

Stapleton, Amy; Dalton, Ciára

Research Report

The application of the Temporary Protection Directive: Challenges and good practices for Ireland

Research Series, No. 185

Provided in Cooperation with:

The Economic and Social Research Institute (ESRI), Dublin

Suggested Citation: Stapleton, Amy; Dalton, Ciára (2024) : The application of the Temporary Protection Directive: Challenges and good practices for Ireland, Research Series, No. 185, The Economic and Social Research Institute (ESRI), Dublin, <https://doi.org/10.26504/rs185>

This Version is available at:

<https://hdl.handle.net/10419/298377>

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ESRI
RESEARCH
SERIES
NUMBER 185
April 2024

THE APPLICATION OF THE TEMPORARY PROTECTION DIRECTIVE: CHALLENGES AND GOOD PRACTICES FOR IRELAND

AMY STAPLETON AND CIÁRA DALTON



Funded by
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**RESEARCH SERIES
NUMBER 185**

Available to download from www.esri.ie

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Whitaker Square, Sir John Rogerson's Quay, Dublin 2

<https://doi.org/10.26504/rs185>



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THE AUTHORS

Amy Stapleton and Ciára Dalton are Policy Officers at the Irish National Contact Point of the European Migration Network (EMN Ireland) within the ESRI.

ACKNOWLEDGEMENTS

In compiling this study, valuable contributions and insights were received from a wide range of stakeholders. This includes representatives of Business in the Community; Children’s Rights Alliance; Central Statistics Office; Department of Children, Equality, Disability, Integration and Youth; Department of Education; Department of Enterprise, Trade and Employment; Department of Further and Higher Education, Research, Innovation and Science; Department of Health; Department of Housing, Local Government and Heritage; Department of Justice; Department of Social Protection; Department of Tourism; Doras; Galway City Council; Helping Irish Hosts; International Organization for Migration; Immigrant Council of Ireland; Irish Human Rights and Equality Commission; Irish Red Cross; Irish Refugee Council; Kerry County Council; Ruhuma; Tusla’s Separated Children Seeking International Protection Service; and Ukrainian Action in Ireland. The study benefited from the detailed comments of an ESRI reviewer and an external reviewer. We would like to thank Anne Sheridan and Emma Quinn for their continued assistance in the preparation of this report. Finally, thank you to Liz Hudson for copy-editing the report, Helen Russell for her role as editor on the publication, and Dervla Potter, Julianne Flynn, Samuel Baugh and Sarah Burns for managing its publication.

ABOUT THIS REPORT

This EMN study, compiled according to commonly agreed specifications, provides an overview of the implementation of the Temporary Protection Directive in Ireland in 2023. The report consists of information gathered primarily from an EMN-wide study: *The Application of the Temporary Protection Directive: Challenges and Good Practices in 2023* (EMN, forthcoming).

This report has been accepted for publication by the Institute, which does not itself take institutional policy positions. All ESRI Research Series reports are peer-reviewed prior to publication. The author(s) are solely responsible for the content, and the views expressed do not represent the position of the ESRI, the Department of Justice or the European Commission, Directorate-General for Migration and Home Affairs.

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ABBREVIATIONS

BITC	Business in the Community
BoTP	Beneficiary of temporary protection
CSO	Central Statistics Office
CE Programme	Community Employment Programme
DAC	Designated Accommodation Centre
DCEDIY	Department of Children, Equality, Disability, Integration and Youth
DFHERIS	Department of Further and Higher Education, Research, Innovation and Science
DHLGH	Department of Housing, Local Government and Heritage
DoE	Department of Education
DoH	Department of Health
DoJ	Department of Justice
DSGBV	Domestic, Sexual and Gender-Based Violence
DSP	Department of Social Protection
DTCAGSM	Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
EAL	English as an Additional Language
ECRE	European Council on Refugees and Exiles
EMN	European Migration Network
ENIC	European Network of Information Centres
EPIC	Employment and Integration Programme for Refugees and Asylum Seekers
ESOL	English for Speakers of Other Languages
ESRI	Economic and Social Research Institute
ETB	Education and Training Board
FAQs	Frequently Asked Questions
FET	Further Education and Training
GCC	Galway City Council
GNIB	Garda National Immigration Bureau
GP	General Practitioner
HEI	Higher Education Institution
HIQA	Health Information and Quality Agency
HSE	Health Service Executive
IHI	Individual Health Identifier
IHREC	Irish Human Rights and Equality Commission
IPA	International Protection Applicant
IPAS	International Protection Accommodation Services
IOM	International Organization for Migration
IPO	International Protection Office
MoU	Memorandum of Understanding
NARIC	National Academic Recognition Information Centres in the European Union

NCSE	National Council for Special Education
NGO	Non-governmental Organisation
NSR	National Student Researcher
OPW	Office of Public Works
PES	Public Employment Service
PLC	Post-Leaving Certificate
PPSN	Personal Public Service Number
QQI	Quality and Qualifications Ireland
REALT	Regional Education and Language Team
SCSIP	Separated Children Seeking International Protection
SENO	Special Educational Needs Organiser
SET	Special-Education Teaching
SNA	Special-Needs Assistant
TPD	Temporary Protection Directive
UNHCR	United Nations High Commissioner for Refugees

EXECUTIVE SUMMARY

Temporary protection is an exceptional measure that provides immediate and temporary protection to people displaced from non-EU countries who are unable to return to their country of origin. The EU Temporary Protection Directive (TPD) was activated for the first time on 4 March 2022 following Russia's military invasion of Ukraine.

A total of 103,458 Personal Public Service Numbers had been allocated in Ireland to beneficiaries of temporary protection (BoTPs) by 31 December 2023 (Central Statistics Office [CSO], 2024). The CSO has estimated that 78 per cent of people registered for temporary protection in Ireland continued to reside in Ireland after 30 November 2023.¹

This report explores the implementation of the TPD in Ireland, including the supports provided to BoTPs – persons who have been granted protection according to the European Council Directive 2001/55/EC – and the challenges and good practices that have presented when they seek to access particular rights under the Directive. The research period for this study is from 1 January 2023 to 31 December 2023. Developments prior to January 2023 are also included where it is considered important to understand the context and situation since the implementation of temporary protection in Ireland. Therefore, where relevant, reference is made to data or challenges concerning people from Ukraine enjoying or applying for other types of residence rights since 24 February 2022. For the research period, the main challenge for Ireland remained the continued provision of accommodation for BoTPs to the scale required. The following sections provide an overview of the key findings related to legal status and access to rights provided by the TPD.

LEGAL STATUS

BoTPs hold temporary protection status under the TPD, transposed into Irish law via the International Protection Act 2015, and evidenced by a Temporary Protection Certificate. From 16 February 2023, all Temporary Protection Certificates were automatically extended until 4 March 2024, which were further extended on the 4 January 2024 until 4 March 2025.

Chapter 2 shows that BoTPs may not hold another immigration permission and temporary protection status at the same time. While it is open to BoTPs to apply for another immigration permission once they satisfy the relevant conditions, the Immigration Service is not aware of any particular cases. BoTPs may make an application for international protection at any time, but it is not possible to be an international protection applicant and hold temporary protection status simultaneously. This study demonstrates that a total of 215 applications for international protection were made by Ukrainian nationals in 2023.

1 The CSO (2024) notes that 'particular care must be taken when interpreting the statistics as it may use new methods which are underdeveloped and/or data sources which may be incomplete'.

All registered BoTPs receive a Temporary Protection Certificate that recognises their entitlement to access the rights laid out under the Directive. However, as third-country nationals, BoTPs are also required to register their immigration permission under the Immigration Act 2004.

There is no impact on temporary protection permission should a BoTP travel outside the state to another EU Member State or outside the EU. However, the research demonstrated that travel may impact on social-welfare entitlements and state-funded accommodation. As is the case for all claimants of social-assistance payments, BoTPs are entitled to payment of social-assistance payments for a maximum of two to three weeks' absence from the state in a calendar year.

BoTPs may voluntarily withdraw their temporary protection in Ireland. The data found that as of 31 December 2023, 1,129 BoTPs had done so, but this figure does not include those who left the state without informing immigration authorities. As of the end of 2023, and resonating with the policy and measures in the majority of EU Member States (European Migration Network [EMN], forthcoming), as well as the current position on return of the United Nations High Commissioner for Refugees, Chapter 2 shows that Ireland had no policies or supports in place to support Ukrainian nationals who wish to go back to Ukraine.

During the research period, the main challenge encountered by the Immigration Service was reported to be the difficulty, observed in a small minority of cases, for some people registering for temporary protection to demonstrate their eligibility by providing evidence of residence in Ukraine at the relevant time. It is open to any person refused temporary protection to present to have their claim reassessed. Chapter 2 shows that a total of 2,340 people were refused temporary protection as of 31 December 2023. However, the chapter outlines that it is possible that some of these would subsequently have been registered, having presented again with further evidence.

ACCESS TO RIGHTS PROVIDED BY THE TEMPORARY PROTECTION DIRECTIVE

The TPD contains specific provisions regarding the access to employment, social welfare, medical care, education for people under 18 years and accommodation or, if necessary, the means to obtain housing. It also includes provisions on family reunification, movement between EU Member States and provisions for return.

Accommodation

The main challenge in 2023 identified in the study remained the consistent provision of accommodation on the scale required. Chapter 3 demonstrates that, as of 31 December 2023, over 58,000 BoTPs were in accommodation provided by the State, and more than 16,000 were being supported under the pledged or Offer a Home schemes.

These capacity challenges are taking place against the background of an overall housing shortage in Ireland, and concerns were raised by the Department of Tourism regarding

the impact of reliance on hotel accommodation on the tourist sector (see Chapter 3). The suitability of such accommodation may also be of concern, as demonstrated in previous research focused on homeless families and international protection applicants (IPAs) that highlights the risks of these types of emergency accommodation. The research found that to meet the ongoing demand for accommodation, Ireland continued to work to bring new types of accommodation onstream and to improve processes and tailor policies to ensure better management of existing capacity and resources. The Rapid Build Programme, which was originally approved in 2022, progressed during 2023, with the ultimate aim of providing 700 units. By 31 December 2023, 1,240 residents had moved into 310 units at seven locations around the country. Note, this study focuses solely on temporary protection and does not cover the accommodation shortages in relation to international protection applications (EMN, 2024; Department of Children, Equality, Disability, Integration and Youth [DCEDIY], 2023m).

Chapter 3 discusses two further key schemes that ran in 2023. First, a second private-accommodation initiative, Offer a Home, overseen by the Department of Housing, Local Government and Heritage and run by local authorities, was introduced at the end of 2022. This scheme calls for the public to pledge stand-alone vacant properties to accommodate BoTPs. A total of 6,385 people were accommodated under this initiative by the end of the research period. The Irish Red Cross scheme, introduced in March 2022, whereby householders can pledge vacant room(s), also continued. By the end of 2023, 9,922 BoTPs were accommodated through this scheme. Hosts and homeowners are eligible for the Accommodation Recognition Payment under both these schemes.

New accommodation contracts between DCEDIY and service providers, based on a bed-only or self-catering basis, were also introduced in January 2023, with Chapter 3 noting that the rates being paid for accommodation were negotiated down at the same time. Under this contract, BoTPs are required to make a financial contribution where meals are provided. The process of contract renewals was completed by July 2023, with the study finding that 7.5 per cent of existing providers did not accept the new terms. These contracts were not renewed.

An Absence Protocol for state-provided accommodation was also introduced in 2023, and updated in October 2023, to manage the availability of beds and to ensure that beds are not left empty for extended periods of time. Under the protocol, absences from allocated accommodation can only be approved for compassionate or health reasons. According to the policy in place during the research period, it was open to BoTPs to give up their place if they wished to travel, and they could reapply for accommodation upon return to Ireland.

Chapter 3 finds that, in order to streamline offers of accommodation from commercial providers, an Offers of Commercial Accommodation List was introduced in January 2023. It was reported that accommodation set aside for social housing, as well as certain other accommodation categories, cannot be considered for inclusion on this list. This is in line

with policy in place since the beginning of the response to arrivals from Ukraine and due to the overall housing shortage in Ireland.

Ireland introduced cross-government coordination procedures during the research period including an Accommodation Working Group in the Department of the Taoiseach. A Technical Working Group working under the Accommodation Working Group was also established in March 2023. The work of these groups to date was found to be largely focused on identifying potential accommodation for BoTPs.

DCEDIY also indicated that compliance challenges (e.g., health and safety, accommodation standards, use of non-compliant properties) and the administrative burden were significant during the research period. The backlog of payment of invoices to accommodation providers was found to be a particularly pressing challenge at the end of 2022 due to staffing issues and lack of case-management software. While this challenge continued during the research period, the situation was reported as having improved due to increased resources and automation of some tasks.

The Irish Refugee Council and the Irish Red Cross also noted administrative barriers to BoTPs accessing supports such as challenges in accessing Rent Supplement. The Irish Refugee Council further identified the relocation of BoTPs to new accommodation centres and the short notice given regarding impending relocations as barriers to integration. Despite pledged accommodation being reported as overall very positive, cultural and language barriers as well as risks of host fatigue were also reported.

Kerry County Council identified the use of 'In Reach Teams', led by the Health Service Executive (HSE) but in cooperation with other stakeholders, as a good practice as they consider these teams have provided useful information on the arrival of new BoTPs to an area, as well as information to BoTPs regarding the services that will be accessible to them.

Labour market

Challenges related to labour-market access reported by NGOs, including English-language proficiency and limited available places on English-language programmes due to high demand, transport and, to a lesser extent, childcare-related challenges, are reported in Chapter 4. Other barriers to accessing the labour market that were identified included professional recognition and skills-matching, a lack of available training and induction programmes in Ukrainian, housing, a lack of networks, cultural differences and isolation.

To support long-term unemployed BoTPs accessing the labour market, the eligibility criterion for the Community Employment (CE) Programme (also known as CE Scheme) was eased from 12 months to 9 months unemployed in March 2023. With regard to language barriers, the Department of Social Protection (DSP) reported working closely with Education and Training Boards across Ireland to try to address this barrier. In some cases, a Technical Support Grant is available to those who have limited access to mainstream English for Speakers of Other Languages.

Government policy outlined in *Pathways to Work 2021–2025* (Government of Ireland, 2021a) aims to encourage people into employment and reduce dependence on social-welfare income supports. The strategy commits to supporting those who are most distant from the labour market as well as those who are employed and wish to upskill. Chapter 4 demonstrates that, since 19 June 2023, BoTPs have also been integrated into the standard activation process for long-term unemployed and are engaged with in the same manner as all recipients of Jobseeker’s Allowance. This process provides a range of employment supports, including access to active labour-market programmes and Further Education and Training (FET) opportunities, dependent on the length of time in receipt of Jobseeker’s Allowance. A number of outreach campaigns and measures to facilitate employment and labour-market activation were also identified for 2023.

Additionally, the study noted that there were some increases to childcare subsidies in January 2023, offered under the National Childcare Scheme, which BoTPs could access following amendment to the Childcare Support Act 2018 in 2022.

Education

Chapter 4 outlines that there was a total of 13,753 enrolments of children with BoTP status in Irish schools as of January 2023, with 8,823 in primary school and 4,930 in post-primary schools. Data indicated an enrolment rate of 88 per cent among children with BoTP status aged 5–18. As of 31 December 2023, enrolments had increased by 30.9 per cent (or 4,250 students) to 18,003 enrolments in schools across Ireland, with 11,165 in primary and 6,838 in post-primary schools. Expenditure by the Department of Education (DoE) in 2022 on Ukraine-related supports totalled some €75 million. An allocation of €45 million was also provided in the initial 2023 budget for DoE with additional funding available as necessary and appropriate from a central contingency reserve.

Additional resources were provided for the Regional Education and Language Teams (REALTs) established to help allocate existing school places to children with BoTP status in 2023, and additional allocations for special-education teachers (SETs), special-needs assistants (SNAs) and English-language-learning supports. A programme of inspections was conducted by DoE’s Inspectorate focused on the quality of education provision for children and young people from Ukraine in primary and post-primary schools in Quarters 3 and 4 of 2023.

The main challenges identified by DoE were capacity in schools and the additional human resources (teachers, SNAs, etc.) necessary to address the education needs of BoTP pupils; access to school transport, particularly in some areas of the country; and proficiency in the language of the school. The Department also reported challenges arising when families moved location.

Capacity surveys undertaken by DoE for the research period indicated reasonable capacity at primary level with some pressure in local areas. During the research period, limited capacity at post-primary level was found, with significant pressure in some instances.

For the additional SET supports required, DoE developed a system whereby the allocation of supports is based on graduated thresholds of enrolments of BoTPs. The allocation was reported as being adjusted on around a six-week basis.

Regarding the Ukrainian curriculum, DoE issued *Educational Provision for Students from Ukraine, International Protection Applicants and Students with Recognised Status: Guidance for Post-primary Schools*, in September 2023 (DoE, 2023c). The guidance reminded schools that the Ministry of Education and Science of Ukraine stated that students attending school in an EU Member State are not required to have engaged with online Ukrainian education as a prerequisite for continuing their education in Ukraine at an age-appropriate grade after their return.

Chapter 4 shows that, as of 1 February 2023, there were 12,622 arrivals enrolled in FET courses, of which 10,680 were enrolled in further education language courses. By 1 October 2023, these figures had fallen to 12,108 and 9,425 respectively.

The main challenge with regards to FET courses reported by NGOs was BoTPs' limited understanding or knowledge of the Irish education system.

Healthcare

BoTPs are entitled to apply for a medical card to access primary-care services free of charge for the first year, after which there is a means test. BoTPs are also entitled to access public healthcare services from the HSE. These include a family doctor or nurse, community care and hospital or emergency care. In March 2023, an assessment of means on renewal of a medical card was introduced for BoTPs.

Chapter 5 highlights that, by January 2023, 51,635 medical cards had been issued to arrivals from Ukraine. By December 2023, 77,703 medical cards had been issued to arrivals, with 65,190 cards active in December.

According to the HSE, the Social Inclusion Office supports equal access to healthcare for vulnerable groups including migrants, with, for instance, health services offered to both displaced people from Ukraine and to IPAs. A number of groups were established to respond to the arrivals from Ukraine in the area of health, including a Ukrainian Humanitarian Oversight Group, which was established in the HSE, and a national Ukrainian Health Response Planning and Coordination Group. The aim of the group is to 'identify and support the production of service delivery frameworks, guidance materials, referral pathways and other tools to support, monitor and cost services responding to health needs of those arriving from Ukraine'. According to the Department of Health (DoH), priority areas for BoTP and IPA populations in 2023 include age-appropriate immunisations, access to general practitioners (GPs) and migrant-health teams. A budget of €50 million was allocated by DoH for refugee health in 2023, covering both BoTPs and IPAs.

Chapter 5 finds that the main healthcare challenge continues to relate to capacity and resources, in particular, the availability of GP services, especially in areas with single GP practices, areas with high population density or rural areas.

Some specific challenges were also found to have arisen regarding continuity of care, with, for example, the continuity of care or safe discharge from emergency departments for BoTPs who are not yet assigned to a GP reported as a related issue.

A further challenge reported by DoH is the vulnerability to vaccine-preventable diseases of BoTPs arriving in Ireland. They, however, highlighted that an immunisation programme is being prioritised to tackle this issue.

Galway City Council and the Irish Red Cross both identified other challenges and risks related to the poor mental health of BoTPs in Ireland. In terms of good practices, the study noted that work was ongoing with the Primary Care Reimbursement Service to maximise the allocation of those with temporary protection status to the General Medical Services panels where feasible.

The Healthy Ireland Ukrainian Resilience and Wellbeing Fund, which was launched as a once-off resource to support projects developed by local-authority Community Response Forums, was also identified as a good practice. This funding was distributed by Healthy Ireland to projects that will support BoTPs (and the wider community) with health and wellbeing initiatives in 30 local authorities across the country.

Social assistance

In 2023, BoTPs had access to mainstream income supports and Child Benefit, which is a universal payment. Chapter 5 demonstrates that, as of 1 January 2023, there was a total of 45,883 active welfare claims, 28,731 of which were income supports and 12,710 of which related to children. As of 15 October 2023, there were 56,701 active welfare claims, 23,603 of which were income supports and 26,328 of which related to children.

Accessing Rent Supplement was reported as a challenge for BoTPs throughout the research period.

One good practice was reported in relation to social welfare, namely that BoTPs were initially given Jobseeker's Allowance and then assessed for the most appropriate scheme so they were in receipt of payments as soon as possible.

VULNERABLE GROUPS

Chapter 6 outlines that vulnerable individuals may be identified at the Citywest Transit Hub where BoTPs come into contact with a range of services from government departments while registering for temporary protection. A medical triage is carried out on a voluntary basis. Additionally, an official from the HSE has been assigned to help accommodation staff from DCEDIY to identify suitable accommodation for vulnerable persons. The Department of Justice (DoJ) receives assistance from the International Organization for Migration (IOM) and certain NGOs in helping vulnerable persons through the registration process.

Despite this, DCEDIY identified the challenge of some BoTPs, particularly those with mental health difficulties, not revealing their vulnerability until they arrive at their

accommodation. Another challenge DCEDIY reported related to finding access to suitable accommodation, such as wheelchair-accessible rooms, and disruption to care if a BoTP has to be moved to another accommodation location.

DSP did not report any particular challenges regarding BoTPs who are in receipt of Disability Allowance. However, they noted that this group are a focus of the Public Employment Service (PES) (Intreo) early-engagement approach to offer them the opportunity to avail of PES (Intreo) services as early as possible.

Unaccompanied minors with temporary protection status

The Separated Children Seeking International Protection (SCSIP) Service within Tusla reported as a challenge the high numbers of children presenting to their service. This impacted on their capacity to deliver supports and has led to high occupancy rates in registered specialised accommodation.

Chapter 6 discusses the concerns raised by NGOs and stakeholders in relation to the statutory provision under which BoTPs are supported (Section 5 of the Childcare Act 1991) but does not qualify them for an aftercare plan. However, it was noted that BoTP unaccompanied minors are entitled to the full range of adult supports once they turn 18. Further challenges were identified in regard to difficulties in proactively assisting in family reunification of children and navigating requests for holidays and the related holding of beds. The SCSIP Service reported relying on staff in residential units to identify vulnerabilities.

A number of good practices were identified, including the employment of a Ukrainian-speaking member of staff in the SCSIP Service to engage one-to-one with children, particularly those who have undergone specific trauma. The SCSIP Service is actively seeking to recruit others.

Trafficking

There were no major legal or policy developments related to trafficking specifically targeted at people fleeing Ukraine reported during the research period, with BoTPs benefiting from the same legislation, policies and measures (e.g., funding streams) applicable to any other suspected victims of trafficking. However, a number of on-the-ground supports were identified as being put in place, including targeted training to response teams and Tusla staff.

CHAPTER 1

Introduction

Since 24 February 2022, Russia's military invasion of Ukraine has created a situation of mass arrivals of displaced people from Ukraine to the EU and other countries surrounding Ukraine. Following the call of the home-affairs ministers (Justice and Home Affairs Council, 2022) on 3 March 2022, the European Commission proposed to activate the Temporary Protection Directive (TPD) (2001/55/EC).

On 4 March 2022, the Council adopted Implementing Decision 2022/382 establishing temporary protection for displaced people from Ukraine, whereby the TPD was activated for the first time, over 20 years since its adoption in 2001 (Council of the European Union, 2022). Temporary protection is an exceptional measure that can be activated in the event of a mass influx of people. It provides immediate and temporary protection to people displaced from non-EU countries who are unable to return to their country of origin. Immediate protection with a standard set of rights for beneficiaries are provided for, including a resident permit for the duration of the protection; access to employment; suitable accommodation or, if necessary, the means to obtain housing; social welfare; medical care; and education for people under 18 years.

