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Migrations in Our Common Home

Responding with Care
– Ireland's response to the Ukrainian crisis



Roundtable on Migrations in Our Common Home

Migrations in Our Common Home

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A New Blueprint?

On the 24th February 2022, the Russian army invaded Ukraine. By the end of March, an estimated 24,000 people had died and at least ten million were displaced. The Irish Government's response, thus far has included:

- Humanitarian Aid Programmes.
- Unprecedented Responsibility-sharing Measures in the form of the Temporary Protection Directive and adhoc relocation (Moldova).
- Contribution to EU Military Package with the provision of 'non-lethal' weapons.

In addition, there has been a public outpouring of support and community activation of fundraising efforts, accommodation provision and integration into communities.

Our response to the Ukrainian refugees has been almost exemplary. On the 8th March 2022, the Government released a statement in support of Ukraine and announcing "contributions totaling €20 million in humanitarian assistance from Irish Aid…" (Government of Ireland, 2022) (Box 1).

Box 1: 100,000 Welcomes – the Irish Response to Ukraine

On Arrival

On arrival into Ireland, Ukrainian refugees are assessed at the airport and, if eligible, are given a letter by the Department of Justice confirming that they have been granted Temporary Protection under the Temporary Protection Directive (the EU Directive) for a period of one year and that the permission may be extended after that time.

Once granted Temporary Protection, refugees are able to speak to officials from the Department of Social Protection and assisted to obtain a Personal Public Service Number (PPSN) to access employment or welfare supports. If accommodation is required, the refugee is referred to the International Protection Accommodation Service within the Department of Children, Equality, Disability, Integration and Youth, who have staff at the airport to help. Unaccompanied minors are referred to TUSLA.

There are three dedicated support centres for Ukrainian refugees – one in Dublin, Cork, and Limerick. Refugees not based in any of these cities may contact their nearest Intreo service.

Because of the EU Directive, Ukrainian refugees are not required to seek international protection through the asylum seeker process.

Welfare Supports

The Temporary Protection also allows refugees to access supplementary welfare payments of €206 for an adult aged 25+ or €117.70 for an adult aged 18-24, with increases for qualified adults and children. Child benefit will also be paid to refugees holding Temporary Protection.

Labour Supports

Refugees who are able to work can seek employment, self-employment or training as soon as they receive Temporary Protection. There is no wait period and vocational opportunities are offered through Intreo centres and JobsIreland.

Educational Supports

The Early Childhood Care and Education (ECCE) scheme and National Childcare Scheme (NCS) are also available. Children of school-going age can access places in primary and secondary schools, school transport and English language training is available to adults and children.
Access to Further Education and Training (FET) and Higher Education are also offering places and supports for Ukrainian refugees who may wish to access education.

Healthcare

Public healthcare services are also available and a medical card will be provided for adults and child dependents. Mental health services for psychological stress and PTSD, as well as other mental health needs, will also be provided. People with urgent or chronic conditions can also avail of medical interventions on notification to the health authorities.

(extracted from the Government website www.gov.ie.)

All of this is, of course, good news. This "human rights first" approach should be the blueprint for a reshaping of Ireland's International Protection system. This is an appropriate response to a humanitarian crisis, the Government, and the Irish public, should be commended for this.

However, it is not without its flaws." as a separate paragraph all on its own.

Within the Irish response is a heavy reliance on the community and voluntary sector to provide supports such as coordination of accommodation, teaching English, supporting family placements and so on. It was the community and voluntary sector who amplified safeguarding concerns relating to unaccompanied minors, leading Government to put the relevant protections in place. The voluntary sector continues to highlight these concerns in respect of accommodation placements that are arranged privately between a Ukrainian family and an Irish host, in recognition of the imbalance of power within that relationship and the capacity for human rights abuses and gender-based violence. This is a role the community and voluntary sector willingly plays notwithstanding a lack of financial and structural supports from the State and the fact that Government has yet to fully restore cuts to the sector made in the wake of the 2008 crash.

