

Submission to the public consultation on the National Strategy for Migrant Integration

Introduction

EPIC, Empowering People in Care, is an independent organisation which works with and for children who are currently living in state care and young people with care experience. This includes those in residential care, special care, general or relative foster care, and children accommodated by the State under section 5 of the Child Care Act 1991, as well as unaccompanied minors seeking international protection, and those sentenced or remanded by the courts in Oberstown Children's Detention Campus. EPIC also works with young people who are preparing to leave care and in aftercare services, and with adults with care experience up to the age of 26.

All of EPIC's work is grounded in the UN Convention of the Rights of the Child (UNCRC), particularly Article 12, which provides for the child's right to be heard and to participate in decision-making in all matters relating to their care, either directly or through a representative or an appropriate body.¹ EPIC's Advocacy Service works to enable these children and young people to have their views and concerns heard and taken seriously, to empower them to speak for themselves, to help to resolve issues and challenges they experience in care, to assist them in accessing the services and resources they need, and to bring about positive change in their experience of care and their lives generally. The policy development undertaken by EPIC is informed by the caseload from our Advocacy Service and seeks to create transformative change for children in care and young people with care experience at a systemic level. Furthermore, EPIC's Youth Engagement and Participation work is committed to empowering children in care and young people with care experience to have their views heard and considered where it matters, promoting positive care identities and building a strong care community. Through engagement and participation of the care community, we aim to achieve a 'care-aware' Ireland by providing spaces for connection, fun and growth, as well as opportunities for action by working on campaigns and projects to bring about changes our care community wants to see.

Reflecting on the [Migrant Integration Strategy: A Blueprint for the Future \(2017\)](#) and its progress report, EPIC acknowledges that there was extensive support for integrating migrants, including international protection applicants and refugees, across areas including language support, employment and training services, social inclusion, and combating racism and xenophobia. However, EPIC wishes to highlight that there are gaps in the 2017 strategy, in terms of policy responses that address the unique needs of children in care from ethnic minority backgrounds and unaccompanied minors. EPIC believes that the new strategy needs to address these gaps by including a focus on inclusive and culturally sensitive care, improving accommodation and aftercare service for unaccompanied minors who are ageing out of the care of Tusla while awaiting a decision on their asylum application, and ensuring their active participation in decision-making processes related to their care. There is particular urgency for a tailored policy response in this area given the number of

¹ Article 12 (2) of the UNCRC states that 'the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.'

unaccompanied minors seeking international protection and those fleeing the war in Ukraine has increased for the past years.²

A report from the Child Law Project (2015) shows that minority groups have a higher rate of representation in child protection and welfare cases before the courts (30%) than the general population.³ In August 2019, the Irish Times reported that Tusla's confidential study on the State's system for monitoring children at-risk found that Traveller, black, and disabled children were all 'significantly overrepresented on the register'.⁴

Over the past five years (October 2018 to September 2023), data from EPIC's Advocacy Service indicates that of 1,864 children and young people who sought assistance and identified their ethnicity to EPIC, 20% (374 individuals) were from a 'non-Irish' ethnic minority background.⁵ The countries of birth of these children and young people included Nigeria, Somalia, Romania, Ukraine, Brazil and Afghanistan. Furthermore, the main presenting issues for which they requested advocacy support were in the areas of placements, legal support, accommodation, aftercare planning and financial.

While EPIC recommends that the Department commissions research and participative engagement with children and young people from minority ethnic backgrounds to investigate, understand and address the unique need of unaccompanied minors and migrant children in care, we also make the following proposals:

1. Supporting Measures to Recruit Foster Carers from Ethnic Minorities

Tusla, the Child and Family Agency, is the statutory agency responsible for protecting children and promoting their welfare as mandated by the Child Care Act, 1991, and the Child and Family Agency Act 2013. The majority of children in state care (90%) are in foster care, which is a higher proportion than in other European countries.^{6 7} However, Tusla faces challenges in sustaining this model due to a decrease in the number of foster carers.⁸

Tusla's [Strategic Plan for Foster Care Services for Children and Young People 2022](#) has highlighted areas for development in Ireland's foster care system, particularly the need to address the

² Houses of the Oireachtas, 'Joint Committee on Children, Equality, Disability, Integration and Youth Debate' (20 September 2023)

<https://www.oireachtas.ie/en/debates/debate/joint_committee_on_children_equality_disability_integration_and_youth/2023-09-20>.

