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The Impact of Lengthy Asylum Procedures on The Lives of Unaccompanied Asylum (UASC)

IRELAND

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ABSTRACT

This thesis analyzes the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum Seeking Children (UASC) in Ireland. It specifically seeks to explore the discrepancies between Section 39(5) of the International Protection Act of 2015 and the existence of lengthy asylum procedures in Ireland's lives of unaccompanied asylum-seeking children. The research also examines to what extent the lengthy asylum procedures impact the lives of UASC in Ireland. The literature review I conducted showed that researchers had neglected my research topic as no research has been undertaken in this area before in Ireland. This study is essential as a long asylum process can affect the developmental potential of UASC, and the healthy development of children is vital to the future good of any society.

Qualitative desk research and interview were utilized to obtain this research's findings. The result demonstrates that lengthy asylum procedures exist in Ireland, and UASC is more negatively affected than positively. Lastly, I suggest that my thesis's recommendation be considered to realize a shorter processing time for the asylum application.

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LIST OF ACRONYMS

AIDA	Asylum Information DataBase
AMIF	Asylum, Migration, and Integration Fund (AMIF)
BAMF	Bundesamt für Migration und Flüchtlinge
BFA	Federal Office for Immigration and Asylum
CEAS	Common European Asylum System
COVID 19	Corona Disease of 2019
CRC	Convention of the Rights of the Child
DCYA	Department of Children and Youth Affairs
DRC	Democratic Republic of Congo
EASO	European Asylum Support Office
ECRE	European Council on Refugees and Exiles
EGVP	Elektronisches Gerichts und Verwaltungspostfach
EU	European Union
EURODAC	European Asylum Dactyloscopy
EUROSTAT	Statistical Office of the European Communities
FTE	Full Time Equivalent
GNIB	Garda National Immigration Bureau
ICT	Information and Communications Technology
INIS	Irish Naturalization and Immigration Service
IOM	International Organization for Migration
IPA	International Protection Act.
IPAT	International Protection Appeal Tribunal

IPO	International Protection Office
ISD	Immigration Service Delivery
LAB	Legal Aid Board
MASI	Movement for Asylum Seekers in Ireland
MDU	Ministerial Decision Unit
NASC	Nasc-Tge Migrants and Refugee Rights Centre
OECD	Organization for Economic Cooperation and Development
ORAC	Office of the Refugee Applications Commissioner
PTR	Permission to Remain
RTÉ	Raidió Teilifís Éireann
RAT	Refugee Appeal Tribunal
TUSLA	Child and Family Agency
UASC	Unaccompanied Asylum Seeking Children
UASC	Unaccompanied Asylum Seeking Children
UNCHR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WW2	World War Two

CHAPTER ONE

1 Introduction

The asylum and refugee crisis has gained prominence in the current politics of the European Union (EU) because of the unprecedented influx of migrants in the jurisdiction of the EU since 2015.[2] Amongst these migrants who have been entering the EU shores are unaccompanied children whose rights are guaranteed in the Convention of the Rights of the Child (CRC) of 1989. Member states of this convention in which Ireland is a party must ensure the child's best interest in every action it undertakes. The 1951 Refugee Convention, the principal refugee international law, protects all asylum seekers and refugees, including children, and stipulates the conditions for member states to grant refugee status. The EU established the Common European Asylum System (CEAS) in 1999 to ensure the harmonization of asylum across its member states which has undergone some amendments due to the 2015 migration Crisis.[3]

However, Unaccompanied Asylum-Seeking Children (UASC) who are protected by these international and regional norms, arrive in Ireland to seek international protection with the hope of obtaining a decision on their asylum applications in a short time, end up waiting for a longer period without a decision on their asylum applications which affects them more negatively than positively and is against the best interest of the child principle.[4] This study investigates the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum-Seeking Children in Ireland. This chapter contains an introduction to the study, which comprises the background and the context of this research, followed by the research problem, research aims, objectives and questions, the significance of the study, scope, ethical considerations, and an outline of my research.

1.1 Background of the Study

There have been discussions by scholars on UASC and asylum procedures. Chin Elizabeth 2003 said unaccompanied minors who migrate to the European Union member states to seek asylum

[2] ("What Asylum and Refugee Policies Do Europeans Want? Evidence from a Cross-National Conjoint Experiment - Anne-Marie Jeannet, Tobias Heidland, Martin Ruhs, 2021" n.d.)
[3] ("Common European Asylum System" n.d.)
[4] ("UN Convention on the Rights of the Child" n.d.)

have been under increasing media scrutiny in recent years.[5] Halvorsen, 2002 mentioned that these children left their countries of origin and lived in their host countries without their parents.[6] Castles 2012 said one of the main reasons that caused this category of children to migrate is economic disparities between the richest and the poorest countries and the threat to human security. He went further to say that other reasons for migration are unequal economic development, demographic changes, and the advancement of technology in terms of transport and communication, which have made the movement of people easier from one country to another distant land. Van Hear et al. 2020 mentioned that conflict and insecurity in countries cause children and others to migrate. [7] Williams and Graham, 2014, said UASC and other asylum seekers migrate because of the difficult circumstances they find themselves in, such as poverty, nativism, persecution, violation of their civil and political rights, the absence of democracy, and armed conflict, and discrimination against specific categories of people. They said these reasons make refugees leave their original countries and more exposed to further human rights violations in their journeys and host countries.[8]

Watters Charles talked of asylum-seeking children embarking on dangerous journeys with their parents or family members; some are unaccompanied. Watters said when these children arrive in their host countries; they are happy to be far from home due to the insecurities that caused them to live and believe that their problems are no more. To Watters, such a feeling does not exist as these children encounter issues in their host countries, are treated with suspicion, and undergo physical and mental conditions.[9] In addition, Huemer, Karnik, and Steiner 2009 mentioned that unaccompanied refugee minors stand out among the world's refugee population because they are more vulnerable to post-traumatic stress disorder than other refugees.[10] Wernesjö Ulrika 2012 said that, though unaccompanied asylum-seeking children have received relevant attention politically and in policymaking, research about these children is insufficient. [11] Korp Helena and Stretmo Live 2020 talked of the unprecedented influx of migrants in 2015 that caused European Countries to tighten their laws and policies about asylum-seeking, such as Sweden. They mentioned that even though research had been carried out on the impact of lengthy asylum procedures on children and young people, little research has been conducted on why countries tighten their asylum systems.[12] Meredith Winn 2021 regarding asylum systems said there is no clear guidance

[5] (Chin 2003)
[6] (Wernesjö 2012a)
[7] ("International Journal of Qualitative Studies on Health and Well-Being" 2020)
[8] ("Literature Review on Voluntary and Forced Migration" n.d.)
[9] (Watters 2014)
[10] (Huemer et al. 2009)
[11] Ibid
[12] Ibid

on how governments should evaluate asylum requests. And further said that there are no international enforcement mechanisms and independent organizations to monitor states' asylum policies systematically.[13] Meredith further mentioned that when there is an increase in asylum applications, member states turn to implementing strict conditions compared to a small number of applications.

In support of Meridith's statement, Bernhard Laurent and Kaufmann David, 2018 said when European countries experience an increase in asylum applications, they take a lot of time to process asylum applications, thereby creating backlogs of cases.[14] In addition, Given -Wilson, Hodes, and Herlihy 2018 said unaccompanied asylum-seeking minors undergo unique hurdles while seeking asylum in their host countries because of the nature of the asylum procedure.[15] Schittenhelm Karin 2019 said the decision on asylum applications in the EU is solely the responsibility of its member states and has made the EU establish the Common European Asylum System (CEAS), which was created to ensure harmonization of the asylum procedures across Europe to protect the rights of asylum seekers. In addition, Schittenhelm mentioned that insufficient asylum procedures and the absence of necessary information given to UASC and other asylum seekers in a language they understand to provide more information on their applications further might prevent them from obtaining international protection.[16]

Bairbre ní Chiosáin 2016 said asylum seekers in Ireland are a vulnerable group of people who wait for several years to decide on their asylum applications.[17] In addition, Harmon Hilary said, lengthy asylum procedures may force children to dwell in unsuitable circumstances. Moreover, worrying about the outcome of their applications might lead to feelings of anxiety and tension. He said that while in direct provision, asylum-seeking refugee youths in Ireland confront prejudice in schools, study foreign English languages and live in poverty.[18]

About the historical background of this study, migration is a significant challenge facing Europe today and is not new. The migration of unaccompanied minors can be traced between 1618 and 1967 when 150,000 minors left the United Kingdom for American colonies and moved to Australia and Southern Rhodesia. These children were migrating because of the excess population where they lived as well as poverty and they were moving to provide settler states with cheap labor. The children that migrated during this period were those who did not

[13] (Winn n.d.)
[14] (Bernhard and Kaufmann n.d.)
[15] (Fuller and Hayes 2020)
[16] (Schittenhelm 2019)
[17] (Ní Chiosáin 2016)
[18] (Harmon n.d.)

have a normal family, that is, both parents living together, such as orphans and children born out of wedlock.[19] During the 1930s, another migratory movement occurred. That is when Adolf Hitler came into power in 1933 and became the head of Nazi Germany. His dictatorship nature and ambition to conquer Europe[20] led to World War 2 from 1939 to 1945.[21] World War 2 brought about the displacement of 64 million people. Amongst this 64 million people, 6 million were slain by the Nazi regime. Between 1938 and 1939, approximately 9000 Jewish refugee children left the areas controlled by Nazi Germany and entered the United Kingdom. 70,000 Finnish children during WW2 were transferred to Sweden and Denmark, and thousands of children were sent to other areas for forced labor while the Nazi regime adopted some. Approximately 700,000 children were sent to Poland as slave labor.[22]

The demise of the war led to another displacement of people, significantly about 13 to 14 million Germans from Europe, such as Poland, Czechoslovakia, Hungary, Yugoslavia, and other areas, to their own country.[23] Between the 1950s and 1974, migration also occurred as most of Europe's economy flourished, which led to high demand for labor as European nations began recruiting people who were non-Europeans to work in their country on a temporal basis. During the 1980s, Europe experienced unprecedented growth in asylum applications, from 15000 to 300,000 people applying for a stay. Also, from 2002 to 2006, there was a dwindle in the asylum application from 393,000 to 180,000. From 2006 upwards, the was an increase in asylum applications within the European Union (EU) due to conflicts in Afghanistan, Syria, and the Arab Spring. In 2010, EU countries received 254,180 asylum seekers' applications, including children.[24] A total of 800000 refugees entered Europe to seek international protection in 2014, fleeing war, persecution, and poverty.[25] 2015 was a year of a significant landmark in Europe as the continent witnessed over one million migrants and refugees. Who left their countries of origin for the same reasons mentioned above to seek refuge in Europe.[26] One of the five asylum seekers that came to Europe in 2015 were children; one-quarter of them lodged their applications for international protection. Some children came with their parents, while 14 percent were unaccompanied. Most of these children came from

[19] (Hedlund et al., n.d.)
[20] ("Adolf Hiter: Rise to Power, Impact & Death - HISTORY" n.d.)
[21] ("World War II: Summary, Combatants & Facts - HISTORY" n.d.)
[22] Ibid page 21
[23] (Dragostinova, Puleri, and Hudson 2016)
[24] Ibid
[25] ("The Migration Crisis? Facts, Challenges and Possible Solutions Osinachi Ndubueze," n.d.)
[26] ("Migrant Crisis: Migration to Europe Explained in Seven Charts - BBC News" n.d.)

Afghanistan, Syria, and Kosovo. The total number of applications submitted by unaccompanied and separated children in EU countries was 23,000.[27]

According to UNHCR in the United States of America (U.S.A), the total number of migrants and refugees who entered Europe by the end of 2016 was almost a 5.2million, and they were coming from Afghanistan, Syria, Iraq, and other continents like Africa, running away from conflicts in their countries and oppression.[28] In 2017 the total number of migrants and refugees who entered Europe, according to the International Organization for Migration (IOM), was 179536 and in 2018 was 134004 from 1st January 2018 to 5th December 2018.[29] According to the Statistical Office of the European Communities (Eurostat), in 2020, the total number of migrants that entered Europe was 1.9 million.[30] United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), and IOM said that for the unaccompanied minor refugees who entered Europe to seek asylum, the total number was 97,235. Amongst these numbers, 74,635 got the result of their applications between January and June 2020. 60% of them received positive feedback on their applications.[31] In 2021, according to UNICEF, the number of migrants and refugees who entered Europe between January and June 2021 was more than 55000.[32]

Contextualizing this research's main case study, Ireland historically experienced migration. Since 1800 about ten million people migrated from Ireland to other areas of Europe and America. The Irish famine during the middle of the 1840s led to the mass migration of the Irish. This famine came into being because of the unavailability of the potato crop, which the people depended on for their subsistence.[33] In this famine, over 1 million Irish lost their lives, and about a 1.25million were displaced to other areas such as America, which was the country's majority. This scenario curbed the country's population from 8.5 million in the middle of the 1840s to 6.5 million in 1851. Subsequently, Ireland's population kept reducing, especially in the 1850s and 1880s, and by 1911 the Irish population was 4.4 million.[34] Between 1945 and WW2, amid the 1950s, about 50,000 Irish left their country and moved to Britain for better pastures. In the 1970s, there was a reduction in the migration

[27] ("Introduction: Unaccompanied Minors Virtual Issue," n.d.)
[28] ("Refugee Crisis in Europe: Aid, Statistics and News | USA for UNHCR" n.d.)

[29] ("Migrant and Refugee Arrivals in Europe in 2018 Facts and Figures" n.d.)
[30] ("Migration and Migrant Population Statistics - Statistics Explained" n.d.)
[31] ("Demographic of Arrivals, Including Accompanied," n.d.)
[32] ("Funding Overview and Partnerships" n.d.)
[33] (Johnson 1990)
[34] (Glynn, Kelly, and Éinrí 2015)

movement because the Irish economy was booming. [35]The unemployment crisis in Ireland in the 1980s made 200,000 Ireland citizens migrate. From the middle 1990s to 2007, Ireland witnessed development in its economy, which reduced the number of migrants. After having such a development in its economy, the country went back into a recession and further worsened by a collapse of the Irish banking system in 2008. This led to an upsurge in migration as the Irish left their country.[36]

During the 20th century, Ireland welcomed unaccompanied children that is during the period of WW2. These children who came to Ireland were given to foster parents to look after them. The first unaccompanied minor to gain international protection arrived in Ireland in 1996.[37] In 2000, 10,938 children submitted their asylum applications for international protection. Some of these children came with their family members, while others separated from their parents before arriving in Ireland.[38] Ireland received 4,000 refugees in 2015, and among these people who arrived were also children. Ireland in 2018 received 1,680 asylum seekers, and 840 were minors.[39] On December 31st, 2019, in Ireland, as per the EU Relocation strand, the country received 1022 people. Based on the resettlement program with UNCHR, Ireland received 1 913 people from Lebanon and Jordan. In 2021 Ireland, as part of their reallocation program based on the Calais Special Project, the country received 41 unaccompanied minors. [40] According to Tony Connelly, Europe's editor, due to the Ukrainian conflict with Russia, which broke out this 2022, Ireland has received about 13,500 Ukrainians.[41] 77unaccompanied minors from Ukraine have been sent to the Child and Family Agency (Tusla).[42]

This background lays the foundation for a better understanding of the research topic as it discusses existing literature on who UASC are, the reasons why they migrate, their situations in their host countries, and the origin of migration. It is essential to say that most of these children left their countries because of conflict and persecution to seek international protection. They embark on dangerous journeys believing that such a journey is worth it as their asylum applications will be decided in no time. Still, they are disappointed as they wait for a more extended period for a decision on their asylum applications, which negatively affects them, such as mental health, as mentioned by some scholars above.

[35] (Editor, Bourke, and McBRIDE, n.d.)
[36] Ibid
[37] (Muireann and Raghallaigh, n.d.)
[38] (Fanning et al. 2001)
[39] (Harmon, n.d.)
[40] ("Gov.Ie - Irish Refugee Protection Programme" n.d.)
[41] ("Almost 13,500 Ukrainian Refugees in Ireland - McEntee" n.d.)
[42] ("77 Unaccompanied Children from Ukraine Referred to Tusla" n.d.)

1.2 Statement of the Problem

Based on existing research, the study of unaccompanied asylum-seeking children is not a new concept[43]. Researchers have agreed that UASC is a vulnerable group to which much attention must be paid. Researchers have written on the integration of this category of children in their host countries, coping mechanisms for living in a foreign land, and more especially focused on the effects of lengthy asylum procedures on the mental health of these children without focusing on the general effects these children might be experiencing. That notwithstanding, in Ireland, no research has been conducted on the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum-Seeking children, which is a problem that exists and is imperative to investigate.

The International Protection Act (IPA) is the principal Act in Ireland, which sets Ireland's obligation under the International Refugee Law.[44] Article 39(5) of the IPA states that in a scenario where the International Protection Office (IPO) cannot make a recommendation within six months on the asylum application, information should be available to the applicant on the estimated period a decision can be determined. But now, in Ireland, Unaccompanied Asylum-Seeking Children (UASC) end up waiting for years before knowing the outcome of their application. They begin their asylum applications before the age of 18 and only get results of their application beyond 18 years of age.[45] And amongst the children who apply for asylum, just a tiny portion receives a decision before 18 years.[46] This does not comply with the child's best interest in Article 3 of the CRC.UASC has undergone horrible experiences such as trauma before arriving in their host countries. They migrate to Ireland hoping that their asylum applications will be determined by the International Protection Office (IPO) in no time, realizing that their expectations are not a reality.

Moreover, no information is available to them when a decision will be made on their application as per article 23 of the Asylum Procedures Directive of the EU nor Section 39 (5) of the IPA.[47] This uncertainty and not having a decision on their asylum applications may have a couple of effects on these children, such as mental health issues, isolation, and poor performance in school. If UASC continues to face the problem of a lengthy

[43] ("Short Overview of the Asylum Procedure - Asylum Information Database | European Council on Refugees and Exiles" n.d.)
[44] ("International Protection Act 2015, Section 39" n.d.)
[45] ("Vulnerable Childhood, Vulnerable Adulthood: Direct Provision as Aftercare for Aged-out Separated Children Seeking Asylum in Ireland" n.d.)
[46] (Groarke and Arnold 2018)
[47] ("European Migration Law: Policies and News in the Field of Asylum, Immigration and Free Movement of People." n.d.)

asylum process, they would not realize their developmental potential as lengthy asylum procedures could lead to hypertension disease, mental health issues, poor performance in school, and difficulty in integrating into their communities as well as accessing health care and education. Moreover, the healthy development of children is vital to the future good of any society. Children who grow healthy become responsible citizens and obtain sound education, bringing economic productivity to society and good parenting for their future offspring. But children who do not grow up suitably due to the circumstances surrounding their lives end up being a burden to society as there is a higher possibility of being a juvenile delinquent. Therefore, it becomes imperative for this study to investigate the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum-Seeking.

1.3 Research Objectives and Questions

From the research problem, the general objective of this study is to examine the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Children Seeking Asylum in Ireland. Specifically, this study analyzes the discrepancies between Section 39 (5) of the International Protection Act and the existence of Lengthy Asylum Procedures in the Lives of Unaccompanied Asylum-Seeking Children in Ireland compared to other countries' asylum systems. In addition, the study seeks to examine to what Extent Lengthy Asylum Procedures Impact the Lives of Unaccompanied Asylum-Seeking Children in Ireland. And lastly, to propose recommendations to circumvent the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum-Seeking Children in Ireland.

From the research objectives, I, therefore, formulate the following research questions to provide answers to the research problem.