There is also the risk that this crisis is being seen as a temporary problem, with reports of temporary housing being needed for "up to three years" (Horgan-Jones, Bray, McGee, O'Leary, & Scally, 2022) and that, once the war is over, Ukrainian migrants will return to their own country and rebuild their lives. In Poland and Moldova, local civil society organisations are already reporting "tiredness" by the hosting communities, and a change of paradigm from the

Ukrainians being "deserving refugees" to "migrants", who receive support that is not available to locals.

This attitude risks escalating tensions and increasing discrimination between communities. Indeed Article 4 of the EU Directive provides that Temporary Protection will be granted for a period of one year, which may be extended by periods of 6 months up to an additional year. If the reason for the temporary protection persists – in this case the Russian invasion – the Council may extend the protection by up to one more year. However, there is no clarity as to what pathways to protection will be available if the key driver of displacement endures beyond this point.

Notwithstanding these pitfalls, the current response is a marked improvement on existing systems. The question is, why haven't we done this before?

Not all equal

Under the EU Directive, Temporary Protection is afforded to Ukrainian nationals and their family members and anyone provided with international protection in Ukraine prior to the 24th February 2022 (Council of the European Union, 2022). For its part, Ireland is also granting Temporary Protection to people who had been residing in Ukraine before 24 February 2022 with a permanent Ukrainian residence permit, who cannot safely return to their country of origin. This obviously raises the question of what happens to undocumented migrants residing in Ukraine? Article 7(1) of the EU Directive does allow Member States to extend protection to other categories of persons fleeing Ukraine in the same way as Ukrainian nationals.

What is most stark, however, is that the EU Directive was adopted in 2001 in response to conflict in Kosovo but only **triggered for the first time by the Council in response to the Ukrainian situation in 2022** (European Commission, 2022). In recent years, despite the fact that scale was the distinguishing feature of the 2015 EU Refugee Crisis and that the asylum systems of countries at the borders of Europe were hopelessly inadequate, the EU still only had recourse to alternative emergency response mechanisms, i.e. relocation and resettlement schemes. **It has taken 21 years for EU Member States to respond to forced displacement with such urgency.**

Meanwhile, over 8,500 men, women and children were living in the Direct Provision system at the beginning of 2022 (O'Gorman, 2022). While the White Paper on Ending Direct Provision commits the Government to replacing the system by December 2024 (Department of Children, Equality, Disability, Integration and Youth, 2021), the reality is that this figure includes approximately 2,000 individuals who were living in Emergency Accommodation or Pre-Reception centres (O'Gorman, 2022). Despite the consensus in Ireland that Direct Provision, as we know it, is no longer fit for purpose, the apparently intractable national housing crisis continues to pose significant challenges to the State in accommodating newly arrived protection applicants.

Unlike much of the commentary and reports of refugee crises in other countries, the dominant narrative surrounding Ukrainian refugees is not about who should take responsibility for accommodating these people, but rather how can we accommodate them as quickly and as safely as possible. Yet, there remains very little focus on the questions of what causes these problems or who is gaining from all this human misery.

This notwistanding, the Irish response to this particular crisis has been in stark contrast to our response to the citizens of other war-torn countries, or situations where people have to flee due to authoritarian persecution because of who they are. A two-tiered system already existed in the treatment of asylum seekers arriving in Ireland and those relocated/ resettled through EU programmes. However, those living in Direct Provision, and in particular the men, women and children currently accommodated in Emergency Accommodation and Pre-Reception centres must look at the unprecedented response by the State and Irish public and wonder "what's the difference?". Indeed, this is a good question for policymakers to ask themselves. Why has our response to the Ukrainian crisis been so different to our response to the Syrian crisis, or recent crises in Afghanistan, Palestine, Yemen or any other war-torn country or to other examples of persecution?

Do we have a category 'deserving refugee' and another category 'undeserving refugee', and, if we do, how do we distinguish between them?

Wars, disasters, discrimination and other climate events are rising globally, often with the complicity of world leaders who fail to take action. Where was their protection? Where is it now? And why are sanctions appropriate to Russia, but not to other countries committing similar atrocities?

