in my Department. We are considering whether we should change our asylum procedures to provide that the claims of persons who do not apply at a point of entry would be considered manifestly unfounded.

I note what you say about the problem of asylum seekers travelling to and returning from the U.K and the issue of duplicate claims. I agree with you on the desirability of finger-printing all asylum seekers which would have the added advantage that we could exchange this data with the U.K. authorities. I am having this matter examined as a priority in my Department and I will be reporting to Government on it.

My Department is not aware of the existence of computer-based digital photography technology which would be practical and cost effective. Perhaps your Department can advise us further on this. In particular, I would be interested to know if the use of such technology was considered for the issuing of RSI cards to asylum seekers.

A major problem faced by my Department in processing asylum claims is the incidence of "no shows" for interview. It should not be the case that an asylum

seeker who is unavailable at his/her stated address to receive a registered letter notifying him/her of their interview appointment can receive a welfare cheque in the post during the same week at the same address. I know that our Departments are cooperating on this issue at present but it seems to me that we must ensure that all cases of this kind of abuse are in practice followed up.

As was indicated at the Inter Departmental Committee, the requirement on asylum seekers to report periodically at the Aliens Registration Office is not part of a statutory procedure but is purely administrative. I endorse the views expressed by my Department and the Garda Síochána at the Inter Departmental Committee that the attempted imposition of frequent signing on at the ARO by asylum seekers would be unworkable and counter productive.

It has been agreed that the Interdepartmental Committee will work through August and September with a view to having their report ready by the deadline set by the Government. The above issues and others can be further explored in the Committee.

Yours sincerely,



John O'Donoghue, T.D.,
MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM.