



**An Ghníomhaireacht
Tithíochta**
The Housing Agency

Information Note on Social Housing Applications from Households Exiting International Protection Accommodation Service (IPAS) Centres

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Introduction

The Housing Agency has prepared this information note on behalf of the Department of Housing, Local Government and Heritage (DHLGH) in consultation with housing practitioners, Non-Government Organisations (NGOs), representatives and officials from the Department of Justice, Home Affairs and Migration to provide further information to aid decision makers in local authorities in assessing households for social housing support that have been given Protection status/Permission to Remain and are exiting, or, have exited International Protection Accommodation Service (IPAS) Centres.

This note complements existing guidance including:

- Social Housing Assessment Regulations – 2011, (as amended)
- Assessing Eligibility and Need for Social Housing Supports - Implementing Sections 20 and 21 of the Housing (Miscellaneous Provisions) Act 2009 - Guidance for Local Authorities
- Circular 41/2012
- Clarification letter 22nd April 2013 RE Social Housing Assessment Regulations 2011 - 5 & 6

These documents are available on the Housing Manual Website, you may need to [register](#) for access.

It is intended that this document will be kept under review following ongoing feedback from practitioners.

Please Note – This information note can be applied to applicants for social housing support that have recently been awarded Protection status/Permission to Remain but have not been accommodated in an IPAS Centre, e.g. single males self-accommodating during the International Protection decision making process.

Guiding Principles

International Protection is the protection granted by Government to someone who has left another country to escape being harmed. The granting of that protection is on the basis that someone has come to Ireland to escape persecution in their own country or cannot return to that country because there is well-founded fear for their safety.

The International Protection Accommodation Service (IPAS) is currently accommodating approximately 30,000 residents who have applied for International Protection. In excess of 5,000 people have completed the process and have received either refugee status, subsidiary protection or permission to remain. This means they have a legal status that allows them to remain in Ireland, and to work. It also means that they are no longer entitled to IPAS accommodation.

Local authorities have a significant role in the assessment for, and provision of social housing supports for this group of households.

In that context, there are a number of guiding principles that should be considered when assessing a social housing application for households exiting International Protection Accommodation Service Centers who have status/ legal right to remain.

1. International Protection Application Process

Households have undergone a rigorous, six step statutory process involving identify checks, interviews, a questionnaire, have then received a recommendation from an IPO and a grant of status from the Ministerial Decision Unit in the Department of Justice, Home Affairs and Migration. The role of local authority decision makers is to determine that an applicant can demonstrate that they have the appropriate proofs of their legal status. Example of letters that should satisfy a local authority decision maker are available on the Housing Manual [here](#).

2. Reckonable Residency

Reckonable residency does not apply to an applicant for social housing support who has received a letter from the Ministerial Decision Unit in the Department of Justice, Home Affairs and Migration that grants Refugee Status, Subsidiary Protection or Permission to Remain.

3. Social Housing Support Options

The Housing Assistance Payment (HAP) scheme is the primary exit mechanism for households exiting the IPAS. Other social housing supports are not precluded from consideration if deemed more appropriate by a local authority.

Supporting Documentation

Discretion and flexibility should be exercised by local authorities during the assessment. As stated on the application form “the local authority may, at the discretion, request alternative documentation to satisfy itself in relation to the specific information being sought”. More detailed guidance is provided below.

1. Non-Governmental Organisations (NGO) Support

Two Non-Governmental Organisations are contracted by Department of Justice, Home Affairs and Migration to assist Person(s) who have received either Refugee Status, Subsidiary Protection or Permission to Remain to find their own housing solutions outside of IPAS accommodation (as IPAS accommodation is only available to persons while their application is being determined) as they move to live independently in the community. This will include finding suitable accommodation, supporting them to complete the applications for social housing support, including Housing Assistance Payment (HAP) and supporting their move into this accommodation. As well as this housing progression service, they also provide an accommodation finding service and interpretation services to assist with progression from IPAS accommodation.

NGOs	Local authorities
Depaul	Dublin, Meath, Louth, Kildare, Wicklow, Carlow, Kilkenny, Cavan, Donegal, Galway, Leitrim, Mayo, Monaghan, Sligo, Roscommon
Peter McVerry Trust	Cork, Kerry, Waterford, Wexford, Longford, Clare, Laois, Offaly, Tipperary, Limerick, Westmeath

Please note – Engagement by households with the NGOs is strongly encouraged but it should be noted that households are not compelled to engage with the service.