1) What are the discrepancies between section 39 (5) of the International Protection Act and the existence of Lengthy Asylum Procedures in the Lives of Unaccompanied Asylum-Seeking Children in Ireland?
2) Do lengthy asylum procedures affect unaccompanied asylum-seeking children in Ireland?
3) What good EU countries' asylum procedure practices can Ireland emulate?
4) To propose recommendations to circumvent the impact of lengthy asylum in Ireland.

1.4 Significance of the Study

It is worth investigating the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum-Seeking Children in Ireland because lengthy asylum procedures violate human rights. Secondly, it is a significant challenge UASC faces in Ireland and does not promote the child's best interest. Discovering the deficiencies of Section 39(5) of the IPA of Ireland that cause lengthy asylum procedures and impacts the UASC will protect the

children's best interest through the amendment of the Irish asylum system. Moreover, this study is beneficial as it fills in the gap in the literature regarding the impact of lengthy asylum procedures on the lives of UASC in Ireland, as no research has been conducted on this research topic in the country. Suppose the Irish government implements the findings of this research by amending its laws and policies in favor of shorter processing times and comprehensively implementing these laws and policies effectively; it will boost the country's reputation for adhering to the European Union law, the United Nations Convention on the Rights of the Child, the 1951 Refugee Convention, and other international and regional standards relevant to this study. Moreover, Ireland's asylum system could be used as good practice for other European countries to emulate if they implement the recommendations of the findings of this research.

Suppose the recommendations of this research are implemented. In that case, it will be beneficial to society and the Irish government as UASC will be able to realize its full developmental potential and become economically productive rather than being a threat to society, such as juvenile delinquency, since the healthy development of children is vital for the future good of society. The study is also significant as it will draw the attention of the Irish government by revealing the negative effects these children go through because of lengthy asylum procedures. From my study, the Irish government may amend its laws and policies and implement them for shorter processing times, which will benefit not only these children alone but other asylum seekers. Furthermore, this study is beneficial to the International Protection Office (IPO), International Protection Appeal Tribunal (IPAT), Ministerial Decision Unit, and Judicial Review as they will see where they have failed and amend their laws and policies in favor of short processing times since they are the main bodies in international protection in Ireland. This research will also reawaken Tusla by revealing the effects UASC has been going through because of lengthy asylum procedures. The study findings will aid Tusla in better strategizing how to support the children through the international protection process. Tusla is the body responsible for children in Ireland as stipulated in Section 3 of the Child Care Act 1991.[48]

The research is also essential to the researcher as it has expanded my knowledge about the research topic and improved my research skills and experience. And lastly, this research is significant as it will call the attention of future researchers to focus on the research area since I used an exploratory research design to reveal further problems for future researchers.

[48] ("National Guidance for the Protection and Welfare of Children" n.d.)

1.5 Scope of the Study

This study was undertaken from 2015 to the 18th of July 2022. This period was selected because it was in 2015 that the European Union faced a major migration crisis due to the unprecedented influx of migrants who left their countries of origin running from war, persecution, poverty, and other reasons to Europe to seek international protection. This research covers the legal framework of asylum procedures in Ireland, an overview of the asylum system, the discrepancies of Section 39 (5) and the existence of lengthy asylum procedures, and the impact of the protracted asylum process on these categories of children. The research does not cover UASC living in direct provision nor UASC beyond 18 years and how their foster parents treat them.

1.6 Ethical Consideration.

The ethical consideration of this research paper has been given primordial consideration. This research was conducted based on the respondent's voluntary consent and confidentiality. The participant interviewed had the right to withdraw during the study. The use of offensive or unacceptable language was avoided. Information from the respondent was treated with privacy and confidentiality. The research participant was informed that the information obtained was purely for academic research, not other reasons.

1.7 Chapter outlines

This research will be divided into six core chapters:

- Chapter two outlines the conceptual framework of this study's main variables: asylum procedures and unaccompanied asylum-seeking children. The chapter also contains Giddens Structuration theory of 1984 that explains unaccompanied asylum-seeking children in their host countries; it also contains empirical research done by previous researchers with regards to this research and a contribution to the study.
- Chapter three lays out the methodology used in obtaining the result of the findings and the limitations of my research.
- Chapter Four talks about the legal framework of asylum procedures by discussing it at the international, regional, and national levels. It also gives an overview of the Irish asylum system, the statistics on unaccompanied minors in Ireland, and the number of decisions made from 2015 to April 2022.
- Chapter five gives the findings of the research.
- Chapter six discusses the findings of chapter five and relates them to existing research.
- Chapter 7, the last chapter, concludes my research and lays down policy recommendations to be implemented by the Irish government.

1.8 Conclusion

This chapter has laid a foundation for a better understanding of the research topic and discussions of subsequent chapters.

CHAPTER TWO

LITERATURE REVIEW

1. Introduction

To lay the groundwork for a better understanding of my research topic, it is imperative to review previous literature on the Impact of Lengthy Asylum Proceedings on the Lives of UASC in Ireland and how existing literature contribute to this research. The chapter begins with an introduction, conceptual review, definition of key terms, theoretical review, review of other works, the expected contribution of the present study, and a conclusion. All these key aspects are discussed below.

1.1 Conceptual Review

Conceptually, a lot of literature has been discussed on the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum-Seeking Children, which has built into the current argument of this study.

1.1.1 Lengthy Asylum Procedures: A General Overview

In 2016, Asylum Information Database (AIDA) said some European countries prioritize asylum requests for vulnerable groups, whereas others do not. In Ireland, Cyprus, Spain, France, Greece, Hungary, Italy, Malta, and Poland, unaccompanied children's asylum applications are given precedence. When asylum applications are prioritized to AIDA, the procedures are not lengthy. France made decisions on asylum applications for vulnerable groups within 97 days. Unlike the previous years in France, it took 216 days to decide. In other European countries such as Sweden, such a priority of applications is not placed for unaccompanied minors seeking asylum. In Sweden's first six months of 2017, unaccompanied minors waited for 510days for a decision on their applications.[49]

Bertoli Simone, in June 2020, said the same thing as AIDA. He said some countries accelerate the asylum application process while others make it lengthy. He gave an example of the 2015 statement of Angela Merkel, the first female chancellor in Germany, who decided to accelerate the asylum process in Germany. After her speech, the processing times in Germany changed from 8 months to 2 months for Syrian refugees who made applications. But in Sweden, between 2014 to 2016, the processing times became prolonged from 3 months to 10 months. Bertoli said the lengthy asylum procedures could attract migrants to European countries and seek

[49] ("The Concept of Vulnerability in European Asylum Procedures," n.d.)

asylum as they see that as an opportunity to have employment during their stay. And countries make late decisions on asylum applications because of inadequate finance to meet the number of asylum applications created.[50]

Brücker Bertoli and Fernández-Huertas Morega 2020 said the same thing as AIDA and Bertoli Simone on prioritization of asylum procedures. They said when it comes to the asylum process in European countries like Germany, for specific nationals such as Syrians, Eritreans, and Serbians, processing their asylum documents is short, with a minimal time of fewer than seven months. In contrast, for some nationals who are neither Syrians, Eritreans, nor Serbians' the processing time is longer, like in the Democratic Republic of Congo (DRC), where asylum seekers had to wait for over 14 months for a decision to be made on their asylum applications. This demonstrates why some asylum seekers experience lengthy procedures while others do not have that same experience in host countries.[51]

Connor Philip 2017 mentioned that in Germany, between 2015 to 2016, the duration of the outcome of the asylum document was three months for Syrian asylum seekers. But, in Norway, it was processed for over one year. The difference in the processing times in European countries could be attributed to the number of applications submitted, or it could be depending on where the asylum seeker is from or bureaucratic pressures that have led to either speedy asylum applications or no bureaucratic pressures leading to longer processing times. [52]

Regarding what AIDA, Bertoli Simone, Brücker, and Morega said, Reneman Marcelle and Stronks Martijn 2021 revealed why some countries prioritize asylum applications and others do not. They said between 2014 to 2019, the Dutch government (Netherlands) focused more on the asylum process to determine the number of asylum seekers that could stay in their countries. What they did was that they concentrated on asylum cases they knew had a lower chance of success in the asylum process with a shorter asylum process. Those that had a higher chance of being successful were not processed earlier. Their analysis portrayed that the method used by the government was temporal governance, which can be defined as a strategy used by governments to prevent asylum seekers from entering their countries and control the asylum process.

[50] ("Policy Brief 05 CROSSING BORDERS Processing Time and the Origin Mix of Asylum Applications to European Countries," n.d.)
[51] (Bertoli, Brücker, and Fernández-Huertas Moraga 2020)
[52] ("Refugee Asylum Seekers Still Waiting in Europe | Pew Research Center" n.d.)

Reneman and Stronks said the EU law gives states a wide margin of appreciation for temporal governance. For conditions to either accelerate the asylum process to issue a favorable decision or deaccelerate the process to implement a lengthy process and deter asylum seekers from coming to their countries. They did not accuse the Dutch government but assumed from their analyses that the government could use it as a strategy for asylum seekers.[53] Marcelle and Martijn's analysis unveil the politics that European governments might use to slow the asylum process.

Concerning what AIDA and Bertoli said and how Reneman and Stronks gave reasons why some countries prioritized specific applications, the Organization for Economic Cooperation and Development (OECD) 2017 also gave a reason for prioritization of particular applications. OECD began by saying that 'the average processing period for asylum petitions in Finland was 357 days. And stated that such a protracted asylum process was a lack of employees in processing asylum petitions. The OECD noted that the Finnish government only hastened asylum applications when it realized the asylum seekers were from a safe country. The reason is that asylum seekers can quickly return safely to their countries of origin when their application is unsuccessful as it is not characterized by war.[54] Analyzing the OECD report reveals politics in migration by accelerating the asylum process when an applicant is coming from a safe country to send them back.

Sarah Groarke and Samantha 2018 mentioned that unaccompanied minors seeking asylum arrive in Ireland before 18 years and turn 18 without a decision on their asylum applications because of the lengthy asylum procedures in Ireland. And further only, a tiny proportion of unaccompanied minors have gained international protection.[55] Sarah and Samantha's report attest that the lengthy asylum procedures of unaccompanied children seeking asylum are a problem in Ireland.

1.1.2 The Impact of Lengthy Asylum Procedures on Unaccompanied Minors A General Overview

The Rockwool Foundation 2021 mentioned that between 2018 and 2019 in Denmark, the asylum processing time was prolonged for up to 19 months. This had adverse effects on asylum seekers' mental health since they were worried about the outcome of their applications. The organization discovered that the processing times were still lengthy even when countries had fewer asylum applications.[56] Song J. Suzan 2021 said the same thing

[53] (Reneman and Stronks 2021)
[54] ("IN-DONOR REFUGEE COSTS IN ODA," n.d.
[55] (Groarke and Arnold 2018)
[56] ("Consequences of Long Waiting Times in the Asylum System | European Website on Integration" n.d.)

as the Rockwool Foundation on lengthy asylum procedures affecting the mental health of UASC. According to Song, the immigration policies of countries impact the mental well-being of this category of children. UASC wait for an extended period to obtain a decision on their asylum application, which puts them in a situation of limbo as they do not know when a decision will be made on their applications. All they can do is keep waiting as they do not have the power to speed up the asylum process. Which affects the mental health of UASC, and she said most of these children undergo post-traumatic stress disorder.[57]

Derluyn and Broekart 2007 also shared the same view with the Rockwool Foundation and Song on unaccompanied asylum-seeking children having mental health problems in Belgium. They said that based on their study they conducted 37 and 49% of these children experience depression, anxiety, and post-traumatic stress disorder due to the asylum process.[58] Adding to what these authors mentioned above, Mushonga Patience said most researchers have said that the longer the asylum process for unaccompanied minors, the more unaccompanied asylum-seeking children experience mental health problems. She related the results of her research to a study conducted on Iraq asylum seekers in the Netherlands. The research findings showed that lengthy asylum procedures made Iraq asylum seekers in the Netherlands have anxiety, somatoform disorder, and depression.[59]

Bertolo, Brücker, and Fernández-Huertas Moraga 2020 said lengthy asylum procedures for unaccompanied minors could lead to the aftermath of apprehension. As they turn to worry about the outcome of their applications, they may be unwilling to learn new skills such as the language of the host countries that will enhance them and facilitate their transition to the job market.[60]

1.1.3 Definition of Key Concepts.

The variables of this study are asylum procedures and unaccompanied asylum-seeking children, which are defined below.

1.1.4 Child

[57] (Song 2021)
[58] (Wernesjö 2012b)
[59] (Mushonga, n.d.)
[60] (Bertoli, Brücker, and Fernández-Huertas Moraga 2020)

According to article 1 of the UNCRC, a child is defined as "every human being below the age of 18 years unless, under the law applicable to the child, the majority is attained earlier."[61]

1.1.5 Unaccompanied Minors

According to United Nations High Commissioner for Refugees (UNHCR), an unaccompanied minor is an individual below the age of 18 years unless the law relevant to the child provides that the majority is acquired earlier and who migrated from their original country to another without a legal guardian for a better life.[62]

1.1.6 Asylum Seeker

The EU defines an asylum seeker as "a third-country national or stateless person who has made an application for international protection under the Geneva Refugee Convention in a country different from theirs and is awaiting a decision on his or her application."[63]

1.1.7 Lengthy Asylum Procedure

It is when a country takes an abnormal time to determine if an asylum seeker should be given international protection or not. [64]

2. Theoretical Review.

This research uses the structuration theory of 1984 by Giddens Anthony, a British social scientist, to explain unaccompanied children seeking asylum in Ireland.[65] According to the theory, humans living in society must be seen from the perspective of action and structure, not looking at them separately. And said there exist similarities between social actors and individuals in the society which cannot be differentiated. Such similarity is known as the duality of structure. Giddens' idea of structuralism tries to balance actors' position with their limited choice of function in records and in the social material they find themselves.

Gidden's said when it comes to the creation of social systems in society, it is individual actors who do that and are the ones who bring social change to our community by instituting specific standards and ethics, which is

[61] ("UN Convention on the Rights of the Child - UNICEF UK" n.d.)
[62] ("OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES GENEVA Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum" 1997)
[63] ("Asylum Seeker" n.d.)
[64] ("Asylum Seekers, Refugees, Migrants – Understanding the Irish Immigration System - National Youth Council of Ireland" n.d.)
[65] ("Anthony Giddens: Biography of British Sociologist" n.d.)

agreed upon and notes that these same social systems created are a limitation to people in the society.[66] Refugees and asylum seekers face difficulties in understanding the social structures in the community that they find themselves such as the traditions, customs, languages, laws, and policies in the new system, which are different from their original countries as it does not share the same social structures as their host countries.[67]

He said there is a difference between the system and structure of a society. A system comprises different categories of people, be it a family, peer groups, or communities, that operate in a particular space and time. But the structure is composed of laws that govern the system.[68] Societies cannot act differently from the law's structure but must act according to the established laws. And said with the available resources in place for the structure, the law is being realized. Giddens listed the three forms of structures in society: signification, legitimation, and domination. Signification is a situation whereby the actors use their knowledge to interpret a situation; mastery is whereby the actor agents use resources as a power to sway people. Legitimation is whereby the actor uses his intimate knowledge by remembering past things.[69] Giddens uses policies to consult signification or legitimation. An agent draws upon this store of experiences through reminiscence to inform him or herself approximately the outside context, situations, and potential result of an action.

Giddens further said there are two forms of capabilities: the actions of humans and the various things they are engaged in, which is called agency. He gave the stratification model of action and said it comprises three distinct elements: automatic monitoring, rationalization, and action motivation. Giddens said these three aspects have the various parts they play in the model.[70] He gave an example of how humanity interacts with the climate. Such an interaction comes with consequences that were never planned, like climate change, and it is based on the actions of humankind. Giddens is of the opine that agents use power in implementing measures. The theory emphasizes that the agents are the primary actor in bringing societal transformation, just like the president who decides how a country should operate. Giddens discusses the micro and macro levels and uses the example of humans born into families and never had the decisive power to choose their parents. This example falls at the micro-level and the macro-level; we cannot operate in society without depending on governmental structures or social institutions. And so, society is entirely dependent on the laws and principles that the state has established

[66] (Lamsal 2012)
[67] (Healey 2006)
[68] ("Structuration Theory" n.d.)
[69] ("Structuration Theory – Problem-Solving in Teams and Groups" n.d.)
[70] ("The Constitution of Society: Outline of the Theory of Structuration - Anthony Giddens - Google Books" n.d.)

to survive. Hence both the macro and micro levels cannot be distinguished, and if distinguished, it will be challenging to comprehend. It is this relationship that establishes Gidden's theory of structuration.[71]

Giddens moved further by explaining how his theory is related to human geography, and he explained human geography regarding urban areas. To better understand it, he talked about introductory connections. He said humans could not live without making decisions, for it is part of their everyday life. They could either be examining their conduct or the conduct of others by trying to comprehend those conduct to produce decisions. Giddens mentioned that agents react to situations differently. And the reaction could be a deliberate one, and it could be not deliberate but comes with consequences that could have been avoided. But sometimes, such situations are not within their competence to institute change. Mukunda Lamsal, in better explaining Giddens's theory, gave an example of apartheid that occurred in Southern Africa between the 1950s amid the 1990s, which was racial discrimination of blacks by whites. For instance, the blacks were not supposed to be in the same school as the whites. This action carried out by human agents had its consequences and today is recognized as a grave human rights violation. And it was implemented because power and influence were in the hands of the leaders who discriminated by treating their kind more highly than the blacks.

Mukunda Lamsal further explained how Giddens's theory plays out globally. He describes it through three aspects: the impact of globalization, the distinction of the actors in terms of space, and various cultural policies. These three aspects were explained as globalization, time, and space. He said that the social systems we interact with had been altered by globalization without noticing in terms of geography. And uses Giddens's structuration theory as beneficial as it explains that agents' actions have changed the way the structure of the society functions. And these actions have brought about notions of time and space. Where people can do what they want with the comfort of technological advancement, Giddens said the structuration theory could not be explained without looking at routinization as globalization has impacted people's daily routines. The market was where people could meet directly and communicate, but now, we can buy stuff online without going to the market with technology based on our time and space.

And the author uses the South African apartheid to say that people were deprived of their space not to go to the same school as the whites. Mukunda noted the division of people in terms of race, ethnicity, and color is now visible. He used the example of the United States, where people use the bus as transportation. And the people who use buses share something in common: they belong to the low-income category who do not have cars, and

[71] (Lamsal 2012)

as an option, they travel on the bus and share a form of interaction. Their daily routine is to use the bus based on their time and space. [72]

Other proponents have also criticized Giddens's theory of structuration. Rose, in 1998 criticized the idea regarding the statement Giddens made that social actors and individuals in society cannot be separated. To Rose, these two elements are distinct. Wafa Kort and Eddine Jamel said when Giddens says structure and agent cannot be divided; no regulations exist when the agent is part of the structure. And that is impossible, and he gave an example that when people move with their cars on the roads, they somehow follow the rules and regulations they did not establish, demonstrating that both are distinct.[73]

Giddens's theory of structuration is essential as it explains the situation of UASC in Ireland, which is why I decided to incorporate it into my study. These children are governed by the laws and policies of their host countries. The agents that Giddens talked about are the governmental structures of Ireland, and unaccompanied children seeking asylum are a social group with few options. They experience limited access to information in Ireland and the existence of lengthy asylum procedures, which negatively affect their mental health, as discovered in the findings of my study. They cannot make decisions concerning their asylum situations. If they could make such decisions, they would give themselves refugee status. For instance, unaccompanied asylum-seeking refugees cannot access third-level education in Ireland. There is nothing they can do within their power to access such education, which hinders them from realizing their full developmental potential since education is essential for them to realize such potential.[74] The decisions implemented by these agents could be deliberate and not deliberate. For instance, when these children turn 18 and have not received a decision on their asylum applications, they are sent back to direct provision, a deliberate decision made by the Irish government, which is not good for their well-being and has been criticized by asylum seekers themselves.