Box 2: The Global Framework for Migration – A Snapshot

In terms of international displacement, the EU Directive is not the only international protection instrument of course. There are plenty at our disposal. The 1951 UN Convention relating to the status of Refugees is the core international framework for providing protection to persons fleeing serious harm and human rights abuses. This sets out the definition of a refugee as someone who has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. This reflects many of the causes of displacement from the Second World War and, while it remains the cornerstone of refugee protection, it perhaps does not reflect the drivers of displacement to the same extent today as it did in 1951. Supplementing the global 1951 Convention are a range of regional agreements that were developed over the course of the last 50 years.
Another key trend over the past 30 years has been the increasing recognition and quantification of internal displacement. When people are displaced internally within the borders of their own state, this raises different challenges, both from a legal and a political perspective, because if an individual is still within the territory that their government controls and that government has the primary responsibility to ensure their protection, then what's the role of the international community? Ukraine provides a stark example of the challenges of supporting a state which

faces massive internal displacement. The UN International Organization for Migration has reported that since the Russian invasion on 24th February 2022, over 7.7 million people have been internally displaced inside Ukraine (International Organization for Migration, 2022). This is in addition to over 5.7 million people from Ukraine fleeing across international borders as refugees (UNHCR, 2022). The need to balance the rights and responsibilities of the affected state and the international community in the context of internal displacement led to the development of the UN Guiding Principles in Internal Displacement in 1998. These provide an important framework for protection, but 'guiding principles' are not binding international law. It is up to each state to determine whether or not to adopt the guiding principles into their own domestic law and policy.

Considering the diversity of potentially applicable legal instruments, our migration policy needs to clearly and honestly articulate how the State will interpret such international obligations and utilize and support such international mechanisms. Moreover, it should aim do so expansively rather than narrowly.

Crises at home and abroad

Since the 2008 financial crash there has been a dawning and widespread recognition that our economy and society, both here in Ireland and more broadly, must change to become more equal, more just, more caring and more sustainable if we are to meet the needs of the people and the challenges of the future. This requires some fundamental transitions in how we organise ourselves: an energy transition, to rapidly remove our dependence on fossil fuels and eliminate our greenhouse gas emissions; a political-economic transition, to use more diverse and effective mechanisms to organise consumption, production and exchange; and a social transition, to create a society which can and will meet the needs of all the people, including those who come here fleeing war, oppression and climate catastrophe, a just and caring society that values people and planet and addresses multiple inequalities most bluntly felt in the Global South, and particularly by women and young people. These are extremely challenging transitions with generational impacts.

Beyond the immediate challenges faced by Ukrainian people forcibly displaced, the wider geopolitical impacts of the crisis – the dependency on Russian fossil fuel production and resultant risks, together with risks to food security – will be felt globally into the future, and disproportionately impact those who can least absorb them.

We need to focus on the wellbeing and care of all. The legitimate expectations of people living in Ireland are not being met. This is most obvious in areas such as housing and homelessness, a two-tier healthcare system, the deepening rural-urban divide, and high levels of poverty and social exclusion, especially among children.

These are all areas that must be grappled with *in addition to* our response to the Ukrainian crisis. The Government's response detailed above is very laudable, however we must ask how we can ensure the delivery of an appropriate response, including accommodation; healthcare;

childcare; meaningful work; and income; when these are the very areas with which we struggle. How do we contend with the very real risk of putting different vulnerable groups, both local and migrant, in competition for scarce State resources?

What role does Ireland want to play?

Coinciding with our 100,000 welcomes is the call to increase Ireland's military spending by political leaders and commentators and the call for a debate on our neutrality as inevitable. The report of the Commission on the Defence Forces, published in February 2022, sought an increase from €1bn per annum current expenditure, to between €1.5 billion and €3 billion depending on the "Level of Ambition", ranging from enhanced capabilities identifying priority gaps and providing greater supports in the areas of peace keeping, crisis management and humanitarian aid, to conventional capability, being a full-scale defence force on par with similar sized European countries (Commission on the Defence Forces, 2022). Debate on the necessary scale of Ireland's defence forces has coincided with political actors suggesting that a review of our neutrality is inevitable and urgent in response to Ukraine. This raises a fundamental question - are we a peace-keeping nation, protecting our neutrality and responding to humanitarian crises, or have we ceded our neutrality, requiring a fully militarised defence force? Is this inevitable? Or can we be a different type of actor?

We need to ask ourselves - what is the strategic purpose of our military and our policy of neutrality?