2. Process of applying for International Protection

The assessment an applicant undergoes to be granted Protection Status/Permission to Remain is a thorough process carried out by the Department of Justice, Home Affairs and Migration. Set out below is an overview of this process.

1. When a household arrives in Ireland and seeks International Protection they will be interviewed by an immigration officer on arrival and directed to the International Protection Office (IPO) to register an application. During the registration process and interview, basic information is gathered such as Name, Date of Birth, Nationality, how the household traveled to Ireland and the reason for the International Protection Application. During this interview, the applicant will have their photograph and fingerprints taken. The applicant will be requested to provide identity documents and copies will be taken of these. The information given during this interview will be added to an IPF1 Form and the applicant will sign this to confirm the information is correct. A Temporary Residence Card (TRC) is given to the applicant. On the same day as registration the applicant must complete a questionnaire which questions

the applicants background, how the applicant traveled to Ireland and the reason for registration.

2. The next part of the process is a substantive interview with an IPO officer. During this meeting, the applicant is given further opportunity to discuss why they left their country of origin and why it is unsafe to return there. There will also be questions relating to family, employment history and the route that was taken to Ireland.
3. Following this, the IPO will make a recommendation on the case and provide a letter confirming the status awarded. This letter will detail if Refugee Status, Subsidiary Protection or Permission to Remain has been granted.
4. After this, the applicant will receive a letter from the Ministerial Decision Unit confirming the status. This status is then registered by the applicant with Immigration Service Delivery to obtain an Irish Residence Permit (IRP) and this will detail the Stamp 4 permission. In most cases the IRP must be updated after three years.

Further information on the process can be found [here](#).

3. Refugee Status, Subsidiary Protection, Permission to Remain

Persons who have been granted status in IPAS accommodation will fall into one of these three categories;

Category	Entitlements
Refugee Status/International Protection Section 47(1) of the International Protection Act 2015	<ul style="list-style-type: none"> • The right to reside in Ireland. • Access to employment and education. • Access to the same medical care and to apply for the same social welfare and housing supports as an Irish citizen. • Right to travel on a Convention Travel Document. • Legal right to family reunification with certain members of their family under the International Protection Act 2015 (spouse, children under 18). • After 3 years, may be eligible for naturalisation (Irish citizenship), subject to criteria.
Subsidiary Protection Section 47(4) of the International Protection Act 2015	<ul style="list-style-type: none"> • Right to reside and work in Ireland. • Access to employment and education. • Access to the same medical care and to apply for the same social welfare and housing supports as an Irish citizen. • Right to a subsidiary protection travel document. • Legal right to family reunification with certain members of their family under the International Protection Act 2015 (spouse, children under 18). • Eligible for naturalisation after 5 years (subject to residence conditions).
Permission to Remain Section 49(1)(a) of the International Protection Act 2015	<ul style="list-style-type: none"> • Right to reside in Ireland, usually on Stamp 4 conditions (which allows work without a permit). • Access to the same medical care and to apply for the same social welfare and housing supports as an Irish citizen. Can apply for renewal after initial grant (usually for 1-3 years at a time). • May apply for naturalisation after 5 years of lawful residence (though conditions may vary). • No automatic right to family reunification — must apply separately and meet criteria.

A non-EEA national who has been granted Refugee status, Subsidiary Protection or Permission to Remain from the IPO is eligible to be considered for social housing support, from the date such status is granted.

4. Assessing an Application - Documentation and Supporting Information

[Section 20 of the 2009 Housing Act](#) sets out the obligations of local authorities to assess households for social housing support. SI 84/2011 is the relevant regulations under which the assessment is carried out.

Social Housing Assessment Regulations 2011, Part 3

‘11. (1) Subject to paragraph (2), a household shall, within 4 weeks of being requested to do so by the housing authority of application, provide to the authority such additional information, including documents and other particulars, sought by the authority for the purpose of verifying information relating to an application for social housing support’

Local authorities are reminded in certain situations, where a particular document cannot be provided, they may, at their discretion, request alternative documentation to satisfy itself in relation to the specific information being sought. In circumstances where particular documentation cannot be provided, it should not prohibit the processing of the application.