Giddens is right in talking about time and space in a geographical context. Mukunda explained the geographical context where racism and other forms of discrimination are visible in society. Those who use public transport are those who are low-income earners. They use buses as their means of transportation since they cannot afford cars and interact with their category using the bus, which occurs at a particular time and space. But the rich are owners of vehicles and can hardly be seen using public transport. This explains how unaccompanied children in Ireland, or those seeking asylum in their host countries, are distinct from others as they face religious

[72] (Lamsal 2012)
[73] (Kort and Gharbi, n.d.)
[74] (Groarke and Arnold 2018)

discrimination and racism and are disempowered. Moreover, the findings of this research showed that UASC experience racism in Ireland from the interview with the integration officer of NASC and are isolated from the community because they are asylum seekers.

Structuration theory can be used by governmental institutions such as policymakers to understand the challenges of UASC and other asylum seekers and their experiences in their countries to produce policies to circumvent the obstacles. Policies such as the integration of these children, shorter processing times, empowerment on UASC, access to services, and elimination of racism. Which will, in turn, circumvent the issue. Structuration theory also explains how UASC produce self-management methods to fit into their new countries. Their way of life in the old countries differs significantly from their host countries, but they must cope.

3 Review of other Works

It is essential to review similar research conducted on the Impact of Lengthy Asylum Procedures on the Lives of UASC in Ireland to understand my topic and identify research gaps for further research.

Jakobsen Marianne, Demott Melinda Ashley Meyer, and Tore Wentzel Larsen researched "The Impact of the Asylum Process on Mental Health: a Longitudinal Study of Unaccompanied Refugee Minors in Norway" in 2017. The objective of this study was to look at the mental well-being of unaccompanied children awaiting the decision of their asylum applications. The research timeframe was over two and a half years, and the research participants of the study were male children from Afghanistan, Somalia, Iran, and Algeria. A longitudinal method was used for this study. The outcome of the research portrayed that these children mentioned above had mental health issues before migration and deteriorated in Norway as they waited for so long and received an unfavorable decision on their asylum applications. In addition, the research revealed that children who lived in accommodation centers that were not designed for them received minimal care and long periods for a decision on their asylum applications, which affected their mental health. The study also attributed psychological distress to the way of life in the accommodation centers while waiting for their result.[75]

Hvidtfeldt Camilla, * Jørgen Holm Petersen, and Norrredam Marie 2020 carried out a similar study to that of Jakobsen et al. in Denmark on "Prolonged Periods of Waiting for an Asylum Decision and the Risk of Psychiatric Diagnoses: a 22-year Longitudinal Cohort Study". The difference between this study and that of Jakobsen et al. is that Jakobsen looked at unaccompanied children in Norway, but this study focused on resettled refugees in

[75] (Jakobsen et al. 2017)

Denmark. The study aimed to investigate to what extent lengthy asylum procedures might cause mental disorders in resettled refugees in Denmark, which is similar to the objective of the previous study. The findings of Hvidtfeldt, Jørgen, and Norrredam showed that lengthy asylum procedures have a relationship with the mental disorders of resettled refugees in Denmark, just like the study of Norway. The longer the duration of the asylum process, the higher the possibility of having a mental illness. Another outcome of the study was that lengthy asylum procedures led to nervous disasters in resettled refugees based on the observations of Hvidtfeldt, Jørgen, and Norrredam. The researchers recapitulated that receiving countries of refugees should take cognizance that lengthy asylum procedures have a negative effect on the mental health of refugees.[76]

Cornelis J Laban, Gernaat B. P. E Hajo, Komproe H Ivan, Schreuder A Bettine, and De Jong TVM Joop 2004 researched the Netherlands on the "Impact of a Long Asylum Procedure on the Prevalence of Psychiatric Disorders in Iraq Asylum Seekers." Their study result is the same as that of Hvidtfeldt, Jørgen, and Norrredam, as they also researched psychiatric disorders. The study's objective was to determine the effect of lengthy asylum procedures on psychiatric disorders in Iraq asylum seekers in the Netherlands. The methodology used for the study was random sampling, a quantitative method in which Iraq asylum seekers were divided into two pairs, and a correlation was done. An interview was done with the asylum seekers. Iraq asylum seekers that had lived for six months in the Netherlands had a frequency of mental disorder of 42%, and those for two years had 66%. It was realized that the second pair was associated with anxiety, somatoform, and depression. The two pairs had the same level of post-traumatic stress disorder. They all concluded that lengthy asylum procedures potentially threaten refugees' mental disorders during their stay in their host countries. The result is the same as the previous studies mentioned above.[77]

Oppedal Brit, Ramberg Visnja, and Røysamb Espen researched 2020 the "Asylum Process, Bicultural Identity, and Depression among Unaccompanied Young Refugees in Norway. This study is a little different from previous studies discussed above, as bicultural identity was included in the research. That notwithstanding, it is similar to previous studies mentioned above as it also looks at the relationship between the asylum process and depression. Moreover, the study was conducted in Norway, just as Jakobsen et al. The objective of this study was to know if depression has a relationship with asylum procedures following a decision on asylum applications for unaccompanied young refugees. The methodology used for this study was the prevalence study. The outcome of the research portrayed that; the long processing times of unaccompanied young refugees' asylum applications

[76] (Hvidtfeldt, Petersen, and Norredam 2021)
[77] (Laban et al. 2004)

were not connected to them being depressed. But using a moderator analysis, the result demonstrated that unaccompanied youth refugees that stayed in their host countries for an extended period had a low level of depression. Those with a strong parentage identity had a low depression rate from 40% to 14%. They concluded that there is a need for adequate information for counselors concerning unaccompanied children seeking asylum to help counselors counsel them better to alleviate them from any depression-related state since the lengthy asylum process might affect the mental health of refugees.[78]

Oppedal, Ramberg, and Røysamb's research differ from the previous findings discussed above, as previous findings demonstrated that lengthy asylum procedures affect the mental health of unaccompanied minors and refugees. In contrast, the research result of Oppedal, Ramberg, and Røysamb revealed that the lengthy asylum process did not cause depression among young refugees in Norway.

The study of Hainmueller Jens, Hangartner Dominik, and Duncan Lawrence in 2016 in Switzerland are quite different from previous research examined above as the research topic is "When Lives are put on Hold: The Lengthy Asylum Process Decreases Employment among Refugees." The only similarity between the previous studies and this study is that both discussed the lengthy asylum process. The study's objective was to determine to what extent the lengthy asylum procedures influence the integration of asylum seekers following status determination and success in their adoptive countries. Another aim of the study was to find out if being compelled to wait for an extended period for a decision on asylum application reduces the opportunity for asylum seekers to find a job to sustain themselves and the chance of being economically productive in the countries; they sought asylum. The methodology used for this study was the extensive quasi-random sampling used to analyze the period asylum seekers waiting for a decision on their applications.

The research findings revealed that refugees waited 665 days for an asylum decision, with a standard deviation of 478 days. The study demonstrated that the more the lengthy asylum process, the more asylum seekers' chance of gaining employment was reduced to 4-5%. The researchers said such long times do not enhance their skills but rather affect them as they are unwilling to learn new skills because a negative asylum decision will not permit them to live in Switzerland. They recommended a short duration in processing asylum applications for asylum seekers to have a higher probability of gaining employment since lengthy asylum procedures limit their likelihood of attaining a job.[79]

[78] (Oppedal, Ramberg, and Røysamb 2020)
[79] (Hainmueller, Hangartner, and Lawrence 2016)

Nyame Hallex Berry wrote a master's thesis in 2015 on "The Effects of the Waiting Process of Asylum-Seeking in Sweden for Unaccompanied Children." Nyame's study does not specialize in mental health alone or employment as the existing literature that I mentioned above focused on but rather on a general effect which is the same thing I investigated. His study aimed to examine the impact of the lengthy asylum process on unaccompanied children and to comprehend some of the challenges these children experience as they seek international protection. Another objective of the research was to analyze how productive the Swedish government has been regarding unaccompanied children seeking asylum. To also investigate the lived experiences of unaccompanied minors as they await the outcome of their applications. The methodology used for this study was the qualitative research design using an interview by interviewing just unaccompanied minors. Desktop research was used to analyze the Swedish laws regarding unaccompanied minors.

With regards to the result of the research, unaccompanied minors, during their interview, complained of the asylum process being stressful as they kept thinking if their asylum applications would be successful or not, which affected their mental health. The research also showed that the Swedish government did not respect article 2 of the Convention of the Child's Rights, which discusses non-discrimination. Some children's applications were prioritized while others were not. The author also found out that article 12 of the CRC on their right to participation and respect the opine of the child was not considered in the asylum process. Most children also felt like they were not part of the asylum process. Apart from that, in terms of the asylum process, the children said they were not getting information about if their applications were progressing or not. This made them skeptical and wanted to commit suicide or run away if the result was not favorable. The interview with the children also demonstrated that the asylum-seeking process is characterized by a paradoxical system of territorialism, totalitarianism, state sovereignty, and a desire of the Swedish government to preserve their national independence of rights of man. He recommended that the Swedish government change how the asylum process functions as territorialism and state sovereignty, deter children from exercising their rights. He said when unaccompanied children arrive in their host countries; their status sometimes does not change since there is a 50% probability that they might be stateless again after receiving their results. He emphasizes territorialism and state sovereignty being the primary cause.[80]

Groarke Sarah and Arnold Samantha researched in 2018 on the "Approaches to Unaccompanied Minors Following Status Determination in Ireland." Their research is quite different from my research topic. Still, it is essential to mention that this was the only research from my review of literature in Ireland that looked at status

[80] (Berry, Supervisor, and Klamberg 2015)

determination similar to the determination of the applications of UASC concerning whether a refugee or subsidiary status will be granted to them or a negative decision. The objective of their study was to explore how unaccompanied children seeking asylum are being treated based on the laws and policies in Ireland after receiving the outcomes of their applications. The study focused on the negative decisions given to UASC to leave Ireland and the positive result of their asylum applications that require their integration into the country. It also looked at the care and support shown to these children during their childhood in Ireland and examined the effects of negative asylum decisions on them. Desktop research was used for this study and interviews as well.

The result of the research demonstrated that the European Union (EU) does not have regulations protecting children after deciding on their asylum cases. It is being left in the hands of the EU member states to decide how to treat unaccompanied children seeking after the outcome of their asylum documents. It further showed that just a tiny portion of unaccompanied minors received asylum decisions compared to the number of asylum applications lodged by unaccompanied minors. Also, the research portrayed that compared to how unaccompanied minors are treated within Europe, Ireland treats them better than other countries. Although Ireland shows more care and support to unaccompanied children than other European countries, Groake and Arnold said the aftercare system is problematic because the children cannot access third-level education. Even when they turn 18, they face racism and other discrimination in obtaining employment. The research demonstrated that children over 18 are being sent to direct provision and do not have the allowance from the government to take care of their needs. In contrast, those seeking asylum are given a budget of 21.60 euros per week.[81]

4 Expected Contribution of the Present Study

The literature I reviewed in Ireland focused on the integration of unaccompanied children seeking asylum, the effects of direct provision in their lives, the role of religion as a coping mechanism for unaccompanied minors, and the aftercare of these children when they turn 18 years. Nothing was written on the Impact of Lengthy Asylum Procedures on the Lives of UASC in Ireland. This made me carry my search further if related literature has been conducted outside of the country. My investigation showed that there is related literature on my topic. About 88% of the works of literature I reviewed focused on the impact of lengthy asylum procedures on the mental health of unaccompanied children and refugees in general. Just a few research focused on the effects of

[81] (Groarke and Arnold 2018)

the protracted asylum procedures on unaccompanied children having the possibility of gaining employment and that of Nyame on the impact of the asylum process in general on unaccompanied minors in Sweden.

This previous research has helped us know the effect of the lengthy asylum process on mental health and the effect of not having employment while awaiting asylum application decisions. That notwithstanding, mental issues are not the only factor nor employment affecting UASC and other asylum seekers. It is therefore imperative to identify potential new consequences and provide policymakers a new perspective of the effects of the asylum process on UASC in Ireland. Moreover, the Impact of Lengthy Asylum Procedures on the Lives of UASC in Ireland has been a neglected topic as researchers have not conducted research in this area. This shows a gap in existing literature globally and nationally in Ireland, as most researchers have been focusing on mental health and employment and forgetting to look at broad consequences in general and in Ireland.

5 Conclusion

As a result of the vacuum found in this study, researchers should conduct additional research to draw the attention of policymakers to lengthy asylum procedures in the lives of other asylum seekers, including women, youths, the elderly, and men requesting international protection in Ireland since my study is limited to unaccompanied minors. The methods used to obtain the study's results will be explored in the following chapter of this research.

CHAPTER 3

RESEARCH METHODOLOGY

1Introduction

This chapter explains the methods that were utilized in conducting this research. It comprises the research methodology, study population, study area, sampling size and technique, research design, methods of data analysis, data collection methods, limitations of the study, and a conclusion.

1.1 Research Methodology

I used a qualitative method to analyze the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum-Seeking Children in Ireland. This method was selected in line with the research objectives and research questions. To analyze the discrepancies of Section 39(5) and the existence of lengthy asylum procedures needed, a qualitative study as a more appropriate research method than quantitative research because a qualitative study gives an in-depth analysis of the research area. A quantitative research design does not permit the researcher to investigate deeply to understand the problem of the research as the responses gotten from the research are always numerical.[82] In support of this research design, Keith Punch 2005, said qualitative research is a method whereby information obtained from the research is not based on numbers but empirical-based research.[83]

However, to Saldaña 2011, a qualitative research design is a general term consisting of different procedures and techniques in learning natural social life. Saldaña said, "the information collected using qualitative research is qualitative. It depicts textual materials such as interview transcripts, field notes, documents, and visual materials such as artifacts, photographs, video recordings, and internet sites, which document human experiences about others or oneself in social action and reflexive states". [84] Aspers and Corte 2019 said the qualitative research method investigates the relationship between variables of a study which might be liable to change the research process. Qualitative techniques are ideal for in-depth case studies since they aid in identifying key case elements.

[82] ("How To Use Qualitative and Quantitative Research to Your Advantage — I-COM" n.d.)
[83] ("Qualitative Research - Physiopedia" n.d.)
[84] (Plankina, n.d.)

The vast majority of qualitative methods boost the data quality.[85] Jane Forman, John W. Creswell et al.2008 said qualitative methods help provide detailed descriptions of complex phenomena, tracking unique or unexpected events, illuminating the experience and interpretation of events by actors with widely varying stakes and roles, and giving voice to those whose opinions are rarely considered, such as vulnerable groups, conducting preliminary explorations to develop theories and generate and even test hypothesis, and progressing towards explanations.[86] Miles and Huberman 1994 said qualitative data is a source of well-founded, comprehensive descriptions and explanations of processes in recognizable local settings. Qualitative data allows one to maintain chronological flow, observe which events lead to outcomes, and extract valuable descriptions. Furthermore, qualitative research is more likely to yield unexpected results, conclusions, and new integrations and assist researchers in moving beyond basic concepts to develop or update the conceptualizations framework. Miles and Huberman said qualitative research uses words to explain events or narratives, which is much more convincing to the reader.[87]

1.2 Research Design

Since this research uses the qualitative method, the research design used for this study was the exploratory research design.[88] This research design was selected based on the findings from my literature review. Which portrayed that research has not been conducted on the Impact of the Lengthy Asylum Process on the Lives of Unaccompanied Asylum-Seeking Children in Ireland. This discovery made me select the exploratory research design over other research designs such as explanatory, experimental, and descriptive. Since exploratory design is a form of research used when a problem has not been examined before by researchers or has been studied but not comprehensively.[89]

Tegan Goerge, in 2021, said exploratory research design is a form of research that investigates a research problem with little data available. Thereby exploring to give a deep understanding of the problem by also demonstrating why the problem exists. He said exploratory research could also be seen as cause-and-effect research. Moreover, the topic of this current research is a cause-and-effect type of research as a lengthy asylum process causes an impact on children. In favor of this research method, Tegan also said that explanatory research

[85] (Aspers and Corte 2019)
[86] (Forman et al. 2008)
[87] (Aspers and Corte 2019)
[88] ("Exploratory Research: What Are Its Method & Examples?" n.d.)
[89] ("Exploratory Research | Definition, Guide, & Examples" n.d.)

is essential as it unveils further problems in the research area, which are relevant for further research.[90] I also selected this design because the findings of my study revealed different research problems that future researchers and I can research.

1.3 Study Population

The study population of this research is limited to UASC living with their foster parents,[91] International Protection Office in Ireland (IPO), which is the institution responsible for establishing asylum decisions for people seeking asylum in Ireland. [92] The International Protection Appeal Tribunal (IPAT) is the office in charge of appeals,[93] the Ministerial Decisions Unit (MDU), which receives the recommendation from the IPO and makes the final decision on asylum applications.[94] And the judicial review is in charge of challenging decisions made by IPAT.[95]

1.4 Area of the Study

The study area of this research is entire Ireland as UASC live with their foster parents and in different locations of the country. The study area also covers the IPO, IPAT, MDU, and judicial review, all found in Dublin, Ireland.

1.5 Methods of Data Collection

Desktop research, as well as an interview, was used in obtaining information on this research topic. Desk research is a form of research done using a desk to gather and analyze data on a subject that is already published in print, or online, in newspapers, periodicals, or government reports.[96] The data extracted from the desktop research was obtained through secondary sources internally and externally from the internet using existing literature from various sources such as libraries, governmental agencies, newspapers, magazines, published reports, blog posts, and governmental statistics. An interview was conducted using open-ended questions to obtain in-depth information on the research topic from the Integration Officer of Nasc- Tge Migrants and Refugee Rights Centre (NASC). In justifying using an interview in this research, according to Dr. Saul McLeod

[90] ("Exploratory Research | Definition, Guide, & Examples" n.d.)
[91] ("Children Seeking Asylum Moved from Foster Care to Direct Provision at 18 – Report – The Irish Times" n.d.)
[92] ("International Protection and Permission to Remain - International Protection Office" n.d.)
[93] ("IPAT – The International Protection Appeal Tribunals" n.d.)
[94] ("270. Deputy Robert Troy Asked the Minister for Justice and Equality His Plans to Make Contact with a Person (Details Supplied) Who Has Recently Been Declared a Refugee Following a Tribunal Held by the International Protection Appeals Tribunal. [26415/19] - The Department of Justice" n.d.)
[95] ("Judicial Review | The Courts Service of Ireland" n.d.)
[96] ("Desk Research: Definition, Importance and Advantages | Marketing91" n.d.)

in 2014, an interview with remarkably open-ended questions will produce qualitative research as research participants will be able to give in-depth information based on their understandings of the situations or processes being studied by the researcher. This provides information to the researcher and a better understanding of the problem. To Mcleod, interviews are a legitimate form of collecting data.[97]

1.6 Methods of Data Analysis

The method used in analyzing this research was the text analysis method for desk research and thematic analysis for interviews.[98] Using textual analysis in analyzing data collected from diverse sources with desktop research is essential as the researcher studies the materials to understand the text relevant to the research aims and questions of the study. With thematic analysis, the researcher examines semantic patterns in data that have been collected using, for example, interviews or focus group transcripts. This method is used to get information from the experiences and feelings of the research participant in the field.[99] Which is the reason why I decided to use this method.