³ Dr Carol Coulter, 'Final Report, Child Care Law Reporting Project' (2015) pg. 13

<https://www.childlawproject.ie/wp-content/uploads/2015/11/CCLRP-Full-final-report_FINAL2.pdf>.

⁴ Jack Power, 'At-Risk Children Faced Years of Delays before Being Put on Tusla Register' *The Irish Times*

<<https://www.irishtimes.com/news/social-affairs/at-risk-children-faced-years-of-delays-before-being-put-on-tusla-register-1.3990205>>.

⁵ EPIC's Advocacy Service works on a self-identification model and does not make the ethnic background disclosure mandatory and 1,262 individuals, approximately 40% of the total, have chosen not to disclose their ethnic backgrounds. The remaining 42% (1,315) are 'White Irish' and 108 (3.5%) are 'White Irish Traveller'.

⁶ Tusla - Child and Family Agency, Monthly Service Performance and Activity Report, August 2023. pg. 10

⁷ Tusla - Child and Family Agency, 'Strategic Plan for Foster Care Services for Children and Young People 2022-2025'. pg. 19.

⁸ *ibid.*

insufficient supply of general foster carers, as well as foster carers from diverse backgrounds. ⁹The strategic plan noted that this shortage has resulted in challenges in identifying foster care placements that meet a child’s cultural needs. ^{10 11}

The recent findings from a HIQA inspection of Tusla’s foster care services in the Mid-West region have highlighted areas of good practice with 52% of children in this region placed with foster carers who share their cultural, ethnic, or religious backgrounds. ¹² Interpreters and translators are being used to tackle language barriers, and many foster carers are making commendable efforts to help children maintain connections to their cultural roots. ¹³ However, there are still gaps in matching children with carers of similar backgrounds or with those experienced in caring for children from diverse backgrounds. ¹⁴

Research on child protection and welfare in Ireland and overseas has long established that the most appropriate place for a child in care to live is with a loving, supportive foster family. ^{15 16} Furthermore, it is the position of both the United Nations and the Government of Ireland that foster care is the preferred placement for children who cannot live with their family of origin. ^{17 18}

EPIC acknowledges Tusla’s recruitment campaigns aimed at finding foster carers from diverse family, cultural, religious, social, and linguistic backgrounds to reflect the diversity of children in state care, including unaccompanied minors seeking international protection. However, in the context of a diminishing cohort of foster carers nationally, the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) should continue to explore how it can further support Tusla’s role in the recruitment and retention of foster carers, such as those who can meet the unique needs of these children as well as offering support in migrant integration.

For improved integration of ethnic minority children into Irish society, EPIC recommends ongoing campaigns to recruit and retain foster carers from diverse backgrounds across the country which should reflect the diversity of children in care and enhance cultural and ethnic identity within the national foster care system.

Recommendations:

⁹ *ibid* pg. 38.

¹⁰ *ibid*.

¹¹ *ibid*.

¹² Health Information and Quality Authority, ‘Health Information and Quality Authority Regulation Directorate Monitoring Inspection of Foster Care Services’ (2023) pg. 25.

¹³ *ibid*.

¹⁴ *ibid*.

¹⁵ Barnardos and HSE (2013). Report into foster care and supported lodgings for separated asylum seeking young people in Ireland.

¹⁶ McTavish, J. R., Schwan, K. J., & Ager, A. (2022). Foster children’s perspectives on participation in child welfare processes: A meta-synthesis of qualitative studies. *Children and Youth Services Review*, pg. 132

¹⁷ The United Nations Guidelines for the Alternative Care of Children, 2010

¹⁸ Minister for Children, Equality, Disability, Integration and Youth, Dáil Éireann, 4 July 2023.

<<https://debatesarchive.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2023070400053#BBB00900>>

- Continue to provide Tusla with the necessary funding and political support in the recruitment and retention of foster carers from ethnic minorities, as well as providing necessary supports in migrant integration.
- Conduct a consultation with migrant communities and their representative groups on how best to recruit and support foster carers from diverse backgrounds.