Temporary protection covers not only displaced Ukrainian nationals residing in Ukraine on or before 24 February 2022, and their family members, but also stateless people and nationals of third countries other than Ukraine who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022, and their family members (Council of the European Union, 2022).²

TPD has been praised in European research for extending significantly further than humanitarian aid by offering a medium-term solution through an exhaustive framework for the social protection of those confronting forced displacement due to Russia's military invasion of Ukraine (Motte-Baumvol, Mont'Alverne and Braga Guimarães, 2022).

Temporary protection has a number of advantages including not only immediate access to the range of services outlined above but also a reduction in administrative burdens for countries as well as solidarity mechanisms for burden-sharing across EU Member States (Halpin, 2022). Nevertheless, several challenges have been raised in both Irish and European literature regarding its implementation across EU Member States, including Ireland (EMN, 2022c; Andriyiv, Sevryukov, Havrylyuk, Shal and Svitovenko, 2023; Mantu and Zwaan, 2023; Motte-Baumvol et al., 2022) (see Section 1.4).

With a lack of recent research on the implementation of the TPD in Ireland and seeking to garner improved understandings of the situation in Ireland, this study will be the first

2 According to the Implementing Decision, Member States shall apply either this decision, or adequate protection under their national law, in respect of stateless people and nationals of third countries other than Ukraine who can prove they were legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian law and who are unable to return in safe and durable conditions to their country or region of origin.

piece of significant research that aims to conduct a detailed investigation of the good practices and challenges in the Irish context.

1.1 METHODOLOGY AND SCOPE

This study is based on information submitted by the Irish National Contact Point of the European Migration Network (EMN) to an EMN-wide study: *The Application of the Temporary Protection Directive: Challenges and Good Practices in 2023*. The submissions of National Contact Points from across the EMN are being compiled in an EMN synthesis report (EMN, forthcoming). The data collection period of the EMN-wide study was 1 January 2023 to 1 July 2023. Where no developments occurred in 2023, or where it would be essential to understand the situation in EMN member countries prior to January 2023, earlier developments were also included.

For the Irish study, desk research was conducted, including of relevant policy, legislation and academic literature. Interviews were conducted in September, November and December 2023, and in January and March 2024 with relevant stakeholders, including Business in the Community, Children's Rights Alliance, Galway City Council, Irish Red Cross, Irish Refugee Council, Kerry County Council and Tusla's Separated Children Seeking International Protection (SCSIP) Service. Written observations were also received from the Central Statistics Office (CSO); Doras; Department of Children, Equality, Disability, Integration and Youth (DCEDIY); Department of Education (DoE); Department of Enterprise, Trade and Employment; Department of Further and Higher Education, Research, Innovation and Science (DFHERIS); Department of Health (DoH); Department of Housing, Local Government and Heritage (DHLGH); Department of Justice (DoJ); Department of Social Protection (DSP); Department of Tourism; Helping Irish Hosts; Immigrant Council of Ireland; International Organization for Migration (IOM), Irish Human Rights and Equality Commission (IHREC); Ruhama and Ukrainian Action in Ireland.

In order to obtain information on more recent developments and to avoid duplication with earlier publications from the EMN and other sources, the temporal scope of this study focuses on developments, challenges and good practices in Ireland from 1 January 2023 to 31 December 2023. Note that within the report, there are variations in dates across certain sections due to the available data. For example, the earliest 2023 data relating to both Further Education and Training (FET) and earnings from employment is February 2023 (see CSO, 2023a, 2023d), whereas the latest available data provided by the CSO for enrolments in FET courses and active welfare claims is October 2023 (see CSO, 2023c).

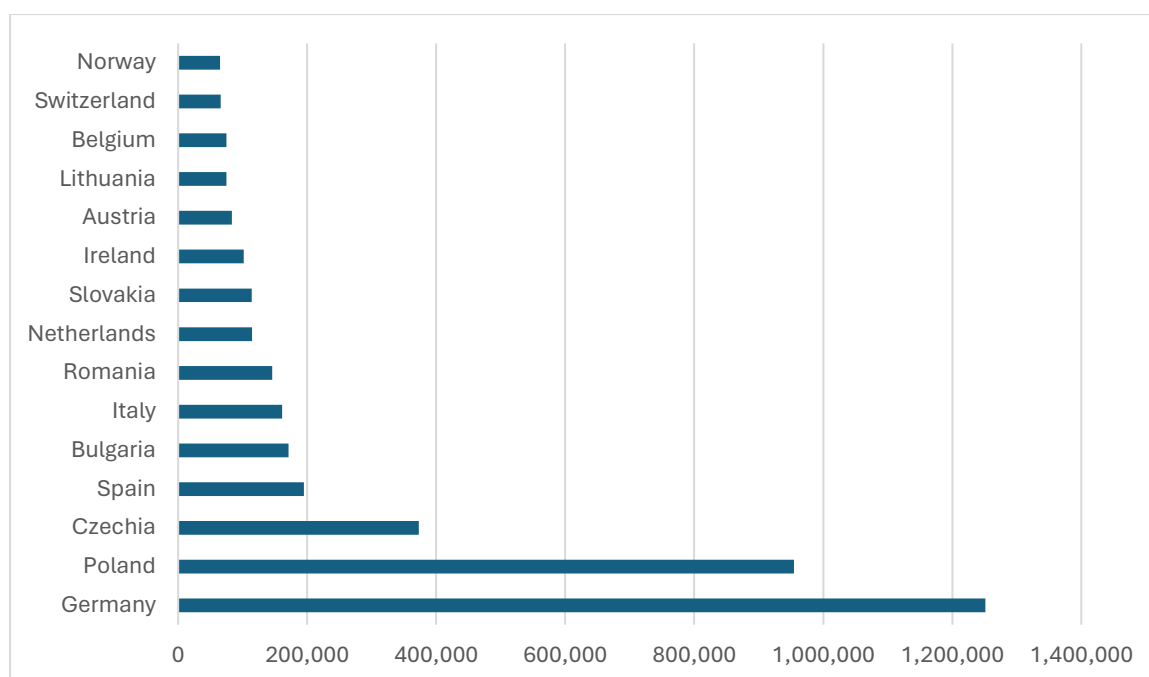
Similar to the EMN-wide study, developments prior to January 2023 are also included where it is considered important to understand the context and situation since the implementation of temporary protection in Ireland. Furthermore, although outside the scope of this study, the significant policy changes introduced in March 2024 have been briefly flagged for information.

1.2 STATISTICAL OVERVIEW

As of 31 December 2023, 4.28 million people who fled from Ukraine had temporary protection status in EU countries (Eurostat, 2024b). The main EU countries hosting BoTPs were Germany (29.2 per cent of the total, or 1,251,245 people), Poland (22.3 per cent or 954,795 people) and Czechia (8.7 per cent or 373,035 people). Ireland sat at tenth highest with 2.4 per cent of the total. (See Fig. 1.1.)

Compared with the end of 2022, according to a Eurostat press release (2024a), the number of non-EU citizens under temporary protection in the EU increased by almost half a million.³

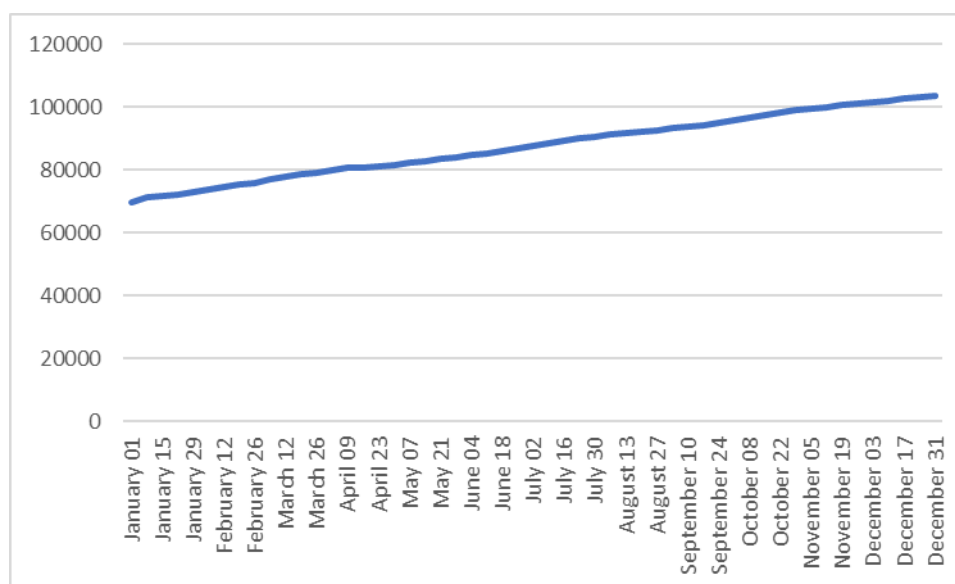
FIGURE 1.1 COUNTRIES WITH THE 15 HIGHEST NUMBERS OF BOTPS AS OF 31 DECEMBER 2023



Source: Eurostat, 2023b. Data extracted 27 March 2024.

On 31 December 2023, Ukrainian citizens represented over 98 per cent of BoTPs in the EU. Adult women made up almost half (46.2 per cent), children accounted for almost one-third (33.2 per cent), while adult men comprised slightly more than a fifth (20.6 per cent) (Eurostat, 2024a). In Ireland, by 5 January 2023, 69,812 people were recognised as BoTPs (CSO, 2023c). By 20 December 2023, this figure had risen to 101,957 (CSO, 2023f). A total of 69,617 Personal Public Service Numbers (PPSNs) had been allocated to BoTPs by 1 January 2023 (CSO, 2024). By 31 December 2023, this figure increased to 103,458 PPSN registrations (CSO, 2024) as illustrated in Figure 1.2.

3 It should be noted that these figures were published on 8 February 2023, and the figures in the graph are updated real time as of 26 March 2024. As a consequence, they do not match each other.

FIGURE 1.2 PPSN REGISTRATIONS OF ARRIVALS FROM UKRAINE, JANUARY TO DECEMBER 2023

Based on a review of administrative activity after 31 March 2023, the CSO has estimated that 84 per cent of people (71,420) registered for temporary protection in Ireland continued to reside in Ireland after March 2023 (CSO, 2023b). Data published in February 2024 estimates that 78 per cent of arrivals had activity in administrative data after 30 November 2023 (CSO, 2024).⁴ Administrative activity includes, for example, employment earnings, receipt of a social-assistance payment or attendance at a Public Employment Service (PES) (Intreo) course.

As of February 2023, 16,774 arrivals from Ukraine had earnings from employment (CSO, 2023d). This figure had risen to 33,353 by 12 December 2023 (CSO, 2023d). As of 12 February 2023, 28,774 arrivals had attended an employment support event arranged by PES (Intreo), of which 14,890 had recorded previous occupations, with professionals being the largest group at 31 per cent (or 4,680 people). Of the 23,107 people where the highest level of education was recorded, 62 per cent had achieved a level equivalent to 7 or higher on the National Framework of Qualifications (CSO, 2023a).

As of 8 October 2023, 36,620 arrivals had attended an employment support event arranged by PES (Intreo), of which 17,504 had recorded previous occupations, with professionals being the largest group at 31 per cent (or 5,343 people). Of the 26,174 people where the highest level of education was recorded, 62 per cent had achieved a level equivalent to 7 or higher on the National Framework of Qualifications (CSO, 2023b).

4 This figure is taken from the 'Arrivals from Ukraine in Ireland' Frontier Series. The CSO notes that 'particular care must be taken when interpreting the statistics as it may use new methods which are underdeveloped and/or data sources which may be incomplete'. It should be noted that the proportion of those remaining in Ireland is likely higher.

At the end of September 2023, the employment sector with the highest number of BoTPs employed was 'Wholesale, Transport and Accommodation' (CSO, 2023c).

As of 1 January 2023, there was a total of 45,883 active welfare claims, 28,731 of which were income supports and 12,710 related to children.⁵ As of 15 October 2023, there were 56,701 active welfare claims, 23,328 of which were income supports and 26,328 of which related to children.⁶

In January 2023, there were 13,753 enrolments in schools – 8,823 in primary and 4,930 in post-primary.⁷ This had risen to 11,165 and 6,838 respectively by 31 December 2023.⁸ There were 12,622 arrivals enrolled in FET courses on 1 February 2023, of which 10,680 were enrolled in further education language courses (CSO, 2023a). By October 2023, there were 12,108 arrivals enrolled in FET courses, of which 9,425 were enrolled in further education language courses (CSO, 2023c).

1.2.1 EU-level developments

Article 4(1) of the TPD stipulates that the duration of temporary protection shall be fixed for one year and may be extended automatically by six-monthly periods for a maximum of one year. In March 2022, the European Commission published Operational Guidelines on the implementation of Council Decision 2022/382.⁹ These aimed to assist the EU Member States in applying the Council Decision and other applicable EU law and focused on areas where implementation issues had been detected or where Member States had questions, including scope, unaccompanied minors and freedom of movement of BoTPs (see also EMN, 2023).

The European Commission's Operational Guidelines recommended that EU Member States issue residence permits for the full possible duration of two years (European Commission, 2022a). On 6 October 2022, the European Commission announced that the measures of the TPD would be extended until March 2024. On 28 September 2023, the Council of the European Union agreed to extend temporary protection from 4 March 2024 until 4 March 2025 (Council of the European Union, 2023).

Some operational developments also took place in 2022 to support implementation. These included, for example, the launch of the EU Solidarity with Ukraine platform to ensure coordination and cooperation among Member States, Schengen Associated Countries, EU agencies and European institutions, as well as the Ukrainian and Moldovan authorities and international organisations (European Commission, 2023). The Solidarity Platform aims to facilitate the mobilisation of relevant EU instruments and to coordinate

5 Written comments from the CSO, February 2024.

6 Written comments from the CSO, February 2024.

7 Written comments from DoE, February 2024.

8 Written comments from DoE, February 2024.

9 European Commission (2022a). 'Communication from the Commission on operational guidelines for the implementation of Council implementing Decision 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and having the effect of introducing temporary protection: 2022/C 126 I/01', <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022XC0321%2803%29&qid=1647940863274>

the matching of offers for solidarity with the needs identified (European Commission, 2022c). The platform provides a framework for regular exchanges, ensures coherence between existing forums at EU level and has a crucial role in ensuring a coordinated response (European Commission, 2023).

In the Operational Guidelines on the application of the TPD (European Commission, 2022a), the Commission advised on how to register each category of children during transit and in the country where they take up temporary protection. The Commission also published a Frequently Asked Questions (FAQs) document on the interpretation of the TPD and Council Implementing Decision 2022/382.¹⁰ FAQ documents have also been published on registration, reception and care for the unaccompanied and separated children fleeing from war in Ukraine, and going home to Ukraine on a voluntary basis.¹¹

1.2.2 Access to rights across the EU

The TPD contains specific provisions regarding the access to employment, social welfare, medical care, education for people under 18 years and accommodation or, if necessary, the means to obtain housing (Council of the European Union, 2001). It also includes provisions on family reunification, movement between EU Member States and voluntary return. Previous EMN research on access to services for BoTPs has found that a wide range of services are provided to BoTPs across these different areas, with Member States 'going beyond the standards set out in the Directive' (EMN, 2022a, p. 4).¹²

Recent EMN comparative research has demonstrated that in the period January to July 2023, most EU Member States did not implement any major changes in the provision of the services to BoTPs (EMN, forthcoming). A European Council on Refugees and Exiles (ECRE) comparative report on access to socio-economic rights of BoTPs up to December 2022 demonstrated that access to employment of this group was significantly facilitated by the removal of requirements to obtain an authorisation to work (ECRE, 2023).¹³

The report also found that provision of vocational training, language courses and career counselling supported access to the labour market. A 2023 OECD policy response paper also demonstrated a relatively swift entry into the labour market; however, it noted that much of the early employment update was primarily in low-skilled jobs, with skills

10 European Commission, 'Frequently asked questions received on the interpretation of the Temporary Protection Directive and Council Implementing Decision 2022/382', https://home-affairs.ec.europa.eu/document/download/e2945766-663d-4b87-8150-78b600532115_en.

11 European Commission, 'Unaccompanied and separated children fleeing from war in Ukraine: FAQs on registration, reception and care', https://home-affairs.ec.europa.eu/document/download/6163ae7e-7dc3-4a86-ba18-b9e7f384e645_en; 'Frequently asked questions on going home to Ukraine on a voluntary basis in the context of the Temporary Protection Directive', https://home-affairs.ec.europa.eu/document/download/34e1c617-8611-4be0-a9d6-ef34c7a8ad01_en.

12 Twenty-four countries contributed to this study, namely: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Slovakia, Slovenia, Spain and Sweden. It should be noted that this research does not refer to accommodation.

13 This report received contributions from Austria, Belgium, Bulgaria, Croatia, Cyprus, France, Germany, Greece, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Romania, Serbia, Slovenia, Spain, Sweden, Switzerland and the UK (see ECRE, 2023, p. 1).

mismatches widespread (Organisation for Economic Co-operation and Development [OECD], 2023b). ECRE's (2023) findings showed that the need for recognition of qualifications, language barriers and lack of information on administrative procedures remained obstacles. EMN research undertaken in 2022 similarly found that, in most Member States, BoTPs were granted the same rights to accessing employment and benefits, such as unemployment benefits, as EU citizens and nationals (EMN, 2022a). Across EU Member States, there was a range of measures to support access to employment, including recognition of qualifications, skills mapping and validation, and counselling, as well as other integration supports, such as language programmes (EMN, 2022a).

With regard to education for children, the ECRE report found that engaging in two parallel education systems (national and Ukrainian) was 'one of the most common recurrent phenomena across states' (ECRE, 2023, p. 30). The report also identified challenges such as the limited capacity of schools and long commutes to schools. For adults, ad-hoc scholarships and waived tuition fees for BoTPs were found to facilitate access to education.

Regarding healthcare, the study found varied degrees of healthcare available to BoTPs across countries; however, in the majority of countries, BoTPs had full access to the public health system, to the same extent as nationals. In Ireland, the report highlighted that access to healthcare was covered by the State through medical cards (ECRE, 2023). The EMN (2022a) also demonstrated that while differences were found in levels of medical care across Member States, ranging from full access to healthcare systems to basic or enhanced emergency care, all Member States contributing to the study reported providing mental health care. Nevertheless, the findings from the ECRE (2023) showed challenges to accessing healthcare to include a lack of capacity in psychological support, language barriers and the requirement to be at a registered address.

The ECRE (2023) study also found social-welfare access and benefits to differ across the countries included in the study. However, in most, BoTPs were entitled to at least partial access to the same level as IPAs or beneficiaries of subsidiary protection (ECRE, 2023).¹⁴

With regard to accommodation and housing, the ECRE (2023) report demonstrated that accommodation ranges from emergency accommodation and public reception facilities to private housing and includes host family accommodation. EMN (2022c) research on arrangements for accommodation and housing for BoTPs found that most Member States

14 Subsidiary protection is given to a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to their country of origin, or in the case of a stateless person to their country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15 of Directive 2011/95/EU (Recast Qualification Directive), and to whom Articles 17(1) and (2) of this Directive do not apply, and is unable or, owing to such risk, unwilling to avail themselves of the protection of that country. See https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/subsidiary-protection_en

that responded offered several housing and accommodation options in parallel.¹⁵ These predominantly comprised of reception centres but also included accommodation provided by private individuals and those offered by legal entities (EMN, 2022c). With many European countries already confronted with ‘overwhelmed housing and reception infrastructure’, with European Commission support, states relied heavily on private and community-led efforts for hosting projects for housing BoTPs (Fratzke, Pulkkinen and Ugolini, 2023; see also European Commission, 2022b).

Article 13(4) of the TPD contains specific provisions for vulnerable groups such as unaccompanied minors and for those who have undergone particularly traumatic experiences.¹⁶ While there is a dearth of research on the vulnerabilities of BoTPs, a United Nations High Commissioner for Refugees (UNHCR) Regional Bureau for Europe report, which analysed the implementation of the TPD six months after its implementation (UNHCR, 2022), identified that people with specific needs, such as disabled people, encounter increased obstacles to access rights. The lack of a systematic and comprehensive identification procedure was found to impede access to specialised services and assistance (UNHCR, 2022). The report highlighted, for instance, that disabled people struggled to access accommodation, healthcare and social protection. Furthermore, the report highlighted the challenges facing stateless people in the context of Russia’s military invasion of Ukraine, where some, for instance, had confronted difficulties in registering for temporary protection due to their lack of available documentation.

The ECRE study also stressed the vulnerabilities of minority groups displaced by Russia’s military invasion of in Ukraine, such as those from Roma communities, who can encounter added barriers and increased challenges (ECRE, 2023).

While focused on applicants for international protection, previous EMN comparative research may provide some insights into vulnerabilities facing those who confront forced displacement, including in relation to age and family composition. In that research, the majority of Member States who responded to the inform reported unaccompanied minors among the most vulnerable groups (EMN Luxembourg, 2021). Other vulnerabilities reported in the study related to the psychological and medical conditions of an applicant, and to gender and sexual orientation (EMN Luxembourg, 2021).

Although there is also limited research to date examining the vulnerabilities of BoTP unaccompanied minors and separated children, UNHCR (2022) demonstrated that these groups suffer from a lack of systematic identification procedures. The report also found that in several countries, many have limited access to legal guardians due to a shortage

15 Twenty-four countries contributed to this study, namely: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Slovakia, Slovenia, Spain and Sweden.

16 Article 13(4) states, ‘4. The Member States shall provide necessary medical or other assistance to persons enjoying temporary protection who have special needs, such as unaccompanied minors or persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence.’

of suitable candidates and lengthy appointment procedures, with limited comprehensive vetting and follow-up systems in place.

The same report noted that unaccompanied and separated BoTP children have not been systematically included into the services of national child-protection systems. The European Commission Communication ‘Temporary Protection for Those Fleeing Russia’s War of Aggression against Ukraine: One Year On’ also highlighted issues related to the recognition of guardianship decisions from Ukraine, noting reports of difficulties encountered in the Member States in obtaining direct recognition of guardianship decisions issued by the relevant authorities in Ukraine (European Commission, 2023).

The Communication further underlined that the modalities of arrival and specific protection needs also raised challenges for EU Member States, for example, related to unaccompanied and separated children, children arriving with Ukrainian guardians and groups of children from institutionalised care facilities.

Previous research on separated children and unaccompanied minors more generally may provide some insights into the challenges faced by this group. In their research on the resilience of unaccompanied minor refugees, Rodriguez and Dobler (2021), for instance, demonstrate that this group has notably elevated rates of mental health difficulties compared to other displaced populations. These mental health challenges can stem from experiences of armed conflict, persecution and poverty in their countries of origin, difficult journeys to Europe as well as the need to adapt to a new environment when they arrive to the destination country (Keles, Idsøe, Friborg, Sirin and Oppedal, 2017).

With an estimate that over half the population leaving Ukraine in February 2022 were children, the Communication from the Commission on Operational Guidelines for the Implementation of Council Implementing Decision 2022/382 (European Commission, 2022a) sought to address the vulnerabilities of unaccompanied minors, giving particular attention to comprehensively protecting their rights. The Communication acknowledged that although, due to many arriving accompanied with a guardian appointed in Ukraine, only a few have been registered as unaccompanied or separated children under EU law, these children have specific vulnerabilities, including a number with disabilities’ (European Commission 2022a). It should, however, be noted that these Operational Guidelines were issued early on, and that one year following the implementation of the TPD, the flow of unaccompanied and separated children was considerably different in this context (European Commission, 2022a).

1.3 A BRIEF OVERVIEW OF THE EUROPEAN LITERATURE

Despite the policy focus on the implementation of the TPD across the EU and in Ireland, academic literature that explores this phenomenon remains limited. The available European academic literature broadly seeks to increase understandings of the procedures across states, the entitlements of BoTPs and the future of temporary protection. There is also a small body of work that sets out the legal status and entitlements of BoTPs, comparing it to that of beneficiaries of international protection

(Andriyiv et al., 2023; Kuzmenko, Ryndiuk, Kozhura, Chorna and Tytykalo, 2023). According to Andriyiv et al., 'The main difference is that refugee status is an individual right guaranteed by international conventions, while the right to temporary protection is collective, does not provide for individual applications and administrative procedures for its consideration' (2023, p. 176).