1.7 Sampling Size and Sampling Technique.

The sampling method used for this study was non-probability sampling to select research participants for interviews. Non-probability sampling is a method in which not all the members of a study population have an equal chance of being selected to participate in research conducted by the researcher.[100] With a non-probability sampling method, I decided to use a convenience sampling technique. Convenience sampling is a form whereby the researcher acquires data from respondents or sources easily accessible in order words based on their convenience.[101] This method is used by researchers when they have limited time to obtain data from research participants, which is the reason why I used the method since I had limited time to finalize my research**.**

1.8 Limitation of the Study

The research method used in this study fulfilled the purpose why this research was conducted as it answered my research questions regarding the Impact of Lengthy Asylum Procedures on the Lives of UASC in Ireland. That notwithstanding, this study had limitations. The first limitation of this research is the methodology that I used. I used a qualitative research method using interviews and desk research. Though it answered my research

[97] ("The Interview Research Method | Simply Psychology" n.d.)
[98] ("What Is Data Analysis? Methods, Techniques, Types & How-To" n.d.)
[99] ("Qualitative Data Analysis Methods 101: Top 6 + Examples - Grad Coach" n.d.)
[100] ("Non-Probability Sampling: Definition, Types, Examples, and Advantages | QuestionPro" n.d.)
[101] ("Purposive Sampling 101 | Alchemer Blog" n.d.)

questions and objectives, I believe a mixed method (quantitative and qualitative) would have been the best for my study. If I had included a quantitative approach, I could have achieved a larger sample size and more comprehensive results.

Still, on the limitation of my study in terms of methodology, I conducted a single interview with the integration officer of NASC, which is relevant to my research but is not a sufficient sample size for acquiring comprehensive data. I was supposed to interview UASC and other stakeholders connected to this study, such as the IPO, IPAT, and non-governmental organizations in Ireland working with UASC and Tusla, to add more weight to my research findings. But due to the protocol required in accessing this category of children and other vital stakeholders of the study, I had to use desktop research to obtain information since I could not personally access them. In addition, if I had to follow such a protocol, I would not have finished my research by the deadline given by my university. But that notwithstanding, the study was successful as it answered my research problem. This limitation should be considered by future researchers who want to further their research on this topic. It will be vital for them to have adequate time to contact all the research participants relevant to their study.

Lastly, another limitation of this study was inadequate available data for 2022 using desk research even though I used an interview. The literature I reviewed in obtaining data for my result chapter did not cover the months of May, June, and July 2022. And with limited time, I could not use quantitative data or do more interviews with key stakeholders of this research and UASC because of bureaucracy in meeting them. So desk research was the only method I could use for this study. Therefore, future researchers need to consider this limitation when researching this topic to get detailed information for the year 2022.

1.9 Conclusion

The Discussion above demonstrates the methodology I used to obtain this research's findings and the study's limitations. The subsequent chapter will present the key results from the desk research and interview I conducted.

CHAPTER FOUR

LEGAL FRAMEWORK

1 Introduction

To better understand the findings presented in the next chapter, it is essential to have an overview of the international and regional instruments that guide asylum procedures of UASC and how it is implemented in Ireland, as well as an overview of the asylum process and the authorities intervening throughout the asylum process.

1.1 Relevant International and Regional Legal Instruments

Children's rights are protected explicitly by the United Nations Convention of the Rights of the Child in 1989. Ireland ratified this convention in 1992.[102] The convention contains four basic principles that guide all states in implementing children's rights regarding asylum procedures: the child's best interest in article 3, non-discrimination in article 2, survival and development in article 6, and respect for the child's views in article 12.[103] Article 22.1 of the UNCRC obliges member states to take appropriate measures in granting international protection and humanitarian assistance for unaccompanied and accompanied children by international and domestic law.[104]

Apart from the UNCRC, the primary legal instrument in protecting all refugees or asylum-seeking persons, including UASC, is the 1951 Refuge Convention. The convention outlines the rights of refugees and places an obligation on member states to protect such rights. The convention also consists of a protocol known as the 1967 protocol, which made the Refugee Convention universally applicable. [105] Ireland ratified the convention in 1956[106]and has incorporated some provisions of the convention into its national law through the 1996 Refugee Act.[107]

[102] ("UN Convention on the Rights of the Child" n.d.)
[103] ("Four Principles of the Convention on the Rights of the Child | UNICEF" n.d.)
[104] ("Convention on the Rights of the Child | OHCHR" n.d.)
[105] ("UNHCR - The 1951 Refugee Convention" n.d.)
[106] ("Our History | Irish Refugee Council" n.d.)
[107] ("Working Group on the Protection Process Working Group to Report to Government on Improvements to the Protection Process, Including Direct Provision and Supports to Asylum Seekers Final Report" 2015a)

Ireland became a member of the European Union (EU) in 1993[108]. The EU is a political and economic union consisting of 27 member states.[109] Ireland is also a member of the Council of Europe (COE), which is an organization that seeks to promote democracy, human rights, and the rule of law.[110] Ireland became a member in 1949,[111] and both organizations obligate member states to respect and protect children's rights.[112] Regarding asylum procedures in which this research is centered, the EU 1999, to better protect people seeking international protection within its jurisdiction, established Common European Asylum System (CEAS)[113]. CEAS is a harmonized legal and policy framework developed to ensure a common approach to asylum procedures for all its member states. [114]The first phase of CEAS had four main instruments: the Reception Conditions Directive, the Qualification Directive, Dublin Regulation, and the Asylum Procedures Directives. [115]The Reception Conditions Directive talks about how parties to the EU should host those seeking asylum and their family members to determine their asylum applications. It lays down the rights of families, health care, education, and schooling for children, access to employment, housing, food, and clothing, and living expenditures. The directive listed guarantees for particularly vulnerable groups such as children and those that have experienced torture and violence.[116]

The Dublin Regulation, also known as the Dublin III regulation, determines which EU member states are responsible for processing asylum seekers' applications. According to the regulation, the first EU country an asylum seeker enters is responsible for processing the application.[117] The Qualification Directive explains all refugees' rights and clarifies the definition of the refugee according to the 1951 Refugee Convention. The qualification directive includes subsidiary protection. Subsidiary protection is considered only when an asylum seeker does not meet the criteria of a refugee, according to the 1951 Refugee Convention. The asylum seeker remains in the host country since sending them back to their original countries and may encounter harm such as

[108] ("Ireland EU50 | Celebrating 50 Years of Ireland's Membership of the EU" n.d.)
[109] ("European Union" n.d.)
[110] ("Council of Europe - Department of Foreign Affairs" n.d.)
[111] ("Ireland - Member State" n.d.)
[112] The reference is the immigrant council of Ireland.
[113] ("Common European Asylum System" n.d.)
[114] ("2.1 The Common European Asylum System and Current Issues | European Union Agency for Asylum" n.d.)
[115] ("Working Group on the Protection Process Working Group to Report to Government on Improvements to the Protection Process, Including Direct Provision and Supports to Asylum Seekers Final Report" 2015a)
[116] ("Reception Conditions" n.d.)
[117] ("Common European Asylum System" n.d.)

torture and inhuman or degrading treatment or punishment. Asylum seekers who fall under subsidiary protection also have rights like refugees.[118]

The last procedure is the Asylum Procedures Directive, which are rules that govern EU member states in determining the applications of asylum seekers, which also consists of the admissibility procedure, a substantive and first instance accelerated procedure, an appeal procedure as well as a withdrawal procedure. The Asylum Procedure Directive lists the rights of all asylum seekers, for example, the right to have access to the asylum process, an interview, an interpreter, and legal aid.[119]

The second phase of CEAS was finalized in 2013, and the instruments mentioned above were transformed to recast. The reason for such transformation was to further enhance the harmonization of asylum protection from a minimum standard to a common standard which came with some new measures. Phase two of CEAS has a higher value than Phase one. Phase two is based on a single procedure. And asylum seekers and vulnerable people are being considered more than in the first phase. Phase two of CEAS comprises Recast Reception Conditions, Recast Asylum Procedures, EURODAC Regulation, Recast Qualification Directive, and Dublin III regulation, and these instruments are strengthened by the Regulation that created the European Asylum Support Office (EASO) and also the regulation that led to the establishment of Asylum, Migration and Integration Fund (AMIF).[120]

It is important to note that Ireland is not obligated to adopt any of the EU asylum policies but can decide on which one to adopt according to protocol 21 of the Treaty of Lisbon, the Treaty on the Functioning of the EU. Ireland has adopted the Directive in the Recast CEAS instruments-Recast Dublin Regulation.[121] And has also adopted the Recast Reception Conditions Directive (2013/33/EU).[122] The recast Qualification Directive is phase

[118] ("Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted" 2011)
[119] ("Working Group on the Protection Process Working Group to Report to Government on Improvements to the Protection Process, Including Direct Provision and Supports to Asylum Seekers Final Report" 2015a)
[120] ("Working Group on the Protection Process Working Group to Report to Government on Improvements to the Protection Process, Including Direct Provision and Supports to Asylum Seekers Final Report" 2015a)
[121] ("Submission to Joint Oireachtas Committee on Justice, Equality and Defence on the International Protection Bill 2015" 2015)
[122] ("Opening Statement by the Minister for Justice and Equality, Charlie Flanagan TD, Re: The 'Motion to Opt Into the EU (recast) Reception Conditions Directive (2013/33/EU)' - The Department of Justice" n.d.)

two of CEAS Ireland has not incorporated into its domestic law, and the recast Asylum Procedure Directive is the center of this study.[123] However, the country opted into phase one of the Asylum Procedure Directive.[124]

1.2 The Legal Framework of Ireland.

Ireland has incorporated the 1951 Refugee Convention into its domestic law and some of the adopted CEAS instruments through the Refugee Act 1996.[125] At first, the main body that determined Asylum applications was the Office of the Refugee Applications Commissioner (ORAC),[126] and for the appeals was Refugee Appeals Tribunal (RAT).[127] The processing of asylum applications by ORAC and RAT led to a lengthy asylum process as there were multiple stages in processing asylum applications, with subsidiary and refugee status processed separately. This led to the establishment of the 2015 International Protection Act, which came with a single procedure that examines refugee status, subsidiary protection, and leave to remain at the same time, not separately. IPA is the principal Act in Ireland, which sets Ireland's obligation under the International Refugee Law.[128] Under the IPA, there are two categories of international protection: refugee status and subsidiary protection. And in a scenario where an applicant does not meet such qualifications, they might be granted the leave to remain[129] or denied international protection.[130]

According to the IPA, the IPO is the office responsible for processing asylum applications for those seeking international protection and recommends to the Minister of Justice if an asylum applicant should receive a positive or negative decision.[131] The IPO considers the single procedure of the IPA if an applicant should be permitted to remain. The IPO is an office between the Immigration Service Delivery (ISD) Division of the Department of Justice[132]. It comprises the Chief International Protection Officer and sub-international protection officers. The IPO is independent in the implementation of its duties.[133] Still, under the IPA, the International

[123] ("ANNEX - Transposition of the CEAS in National Legislation - Asylum Information Database | European Council on Refugees and Exiles" n.d.)
[124] ("Working Group on the Protection Process Working Group to Report to Government on Improvements to the Protection Process, Including Direct Provision and Supports to Asylum Seekers Final Report" 2015a)
[125] Ibid
[126] ("Office of the Refugee Applications Commissioner Strategy Statement 2013-2015" n.d.)
[127]("Refugee Status Determination - Other Agencies" n.d.)
[128] ("Short Overview of the Asylum Procedure - Asylum Information Database | European Council on Refugees and Exiles" n.d.)
[129] ("International Protection and Permission to Remain - International Protection Office" n.d.)
[130] ("International Protection Terms Explained" n.d.)
[131] Its suppose to be Aida here
[132] ("An End-to-End Review of the International Protection Process Final Report on Findings & Recommendations" 2021a)
[133] ("Home Page - International Protection Office" n.d.)

Protection Appeal Tribunal (IPAT) is a statutory separate body and agency of the Department of Justice and has a quasi-judicial capacity.[134] It looks at appeals under Section 41 of the IPA. When asylum seekers receive an unfavorable decision from the IPO and wish to appeal, they must submit an appeal application within 15 working days.[135] The decision made by both the IPO and IPAT could be challenged by a judicial review in the High court[136] according to Order 84 Rules of the Superior Courts. For an examination to be made on the applicant's application, the asylum seeker must apply for leave before bringing forth their case.[137]

There is no fixed time for the IPO to decide on asylum procedures in the first instance. Instead, according to IPA 39(5), if the IPO cannot produce a recommendation on the asylum application within six months, the IPO must inform the asylum seeker of an estimated time for a decision.[138] Since there is no fixed time in the Irish system to process asylum applications, how can we determine when the processing of asylum applications is lengthy? According to the Asylum Information Data Base (AIDA), the processing times of asylum applications are measured by efficiency. Even the EU discussions on this subject matter have been on efficiency. The Commissioner for Home Affairs, Malmström Cecilia, said asylum procedures are measured on quality and efficiency. And to the minister, "the best way to efficiency and fight against so-called abuses is to invest in an asylum process which rapidly provides robust and qualitative decisions."[139] This research measures efficiency in this same perspective to determine how long the administrative bodies take to process asylum applications.

The types of procedures implemented in Ireland are regular procedures under the regular procedure, and the prioritized examination is done. There is the Dublin procedure, the Admissibility procedure, and the Accelerated procedure.[140] The Irish system prioritizes some asylum seekers who are considered vulnerable under the prioritization procedure according to Section 73 of the IPA. For instance, unaccompanied minors and elderly who are beyond 70years old, as well as some applicants who have severe health conditions or are from a country such as Eritrea, Syria, Iraq, Afghanistan, Iran, Libya, and Somalia.[141]

[134] Ibid.
[135] ("Regular Procedure - Asylum Information Database | European Council on Refugees and Exiles" n.d.)
[136] ("Country Report: Ireland," n.d.)
[137] ("Judicial Review of Public Decisions" n.d.)
[138] ("International Protection Act 2015, Section 39" n.d.)
[139] ("The Length of Asylum Procedures in Europe" 2016a)
[140] The information is gotten from AIDA.
[141] ("About Us Decision Making Bodies," n.d.)

Table 1: List of Authorities Intervening throughout the Asylum Process

Stage of the Procedure	Competent Authority
Application at the Border	Garda National Immigration Bureau
National Security Clearance	Garda National Immigration Bureau
Dublin Procedure	International Protection Office (IPO)
Accelerated Procedure	International Protection Office (IPO)
Refugee Status Determination	International Protection Office
Appeal	International Protection Appeals Tribunal (IPAT)
Judicial Review	High Court
Subsequent Application (admissibility)	The Minister for Justice and Equality in the Department of Justice and Equality

Source AIDA[142]

2 An Overview of the Asylum Process.

An application for international protection can be made directly at the airport or the IPO by the asylum seeker.[143] For unaccompanied minors, the application is being made by the Child and Family Agency (Tusla) according to Section 15(4) of the IPA.[144] When the applicant informs the IPO of seeking international protection according to Section 13 of the IPA,[145] the applicant fills a short form, and the IPO does a preliminary interview.[146] If the applicant needs an interpreter, an interpreter is being provided to the applicant by the IPO but should be requested in advance.[147] This interview is conducted to determine if the applicant is inadmissible according to section 21 (1) of the IPA.[148] Later an in-depth questionnaire known as the "Application for International Protection Questionnaire" is given to fill, and a specified date is mentioned for the return of the form. The IPO always recommends that before an asylum applicant fills the form, that person should seek legal advice since the

[142] ("Country Report: Ireland," n.d.)
[143] ("Applying for International Protection in Ireland" n.d.)
[144] ("International Protection Act 2015, Section 15" n.d.)
[145] ("International Protection Bill 2015 - Second Stage - The Department of Justice" n.d.)
[146] ("Submission to the Joint Oireachtas Committee on Justice and Equality on Direct Provision and the International Protection Application Process Submission to the Joint Oireachtas Committee on Justice & Equality on Direct Provision and the International Protection Process," n.d.)
[147] AIDA
[148] ("International Protection Act 2015, Section 21" n.d.)

information on that form will be utilized in processing the asylum seeker's application and will be used for further interviews.

The asylum seeker is notified by post of their interview date that the IPO will carry out. On that date of the interview, there might be the presence of an interpreter or a legal representative. The waiting period for such an interview to be carried out is between 18 to 20 months. From the information that the IPO got from the interview, the IPO recommends to the Ministerial Decision Unit (MDU) if an asylum seeker should be given international protection or not. The MDU gives a final decision about the recommendation made by the IPO. In a scenario where the decision is negative, the asylum seeker could appeal to IPAT within a specified time. And if the decision from IPAT is negative, the applicant could make another appeal to the high court for judicial review. When asylum seekers lodge their application at the international protection office, they can decide to live in direct provision or stay elsewhere. Unaccompanied children live in residential homes or foster care except when they are aged out that they are being sent to live in direct provision.[149]

Table 2 on the Number of Applications Lodged by the IPO, Categories of applicants, and Decisions

Year	Number of New Applications IPO	Refugee Status	Subsidiary Protection	Permission to Remain First Instance	Permission to Remain Review	Total Grants
2015	3,276	325	228	-	-	553
2016	2,244	591	137	-	-	728
2017	2,402	685	105	66	0	856
2018	3,349	828	226	198	29	1,281
2019	4,767	947	168	266	170	1,551
Late July 2020	8,812 waited for the decision	444	71	71	49	635

[149] ("Tithe an Oireachtais An Comhchoiste Um Dhlí Agus Ceart Agus Comhionannas Tuarascáil Maidir Le Soláthar Díreach Agus Maidir Leis an BPróiseas Iarratais Ar Chosaint Idirnáisiúnta Houses of the Oireachtas Joint Committee on Justice and Equality Report on Direct Provision and the International Protection Application Process" 2019a)

Source Catherine Day report of 2020 pages 19 and 30.[150]

This table explains the number of applications lodged to the IPO from 2015 to 2020 and the total of asylum seekers granted subsidiary and refugee status.

Table 3 Number of Pending Applications and by Age Group Late July 2020.

List of Authorities	Total number of pending applications	Age Group	A total number of pending applications by age group.	Percentage
IPO	5,374	0-13	1,521	17.3%
IPO PTR Review	747	14-17	262	3.0%
IPAT	1,318	18-34	3,804	43.2%
MDU (IP Only)	682	35-64	3,165	35.9%
	691 under Leave to Remain (LTR)pending	65 plus	60	0.7%
Total	8,812	Total	8,812	100%

Source Catherine Day Report of 2020 page 32.[151]

This table above gives the number of pending applications by each competent authority connected to international protection in Ireland. It also provides the number of pending applications by age in the asylum system. The percentage of children awaiting application from the table is 3.0%.

[150] ("Report of the Advisory Group on the Provision of Support Including Accommodation to Persons in the International Protection Process" 2020)

[151] ("Report of the Advisory Group on the Provision of Support Including Accommodation to Persons in the International Protection Process" 2020)

Table 4 Gender and Age of the Asylum Seeekers in 2021

	Number	Percentage
Total number of applicants	2,649	-
Men	1,706	64.40%
Women	944	35.63%
Children	668	25.21%
Unaccompanied Children	53	2%

Source Ireland Country submitted to AIDA. Page 8[152]

The table explains the total number of asylum applications lodged in 2021 and gender and age.

