

Statelessness Determination Procedures: Policy Options, Practical Experiences and Challenges

5 May 2016 | Dublin

Joint seminar hosted by EMN Ireland, within the Economic and Social Research Institute, and UNHCR Ireland

Seminar Abstract:

In 2014, UNHCR marked the 50th anniversary of the 1961 Convention on the Reduction of Statelessness with the launch of a 10 year campaign to end statelessness. Working to achieve greater political commitment to eradicate statelessness, the campaign seeks to resolve and prevent situations where people are not considered a national by any state.

As people without a nationality, stateless people may face many obstacles in their day to day lives. Opening bank accounts, signing employment contracts or even getting married can prove difficult when they cannot secure proof of their nationality or identity. The establishment of a statelessness determination procedure enables States to best assist stateless people overcome these challenges and enjoy their basic human rights.

In December 2015, the Council of the European Union's Conclusions on Statelessness invited the European Commission to launch exchanges of good practices among Member States, using the European Migration Network as a platform to do so. While Ireland has not yet established a statelessness determination procedure, France has one of the longest established procedures in Europe and the UK introduced a new procedure three years ago. French and UK officials accordingly agreed to come to Ireland to share their experiences in establishing and operating such procedures in their respective countries.

This EMN Ireland/UNHCR Ireland event will present information on the experience of stateless people in Ireland, along with two case study examples of dedicated determination procedures adopted by the UK and France. Presenters will consider both the challenges and advantages in establishing a statelessness determination procedure. The panel discussion will provide an opportunity to consider the form that such a procedure might take in Ireland.



Seminar Agenda

- 09:30 **Arrival and registration**
- 10:00 **Welcome**
- **Prof Alan Barrett**, Director, Economic and Social Research Institute
- Chair: Emma Quinn**, Head of EMN Ireland
- 10:05 **Statelessness in Ireland: Introduction and context**
- **Susan McMonagle**, Protection Assistant, UNHCR Ireland and
 - **Anne Sheridan**, Senior Policy Officer, EMN Ireland
- 10:30 **Experiences of statelessness and practical obstacles to regularising status**
- **Catherine Cosgrave**, Legal Services Manager, Immigrant Council of Ireland
- 10:50 Tea/Coffee break
- 11:05 **UK statelessness determination: policy and practical experience**
- **Lea Jones**, Senior Policy Adviser, Asylum and Family Policy, Immigration and Border Policy Directorate, UK Home Office
- 11:25 **French policy, experience and practice on statelessness**
- **Mourad Derbak**, **Chef de la Division Europe, Bureau des Apatrides, OFPRA** (Office Français de Protection des Réfugiés et des Apatrides)
- 11:45 **Panel discussion**
- Chair: Hilikka Becker**, Solicitor / Independent Legal Expert
- Participants:**
- Irish Naturalisation and Immigration Service
 - Immigrant Council of Ireland
 - Office Français de Protection des Réfugiés et des Apatrides (OFPRA)
 - Immigration and Border Policy Directorate, UK Home Office
 - UNHCR Ireland
- 12:15 **Closing Remarks**
- **Enda O’Neill**, Head of Office, UNHCR Ireland



Speaker Biographies

Alan Barrett: Director, Economic and Social Research Institute (ESRI)

Alan Barrett joined the ESRI in 1994, upon the completion of his doctoral studies at Michigan State University. His main research areas are labour economics and population economics. Between 2001 and 2003, Alan was seconded to the Department of Finance (Ireland's Treasury) where he worked on the long-term fiscal implications of population ageing. Between 2011 and 2013, he was seconded to the Irish Longitudinal Study on Ageing (TILDA) at Trinity College Dublin where he worked as Project Director. He was a member of the Irish Fiscal Advisory Council from 2011 to 2015. Alan is a Research Fellow with IZA (Institute for the Study of Labor) in Bonn, Germany and an Honorary Fellow of the Society

Anne Sheridan: EMN Senior Policy Officer

Anne Sheridan is Senior Policy Officer within the Irish National Contact Point of the European Migration Network (EMN), within the ESRI. Anne is seconded to the ESRI from the Department of Justice and Equality where she worked in the Immigration and Citizenship Policy Division of the Irish Naturalisation and Immigration Service. Anne holds an LL.M in International Human Rights Law from NUI Galway, an LL.B from DIT and an MA (English literature) from NUI Maynooth.