The roll-out of the TPD and its future have also been examined within the limited available academic literature, for example, Guild and Groenendijk (2023a, 2023b) and Zaimović (2023) explore considerations and options for the future of the TPD and BoTPs in the EU. Guild and Groenendijk (2023b) examine the challenges that the EU confronts, stepping beyond the immediate crisis of protection regarding how to provide BoTPs who are in need of long-term protection with the security of residence. The authors suggest the importance of determining how long the EU will need to commit to supporting those fleeing the Russian aggression in Ukraine and of acknowledging that at least some BoTPs may need to continue to stay longer, or indefinitely, on account of their personal circumstances.

Guild and Groenendijk (2023a, 2023b) explore possibilities in their research for the future status of BoTPs in the EU. For instance, they consider five options relating to the future status of BoTPs, including an analysis of these different possibilities, suggesting that these include a further extension of the Directive, the assimilation of former BoTPs into existing EU law on third-country nationals or their integration into the Common European Asylum System, pointing out that while the rights granted to BoTPs and beneficiaries of international protection are similar, there are some lesser rights for beneficiaries of subsidiary protection. The authors also suggest that other options could include the introduction of a 'reconstruction permit', which does not exist as a status in current EU law but could be an option. A further solution would be to assimilate former BoTPs into a free movement status parallel to that of the free movement of EU citizens (Guild and Groenendijk, 2023a, pp. 114, 115).

In their article on the EU temporary protection regime for Ukrainians, Trauner and Valodskaitė (2022) also examined the implications of the temporary protection regime in the EU not only for Ukrainians but also for EU asylum policy at large, suggesting that the Russia's military invasion of Ukraine has the potential to alter the dynamics of negotiating EU asylum laws.

The OECD Ukraine Hub has published a number of policy response papers in this area. These include the 2023 paper 'Working towards Dual Intent Integration of Ukrainian Refugees' (OECD, 2023c), which also underlined the challenges arising as the displacement of people from Ukraine becomes prolonged. It highlights not only the need for further integration support in host countries but also the challenges in the provision of such support as many people are expected to return home when the situation allows. The paper proposes a dual intent integration approach that centres on integration measures and activities that focus on promoting socio-economic inclusion of Ukrainian refugees as well as seeking to minimise potential barriers to return.

While, according to Halpin's (2022) Oireachtas spotlight, the implementation of the TPD was largely presented as successful soon after its implementation, the spotlight also pointed to a number of potential difficulties facing BoTPs, such as precarity stemming from uncertainties surrounding the duration of temporary protection (Halpin, 2022). Furthermore, given that 2022 was the first time that the TPD was activated, it is perhaps unsurprising that commentators consider that problem issues have persisted across the EU (Mantu and Zwaan, 2023). These problems include certain inconsistencies and issues arising in relation to the rights granted to BoTPs (Andriyiv et al., 2023).

Recent research on temporary protection in Europe has identified a number of emerging challenges since February 2022, including the need to eliminate barriers to access entitlements of BoTPs, the early and systematic identification of vulnerabilities and the provision of housing (Mantu and Zwaan, 2023). Delivering high levels of protection and services to BoTPs, and the associated costs to EU Member States, has also been identified as a key challenge that EU Member States confront (Motte-Baumvol et al., 2022). Other difficulties identified in the European literature relate to perceived high levels of bureaucracy in EU Member States leading to long wait times for processing applications for temporary protection (Andriyiv et al., 2023).

Additionally, the 'recommendatory nature of a number of EU rules on temporary protection' have been highlighted as an additional challenge (Andriyiv et al., 2023, p. 175). According to Andriyiv et al. (2023), despite the adoption of the Communication from the Commission on Operational Guidelines, these are advisory in nature, and, as a result, there is discretion on how the Directive is implemented. Border guards may not consistently adhere to it, as each state has the discretion to determine its own migration regulations. Consequently, for example, documents issued by one Member State may not be recognised when crossing the border in another (Andriyiv et al., 2023).

A small body of research considers that different approaches and procedures across Member States do not always exactly meet EU requirements (Andriyiv et al., 2023; Łysienka, 2023).¹⁷ Additionally, the lack of harmonised provisions in the TPD regarding registration documentation issued to BoTPs has also been highlighted for creating differences in documents that confirm BoTP status across Member States, which can create barriers to secondary movement across Member States (Andriyiv et al., 2023). Barriers in access to rights have been noted by the UNHCR (2022), which found that the rights guaranteed under the TPD are interdependent, where difficulties in exercising one right impeded on the realisation of others. The report underlined that BoTPs can confront a range of practical, administrative and legal barriers that prevent them accessing their rights, including, for example, lack of access to information and language barriers, as well as a lack of a permanent address, limited childcare options and the inability to provide the documentation necessary for accessing certain services.

17 In Portugal, for instance, BoTPs receive a residence permit; however, there is no photo required which therefore does not meet EU requirements (Andriyiv et al., 2023). Polish law on temporary protection has also been found to be not fully compatible with the respective EU law (Andriyiv et al., 2023; Łysienka, 2023).

1.4 OVERVIEW OF IRELAND'S TEMPORARY PROTECTION SYSTEM

The TPD provides beneficiaries with immediate access to the labour market, along with access to social welfare, accommodation or the means to obtain access to housing, and other supports including healthcare and education. The TPD was transposed into Irish law under Section 60 of the International Protection Act 2015. From May 2022, Ireland had a single registration and service point for BoTPs (the Citywest Transit Hub) at the Citywest Convention Centre in Dublin.¹⁸ This registration and service point is led by DoJ's Ukraine Response Team, supported by DSP, DCEDIY and the Health Service Executive (HSE) (DoJ, 2022c). This 'one-stop shop' covers registration for temporary protection, allocation of PPSNs, referral to accommodation for those in need of it and other supports and services (DoJ, 2022a). From March 2022, BoTPs arriving in Ireland received a Temporary Protection Certificate which confirms temporary protection status and allows the holder immediate access to employment, income support, medical care, education, access to accommodation if needed, or the means to obtain access to housing, and other state services in Ireland (DoJ, 2022a).

A comprehensive examination of Ireland's support measures, challenges and good practices will be discussed in detail in Chapters 3 to 6, with a brief overview provided here.

In 2022, a range of temporary accommodation options were used to house BoTPs, including hotels, recreational facilities, tented accommodation and privately pledged accommodation from the general public (Murphy and Sheridan, 2023). In October 2022, the Government announced that Ireland would move from an emergency response to a more mainstreamed approach, with a suite of measures, including the Offer a Home scheme, the Accommodation Recognition Payment¹⁹, Rent Supplement for BoTPs and rapid-build homes²⁰ (Department of the Taoiseach, 2022d).

Throughout the research period, BoTPs were entitled to receive the same medical care and social-welfare benefits as those to which Irish citizens are entitled.²¹ Special arrangements were made so that BoTPs could apply for a PPSN at the single service point in the Citywest Transit Hub (DSP, 2022). Once the PPSN is allocated, BoTPs can apply for income supports. BoTPs are also entitled to Child Benefit,²² and to apply for financial support under the National Childcare Scheme.

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- 18 The Government entered a two-year lease for the Citywest Convention Centre in May 2022 (see DCEDIY 2022b).
- 19 The Accommodation Recognition Payment is a monthly flat-rate payment paid per property in respect of individual properties to acknowledge the generosity of Irish hosts. It is conditional on a minimum six-month time commitment for hosting BoTPs. It was launched as a monthly payment of €400 but was shortly doubled to €800 per month.
- 20 A rapid-build home is a dwelling that is mostly built off-site from the planned location and then delivered and finished on site. This means that rapid-build homes can be put in place quicker than standard accommodation, and there is less construction disruption to the area.
- 21 Under the Social Welfare and Civil Law (Miscellaneous Provisions) Act 2024, BoTPs who are in state-provided accommodation will receive a reduced allowance.
- 22 Child Benefit is a universal payment of €140 per child per month for children under 16 years of age. It is also payable for children ages 16 or 17 in full-time education or full-time training or children with a disability who cannot support themselves.

Section 60(10)(a) of the International Protection Act 2015 entitles BoTPs to access education and training in the state on the same basis as Irish citizens. Regional Education and Language Teams (REALTs) were established in March 2022 with the purpose of supporting existing structures to cater for the needs of children arriving from Ukraine and accessing education (Department of Education, 2022). Measures, such as the Temporary Tuition Fee Support Scheme, were also taken to ensure that students displaced from Ukraine would be treated on the same basis as EU students (DFHERIS, 2022b).

BoTPs in Ireland are entitled to direct access to the labour market and have access to the range of supports provided by the Irish Public Employment Service, PES (Intreo), administered by DSP. Further measures were also introduced, such as the recognition of academic and professional qualifications.²³ Measures were also introduced to enable BoTPs resident in Ireland to drive in Ireland.²⁴

There was also a significant civil-society response to the arrival of BoTPs in communities across Ireland. Groups from across the non-governmental and community sectors provided front-line services to support new arrivals (DHLGH and the Department of Rural and Community Development, 2022). These groups were coordinated by the Community Response Forums which had been set up in each local authority for the COVID-19 response and which were repurposed to support coordination of the Ukrainian response.²⁵ The role of the Community Response Forums is to coordinate community and voluntary support to meet the basic needs of those fleeing Ukraine. These forums are a good example of cross-sector collaborative approaches at a local level.

As well as this local-level coordination, the Ukraine Civil Society Forum was established as a short-term initiative by civil-society organisations working collectively to support the emergency response and welcome of people displaced from Ukraine (Immigrant Council of Ireland, 2022). The forum shares information, tries to avoid duplication, identifies gaps in service provision, works to share solutions and escalate issues to the Government where necessary, and engages with the media.

Despite the positive aspects of the implementation of the TPD in Ireland, previous research conducted by Ukrainian Action in Ireland provided insights into the challenges

23 Where a profession is unregulated, there is no formal barrier to prevent someone from continuing to practise their profession in Ireland. However, where a profession is regulated, the decision to recognise qualifications and to register to practise rests with the appropriate regulator. There are over 45 authorities in Ireland covering a range of professions, most of whom have already reached out to the Ukrainian community and have published dedicated material on their websites to assist BoTPs who are now seeking to practise in Ireland. A list of all regulated professions in Ireland and their corresponding competent authority and contact information have been published on the Government's website. (See Department of the Taoiseach, 2022a.)

24 In April 2022, the Minister for Transport signed Road Traffic (Recognition of Foreign Driving Licences) (Ukraine) Order 2022 (SI No. 192/2022), which enabled BoTPs to exchange their Ukrainian driving licences for Irish driving licences on a temporary basis. This was subsequently revoked with the amendment to the Road Traffic Act by the Civil Law (Miscellaneous Provisions) Act, which allows for an order to be made that recognises the driving licence for the duration of the temporary protection.

25 Community Response Forums were established by local authorities in response to the COVID-19 pandemic to help ensure all vulnerable members of local communities were appropriately supported to access basic necessities such as food, medicines and other needs. These were repurposed to coordinate a community-led response in the provision of assistance and support to those fleeing Ukraine. See Department of the Taoiseach, 2022b; DHLGH and Department of Rural and Community Development (2022).

facing BoTPs in Ireland. In two of their surveys (published in May 2022 and February 2023), among Ukrainians in Ireland who arrived since 24 February 2022, access to accommodation and employment were reported as significant barriers to integration (Ukrainian Action in Ireland, 2022, 2023). Other challenges facing BoTPs in Ireland raised in the two surveys included language barriers, access to public transport, challenges in finding a job matching their professional qualifications, a lack of a bank account (due to refusals to open accounts or to issue debit cards as well as issues with proof of address), relocation issues, lost documents, challenges accessing PES (Intreo) offices, mothers with children facing difficulties in accessing employment, challenges in accessing GP and other medical services, challenges in accessing childcare or school (Ukrainian Action in Ireland, 2022, 2023). More positively, in the first survey, most respondents described being overall satisfied with service provision, facing no issues in this regard (Ukrainian Action in Ireland, 2022).

CHAPTER 2

LEGAL STATUS

2.1 INTRODUCTION

Beneficiaries of temporary protection (BoTPs) hold temporary protection status under the Temporary Protection Directive (TPD) (2001/55/EC), transposed into Irish law via Section 60 of the International Protection Act 2015, and evidenced by a Temporary Protection Certificate. From 16 February 2023, all Temporary Protection Certificates were automatically extended until 4 March 2024, which were further extended on 4 January 2024 until 4 March 2025 (Department of Justice [DoJ], 2023a). BoTPs were not required to take any action regarding the extension.

This chapter provides an overview of the legal status of BoTPs, including eligibility criteria and immigration permission, the registration process for BoTPs in Ireland, the rules and regulations regarding movement and mobility once BoTP status has been awarded, and challenges and good practices in this area.

2.2 ELIGIBILITY FOR TEMPORARY PROTECTION

Individuals are required to demonstrate that they are eligible to qualify for temporary protection. To do so, they must show evidence of residing in Ukraine prior to 24 February 2022. This evidence can be a combination of utility bills, banking details showing transactions in Ukraine, employment records, educational records, medical records, etc. Officials from DoJ observed that in a small minority of cases, it can be challenging for applicants to obtain the required evidence, which leads to extended processing times. Officers make every effort to help a person produce the necessary evidence.

Where a person clearly does not qualify for temporary protection (e.g., there is evidence that they had been living in a country other than Ukraine at the relevant time), and they wish to remain in Ireland, they are refused temporary protection and directed towards the International Protection Office (IPO) to make an application for international protection (DoJ, 2023d).²⁶

There is no statutory appeal procedure to follow if a person is considered not to fall within the scope of the TPD. It is open to any person who was denied temporary protection to present to the Department to have their claim reassessed if they feel that they are eligible under one of the qualifying criteria (DoJ, 2023d). A total of 2,340 people applying to register for temporary protection were refused temporary protection by close of business on 31 December 2023.²⁷ However, DoJ noted that it is possible that some of these would

26 Written comments from DoJ, Civil Justice Migration Policy, September 2023.

27 Written comments from DoJ, Migration Policy, February 2024.

have presented again with further evidence and would subsequently have been registered.²⁸

Article 29 of the TPD provides that ‘persons who have been excluded from the benefit of temporary protection or family reunification by a Member State shall be entitled to mount a legal challenge in the Member State concerned’ (Council of the European Union, 2001). In general, judicial review is the legal remedy available in Irish law where an administrative decision is disputed. Judicial review is confined to a review of the process of decision-making rather than the decision itself. In this context, it should be noted that the European Commission’s Operational Guidelines on the TPD (European Commission, 2022a) clarify that there is no application process for temporary protection status but that Member States may put in place certain requirements such as a registration form or presenting evidence as provided for in the Council Decision.

2.3 REGISTRATION

All BoTPs receive a paper Temporary Protection Certificate which evidences entitlement to access all rights under the TPD. Separately, all third-country nationals over 16 years (including BoTPs) who remain in the state for longer than 90 days are required to register their immigration permission with the authorities in accordance with the Immigration Act 2004. On registration, third-country nationals receive the EU-format Irish Residence Permit Card (DoJ, 2023c).

From October 2022, registration of new arrivals under the Immigration Act 2004 began at the Citywest Transit Hub in Citywest, Dublin.²⁹ This means that BoTPs receive the Temporary Protection Certificate and are registered on the national immigration database (GNIB-IS) at the same time. In addition to the Temporary Protection Certificate, since September 2023, the Irish Residence Permit Card has been issued to BoTPs on a phased basis. BoTPs were contacted individually to verify their address before issue of the card (DoJ, 2023b).

Those who arrived between March and October 2022 were issued with a Temporary Protection Certificate and were not registered separately for immigration permission. The registration of the immigration permissions for these individuals is now being processed on an appointment basis (DoJ, 2022a, 2023b). This does not represent a policy change to entitlements under the TPD in Ireland but is an effort to achieve greater compliance with the TPD.³⁰

2.4 IMMIGRATION PERMISSION

In Ireland, BoTPs may avail of a different immigration permission other than temporary protection status once they fulfil the criteria in the same manner as other third-country

28 Written comments from DoJ, Immigration Service Delivery, September 2023.

29 Written comments from DoJ, Civil Justice Migration Policy, March 2024.

30 Written comments from DoJ, Civil Justice Migration Policy, October 2023.

nationals. While this is possible, officials from Immigration Service Delivery were not aware of any such cases.³¹ In practice, it is likely that many would not fulfil those criteria and that temporary protection status could provide less restricted rights and more entitlements than other permissions. For example, an immigration permission on grounds of work could require an employment permit and be restricted to certain occupations under the employment permits regime, whereas temporary protection status gives unrestricted access to the labour market. An immigration permission for the purpose of study does not allow for recourse to social assistance, whereas temporary protection status provides such access to eligible people.

Each immigration permission carries with it its own conditions. It is not possible to hold temporary protection status and another immigration permission at the same time. Therefore, the rights under the TPD would not apply if a person chose to avail of an alternative immigration permission.

2.5 APPLICATIONS FOR INTERNATIONAL PROTECTION

Applications for international protection are made in accordance with the provisions of the International Protection Act 2015 (as amended). It is always open to BoTPs to make an application for international protection. However, people eligible for temporary protection are encouraged by the IPO to consider the immediate benefits of temporary protection status over a status as an applicant for international protection, including immediate access to the labour market.³²

According to the IPO, 419 applications for international protection were made in Ireland by Ukrainian nationals in 2022, the highest number of which (150) was in March 2022 (Eurostat, 2023a). In the first half of 2023, 81 applications were made by Ukrainian nationals.³³ By the end of December 2023, 215 international protection applications were made by Ukrainian nationals.³⁴

It should be noted that people who do not fulfil the eligibility conditions to register for temporary protection (e.g., cannot provide proof of residence in Ukraine prior to 24 February 2022) may apply for international protection (DoJ, 2023e). Therefore, it is not possible to determine from the data on international protection applications from Ukrainian nationals whether applicants are people to whom temporary protection status could have been applied.

31 Written comments from DoJ, Immigration Service Delivery, September 2023.

32 See notice on home page of the IPO website: 'We currently recommend that Ukrainian nationals refrain from submitting an asylum application. If you change your mind and wish to apply for asylum, you will be allowed to. The basic right to apply for asylum remains unaffected by this protection measure' (accessed 15 April 2024). See also DoJ, 2022a.

33 Written comments from IPO, September 2023.

34 Written comments from DoJ, Migration Policy, March 2023.

2.5.1 Persons already registered as a beneficiary of temporary protection

As is the case for all international protection applicants (IPAs), applications for international protection are made under Section 15 of the International Protection Act 2015. It is not possible to hold temporary protection status and be an applicant for international protection at the same time (DoJ, 2022b, 2023e). In accordance with Section 60(14) of the International Protection Act 2015, a permission to reside in the state on the basis of temporary protection given under Section 60(6) of the International Protection Act 2015 is not in force in respect of a person who is an applicant for international protection.

2.5.2 Persons who have not (yet) been registered as a beneficiary of temporary protection

If a person to whom temporary protection would apply indicates a wish to make an application for international protection at Dublin Airport or other port of entry, the Garda National Immigration Bureau would register the application by completing a preliminary interview under Section 13(2) of the International Protection Act 2015 and would capture a set of fingerprints for Eurodac. The person would be advised to attend the IPO to lodge an international protection application in accordance with Section 15 of the International Protection Act 2015. This is the usual procedure for any IPA presenting at the airport or other port of entry.³⁵

If, at the Citywest Transit Hub, a person states that they wish to make an application for international protection, they are directed to the IPO. In practice, DoJ observed, this would be a very rare occurrence.³⁶ The IPO would accept the application and inform the Ukraine Response Team that this had occurred.³⁷

As stated above, it is not possible to hold temporary protection status and be an applicant for international protection at the same time (DoJ, 2022b, 2023e). Temporary Protection Certificates and Irish Residence Permit Cards are issued to BoTPs free of charge (DoJ, 2023a). The usual fee for an Irish Residence Permit Card is €300.

During the research period, all Temporary Protection Certificates were automatically extended until 4 March 2024. BoTPs were not required to take any action to renew their certificate. Any certificate issued during the research period remained valid until 4 March 2024. From 4 January 2024, all existing certificates were extended, and new certificates issued, to 4 March 2025 (DoJ, 2023a).

35 Written comments from IPO, September 2023.

36 Written comments from DoJ, Immigration Service Delivery, September 2023.

37 Written comments from IPO, September 2023.

2.6 MOVEMENT AND MOBILITY

2.6.1 Travelling to other Member States and outside the EU

As Ireland does not operate exit controls, it is generally not possible to track movements outside the state. According to DoJ, 1,129 BoPs had voluntarily withdrawn³⁸ their temporary protection status as of 31 December 2023, but it is considered that many more may have left without doing so.³⁹ Currently, there is no impact on temporary protection permission should someone travel outside the state, regardless of whether that travel is to another Member State or outside the EU.⁴⁰ However, during the research period, BoTPs leaving the state who were in receipt of social-welfare payments or availing of state-provided accommodation are obliged to inform the relevant authorities when they are leaving the state, even if only temporarily.⁴¹

BoTPs are treated the same as any other claimants of social-assistance payments of the Department of Social Protection (DSP) who travel outside the state (DSP, 2023b, 2023c). BoTPs in receipt of a social-assistance payment may be entitled to payment while outside the state for a period of two to three weeks in a calendar year. The BoTP must give advance notice of the period away and notify DSP on their return. Payment is suspended for the period they are away and will be paid to them on their return, including arrears, provided they still meet the eligibility criteria for the particular payment. If a person is absent from the state on more than one occasion during the year, payment is reinstated from the date of reapplication only. In general, no arrears are paid in such circumstances.⁴²

During 2023, BoTPs also in receipt of state-funded accommodation were subject to the provisions of an Absence Protocol, introduced from 31 March 2023 (see Section 3.3.3). The Department of Children, Equality, Disability, Integration and Youth (DCEDIY) stated that this protocol seeks to ensure that the limited supply of beds is deployed as equitably as possible. The Absence Protocol was updated on 9 October 2023 to provide that approved absences from state-funded accommodation are only possible for medical or compassionate reasons. However, all BoTPs have the option to relinquish their accommodation to allow them to travel. During the research period, BoTPs were entitled to make a new application for accommodation upon their return to Ireland.⁴³

38 BoTPs may only hold BoTP status in one Member State. When BoTPs seek to move to certain other Member States, they are required to provide evidence that they are no longer availing of temporary protection in Ireland. When this happens, they notify the Department that they no longer wish to avail of temporary protection in Ireland and are issued with a letter to confirm that their temporary protection permission in Ireland has been voluntarily withdrawn.

39 Written comments from DoJ, Immigration Service Delivery, September 2023.

40 Written comments from DoJ, Civil Migration Policy, September 2023.

41 Written comments from DoJ, Civil Migration Policy, September 2023.

42 Written comments from DSP, April 2024.

43 Written comments from DCEDIY, October 2023.

2.6.2 Assistance to people wishing to go back to Ukraine

As of the end of 2023, Ireland had no policies or supports in place to support Ukrainian nationals who wish to go home (back) to Ukraine.⁴⁴ This mirrors the situation in the majority of EU Member States (EMN, forthcoming)⁴⁵ as well as the current position on return of the UNHCR.⁴⁶ BoTPs may voluntarily withdraw their temporary protection permission in Ireland.⁴⁷ As of 31 December 2023, 1,129 BoTPs have done so.⁴⁸ However, it is important to note that this figure does not account for those who have left the state without informing immigration authorities.⁴⁹

In February 2024, the Central Statistics Office (CSO) estimated that 78 per cent of people registered for temporary protection in Ireland continued to reside in Ireland (CSO, 2024). This calculation was based on a review of administrative activity after 30 November 2023. This is a decrease from the same calculation based on administrative activity after 31 July which estimated that 82 per cent of arrivals from Ukraine continued to reside in Ireland (CSO, 2023c). Attending a Public Employment Service (PES) (Intreo) event, having a welfare payment date, starting a SOLAS (national Further Education and Training [FET] agency) course, getting paid for employment, having an active employment or changing one's address with DSP were taken as signs of activity.