Table 5 Total Number of Applications in 2021 and First Instance Decision

	Applications in 2021	Pending	Refugee Status	Subsidiary Protection	Humanitarian protection	Rejection	Refugee rate	Refugee Rate	Sub. Prot. rate	Hum.Prot. rate
Total	2,649	5,430	800	70	590	85	51.8%	4.5%	38.2 %	5.5%

Source Ireland Country submitted to AIDA. Page 9[153]

According to Raidió Teilifís Éireann (RTÉ)) news, the number of people who sought international protection in Ireland in the first five months of 2022 was about 5,000 people, not including over 36,000 Ukrainian refugees.[154] For UASC, between January and the 21st of June 2022, 340 arrived in Ireland, and 161 of these minors were Ukrainians.[155]

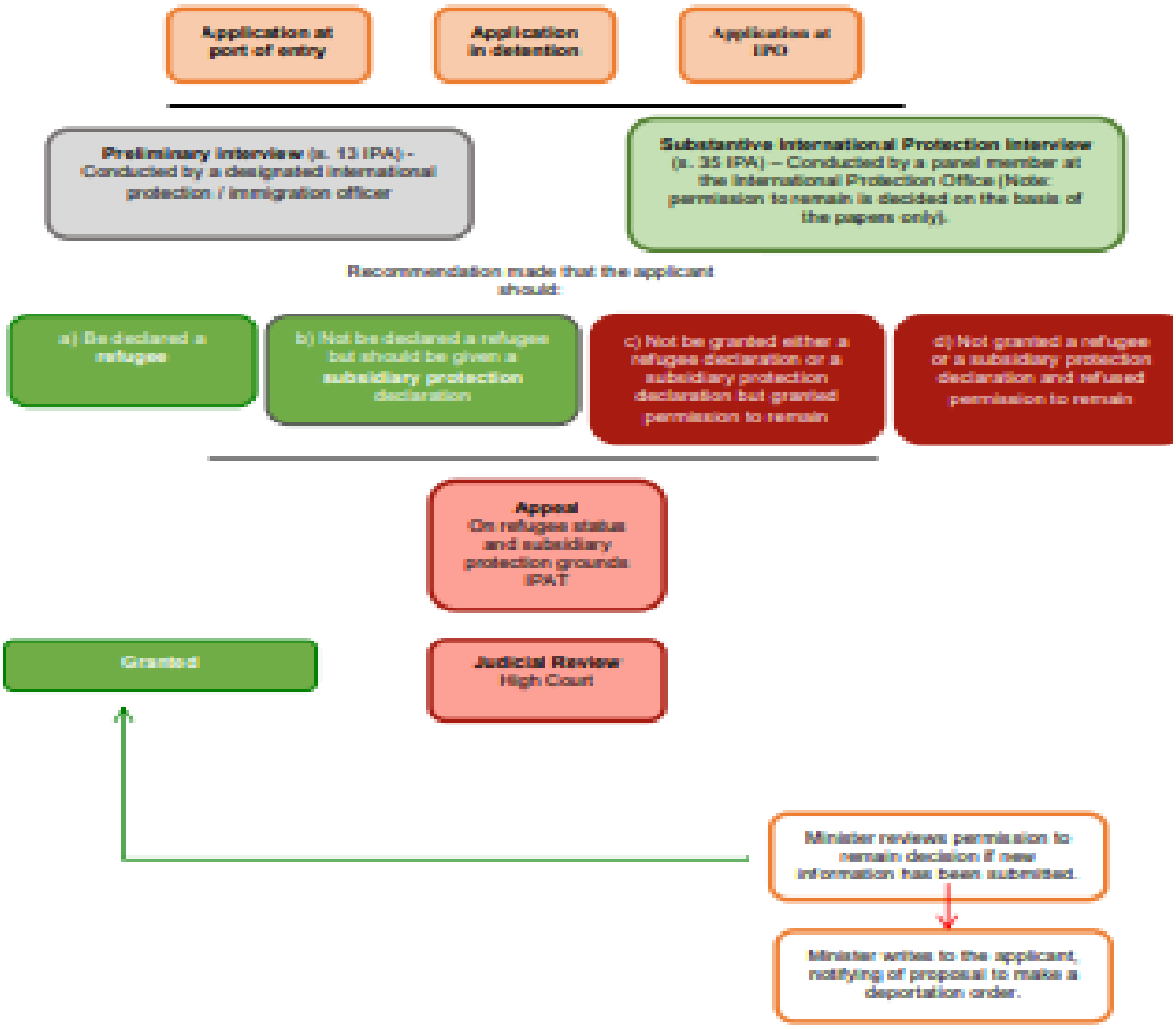
[152] ("Country Report: Ireland," n.d.)
[153] Ibid.
[154] ("How Many People Are Seeking Asylum in Ireland?" n.d.)
[155] ("Unaccompanied Minors and Separated Children – Tuesday, 21 Jun 2022 – Parliamentary Questions (33rd Dáil) – Houses of the Oireachtas" n.d.)

2.1The Asylum Procedure Cycle in Ireland

A. Flow Chart

A. General

1. Flow chart



Source: AIDA[156]

[156] ("Country Report: Ireland," n.d.)

3 Conclusion

This chapter explains the asylum procedures for UASC and lays a foundation for a better understanding of the results chapter.

CHAPTER FIVE

PRESENTATION OF KEY FINDINGS

1Introduction

This chapter provides answers with regard to the research questions of this study which is to analyze the discrepancies between Section 39 (5) of the IPA and to what extent lengthy asylum procedures affect UASC. Desktop research and interview were used to obtain data. This section begins with the presentation of findings and ends with a conclusion.

1.1 Discrepancies of Section 39(5) and the Actual Implementation of the Asylum Procedures.

(A) The Office of the Refugee Applications Commissioner (ORAC) and Refugee Appeal Tribunal (RAT).

Before the IPO and IPAT came into being, ORAC and RAT, as mentioned earlier, were the offices in charge of international protection since 2000.[157] Since this study is carried out between the period 2015 to the 18th of June 2022, it is imperative to discuss the findings of this chapter beginning from 2015 to trace if lengthy asylum procedures had existed before or if it is a new issue.

Based on the findings of the Mc Mahon Report of 2015 on the "Improvement to the Protection Process, including Direct Provision and Supports to Asylum Seekers," UASC and other asylum seekers in 2015 waited for an extended period before a decision was made on their applications by ORAC. The statistics of the McMahon report showed that 7,937 people were waiting for a decision on their asylum applications. 55% (4,350) had been waiting for a decision on their application for more than 5years, and 21% of this category of people were children. Among the 7,937 individuals, 49% (3,876) were in the asylum process, and about 2/3 of them, 1,189, had been in the asylum process for more than five years in 2015. 42% (3,343) were in the leave to remain stage, and three-quarters of these asylum seekers, that is 2,530 in the leave to remain stage, have been waiting for more than five years. 9% (718) were in the process of deportation, and 88% that were in the process of deportation had been in the asylum system for more than five years.

[157] ("FOI Publications" n.d.)

According to the Mc Mahon report, in terms of the length of time, in 2015, 97% (950) of people who applied for refugee status had been in the Irish asylum system for less than a year. In terms of subsidiary protection, 65% (976) of persons were in the system for four years or more, and 55% (824) had been in the system for more than five years". According to the report, one asylum seeker commented that:

> "What could be said to be wrong with the system is, in one way or another, directly linked to the length of time spent in it."

The same lengthy asylum process was found in Refugee Appeals Tribunal (RAT) in 2015. Of the 3,876 people in the protection process at ORAC, 1400 people had submitted an appeal to RAT. Among the 1400 people who submitted their applications at RAT, 1,098 were still waiting to know their refugee status regarding their appeals, and 302 were awaiting a decision on subsidiary protection. In terms of subsidiary protection, 0% had been in the system for below one year, 84% (254) had been in the system for more than four years, and 66% (199) had been in the system for over five years or more based on the statistics gotten from the report. It is essential to differentiate between those who apply for subsidiary protection and those for refugee status. Those who applied for refugee status at ORAC and got positive feedback had no issue. But those rejected went back to ORAC for consideration of subsidiary protection. And in a scenario where ORAC gave an unfavorable decision, they appealed to RAT. The report mentioned that the two-step protection determination procedure was one of the reasons for the long asylum process. In which both subsidiary and refugee applications were processed in separate instances.[158]

The 2015 country report of Ireland on Human Rights Practices published by the United States Department of State showed that the lengthy asylum process is a major human rights problem facing the country. According to the report, in 2015, asylum seekers, including UASC, waited for an average period of 38 months 2015 for a decision to be made on their asylum applications by ORAC. The report said 10 percent (450 of 4,696) of applicants had been waiting for over three years on a decision on their applications, including appeals. The report said the same thing as Mc Mahon's report that the reason for the lengthy asylum procedure was the separate procession of both subsidiary and refugee status. According to the country report on human rights practices, subsidiary asylum determination may take several months or over one year for a decision to be determined.[159]

[158] ("Working Group on the Protection Process Working Group to Report to Government on Improvements to the Protection Process, Including Direct Provision and Supports to Asylum Seekers Final Report" 2015b)
[159] ("Refworld | 2016 Country Reports on Human Rights Practices - Ireland" n.d.)

Mc Mahon's report mentioned other reasons for lengthy asylum procedures apart from the separate procession of the subsidiary and refugee applications. According to the report, the shortage of RAT staff made the asylum process long. And this shortage arose because of the retirement of some RAT staff in 2013, and early appointments were not made in 2012 to quickly replace the staff who had to retire. The result was long processing times for asylum applications of UASC and other asylum seekers in 2013, 2014, and 2015. Since the new staff recruited had to undergo training before officially commencing work.[160] Another reason that Mc Mahon Report gave for such a protracted asylum process was the high number of applications lodged to ORAC and RAT, which brought a backlog of cases. ORAC in 2014 witnessed an increase in asylum applications of 53%. By the 16th of February 2015, the asylum applications had risen to 138%, which led to a delay in processing times as the applications were many. In January 2014, asylum applications were processed at ORAC within 12.4 weeks, but in January 2015, it took 21.1 weeks due to the high number of applications lodged that year.[161]

1.1 International Protection Office (IPO)

ORAC and RAT were replaced on the 31st of December 2016 because of the long processing times of asylum applications due to the separate procession of subsidiary protection and refugee status.[162] This section provides the result of findings obtained from existing literature regarding the discrepancies of Section 39(5) of the IPA and long processing times from when IPO commenced work which was January 2017, till the 18th of June 2022, which was the date I obtained the last finding of this chapter.

In 2017 when the IPO commenced work, the asylum process was still lengthy for UASC and other asylum seekers. NASC Ireland 2017 published a "Working Paper on the Progress of Implementation of Mc Mahon Report." Based on NASC's findings, the implementation of Mc Mahon's report in 2015 by ORAC and the IPO has been ineffective as a lengthy asylum process still exists. Asylum seekers waited for an interview and an extended period for a decision to be made.[163] O'Neill Enda, head of the UNHCR in Ireland 2018, gave a press release about the lengthy Irish international protection process and called on the government to curb the asylum process. He said 5,200 people were still awaiting a decision on their asylum applications by late 2017. To O'Neill, the lengthy asylum process was because of the accumulation of cases from the old system of ORAC and RAT that were not processed. And further mentioned that even the single procedure established with IPO

[160] ("Working Group on the Protection Process Working Group to Report to Government on Improvements to the Protection Process, Including Direct Provision and Supports to Asylum Seekers Final Report" 2015b)
[161] Ibid. 67.
[162] ("Annual Report on Migration and Asylum 2016: Ireland | ESRI" n.d.)
[163] ("Nasc Working Paper on the Progress of Implementation of the McMahon Report," n.d.)

and IPAT to accelerate the asylum process did not speed the processing of applications as the asylum process was lengthy. According to O'Neill, the main problem of international protection in Ireland was not direct provision but rather long processing times, which made UASC, who were beyond 18 years, and other asylum seekers live in direct provision for a long time.

Enda O'Neill further mentioned that this long processing time continued until 2018. UASC and other asylum seekers waited an extended period on a decision on their asylum applications. The average time they waited was 19 months for an interview with the IPO except in the circumstances of prioritization. And even after the interview, UASC and other asylum seekers waited for another long time to receive a decision.[164]

Still, in 2018, the European Council on Refugees and Exiles (ECRE) published "Ireland: Asylum Seekers Face Long Periods in Inadequate Living Conditions as Waiting Times Reach Crisis Point." ECRE said the Ombudsman of Ireland published a report on how asylum seekers, including unaccompanied asylum-seeking youths who were minors living with their foster parents but did not receive a decision on their asylum applications, were sent to direct provision and waited again for a protracted period for a decision to be made on their application. According to ECRE, despite the single procedure in place, UASC and other asylum seekers still face long processing times in getting decisions on asylum applications. ECRE quoted the Irish Refugee Council's description of the asylum process as "a crisis."[165]

In 2019, the Joint Committee on Justice and Equality wrote a report on "Direct Provision and the International Protection Application Process." The committee said the same thing as ERCE and O'Neill: the single application procedure was introduced in 2015 through the IPA to accelerate the asylum process. But despite such a procedure, a lengthy asylum process exists because of the backlogs of cases in the previous asylum system operated by ORAC and RAT that were carried to the single procedure system of the IPO and IPAT. The new asylum applications submitted by asylum seekers to the IPO and IPAT were not handled immediately since both bodies also had backlogs of applications to process.[166]

In 2019, NASC wrote a "Submission to the Universal Periodic Review of the UN Human Rights Council." NASC said in the submission that in late 2019 Ireland produced an interim report. Based on the report, the

[164] ("UNHCR - UNHCR Calls for Action to Cut Irish Asylum Waiting Times" n.d.)
[165] ("Ireland: Asylum Seekers Face Long Periods in Inadequate Living Conditions as Waiting Times Reach Crisis Point | European Council on Refugees and Exiles (ECRE)" n.d.)
[166] ("Tithe an Oireachtais An Comhchoiste Um Dhlí Agus Ceart Agus Comhionannas Tuarascáil Maidir Le Soláthar Díreach Agus Maidir Leis an BPróiseas Iarratais Ar Chosaint Idirnáisiúnta Houses of the Oireachtas Joint Committee on Justice and Equality Report on Direct Provision and the International Protection Application Process" 2019b)

government said that those seeking international protection should expect a first instance decision within 11-12months in a situation where their application is not complex. But despite such a statement, according to NASC, the asylum process for all applicants was still lengthy. In 2020, the IPO received 1,566 cases and it took 17.6 months for a first instance decision from the IPO. And by late January 2021, 5,279 cases were still waiting for a first instance decision.[167]

Moving to 2021, the asylum process was still lengthy for UASC and other asylum seekers, according to the Movement for Asylum Seekers in Ireland (MASI). An independent platform was created in 2014 to ensure justice, freedom, and dignity. In April 2021, MASI called on the Minister of Justice to implement the recommendation of the Catherine Day report on issuing permission to remain for those who have been in the asylum process for two years. According to MASI, the Minister of Justice has not implemented the recommendation since it was submitted. MASI said the Department of Justice is not making use of the opportunity to clear the backlogs of asylum applications due to the advent of Corona Virus 2019 Disease (COVID 19), which has restricted the movement of people into the country to seek asylum. MASI said in 2020 that the average period generally in which asylum applications were processed was more than 17 months, and even before the advent of COVID, a lengthy asylum process existed. One MASI campaigner spoke about the Irish asylum process that is long. According to Ola Mustapha:

> "I have been waiting for seven years and still no end. It is so disheartening to see my young children, who started senior infants here, transition to secondary school yet are still stuck in this system. Why can't they be allowed to grow up like "normal" children? My husband died on the 21st of March 2021; the children have always looked forward to the day they will see their dad again; sadly, that day will never come. I hope government commits to clearing the backlog and putting an end to the endless wait."[168]

Still, in May 2021, the Department of Justice wrote an "End-to-End Review of the International Protection Process, a Final Report on Findings, and Recommendations". The report said that in late December 2020, 4,996 applications were pending, awaiting a decision from the IPO. And 51% of asylum seekers have been waiting between 1 to 2 years for a decision. One in five asylum seekers who lodged applications had been waiting for over 2 years without a decision on their cases. The report acknowledges that the Irish asylum process is lengthy and the reason for lengthy asylum procedures is that asylum applications are not grouped based on familiarity with the caseworkers to accelerate the processing of the applications. And as such detailed background checks were needed for each case handled by a case worker since they are not familiar with the context of the cases.

[167] ("Introduction," n.d.)
[168] ("MASI Calls for Permission to Remain for Thousands of People in the Asylum Process - MASI" n.d.)

The report also mentioned a lot of delays in the IPO PTR Review unit. In 2019 the PTR Review Unit took 5.5 months to process asylum seekers' applications after receiving an unfavorable decision from IPAT. In 2020, it rose to 10 months.[169]

In 2022, I interviewed the Integration Officer of NASC Ireland. Based on my conversation with the officer, the asylum system of Ireland is lengthy for UASC. According to her

> "Some UASC came to Ireland at 12 and turned 18 without a decision on their asylum applications. Some came 15, 10 years and have aged without a decision. The Irish asylum process is unreliable and keeps people in a constant state of Limbo, not only children but adults. Some UASC might receive a decision on their applications within a year, while others after five years, six years, and even seven years."[170]

From the evidence discussed above, the IPO takes time to process asylum applications, resulting in lengthy asylum procedures. The following are the reasons why the IPO could not process UASC applications within the shortest possible time:

a. Inadequate resources

The Chair of the Advisory Group on the "Provision of Support, including Accommodation to Persons in the International Protection Process" asked the IPO what added resources they needed in accelerating asylum applications? The IPO said they have insufficient staff to process asylum applications. The chair also asked the IPO why the Mc Mahon Report's suggestion of processing asylum applications within six months has not been ultimately achieved. And the IPO replied that they do not have adequate Information and Communications Technology (ICT) needed to accelerate the application process, thus taking a lot of time for them to process asylum applications.[171]

In September 2020, Day Catherine wrote a report titled "the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process." This report also said inadequate resources were the reason for lengthy asylum procedures for UASC. Based on the advisory group's findings, Ireland takes a long time to process asylum applications because of inadequate staff. This problem arises because

[169] ("An End-to-End Review of the International Protection Process Final Report on Findings & Recommendations" 2021a)
[170] Cecilia Amabo (Integration Officer of NASC), Interviewed on " the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum Seeking Children in Ireland," by Kim Ayuk Akwo, online on zoom, 18th June 2022.
[171] ("Advisory Group on the Provision of Support Including Accommodation to Persons in the International Protection Process Observations from the International Protection Office (IPO)," n.d.)

some IPO staff get to retirement age, while some are being promoted and others relocate to different areas. For a new IPO staff to commence work, the staff must undergo international protection training for six months to be competent in handling asylum cases. And so, it becomes a challenge for IPO staff to handle the applications while waiting for the new recruiters to join. Hence leading to a lengthy asylum process for UASC.[172]

Ireland submitted their country report to AIDA in 2021 and, AIDA has updated the report to include part of 2022. According to the report, IPO lacked sufficient staff to process asylum seekers' applications, which has increased the waiting period for a decision to be made on the applications of UASC and other asylum seekers. The IPO in 2019 had a total of 149 staff; in 2020, the total number of staff was 148. [173] In support of this evidence, in 2021, the Department of Justice wrote a final report on an "End to End Review of the International Protection Process." This report was written based on recommendation 3.18 of the Advisory Group on the Provision of Support, including Accommodation to Persons in the International Protection Process. The recommendation stated that the IPO by March 2021 should review their work. Based on the review conducted, it was realized that the IPO lacked staff. In addition, more staff was needed for the Permission to Remain Review Unit (PTR). The report said until the IPO is sufficiently staffed, there will be delays in processing asylum applications.