Catherine Cosgrave: Legal Services Manager at Immigrant Council of Ireland Independent Law Centre

Catherine Cosgrave is a law graduate of University College Dublin, the University of Edinburgh and the Honourable Society of the Kings Inns. Following graduation, Catherine qualified as a barrister and subsequently became a solicitor. In 2013, she was appointed as the founding Director of the Law Centre for Children

and Young People (Ireland), an independent human rights organisation promoting access to justice for children and young people. Before taking up this role, she spent 13 years in legal practice specialising in human rights and migration law during which time she developed a particular interest in the rights and protections afforded to victims of trafficking and children in care. In addition to legal practice, she has worked as a legal trainer/consultant and lecturer at the University of Limerick and the Dublin Institute of Technology. She is a member of the Board of Women's Aid, a leading organisation working to stop domestic violence against women and children.

Enda O'Neill: Head of Office, UNHCR Ireland

Enda O'Neill assumed the role of Acting Head of Office for UNHCR Ireland in November 2015 having previously worked as Associate Protection Officer there since 2013. In that role he oversaw the protection work of the office and worked closely with the Asylum determining bodies in Ireland to deliver training and support the further development of quality mechanisms. He also contributed to previous UNHCR events on statelessness and worked on a number of individual cases of statelessness through an ad-hoc referral system with the Department of Justice. Previously he worked as the project Director of the European Database of Asylum Law (EDAL), with the Irish Refugee Council.

He is a qualified Barrister from the Kings Inns and holds an LLM in European Law from Kings College, London. He practiced in the areas of criminal law, judicial review and immigration and asylum law for a number of years in the Irish courts. He also holds a B.A. in English and Philosophy from University College, Cork and a Diploma in Journalism from the Irish Academy, Dublin.



Emma Quinn: Head of the Irish National contact Point of the European Migration Network

Emma Quinn is Head of the Irish National Contact Point of the European Migration Network, within the ESRI. She has coordinated the work of the Irish National Contact Point since 2011. Emma has authored/co-authored a range of studies on migration and asylum related issues, including: labour migration, return migration, reception centres, access to social security and unaccompanied minors. Emma also co-authors a series of Monitoring Reports on Integration. Her background is in Geography and she holds an M.A. from University College Dublin. She also holds a B.A. in English and Geography (UCD), a Diploma in Immigration and Asylum Law (Kings Inns) and a Diploma in Statistics (TCD).

Hilkka Becker: Solicitor / Independent Legal Expert

Hilkka Becker is a lawyer with over 20 years professional experience specialising in migration and human rights law, acting before the superior courts in Ireland as well as before the European Court of Human Rights and the Court of Justice of the European Union.

Hilkka was Senior Solicitor at the Immigrant Council of Ireland up to March 2015. She has since acted as a consultant for the Immigrant Council and the International Organization for Migration (IOM) in Azerbaijan. Hilkka has worked with IOM Vienna and the Irish Refugee Council and has acted as a national expert on projects managed by a range of organisations including ICMPD. Hilkka was appointed a Member of the Irish Refugee Appeals Tribunal in November 2013. Hilkka teaches immigration and citizenship law at the Law Society of Ireland. She is a member of the Law Society's Human Rights Committee, the International Association of Refugee Law Judges (IARLJ), the European Immigration Lawyers Network (EILN) and sits on the Advisory Committee of the European Network on Statelessness (ENS).

Lea Jones: Senior Policy Adviser, Asylum and Family Policy, Immigration and Border Policy Directorate, UK Home Office

Lea Jones is a Senior Policy Adviser in Asylum Policy within the UK Home Office with responsibility for the Stateless Leave policy. She has worked for the UK Home Office for 16 years as an asylum decision maker, Senior Caseworker, trainer and auditor before moving into policy. She also leads on the Home Office policies on Exclusion, revocation of refugee status, first instance decision making and asylum interviews and is currently reviewing the casework guidance relating to Gender and Women's issues in the asylum determination process.

Mourad Derbak: Chef de la Division Europe, Bureau des Apatrides, OFPRA - Office Français de Protection des Réfugiés et des Apatrides/ Office for Protection of Refugees and Stateless Persons

Mourad Derbak is Head of the Europe Division at the OFPRA and has responsibility for the Stateless Unit and the cases within Balkans-Eastern Europe / Former USSR / Turkey / Middle East region. Since 2014 he is also in charge of the resettlement operation in Lebanon, Jordan, Egypt and Turkey and of relocation from Greece. Prior to 1995 Mourad acted as Head of section Balkans-Eastern Europe / Turkey-Caucasus / Mediterranean Basin).

Susan McMonagle: Protection Assistant, UNHCR Ireland

Susan McMonagle holds a BA in Applied Languages (German & Spanish) and a MA in International Relations from Dublin City University. Her MA thesis examined the international refugee framework with regard to people displaced across international borders by environmental disasters. In 2015, Susan completed the Diploma in Legal Studies at the Honorable Society of King's Inns, where she is currently enrolled on the Barrister-at-Law Degree.