2.7 CHALLENGES AND GOOD PRACTICES

2.7.1 Challenges

The main challenge encountered by the Immigration Service during the research period was the difficulty, observed in a small minority of cases, for some people registering for temporary protection to demonstrate their eligibility by providing evidence of residence in Ukraine at the relevant time. It is open to any person refused temporary protection to present to have their claim reassessed. A total of 2,340 people were refused temporary protection as of 31 December 2023. However, it is possible that some of these would subsequently have been registered, having presented again with further evidence.

2.7.2 Good practices

From 9 March 2022, Ireland established a single registration and service point for BoTPs from Ukraine (the Citywest Transit Hub) which was identified by DoJ as a good practice.⁵⁰ It is led by DoJ's Ukraine Response Team, supported by DSP, DCEDIY, the HSE and others.

44 Written comments from DoJ, March 2024.

45 As of July 2023, only Belgium, France, Italy and the Netherlands had some voluntary return assistance available or were assisting with voluntary return to Ukraine (EMN, forthcoming).

46 For more information, see UNHCR (2023).

47 When BoTPs notify the Department that they no longer wish to avail of temporary protection in Ireland, they are issued with a letter to confirm that their temporary protection permission in Ireland has been voluntarily withdrawn. BoTPs may do this if they wish to apply for another type of immigration permission or if they want to apply for international protection.

48 Written comments received from DoJ, March 2024.

49 Written comments from DoJ, Civil Justice Migration Policy, September 2023.

50 Written comments from DoJ, January 2024.

This 'one-stop shop' covers registration for temporary protection, allocation of Personal Public Services Numbers, referral to accommodation for those in need of it, and other supports and services. This service is operated in the Citywest Transit Hub and provides for 'an efficient and positive customer service for persons seeking temporary protection'.⁵¹

51 Written comments from DoJ, January 2024.

CHAPTER 3

Access to accommodation

3.1 INTRODUCTION

Under the Temporary Protection Directive (TPD), beneficiaries of temporary protection (BoTPs) are entitled to access accommodation or, if necessary, the means to obtain housing. During the research period, the State provided accommodation to BoTPs who indicate they require a place to stay.⁵² This chapter provides an overview of the accommodation supports available to BoTPs in Ireland during the research period and highlights key challenges and good practices in the area.

3.2 OVERVIEW OF SUPPORT

Ireland has used a range of temporary accommodation options to house BoTPs since March 2022, including hotels in the first instance (Murphy and Sheridan, 2023). As of 31 December 2022, 54,304 BoTPs were accommodated in serviced accommodation, emergency accommodation or accommodation pledged by members of the public under the Irish Red Cross scheme (see Section 3.4.1.1 for a breakdown of figures).⁵³ As of 31 December 2023, 74,912 BoTPs were in accommodation allocated by the State, which includes 16,307 people in pledged accommodation (through Irish Red Cross pledges and Offer a Home schemes).⁵⁴

A survey conducted by Ukrainian Action in Ireland demonstrated that between 19 and 26 May 2022 (n = 2,191 adult Ukrainians, and 4,404 Ukrainians including children), 68 per cent of respondents were in state-provided accommodation and 32 per cent had found accommodation themselves (Ukrainian Action in Ireland, 2022). A second survey conducted by the same organisation between 27 January 2023 and 8 February 2023 (n = 4,273 adults, 3,665 children), reported that 55 per cent of respondents were living in state-provided hotel or hostel accommodation (Ukrainian Action in Ireland, 2023).

On 28 June 2022, the Government approved the roll-out of 500 rapid-build homes to develop housing capacity for BoTPs, to be led by the Office of Public Works (OPW), with the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) as the sponsoring authority. To identify sites for the programme, the Department of Housing, Local Government and Heritage (DHLGH) sought information from public authorities on potential sites in their ownership. On foot of the responses received, DHLGH provided a shorter list of potentially suitable sites to DCEDIY and the OPW. Once in place, the homes would accommodate 2,000 people over 20 sites across the country (DCEDIY, 2022c). This

52 It is worth noting that, more generally, there is no reference to accommodation in the International Protection Act 2015 for BoTPs.

53 Written comments from DCEDIY, September 2023.

54 Written comments from DCEDIY, April 2024.

number was extended by the Government in October 2022 to 700 units to house 2,800 BoTPs.⁵⁵

A joint scheme for householders to pledge accommodation for BoTPs was announced by DCEDIY with the Irish Red Cross in March 2022. The Accommodation Recognition Payment payable to householders who pledge accommodation under this scheme or who offer it independently was payable from 26 July 2022. Payments could be backdated to 4 March 2022 or to when a householder started hosting BoTPs.⁵⁶ In November 2022, a separate call for unoccupied stand-alone properties under the auspices of DHLGH and led by local authorities was announced (DCEDIY, 2023a). Offers of properties under this programme also attract the Accommodation Recognition Payment which was doubled from 1 December 2022 to €800 per month per household (Department of the Taoiseach, 2022c).

On 28 October 2022, the Government agreed that Ireland would move from an emergency response to a more mainstreamed approach ‘in light of the high numbers of people seeking asylum, the need to maximise all existing capacity, to bring greater consistency and to ensure equity for all those who rely on state supports’ (Department of the Taoiseach, 2022d). According to the Minister for Children, Equality, Disability, Integration and Youth, the high level of demand on state-provided accommodation and the need to maximise available capacity ‘includes taking account of the level of income supports being provided by the State in addition to accommodation and access to a range of state services. The decision involved moving to a more standard offer of accommodation, with more BoTPs utilising existing state income supports or income from employment to pay for their own food and day-to-day expenses’ (DCEDIY, 2023d). The Government also agreed to accelerate the rapid-build housing programme (Department of the Taoiseach, 2022d).

3.3 RECENT DEVELOPMENTS

Following the Government’s decision in October 2022, new policies that took into account the pressure on accommodation supply and the need for a sustainable approach were adopted. This included a policy under which BoTPs are made a maximum of one offer of state accommodation as well as other developments in 2023 discussed in the following subsection (DCEDIY, 2022d).

3.3.1 Changes to accommodation supports

On 12 December 2023, the Government agreed to revise the supports for BoTPs arriving in Ireland. Under this new approach, newly arriving BoTPs who seek accommodation from the State will be provided with accommodation for a maximum of 90 days (Department of the Taoiseach, 2023a). According to the Government, these changes are required to ensure Ireland can continue to meet its obligations towards BoTPs. While not

55 Written comments from DCEDIY, September 2023.

56 Written comments from DCEDIY, September 2023.

covered in the research period of this study, it is important to note that new legislation brought this revised approach into effect from 14 March 2024 (DCEDIY, 2024). While the new approach will not impact on those who are currently in state accommodation, BoTPs are advised that state accommodation is to be seen as short-term. The implementation of this 90-day policy has been strongly contested by the NGO community.⁵⁷

The government decision provided that Designated Accommodation Centres (DACs) for newly arrived BoTPs will be established as larger sites offering meals, laundry facilities, health assistance and a programme of activities for children and young people. According to the Government, the centres will also ‘provide information on entitlements and accommodation to help arrivals to find their own independent accommodation and to integrate with local communities’ (Department of the Taoiseach, 2023b). After the maximum of 90 days, no further state-supported accommodation will be provided, and BoTPs will be required to source their own accommodation or avail of pledged accommodation. The Government will communicate these changes through various channels to ensure that BoTPs who are considering travelling to Ireland are fully aware of the level of assistance being offered and the need to find their own accommodation after 90 days (Department of the Taoiseach, 2023b).

3.3.2 New accommodation contracts

Commercial contracts to provide state-funded accommodation to BoTPs were on a full-board basis in 2022. As temporary protection was granted initially for 12 months, accommodation providers were contracted for that same period. In December 2022, renewal negotiations began with accommodation providers (DCEDIY, 2023d). A revised model was introduced in January 2023 which, during the research period, required BoTPs to contribute towards their accommodation. Just 7.5 per cent of existing providers did not agree to the new contractual terms, in which case DCEDIY did not renew the contracts.⁵⁸ In addition, rates were renegotiated, aiming to provide better value for money and a saving for the Exchequer.⁵⁹

For the research period, new contracts were self-catering or bed-only basis. However, the contractor had to be able to provide meals or self-catering facilities.⁶⁰ BoTPs contribute to the costs of meals provided at a daily rate of €10 per adult and €5 per child (DCEDIY, 2023b). The cost of meals for the first two weeks in the accommodation is covered by DCEDIY.

3.3.3 Absence Protocol for beneficiaries of temporary protection in state-funded accommodation

An Absence Protocol for BoTPs has been in place since 31 March 2023 and originally allowed for a maximum absence of seven non-cumulative days in any six-month period.

57 Written comments received from Irish Red Cross, March 2024.

58 Written comments from DCEDIY, September 2023.

59 Written comments from DCEDIY, February 2024.

60 Procurement is currently paused. Written comments from DCEDIY, April 2024.

From 9 October 2023, the protocol was updated, and approved absences from state-funded accommodation are only possible for medical or compassionate reasons. However, the updated protocol gives all BoTPs the option to relinquish their accommodation to allow them to travel for non-exceptional circumstances. Throughout the research period, BoTPs who relinquished their accommodation were eligible to make a new application for accommodation upon their return to Ireland, if accommodation was available.⁶¹

DCEDIY stated that this updated protocol acknowledged that the constrained supply of new accommodation coming on stream did not align with the number of new arrivals to Ireland.⁶² The purpose of this policy is to maximise the occupation of beds in state-funded accommodation and to facilitate the reallocation of unoccupied beds (DCEDIY, 2022a). The Irish Red Cross raised a concern regarding the lack of standardised implementation across accommodation centres which may be leading to an increase in BoTPs being made homeless.⁶³

3.3.4 Bringing new accommodation onstream

3.3.4.1 Rest centres

During the research period, DCEDIY engaged with the City and County Management Association and the Local Government Management Association on the provision of rest centres, which have proved important in meeting surges of arrivals of displaced people from Ukraine (DCEDIY, 2023c). The term ‘rest centre’ refers to very short-term emergency accommodation, usually of a very basic nature in a congregated setting, provided by local authorities. Most rest centres comprise a communal setting and include sports and community halls, scouting centres and Civil Defence headquarters. It also includes the use of tented accommodation at Defence Forces’ army barracks and commercially provided tented accommodation. Rest centres are generally equipped with camp beds and are fully catered by the local authorities or facility management companies.⁶⁴ All arrivals seeking accommodation are currently processed via the Citywest Transit Hub. Rest centres are generally established and supervised by the local authorities working closely with the Citywest Transit Hub.⁶⁵

61 Written comments from DCEDIY, October 2023. See also DCEDIY, 2022a, last updated on 10 October 2023

62 Written comments from DCEDIY, October 2023.

63 Written comments from Irish Red Cross, March 2024.

64 Rest centres are used as an alternative to longer-term accommodation if and when longer-term accommodation is not available due to various reasons, e.g., high volumes of BoTPs. However, the need for rest centres has been a constant feature since 2022. BoTPs are assessed for medical needs at the Citywest Transit Hub, and DCEDIY screens BoTPs before allocation to a rest centre, assigning alternative accommodation where possible to more vulnerable people. The relocation process from rest centres to longer-term accommodation is supervised by the Relocations Team in DCEDIY and by local authorities, with the assistance of NGOs, to pledged houses or the Offer a Home scheme. Written comments from DCEDIY, September 2023.

65 Written comments from DCEDIY, September 2023.

Since December 2023, ahead of the implementation of the new 90-day policy, a phased closure of Emergency Rest Centres was conducted.⁶⁶

3.3.4.2 Offers of Commercial Accommodation List

In January 2023, a new streamlined process to allow accommodation providers to submit offers of commercial accommodation was announced by DCEDIY. During the research period, offers of commercial accommodation had to be in specific categories and meet specific criteria. These categories included hotels, hostels, B&Bs and guesthouses with capacity for more than 15 people; deregistered nursing homes; whole holiday-village complexes; and non-standard units capable of repurposing as accommodation for BoTPs.

In line with the policy in place since the beginning of the response to arrivals from Ukraine, accommodation set aside for social housing could not be considered. Other categories not considered for inclusion were currently operating nursing homes, student accommodation during term time, and accommodation planned for use by other arms of government. During the research period, once commercial offers were assessed as meeting the criteria, the provider was contacted by the procurement team in DCEDIY with a view to negotiate a contract under the new bed-only or self-catering accommodation provision. Contractors had to be able to commit to provide the accommodation for a minimum period of three months (DCEDIY, 2023b).

At the end of April 2023, it was decided to allow the conversion of nursing homes into accommodation centres for international protection applicants (IPAs) and BoTPs after 18 months following removal from the Health Information and Quality Agency (HIQA) Chief Inspector's register. This was a review of the previous policy which removed nursing homes registered as active operators on or after 1 September 2022 from consideration. This was intended to allow for an appropriate closure process for residents and staff of nursing homes while preventing facilities from being empty indefinitely where they might provide a source of accommodation for IPAs and BoTPs (Department of Health, 2023c).

3.3.4.3 Refurbished properties

In 2022, DHLGH was tasked with identifying both state-owned and privately owned vacant properties which could be repurposed as accommodation for BoTPs. Since 20 January 2023, private operators may submit offers of properties in need of refurbishment to the Offers of Commercial Accommodation List run by DCEDIY, and the details are shared with DHLGH (DCEDIY, 2023g).⁶⁷

The Emergency Refurbishment (Ukraine) Programme is a combined effort between DHLGH, DCEDIY and local authorities. There is a three-way memorandum of

66 There is no interaction or relation between Emergency Rest Centres and the new DACs as the rest centres are now closed. Nevertheless, one emergency rest centre was repurposed as a DAC, and a second one is under consideration for use as a DAC. Written comments from DCEDIY, April 2024.

67 It is important to note that DCEDIY, as of 6 February 2024, paused the Offers Portal for commercial accommodation, with the exception of modular offers and properties coming through the refurbishment scheme (written comments from DCEDIY, February 2024).

understanding (MoU), which has been coordinated by the Local Government Management Association, that defines the processes and procedures for assessing properties.⁶⁸ Under the MoU, there are two ways in which properties can be refurbished:

- 1 The local authority conducts the development and recoups the costs from DHLGH; or
- 2 A developer is hired to conduct the development.

3.3.4.4 Rapid-build housing

DCEDIY is collaborating with the OPW in implementing the (as of 30 May 2023) 700 rapid-build homes approved by the Government for BoTPs. This is an increase of 200 units over the 500 originally approved in 2022 (DCEDIY, 2022c). These homes have the potential to accommodate up to 2,800 individuals in family units (based on four-person family units) (DCEDIY, 2023f).

As of 31 December 2023, there were seven sites completed in this programme, at locations spread around the country.⁶⁹ Some 310 rapid-build units were available for use by BoTPs, and 1,240 people had moved into their own rapid-build homes.⁷⁰ The remaining units, subject to any technical issues arising during construction, will be delivered over the course of 2024.

On 4 July 2023, the Minister for Children, Equality, Disability, Integration and Youth indicated that an allocation protocol had been approved for the rapid-build housing units (DCEDIY, 2023h). This policy was developed during early 2023. Priority criteria are applied, which, according to DCEDIY, provide a consistent approach to how families are allocated. Under the policy, families of four located in the county or counties close to the housing site are being prioritised. All family units housed in rapid builds are already set up with social-welfare supports or employment. DCEDIY noted that it is desirable that families assigned should have the intention of staying in Ireland for at least a further six-month period to avoid high turnover of residents but stated that this is not a criterion for assigning families.⁷¹

BoTPs living in the rapid-build accommodation units are required to pay an accommodation contribution. DCEDIY developed and implemented a contribution and utility-charge policy for this purpose. Following advice sought from the Chief State Solicitor's Office on the legal arrangements for BoTPs moving on site, it was agreed that a licence agreement was the most appropriate option, and each adult must sign a licence and also agree to abide by the House Rules when they move into their rapid-build home.⁷² Occupancy of the rapid-build homes is a short-term measure, and the licence agreement formalises this temporary arrangement between the Department and the BoTPs. The

68 Interview with Kerry County Council, December 2023.

69 The locations of the rapid-build sites include, for example, Cavan, Cork, Mayo, Tipperary and Sligo. .

70 Written comments from DCEDIY, February 2024.

71 Written comments from DCEDIY, September 2023.

72 Written comments from DCEDIY, September 2023.

licence sets out clearly the requirements for both BoTPs and the Department during the duration of the occupation.

DCEDIY has led on communications on the rapid-build project and undertook broad engagement with local representatives and schools, among others, via a range of communications options including with family resource centres, local development networks and Community Response Forums, briefings to An Garda Síochána and providing regular updates to local communities where sites are to be located.

Before locating rapid-build homes on local-authority-owned lands, a vote is required by council members on the granting of a lease of over 11 months' duration, as provided under the Local Government Act 2001. DCEDIY commenced engagement with local authorities on the matter in November 2022, and the work continued throughout the research period.⁷³

A contract commenced in May 2023 with Tuath, an approved housing body, to manage the rapid-build units, following a competitive process.⁷⁴

During the research period, the International Organization for Migration (IOM) continued to assist DCEDIY in contacting families and arranging moves to the new rapid-build homes (DCEDIY, 2023h). They are provided with lists of families by DCEDIY that satisfy the allocation criteria and who live locally, and they interview and confirm the families' eligibility and suitability for the units. The IOM also organises transport to the sites and helps residents settle in on the first day, along with Tuath.⁷⁵

3.3.4.5 Pledged accommodation

The original pledged accommodation scheme with the Irish Red Cross and the scheme run since December 2022 by the local authorities to allow property owners pledge stand-alone unoccupied properties also continued in 2023. In April 2023, the Irish Red Cross, funded by DCEDIY, resumed responsibility for managing and coordinating the pledge process, with assistance from implementing partners.⁷⁶ Throughout 2023, DCEDIY provided increased funding to ensure that the Irish Red Cross had the capacity and supports to fulfil its role in maintaining and extending existing pledges and in activating new pledges.⁷⁷

The Irish Red Cross noted that hosting, when paired with the provision of supports for hosts and guests, can serve as a vital interim accommodation option for people who have been displaced.⁷⁸

A total of 9,922 BoTPs had been placed in properties under the Irish Red Cross scheme from the start of the scheme to 31 December 2023.⁷⁹ A total of 6,385 BoTPs had also

73 Written comments from DCEDIY, September 2023.

74 Written comments from DCEDIY, September 2023.

75 Written comments from DCEDIY, October 2023.

76 Implementing partners include local authorities, IOM, Helping Irish Hosts and the Peter McVerry Trust.

77 Written comments from DCEDIY, September 2023.

78 Written comments from Irish Red Cross, March 2024.

79 Written comments from DCEDIY, April 2024.

been placed in the Offer a Home scheme managed by local authorities and overseen by DHLGH. In total, therefore, over 16,307 BoTPs had been placed in accommodation pledged across the two schemes by 31 December 2023, both to the Irish Red Cross and the Offer a Home scheme managed by local authorities.⁸⁰ As of June 2023, 25 per cent of Ukrainian people living in Ireland were living in host accommodation and pledged properties compared to 8–9 per cent across the EU (Helping Irish Hosts, 2024).

It should be noted that private arrangements may also be made between hosts and BoTPs. All these arrangements attract payment of the Accommodation Recognition Payment to hosts or householders. Data from the Central Statistics Office (CSO) on the Accommodation Recognition Payment include BoTPs accommodated through the Irish Red Cross appeal, the Offer a Home scheme and private arrangements, but is not broken down by stream. As of 12 February 2023, a total number of 4,791 hosts were in receipt of the Accommodation Recognition Payment, hosting 10,153 arrivals from Ukraine (CSO, 2023a). By 31 December 2023, this figure had risen to 20,902 BoTPs in 10,342 properties.⁸¹ The Accommodation Recognition Payment is made per property and not per person hosted.

3.3.5 Cross-government coordination

There have been a number of important developments in relation to cross-government coordination on accommodation. First, a Senior Officials Accommodation Working Group was established by Department of the Taoiseach in November 2022 to support and coordinate the work of DCEDIY, DHLGH and the OPW in the delivery of accommodation (Department of the Taoiseach, 2023a).⁸² A Technical Working Group was then established in March 2023, which works under the auspices of the Accommodation Working Group to consider potential strands of accommodation offers for BoTPs (and IPAs) and determines a process for deciding on projects involving the refurbishment of buildings (DCEDIY, 2023g).⁸³

DCEDIY advised that a significant portion of the work of both the Accommodation Working Group and the Technical Working Group during the research period has been focused on diversifying accommodation options available to the Government for BoTPs. This has included developing an MoU between DCEDIY, DHLGH and the City and County Management Association. This MoU enables the Technical Working Group to identify and appraise potential properties for refurbishment. Through the MoU, properties are approved for use as temporary accommodation, appropriate contractual arrangements are confirmed, and funding from DCEDIY is approved for properties that pass all assessments. The MoU provides for assessment and oversight of refurbishment projects to be completed by local authorities.

80 Written comments from DCEDIY, April 2024.

81 Written comments from Irish Red Cross, April 2024. Note that this figure also includes BoTPs in ad hoc property arrangements outside of the two schemes.

82 Written comments from DCEDIY, September 2023.

83 Written comments from DCEDIY, September 2023.

The Accommodation Working Group has overseen proof-of-concept rapid-build housing pilots to explore the viability of the accommodation strand at scale as part of the solution to accommodation challenges currently faced. The Accommodation Working Group is also responsible for developing the medium-term Humanitarian Response Accommodation Strategy, seeking to set out the policy approach to date for BoTPs and IPAs, medium-term objectives and implementation plan for accommodation workstreams.⁸⁴

The Irish Red Cross raised concern that the cross-government coordination effort may not be translating into more streamlined communication on accommodation allocation.⁸⁵

3.4 CHALLENGES AND GOOD PRACTICES IN PROVIDING ACCESS TO SUITABLE ACCOMMODATION

3.4.1 Challenges

DCEDIY has indicated that challenges are cumulative, due to supply and demand pressures. Additionally, challenges emerged with legacy issues arising from processes established early in the emergency response, such as accommodation provider compliance, as covered under Section 3.4.1.2 below. DCEDIY has signalled that it continues to take steps to prioritise the resolution of challenges through strategic process improvement projects, including through the establishment of a dedicated Compliance Team and a consolidation of the accommodation portfolio with the overall aim of moving from an emergency response to a more sustainable response in the medium term.⁸⁶

3.4.1.1 Challenges as a result of the context of housing in Ireland

The main challenge in Ireland was the consistent provision of accommodation on the scale required since the activation of the TPD in March 2022. Table 3.1 shows the total number of BoTPs availing of accommodation supports overall since 2022 and the increase from 31 December 2022 to 31 December 2023, for the different accommodation streams.

84 Written comments from DCEDIY, September 2023.

85 Written comments received from the Irish Red Cross, March 2024.

86 Written comments from DCEDIY, September 2023.

TABLE 3.1 NUMBER OF BOTPS BY ACCOMMODATION STREAM, 2022–3

Persons using accommodation	As of 31 December 2022*	As of 31 July 2023**	As of 31 December 2023**
Total (of which)	54,304	69,605	74,912
Serviced accommodation (e.g., hotels)	46,498	55,861	58,007
Emergency accommodation	1,638	1,612	598
Pledged accommodation (Irish Red Cross)	6,168	8,066	9,922
Offer a Home (local authorities)	0	4,066	6,385

Notes: * Written comments from DCEDIY, September 2023; ** written comments from DCEDIY, April 2024.

DCEDIY has noted that ‘the prolonged nature of the conflict and the continued scale of arrivals in Ireland means a consistent risk exists that Ireland may have a shortfall of available BoTP accommodation at any time, to meet the incoming demand. This remains an ongoing, significant challenge’,⁸⁷ and, according to the Irish Refugee Council, is a particular risk for single men who also struggle to find pledged accommodation.⁸⁸ See Section 3.3.4 for details of efforts to bring new types of accommodation onstream during the research period.

