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Observations on the Minister's Amendments to the International Protection Bill 2026

Our Children's Rights Concerns



ombudsman
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Contents

| | |
|--|----------|
| Summary of Key Recommendations | i |
| Introduction | 1 |
| Introduction of Two-Year Waiting Period to Apply for Family Reunification | 1 |
| Introduction of Income and Social Welfare Requirements for Family Reunification | 3 |
| Recommendations | 5 |

Summary of Key Recommendations:

- *A removal of the 2-year waiting period before beneficiaries of international protection can avail of family reunification procedures.*
- *The removal of income and social welfare requirements, which similarly restrict access to family reunification procedures for beneficiaries of international protection.*
- *Re-instate Heads 91 and 92 of the General Scheme of the International Protection Bill 2025, as amended by the civil society Coalition on the EU Migration Pact, in their submission on the Minister's proposed amendments*

Introduction

The OCO has significant concerns regarding the International Protection Bill 2026 ('the Bill'), as drafted. In response to the publication of the bill, the OCO submitted our detailed analysis and suggested amendments to be considered during Committee Stage.¹ Provisions relating to the best interest principle, age assessment, and the detention of minors, require urgent attention to ensure compliance with European and international human rights standards.

The OCO is aware that the Minister for Justice, Home Affairs, and Migration ('the Minister') has submitted his own substantial suite of amendments for Committee stage and notes the relatively compressed timeline offered for the scrutiny of these amendments. Introducing significant text to the body of the Bill, at this stage of the legislative process, risks undermining the scrutiny of some of these vital provisions.

The OCO has prepared these observations in line with section 7(4) of the Ombudsman for Children's 2002 Act, which provides for the OCO to give advice to a Minister of the Government concerned on any matter relating to the rights and welfare of children, including the probable effect on children of the implementation of any proposals for legislation. The OCO is concerned that, if accepted, the Minister's amendments will amount to a restriction on the right to family life, placing vulnerable migrant and refugee children at greater risk of harm.

Introduction of Two-Year Waiting Period to Apply for Family Reunification

The right to family life is enshrined in both international and domestic law. Article 8 of the European Convention on Human Rights (ECHR), Article 7 of the Charter of Fundamental Rights of the EU ('the Charter'), and Article 41 of the Constitution of Ireland, provide the

¹ OCO (2026), [Strengthening the International Protection Bill 2026 from a Children's Rights Perspective](#)

relevant detail and case law relating to the State's obligation to protect, respect, and fulfil the rights of the family. Crucially, these rights are not limited to Irish citizens.² The UN Committee on the Rights of the Child ('UNCRC Committee') lays out in Article 10 that "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*".³

The Minister's proposed amendments, on pages 3 to 11, introduce sections 146, 147, 148, and 151 which make provisions for family reunification. The OCO is concerned that these proposed amendments amount to a restriction on the right to family life, and risk undermining the safety and well-being of some of the most vulnerable children in the State, as well as those in other jurisdictions. Section 147(2) states that "an application may not be made until after the expiry of a period of 2 years from the date on which the sponsor was granted international protection." Whilst this is a reduction on the three-year waiting period proposed in January,⁴ the imposition of an arbitrary two-year waiting period after the granting of international protection status, is an extremely concerning development, and a backslide in human rights standards when compared to the General Scheme of the Bill, and the International Protection Act 2015.

When someone is recognised as refugee, this is an admission on behalf of the State, that the individual has a well-founded fear of persecution in their country of origin.⁵ This risk is often shared by their family members, who may be targeted due to shared identities or beliefs, or as a means of retaliation, coercion, or punishment.⁶ Delaying the process of family reunification, therefore, risks exposing family members to real harm. Given that applications for family reunification take on average 19 months to process,⁷ the imposition of a two-year waiting period, may in effect, leave children separated from their parents, siblings, or legal guardians for approximately four years following the granting of

² Fajujonu and Ors v Minister for Justice, Equality and Law Reform and Ors, [\[1990\] 10 ILRM 234, Unreported](#)

³ UN Convention on the Rights of the Child (1989), Article 10(1), emphasis added.

⁴ Department of Justice, Home Affairs and Migration (2026), [Minister Jim O'Callaghan publishes International Protection Bill 2026](#)

⁵ The 1951 Refugee Convention and 1967 Protocol relating to the Status of Refugees, Article 1(2)

⁶ Nasc (2026), [A statement by Nasc](#)

⁷ Irish Refugee Council (2026), [Home / Information Hub / Family Reunification](#)

international protection status. For minors arriving in the State, and adult beneficiaries seeking reunification with their minor children, this prolongs insecurity, undermines integration efforts, and subjects vulnerable families to unimaginable duress.