2. Improving Accommodation for Unaccompanied Minors Seeking International Protection that are Ageing Out of Care

It is EPIC's view that the provision of aftercare services to unaccompanied children seeking international protection that are ageing out of the care of Tusla before a decision is reached on their asylum application can often remain a grey area.

Unaccompanied minors who do not have an immigration status at the age of 18 but who meet the eligibility criteria set out in section 45 of the 1991 Act are entitled to avail of aftercare in the same manner as all eligible children in care. However, aged-out minors who do not have international protection or another immigration status at the age of 18 and are in full-time education are not eligible for the Standardised National Aftercare Allowance.¹⁹ Instead, they receive support through direct provision, which is €38.80 per week, significantly lower than the aftercare allowance has been provided by Tusla. This places this specific cohort at a significant disadvantage.

They can also be moved to IPAS centres with adult international protection applicants upon turning 18.²⁰ However, if Tusla identifies an unaccompanied child who turns 18 as particularly vulnerable, they may be allowed to stay temporarily in a Tusla care placement.²¹ For example, the McMahon Report indicates that in early 2015, of the 82 unaccompanied minors who aged-out, 50 unaccompanied minors who were in the international protection process could not avail of aftercare services and had to enter IPAS centres.²²

In its [Strategic Plan for Aftercare Services for Young People and Young Adults 2023-2026](#), Tusla stated that a dedicated aftercare service for unaccompanied minors seeking international protection has been part of the Agency's response to providing aftercare.²³ This has been a policy aim of Tusla since 2017.²⁴ According to recent statistics from Tusla, 256 unaccompanied children entered into their care in 2023.²⁵ Their 2021 report shows that almost half (47%) of the unaccompanied children in their

¹⁹ Tusla - Child and Family Agency (2017) Complex needs in aftercare.

²⁰ *ibid* pg. 57.

²¹ 'Working Group to Report to Government Working Group on the Protection Process on Improvements to the Protection Process, Including Direct Provision and Supports to Asylum Seekers' (n 17) Para 5.123.

²² Sarah Groarke and Samantha Arnold, 'Approaches to Unaccompanied Minors Following Status Determination in Ireland' (ESRI 2018) Report pgs. 59–75 <<https://esri.ie/publications/approaches-to-unaccompanied-minors-following-status-determination-in-ireland>>.

²³ Tusla - Child and Family Agency, 'Strategic Plan for Aftercare Services for Young People and Young Adults 2023-2026' (2023) pg. 8

²⁴ Tusla - Child and Family Agency, 'National Aftercare Policy for Alternative Care' (2017)

²⁵ Houses of the Oireachtas, 'Joint Committee on Children, Equality, Disability, Integration and Youth Debate' (27 June 2023)

<https://www.oireachtas.ie/en/debates/debate/joint_committee_on_children_equality_disability_integration_and_youth/2023-06-27/2>.

services were 17 years old when they entered the care system.²⁶ This suggests that a significant number of these unaccompanied minors become ineligible for aftercare services due to being in care for less than 12 months. Child Care Act, 1991 a child is eligible for an aftercare plan and service if they have either been in the care of Tusla for at least 12 months after turning 13 years old or were in the agency's care for at least 12 months after turning 13 but is no longer under its care. Taking this into account, in EPIC's submission on the General Scheme of the Child Care (Amendment) Bill 2023, EPIC called for the review of the aftercare service eligibility criteria as it can exclude unaccompanied children from benefiting from that.²⁷

EPIC believes that the duration of time spent in the care system is not an appropriate metric for determining the support needs of young people upon leaving care.²⁸ Unaccompanied minors can be especially vulnerable, being young persons who may have experienced trauma because of conflict or persecution both in their country or origin or in transit, language barriers, and the bewildering array of systems and processes that they are confronted with as both a child in care and an international protection applicant.²⁹ Unaccompanied minors can also be especially vulnerable, being both young persons without family support.³⁰ Moreover, research indicates that without adequate aftercare support, unaccompanied children face difficulties in integrating into Irish society.³¹ They may lack essential social skills and face barriers in accessing education and employment.³² Therefore, researchers recommend the need for a coherent pathway of care for unaccompanied minors such as the option of remaining in their care placement beyond the age of 18 or be placed in alternative forms of independent living until their application for international protection is assessed, which ensures consistency and equity in aftercare service provision.³³