The findings of the report also revealed that the asylum process for the IPO was lengthy because of the lack of cooperation amongst the staff of IPO and inadequate resources in the processing of asylum applications, such as translation services needed for the IPO, well as the unavailability of interview slots which created a backlog of cases thereby leading to long processing times for all asylum seekers. Some asylum applicants submitted their IPO2 questionnaire late as well the interpreters took a long period to translate the questionnaires for the IPO to process asylum applications. Typically, interpreters are to translate the questionnaires within 40 working days, but some take beyond 40 days. In 2019 and 2020, just 38% of the translated version was received by the IPO on time, and 62% of the questionnaires were translated within 31 and 90 days and above, which was returned to the IPO late to convene an interview with those seeking international protection.[174]

I asked the integration officer of NASC in the interview I had with her about the reason for lengthy asylum procedures for the IPO. Her response was that:

[172] ("Report of the Advisory Group on the Provision of Support Including Accommodation to Persons in the International Protection Process" 2020)
[173] ("Country Report: Ireland," n.d.)
[174] ("An End-to-End Review of the International Protection Process Final Report on Findings & Recommendations" 2021b)

> "Yes, inadequate resources are a reason for the lengthy asylum procedure. There is so much bureaucracy in Ireland when it comes to processing any document, including asylum applications. There is no rush in the system to meet people's needs. Ireland takes time to do anything, coupled with insufficient staff at the IPO in handling the bulk asylum applications, which is not the fault of asylum seekers but the government for not having sufficient staff, which leads to long processing times in deciding asylum applications of UASC and other asylum seekers."[175]

b. COVID 19 affected the asylum process

Another reason that led to longer processing times was COVID 19. The Advisory Group on the Provision of Support, including Accommodation to Persons in the International Protection Process, questioned the IPO for the lengthy asylum process in 2021. And the IPO response was that COVID 19 and its restrictions led to longer processing times in terms of asylum applications in Ireland.[176] Catherine Day's Report of 2020 also said COVID 19 has brought about a lengthy asylum process. Before COVID 19, the IPO had planned to accelerate the asylum process by handling every new application within nine months. But the Advent of COVID shattered such a plan as the asylum process became lengthy. The IPO had open cases of 5,374 in late July 2020. For the IPO to process new applications, the IPO had to finish with previous cases, which brought about a protracted asylum process for UASC.[177]

Ireland 2021 country report submitted to AIDA said that before the COVID 19 pandemic, asylum applicants who were not eligible for the prioritization criteria waited for 8 to 10 months for an interview to be conducted by the IPO. And those who were qualified for prioritization criteria had the possibility of being interviewed within five months. With the advent of COVID 19 and the general lockdown, IPO delayed responding to asylum applications. The Department of Justice in Ireland statistics showed that those whose applications fell outside the prioritization criteria waited 23 months for their asylum applications to be decided. And those who were granted prioritization waited for 14 months for a decision to be made. According to the AIDA, when comparing previous reports submitted by Ireland, there has been a general increase in the waiting periods for UASC and other asylum seekers. For the earlier reports, those whose applications were not prioritized waited for 18 months, and the prioritized ones stayed for 14 months.

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[175] Cecilia Amabo (Integration Officer of NASC), Interviewed on " the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum Seeking Children in Ireland," by Kim Ayuk Akwo, online on zoom, 18th June 2022.

[176] ("Advisory Group on the Provision of Support Including Accommodation to Persons in the International Protection Process Observations from the International Protection Office (IPO)," n.d.)

[177] ("Report of the Advisory Group on the Provision of Support Including Accommodation to Persons in the International Protection Process" 2020)

An End-to-End review by the Department of Justice in May 2021 on the international protection process of Ireland said that on the 30th of April 2021, the IPO had 5,110 cases pending a recommendation. The report findings showed that the primary reason for such pending cases was COVID 19.[178] The integration officer whom I interviewed also mentioned that COVID 19 was the reason that led to the increase of time in processing asylum applications of UASC.[179]

c. Legal representation as part of the asylum process

The literature I reviewed showed that legal representation influenced the asylum process, which increased the processing times of the IPO.

The IPO was asked by the Advisory Group on the Provision of Support, including Accommodation to Persons in the International Protection Process, why they exist a lengthy asylum process? The IPO response was that the legal panel members who are also involved in the asylum process in giving legal services to the IPO case processing unit are committed to other work apart from the services they offer regarding the asylum process. This slows the asylum procedure as the legal panel is not always available to sign a report or make amendments to the asylum cases. The IPO said they do not influence the legal committee to ensure their availability. And this becomes a challenge to predict the duration of processing asylum applications which leads to a lengthy asylum process.[180] The IPO raised this same reason in Day Catherine Report. The report said that the Legal Aid Board (LAB) is involved in processing asylum applications in Ireland. And LAB has a limited number of staff who work full time and are engaged with other activities in the international protection process. These other engagements have made LAB take a lot of time to finalize its reports. Moreover, the number of LAB staff available to process applications has reduced, leading to a lengthy asylum process.[181]

The Joint Committee on Justice and Equality researched "Direct Provision and International Protection Application" in 2019. The committee found out that the reason for the lengthy asylum procedure for UASC and

[178] ("An End-to-End Review of the International Protection Process Final Report on Findings & Recommendations" 2021c)
[179] Cecilia Amabo (Integration Officer of NASC), Interviewed on " the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum Seeking Children in Ireland," by Kim Ayuk Akwo, online on zoom, 18th June 2022
[180] ("Advisory Group on the Provision of Support Including Accommodation to Persons in the International Protection Process Observations from the International Protection Office (IPO)," n.d.)
[181] ("Report of the Advisory Group on the Provision of Support Including Accommodation to Persons in the International Protection Process" 2020)

other asylum seekers was because of the shortage of staff on the legal aid board.[182] In an interview with the integration officer of NASC, I asked the officer if legal representation was another reason for lengthy asylum procedures. She responded that every asylum seeker has a legal representative assigned to their case, given by the Irish government. But these legal solicitors do not receive adequate finance from the government as salaries. Some of them neglect the asylum seekers assigned to them and go for asylum applicants with the finances to pay them to follow their case. She said such neglect slows the processing of applications for UASC in Ireland. The integration officer commented that:

"If UASC has a foster parent that loves them, the foster parent will pay a solicitor to follow the asylum case. But most foster parents will not want to pay since they know they are benefiting from the government money in taking care of the child. And as such will not want to assist the child by the government on behalf of the child." With the absence or neglect of their solicitors, the asylum process is bound to be lengthy.[183]

The end-to-end review done by the department of justice in Ireland in May 2021 showed that the legal panel members were not always available to deliver their legal services to the IPO to process asylum applications. In addition, the panel members are the ones who also interview UASC and other asylum seekers to find out if they are eligible for international protection or not. It is from the interview that the legal panel sends reports to the IPO for consideration. According to the end- to-end review by the department of justice, most of the asylum cases sent to the legal panel to be examined were not grouped based on similarity to facilitate their work. And as such, they had to do detailed research on each applicant, which took a lot of time to finalize their reports and submit them to the IPO in processing the applications, thereby causing long processing times.[184]

d. High Number of Asylum Applications Lodged Each year

To answer the reason for the lengthy asylum procedure, I had to find out if the high number of applications lodged each year were a reason for the long processing times of asylum documents. Based on the country report of Ireland, in 2021, IPO received a low number of asylum applications for international protection because of COVID 19. The total number of applications received by the IPO was 2649, which was low compared to the previous years. 1,545 decisions were made, and 1,459 received a favorable decision. Those asylum applications

[182] ("Tithe an Oireachtais An Comhchoiste Um Dhlí Agus Ceart Agus Comhionannas Tuarascáil Maidir Le Soláthar Díreach Agus Maidir Leis an BPróiseas Iarratais Ar Chosaint Idirnáisiúnta Houses of the Oireachtas Joint Committee on Justice and Equality Report on Direct Provision and the International Protection Application Process" 2019b)

[183] Cecilia Amabo (Integration Officer of NASC), Interviewed on " the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum Seeking Children in Ireland," by Kim Ayuk Akwo, online on zoom, 18th June 2022

[184] ("An End-to-End Review of the International Protection Process Final Report on Findings & Recommendations" 2021c)

that were not a priority were processed within 23 months, and those prioritized were processed in 14 months and 13.5 months for those who appealed. [185] Which showed that despite the low number of applications in which one will generally expect faster processing times was the opposite as there existed lengthy asylum procedures for UASC.

Regarding the high number of applications lodged each year, the integration officer of NASC did not give me a specific answer in the interview conducted with her. She mainly said that the IPO says a lengthy asylum process exists because of the high number of applications lodged to them.[186]

e. Lack of information given to asylum applicants on their applications.

Though lack of information does not lead to lengthy asylum procedures but since I am investigating the discrepancies of Section 39(5) of the IPA, and according to that section, if the IPO cannot make a recommendation within 6 months, asylum seekers should be informed when such recommendation will be made. It is essential to analyze if what is stated in the IPA in that section is being implemented.

The Immigrant Council of Ireland report of 2016 showed that UASC does not have access to information and is not informed about their asylum applications according to Section 39(5) of the IPA. UASC and other children are unaware of their rights by immigration law, and no departments in Ireland provide information on children's asylum applications. Instead, the social workers and foster parents use their initiative to obtain information for children about their asylum applications. According to the council, this negatively affected the mental health of UASC and other children as they were uncertain when a decision would be given on their applications.[187]

The end-to-end report findings of May 2021 by the department of justice on international protection showed that the IPO and IPAT gave no updates or information on when asylum seekers will receive a decision on their asylum applications. [188] The Joint Committee on Justice and Equality mentioned the same findings in 2019. The committee noted that UASC and other asylum applicants do not receive information on their asylum applications. They are not informed when their interviews will be organized and the determination of their asylum applications. There is no online system that permits both UASC and other applicants to track their asylum

[185] ("Country Report: Ireland," n.d.)
[186] Cecilia Amabo (Integration Officer of NASC), Interviewed on " the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum Seeking Children in Ireland," by Kim Ayuk Akwo, online on zoom, 18th June 2022.

[187] (Mannion and Immigrant Council of Ireland, n.d.)
[188] ("An End-to-End Review of the International Protection Process Final Report on Findings & Recommendations" 2021a)

applications, thereby waiting for years or months for an update on their applications, affecting their mental health as they are uncertain about their status.[189] O'Neill Enda, head of UNHCR 2018, said unaccompanied minors and other asylum applicants are not given information or an update on a decision on their asylum applications by the IPO.[190]

Based on the interview with the integration officer of NASC Ireland on the 18th of June 2022, UASC receives information from the IPO concerning their asylum applications, such as an interview date. This information is sent to the relevant address of their foster parents. And she said there is no direct correspondence between the minor and the IPO without passing through their solicitor. According to the interviewee, she is not so much aware of how often they receive information from the IPO but said that according to section 39(5) of the IPA, UASC does not know the time when a decision is to be made on their asylum applications since the law does not provide a specific time frame. [191]

2. International Protection Appeal Tribunal (IPAT)

As earlier mentioned, IPAT is another main body that processes asylum applications for international protection in Ireland. IPAT is responsible for processing appeals for asylum seekers who received a negative recommendation from the IPO.

In May 2020, the Advisory Group on the Provision of Support, including Accommodation to Persons in the International Protection Process, asked IPAT about the resources needed to accelerate the processing of asylum applications for appeals. According to IPAT, the three years term of office of staff who are not chairpersons and deputies according to Section 62 (7) (c) and (d) of the IPA has affected the processing times of asylum applications. Since the term of office is short, the newly recruited staff cannot commence work until they have been trained for six months. To IPAT, this is a long period for the recruited staff to replace the previous staff that retired in processing applications which have led to lengthy asylum procedures for UASC in Ireland[192]

[189] ("Tithe an Oireachtais An Comhchoiste Um Dhlí Agus Ceart Agus Comhionannas Tuarascáil Maidir Le Soláthar Díreach Agus Maidir Leis an BPróiseas Iarratais Ar Chosaint Idirnáisiúnta Houses of the Oireachtas Joint Committee on Justice and Equality Report on Direct Provision and the International Protection Application Process" 2019b)
[190] ("UNHCR - UNHCR Calls for Action to Cut Irish Asylum Waiting Times" n.d.)
[191] Cecilia Amabo (Integration Officer of NASC), Interviewed on " the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum Seeking Children in Ireland," by Kim Ayuk Akwo, online on zoom, 18th June 2022.

[192] ("IPAT Response to the Advisory Group on the Provision of Support Including Accommodation to Persons in the International Protection Process," n.d.)

The Catherine Day report of 2020 said that the reason for the lengthy asylum procedure for IPAT was because unavailability of interpreters and the wrong interpreters assigned to interpret specific languages of the asylum seekers, including UASC. In addition, the interpreters appointed were not proficient in the languages that needed interpretations, thereby giving wrong interpretations which do not tie with what the applicant said. Day Catherine's report said 11.2% of asylum applicants' applications were postponed because of this problem. This resulted in a long asylum process for UASC and other asylum seekers.[193]

According to the End-to-End review of May 2021 by the Department of Justice, in 2019, IPAT processed appeals within 7.2 months, and the total number of appeals was 2,064. In 2020 all asylum applicants' documents were processed within 8.1 months. The Department of Justice review showed that such processing times were lengthy. Furthermore, asylum applicants waited for a long time on their asylum applications without any information about when a decision will be made. The report mentioned that one of the reasons for long processing times was COVID 19, which greatly affected the processing of asylum applications for appeals by IPAT as there was no face-to-face hearing in place due to the advent of the virus by March 2020. It was only in November 2020 that audio-visual hearings were done for all applicants, including UASC. In 2020 the average period for documentation and information of the applicant's appeals to be finalized and sent to IPAT by the IPO took 35 working days which is lengthy. But before Covid 19, it took 12 working days for such a document to be completed and sent to the IPAT by the IPO.

The report submitted by Ireland to AIDA also showed that COVID 19 affected the time for IPAT to process appeals. In 2018 IPAT processed and issued decisions on appeals within 154 days. In 2019 the average time they used in processing applications and making decisions was 23 weeks because of COVID 19, and in 2020 it was nine months still because of the pandemic, which affected the processing times of appeal applications of UASC and other asylum seekers. In 2021 still, with the presence of COVID 19, it rose to 13.5 months. Covid 19 affected IPAT and the judicial review in processing asylum cases.[194]

Another reason for lengthy asylum procedures was that if an applicant missed an essential communication from IPAT and did not understand such communication, it would lead to rescheduling their appointment, which took

[193] ("Advisory Group on the Provision of Support Including Accommodation to Persons in the International Protection Process Observations from the International Protection Office (IPO)," n.d.)
[194] ("Country Report: Ireland," n.d.)

time. Based on the end-to-end review report, though the processing times are shorter than the IPO, the lack of information given to all applicants by the IPAT was a big challenge.[195]

3. Ministerial Decision Unit (MDU)

After an IPO recommends asylum applications, the IPO sends the recommendation to MDU to decide. According to the end-to-end review by the Department of Justice on the international protection process, the MDU took an average processing time of 2.4 months in 2019 and 2.5 months in 2020 for a final decision on international protection. According to the report, such a time is lengthy. NASC in 2019 Ireland said that after an applicant receives a favorable recommendation from the IPO; the applicant will have to wait for about eight months or even more for the Ministerial Decisions Unit to give a final letter, which has to be signed by the Minister for Justice and permits them to go to the Garda National Immigration Bureau to obtain an Irish resident permit.[196] To NASC, this made the asylum process lengthier.

Still, in 2019 NASC submitted to the "Joint Oireachtas Committee on Justice and Equality on Direct Provision and the International Protection Application Process. According to their submission, the Minister of Justice added an extra step on international protection, which is due diligence which should be applied when the IPO submits a positive recommendation to the MDU for an asylum applicant to be given refugee status or subsidiary protection. The office in charge of the implementation of due diligence is the Irish Naturalisation and Immigration Service (INIS). NASC said the application of due diligence takes a long time for a final declaration to be given on subsidiary protection or refugee status by the minister. NASC further noted that this is contrary to the International Protection Act of 2015, as it demands that once a favorable recommendation has been sent to the minister on an asylum application, the minister should issue a final decision on either a refugee status or subsidiary protection and not an extra step of due diligence.[197]

Lastly, inadequate staff was another reason that prolonged the processing times of UASC applications for the MDU. The end-to-end review by the department of justice showed that the number of staff for the MDU unit by May 2021 was 4 Full-Time Equivalent (FTE,) and the normal staffing is supposed to be 6.2 FTE. The report

[195] ("An End-to-End Review of the International Protection Process Final Report on Findings & Recommendations" 2021c)
[196] ("Tithe an Oireachtais An Comhchoiste Um Dhlí Agus Ceart Agus Comhionannas Tuarascáil Maidir Le Soláthar Díreach Agus Maidir Leis an BPróiseas Iarratais Ar Chosaint Idirnáisiúnta Houses of the Oireachtas Joint Committee on Justice and Equality Report on Direct Provision and the International Protection Application Process" 2019b)
[197] ("Submission to the Joint Oireachtas Committee on Justice and Equality on Direct Provision and the International Protection Application Process Submission to the Joint Oireachtas Committee on Justice & Equality on Direct Provision and the International Protection Process," n.d.)

mentioned that as the staff of MDU is insufficient, there are bound to be lengthy asylum procedures. [198] This result of the end-to-end review by the Department of Justice does not match the Chair of the Advisory Group on the Provision of Support, Including Accommodation to Persons in the International Protection Process. Instead, when the chair of the advisory group asked the MDU what added resources were needed to accelerate the asylum process, the MDU just said that in the past, they experienced an issue of inadequate staff, which created a lot of backlogs of asylum applications. But that notwithstanding, the problem was fixed as their staff is adequate in handling recommendations submitted by the IPO.

2. Impact of Lengthy Asylum Procedures

This study did not only find out if lengthy asylum procedures exist for UASC in Ireland, but it also focused on the other variable of the research, which is the effects of the lengthy process on UASC. The following are the results from the review of existing literature and the interview I conducted on the general consequences of the actions of IPO, IPAT, MDU, and judicial review of the international protection process in Ireland.