Tied to this issue are challenges related to the shortage of housing in general in Ireland (Russell, Privalko, McGinnity and Enright, 2021; McGinnity, Privalko, Russell, Curristan, Stapleton and Laurence, 2022). There is a lack of long-term accommodation available compared to the scale required, which results in people remaining in emergency, hotel or commercial accommodation.⁸⁹ The suitability of such accommodation may also be of a concern, as demonstrated in previous research focused on homeless families (Haran and Ó Siochrú, 2020) and on IPAs (Houses of the Oireachtas Joint Committee on Justice and Equality, 2019) which highlight the risks of these types of emergency accommodation. Some parliamentary debate has explored concerns about public perception regarding housing and accommodation being made available to BoTPs when some members of the public have waited for long periods on social-housing lists. The Minister for Children, Equality, Disability, Integration and Youth has acknowledged that the level of accommodation supports needed for BoTPs have been sourced in the context of a housing crisis (DCEDIY, 2023c). The criteria for the Offers of Commercial Accommodation List (see Section 3.3.4.2 above) exclude any accommodation allocated to social housing, and it has been repeatedly clarified that accommodation made available to BoTPs is emergency accommodation and that they do not get a position on the social-housing list (DCEDIY, 2023c). DCEDIY works with local authorities to ensure that social-housing units are not contracted (DCEDIY, 2023c).

87 Written comments from DCEDIY, September 2023.

88 Written comments from Irish Refugee Council, March 2024.

89 Written comments from Irish Refugee Council, March 2024.

Rent Supplement is a social-welfare payment administered by the Department of Social Protection (DSP). BoTPs who incur rent costs may qualify for Rent Supplement at equivalent rates to Irish nationals and others with permission to reside in Ireland. The Irish Refugee Council raised a concern related to the means-testing of Rent Supplement for BoTPs in practice only applying to those not in employment, or working part-time.⁹⁰ This was echoed by the Irish Red Cross who reported Rent Supplement, in reality, is ‘impossible’ to access.⁹¹

BoTPs are not eligible to apply for the Housing Assistance Payment (DHLGH, 2022), which, when combined with the broader capacity issues within the current system, has resulted in some BoTPs fearing they may lose their accommodation if they were to get full-time employment because as their income rises their Rent Supplement decreases.⁹²

There have been challenges related to the displacement of accommodation needed for other sectors.⁹³ The criteria for the Offers of Commercial Accommodation List exclude student accommodation in use during term time and currently registered nursing homes.

Another challenge identified during the research period related to the relocation of BoTPs to new locations when accommodation contracts end or accommodation is no longer available (e.g., when student accommodation is needed for the academic year). These relocations may result in BoTPs being far from their job or from their children’s schools. DCEDIY has explained in this context that ‘while we will endeavour to offer alternative accommodation in the region in which those affected are currently accommodated, this is not always possible. We cannot guarantee the standard or location of an alternative offer of temporary accommodation at this time, as this is dependent on availability and demand. We encourage those wishing to remain in their current locality to engage with the local authority to assess the possibility of finding accommodation in the community if possible’ (DCEDIY, 2023j).

The Irish Refugee Council reported that BoTPs are often given very short notice about reallocations, which they identify as a barrier to integration.⁹⁴

The impact of the reliance on the use of hotel accommodation on the tourist sector has also been debated. The Minister for Children, Equality, Disability, Integration and Youth has acknowledged the concerns in communities about the impact on the tourist sector and consequent impact on spending in local economies. DCEDIY regularly engages with Fáilte Ireland and the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (DTCAGSM) to allow key stakeholders to feed into policies under development (DCEDIY, 2023d).

In June and November 2023, Fáilte Ireland carried out detailed analyses of data provided by DCEDIY concerning the bed stock under contract to accommodate BoTPs and IPAs and

90 Interview conducted with Irish Refugee Council, January 2024.

91 Written comments from Irish Red Cross, March 2024.

92 Interview conducted with Irish Refugee Council, January 2024.

93 This has been raised in parliamentary questions, e.g., DCEDIY, 2023i.

94 Interview conducted with Irish Refugee Council, January 2024.

established that, in June, 13 per cent of all registered tourism accommodation stock nationally was under contract to the State, reducing to 12 per cent by November 2023.⁹⁵ An additional quantum of tourism-type accommodation that is not registered with Fáilte Ireland is also contracted to the State. This analysis also identified that, in three counties, more than 20 per cent of the registered tourism accommodation stock is used for humanitarian purposes.

In 2023, Fáilte Ireland also undertook further research to look at the impact of stock displacement on tourist attraction and activity providers. The overall findings are that most attractions, experiences and activity providers experienced a drop in business volume compared to 2019 across all three markets (Republic of Ireland, Northern Ireland and overseas).⁹⁶

According to businesses, the result of a reduction in accommodation available for tourists has been a decline in the numbers of visitors, their length of stay and the money spent in the local area.⁹⁷

As described in Section 3.3.4, in attempts to mitigate some of these challenges, additional sources of accommodation beyond the tourist sector are increasingly coming onstream. This approach has been emphasised as part of the whole-of-government response (DCEDIY, 2023d).

3.4.1.2 Administrative challenges

DCEDIY reported that the speed of the response led to several administrative challenges, including the compliance challenges referred to below. Significant resources are required to manage the accommodation portfolio, and the end-to-end workflow covers accommodation-offer review and negotiation, contracting, bringing accommodation on stream, allocations to accommodation and, finally, payment to suppliers.

One significant challenge that emerged at the end of 2022 was the need to renew contracts with accommodation suppliers on new terms. According to DCEDIY, one objective of this process was to ‘bring new contractual agreements in line with new terms to ensure greatest value for money for the State; including implementing the BoTP contribution model, where possible moving contracts to self-catering, and agreeing revised nightly rates’.⁹⁸ As indicated under Section 3.3.2, this project finished in July 2023 with 7.5 per cent of providers disagreeing with the new terms.

A further challenge that has received considerable public attention is the payment of invoices to accommodation providers, which became a particularly pressing administrative burden in late 2022 (DCEDIY, 2023e). DCEDIY noted that the volume of invoices together with insufficient staffing levels and lack of case-management software created a backlog. This continued to be a challenge during the research period, but

95 Written comments from DTCAGSM, February 2024.

96 Written comments from DTCAGSM, February 2024.

97 Written comments from DTCAGSM, February 2024.

98 Written comments from DCEDIY, September 2023.

DCEDIY stated that increased resourcing and automation of some tasks in the work area have led to significant improvements.⁹⁹

The Irish Refugee Council identified non-response to emails sent by BoTPs to DCEDIY as a challenge, suggesting that the use of several allocated email addresses for the different thematic divisions would assist in overcoming this challenge.¹⁰⁰ The International Protection Accommodation Service (IPAS), however, noted the existence of individual generic email addresses for different thematic areas, alongside a centralised ticketing system for managing general queries.¹⁰¹

Compliance issues have been highlighted as a particular challenge by DCEDIY. This refers to compliance with accommodation standards, health and safety standards, use of non-contracted secondary accommodation to house BoTPs,¹⁰² and non-compliant residential housing. DCEDIY indicated that during the early stages of the State's response to the conflict, staff did not have the capacity to validate offers and accepted in good faith that commercial accommodation offered was of a standard to be commercially operational.

In January 2023, the Offers of Commercial Accommodation List put in place a single route for all offers of commercial accommodation and allowed for full validation of all offers received. This has significantly helped to limit the risk of provider non-compliance. However, the improved processes brought legacy compliance issues to light. As a result, DCEDIY established a dedicated Compliance Team within the Ukraine Division which is examining and resolving these issues through a phased approach, focusing initially on issues such as the use of secondary properties and private homes and the risk of overpayment.

BoTPs can make their own arrangements for accommodation in order to reunify with family members, including through availing of pledged accommodation where available. In cases of medical or compassionate grounds, or where beds are available in the same room as family members, requests for family reunification are considered on a case-by-case basis.¹⁰³ Despite these measures, challenges have been identified related to the reunification of family members within Ireland when they arrive into the state at different times. The Irish Refugee Council reported that many families are currently living separately and, in many cases, far away from each other.¹⁰⁴ This is not the case when the latest arrival of the family is a child or an elderly relative: in those instances, every effort is made to reunify the family.

Finally, with regards to rapid-build housing, DCEDIY noted a number of issues relating to site conditions, remedial works, boundaries, electricity connections, etc., that resulted in completion delays.¹⁰⁵

99 Written comments from DCEDIY, September 2023.

100 Interview with Irish Refugee Council, January 2024.

101 Written comments from DCEDIY, February 2024.

102 This is where an accommodation provider uses properties that are not included in their contract with DCEDIY.

103 Written comments from DCEDIY, February 2024.

104 Interview with Irish Refugee Council, January 2024.

105 Written comments received from DCEDIY, February 2024.

3.4.1.3 Pledged accommodation

A survey with Accommodation Recognition Payment registered hosts conducted in October 2023 found that 92 per cent of 1,246 respondents were happy with their host experience (Helping Irish Hosts, 2024). However, when asked about challenges, 32 per cent reported cultural or language barriers. Other reported challenges related to financial difficulties (19 per cent), ‘having to share their space’ (19 per cent) and being unable to engage in ‘long-term planning’ (18 per cent). Nineteen per cent of respondents reported that they had no challenges to overcome.

While a robust framework of support and resources are in place to sustain hosting for as long as possible, NGOs working in this space acknowledge that while hosting provides a ‘soft landing’ for BoTPs and provides them with time and support necessary to adjust to their new location,¹⁰⁶ it is not a long-term solution.¹⁰⁷ Helping Irish Hosts report that host fatigue is a factor contributing to many arrangements coming to an end after the initial hosting term.¹⁰⁸ Similarly, across Europe, host burnout has been reported as a challenge that arises in pledged accommodation (Migration Policy Institute Europe, 2023). While the Government provides some resources to support pledging and hosting efforts, hosts receive limited training and follow-up support, and some have described their experience as ‘lonely’. BoTPs also reported being often unsure about the boundaries their host can set (Migration Policy Institute Europe, 2023).

3.4.2 Good practices

Kerry County Council reported the use of ‘In Reach Teams’ as a good practice, particularly in Kerry. These teams are led by the Health Service Executive (HSE), but membership includes NGOs, family resource centres, local community development companies, Kerry ETBs and REALTs. These teams provide key information on when new arrivals are due to arrive in the locality and then attend the accommodation to inform BoTPs of the local services available to them soon after their arrival.¹⁰⁹

3.4.2.1 Pledged accommodation

In terms of pledged accommodation, a survey of hosts found that 92 per cent of respondents found their experience hosting BoTPs to be ‘good’ or ‘better than expected’, and 76 per cent would recommend hosting to a friend (Helping Irish Hosts, 2024). The use of Red Cross consortium-supported licence agreements signed between hosts and guests and the supports of dedicated caseworkers have been reported as a good practice in reducing the risk of host–guest conflict.¹¹⁰ This is supported by the survey finding that 46 per cent of hosts surveyed had engaged with dedicated support services ranging from caseworker calls, support hotline, online classes and in-person information sessions

106 Written comments received from Irish Red Cross, March 2024.

107 Written comments received from Helping Irish Hosts, February 2024.

108 Written comments received from Helping Irish Hosts, February 2024.

109 Interview with Kerry County Council, December 2023.

110 Written comments received from Irish Red Cross, March 2024.

offered by implementing partners.¹¹¹ The survey also found that while goodwill was the primary motivator for hosting in Ireland (76 per cent of respondents reported solidarity as the motivating factor), the Accommodation Recognition Payment has allowed hosts to continue the arrangement for a longer period of time (Helping Irish Hosts, 2024). It is also alleviating financial pressure; 81 per cent of guests claim to not have been asked for a financial contribution to the household by their hosts.¹¹²

111 Implementing partners include local authorities, IOM, Helping Irish Hosts and the Peter McVerry Trust.

112 Written comments received from Irish Red Cross, March 2024.

CHAPTER 4

Access to the labour market and education

4.1 INTRODUCTION

Articles 12 and 14 of the Temporary Protection Directive (TPD) provide that:

12. The Member States shall authorise, for a period not exceeding that of temporary protection, persons enjoying temporary protection to engage in employed or self-employed activities, subject to rules applicable to the profession, as well as in activities such as educational opportunities for adults, vocational training and practical workplace experience.

[...]

14(1). The Member States shall grant to persons under 18 years of age enjoying temporary protection access to the education system under the same conditions as nationals of the host Member State.

14(2). The Member State may allow adults enjoying temporary protection access to the general education system.

Section 60(10)(a) of the International Protection Act 2015 provides that beneficiaries of temporary protection (BoTPs) are entitled ‘to seek and enter employment, to engage in any business, trade or profession and to have access to education and training in the state in the like manner and to the like extent in all respects as an Irish citizen.’

This means that people with BoTP status can work legally in Ireland without having to access the employment permits system or requiring any other immigration permission permitting them to do so once they have received a letter confirming they have temporary protection under the TPD (Department of Enterprise, Trade and Employment, 2023). It also means that children can access primary and secondary schools while adults can access higher education and training.

This chapter will examine the supports available to BoTPs in accessing the labour market and education during the research period and will highlight the challenges and good practices in relation to both.

4.2 ACCESS TO THE LABOUR MARKET

Within the whole-of-government ‘one-stop shop’ approach, BoTPs are allocated a Personal Public Service Number (PPSN), necessary for accessing employment and social services. Once BoTPs have received their Temporary Protection Certificate, they have the right to work in Ireland – this includes self-employment – and are entitled to the full range of statutory employment rights and protections.

During the research period, once BoTPs are allocated a PPSN number, they then have access to a range of supports provided by Public Employment Service (PES) (Intreo) and administered by the Department of Social Protection (DSP). This usually includes Jobseeker's Allowance, which is payable while BoTPs are seeking employment. As of 14 February 2023, 16,774 arrivals from Ukraine had earnings from employment (Central Statistics Office [CSO], 2023d). By December 2023, this figure had risen to 33,353 (CSO, 2023d).

BoTPs seeking employment can access a service on www.jobsireland.ie to directly upload details of their skills and experience for matching with available job opportunities. Information material is available in Ukrainian and Russian. Employers may also register on www.jobsireland.ie to advertise vacancies. PES (Intreo) then matches jobs advertised with those seeking employment (EMN, 2022a).

DSP has a number of schemes including the Work Placement Experience Programme and the JobsPlus scheme, which can assist employers to provide work experience for potential employees and to recruit directly from the Live Register (DSP, 2023e).

There were a number of key developments related to access to the labour market for BoTPs for the research period, which included the expansion of employment services and supports (including the CE Schemes and outreach events) and an automated PPSN-allocation procedure.

4.2.1 Recent developments

4.2.1.1 Employment supports

It is a government priority to encourage people into employment and to reduce dependence on social-welfare income supports. Pathways to Work 2021–2025, the Government's employment services and activation framework, commits to supporting those who are most distant from the labour market as well as those who are employed and wish to upskill (see Government of Ireland, 2021a).

PES (Intreo) began actively engaging with BoTPs on a voluntary basis in April 2022. The service, while voluntary in nature, was targeted to the cohort, providing information on and access to the employment supports available. From early 2023, engagement became targeted and mandatory, and, since June 2023, BoTPs have been integrated into the standard activation process¹¹³ and are treated the same as all other recipients of Jobseeker's Allowance: employment services and supports are provided by PES (Intreo) for up to 12 months and by PES (Intreo) partners after 12 months of engagement.¹¹⁴

113 For jobseeker's payments and activation, see www.citizensinformation.ie/en/social-welfare/social-welfare-payments/unemployed-people/employment-supports/#:~:text=If%20you%20are%20getting%20a%20Jobseeker's%20payment%20you%20may%20have,offered%20during%20the%20activation%20process. DSP describes activation as working with jobseekers to support them back into employment, with jobseekers expected to fully engage and use the supports offered during the activation process.

114 Any jobseeker payment is paid on the basis of the fact that the recipient is available for and genuinely seeking work. Written comments from DSP, April 2024.

Engagement with employment services for those in receipt of Jobseeker’s Allowance is mandatory.¹¹⁵ These services provide a range of employment supports, including access to active labour-market programmes and Further Education and Training (FET) opportunities, dependent on the length of time in receipt of Jobseeker’s Allowance.¹¹⁶ BoTP jobseekers, like all recipients of Jobseeker’s Allowance, can access Digital Pathways to Work, an online self-service support that allows recipients of Jobseeker’s Allowance to take more ownership and responsibility for their journey back into employment, with the ongoing support of PES (Intreo) employment support officers. This service includes access to video appointments.

In March 2023, DSP announced that BoTPs fleeing Ukraine who are in Ireland under the TPD would be eligible for the Community Employment (CE) Programme (also known as CE Scheme) after nine months on the Live Register, rather than 12 months (DSP, 2023a).¹¹⁷ The CE Programme is designed to help people who are long-term unemployed (or otherwise disadvantaged) to get back to work by offering part-time and temporary placements in jobs based within local communities.¹¹⁸

4.2.1.2 Administrative supports

An automated procedure for allocating the PPSN was introduced in 2023 to replace the dedicated fast-track processing team that had been in place for BoTPs in 2022. A PPSN is now automatically generated for the person once the information on temporary protection status is shared by the Department of Justice (DoJ) with DSP. This procedure applies to all ports of entry.¹¹⁹

To mitigate barriers to accessing the labour market (as well as to provide relevant support in other circumstances), the Childcare Support Act 2018 was amended by Part 3 of the Civil Law (Miscellaneous Provisions) Act 2022 to allow BoTPs to apply for financial support under the National Childcare Scheme (OECD, 2023c) which provides two types of childcare subsidies, universal and income assessed, for all children over the age of 24 weeks and up to 15 years old.¹²⁰ This legislative amendment commenced from 26 July 2022.¹²¹ In January 2023, there were some general increases to subsidies offered under the scheme (National Childcare Scheme, 2022).

115 Written comments from DSP, October 2023.

116 Written comments from DSP, February 2024.

117 Written comments from DSP, October 2023. See also DSP, 2023a.

118 DSP gives allowances and funding to assist with the CE Programme, for example, wages, supervisor grants, materials grants and specific skills training grants. Community Employment sponsors are the voluntary organisations or public bodies that manage CE programmes at a local level. See www.citizensinformation.ie/en/employment/unemployment-and-redundancy/employment-support-schemes/community-employment-scheme/#:~:text=the%20CE%20scheme-,What%20is%20the%20CE%20scheme%3F,jobs%20based%20within%20local%20communities.

119 Written comments from DSP, October 2023.

120 See also National Childcare Scheme, 2024.

121 SI No. 374/2022 – Civil Law (Miscellaneous Provisions) Act 2022 (Parts 2 and 3) (Commencement) Order 2022.

4.2.2 Challenges and good practices in providing access to the labour market

4.2.2.1 Challenges

The lack of a coordinated approach to English-language provision for adult learners in Ireland has been raised as a policy issue in Monitoring Reports on Integration since 2012 (see, for example, McGinnity, Quinn, Kingston and O’Connell, 2013; McGinnity, Sprong, Quinn, Laurence, Murphy and Curristan, 2023) and has yet to be addressed. Research by Ukrainian Action in Ireland, with a sample of 7,938 BoTPs in 2023, demonstrated the importance of English-language skills for securing employment, finding that the employment rate of those surveyed decreased as English proficiency reduced (Ukrainian Action in Ireland, 2023).¹²²

A 2023 survey on the needs of BoTPs seeking employment in Ireland similarly showed the importance of language for employment, finding that language proficiency was the highest-reported need (Business in the Community [BITC], 2023). BITC also stressed the need for more intensive and practical English-language classes.¹²³

The CSO also report English-language proficiency as a challenge among BoTPs who have attended PES (Intreo) events for securing employment. Of the 28,774 arrivals who voluntarily attended an employment support event arranged by PES (Intreo) in February 2023, 70 per cent of attendees noted that English-language proficiency was a challenge in securing employment (CSO, 2023a). By 8 October 2023, this figure was 61 per cent of 36,620 arrivals (CSO, 2023c). Records of calls made to the Irish Refugee Council’s Ukrainian helpline supported this finding, also demonstrating language as the top barrier to integration. The NGO reported that many BoTPs are excluded from employment because they do not have access to language-learning supports that are adapted and appropriate to their language competencies and learning needs, with this challenge reported as particularly apparent in more remote areas of the country.¹²⁴

In February 2023, access to childcare and transport was also reported as a barrier for 1,007 people, or 4 per cent of arrivals, who attended an employment support event arranged by PES (Intreo) (CSO, 2023a). This had increased to 5 per cent (or 1,763 people) by October 2023 (CSO, 2023c). This is echoed by both the Irish Refugee Council, who highlighted limited public transport and lack of childcare as challenges to accessing the labour market,¹²⁵ and the Irish Red Cross, who highlighted transport as a particular issue for those placed in rural accommodation.¹²⁶

122 Data was collected through an online Ukrainian questionnaire over a 12-day period running from 27 January to 8 February 2023. The target audience was Ukrainians with temporary protection in Ireland. The survey was distributed through social media, Telegram, YouTube, personal messages and printed QR codes, and accepted responses in Ukrainian, Russian and English.

123 Interview with BITC, January 2024.

124 Interview with Irish Refugee Council, January 2024.

125 Written comments from Irish Refugee Council, March 2024.

126 Written comments from Irish Red Cross, March 2024.

The BITC survey also found professional recognition, housing and a lack of networks and cultural differences to be barriers to employment (BITC, 2023). The Irish Refugee Council reported isolation as an additional challenge.¹²⁷

A further challenge relates to the adequacy of skills-matching and recognition of qualifications. It has been noted that often employment experience from Ukraine is not recognised in some sectors in Ireland,¹²⁸ and that there can be issues with the recognition of certain Ukrainian diplomas.¹²⁹ The Irish Refugee Council reported that a number of BoTPs who work in a registered profession in Ukraine are unable to work in the same field in Ireland as their qualification is not recognised.¹³⁰ This is despite efforts by the Government and regulatory bodies.¹³¹ This can result in BoTPs lacking confidence and feeling as though their chance of finding a good, stable job is minimal.¹³² The Irish Refugee Council suggested that an employment helpline would assist BoTPs.¹³³

Another related challenge is the lack of available training and induction programmes in Ukrainian, with, for example, the SafePass Programme for construction workers flagged by the Irish Refugee Council as a major barrier for those without a strong level of English who wish to work within the construction sector.¹³⁴

4.2.2.2 Good practices

DSP reported that the demand for ESOL (English for Speakers of Other Languages) programmes increased during 2022 and 2023, putting pressure on the number of available places. DSP stated that it works closely with Education and Training Boards (ETBs) across the country to try to address the language barrier as soon as possible. In some instances where access to mainstream ESOL is limited, PES (Intreo) can provide a Technical Support Grant.¹³⁵

DSP noted that PES (Intreo) has established excellent working relationships with all government agencies at national and local levels. This provides the basis for open dialogue and collaboration to achieve common goals such as the provision of robust supports for BoTPs. A cross-agency collaborative approach was adopted across all areas which ensures BoTPs have access to PES (Intreo) information, supports and services along with locally targeted social-inclusion programmes and supports.¹³⁶

To support their access to employment, DSP reported several outreach measures that took place during the research period which focused on facilitating employment of BoTPs and their access to the labour market. These included four Community Employment,

127 Written comments from Irish Refugee Council, March 2024.

128 Interview with BITC, January 2024.

129 Interview with Irish Refugee Council, January 2024.

130 Interview with Irish Refugee Council, January 2024.

131 For more information, see www.citizensinformation.ie/en/moving-country/asylum-seekers-and-refugees/the-asylum-process-in-ireland/coming-to-ireland-from-ukraine/#4c62c2

132 Interview with BITC, January 2024.

133 Interview with Irish Refugee Council, January 2024.

134 Interview with Irish Refugee Council, January 2024.

135 Written comments from DSP, October 2023.

136 Written comments from DSP, October 2023.

active labour-market policies and employment recruitment campaigns specifically for BoTPs held in the north-east region of Ireland, and a recruitment event with Monaghan County Council, with jobs available on the day and CV, interview and career advice specifically for BoTPs provided. BoTPs were also invited to 37 recruitment events, along with other jobseekers, offering opportunities in FET, Community Employment, TÚS,¹³⁷ the Work Placement Experience Programme and other employment opportunities.