Recommendations:

- Undertake review of provisions relating Aftercare Eligibility Criteria in the Child Care Act, 1991, particularly examining eligibility for those whose protection status has yet to be determined.
- Support Tusla in the establishment of a dedicated aftercare service for unaccompanied minors seeking international protection, with particular focus on improving integration for those avail of it.
- Establish a link with the Local Government Management Agency (LGMA) and City and County Management Authority (CCMA) in accordance with the new local integration model to provide integration support services such as information,

²⁶ Tusla - Child and Family Agency, 'Annual Review on the Adequacy of Child Care and Family Support Services Available 2021' (2022) pg. 101.

²⁷ 'Submission on the General Scheme of the Child Care (Amendment) Bill 2023 | EPIC'

<<https://www.epiconline.ie/submission-on-the-general-scheme-of-the-child-care-amendment-bill-2023/>>

²⁸ *ibid.*

²⁹ Arnold, S., & Ní Raghallaigh, M. (2017). Unaccompanied minors in Ireland: Current law, policy and practice. UCD Geary Institute for Public Policy Discussion Paper Series.

³⁰ *ibid.*

³¹ Groarke and Arnold pg. 58.

³² *ibid.*

³³ *ibid.*

accommodation, and other essential services for unaccompanied minors leaving care at the age of 18.³⁴

- Raise awareness of the resources available in the new International Protection Information Hub, developed by the International Protection Accommodation Service (IPAS).³⁵ DCEDIY should further ensure that Tusla Separated Children Seeking International Protection (SCSIP) teams and Children in Care teams can share information via the Information Hub.

3. Informed Participation of Unaccompanied Minors in Care and Decision-Making

The right of children to actively participate in decisions affecting them is established in Article 12 of the UNCRC. This article mandates the introduction of legislation to ensure children in alternative care can express their views, and that appropriate weight is given to these views by decision makers based on the child's age and maturity.³⁶ It emphasises that children capable of forming their own opinions have the right to freely express them in all matters affecting them.³⁷ The UNCRC obliges states to provide children with opportunities to be heard in judicial and administrative proceedings, either directly or through a representative, in accordance with national procedural laws.³⁸

Unaccompanied children in both the care system and the asylum process can face complex processes, language barriers, interviews, paperwork, and must contend with a changing number of professionals that many adults would find challenging. This complexity, coupled with the experience of trauma, often results in feelings of stress, isolation, and anxiety.³⁹ While it is a government objective to embed the voice of children and young people in decision-making and to use child participation to inform policy and legislation,⁴⁰ it is crucial that tailored supports are created to ensure this right is upheld for those who may have additional challenges in participating and being heard. This includes building capacity through the provision of training, education, resources and supports.⁴¹ Additionally, it requires that children be fully informed of the legal and administrative processes they are required to participate in. In the context of alternative care, it is essential that effort is made to ensure children and young people understand the type of statutory care order or arrangement they are subject to and the roles and responsibilities of different professionals.

³⁴ Department of Children, Equality, Disability, Integration and Youth, 'Young Ireland: National Policy Framework for Children and Young People 2023-2028 (2023) pg. 86.

³⁵ *ibid.*

³⁶ UN Committee on the Rights of the Child, 'General Comment No. 12 (2009): The Right of the Child to Be Heard, CRC/C/GC/12' (2009) <<https://www.refworld.org/docid/4ae562c52.html>>.

³⁷ UN Convention on the Rights of the Child, (adopted 20 November 1989 and entered into force 2 September 1990) ('UNCRC') Art 12.

³⁸ *ibid* Art 12.

³⁹ Deirdre Horgan and Muireann Ní Raghallaigh, 'The Social Care Needs of Unaccompanied Minors: The Irish Experience' (2019) 22 *European Journal of Social Work* 95, pg. 18.

⁴⁰ Department of Children, Equality, Disability, Integration and Youth (2021). *National Framework for Children and Young People's Participation in Decision-making*, p.4.

