Submission relating to the International Protection Bill 2026

Proposed Amendments relating to Family Reunification introduced at Committee Stage

16 February 2026

Working for equality

Immigrant Council of Ireland

BACKGROUND AND CONTEXT

The Immigrant Council of Ireland (ICI) is a national non-governmental organisation and an Independent Law Centre that has been engaged in advancing the rights and protections of migrants since its establishment in 2001. Its work encompasses issues of immigration, citizenship, and migrant integration, with a particular focus on promoting legal and policy reform. Through its Independent Law Centre, the ICI provides support services and operates a national information helpline for migrant communities and professionals working with them. This service is intended to clarify rights and entitlements under the Irish immigration system. The ICI adopts a collaborative approach, engaging with individuals, civil society organisations, institutional stakeholders, and donors to effect substantive change at both national and European levels. The organisation has made significant contributions to policy discourse through submissions and civil society shadow reports to the United Nations and the Council of Europe monitoring bodies. These submissions address Ireland's compliance with international and regional human rights instruments, including the (ICCPR), (CERD), (CEDAW), (UPR), and the (UNCRC).

The ICI Law Centre provides information, legal advice and legal representation in family reunification applications, including refugee family reunification. Family reunification is extremely important to our service users, as evidenced by the +1000 queries received on the ICI Information Helpline in 2025 regarding family reunification entitlements of Irish citizens and migrants, including refugees in Ireland.

The ICI, in partnership with the Irish Refugee Council (IRC), delivers the Kids in Need of Defense (KIND) Ireland project, which provides free legal assistance to unaccompanied children granted international protection and who are currently entitled to apply for family reunification with their parents and their parents' minor unmarried children under sections 56 and 57 of the International Protection Act 2015. Since 2019, almost 500 children and young people have been referred to the ICI by Tusla, the Child and Family Agency for support with their family reunification applications.

Our experience of working with these young refugees informs these submissions regarding the proposed family reunification provisions of the International Protection Bill 2026. The submissions also draw on our long experience of participating in transnational EU projects relating to family reunification and migrants' rights as provided under EU law, and various publications.[1]

Arising from our experience of directly supporting individuals, in particular child 'sponsors', with family reunification applications we can confidently say:

- Family reunification is of critical importance to Irish citizens and to migrants living in Ireland whether they move to Ireland for the purposes of work, study or seeking

[1]Cosgrave, C., *Family Matters: Experiences of Family Reunification in Ireland - A Critical Analysis of Government Policy and Procedure* (ICI, 2006); Becker, H. et al, *Family Reunification: A barrier or facilitator of integration? Ireland Country Report* (ICI, 2012), which findings were examined in the comparative report Strik, M. et al, *Family Reunification: A Barrier Or Facilitator of Integration : a Comparative Study* (2013, Wolf Legal Publishers); *Training Materials on Access to Justice for Migrants - Access to Justice in the Protection of Migrant's Rights to Family Life* (ICJ, 2021).

protection and plays a critical role in the successful integration of migrants/refugees in a new country.

- For those seeking and granted international protection, family reunification is the only way of making any semblance of family life possible, as they are prevented from leading any family life in the country that they have fled.
- The family members of refugees are usually living in dangerous and difficult situations in the country of origin or displaced in third countries having become separated from each other in the process of fleeing to safety. Safe and legal family reunification exists to prevent families being forced into taking dangerous and irregular journeys to be together.
- Family separation causes acute stress and anxiety for refugees, in particular children who have been received into care on their arrival to Ireland.

INTERNATIONAL AND EU LAW

Our above understanding is reinforced by the UN Convention on the Rights of the Child (UNCRC), to which Ireland is a party. Article 9(1) provides that States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Regarding family reunification, Article 10 provides that in accordance with the obligation of States Parties under Article 9(1), applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

Further, the preamble of the Family Reunification Directive (2003/86/EC), which underscores that:

- Measures concerning family reunification should be adopted in conformity with the obligation to protect the family and respect family life enshrined in many instruments of international law, in particular in Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and in Article 7 of the Charter of Fundamental Rights of the European Union.
- Family reunification is a necessary way of making family life possible. It helps to create sociocultural stability facilitating the integration of third country nationals in the Member State, which also serves to promote economic social cohesion, a fundamental Community objective stated in the Treaty on the Functioning of the European Union.
- Special attention should be paid to the situation of refugees on account of the reasons which obliged them to flee their country and prevent them from leading a normal family life there. More favourable conditions should therefore be laid down for the exercise of their right to family reunification.

Ireland does not participate in the EU Family Reunification Directive. Notwithstanding, the stated purpose of the International Protection Bill 2026 is to transpose Regulation (EU)

2024/1347 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 (the 'Qualification Regulation').