The UNCRC Committee and the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families ('UNCMW Committee'), clearly state that family reunification procedures, must be children's rights-compliant, and should be initiated and implemented without delay.⁸ Article 23 of the Asylum Migration Management Regulation (AMMR, 'the Regulation') also dictates that Member States (MS) must ensure that the best interest of the child is a primary consideration in all procedures provided for in the Regulation.⁹ This includes taking due account of family reunification possibilities.¹⁰ The proposed imposition of a two-year waiting period for recognised refugees under section 147(2), therefore risks jeopardising Irish compliance with international human rights standards and the instruments of the Pact.

Introduction of Income and Social Welfare Requirements for Family Reunification

The OCO would also like to express serious concern with regards the proposed amendments on page 6, section 146(6), which make the right to apply for family reunification conditional on meeting certain income and social welfare requirements. On pages 9 and 10, section 151 grants the Minister significant discretion, through the making of regulations, to determine both the minimum level of income and the list of prescribed social welfare and housing support payments, which will determine eligibility for family reunification.

The imposition on income and social welfare requirements for recognised refugees, is another very concerning development in the legislation. This is contrary to European norms,

⁸ [Joint General Comment - No. 4 of the CMW and No. 23 of the CRC \(2017\)](#) - on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, paras. 15 & 34

⁹ Asylum Migration Management Regulation, Article 23(1)

¹⁰ Asylum Migration Management Regulation, Article 23(4)(a)

with most MS exempting refugees from financial requirements to avail of family reunification, especially when an application is made within the specified timeframe.¹¹ It is also at odds with the guidance provided by the UNCRC and UNCMW Committees, which states that inadequate income should not constitute a barrier to effective and accessible family reunification procedures.¹² Rather, States are encouraged to provide adequate financial support and social services to ensure that family members, including children, can migrate in a regular manner.¹³ The challenges faced by migrant and asylum-seeking families, do not end with the granting of international protection status. As recent research has made clear, lone-parent families leaving direct provision face several layers of disadvantage on their journey towards integration, including but not limited to finding secure and affordable housing.¹⁴ Excluding these families¹⁵ from family reunification procedures, on the basis of their decision to access (often limited) housing or social welfare supports is both cruel, and risks violating a child's right to non-discrimination as protected by Article 2 of the UNCRC.¹⁶

The proposed amendment to section 148, on page 9, allows the Minister to waive the 2-year waiting period or welfare requirements for unaccompanied minors, where “the Minister considers it appropriate to do so”. In the context of a Bill that significantly expands ministerial powers,¹⁷ this provision offers little in the way of reassurance for vulnerable children who face years of separation from their families, at risk of persecution and serious harm in other jurisdictions.

¹¹ European Migration Network (2025), [Family reunification of third-country nationals: State of play of law and practice](#), p. 30.

¹² [Joint General Comment - No. 4 of the CMW and No. 23 of the CRC \(2017\)](#) - on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, paras. 37 & 38.

¹³ [Joint General Comment - No. 4 of the CMW and No. 23 of the CRC \(2017\)](#) - on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, paras. 37 & 38.

¹⁴ ActionAid (2026), [Between Hope and a Home](#)

¹⁵ And others who may be disproportionately impacted, such as families with a disabled family member.

¹⁶ UN Convention on the Rights of the Child (1989), Article 2(1)

¹⁷ IHREC (2026), [Overview of International Protection Bill 2026](#), p. 8

Recommendations:

- *A removal of the 2-year waiting period before beneficiaries of international protection can avail of family reunification procedures.*
- *The removal of income and social welfare requirements, which similarly restrict access to family reunification procedures for beneficiaries of international protection.*
- *Introduce a statutory time-limit of 12 months for the granting of a decision on family reunification applications, once all relevant documentation has been received.*
- *Retain provisions in the Minister's amendments which allow for the possibility of reunification with a de facto partner or their children.*
- *Amendments should be made to the legislation, which allow for reunification with minor siblings of unaccompanied minors, as is possible under current policy.*
- *Re-instate Heads 91 and 92 of the General Scheme of the International Protection Bill 2025, as amended by the civil society Coalition on the EU Migration Pact, in their submission on the Minister's proposed amendments.¹⁸*

¹⁸ This would give effect to all of the five aforementioned OCO recommendations.