⁴¹ 'Young Ireland: National Policy Framework for Children and Young People 2023-2028 (2023) pg. 25

As such, Independent Advocates play a crucial role in amplifying these children's voices, ensuring that their needs and perspectives are central to their care arrangements and asylum process.⁴² An Independent Advocate can work with children to ensure their opinions are considered in their care plans and international protection application.

EPIC provides independent advocacy services for children in care and young people with care experience up until the age of 26. EPIC's services focus exclusively on the child's views and are empowered to take all necessary lawful actions to assist the child, including supporting them in seeking legal advice and representation. In its submission on the General Scheme of the Child Care (Amendment) Bill 2023, EPIC has called for the government to recognise the right to independent advocacy for children in care and young people with care experience.⁴³ EPIC notes that the current gaps in legislation regarding independent advocacy results in significant inconsistency in a child or young person's access to an independent advocate. There is an urgent need for legislation to ensure that independent advocacy is resourced, regulated, and readily accessible to those who need it.

Recommendations:

- Establish a statutory framework for the provision of independent advocacy services to children in care, including unaccompanied minors seeking international protection.

4. Ensuring Adequate Resource Allocation to the Child and Family Agency to Respond to the Increase in Unaccompanied Minors Seeking International Protection

In a meeting of the Joint Oireachtas Committee on Children, Equality, Disability, Integration, and Youth, Ms. Kate Duggan, Chief Executive Officer of Tusla, reported a 'significant and unprecedented surge' in the number of unaccompanied minors presenting to, or being referred to Tusla's Separated Children Seeking International Protection (SCSIP) team.⁴⁴ This increase has affected their capacity to deliver a robust, child-centred response. Nonetheless, Ms. Duggan noted that Tusla has been working to enhance its services by bolstering staff levels and increasing the availability of placements.⁴⁵

Despite these measures, Ms. Duggan detailed challenges hindering an effective response to the increased needs of unaccompanied minors seeking international protection. These include the shortage of suitable care placements and the struggle to recruit qualified staff. For example, there were 100 unaccompanied minors or young people in a special emergency arrangements due to the shortage of an appropriate or long-term placement.⁴⁶ Furthermore, Ms. Duggan noted that there is a need for legislative and policy revisions regarding the care or accommodation of unaccompanied minors, in addition to a review of the transition to adult services and the entitlement to aftercare.⁴⁷

⁴² 'Enshrining the Right to Independent Advocacy | EPIC' <<https://www.epiconline.ie/enshrining-the-right-to-independent-advocacy/>>.

⁴³ 'Submission on the General Scheme of the Child Care (Amendment) Bill 2023 | EPIC'.

⁴⁴ Oireachtas, 'Joint Committee on Children, Equality, Disability, Integration and Youth Debate' (n 5).

⁴⁵ *ibid.*

⁴⁶ *ibid.*

⁴⁷ Oireachtas, 'Joint Committee on Children, Equality, Disability, Integration and Youth Debate' (n 25).

The [Health Information and Quality Authority \(HIQA\) Inspection of a Child Protection and Welfare Service: Separated Children Seeking International Protection](#) has also shown areas for improvement in Tusla's management and service delivery for the SCSIP.⁴⁸ The report urges immediate reforms in areas such as governance, compliance, staffing, and inter-agency cooperation, to meet the needs of these vulnerable children adequately.⁴⁹ It also underscores the necessity for managerial and social work staff to improve their skills in identifying the trafficking of unaccompanied children and emphasises the critical need to strengthen the use of safety plans for assessing a child's needs and risks.⁵⁰ During the inspection period external stakeholders told HIQA's inspectors that Tusla's SCSIP service were 'firefighting', under resourced and were not always able to prioritise unaccompanied children's needs because of 'staff capacity constraints.'⁵¹ In addition, Tusla's SCSIP service is only based in Dublin, faced a resource shortage that hindered its ability to conduct visits to unaccompanied children in various counties across Ireland.⁵² Furthermore, the report found that there was an absence of a specialised transfer policy, which would have facilitated the transfer of unaccompanied children's cases from the SCSIP team to the local Tusla service areas where these children were placed.⁵³ The report found that managers and their teams were not equipped with the right skills to deliver a safe and effective service.⁵⁴ There was no clear evidence of training undertaken by staff and managers on the cultural responses and rapidly changing needs of unaccompanied children, nor on significant child protection challenges including trafficking and exploitation, nor was this captured on the training needs analysis of the team.⁵⁵ The report also highlighted an absence of an agreed approach between Tusla's service and An Garda Síochána for assessing and classifying the degree of risk and vulnerabilities when an unaccompanied child goes missing.⁵⁶ Furthermore, in a case reviewed by HIQA inspectors there was a delay of one month for a strategy meeting to take place with An Garda Síochána for a child that was at risk of being trafficked and who did not have an allocated social worker.⁵⁷

