

# ABOUT FAMILY REUNIFICATION



‘Everyone has the right to seek and enjoy  
in other countries asylum from persecution.’

ARTICLE 16, UNIVERSAL DECLARATION OF HUMAN RIGHTS



‘There are thousands of immigrants living and working in Ireland whose family  
members are not allowed to visit ... let alone stay.’

‘Allowing families to be together remains at the discretion of  
the Minister for Justice, Equality and Law Reform.’

THE MEMORY BOX (closing frame)

‘The Minister for Justice, Equality and Law Reform is permitted to authorise  
family reunification for those who have received “leave to remain”,  
often on humanitarian grounds.’

Fact Sheet on Family Reunification and a  
Common EU Asylum and Refugee Policy



## THE MEMORY BOX



### TEACHER INFORMATION:FAMILY REUNIFICATION

#### ABOUT FAMILY REUNIFICATION

Family reunification is necessary to make family life possible and create socio-cultural stability for migrant workers, asylum seekers, refugees and their families. At present there is no automatic right to family reunion in Irish law, except for refugees. Migrant workers are eligible to apply depending on their residency status (whether Working Visa/Authorisation or Work Permit holders). All decisions, however, are made at the discretion of the Minister for Justice, Equality and Law Reform and there is no guarantee of a positive answer. See *Rights and Entitlements of Immigrants in Ireland*, 'Fact Sheets: Rights to Family Reunification in Ireland'. [www.immigrantcouncil.ie](http://www.immigrantcouncil.ie). See also 'Know Your Rights' [www.mrci.ie](http://www.mrci.ie)

The fundamental importance of the family unit and its right to be protected is enshrined in the Irish Constitution. It is also protected in international law under the Universal Declaration of Human Rights and in regional instruments such as the European Convention on Human Rights and the African Charter on Human Rights. In Ireland, the legal basis for family reunification for refugees is the Refugee Act 1996 (as amended).

#### WHO IS ENTITLED TO THE RIGHT TO FAMILY REUNIFICATION IN IRELAND?

**Convention refugees** – under section 18(4) of the Refugee Act 1996 (as amended), the definition of a family is limited to certain categories:

A Spouses – married husband/wife of a refugee

B Children – unmarried and under the age of 18.

(It is important to remember that due to individual freedom of choice, family circumstance and personal history/relationships, not every family member will wish to be reunited.)

#### 'PROGRAMME REFUGEES' IN IRELAND

Ireland is one of the countries in the world with a programme of refugee resettlement. Since the 1970s, various people have arrived in Ireland seeking refuge under the UNHCR programme, including Vietnamese (1979-2000), Iranians (1985), Bosnians (1992-2000), all in search of safety and freedom from persecution.

These refugees were granted the same rights as Irish citizens, were allowed to apply for full citizenship after a certain period, and some English language classes and translation services were organised in order to help them.

#### EXPLORING THE PAST

In 1935, Jewish people lost their right to German citizenship under the Nuremberg Laws. After the *Anschluss*, the annexation of Austria by Nazi Germany in 1938, life became impossible for Austrian Jews, and thousands queued outside the US embassy in Vienna. In London, the Jewish Refugee Committee received a thousand calls a day, but there weren't enough visas – no country was prepared to open its doors to many refugees.

After *Kristallnacht* in November 1938, when almost half the synagogues in Germany were burned to the ground and thousands of homes and businesses destroyed, the London Jewish community and some others organised the *Kindertransports*, 'child transports'. For ten months from December 1938, up to ten thousand unaccompanied children set off on trains and ferries for hostels and foster-families in Britain.

- Hundreds of these children lost all of their relatives, many of whom died in concentration camps
- *Kindertransport* children spent years in a different culture, exposed to different circumstances.
- If they did rejoin their families they probably found that many people they knew had died, buildings and landmarks were destroyed
- The children would not have wished for separation from families, and may have resented or not fully understood why their parents had to send them away.
- Survivors often feel guilty simply because they have survived when so many others perished.
- Many children became young adults during their stay, some married and had families in Britain.

Ireland at that time had a Jewish population of almost 4000 people, many of whom were descendants of Jews who fled anti-Semitic regimes in Tsarist Russia and Eastern Europe in the 1880s. This community and others in Ireland tried to organise visas for refugees from Nazi Europe. In 1943, Taoiseach Éamon de Valera agreed to accept five hundred Jewish refugees from Vichy France. In 1948, Clonllyn Castle in County Westmeath was made available as a children's hostel and one hundred children who had survived concentration camps stayed there for eighteen months before being relocated to other countries.