- If strategy is about maximizing our resources to achieve our goals, then surely we must ask how to maximise our resources in terms of diplomacy and military in order to secure our defense?
- What, therefore, are the threats we face in the short-to-medium term and the long-term? If the threats we face in the short-to-medium term are likely asymmetrical and involve hybrid warfare, then does giving up neutrality benefit us?
- If our long-term threats come in the form of reduced international security, then does neutrality in fact confer an advantage on us in terms of the diplomacy necessary to challenge such emerging insecurity?

Ireland's neutrality is its strength. We believe that Ireland should use its position in international fora to highlight the root causes of forced displacement of peoples. The ruinous production, sale and easy access to arms and the implements of torture must be challenged. Ireland has been a global leader on disarmament, human rights, women, peace and security and diplomacy based on these values. The Global North has a responsibility to challenge damaging and aggressive policies as it proceeds to effect resources-extractivism while putting up obstacles to those fleeing persecution. Ireland can show leadership in challenging policies and practices that undermine access to protection for asylum seekers in Europe and at its borders, and seek to reverse the fortress Europe mentality. We should also take a leadership role in assisting the Least Developed Countries in mitigation programmes to address climate change.

Recommendations

The consequences of Russia's invasion of Ukraine are with us already as an unprecedented number of refugees arrive in Ireland. Government has been unequivocal in its response and the people of Ireland have reacted with generosity and hospitality in welcoming them into the country and working to provide the services, accommodation and supports they need.

There are five key recommendations that must now be addressed:

1. Most of the current response is understandably short-term. However, the long-term implications, especially with respect to sufficient housing supply, need to be addressed as a matter of urgency as many of these refugees may not be in a position to return to Ukraine for years.
2. Most of the needs of Ukrainians are very similar to those on which Irish society is already facing major challenges e.g. housing, healthcare, education, public transport, employment and childcare. Government must invest in infrastructure and services which benefit all, and encourage awareness-raising among hosting communities, including at educational level.
3. The implications of the gendered nature of this forced migration also needs to be addressed – most of those arriving are women and children. This cohort has unique and specific needs that must be addressed to facilitate their integration in Ireland, including the provision of appropriate accommodation that both meets their needs and complies with safeguarding legislation for children and vulnerable adults.
4. There is a moral imperative to respond to the needs of forcibly displaced persons in Ireland in an equal, fair and consistent manner, irrespective of their pathway to protection. The significant challenges to implementation of The White Paper on Ending Direct Provision and the Day Report that have emerged will be exacerbated as a result of the conflict in Ukraine.
5. Finally, how all of this is to be financed is a question that requires an urgent answer as, while it will cost a great deal of money, this is necessary spending in unprecedented times. Government must borrow to deliver the necessary infrastructure and supports, taking a "war-time" approach to servicing the debt.

We need real social dialogue, engaging all stakeholders, to address the first four of these. We make these initial additional comments on the fifth challenge. We believe that significant additional Government expenditure, financed in the short-term by the issuance of debt rather than additional taxation, is going to be required in the period ahead if this challenge is to be met. This borrowing may be structured in an affordable way and is the correct thing to do for the future if Ireland is going to address the Ukrainian challenge in a coherent and adequate manner, but it is not without risk.

Ireland should engage with the EU Commission to ensure they are willing to show further flexibility and suspend the fiscal rules and ensure they are willing to support this correct response to the Ukrainian crisis and resultant forced displacement. This does not mean that we

borrow over the long-term to avoid broadening the tax base and increasing the total tax-take. We need to do both, but not simply to reduce the deficit or the debt. There is a pressing need to refocus on preparing Ireland for a post-Ukrainian crisis world. The State should begin to plan now for the additional tax measures necessary, over the long-term, to finance universal services and income supports for all the people in Ireland.

Much as the pandemic demonstrated what could be done with sufficient political will, is there a lesson to be learned in respect of our response to refugees and the forcibly displaced arriving from Ukraine? If it is best practice to provide immediate supports for Ukrainians fleeing conflict, then it is best practice for others in similar situations, such as we have seen in Syria and Afghanistan in the recent past. This should provide the blueprint for Ireland's asylum policy.

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