DSP stated that often employers attended these events and conducted on-site interviews on the day, securing employment, training and apprenticeships for many BoTPs.¹³⁸ In addition, DSP reported very positive feedback from interview and CV clinics conducted with BoTPs.¹³⁹

The BITC survey conducted in August 2023 found that BoTPs required assistance with the following to enter the labour market: CVs, interview preparation, job applications, cover letters and using job search websites. The survey also found that BoTPs wanted access to workshops, mentoring and career advice (BITC, 2023). In response to this survey, BITC, which runs an employment and integration programme for refugees and asylum-seekers (EPIC), launched a pilot of a Ukraine Employment Programme in December 2023. This programme is run through Ukrainian and supports BoTPs to find employment through group pre-employment and integration training and access to multiple business supports including IT skills training, mentoring, business workshops and mock interviews.

The Minister for Enterprise, Trade and Employment identified the ‘U-Start’ Start Your Own Business Programme as a good example regarding entrepreneurship (Department of Enterprise, Trade and Employment, 2023). This programme, which started in January 2023, was a collaboration between Fingal Local Enterprise Office and the Irish Red Cross, costing approximately €13,000 (See Fingal County Council, 2023). The initiative was designed to provide basic information to those with temporary protection status who would not be familiar with the enterprise support infrastructure in Ireland and who would not know how to go about setting up a business here. Many had previously owned their own business in Ukraine, and some wanted to commence trading in Ireland. The Irish Red Cross was able to reach out and recruit participants from across the country including Galway, Sligo and Wexford, and over 40 people have now completed the inaugural programme. Funding for this initiative is being provided through Fingal County Council (Department of Enterprise, Trade and Employment, 2023).

4.3 PRIMARY AND SECONDARY EDUCATION

The Department of Education (DoE) reported a total of 13,753 enrolments of children with BoTP status in schools in Ireland as of January 2023, with 8,823 in primary school

137 TÚS is a community work placement scheme providing short-term working opportunities for unemployed people. For more information, see www.gov.ie/en/service/de6a8b-tus-community-work-placement-initiative/

138 Written comments from DSP, October 2023.

139 Written comments from DSP, October 2023.

and 4,930 in post-primary school.¹⁴⁰ Data indicated an enrolment rate of 88 per cent among children with BoTP status aged 5–18 at the end of the school year 2022/3 (DoE, 2023a). As of 31 December 2023, enrolments had increased by 30.9 per cent, with a total of 18,003 pupils with BoTP status enrolled in schools across Ireland: 11,165 in primary schools and 6,838 in post-primary schools.¹⁴¹ Mainstream supports continue to be implemented, and additional resources have been allocated in primary and secondary education.

Expenditure by DoE in 2023 on Ukraine-related supports totalled some €208.7 million. The Minister for Education stated that an allocation of €45 million was also provided in the initial 2023 allocations for DoE, with additional funding available as necessary and appropriate from a central contingency reserve in place to further support arrivals from Ukraine (DoE, 2023d).

4.3.1 Overview of supports

Regional Education and Language Teams (REALTs) were established in 2022 with the primary role of building on existing regional education support structures through the 16 regional ETBs and the initial focus on assisting families in securing school places when they are ready to engage with the school system (Murphy and Sheridan, 2023). School engagement is mainly in relation to enrolment which typically involves discussions and advice around individual schools' capacity to enrol children and young people and around class placement.¹⁴²

Most schools also seek help from REALT coordinators in relation to school transport, which has been reported as very helpful in assisting schools with applications for transport, in particular for those whose accommodation is some distance from the school.¹⁴³ Some schools also indicate that REALT coordinators assist with translation services. Other areas where schools received support from the local REALT coordinator included communication with families, transition to post-primary school, seeking accommodation and sourcing a qualified English as an Additional Language (EAL) tutor.¹⁴⁴

REALTs also advise and support DoE in developing new capacity where required and coordinate the provision of education services to schools and families across their defined area (Department of the Taoiseach, 2022a). The Tusla Education Support Service (TESS) team continue to operate as normal with new arrivals and work closely with the REALT coordinators and can request supports from REALTs when needed to assist with the enrolment in schools (Department of the Taoiseach, 2022a).¹⁴⁵ Under its three strands, the Statutory Educational Welfare Service and the two school support services, the Home School Community Liaison Scheme and the School Completion Programme, TESS works

140 Written comments from DoE, February 2024.

141 Written comments from DoE, February 2024.

142 Written comments from DoE, September 2023.

143 Written comments from DoE, September 2023.

144 Written comments from DoE, September 2023.

145 Tusla Child and Family Agency has a statutory role to ensure children from 6 to 16 years of age are in receipt of an education which is not affected.

collaboratively with schools, families and other relevant services to achieve the best educational outcomes for children and young people.

During the research period, the School Transport Section of DoE continued to work with Bus Éireann to facilitate children with BoTP status with transport to their school of enrolment where possible. A fee waiver was introduced for children with BoTP status availing of school transport for the 2022/3 school year.

In the 2022/3 school year, over 5,500 children with BoTP status in accommodation centres, host family and private accommodation were facilitated on school transport services. By the end of December 2023, 7,500 children were facilitated on school transport services. The majority of these children were travelling on dedicated services operating to and from accommodation centres, with a smaller number of children being accommodated on existing mainstream services (these are children living with a host family or in their own accommodation.) Different application arrangements were in place for children living in accommodation centres or independent accommodation.

In cases where there is no existing service or where there is no capacity on an existing service, a grant can be offered to the host family as appropriate to support them with the cost of transport arrangements where the host family is providing for such transport arrangements.¹⁴⁶

4.3.1.1 Specialist supports

Additional supports for pupils with special-education needs, both special-education teaching (SET) hours and special-needs assistants (SNAs) have been available for schools with enrolments from pupils with international protection applicant (IPA) status since September 2021.¹⁴⁷ This system was extended to also apply to enrolments for pupils with BoTP status in 2022.

Children and young people with BoTP status may benefit from mainstream supports which are available to support special-education needs in schools generally. The scheme has been implemented again for the 2023/4 school year.¹⁴⁸ Some children with BoTP status who have more significant special educational or additional needs may struggle to attend a mainstream school, even when additional support has been provided.¹⁴⁹ Where the National Council for Special Education (NCSE)¹⁵⁰ is made aware of a child with significant special educational or additional needs, the local special educational needs organiser (SENO) will provide initial support for the parent(s) to assist with decision-making around placement.¹⁵¹ This will ensure that all parents have the capacity to

146 Written comments from DoE, September 2023.

147 Written comments from DoE, September 2023.

148 Written comments from DoE, September 2023.

149 Written comments from DoE, September 2023.

150 NCSE is an independent statutory body set up to improve the delivery of education services to people with special educational needs arising from disabilities with particular emphasis on children. A NCSE national network of Special Educational Needs Organisers (SENOs) deliver a local service, interacting with parents and schools and liaising with the Health Service Executive in providing resources to support children with special educational needs.

151 Written comments from DoE, September 2023.

advocate for their child and understand the Irish education system in order to make evidence-informed decisions.¹⁵² These supports continued to be available to children with BoTP status during the research period.¹⁵³

The allocation of specialist resources to schools takes account of the needs of pupils in the school including, where appropriate, EAL needs, for all non-English-speaking newcomers to the country. This includes the needs of pupils coming from Ukraine. DoE had, as of 10 February 2023, allocated an additional 923 EAL posts to support primary and post-primary schools in respect of the 2022/3 school year: 661 in 1,465 primary schools and 256 in 447 post-primary schools.

During the research period, the Department continued to receive and process applications from schools (DoE, 2023d). By 21 December 2023, 1,454.6 EAL posts had been allocated to support primary and post-primary schools in respect of the 2023/4 school year: 1,021 in 1,649 primary schools and 433.6 in 490 post-primary schools.¹⁵⁴

All schools have been advised of the accelerated process for applying for EAL and the frontloading process for the allocation of special educational needs resources (including teachers and SNAs).¹⁵⁵ In addition, where existing teacher resources have been exhausted to fulfil the allocated hours for EAL, post-primary schools can apply to the local ETB's ESOL panel of tutors to source additional personnel (DoE, 2023d).

In the research period, DoE published guidelines for schools (most recently in September 2023) on supporting children and young people from Ukraine enrolled in post-primary schools, which included guidance on the approach for pupils who wish to engage with the Ukrainian curriculum (DoE, 2023e). This engagement may take place during the school day where schools have the capacity to facilitate this. However, the school is not required to do this. Where there is capacity, the guidelines suggest scheduling the online engagement with the Ukraine curriculum in an optional band on the school timetable, or, perhaps, during normally scheduled Irish lessons, if the pupil has an exemption from the study of Irish (DoE, 2023c).

Where engagement with the online Ukrainian curriculum takes place prior to attending school in the morning or after school finishes in the evening, schools are advised to be cognisant of implications for the pupils' wellbeing, including the impact of the extra workload (DoE, 2023c). The Department's guidance emphasises the importance of school attendance for BoTP pupils and states that pupils should be in school every day for the full school day.¹⁵⁶

152 Written comments from DoE, September 2023.

153 Written comments from DoE, April 2024.

154 Written comments from DoE, February 2024.

155 Note the SET and SNA resources are separate to the EAL. Written comments from DoE, October 2023.

156 Written comments from DoE, September 2023.

4.3.2 Challenges and good practices in providing access to education

4.3.2.1 Challenges

Capacity is a challenge, both in terms of physical school buildings in which to accommodate additional pupils and also the human resources, teachers, SNAs, etc., with the skills to address their education needs. Capacity surveys conducted by DoE within the research period indicate reasonable capacity at primary schools on a national level, though there are pressures in some local areas. There is limited capacity at post-primary level and significant local pressures in some instances. Ukrainian school-place requirements are additional to continued demographic pressures, as well as increasing requirements for provision for children with special educational needs and the significant increase in IPAs and associated school-place needs.¹⁵⁷

It is important to benchmark the scale of increased enrolment in both primary and post-primary schools across Ireland. According to a report published in January 2024, arrivals from Ukraine enrolled in schools across Ireland amount to 57 additional primary schools and nine additional secondary schools (Barrett and Curtis, 2024). The local capacity issues were echoed by Kerry County Council who are facing pressure in each of their school planning areas, with limited or no capacity reported in each of their eight school districts.¹⁵⁸

Linked to capacity, another challenge exists regarding access to school transport. This has been an ongoing challenge, particularly in certain areas such as the east of the country, including Dublin and the surrounding areas, and the west of the country, including Clare, Donegal, Kerry and Limerick. DoE has stated that every effort is being made to ensure school transport services are up and running as they are required, but challenges continue to be reported from Bus Éireann and the Department of Transport in sourcing contractors and drivers in certain areas.

Together with the ongoing movement and arrival of families, in some cases, it can take some time to arrange services for families as information becomes available for those who require school transport.¹⁵⁹ Additional challenges in accessing school transport include the following:

- No available school transport exists where families are moved to pledged housing or host family homes in more remote areas.
- For the 2022/3 school year, a fee waiver for school transport was introduced, and, as a result, there was a corresponding high number of applications made, leading to increased demand for school transport services.

157 Written comments from DoE, September 2023.

158 Interview conducted with Kerry County Council, December 2023.

159 Written comments from DoE, September 2023.

- Service provision is challenging due to labour shortages (drivers/mechanics predominantly) coupled with low vehicular availability.¹⁶⁰

Although a budget of €4.5 million has been allocated for provision of school transport services for BoTP children under Budget 2023, due to the steady increase in the number of arrivals, there remains a requirement for additional funding.¹⁶¹

In order to facilitate school transport demand for the 2023/4 school year, DoE proposes to continue to engage with colleagues in the Department of Transport to address challenges in certain areas and with the Department of Children, Equality, Disability, Integration and Youth to ensure updated information is received in relation to the opening and closing of accommodation centres, particularly where large groups will be moved or where longer-term contracts for accommodation centres have been secured.¹⁶²

DoE noted several challenges in facilitating access to the Ukrainian curriculum¹⁶³, namely:

- lack of devices to access the curriculum online;
- the time demands of accessing two curricula (Ukrainian and Irish), where some young people have already spent a number of hours engaging with the Ukrainian curriculum before their lessons begin in the Irish school;
- the pressure that following two curricula places on young people and the impact this pressure may have on their wellbeing;
- the perception by some young people that time in the Irish school is 'social time';
- facilitating online classes within the school's own timetable; and
- lack of knowledge of the Ukrainian education system among school personnel.¹⁶⁴

Finally, the Department noted some additional challenges, including:

- proficiency in the language of instruction of the school (i.e. Irish or English); and
- relocation or movement of families.¹⁶⁵

160 Written comments from DoE, September 2023.

161 Written comments from DoE, September 2023.

162 Written comments from DoE, September 2023.

163 A recent DoE report, published in February 2024, found that the majority (85 per cent) of schools in the research sample (40 primary schools and 38 post-primary schools) reported that Ukrainian children and young people are following both the Ukrainian curriculum (online) and the Irish curriculum (in school) (DoE, 2024). However, it should be noted that the large majority of schools (92 per cent) also reported that children and young people who engaged with the Ukrainian curriculum usually did this outside of school time.

164 Written comments from DoE, September 2023.

165 Written comments from DoE, February 2024.

4.3.2.2 Good practices

A number of good practices were identified by DoE regarding enrolment of pupils from Ukraine and maximising the capacity of schools. Additional resources have been made available to REALTs and to schools to support the enrolment of BoTP pupils. The effective utilisation of existing accommodation capacity in schools has been key to success in enrolling pupils from Ukraine to date. This has included close collaboration with other departments, particularly in the usage of data, and has involved 100 per cent response rates to school surveys on available capacity at the outset of Russia’s military invasion of Ukraine and, more recently, during the research period. REALTs and DoE are working closely with schools to support and coordinate a strategic approach to maximise utilisation of existing capacity. Where local pressure points arise, DoE is working with REALTs to put necessary arrangements in place. However, there were expected to be continued challenges for the 2023/4 school year, and projects were in train in key pressure areas to provide additional accommodation through, for example, school building projects and modular accommodation solutions.¹⁶⁶

REALTs assist schools on a variety of topics, which has been reported to DoE’s Inspectorate as being very positive and helpful.¹⁶⁷ Additional resources were made available to REALTs and to schools to continue to support the enrolment of children and young people who have BoTP status in the school year September 2022 to June 2023. The first of these resources were made available in October 2022 and included additional REALT coordinators, ESOL coordinators and administration staff within REALTs, particularly in areas with capacity pressures.¹⁶⁸

DoE’s Inspectorate carried out a programme of inspections in primary and post-primary schools that focused on the quality of education provision for children and young people from Ukraine in Quarters 3 and 4, 2023. There were 78 inspections conducted during the September to December 2023 school term.¹⁶⁹ This programme focused on the ‘quality of the education’ for children and young people from Ukraine and presents examples of good practices and a list of recommendations (DoE, 2024). Inspectors also noted effective practice in relation to communicating with parents, such as:

- conducting individual meetings between a teacher and parents, with the services of a translator, if required;
- organising a welcome evening for parents;
- organising transport for parents to and from the school to facilitate attendance at meetings;
- delegating a named member of staff as a liaison person for parents;
- the use of a dedicated group chat for parents.¹⁷⁰

166 Written comments from DoE, September 2023.

167 Written comments from DoE, September 2023.

168 Written comments from DoE, October 2023.

169 Written comments from DoE, February 2024.

170 Written comments from DoE, September 2023 and October 2023.

To overcome challenges in the sourcing of school transport and where school transport is reported as a barrier to education, the School Transport Section of DoE has taken the following actions:

- liaising with Bus Éireann and REALTs on the areas where challenges have been identified, checking what local solutions are in place (private transport, funding etc.);
- continuing to engage with the Department of Transport on solutions with Local Link and the possibility of issuing pre-loaded transport tickets (e.g, Leap Cards) on routes that accept them;
- once these measures have been exhausted, liaising with schools directly with a view to providing funding to the schools as a temporary exceptional measure allowing them to arrange private transport for the pupils.¹⁷¹

DoE has issued Guidance on Educational Provision for Students from Ukraine, International Protection Applicants and Students with Recognised Status to all schools. The guidance reminds schools that the Ministry of Education and Science of Ukraine stated in May 2023 that Ukrainian pupils attending school in an EU Member State are not required to engage with online Ukrainian education as a prerequisite for continuing their education in Ukraine at an age-appropriate grade after their return.

Regarding pupils who engage with the Ukrainian curriculum outside of the school day, the guidance advises schools to be attentive to the impact of the dual day on the wellbeing and school attendance of the pupils but states that schools are not required to facilitate pupils in accessing the Ukrainian curriculum during the school day. Where a school has the capacity to do so, the guidance asks that the school consider a range of factors, including providing a suitable supervised space, access to digital resources, timetabling and the impact of proposed arrangements on the school's strategies for inclusion.¹⁷²

As reported in Section 4.3.1.1, additional temporary special-education supports were put in place in August 2022 for the 2022/3 school year to support mainstream schools with large enrolments of BoTPs. The allocation of supports is responsive to the needs, and based on graduated thresholds of enrolments, of children with BoTP status that align with the SET and SNA allocations on a national basis.¹⁷³

Where pupils have relocated to another school, these temporary resources will be transferred to their new school to ensure they continue to be supported in their new location. DoE considered the implementation to have been successful for the 2022/3 school year, with a total of 548 schools receiving additional temporary SET hours and 329

171 Written comments from DoE, September 2023.

172 Written comments from DoE, October 2023. See also DoE (2023c).

173 The allocation is adjusted on a circa six-week basis for any changes in the BoTP enrolment numbers in Irish schools. The allocation to each school is also reviewed at the end of each school term.

receiving additional temporary SNA supports, and the scheme was being implemented again for the 2023/4 school year.¹⁷⁴

4.4 TERTIARY AND ADULT EDUCATION

BoTPs have the same access to FET as citizens of Ireland. All 16 ETBs offer free ESOL training as part of their adult literary provision, to meet the day-to-day social, cultural and work-related language needs of migrants. The ESOL programme offers adult learners an opportunity to develop the language skills needed to integrate into life in Ireland. The aim is to engage learners in developing English-language skills in reading, writing, listening and speaking so that they attain a functional language competency level to enhance social cohesion and develop pathways in education, training and pre-vocational opportunities. ESOL delivery is predominantly face to face, but some ETBs also offer online or blended delivery.

As of 1 February 2023, there were 12,622 arrivals enrolled in FET courses, of which 10,680 were enrolled in further education English-language courses (CSO, 2023a). By 1 October 2023, these figures had fallen to 12,108 and 9,425 respectively.¹⁷⁵

4.4.1 Overview of supports

Throughout 2022, the Government launched various schemes and initiatives to support BoTPs (DFHERIS, 2022b), including the Temporary Tuition Fee Support Scheme, which provides EU tuition-fee supports to BoTPs and Irish citizens enrolled in Ukrainian higher education institutions (HEIs) in full-time undergraduate and postgraduate courses in approved institutions and approved transition schemes;¹⁷⁶ the Post-Leaving Certificate Bursary Scheme to help BoTPs access FET;¹⁷⁷ and the Erasmus National Grant.¹⁷⁸

The National Student Researcher (NSR) Helpdesk was also launched in 2022 to assist students and researchers displaced from Ukraine seeking to continue higher education in Ireland (DFHERIS, 2022a). The NSR Helpdesk was a single point of contact for students displaced from Ukraine seeking places for the 2022/3 academic year. Students could apply for up to three HEIs in order of choice, nominating a maximum of two courses in

174 Written comments from DoE, September 2023.

175 Written comments from the CSO, February 2024.

176 The Higher Education Temporary Tuition Fee Support Scheme for Displaced Ukrainian Students is an administrative scheme of DFHERIS available for BoTPs (including Ukrainian students who are currently registered as higher education students, on approved courses or authorised transition arrangements in approved publicly funded institutions in Ireland) and Irish nationals who were attending a HEI in Ukraine during the 2021/2 academic year, and who have now returned to Ireland due to the conflict and have taken up a place on an authorised transition scheme during 2022/3 academic year. This was extended for the 2023/4 academic year for eligible first-time higher-education students and students seeking to progress to a higher level of study up to postgraduate level. Students who availed of the 2022/3 scheme, and who are progressing to the next year of their course, were eligible for the same supports in 2023/4. For more information, see DFHERIS (2023).

177 Through the scheme, BoTPs registered in Ireland can access PLC courses and financial support to attend the courses. The financial support is available on a temporary basis for one year for participation in approved PLC courses in the academic years 2022/3 and 2023/4. See DFHERIS (2022b).

178 BoTPs who are pursuing or progressing in a full-time approved course in a publicly funded HEI will be supported financially through a financial stipend of €1,150.

each. The helpdesk was committed to ‘welcoming, supporting and meeting the needs of students and researchers’ (PAC, 2022) who wanted to continue their studies in Ireland. The application process included a facility for applicants to upload their academic documents and transcripts relating to their previous or current studies. If these documents were not in English, the helpdesk translated them free of charge.

Proof of English proficiency was a requirement of all HEIs. If students did not have evidence of a test, they could take an online Duolingo test that was provided at no charge. There were significant resources for students to support them through the application process, including FAQs in English and Ukrainian and a video guide to assist with the application process, as well as advisers who were available to speak to students in Ukrainian, Russian and Polish if necessary.

In total, the NSR Helpdesk received 1,126 applications, of which 899 were for undergraduate courses and 227 were postgraduate.¹⁷⁹ Although the NSR Helpdesk was wound down following the 2022/3 academic year, each HEI has its own process for coordinating support for current and prospective BoTP students (Maynooth University, 2023). For the 2022/3 academic year, HEIs made 354 offers to 298 undergraduate and 56 postgraduate BoTPs, of which 264 and 40 respectively accepted and started in higher education in Ireland for the 2022/3 academic year. As of 31 December 2023, 543 BoTPs were studying in publicly funded HEIs.¹⁸⁰ Of these, 504 are expected to continue with their studies for the 2024/5 academic year.¹⁸¹

Ireland also introduced measures relating to the recognition of academic qualifications through participation in the ENIC–NARIC network.¹⁸² Many of the professional regulatory authorities published dedicated material on their websites to assist BoTPs seeking to practise their profession in Ireland. The Government published a list of regulated professions in Ireland, their corresponding competent authority and the relevant contact information on its website (Department of the Taoiseach, 2022a).

The ETBs across the country offer free English-language skills courses for adults. ETBs also provide free or heavily subsidised FET courses and programmes.¹⁸³ These measures ran for the duration of the 2022/3 academic year. Eligibility for Springboard+ and the Student Assistance Fund was also expanded for the 2022/3 academic year to also include those who would be eligible for the new Tuition Fee Scheme (DFHERIS, 2022b). In 2023, a specific allocation of €25 million was provided to ESOL supports for BoTPs.

In September 2023, the Minister for Further and Higher Education, Research, Innovation and Science confirmed the remaining supports offered to BoTPs would be extended to new entrants for the 2023/4 academic year (DFHERIS, 2023). These supports include the

179 Written comments from DFHERIS, April 2024.

180 Written comments from DFHERIS, April 2024.

181 Written comments from DFHERIS, April 2024.

182 Ireland participates in the European network supporting the recognition of Ukrainian qualifications. NARIC Ireland is hosted by Quality and Qualifications Ireland and provides advice, free of charge, on the recognition of foreign qualifications by comparing it to a major award type and level on the Irish National Framework of Qualifications.