Jesuit Refugee Service Ireland, in March 2015, submitted a discussion paper to the Working Group on Protection Process titled "Long Stayer Scheme Principles, Pros, Cons, and Consequences." They did not focus on UASC living with their foster parents but on accompanied asylum-seeking children living directly with their parents. Though not specifically centered on UASC living with their foster parents, this finding, I believe, is significant. It revealed that even children living with their biological parents experienced a long asylum process to obtain a decision on their asylum applications which negatively affected them. In addition, the children were isolated and bored and could not play like other normal children living in Ireland. They face challenges in accessing education since their asylum status has not been determined.[199]

The Immigrant Council of Ireland said UASC are uncertain about their asylum applications. And when they wait for long without getting a decision and turn 18 years, they cannot have access to education, health care, and even a violation of their housing rights.[200] Still, under ORAC and RAT, the Immigrant Council of Ireland report of 2016 revealed that UASC does not have access to information and is not informed about their asylum applications. UASC and other children are unaware of their immigration rights, and no departments in Ireland provided information on children's asylum applications. Instead, the social workers and foster parents used their

[198] ("An End-to-End Review of the International Protection Process Final Report on Findings & Recommendations" 2021c)
[199] (Quinn 2015)
[200] ("Child Migration Matters | Immigrant Council of Ireland" n.d.)

initiative to obtain data for children about their asylum applications. According to the council, this negatively affected the mental health of these children, as they were uncertain when a decision was to be made on their applications due to the lack of information on their applications.[201] In addition to what the Immigrant Council said in 2016 that when these children turn 18, they do not longer have certain benefits as before when they were below 18 for-instance access to education and health care, the Irish Times mentioned that UASC is transferred from foster care to direct provision when they are 18 years, which is not a good system as they experience more stress and anxiety than when they were waiting for a decision on their applications living in foster care. One child who was removed from foster care said that:

> "I enjoyed staying with my foster family; it made me feel like I was not alone and had a second family here in Ireland."[202]

According to the Immigrant Council of Ireland, based on the interview they conducted with children who sought international protection, there exists a lengthy asylum process in Ireland which has affected both unaccompanied and accompanied children as they are unable to access education at the required level they desire and unable to work since their asylum applications have not been determined by the IPO which put them on hold in achieving their career aspirations and has shattered their dreams. Boris, who the Immigrant Council interviewed, said:

> "when he arrived in Ireland as an unaccompanied migrant, he completed his second-level education and envisaged studying at university to become an orthodontist. He was enthusiastic and committed to studying at that time. However, as a stateless young person in the asylum process, he was not permitted to study or work. He had a lot of spare time so he trained in the gym regularly. However, he was bored over those years when he could have been developing professionally. When he was granted permission to reside and could access education and employment, he felt that he was too old and no longer motivated to pursue his original dream. He felt he should be out working rather than studying full time. He said: "I do not care to do this. I have plans. I don't want now to go to study full time; I want to go to work now." Instead, Boris completed a PLC course and another technician course. He has had some part-time jobs but has not been able to find a full-time job. He was searching for employment at the time he was interviewed. Boris indicated that, as he got older, he became a little depressed as he thought about the future, that he could not get an education and that he didn't have family in Ireland to help him with little things."[203]

In 2017 the Department of Children and Youth Affairs (DCYA) published a report on "Consultations with Children and Young People Living in Direct Provision." According to the report, children were consulted within the age range of 8 to 12 years. The children consulted talked of the lengthy Irish asylum system as they have

[201] (Mannion and Immigrant Council of Ireland, n.d.)
[202] ("Children Seeking Asylum Moved from Foster Care to Direct Provision at 18 – Report – The Irish Times" n.d.)
[203] (Mannion and Immigrant Council of Ireland, n.d.)

been waiting for a decision on their asylum applications for an extended period with no result, making them more uncertain about their future and isolated and lonely. One of the children said:

> "Anyone that lived long, like seven years or over, should get their documents" They also said, ''People have been living in the center for eleven years."

Children were asked their reason for coming for the consultation one child said:

> "Because I think there should be a few changes because most people in the center where we live don't get their papers quickly, and they wait a lot and a lot, and they wait for a long time." [204]

In May 2021, the Department of Justice, in an End-to-End Review of the International Protection Process, found out that the lengthy asylum process affects the mental health of UASC and other asylum seekers as they are traumatized in Ireland after experiencing pre-migration traumatic situations in their home countries.[205] NASC paper submitted to the Joint Oireachtas Committee on Justice and Equality on Direct Provision and the International Protection Application Process in 2019 revealed that UASC and other asylum seekers spend a long time waiting for the outcome of their asylum applications. According to the findings of NASC, lengthy asylum procedures affect the mental health of asylum seekers as they are depressed and uncertain about their future. Moreover, to NASC, with lengthy asylum procedures, UASC and other asylum seekers experience barriers in accessing education, health care, employment, and integrating into the Irish society.[206]

I asked the integration officer of NASC about the impact of lengthy asylum procedures for UASC. She said that

> "It is tormenting to everyone waiting for a long period for a determination of their asylum application. The children are isolated as the community knows they are strangers and would not want to interact with them as they await a decision on their asylum applications, which kills their confidence. Moreover, racist words are used on these children as they do not have residence status, and this can push any child to commit suicide or make the child become an introvert. Only after they receive a decision on their asylum applications can they realize their developmental potential."[207]

3. Other Findings for Further Research

[204] ("2016 Report of DCYA Consultations with Children and Young People Living in Direct Provision Consultations with Children in Direct Provision Consultations with Children in Direct Provision," n.d.)
[205] ("An End-to-End Review of the International Protection Process Final Report on Findings & Recommendations" 2021b)
[206] ("Submission to the Joint Oireachtas Committee on Justice and Equality on Direct Provision and the International Protection Application Process Submission to the Joint Oireachtas Committee on Justice & Equality on Direct Provision and the International Protection Process," n.d.)
[207] Cecilia Amabo (Integration Officer of NASC), Interviewed on " the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum Seeking Children in Ireland," by Kim Ayuk Akwo, online on zoom, 18th June 2022.

The exploratory research design used for this study revealed further problems connected to my research area, which other researchers could investigate. Such as the unqualified translators allocated to asylum seekers to translate their languages to English for the IPO to understand.[208] Another research problem other researchers and I could investigate further is wrong stamps issued to asylum seekers, including UASC and other children. They go to Garda National Immigration Bureau (GNIB), and some are given stamp 2 A, which is for the second level and not for the first level, others stamp 2 for the third level, and others are given stamp 3, which they cannot work. With these stamps, children cannot access certain services.[209]

4. Conclusion

To recapitulate, this chapter explains the findings that were conducted by me using a qualitative research method through interviews and desk research. The chapter also discussed some best practices Ireland can copy from other European countries to accelerate the asylum process. The subsequent chapter explains the interpretation of the finding of this present chapter.

[208] ("Lost in Translation: 'You Can Be Shocked by the Bad News You Have to Interpret' – The Irish Times" n.d.)
[209] ("Asylum Seekers, Refugees, Migrants – Understanding the Irish Immigration System - National Youth Council of Ireland" n.d.)

CHAPTER SIX

DISCUSSION OF FINDINGS

1. Introduction

This chapter discusses the research findings on the Impact of Lengthy Asylum Procedures on the Lives of UASC in Ireland. The chapter comprises a summary of research results discussed in the previous chapter, good practices Ireland can emulate, a general conclusion, and recommendations, which are discussed below.

A. Summary of Results

The findings of this research demonstrate that UASC undergoes lengthy asylum procedures due to the inadequate staff of the IPO, MDU, and IPAT in processing their asylum applications, as well as insufficient ICT and translation services. The advent of COVID 19 affected the operations of the IPO, IPAT, and MDU as the country experienced a general lockdown, making the offices operate in a limited capacity. In addition, the research found out that the limited staff of the Legal Aid Board led to a delay in processing asylum applications. Moreover, the Irish government does not sufficiently pay solicitors, which has made them work in a limited capacity, affecting the processing of asylum applications. The findings of the previous chapter revealed that the legal aid board is committed to other work besides handling asylum cases. This has brought a delay in submitting their reports on time to the IPO and making some amendments when necessary.

From the research findings, UASC does not receive information from the IPO when a decision is made on their asylum applications. Moreover, the research also found that the Irish asylum system is lengthy because asylum cases are not allocated according to the familiarity of the context of case workers. I also discovered that the processing times of asylum applications are long even after a single procedure was established to accelerate asylum applications. In addition, the findings also demonstrate that due diligence implemented by INIS after the IPO recommends the Ministerial Decision Unit has increased the length of time of the asylum process. Lastly, the study also found that lengthy asylum procedures affect UASC more negatively than positively as they are affected mentally, physically, and isolated, which has affected their developmental potential.

B. Interpretation of the Research Findings

(2) Discrepancy of Section 39(5) and the Actual Implementation of the Asylum Procedures

The initial objective of this research was to analyze the discrepancies between section 39 (5) of the IPA and the existence of lengthy asylum procedures in the lives of UASC. According to this study, lengthy asylum procedures exist, and the following discrepancies were discovered as the reasons for long processing times for UASC.

1. The Office of the Refugee Applications Commissioner (ORAC) and Refugee Appeal Tribunal (RAT).

The findings from the desk research showed that the lengthy Irish asylum process is not a recent problem because of COVID, nor the high number of applications lodged each year. Instead, tracing the asylum processing times from my research period, 2015 to the 18th of June 2022 shows that the Irish Asylum System has been lengthy. As 7,937 people were waiting for a decision on their applications in 2015, 55% (4,350) of that number had been waiting for over five years, and 21% were children.[210] These statistics from Mc Mahon's report show that the lengthy asylum process in Ireland is not new. It has been going on for a long time for all asylum seekers, including UASC. As the integration officer of NASC commented:

> "Some UASC came to Ireland at 12 and turned 18 without a decision on their asylum applications. Some came 15, 10 years and have aged without a decision. The Irish asylum process is unreliable and keeps people in a constant state of Limbo, not only children but adults. Some UASC might receive a decision on their applications within a year, while others after five years, six years, and even seven years."[211]

In a nutshell, the high number of applications lodged in 2015 brought about lengthy asylum procedures, the a shortage of staff, [212] and a separate procession of both subsidiary protection and refugee status.[213] This research is related to the study conducted by OECD in 2017 on the processing times of asylum applications in Finland.

[210] ("Working Group on the Protection Process Working Group to Report to Government on Improvements to the Protection Process, Including Direct Provision and Supports to Asylum Seekers Final Report" 2015a)
[211] Cecilia Amabo (Integration Officer of NASC), Interviewed on " the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum Seeking Children in Ireland," by Kim Ayuk Akwo, online on zoom, 18th June 2022.

[212] ("Refworld | 2016 Country Reports on Human Rights Practices - Ireland" n.d.)
[213] ("Working Group on the Protection Process Working Group to Report to Government on Improvements to the Protection Process, Including Direct Provision and Supports to Asylum Seekers Final Report" 2015a)

OECD said the processing times for asylum applications in 2017 were 357 days which was lengthy and was due to the lack of employees,[214] which is the same reason that emerged for RAT according to the Mc Mahon Report.

1.1 International Protection Office (IPO), International Protection Appeal Tribunal, and Ministerial Decision Unit.

My research findings showed that ORAC and RAT were replaced with the IPO and IPAT. Based on the results of this study from the review of literature from a couple of reports, papers, blogpost, and governmental statistics, even after the IPO and IPAT took over ORAC to accelerate the asylum process with a single procedure in place that is the processing of both subsidiary and refugee status at once, the asylum system for UASC was still lengthy and is still long not only with the IPO, and IPAT but also with the MDU.

1.1.1 International Protection Office

Based on the findings of the result chapter, even after establishing the IPO and IPAT to facilitate the asylum process, asylum application processing times were lengthy, according to NASC analysis in 2017.[215] Even O' Neill, head of UNHCR in Ireland, said the same thing in 2017 and 2018. In 2018 according to O' Neill , 5,200 people were waiting for a decision on their applications. He noted that the asylum process was lengthy because of the backlogs of cases transferred from the old system of ORAC and RAT to the new system of IPO and IPAT.[216] These demonstrate that even after IPO took over from ORAC, the asylum process was still lengthy. The Joint Committee on Justice and Equality 2019 wrote a "Direct Provision and International Protection Application Process" report. The committee said the same thing as O' Neill: the backlogs of cases from the old system led to long processing times for IPO and IPAT. [217] Still, in 2019 NASC mentioned that for the IPO, a decision at first instance took 11 to 12 months in a scenario where the application was not complex. To NASC, the asylum system was lengthy. The end-to-end review implemented by the Department of Justice in Ireland in 2021 proved that the asylum process was long in 2020, as 4,996 applications were waiting for a decision. And one in five of them had been waiting for a decision on their asylum application for over 2 years.[218]

[214] ("IN-DONOR REFUGEE COSTS IN ODA," n.d.)
[215] ("Nasc Working Paper on the Progress of Implementation of the McMahon Report," n.d.)
[216] ("UNHCR - UNHCR Calls for Action to Cut Irish Asylum Waiting Times" n.d.)
[217] ("Submission to the Joint Oireachtas Committee on Justice and Equality on Direct Provision and the International Protection Application Process Submission to the Joint Oireachtas Committee on Justice & Equality on Direct Provision and the International Protection Process," n.d.)
[218] ("An End-to-End Review of the International Protection Process Final Report on Findings & Recommendations" 2021c)

MASI Ireland mentioned that before the advent of COVID 19, the asylum process was lengthy and is still long. One campaigner of MASI Ireland said in 2021

> "I have been waiting for seven years and still no end. It is so disheartening to see my young children, who started senior infants here, transition to secondary school yet are still stuck in this system. Why can't they be allowed to grow up like "normal" children? My husband died on the 21st of March 2021; the children have always looked forward to the day they will see their dad again; sadly, that day will never come. I hope government commits to clearing the backlog and putting an end to the endless wait."[219]

From the interview and desk research, it cannot be denied that there exists a lengthy asylum process for IPO.

1.1.2 International Protection Appeal Tribunal

Based on the findings of chapter 5, IPAT received 2,064 appeals in 2019, and the appeals were processed within 7.2 months. In 2020 the processing times for appeals increased to 8.1 months. According to the result, what made the asylum process to be lengthy was the long duration of time for asylum applications that received a negative decision to leave the IPO to IPAT for further consideration. In 2020, the IPO took 35 working days to send asylum documents. Based on my analysis, the asylum process is lengthy.[220]

1.1.3 Ministerial Decision Unit.

IPAT, and the IPO, are not the only bodies with lengthy asylum processes but the MDU as well from the analysis of the result chapter. According to the end- to- end review carried out by the department of justice in Ireland, in 2019, the MDU took about 8 months to give a final decision on the recommendation received from the IPO. The department of justice in Ireland said in 2019, the MDU took 2.5 months to process applications, but in 2019, it was 2.9 months. According to the department of justice, the asylum process is lengthy.[221] NASC also said that the MDU takes a long time to make a final decision on asylum applications and the reason is because of due diligence announced by the minister of Justice for INIS to cross-check asylum applications before the MDU makes a final decision. Which to NASC further delayed the asylum process for a final decision on UASC applications and other applicants.[222]

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[219] ("MASI Calls for Permission to Remain for Thousands of People in the Asylum Process - MASI" n.d.)
[220] Ibid.
[221] ("An End-to-End Review of the International Protection Process Final Report on Findings & Recommendations" 2021c)
[222] ("Submission to the Joint Oireachtas Committee on Justice and Equality on Direct Provision and the International Protection Application Process Submission to the Joint Oireachtas Committee on Justice & Equality on Direct Provision and the International Protection Process," n.d.)

The analysis above from IPAT, IPO, and MDU demonstrates that the Irish asylum system is lengthy, which purports to my statement of the problem on why this research was conducted. The findings align with existing literature mentioned in the previous chapter of Groarke and Arnold Samantha 2018. They said unaccompanied minors arrive in Ireland before 18 and end up at 18 years without still a decision on their asylum applications.[223] This research also corresponds with the existing theory I used, the Saturation Theory of Anthony Giddens of 1984, which says that humans living in society must be seen from the perspective of action and structure and not look at them separately. The theory of Giddens adds to my analysis as it explains that the agents are the governmental structures of Ireland, that are the IPO, IPAT, MDU, and High court (judicial review), and UASC is a social group who do not have a lot of opportunities in Ireland. They cannot make decisions concerning their asylum situations. If they could make such decisions, they would give themselves refugee status in no time. But instead, decisions are made by IPAT, IPO, MDU, and judicial review and have to wait for an extended period until their asylum applications are determined.[224]

1.2 Analysis of the Reasons for the Discrepancies of Lengthy Asylum Process for IPO, IPAT, and MDU presented from the Result Chapter.

Based on the analysis of findings of the results in chapter five, the following were the reasons that caused the discrepancies of Section 39(5) of the IPA leading to lengthy asylum procedures for the IPO, IPAT, and MDU.

1.2.1 Inadequate Resources for IPO, IPAT, and MDU

The interview I conducted, and the review of existing lectures on the findings of this research area showed that both the IPO, IPAT, and MDU had a shortage of staff and could not process asylum applications lodged from 2017 to 2022. These findings were obtained from the End-to-End Review by the Department of Justice on the international protection process,[225] the Advisory Group on the Provision of Support, Including Accommodation to Persons in the International Protection Process, added that the IPO had inadequate ICT to process asylum applications. The Catherine Day report also mentioned the same reason the IPO lacked staff, though the MDU said they had adequate staff in 2020 when Day Catherine conducted her research. Another reason for inadequate resources is the unavailability of translators to translate the languages of both UASC and other asylum seekers' coupled with incompetent translators assigned to these children and other applicants, which made IPAT

[223] (Groarke and Arnold 2018)
[224] (Lamsal 2012)
[225] ("An End-to-End Review of the International Protection Process Final Report on Findings & Recommendations" 2021c)

postpone the interviews in order to obtain competent and available translators.[226] The result for the MDU from Day's report contrasted that of the end-to-end review of the Department of Justice in 2021 of inadequate staff of the MDU.[227] The integration officer of NASC also concurred that IPO has insufficient resources to process asylum applications. She noted that,

> "Yes, inadequate resources are a reason for the lengthy asylum procedure. There is so much bureaucracy in Ireland when it comes to processing any document, including asylum applications. There is no rush in the system to meet people's needs. Ireland takes time to do anything, coupled with insufficient staff at the IPO in handling the bulk asylum applications, which is not the fault of asylum seekers but the government for not having sufficient staff, which leads to long processing times in deciding asylum applications of UASC and other asylum seekers."[228]

Based on this result, the IPO, IPAT, and MDU had inadequate resources, such as insufficient staff, which slowed the asylum process. This answers my research question on the discrepancies between Section 39(5) of the IPA and the existence of lengthy asylum procedures. So far as these bodies do not have sufficient staff, there are bound to be long processing times for UASC. This result relates to existing findings in my literature review chapter as it supports current research conducted by OECD and Connor Phillip in 2017. OECD said Finland's protracted asylum process was due to a lack of employees.[229] And Connor Phillip said lengthy asylum procedures exist because of no bureaucratic pressure in some countries.[230]

1.2.2 COVID 19 affected the asylum procedure

The analysis of the previous chapter, which is the result chapter, demonstrates that COVID 19 affected the work of IPO, IPAT, and MDU in processing UASC applications on time, which answered my research objectives on the discrepancies of Section 39 and the existence of lengthy asylum procedures. The evidence of COVID 19 affecting the processing of asylum applications was obtained from Day's Catherine's report of 2020. The report mentioned that, before 2019, the IPO had planned to accelerate the processing of asylum applications to nine months. But COVID 19 came and shattered such plans as the asylum process lengthier.[231] The country report submitted to AIDA in 2021 talked about this very problem, as the report revealed from the findings that asylum

[226] Advisory Group on the Provision of Support Including Accommodation to Persons in the International Protection Process Observations from the International Protection Office (IPO)," n.
[227] Ibid.
[228] Cecilia Amabo (Integration Officer of NASC), Interviewed on " the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum Seeking Children in Ireland," by Kim Ayuk Akwo, online on zoom, 18th June 2022.
[229] ("IN-DONOR REFUGEE COSTS IN ODA," n.d.)
[230] ("Refugee Asylum Seekers Still Waiting in Europe | Pew Research Center" n.d.)
[231] ("Report of the Advisory Group on the Provision of Support Including Accommodation to Persons in the International Protection Process" 2020)

applications that fell outside the prioritization criteria of the IPO waited for 23 months for a decision due to COVID. Those that fell in the prioritization criteria waited for 14 months because of the same pandemic.[232] Even the End-to-End Review on the International Protection Process by the Department of Justice in 2021 said the same thing as AIDA and Day Catherine's. The review revealed from my result section that 5,110 cases were pending because of COVID 19 for the IPO. Concerning IPAT before COVID 19, IPAT processed all asylum applications within 154 days. However, COVID increased the processing time to 23 weeks in 2019; in 2020, the processing time was 9 months, and by 2021 it increased to 13.5 months. According to my findings, the high court was also affected in deciding asylum cases because of the Pandemic. [233]The interview I conducted with the NASC integration officer on 18 June 2022 also concurred with this reason.