The Qualification Regulation provides that when applying the Qualification Regulation the best interests of the child should be a primary consideration, in accordance with the UNCRC. In assessing the best interests of the child, Member States' authorities should, in particular, take due account of the principle of family unity, and the minor's well-being and social development, linguistic skills, safety and security and the views of that minor with due regard to the minor's age and maturity. The Regulation further sets out that family members will, due to their close relationship to beneficiaries of international protection, normally be vulnerable to acts of persecution or serious harm that could constitute the basis for the granting of international protection. Additionally, for the purpose of maintaining family unity, where family members present on the territory of the same Member State do not qualify for international protection, they should be entitled to apply for a residence permit. Such residence permits should be granted, unless family members fall within the exclusion grounds or unless reasons of national security or public policy otherwise require. Family members should also be entitled to the rights accorded to the beneficiary of international protection once international protection has been granted. Furthermore, without prejudice to the provisions of the Regulation related to maintaining family unity, where the situation falls within the scope of the Family Reunification Directive and the conditions for family reunification set out therein have been fulfilled, family members of the beneficiary of international protection who do not individually qualify for such protection should be granted residence permits and rights in accordance with that Directive.

As such, notwithstanding that Ireland does not participate in the Family Reunification Directive, arising from the provisions of the Regulation, it is arguable that the entitlements of protection beneficiaries in Ireland should comply with the minimum standards provided for by the Family Reunification Directive.

In respect of refugees, the Family Reunification Directive contains several important provisions, including:

- The Member States shall not require the refugee to have resided in their territory for a certain period of time, before having his/her family members join him/her.
- The Member States shall not require the refugee and/or family member(s) to provide evidence that the refugee fulfils requirements relating to accommodation, sickness insurance or stable and regular resources which are sufficient to maintain himself/herself and the members of his/her family, without recourse to the social assistance system of the Member State concerned. With regard to refugees and/or family members of refugees such 'integration measures' may only be applied once the persons concerned have been granted family reunification.
- By way of derogation from Article 8 of the Directive that allows Member States to require the sponsor to have stayed lawfully in their territory for a period not exceeding two years, before having his/her family members join him/her, the

Member States shall not require the refugee to have resided in their territory for a certain period of time, before having his/her family members join him/her.

PROPOSED AMENDMENTS

Having regard to the above, the ICI proposes the following amendments to sections 146 to 148 of the International Protection Bill 2026:

Section 146(10) relating to the definition of the 'family member', insert at paragraph (a) 'or *de facto* partner'.

Section 146(10), insert at paragraph (c) 'and their children who, on the date of the application for international protection, are under the age of 18 years and are not married'.

Section 146 (10), insert a new paragraph (d), 'Pending determination of the application by the Minister, an application may be updated to include a minor child born to a parent of the applicant after the application was submitted.'

The current section 147(2) should be deleted in its entirety and the following text inserted: 'An application under *subsection (1)* shall be made within 12 months from the date on which the sponsor was granted international protection'.

Section 147(5)(b) should be deleted in its entirety.

Sections 147(6) to (9) should be deleted in their entirety.

Section 147(12), insert a new paragraph (e) 'The Minister may extend a permission given under *subsection 5* where the Minister considers it appropriate to do so having regard to the circumstances of the sponsor or their family members'.

Section 147(14)(e), insert an amendment so that the text of the section should read 'where the sponsor is a minor at the date of application for international protection, his or her parents and their children who, on the date of application under *subsection 5* are under the age 18 years and are not married'.

Section 147(14), insert a new paragraph (f) 'the sponsor is a minor at the date of application for international protection, an adult child of his or her parents who is:

(i) Dependent on a long term basis on their parent or parents, or
(ii) Suffering from a mental or physical disability,

to such an extent that it is not reasonable for the adult child to maintain himself or herself fully'.

Section 148, as currently drafted should be deleted in its entirety, and the following text inserted: 'Section 148 (1) In the application of sections 146 and 147 due regard shall be had to the specific situation of vulnerable persons such as persons under the age of 18 years (whether or not accompanied), disabled persons, elderly persons, pregnant women, single parents with children under the age of 18 years, victims of human trafficking, persons with

mental disorders and persons who have been subjected to torture, rape, or other serious forms of psychological, physical or sexual violence'

Section 148(2) In the application of sections 146 and 147 in relation to a person who has not attained the age of 18 years, the best interests of the child shall be a primary consideration.'

CONCLUSION

If enacted as published, sections 147 – 148 will have the effect, deliberate or otherwise, of depriving refugees of their long-standing entitlement to family reunification, as protected by international, EU law and, currently, Irish law.

In particular, many unaccompanied children would 'age out' by the time they would be eligible to apply for family reunification with their immediate nuclear family (their parents and minor siblings) and would thereby be deprived of any meaningful right to the very restricted family reunification entitlements provided for under the International Protection Bill 2026. Depriving unaccompanied children of family reunification with their family, including their parents, is never in their best interests and does not serve social cohesion. It would be cruel, entirely disproportionate and unnecessary in a democratic society.

Ends