183 FET courses are designed to support learners who are interested in upskilling, progressing into further or higher education, undertaking an apprenticeship or developing their skills in reading and writing.

payment of tuition fees in respect of full-time higher education, a financial stipend for BoTPs undertaking a publicly funded HEI using the Erasmus National Grant and the bursary for qualified people pursuing a Post-Leaving Certificate (PLC) course. The financial supports rates have also been maintained.

4.4.2 Challenges and good practices in tertiary and adult education

4.4.2.1 Challenges

The main challenge reported is a lack of understanding or knowledge of the Irish education system.¹⁸⁴ This issue has been compounded by the closure of the NSR Helpdesk.

The lack of a coordinated approach to English-language provision for adult learners in Ireland has been raised as a policy issue in Monitoring Reports on Integration since 2012 (see, e.g., McGinnity et al., 2013; McGinnity et al., 2023) and has yet to be addressed. In addition, BITC has stressed the need for more intensive and more practical English-language classes.¹⁸⁵ For example, they explained that the curriculum focuses on grammar, which, although helpful, is not always the most beneficial for BoTPs arriving in Ireland who want to integrate but who may not speak the language. They further noted the lack of available online English classes as a challenge.¹⁸⁶

4.4.2.2 Good practices

The main good practice relating to tertiary education is the additional supports that were introduced to assist BoTPs continue their education in Ireland. DFHERIS reports that many innovative models have been developed with regard to ESOL supports, with classes taking part in trusted locations (accommodation centres), dispersed provision (outreach locations) and core ETB centres.¹⁸⁷ They also report that many ETBs also offer ESOL courses combining other subjects such as employment skills, IT skills and business studies.¹⁸⁸

In addition to the ESOL supports provided by ETBs, agencies under the aegis of DFHERIS have provided ESOL support to BoTPs. For example, the Fáilte Isteach Programme is a community project that offers volunteer-led language support for those with EAL.¹⁸⁹

184 Interview conducted with Irish Refugee Council, January 2024.

185 Interview with BITC, January 2024.

186 Interview with BITC, January 2024.

187 Written comments from DFHERIS, February 2024.

188 Written comments from DFHERIS, February 2024.

189 Written comments from DFHERIS, February 2024. For more information on the Fáilte Isteach Programme, see www.thirdageireland.ie/failte-isteach/about

CHAPTER 5

Access to medical care and social assistance

5.1 INTRODUCTION

Article 13 of the Temporary Protection Directive (TPD) provides:

2. The Member States shall make provision for the persons enjoying temporary protection to receive necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources, as well as for medical care. Without prejudice to paragraph 4, the assistance for medical care shall include at least emergency care and essential treatment of illness.¹⁹⁰

Article 13 of the TPD was implemented in Ireland under Section 60(10)(b) of the International Protection Act 2015,¹⁹¹ which, during the research period, provided that beneficiaries of temporary protection (BoTPs) were entitled:

(b) to receive, upon and subject to the same conditions applicable to Irish citizens, the same medical care and the same social-welfare benefits as those to which Irish citizens are entitled.

This means that people with BoTP status are entitled to apply for a medical card to access primary-care services free of charge for the first year after arrival, after which there is a means test. BoTPs are also entitled to access public healthcare services from the Health Service Executive (HSE). These include a family doctor or nurse, community care and hospital or emergency care. BoTPs are also entitled to income and other welfare supports while in Ireland.¹⁹²

This chapter provides an overview of the healthcare and social-welfare supports available for BoTPs in Ireland during the research period and examines the challenges and good practices that exist in relation to the provision of such services.

5.2 HEALTH

The HSE coordinates the operation of the public health service. The HSE Social Inclusion Office supports equal access to healthcare for vulnerable groups, including migrants. This includes both health services offered to displaced people from Ukraine and to international protection applicants (IPAs).

190 Article 13(4) of the TPD provides that the Member States shall provide necessary medical or other assistance to persons enjoying temporary protection who have special needs, such as unaccompanied minors or persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence. For supports provided to vulnerable groups, see Chapter 6.

191 This section has been amended by the Social Welfare and Civil Law (Miscellaneous Provisions) Act 2024 to amend the social-welfare entitlements for BoTPs in state-provided accommodation.

192 The welfare supports provided to BoTPs were reduced as of March 2024.

Both the Department of Health (DoH) and the HSE are represented on a Senior Officials group coordinating the national response to Russia's military invasion of Ukraine at the Department of the Taoiseach. A Ukraine Humanitarian Oversight Group was established in the HSE which met for the first time on 1 March 2022 (HSE, 2022a). A national Ukrainian Health Response Planning and Coordination Group was established from April 2022. This group was established to 'identify and support the production of service delivery frameworks, guidance materials, referral pathways and other tools to support, monitor and cost services responding to health needs of those arriving from Ukraine' (HSE, 2022c, p. 1).

The Health Service Delivery Model for BoTPs and IPA populations was finalised by the national Ukrainian Health Response Planning and Coordination Group in February 2023. Priority areas for 2023 included age-appropriate immunisations, access to general practitioners (GPs) and migrant-health teams (HSE, 2023b).

A budget of €50 million was allocated by DoH for refugee health in 2023. This covers both BoTPs and IPAs (DoH, 2023b).

HSE Area Crisis Management teams work in all community health areas to complement existing community health services. These teams work closely with the Community Response Forums (established by the local authorities) to coordinate interagency services at the local level (DoH, 2023b).¹⁹³

Local health teams visit residents in accommodation facilities (both those accommodating BoTPs and IPAs) to provide links to, and information on, various health services (testing and vaccination, pharmacy, mental health services, emergency departments and online resources) and to commence the process of linking residents to GPs (HSE, 2022b).

5.2.1 Eligibility for healthcare services

BoTPs are entitled to access to the public healthcare system on broadly the same basis as Irish nationals. This includes access to public hospitals, mental health supports in the public system, community care (e.g., on vaccinations) and access to a GP.¹⁹⁴

All BoTPs assigned a Personal Public Service Number (PPSN) are also awarded an Individual Health Identifier (IHI).¹⁹⁵ Since July 2023, IHIs are now employed as the primary indicator of the volume of BoTPs eligible to access healthcare services in Ireland.

A simplified and streamlined application process has been developed to provide automatic eligibility for a medical card for BoTPs for their first year after arrival, after which renewal of the card is means-tested in line with standard application procedures.

193 In April 2022, Community Response Forums were established in every local authority to coordinate local responses to the Ukraine crisis.

194 Written comments received from DoH, February 2024.

195 The IHI is used to uniquely identify each person engaging with the health service and social care agencies. These numbers have been allocated to residents and former residents of Ireland with a PPSN. The legal basis for the IHI is the Health Identifiers Act 2014. See www.hse.ie/eng/about/who/national-services/individual-health-identifier

A medical card provides access free of charge to primary-care services (in particular GP services), prescriptions (with a small charge) and public hospital services. Unlike the standard procedure, the matching of the patient with the GP can take place after issue of the medical card (DoH, 2023b). By January 2023, 51,635 medical cards had been awarded to arrivals from Ukraine. By December 2023, 77,703 medical cards had been issued to arrivals, with 65,190 cards active in December (CSO, 2023e).

The requirement for an assessment of means on renewal of the card after the first year was confirmed in March 2023. A three-month extension was granted to current holders of medical cards whose cards were due to expire to ensure BoTPs would continue to maintain existing eligibility for a medical card pending transition to, and completion of, a standard means-assessment process.¹⁹⁶

In accordance with the same rules for Irish nationals, BoTPs may be eligible for a GP visit card once they meet means criteria. This card provides for a lesser range of benefits, covering visits to the GP free of charge.

The HSE and the Irish Medical Organisation have developed options for access to GP services for people accommodated in hotels and other congregated settings. This refers to both BoTPs and IPAs. Individual models are dependent on numbers and geographical criteria. All sites have access to GP out-of-hours services (DoH, 2023b).

5.2.2 Health assessment

The HSE delivers a first health response to BoTPs arriving at the Citywest Transit Hub, which includes supporting immediate health needs (clinical triage and prescriptions) and an individual health questionnaire to assess general health needs. This health assessment model evolves in accordance with need (DoH, 2023b).

A digital health questionnaire was developed during 2022 by the HSE. The project was led by the Data and Informatics Workstream of the national Ukrainian Health Response Planning and Coordination Group. The purpose of the questionnaire is to enable the collection of health information on arrival at the Citywest Transit Hub and for urgency of care to be identified.

The information collected in the questionnaire is then sent back to the BoTP in Ukrainian or Russian and is also provided in English for use by healthcare professionals. This reduces the need to repeat information, which can be challenging due to language barriers. The data is also used to enable HSE personnel to support demand and for capacity planning countrywide (HSE, 2023c).

5.2.3 Public health

A catch-up immunisation programme was approved at the end of February 2023 (DoH, 2023b). The programme was developed by the HSE to deliver age-appropriate catch-up immunisations for all refugee and IPA children and young adults up to the age of 23 in

line with the Irish Primary Childhood Immunisation Schedule. The programme targets both BoTPs and IPAs. The Laura Brennan HPV Vaccine Catch-up Programme was also offered, as part of the Refugee and Applicants Seeking Protection Programme, to women up to 25 years and men to 23 years, until the Laura Brennan programme finished at the end of 2023.¹⁹⁷

The global burden of TB and blood-borne viruses (BBVs) is considerable, with most parts of the world suffering much greater levels of infection than Ireland. The Refugee and Applicants Seeking Protection BBV/TB Screening Implementation Advisory Group, chaired by National Social Inclusion, Public Health Lead, completed its work in the summer of 2023, and the implementation of their final report has commenced. The aim of the Group is to advise on the implementation of BBV and TB screening in refugee and BoTP populations (HSE Public Health, 2023). The main recommendation of the group was that screening for HIV, Hepatitis B and Hepatitis C by lateral flow rapid diagnostic test should be offered to all of the target population over the age of 16 years and to children over 18 months who are not accompanied by a biological parent.¹⁹⁸

Catch-up immunisation is considered a priority public-health programme as BoTPs and refugees arriving in Ireland are vulnerable to vaccine-preventable diseases due to a lack of healthcare or interrupted care in the country of origin, compounded by increased exposure to disease in transit and risk of outbreaks in congregated living arrangements.¹⁹⁹ Catch-up immunisations are being delivered via GPs, dedicated HSE immunisation catch-up clinics and mobile HSE health teams providing on-site immunisations in remote areas or in areas with a high volume of population to be targeted.²⁰⁰

5.2.4 Mental health

Support for mental health is provided for BoTPs in line with normal referral and admission procedures to public mental health services (DoH, 2022b). In addition, funded partner organisations provided counselling to people displaced from Ukraine, for example, MyMind, which recruited Ukrainian-speaking therapists and provided online counselling free of charge during 2022 (HSE, 2022b).

The DoH-funded Free Counselling Project, carried out by MyMind, was initially established as a support service for those suffering from long-term effects of COVID-19. It was extended during 2022 to include those impacted by Russia's military invasion of Ukraine (MyMind Centre for Mental Wellbeing, 2023a). MyMind offered almost 1,000 appointments to Ukrainian nationals through the Free Counselling Project in 2022 and the first quarter of 2023. A further €125,000 in HSE funding was provided for the free counselling in 2023. The service is offered online to adults by Ukrainian mental health professionals who were recruited after moving to Ireland following the Russian invasion of Ukraine in 2022 (MyMind Centre for Mental Wellbeing, 2023b).

197 Written comments received from DoH, February 2024.

198 Written comments received from DoH, February 2024.

199 Written comments received from DoH, February 2024.

200 Written comments received from DoH, February 2024.

There is no provision of this service for children and adolescents. However, support has been offered by professional youth workers by the youth organisation Foróige. These supports include a range of regional mentoring and one-to-one lower level and prevention need youth work programmes across the country.²⁰¹

5.2.5 Challenges

The main challenge continues to be capacity and resources, in particular, availability of GP services. In February 2023, the Minister for Health reported that the HSE is working to overcome known GP availability capacity challenges across the country (DoH, 2023b). In response to this, DoH noted that there is an uneven geographical distribution of BoTPs across Ireland – in some instances coinciding with existing healthcare service capacity challenges. Many areas are experiencing GP availability shortages as a result of the significantly increased demand for services, particularly in areas where access to primary and community care services may be more challenging. Due to insufficient GP capacity in the community, the HSE developed a framework to provide a range of options to access GP services for this population cohort via the establishment of temporary sessional clinics.²⁰² Challenges with GP capacity are particularly acute in areas with single GP practices, areas with high population density or rural areas where many GP practices are at capacity (DoH, 2023b and HSE, 2023a). This challenge has been echoed by the Irish Refugee Council, who have found that often BoTPs cannot find a GP or are waiting more than a week for an appointment with a doctor.²⁰³

The HSE noted the impact of the rapid scaling-up of services required to address the increased volume caused by Russia's military invasion of Ukraine. Prior to this, the HSE health response had been focused on IPAs. The HSE noted that the flow of IPAs into Ireland had been relatively low and consistent, at approximately 75 per week, with the average yearly arrivals projected at 3,500.²⁰⁴ Therefore, the arrival of BoTPs into Ireland required the rapid mobilisation of a dedicated workforce and a health response that had not previously existed.

At the end of 2022, the HSE recognised that there was 'significant unmet need particularly in relation to access to consistent GP and emergency dental services' (HSE, 2022b, pp. 27–8). They have also noted that migrant-health teams were under-resourced throughout 2022 to meet the demands of the community response where local teams provide the link for residents in the accommodation centres with health services (HSE, 2022b).

In terms of risk management, the HSE's Emergency Management function is represented at the national Ukrainian Health Response Planning and Coordination Group. It also collaborates with the Area Crisis Management teams and interagency groups in

201 Written comments received by Foróige, April 2024.

202 Written comments received by DoH, March 2024.

203 Interview with Irish Refugee Council, January 2024.

204 The new international protection service model foreseen by the White Paper to End Direct Provision and to Establish a New International Protection Support Service was based on an assumption of 3,500 applications per annum (Government of Ireland, 2021b).

coordinating supports nationally (HSE, 2023d). The HSE’s Performance Profile from January to March 2023 notes continued pressure on availability of community services, especially GP services (HSE, 2023d). Uncertainty regarding Russia’s military invasion of Ukraine, among other factors, has been cited as a significant financial and operational challenge on delivery of HSE services in 2023 (HSE, 2023d).

The HSE has also expressed concerns about the model of funding for the Health Service Delivery Model for BoTPs and IPAs, which is on a one-year non-recurring basis. The HSE considers that this service will require a multi-annual response (HSE, 2023b).

Galway City Council (GCC) noted the lack of available services for BoTPs as having a negative impact on their overall wellbeing and highlighted that while BoTPs may have shelter, their needs are not always met due to the lack of available adequate housing, lack of school places and lack of English-language supports.²⁰⁵ Another challenge reported by GCC is the reduced uptake in activities by male BoTPs.²⁰⁶ The Irish Red Cross also stressed the scale of Post-Traumatic Stress Disorder amongst BoTPs as a further challenge, raising concern that some BoTPs with undiagnosed mental health illnesses risk ‘falling between the cracks’ and, as a result, risk facing particular vulnerabilities.²⁰⁷

Some specific challenges have arisen regarding continuity of care, for example, in relation to cancer treatments for those coming from Ukraine where the treatment does not align with what is available in Ireland (DoH, 2023a). The continuity of care and safe discharge from emergency departments for BoTPs who are not yet assigned to a GP has been reported as a further related issue.²⁰⁸ Another related challenge includes the impact of a lack of continuity of care for trans people.²⁰⁹

Finally, a further challenge reported is the vulnerability to vaccine-preventable diseases of BoTPs arriving in Ireland due to a lack of healthcare or interrupted care in their country of origin, compounded by increased exposure to disease in transit and the risk of outbreaks in congregated living arrangements. An immunisation programme is being prioritised to tackle this issue (see Section 5.2.3).

5.2.6 Good practices

The Minister for Health reported ongoing work with the Primary Care Reimbursement Service to maximise the allocation of those with temporary protection status to the General Medical Services panels where feasible (DoH, 2023b).

With regard to public health, catch-up immunisations were being rolled out during 2023 as a priority programme. The catch-up immunisation programme was available in all community health organisations by February 2023 (DoH, 2023b).

205 Interview with GCC, November 2023.

206 Interview with GCC, November 2023.

207 Written comments received from Irish Red Cross, March 2024.

208 Written comments from DoH in context of EMN Annual Report on Migration and Asylum and Country Factsheet 2022: Ireland, June 2023.

209 Written comments received from Irish Red Cross, March 2024.

The Minister for Health reported in February 2023 that HSE Acute Services was progressing an approach to ensuring continuity of care and safe discharge from emergency departments for those with temporary protection status without an assigned GP (DoH, 2023b). For example, the Primary Care Reimbursement Service has introduced a version of the emergency medical card application process to expedite the process. This streamlined application process requires significantly less information for BoTP applications from Ukraine than would normally be requested in the medical card application process. Once an individual has a medical card, they can be assigned a GP. Where a person does not have an assigned GP, they can access services either via the GP out-of-hours service or sessional clinics until they can be assigned a GP.

Regarding cancer care, where patients arrive in Ireland with a treatment plan that does not align with that available in Ireland, the National Cancer Programme is examining these cases on a case-by-case basis (DoH, 2023b).

The Healthy Ireland Ukrainian Resilience and Wellbeing Fund was launched as a one-off resource to support projects developed by local-authority Community Response Forums. This funding was distributed by Healthy Ireland to projects in 30 local authorities across the country that would support BoTPs (and the wider community) with health and wellbeing initiatives (DoH, 2022a).

One example of a good practice arising from local authorities involves GCC, who co-developed their project with the community of BoTPs residing in Galway through Telegram, social and language groups, local volunteer centres and the Ukraine Response Team, and in turn reported a high response rate.²¹⁰

Another good practice reported, in particular by GCC, included the Ukrainian Community Response Forums, which brought together statutory and voluntary organisations, which was reported as important for the availability of and access to knowledge on the needs of BoTPs. It also resulted in national funding and policies being translated into the local level.²¹¹ Associated with this are Local Area Response Teams, which were reported as being very helpful in ensuring effective support for BoTPs.

The GCC also reported as a good practice the work of the HSE in translating their services into Russian and Ukrainian and sending a weekly update newsletter through the Community Response Forums.²¹² Similar to this, GCC also noted the benefit of the Sexual Health West clinic translating their services to these languages. This work began in 2022 but was rolled out and developed during the research period.

5.3 SOCIAL ASSISTANCE AND WELFARE

Within the whole-of-government ‘one-stop shop’ approach, BoTPs are allocated a PPSN, necessary for accessing employment and social services. Once the PPSN is allocated,

210 Interview with GCC, November 2023.

211 Interview with GCC, November 2023.

212 Interview with GCC, November 2023.

BoTPs can apply for income supports administered by the Department of Social Protection (DSP) and also benefit from employment support services (see Section 4.2.1.1) (DSP, 2023d). During the research period, BoTPs were entitled to the same social-welfare payments as Irish citizens and under the same conditions. These benefits include:

- weekly income supports (Jobseeker’s Allowance, One-Parent Family Payment, Working Family Payment, Disability Allowance, Carer’s Allowance);
- Child Benefit, a monthly, universal, non-means-tested payment to families with children;
- Rent Supplement.

BoTPs who incur rent costs may qualify for Rent Supplement at equivalent rates to Irish nationals and others with permission to reside in Ireland. Rent Supplement is a social-welfare payment administered by DSP. Criteria for Rent Supplement were specifically adapted for BoTPs (EMN, 2022b; DSP, 2023f). As of 31 December 2023, the scheme was providing support to 189 BoTPs, with 325 BoTPs having availed of the support since the measure came into operation.²¹³

The numbers registering for social-welfare benefits continued to increase as new arrivals entered the system. It should be noted that BoTPs could be in receipt of only one or several of these payments.

As of 1 January 2023, there was a total of 45,883 active welfare claims (CSO, 2023a), 28,731 of which were income supports and 12,710 of which related to children.²¹⁴ As of 15 October 2023, there were 56,701 active welfare claims, 23,603 of which were income supports and 26,328 of which related to children.²¹⁵

It is important to note that since the legislative amendments giving effect to the government decision of 12 December 2023, access to full income supports is now limited to new arrivals not in state-supported accommodation,²¹⁶ with those in Designated Accommodation Centres entitled to a reduced weekly allowance.

5.3.1 Key developments

5.3.1.1 Changes to welfare entitlements

On 12 December 2023, the Government agreed to revise the entitlements for BoTPs arriving into Ireland. Under this new approach, newly arriving BoTPs who are resident in accommodation from the State will be entitled to a weekly allowance of €38.30 per adult and €29.80 per child in respect of daily expenses (Department of the Taoiseach, 2023b). According to the Government, these changes are required to ‘ensure Ireland can continue

213 Written comments provided by DSP, April 2024.

214 Written comments provided by the CSO, February 2024.

215 Written comments provided by the CSO, February 2024.

216 The Social Welfare and Civil Law (Miscellaneous Provisions) Act 2024 was commenced on 12 March 2024.

to meet its obligations' towards BoTPs. If BoTPs opt to make independent arrangements or opt for pledged accommodation on arrival, they will be entitled to apply for standard social protection, subject to the standard eligibility conditions. The implementation of this 90-day policy has been strongly contested by the NGO community.²¹⁷

5.3.1.2 Legislative amendment relating to the One-Parent Family Payment

In May 2023, the regulations providing for the payment of the One-Parent Family Payment, a payment for parents aged under 66 years who are not cohabiting and whose youngest child is under 7 (DSP, 2019), were amended to ensure that BoTPs were not disadvantaged by the geographical separation criteria.²¹⁸ This means that BoTPs can fulfil the criteria for a separated spouse if they are separated due to the fact they are benefiting from temporary protection in Ireland, for as long as temporary protection remains in force.

5.3.2 Challenges and good practices

5.3.2.1 Challenges

As reported in Section 3.4.1.1, accessing Rent Supplement has been reported as a challenge by both the Irish Refugee Council and the Irish Red Cross.²¹⁹ BoTPs are also ineligible for the Housing Assistance Payment (DHLGH, 2022). These issues, combined with broader housing capacity issues, have resulted in some BoTPs fearing they may lose their accommodation if they were to get full-time employment because, as their income rises, their Rent Supplement decreases.²²⁰

While no other challenges were identified for the research period, the allocation of PPSNs was a resource challenge during 2022. This was resolved due to the introduction of the automated process to issue PPSNs in 2023.²²¹ DSP identified that the introduction of this process in 2023 to issue PPSNs to BoTPs helped reduce the significant level of resources which had been previously allocated to this task.²²²

5.2.3.2 Good practices

The main good practice with regards to social welfare is that BoTPs were initially given Jobseeker's Allowance and were then assessed for the most appropriate scheme so that they were in receipt of payments as soon as possible.²²³

217 Written comments from Irish Red Cross, March 2024.

218 Written comments from DSP, October 2023; note the webpage DSP, 2019 was last updated in January 2024.

219 Written comments from Irish Refugee Council, March 2024; written comments from Irish Red Cross, March 2024.

220 Interview conducted with Irish Refugee Council, January 2024.

221 Written comments from DSP, October 2023.

222 Written comments from DSP, October 2023.

223 Written comments from DSP, February 2024.

CHAPTER 6

Key challenges in support provision for vulnerable groups

6.1 INTRODUCTION

Article 13(4) of the Temporary Protection Directive (TPD) states:

4. The Member States shall provide necessary medical or other assistance to persons enjoying temporary protection who have special needs, such as unaccompanied minors or persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence.

The chapter examines the identification of vulnerabilities among beneficiaries of temporary protection (BoTPs) and then more specifically centred on unaccompanied and separated minors and potential victims of trafficking. Details of how vulnerable BoTPs may be identified and supports provided are also outlined. The chapter also explores the developments, challenges and good practices in the provision of support for unaccompanied minors and potential victims of human trafficking who hold BoTP status.