4.1 Photo ID & Birth Certificate

The overall purpose of these documents is for the local authority to satisfy themselves as to the identity of all household members and ascertain household member relationships. Once identity can be satisfactorily demonstrated, flexibility is available in terms of supporting documents.

Within the application form a check list is attached and ‘Photo Identification’ and ‘Birth Certificate’ are on the check list. In the case of an applicant who is currently or previously accommodated in IPAS accommodation and granted status, a local authority can use discretion when assessing the Photo Identification and accept other forms which are not listed on the checklist to establish the identity of the applicant (for example PSC cards or Temporary Residence Certificates also known as ‘blue cards’). The circumstances which led to the applicant leaving their country of origin, along with systems of bureaucracy within countries of origin, may mean that the submission of a birth certificate cannot occur. This should not preclude the assessment of the applicant.

Please Note: If the applicant intends to use the Irish Residence Permit card as a form of photographic identity the social housing assessment can commence and can progress to the full decision making stage when the IRP card is issued. The letter issued from the IPO will include a photograph of the person it refers to.

Samples of these letters from the Ministerial Decision Unit in the Department of Justice, Home Affairs and Migration, with photos redacted are available on the Housing Manual [here](#).

It should be noted that where a birth took place subsequent to arriving in Ireland, it remains appropriate for local authorities to seek this document.

4.2 Marriage Certificate

When assessing an applicant who has been granted status who does not have a copy of their marriage certificate, flexibility can be used as it can be impossible for the applicant to produce this. This can be attributed to the circumstances that led to the applicant leaving their country of origin along with systems of bureaucracy within countries of origin.

It should be noted that where a marriage took place subsequent to arriving in Ireland, it remains appropriate for local authorities to seek this document.

4.3 Separation Agreement

If the divorce or separation took place in the applicant's country of origin, it can be impossible for the applicant to produce this due to the circumstances which led to them leaving their country of origin along with systems of bureaucracy within countries of origin. An applicant who has been granted status and is unable to provide this can be given flexibility if they are unable to source a copy of these documents.

It should be noted that where a separation took place subsequent to arriving in Ireland, it remains appropriate for local authorities to seek this document.

4.4 External Delays

In some circumstances there may be delays within the International Protection Process and the distributing of the IRP card. However, the applicant will have their official Department of Justice letter, and this is sufficient for the social housing assessment. As per *Sulaimon v Minister for Justice Equality and Law Reform* (2021) IESC 63 states that: *The Supreme Court ruled that it is the letter of grant that establishes residency status and not the possession of an IRP card.*

5. Assessing an Application

5.1 Social Housing Assessment – Local Authority of Application

Households that have been given status and are exiting or have exited International Protection Accommodation Service (IPAS) Centres are generally encouraged by the NGOs supporting them to apply for social housing support in the area that the IPAS Centre was located. However, households cannot be compelled to do this, and some households do not avail of the support offered by the NGOs. Therefore, local authorities will encounter applications from households that are seeking to demonstrate a 'local connection' as well as applications from households that are 'normally resident'.

5.2 Normally Resident

Under Regulation 5 of the 2011 Regulations, a household may apply for support to one housing authority only, which may be the authority for the area in which the household normally resides or with which it has a local connection, or the authority that agrees, at its discretion, to assess the household for support.

As previously clarified in correspondence to all local authorities, under Regulation 5 “normally resides” is intended to refer to the housing authority where the household is currently living and the household can provide proof of this. The regulation does not provide for a local authority to impose a minimum period of residence in the area prior to the application for social housing support. Where a household can provide evidence of their current residence e.g. a utility bill, lease, letter from an IPAS Centre or social welfare payment this should be accepted as proof that the household ‘normally resides in this area. This applies to households residing with the IPAS who have gained status.

5.3 Local Connection

In determining whether a household has a local connection with its area, a local authority must have regard to whether a household member:

- lived in the area for a continuous 5-year period at any time in the past,
- is employed in the area or within 15 km of the area,
- is in full-time education, or attending specialist medical care in the area, or
- has a relative (defined in the Regulations) living in the area for 2 years or longer.