EPIC agrees with Tusla that the requirement for 'timely and definite legal and policy changes, significant interagency co-operation, and an increase in the resources available' are necessary to improve its SCSIP services and address the increased number of unaccompanied children seeking international protection and their integration into Irish society.⁵⁸

Recommendations:

- Ensure adequate funding to Tusla to enhance its capacity in provide effective, timely and robust services and support to the growing number of unaccompanied minors.

⁴⁸ Health Information and Quality Authority, 'Report of an Inspection of a Child Protection and Welfare Service: Separated Children Seeking International Protection' (2023).

⁴⁹ *ibid.*

⁵⁰ *ibid* pg. 35.

⁵¹ *ibid* pg. 30.

⁵² *ibid* pg. 13.

⁵³ *ibid.*

⁵⁴ *ibid* pg. 15.

⁵⁵ *ibid.*

⁵⁶ *ibid* pg. 27.

⁵⁷ *ibid.*

⁵⁸ Oireachtas, 'Joint Committee on Children, Equality, Disability, Integration and Youth Debate' (n 25).

- Implement HIQA's recommendations to improve:
 - Training for staff in dealing with the unique needs of unaccompanied minors,
 - Interagency collaboration between Tusla, An Garda Síochána, and the HSE for comprehensive care provision, and
 - Policy guidance for the transfer of cases of unaccompanied children from the SCSIP team to local Tusla service areas, where appropriate.

5. Upholding the Equity of Care Principle for Unaccompanied Minors

The care and protection of unaccompanied children falls under two areas of law: refugee law and child care law. According to section 14 of the International Protection Act 2015, immigration, or International Protection Office (IPO) officers are required to notify Tusla if they encounter a child under 18 who has arrived in the State without an accompanying responsible adult. Subsequently, the child falls under the provisions of the Child Care Act, 1991.

Tusla often employs section 4 and 5 of the Child Care Act, 1991 for arranging the care of unaccompanied minors.⁵⁹ A child's care is arranged by section 4 of the Child Care Act, 1991 if they require care or protection that they are unlikely to receive unless they are taken into care. Under this section, parental consent must be provided for the child to be taken into care. For example, social workers caring for children under section 4 are obliged to have regard for the wishes of the parent or person acting in loco parentis in providing care to the child.⁶⁰ This means that Tusla is required to seek consent from parents of unaccompanied minors concerning key decisions affecting the child in relation to their health and education, such as consent for travel outside the jurisdiction and engagement in after-school activities.⁶¹ The application of this section presents challenges when it involves unaccompanied minors, because the parents or guardians of such minors might not be present in the state or reachable to give their consent.⁶² Section 4 also has limitations as it does not provide for clear judicial oversight of their arrangement.

Section 5 is used to provide accommodation for homeless children following an inquiry by Tusla into their circumstances on lack of available accommodation for them. Section 5 has also been used unaccompanied children,⁶³ which means that technically they are not in care. For example, children taken into Tusla's services under section 5 face uncertainties with relation to entitlements to aftercare services, judicial review of their care, and access to social work services. HIQA has also reported that using section 4 of the Child Care Act, 1991 for voluntary care of unaccompanied children was 'unsafe'.⁶⁴ Allocation of social workers as well as entitlement of aftercare service for aged-out unaccompanied minors who are still in the international protection process have been challenging issues as explained above.

⁵⁹ Health Information and Quality Authority (n 45) pg. 24.

⁶⁰ Groarke and Arnold (n 19) pg. 50.

⁶¹ *ibid.*

⁶² *ibid.*

⁶³ Health Information and Quality Authority (n 45) pg. 24.

⁶⁴ *ibid* pg. 34.