From the findings of this research, one may attribute lengthy asylum procedures to be because of COVID 19. Still, looking backward before COVID 19, the Irish system has always had a long asylum process. As MASI quotes,

> "For long-time asylum seekers have spent more than a year waiting for an initial decision on their asylum claim before the pandemic," Which portray that though COVID 19 slowed the processing times, the Irish system has always been lengthy.[234]

Based on existing research, Ireland is not the only country experiencing lengthy asylum procedures because of COVID 19. Vijayaraghavan Hamsa and Mukhopadhyay Jhinuk, on the 2nd of June 2022, wrote an article on "COVID 19 Pandemic Ushered in Unprecedented Slowdown of Asylum Claims". According to the article, COVID 19 generally has affected the processing times of asylum applications. Even though asylum applications dropped because of COVID, it has created a backlog of cases for the competent administrators of each country to handle asylum applications. Vijayaraghavan and Mukhopadhyay said on July 2021, 4.4 million applications were pending globally because of COVID 19. According to them, asylum seekers, including UASC, might wait for several years without getting the outcome of their applications.[235]

1.2.3 Legal representation as part of the asylum process for the IPO

The discussion above showed that the asylum system has been lengthy from 2017 to June 18, 2022. Another reason for such a long process is the unavailability of legal representatives contributing to processing international protection applications for the IPO. I did not see data on legal representation for IPAT. The findings

[232] ("Country Report: Ireland," n.d.)
[233] Ibid.
[234] ("MASI Calls for Permission to Remain for Thousands of People in the Asylum Process - MASI" n.d.)
[235] ("COVID-19 Pandemic Ushered in Unprecedented Slowdown of Asylum Claims - World | ReliefWeb" n.d.)

of this study answer my research question that there are discrepancies in Section 39 (5) of the IPA and the existence of lengthy asylum procedures for UASC. The result chapter explained how legal representatives of international protection in Ireland slowed the processing times of applications for UASC. According to the findings of the result chapter, the legal panel provides reports to the IPO after having an interview with these children on their eligibility for international protection. The Advisory Group on the Provision of Support, including Accommodation to Persons in the International Protection Process, said legal representatives working with the IPO are not committed to their work as they were not always available to sign reports or make some amendments. This same reason was given by Day's Catherine report that they are not committed because they have a limited number of staff who work full time and are engaged in other activities in the international protection process.[236] The Committee of Justice and Equality on Direct Provision attributed this very reason to a shortage of legal panel staff which slowed the processing of asylum applications for UASC. The End-to-End Review by the Department of Justice mentioned that asylum cases were not grouped based on the similarity for legal panel members to process the applications. This slowed their investigation as detailed background checks were needed.[237]

Another important discovery that slowed the asylum process, according to the interview with the integration officer, was that legal representatives are given to asylum seekers, including UASC. But the problem is that the representative does not receive adequate finance from the government. As such, they neglect asylum seekers who do not have money to pay extra and go for those that can pay, and as such, UASC finds it challenging to access them. This slows the processing times of the applications not only for UASC but others as their representatives neglect them. The integration officer of NASC commented that

> "If UASC has a foster parent that loves them, the foster parent will pay a solicitor to follow the asylum case. But most foster parents will not want to pay since they know they are benefiting from the government money in taking care of the child. And as such will not want to assist the child by the government on behalf of the child." With the absence or neglect of their solicitors, the asylum process is bound to be lengthy.[238]

This same finding obtained from this interview is similar to the result done by Nyame Hallex on "Effects of Asylum Procedures on Asylum-Seeking in Sweden for Unaccompanied Children." Nyame interviewed an

[236] ("Report of the Advisory Group on the Provision of Support Including Accommodation to Persons in the International Protection Process" 2020)
[237] ("An End-to-End Review of the International Protection Process Final Report on Findings & Recommendations" 2021c)
[238] Cecilia Amabo (Integration Officer of NASC), Interviewed on " the Impact of Lengthy Asylum Procedures on the Lives of Unaccompanied Asylum Seeking Children in Ireland," by Kim Ayuk Akwo, online on zoom, 18th June 2022.

unaccompanied child, and the child said that she had difficulty accessing her legal guardian as she did not see the legal guardian for months to discuss the status of her international protection application, which affected the child's mental health.[239]

Based on the interpretation of the result chapter on legal representation, the legal representatives cause the asylum process to be lengthy. It is important to note that the Irish Refugee Act demands a legal representative should be given to UASC. But this demand is not incorporated in the Child Care Act of 1991 and is not invoked for these children. UASC is being taken into care by Tusla according to Sections 4 and 5 of the Act. Neither section stipulates that a legal guardian should be assigned to the child. In Ireland, no provision stipulates a specific period that a child should be given a solicitor or representative. Instead, Tusla analyzes whether a child should be given a legal guardian or not and makes the necessary arrangement.[240] I think this is where the problem lies as the integration officers said, these legal representatives turn to neglect these children and go for ones that can pay higher income since they do not receive sufficient income from the government and, as such, are not obliged by the law to fulfill their obligations. This same reason applies to why the IPO cannot influence the legal representatives to ensure they are always available to do their work and provide relevant documents when necessary to the IPO.

1.2.4 High Number of Applications Lodged Each Year for the IPO

The research's findings here were contradictory as I recorded different views on the IPO. No result was recorded for the MDU and IPAT between 2017 to 2022. Ireland's country report submitted to AIDA in 2021 said that the IPO received fewer asylum applications. And further said that COVID 19 led to a general lockdown which slowed the processing time of the applications. But Mc Mahon's report in 2015 said ORAC received a high number of applications which led to a backlog of asylum cases and lengthy asylum procedures for UASC and other asylum seekers. This result is in line with previous studies like Connor Phillip 2017 who said that the difference in processing times in European countries could be attributed to the number of applications that have been submitted.[241] The result also corresponds to existing research, as the Rockwool Foundation 2021 discovered that even when countries have fewer asylum applications, the processing times are lengthy.[242] Analyzing the contradictory result of this section, I quote MASI, who said in 2021 that.

[239] (Berry, Supervisor, and Klamberg 2015)
[240] ("Country Report: Ireland," n.d.)
[241] ("Refugee Asylum Seekers Still Waiting in Europe | Pew Research Center" n.d.)
[242] ("Consequences of Long Waiting Times in the Asylum System | European Website on Integration" n.d.)

> "For long-time asylum seekers have spent more than a year waiting for an initial decision on their asylum claim before the pandemic."[243]

This shows that though COVID 19 brought about low numbers of asylum applications and long processing times, the Irish asylum system has been lengthy. So, the blame cannot be put only on COVID 19.

1.2.5 Lack of information given to asylum applicants on their applications by IPO and IPAT.

From the review of the key findings on if the information is given to UASC according to Section 39(5) of the IPA, the results demonstrate that UASC does not receive information on their asylum applications. This answers my research objective on the discrepancy between Section 39 of the IPA and the existence of lengthy asylum procedures. Section 39 states that if the IPO cannot decide within six months on the asylum applications, the IPO should inform the asylum seekers of the time when a decision would be made. But in reality, Section 39 is not being implemented, and based on the findings of this research; there is no online system in which asylum applicants can even track their asylum applications, not to talk of departments responsible for informing applicants about the status of their applications. And this put UASC in a state of limbo as they are uncertain about their applications. The same result was obtained for IPAT as UASC, including other asylum seekers, are not informed when IPAT will take a decision.

In Ireland, the renewing of passports and obtaining a passport for the first time is tracked online from the Department of Foreign Affairs website.[244] This shows that applicants for a passport are well informed on when their passports will be out, unlike UASC and other asylum seekers who do not have that same privilege. This is a human rights violation according to the International Covenant on Civil and Political Rights (ICCPR) Article 19.[245] These findings relate to the existing research of Nyame Hallex, which was earlier mentioned in this research. Nyame researched the "Effects of Asylum Procedures on Asylum-Seeking in Sweden for Unaccompanied Children." According to the findings of Nyame, the asylum procedure for Sweden is lengthy and unaccompanied children were not receiving information on their asylum applications which made them uncertain when a result would be out on their asylum applications as they had been waiting for so long, and this had an effect on their mental health.[246]

[243] ("MASI Calls for Permission to Remain for Thousands of People in the Asylum Process - MASI" n.d.)
[244] ("Current Turnaround Times - Department of Foreign Affairs" n.d.)
[245] ("International Covenant on Civil and Political Rights | OHCHR" n.d.)
[246] (Berry, Supervisor, and Klamberg 2015)

(2) Impact of Lengthy Asylum Procedures

The findings of the result chapter support my research objectives, demonstrating that lengthy asylum procedures negatively impact UASC. The integration officer of NASC, in my interview with her, mentioned some positive effects of lengthy asylum procedures. She said these children are being kept with foster parents who take care of them, which is essential in their upbringing. At the same time, the children wait for a long time for a decision on their asylum applications. They go to school, are taught English, and are given an allowance from the Irish government. I did not see a positive effect in the desk research conducted about these UASC. All were negative. The integration officer of Nasc gave the adverse effects of lengthy asylum procedures for these children. She was of the opine that the results are more negative than positive. On the adverse effect, she commented that:

> "It is tormenting to everyone waiting for a long period for a determination of their asylum application. The children are isolated as the community knows they are strangers and would not want to interact with them as they await a decision on their asylum applications, which kills their confidence. Moreover, racist words are used on these children as they do not have residence status, and this can push any child to commit suicide or make the child become an introvert. They realize their developmental potentials only after receiving a decision on their asylum applications."[247]

The research and interview all pointed out that UASC experiences a lengthy asylum process, which affects them more negatively than positively. According to the Irish Times, these children leave their foster parents when they turn 18 without a result on their asylum applications to direct provision (accommodation provided by the Irish government for only those seeking international protection in Ireland, including UASC when they turn 18) which affects them more negatively than when they were living with foster parents. Asylum seekers have criticized direct provision because of the time they live in it. The average time asylum seekers live in direct provision is 24 months; some have lived there for 10 and others 12 years. The poor living condition in the centers has also made migrants criticize it, coupled with the fact that they are unable to integrate into the Irish society while living there, which has affected their mental health and has caused isolation. And when UASC turn 18, they are sent to direct provision and experience these same conditions.[248]

The result of this section is vital as it demonstrates that UASC undergoes many negative effects while waiting for their asylum applications. They are not treated as children first, and the child's best interest

[247] Cecilia Amabo, Integration Officer of Nasc the Migrant Rights and Refugee Center, Kim Ayuk Akwo, online, 18th June 2022.

[248] ("Children Seeking Asylum Moved from Foster Care to Direct Provision at 18 – Report – The Irish Times" n.d.)

is not considered according to the UNCRC. This research ties nicely with previous studies mentioned in my literature review. Jakobsen, Demott, and Larsen 2017 researched the Impact of the Asylum Process on the Mental Health of Unaccompanied Children in Norway. Their research demonstrated that unaccompanied refugee children's mental health worsened after 15-26months of stay without a decision on their applications.[249] Hainmueller, Hangartner, and Duncan researched 2016 in Switzerland on "When Lives are put on Hold: The Lengthy Asylum Process Decreases Employment among Refugees." The research found that the more the asylum process was long, the more asylum seekers in Switzerland did not have the opportunity of gaining employment.[250]

(3) Comparative Analysis / Good Practices of Other European Countries.

This section discusses some good practices Ireland can copy from other countries to accelerate the lengthy asylum process.

The Minister of Interior in Austria in 2015 said their asylum system is appealing compared to other European countries as they process asylum applications within 4 months. In 2021 the average processing time for asylum seekers' applications for a decision in Austria was 3.2 months compared to previous years like 2020, which was 3.9 months, 2.3 months in 2019, 6.6 months in early 2018, and 14 months in early 2017. According to the Ministry of Interior, the average time for the regular procedure was 6 months and 27 days for fast-track procedures. The number of applications that were fast-tracked in 2018 was 750. And in 2020, 807 applications were fast-tracked, of which 405 had an unfavorable decision within 72 hours by Federal Office for Immigration and Asylum (BFA). In 2020, the length of time applied for the fast-track procedure was 22,7 days. In 2021 in Austria, the number of decisions made in asylum cases was 2,581, which was still under the fast-track procedures. The average period used in fast-tracking those applications for 2021 was 28.2 days. However, they mentioned that in 2020 and 2021, they had a backlog of cases due to covid. [251]

The General Administrative Procedure Act of 1991 paragraph 73 subsection 1stipulates that once an application is received, for a regular procedure, the Federal Office of Immigration, without delay, should process asylum applications within 6 months. For the accelerated procedure, the maximum period to process the document is 5 months, if possible, earlier. Here it is not binding though the office can use another month to process the application (Art. 27a Asylum Act 2005).[252] I believe that Ireland can copy this good practice of Austria in

[249] (Jakobsen et al. 2017)
[250] (Hainmueller, Hangartner, and Lawrence 2016)
[251] ("Regular Procedure - Asylum Information Database | European Council on Refugees and Exiles" n.d.)
[252] (Stiller 2020)

accelerating their asylum process by instituting a time limit in the IPA just like Austria did in the General Administrative procedure Act.

The Norwegian government has created a website where UASC can obtain information on their asylum process in several languages. The website contains data on children who have passed through the asylum process. This shows children are digitally informed about their asylum process, which is a good practice Ireland can copy.

Some European countries have created an online portal where asylum seekers can submit documents for appeals. For instance, the government of Sweden has created a secure portal where applicants can upload relevant documents about the asylum process, and the documents submitted are preserved in hard copies. Bundesamt für Migration und Flüchtlinge (BAMF) in Germany has established electronic communications with the administrative court on appeals. All asylum applicants, files, and documents from the branch offices are sent electronically to the administrative courts. They use a legal complaint encrypted through the "Electronic Court and Administration Mailbox" Elektronisches Gerichts und Verwaltungspostfach (EGVP). The administrative court can then examine the file per the request given by the main office of BAMF found in Nuremberg. 1800 files are being sent each day to the administrative courts. According to BAMF, this method has given the administrative court an explicit period for examining cases.[253] Ireland should copy this method of Germany for asylum seekers to send their applications online to facilitate the asylum process.

That notwithstanding, despite these best practices in some EU countries that Ireland could emulate, it is essential to say that the best practices of such countries also have their downsides. Just like Ireland, which has a best practice for foster care for UASC and has its downside in lengthy asylum procedures for this same category of children, which has consequences on them. The best practices mentioned above are good for Ireland to copy. But to have a more general and useful model that is comprehensive and provides ways in which Ireland can amend its asylum system, the country could look at the guidelines given by the European Asylum Support Office (EASO) on the reception of asylum seekers[254] as contingency guidelines for better reception[255] and guidelines on access to the asylum procedure.[256]

The reception guidelines recommend member states should take into consideration the special needs of international protection applicants before allocating accommodations to them; it also mentioned that

[253] ("Digitalisation of Asylum Procedures: Risks and Benefits," n.d.)
[254] ("European Asylum Support Office EASO Guidance on Reception Conditions: Operational Standards and Indicators" 2016)
[255] ("EASO Guidance on Contingency Planning in the Context of Reception | EMN" n.d.)
[256] ("Practical Guide: Access to the Asylum Procedure Identiication Information Protection" n.d.)

when applicants are given places to stay, states should take cognizance of the geographical locations for it should be easily accessible for instance children to go to school, healthcare, social and legal assistance, shopping for their basic needs. The contingency guidelines recommend countries take responsibility for preparing and developing a contingency plan and conducting risk analysis as it will help locate and comprehend prospective issues and the likelihood that they may manifest. It is also feasible to control these issues, lessen their effects when they arise, and recommend that member states respond and lead such a plan. Lastly, for the guideline of access to the asylum procedure, EASO recommended that member states have first contact officials at the entrance of their borders when an asylum seeker enters their country. The officials should be the ones to identify them and ensures that their rights are protected, meet basic needs, provide adequate information on international protection, and ensure they have access to the asylum procedure. EASO also provided ways such officers can identify a prospective international protection applicant, such as being observant and paying attention to the asylum sseekers'body language.

CHAPTER 7

General Conclusion

The goal of this research is to investigate the discrepancies between Section 39 (5) of the IPA and the existence of lengthy asylum procedures in the lives of UASC, as well as to what extent long processing times affect UASC in Ireland. Based on the qualitative analysis of this study using desktop research and interview, it can be concluded that inadequate resources, legal representatives, COVID 19, and lack of information given to UASC were the discrepancies that led to the lengthy asylum process for UASC in Ireland. Based on the findings of this research, lengthy asylum procedures affected UASC more negatively than positively.

A significant issue I discovered in this research is that the Irish asylum Law has a problem. The IPA is the primary national law used in international protection in Ireland. According to Section 39(5) of the IPA, if a recommendation of an asylum seeker cannot be made within six months, the IPO will inform the applicant when a request will be made on their application. This law is not implemented in Ireland. Based on the result obtained from this study, these children wait for a long time and even age out without getting information from the IPO on a recommendation. In addition, the law does not specify the maximum period that the IPO should finalize an asylum application, which has led to a failure of the Irish asylum system.

Comparing Ireland to Austria, the Minister of Interior in Austria in 2015 said their asylum system is appealing compared to other European countries as they process asylum applications within 4 months.[257] And I believe that such a short processing period is because of its law. The Austria General Administrative Procedure Act of 1991, article 73 paragraph 1 stipulates that once an application is received for a regular procedure, the Federal Office of Immigration, without delay, should process the applications within 6 months. The General Administrative Procedure Act of 1991 with the IPA is different as the IPA does not specify a specific time that obliges the IPO and IPAT to process asylum applications. Hence giving the IPO and IPAT a wide margin of appreciation in submitting a recommendation at its own time, leading to lengthy asylum procedures and, unlike Austria, which has a time limit that has accelerated the asylum process.

Based on the Research Findings, I, therefore, recommend the following in accelerating the asylum process:

[257] ("The Length of Asylum Procedures in Europe" 2016b)

The amendment of Section 39 (5) of the IPA by Oireachtas, the body responsible for enacting laws in Ireland. A defined period should be established for processing the claim of UASC and other asylum seekers. This amendment should put an obligation on the IPO and other bodies responsible for processing asylum applications. For this defined period to be established, a consultation should be done by requesting IPA, IPAT, MDU, and the High Court (Judicial body) to agree on a particular period for processing asylum claims. After these bodies decide, Oireachtas should incorporate the period into the law with obligations for all these relevant bodies.

Furthermore, in accelerating asylum claims, the government should establish a new policy to eliminate the due diligence that the Ministerial Decision Unit created. Instead, after receiving a recommendation from the IPO, the Minister of Justice and Equality should make a final decision on the asylum claims within the specified time as recommended above.

In addition, another recommendation is that the term of office for IPAT should be extended from 3 years to five years. As IPAT staff are recruited and trained for six months and have a short time to be in office, the staff becomes more efficient during the second and third years, and instead of remaining, they are removed. And so their term of office should be extended. The research finding showed that IPO, IPAT, MDU, and Legal Aid Board have the problem of inadequate staff. More staff should be recruited to accelerate the asylum process. And before a staff retires, the chair of these three bodies should do early recruitment so that as the staff retires a new staff who has undergone training is replaced immediately. For other staff who are transferred, the same method should be used, and for staff who give a notification that they want to quit their job or in case of death, early recruitment should be made. As I mentioned, there should be adequate staff so that if these scenarios occur, as discussed above, there would still be sufficient staff to process asylum seekers' claims. Apart from the staff, I recommend the Irish government invests in ICT to accelerate asylum applications.

Lastly, since UASC is not informed on when a recommendation will be issued on their asylum applications, I suggest that the government of Ireland should create an online system that UASC and other asylum applicants can check the progress of their asylum applications and are informed by the IPO, IPAT, MDU on further documents to be submitted when necessary.

Suppose the Irish government implements these policies. In that case, UASC will be able to realize its full developmental potential rather than becoming juvenile delinquents and being a threat to Irish society. Moreover, Ireland's asylum system could be a good practice for other European countries to emulate.

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INTERVIEWS

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