6.1.1 Identifying vulnerable people

Vulnerable BoTPs can be identified at the Citywest Transit Hub in Dublin where they will interact with many people from various agencies and government departments throughout the registration process. Officials involved throughout the process are trained to identify potential vulnerabilities. Further to this, a medical triage is carried out on a voluntary basis.

The Department of Children, Equality, Disability, Integration and Youth (DCEDIY) identified that a challenge exists where ‘even with the various steps and interactions in the process, BoTPs do not reveal underlying vulnerabilities or specific medical needs until after they have arrived to their allocated accommodation. This is prevalent particularly with mental health cases.’²²⁴

Staff from Tusla Child and Family Agency are on site to assist with vulnerable children, especially unaccompanied minors.²²⁵ The Tusla Separated Children Seeking International Protection (SCSIP) Service provides supports to BoTP unaccompanied minors. The SCSIP Service noted similar vulnerabilities in BoTPs presenting to their service as in their typical unaccompanied minors caseload; however, it should be noted that these vulnerabilities present only in a minority of cases.

224 Written comments from DCEDIY, September 2023.

225 Written comments from DCEDIY, September 2023.

Vulnerabilities are identified by the SCSIP Service as they emerge, and appropriate placement types are sought. A challenge has been identified by the SCSIP Service regarding a reliance on staff in residential units to identify vulnerabilities.²²⁶

6.1.2 Providing the necessary assistance and support

Vulnerable BoTPs may require assistance with the registration process at the Citywest Transit Hub. According to DCEDIY, the main challenge in providing necessary assistance and support for vulnerable people is the limited availability of suitable accommodation, such as wheelchair-accessible rooms, single and double rooms within proximity to hospitals and other required services.²²⁷

Another challenge relates to relocations to other accommodation when a contract ends, which can cause disruption in care for BoTPs but is related to the temporary nature of the accommodation.²²⁸

The SCSIP Service identified as a challenge the long waiting lists for assessment of disabled children. They stated that this is a general issue in Ireland.²²⁹

6.1.3 Addressing challenges in support provision for vulnerable people

The Department of Justice (DoJ) receives assistance from the International Organization for Migration (IOM) during the registration process. This includes help for vulnerable BoTPs with filling in documentation. They also work with NGOs, e.g., Pavee Point for Roma applicants.²³⁰

DCEDIY noted that allocation of accommodation is the final stage of the process at Citywest Transit Hub. By this stage, BoTPs will have interacted with several state agencies, and vulnerabilities are usually identified – unless the BoTP chooses not to reveal them.

The various teams in DCEDIY who are responsible for allocating and sourcing accommodation work closely to ensure that whatever suitable accommodation for vulnerable people that exists in the system is identified and made available for allocating to vulnerable people.

There is also a dedicated officer on secondment from the Health Service Executive (HSE) to work with DCEDIY in identifying and allocating suitable accommodation to vulnerable people. They liaise with the local healthcare groups around the country to ensure service and supports are available to vulnerable BoTPs wherever they are accommodated.²³¹

While no particular challenges were identified by the Department of Social Protection (DSP) in regard to providing services to disabled BoTPs, BoTPs in receipt of Disability Allowance are contacted by employment services as part of the early-engagement

226 Interview with SCSIP Service, September 2023.

227 Written comments from DCEDIY, September 2023.

228 Written comments from DCEDIY, October 2023.

229 Interview with SCSIP Service, September 2023.

230 Written comments from DoJ, Immigration Service Delivery, September 2023.

231 Written comments from DCEDIY, September 2023.

approach by Public Employment Service (PES) (Intreo). This approach is designed to offer those in receipt of Disability Allowance the opportunity to avail of the services provided by PES (Intreo) at the earliest possible opportunity.²³²

In regard to unaccompanied and separated disabled children who are BoTPs, when such a child presents to the SCSIP Service, the service responds rapidly, informing the HSE and ensuring that these children are provided with a more appropriate placement in their service while awaiting a response from the HSE. To date, these children have been provided with suitable placements.²³³

The SCSIP Service also has a Ukrainian member of staff, who provides translation and support to unaccompanied and separated BoTP children one-to-one, particularly those who may have specific trauma.²³⁴ They are also actively seeking to employ more Ukrainian staff members for this purpose.²³⁵

6.2 UNACCOMPANIED MINORS AND SEPARATED CHILDREN

6.2.1 Key challenges in providing support for unaccompanied minors and separated children

Unaccompanied minors or separated children arriving from Ukraine who are not reunited with family members or caregivers in Ireland are referred to the SCSIP Service. The main challenge in Ireland regarding unaccompanied minors and separated children who are BoTPs is the high numbers of children presenting to the SCSIP Service, which lacks capacity and resourcing.²³⁶

The Health and Information Quality Agency (HIQA) conducted an inspection of the SCSIP Service.²³⁷ This covered all the activities of the SCSIP Service in the period 28 February 2023 to 2 March 2023, including supports provided to separated and unaccompanied children with BoTP status. The report noted that the increase in the numbers of referrals to the service resulting from Russia's military invasion of Ukraine (602 total referrals of unaccompanied minors from Ukraine and other regions in 2022) posed challenges to the delivery of SCSIP Services (HIQA, 2023). As of 3 January 2023, 262 unaccompanied minors from Ukraine had been referred to Tusla, with 200 being taken into care or provided accommodation by Tusla and 74 remaining in Tusla care.²³⁸ By December 2023, these figures had risen to 438, due to an additional 176 referrals in 2023.²³⁹ Of those, 155 were

232 Written comments from DSP, October 2023.

233 Interview with SCSIP Service, September 2023.

234 Interview with SCSIP Service, September 2023.

235 Interview with SCSIP Service, September 2023.

236 Interview with SCSIP Service, September 2023.

237 HIQA is an independent authority in Ireland established to drive high-quality and safe care for people using health and social care services. HIQA's role is to develop standards, inspect and review health and social care services and support informed decisions on how services are delivered.

238 Interview with SCSIP Service, February 2024.

239 Interview with SCSIP Service, February 2024.

accommodated in total.²⁴⁰ On the 31 December 2023, 97 children from Ukraine remained in SCSIP Service accommodation. Of those, 20 were female and 77 were male.²⁴¹

A small number of unaccompanied minors who are BoTPs, who were reunited with their families in other Member States, have returned to the SCSIP Service. The limited capacity of the service due to the large numbers presenting to the service leads to challenges in proactively assisting in reuniting children with their families.²⁴² Certain children in the SCSIP Service who are BoTPs wish to go on holiday and see their families. Having never experienced this before, the SCSIP Service is finding these requests difficult to navigate, particularly given the high numbers of arrivals resulting in challenges holding beds for these children.²⁴³

In addition to this challenge, several other related challenges have also been identified and are outlined in the following sections.

6.2.1.1 Accommodation capacity

BoTP children are supported by the Tusla SCSIP team under Section 5 of the Child Care Act 1991.²⁴⁴ Section 5 of the Act provides a statutory basis for providing accommodation support for children who would otherwise be homeless, but it does not include a statutory care order.

The majority of BoTP unaccompanied minors and separated children are housed in registered ‘Section 5 Accommodation Centres’ which are specifically for BoTP children and which, to respond to the large numbers of arrivals, have higher occupancy than those in mainstream children’s residential centres. The first of these centres opened in April 2022, and eight more opened to support increased capacity for BoTPs by the end of 2023, which resulted in an additional 64 placements.²⁴⁵

The large and steady numbers arriving from Ukraine, as well as increased numbers of international protection applicants (IPAs) arriving has put pressure on the capacity of the SCSIP Service. As of 31 December 2023, the service had 124 young people across unregistered centres called ‘Special Emergency Accommodation’, one of whom was Ukrainian.²⁴⁶

Another challenge is outflow to other forms of accommodation once the BoTP turns 18. Once a BoTP child reaches the age of 18, they have the same rights and access to services as any other BoTP adult. This means that they will be offered state accommodation in

240 Interview with SCSIP Service, February 2024.

241 Interview with SCSIP Service, February 2024.

242 Interview with SCSIP Service, September 2023.

243 Interview with SCSIP Service, September 2023.

244 Interview with SCSIP Service, September 2023.

245 Prior to this, a lot of the early arrivals would have been provided with existing placements such as foster care or placed in supported lodgings. (Interview with SCSIP Service, February 2024.)

246 Interview with SCSIP Service, February 2024. These centres are not required to be registered under legislation (see Tusla, 2022).

centres contracted by DCEDIY, or they may benefit from one of the hosting or private-accommodation schemes (see Section 3.2).

The ongoing challenge with accommodation capacity in general has led to delays in transitioning. There were 251 cumulative total discharges in 2023, 130 of whom held BoTP status.²⁴⁷ This is an increase from 121 in 2022. Of the 130 BoTP who were discharged from the service, 110 aged out and 20 were reunited with their families.²⁴⁸

6.2.1.2 Transition from the SCSIP Service

Transition to aftercare has emerged as a challenge due to the legal basis under which the children are currently being supported. In Ireland, aftercare services are available for all young people between the ages of 16 and 21 who have spent 12 months in the care of the State with either Tusla or the HSE between the ages 13 and 18 (Tusla, 2023).

Aftercare services, which include an aftercare worker or social worker, drop-in service clinics, assessment of need, aftercare plans, aftercare allowance and an aftercare grant, remain available for people up to 23 years old if they are engaged in accredited training or education (Tusla, 2023).

However, due to the perceived temporal nature of Russia's military invasion of Ukraine, BoTP unaccompanied minors and separated children are not granted a voluntary care order. Instead, unaccompanied minors arriving from Ukraine are provided with services by the SCSIP Service under the Section 5 General Care Provision of the Child Care Act 1991, which relates to children who would otherwise be homeless. There are certain implications of this because these children do not fall under governance of the national standards for children in care and related measures. For example, they do not receive a care or placement plan; they are not allocated a social worker (though they receive a link worker who provides them with certain supports to ensure their needs, in terms of health, welfare and education); and they are not entitled to aftercare (Ombudsman for Children, 2023).

In the research period, the SCSIP Service started facing the first cohort of young people who were over 12 months in their service but who were not entitled to aftercare support. This has led to criticisms that this group of young people should be entitled to aftercare (Ombudsman for Children, 2023). Despite not having aftercare, at 18 years, these young people are entitled to the entitlements of adult BoTPs in Ireland (social welfare, education, etc.).

6.2.2 Good practices

The SCSIP Service is in the process of drafting a reunification policy, which, they state, is a general but robust policy applying to both BoTPs and IPAs, in an attempt to ensure cohesion for those who wish to be reunited with their family.²⁴⁹

247 Interview with SCSIP Service, February 2024.

248 Interview with SCSIP Service, February 2024.

249 Interview with SCSIP Service, September 2023.

The staff managing the accommodation centres for the SCSIP Service support BoTP children apply and get to college in Ireland.²⁵⁰ The service providers also have a role in supporting the Children and Young People’s Services Committees – county-level committees that bring together the main statutory, community and voluntary providers of services to children and young people.

The SCSIP Service has employed a Ukrainian family support practitioner and is seeking to hire more in 2024 so that there will be a dedicated team leader responsible in the Section 5 centres.²⁵¹

6.3 VICTIMS OF TRAFFICKING

Any suspected victim of trafficking with BoTP status would benefit from the same legislation and policies applicable to any other suspected victim of trafficking in the state, with no nationalities and groups distinguished. Nevertheless, on-the-ground supports were put in place.²⁵²

6.3.1 Key challenges

The US State Department’s Trafficking in Persons Report 2023, which covers the period March 2022 to April 2023, stated that the Irish Government reported the influx of refugees fleeing Russia’s military invasion of Ukraine strained government services available to those in need (US Department of State Office to Monitor and Combat Trafficking in Persons, 2023). Despite this, mainstream efforts to combat human trafficking remain a priority for the Government and have continued to progress since the invasion.²⁵³

One victim of human trafficking from Ukraine was identified by An Garda Síochána in 2022 (DoJ, 2023f), while two victims of human trafficking from Ukraine were identified by An Garda Síochána in 2023.²⁵⁴ Ireland’s National Rapporteur on Human Trafficking, the Irish Human Rights and Equality Commission (IHREC) suggested that a possible reason for the lack of cases to date is that the provision of temporary protection, including accommodation and financial supports, may have created an environment where the likelihood of exploitation or human trafficking has been lessened.

Nonetheless, the absence of reported cases warrants caution, as the lack of detection could indicate a delay in recognising or reporting cases (IHREC, 2023a).

The Immigrant Council of Ireland expressed concerns regarding the changes to supports provided to BoTPs, which they fear may remove the stability the supports provided. They

250 Interview with SCSIP Service, September 2023.

251 Interview with SCSIP Service, September 2023.

252 Written comments from DoJ, Criminal Justice Policy for Annual Report on Migration and Asylum 2022, February 2023.

253 Written comments from DoJ, Criminal Justice Policy, September 2023.

254 Written comments from DoJ, Criminal Justice Policy, February 2024.

fear this change could increase vulnerability which may led to exploitation, including instances of trafficking.²⁵⁵

To assist in fostering an environment that supports disclosure of trafficking, IHREC have recommended substantial investment to support establishing trust and encouraging lines of communication with BoTPs in Ireland, including in relation to the provision of information, tackling language barriers and accessing mental health and gender-based violence supports (IHREC, 2023a).

6.3.1.1 Child trafficking

IHREC addressed concerns over child trafficking in a press release in June 2023 (IHREC, 2023b) noting that reported cases of child victims had increased to five in 2022 from no reported child victims in the previous two years, although the proportion of child victims in Ireland of 8–9 per cent was significantly less than the EU average of 25 per cent. An Garda Síochána also identified five child victims of human trafficking in 2023.²⁵⁶

IHREC considered that trafficking of children for sexual exploitation is prevalent in Ireland and that this was a concerning development (IHREC, 2023b). They consider that Russia’s military invasion of Ukraine has increased the risk for child victims.²⁵⁷ However, DoJ states that there is no evidence to suggest that trafficking of children is prevalent in Ireland for sexual, labour or any other type of exploitation.²⁵⁸

6.3.2 Good practices

Mainstream efforts to combat human trafficking continue to remain a priority for the Government and have continued and progressed since Russia’s military invasion of Ukraine,²⁵⁹ with the 2023 Trafficking in Persons Report: Ireland noting the Government is making significant efforts and demonstrated increasing efforts to meet the minimum standards for the elimination of trafficking (US Department of State Office to Monitor and Combat Trafficking in Persons, 2023). For example, the Criminal Justice (Sexual Offences and Human Trafficking) Bill 2023 (62/2023), published in July, will put a revised national referral mechanism on a statutory footing, making it easier for victims of trafficking to come forward, be identified and access support.

Additionally, the new National Action Plan to Prevent and Combat Human Trafficking was published in November and sets out how the multi-agency work to combat this criminal activity and support victims will be taken forward.²⁶⁰ The action plan will create a more victim-centred approach to identify and support victims, raise awareness and provide training for those who need it, to prevent and detect human trafficking and to prosecute

255 Written comments from Immigrant Council of Ireland, March 2024.

256 Written comments from DoJ, Criminal Justice Policy, February 2024.

257 Written comments from IHREC, October 2023.

258 Written comments from DoJ, Criminal Justice Policy, October 2023.

259 Written comments from DoJ, Criminal Justice Policy, September 2023.

260 Written comments from DoJ, Criminal Justice Policy, February 2024. See Government of Ireland (2023).

traffickers. Note that while neither the Bill nor the action plan distinguishes victims by nationality, relevant factors have been taken into account in their development.²⁶¹

A new general victims' forum for state, social and community groups was developed in 2022 and continued into 2023. While there is no stream dedicated to BoTPs, a working group has been convened to support better messaging to minority or hard-to-reach communities (including this group) in awareness-raising campaigns on the rights of victims of crime.²⁶²

The short-term responsive initiative 'Ukraine Civil Society Forum' was convened in 2022 by civil society in Ireland acting collectively to support the emergency settlement of BoTPs, with the aim of connecting community responses both nationally and on a sectoral basis. The focus is on information-sharing amongst stakeholders, identifying trends, patterns and gaps in provision, sharing solutions, avoiding duplication of efforts and escalating issues to the Government as necessary, seeking to constructively engage with the State's own emergency response structures (IHREC, 2023a).

As part of the forum's cluster on trafficking and gender-based violence (Ukraine Civil Society Forum, 2022), the Immigrant Council of Ireland convened meetings to monitor developments in relation to human trafficking within the context of those who have arrived in Ireland since February 2022 (IHREC, 2023a). These meetings were paused in mid-2023 due to the slowness of emerging cases. However, communication of the cluster remains online should instances emerge or new resources become available to share.²⁶³

An Garda Síochána delivered specific training on trafficking to the front-line Ukraine response teams at the Citywest Transit Hub in Dublin in May 2023.²⁶⁴

There are no specific funding streams dedicated to supports for BoTP victims of trafficking. However, the risk to BoTP victims would also be addressed in mainstream funding streams. DoJ and Cuan, the new statutory agency for domestic, sexual and gender-based violence (DSGBV) provide funding to front-line services for victims of DSGBV and funding to support people vulnerable to trafficking and exploitation through prostitution, for example, to their key partner, the NGO Ruhama, which specialises in creating exit pathways from prostitution and supporting victims of trafficking. However, this is mainstream funding and not specifically for BoTPs.²⁶⁵

Ruhama was also approved for funding of €164,870 for three additional outreach posts with a focus on working with the BoTPs and expanding regionally outside of Dublin.

DoJ noted that while the identity and background of victims who are supported is not shared with them, several DSGBV services have mentioned support to Ukrainian nationals at DSGBV meetings hosted by the Department.²⁶⁶

261 Written comments from DoJ, Criminal Justice Policy, February 2024.

262 Written comments from DoJ, Criminal Justice Policy, September 2023.

263 Written comments from Immigrant Council of Ireland, March 2024.

264 Written comments from DoJ, Criminal Justice Policy, September 2023.

265 Written comments from DoJ, Criminal Justice Policy, October 2023.

266 Written comments from DoJ, Criminal Justice Policy, September 2023.

6.3.2.1 Measures to tackle child trafficking

A number of measures have been taken in relation to the possible risk of child trafficking.²⁶⁷ It should also be noted that BoTP children going missing from placements was reported by the SCSIP Service as not being a dominant feature to date.²⁶⁸

A mainstream National Tusla Interagency Trafficking Working Group was established in May 2023 to develop Tusla's agency-wide response including policies and guidelines to the new National Action Plan on Human Trafficking under development by DoJ (HIQA, 2023). The SCSIP Service is a member of this working group. While this is a general measure, the actions of the working group will be relevant to all children under Tusla care, with BoTP children in the care of Tusla included in their responses.²⁶⁹

Tusla identified as a good practice the development of a system of peer learning and support across accommodation centres for BoTP unaccompanied minors, with, for example, joint training events initiated between SCSIP Service staff and providers in regard to child trafficking and identifying indicators of trafficking.²⁷⁰

More generally, but also relevant to BoTP child victims of trafficking, the SCSIP Service has a recent focus on trafficking that happens at a national level (within Irish borders) and is also developing its screening tools to make them more robust.²⁷¹

267 Written comments from DoJ, Criminal Justice Policy, October 2023.

268 Interview with SCSIP Service, September 2023.

269 Interview with SCSIP Service, September 2023.

270 Interview with SCSIP Service, September 2023.

271 Interview with SCSIP Service, September 2023.

CHAPTER 7

Conclusion

This study has explored the implementation of the Temporary Protection Directive (TPD) in Ireland in the period 1 January 2023 to 31 December 2023. It examined the support provided to beneficiaries of temporary protection (BoTPs) residing in Ireland and the associated challenges and good practices that have presented when BoTPs seek to access particular rights and in the delivery of these services. The report also discussed the specific challenges and good practices in the provision of support for vulnerable persons.

The exceptional measure of temporary protection was activated on 4 March 2022 following Russia's military invasion of Ukraine, providing for a standard set of rights for beneficiaries including a residence permit for the duration of the protection, access to employment, social welfare, medical care and education for people under 18 years, and suitable accommodation or the means to obtain housing.

Temporary protection covers not only displaced Ukrainian nationals residing in Ukraine on or before 24 February 2022, and their family members, but also stateless people and nationals of third countries other than Ukraine who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022, and their family members.

In Ireland, the TPD was implemented under Section 60 of the International Protection Act and extended first in February 2023 until March 2024 and again in January 2024 to March 2025. All BoTPs receive a paper Temporary Protection Certificate which evidences entitlement to access all rights under the TPD, with a single registration and service point for BoTPs at the Citywest Convention Centre in Dublin. This covers registration for temporary protection, allocation of a PPSN, referral to accommodation for those who require it, and other supports and services.

Since September 2023, the Irish Residence Permit Card has been issued to BoTPs on a phased basis. While it is possible for BoTPs to avail of an immigration permission other than temporary protection status, Immigration Service Delivery has not been aware of any such cases during the research period. While it is possible for BoTPs to make an application for international protection, both statuses cannot be held at the same time.

The State applied a whole-of-government response to the large number of BoTPs arriving in Ireland. In addition to the rapid, multi-actor, coordinated state response, there was also a significant civil-society response to the arrival of BoTPs in communities across Ireland, who often bolstered the government supports by providing front-line services.

Nevertheless, throughout the research period, this study demonstrated that accessing certain services continued to be an issue, with this challenge raised in consultations by organisations, local authorities and public bodies working alongside BoTPs. For example,

challenges accessing English language courses, limited public transport and access to childcare were reported as barriers to accessing the labour market, while accessing medical care proved to be difficult within the confines of an already stretched healthcare system. Access to accommodation remained the key challenge in Ireland's response to arrivals from Ukraine throughout 2022 and 2023, largely due to the scale of demand in the context of an overall housing shortage. This echoes the findings reported by Ukrainian Action in Ireland.

Despite these challenges, Ireland has continued to work to bring new types of accommodation onstream, to improve processes and management of capacity and resources and to tailor policies – for example, the Rapid-Build Programme, which was approved in 2022 and, as of 31 December 2023, had 1,240 residents in 310 units around the country. The Offer a Home scheme, which accommodated 6,429 people by the end of the research period, calls on the public to pledge stand-alone vacant properties to accommodate BoTPs.

Notwithstanding these new accommodation measures, on 12 December 2023, the Government revised the supports for BoTPs arriving in Ireland. This includes a reduction in the weekly allowance for new arrivals in state-supported accommodation and a maximum 90-day stay in Designated Accommodation Centres (Department of the Taoiseach, 2023b). The legislation required to implement these changes came into effect on 14 March 2024. From then on, if BoTPs opt to make independent arrangements or opt for pledged accommodation on arrival, they will be entitled to apply for standard social protection, subject to the standard eligibility conditions. According to the Government, these changes were required to ensure Ireland can continue to meet its obligations towards BoTPs.

7.1 LIMITATIONS AND FURTHER RESEARCH

This is the first comprehensive study on the implementation of the TPD in Ireland to date, and there are several limitations to the research, as well as potential avenues for further research. First, there was a lack of data on certain vulnerable groups, such as the LGBTQ+ community, and, as a result, their situations are not represented in this report. It is recommended that the vulnerabilities of this community are explored in future work.

Previous research, described in Section 1.3, has also questioned what the future holds for BoTPs stepping beyond the immediate crisis, which is relevant for the Irish context looking ahead. Moreover, as the research period for this report ran from 1 January 2023 to 31 December 2023, and while the recent policy changes have been flagged, research is recommended on the implementation of the most recent policy changes in order to understand how these impact on the implementation of the TPD in Ireland and the related impact on BoTPs' access to the rights laid out in the Directive.

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EMN Ireland,
Economic and Social Research
Institute,
Whitaker Square,
Sir John Rogerson's Quay,
Dublin 2, Ireland
Telephone **+353 1 863 2000**
Email emn.ireland@esri.ie
Web www.emn.ie / www.esri.ie
Twitter [@EMNIreland](https://twitter.com/EMNIreland)



An Roinn Dlí agus Cirt
Department of Justice