It is the view of EPIC that the situation of unaccompanied minors in the Child Care Act, 1991 is underdeveloped and as such, these children do not fit seamlessly into existing mainstream care arrangements and policies.⁶⁵

In a meeting of the Joint Committee on Children, Equality, Disability, Integration and Youth on May 9, 2023, to discuss the ongoing review of the Child Care Act, the Department of Children, Equality, Disability, Integration and Youth stated that they had not included specific provisions for unaccompanied minors in the General Scheme of the Child Care (Amendment) Bill 2023.⁶⁶ The reason for this was to uphold the equity of care principle, ensuring that unaccompanied minors receive the same level of care and are subject to the same thresholds as Irish-resident children for entering care.⁶⁷ However, during the same meeting, Tusla noted that the evolving international context requires a re-evaluation of its legislative role and scope in caring for unaccompanied minors.⁶⁸ This necessitates a more thorough consideration of the situation of these children within the central framework of Ireland's child care legislation.⁶⁹

It is EPIC's view that Tusla's acknowledgement of the need for legislative re-evaluation in light of changing international contexts underscores the urgency for a more comprehensive approach within Ireland's child care legislation to better protect and support unaccompanied minors.

Recommendations:

- Establish specific provisions within the Child Care Act, 1991 to support the care of unaccompanied minors.
- Ensure that care leavers seeking international protection are afforded the same aftercare support as any other young person leaving care. No young person seeking international protection should be moved from care to a direct provision centre whilst their immigration status is still pending.

6. Accessing Youth Work and Participation

EPIC acknowledges the ongoing Government's initiatives such as national policy framework on the development of funding framework to support Children and Young People Service Committees' (CYPSC) and the roll out of a National Integration Fund, which are aimed at supporting the integration of International Protection applicants through Access to Youth Work and Participation.⁷⁰ Furthermore, EPIC acknowledges successful measures such as the City of Dublin Education and Training Board's (CDETB) Youth and Education Service for Refugees and Migrants (YES), where youth workers offer advice and support and other specialised services to unaccompanied minors seeking

⁶⁵ 'Submission on the General Scheme of the Child Care (Amendment) Bill 2023 | EPIC'.

⁶⁶ Oireachtas, 'Joint Committee on Children, Equality, Disability, Integration and Youth Discussion on the General Scheme of the Child Care (Amendment) Bill 2023' (2023)

⁶⁷ *ibid.*

⁶⁸ *ibid* pg. 6.

⁶⁹ *ibid.*

⁷⁰ *ibid.*

international protection.⁷¹ However, similar support services are not available for unaccompanied minors in many other regions of the country.⁷²

A study by the Children's Rights Alliance also found that unaccompanied minors have limited chances to interact with their peers in the community.⁷³ The findings indicate that quality youth work services are important for helping these children integrate in a way that is 'empowering, participatory, and rights-based.'⁷⁴ These services can help new arrivals adapt to life in Ireland while maintaining their cultural identities, offer a platform for youths from diverse backgrounds to participate in intercultural conversations.⁷⁵

Therefore, it is EPIC's view that policies and strategies concerning youth work and participation should acknowledge and cater to the specific needs of ethnic minority children and youth in care, including unaccompanied minors as these individuals are invisible within the broader youth demographic. It is also equally important to evaluate their involvement in existing youth work and participation programs.

Recommendations:

- Support children and youth organisations with funding opportunities to provide engagement and development opportunities to ethnic minority children and young people in care, including unaccompanied minors across the country.
- Support the Children and Young People Service Committees (CYPSCs) across the country to extend and provide tailored support services to unaccompanied minors in care and young people leaving care.

⁷¹ Groarke and Arnold (n 19) pg. 61.

⁷² *ibid* pg. 62.

⁷³ Muireann Ní Raghallaigh, Karen Smith & Jennifer Scholtz, 'Safe Haven, The Needs of Refugee Children Arriving in Ireland through the Irish Refugee Protection Programme: An Exploratory Study' (2019) pg. 68 <<https://www.childrensrights.ie/sites/default/files/Safe%20Haven%20Main%20Report.pdf>>.

⁷⁴ *ibid* pg. 70.

⁷⁵ *ibid*.

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