5.4 Local Authority Discretion

Regulation 5(c) allows local authorities discretion to accept applications from any person or household not resident in the authority’s functional area and who can’t establish a local connection with that area. This discretion afforded is very broad, ensuring local authorities have the scope to respond quickly and flexibly to atypical or urgent cases that may arise.

The scope of this discretion isn’t defined and a decision to apply it or otherwise is a matter for local authorities. That said, there are several categories of vulnerable households in respect of which it is envisaged the discretion would generally be applied by local authorities.

These include, but are not limited to, applications for support from persons who may be exiting the IPAS and with status.

In many cases it may not be possible, practical or appropriate for such households to meet the requirements vis-à-vis normal residence or local connection. Accordingly, Regulation 5(c) provides sufficient scope, taking into account the circumstances of each case and any arrangements or agreements between local authorities, for applications from these households to be accepted and assessed.

5.5 Alternative accommodation Reg 22

'A household shall be ineligible for social housing support if it has alternative accommodation that the household could reasonably be expected to use to meet its housing need, either by occupying it or by selling the accommodation and using the proceeds to secure suitable accommodation suitable for the household's adequate housing'

When assessing an application for social housing supports in circumstances where the applicant has been granted Refugee Status, Subsidiary Protection or Permission to Remain, reasonable regard should be given on land or other property ownership in an applicant's country of origin. As stated above, alternative accommodation is where an applicant who can use this to meet their need or use the proceeds to secure housing. Even in rare cases where there may be property owned in a person's country of origin, it is unlikely that they can access the benefit of such ownership, and it is unlikely to meet the definition provided in the regulations.

Demonstrating to the local authority that a household does not own property in their country of origin can be unduly challenging given that they have fled their countries of origin, which may not have comparable or operating bureaucratic systems. Therefore, documentation need not be sought.

It should also be noted that affidavits to this effect are challenging to acquire and have limited value and should not ordinarily be required or sought.

5.6 Family Reunification

If an applicant has been given Refugee Status or Subsidiary Protection in the State, there is a legal right to family reunification with certain members of their family under the International Protection Act 2015. Applicants can be reunified with their 'nuclear' family, which consists of wife/husband/civil partner (once the marriage/civil partnership began prior to the application for protection) and any children under the age of 18. Persons granted Refugee Status or Subsidiary Protection in the State, who themselves are minors, are entitled to be reunited with their parents and minor siblings. This is a legal entitlement under the International Protection Act 2015 and local authorities will have to consider other household members as they arrive.

The local authority should assess the application for social housing support as presented to them. Should an application for family reunification be successful, they can be added to the social housing in the usual manner.

Note – Applicants who have been given 'Permission to Remain' do not have the same rights to family reunification but can also apply for it.

5.7 Next of Kin & Emergency Contact Information

Details regarding emergency contact information and next of kin is not required in the assessment for social housing support. Therefore, if this is not available to the applicant, this should be accepted by the local authority.

5.8 Income Assessment

As per the social housing application form, a degree of discretion is permitted to the local authorities as to the extent of documentation the authority deems necessary to ascertain a household's average income over the preceding 12 months in order to satisfy themselves of the household's true income pattern.

5.9 Married Applicants and Status

Whereby an applicant has a valid status to apply for social housing supports and their spouse does not yet have status, an assessment can be completed and a decision can be made on that applicant's eligibility. When the spouse is awarded their status, the local authority can then add them to the pre-existing application.

6. HAP and Other Supports

As per clarification note issued to all local authorities in February 2023, The Housing Assistance Payment (HAP) scheme is the recommended exit mechanism for households exiting the IPAS. You can access the full clarification note [here](#). Key points below:

- Households residing with the IPAS, who are granted leave to remain, will apply to the appropriate local authority for social housing. The relevant NGO working with the IPAS centre will assist the household with this process.
- Once social housing eligibility is confirmed that person will automatically be eligible for the HAP scheme, and a HAP pack is to be provided by the local authority.
- Homeless HAP supports including deposit, rent in advance and support from the Place Finder service are available to those with status who are eligible for social housing.
- Assistance with property searches, interviews, viewings etc. will be the role of the appointed NGO. The NGO will liaise with the appropriate local authority contact (including, where applicable, the Place Finder) to discuss local arrangements for processing of deposits, advance rent and scheme administration.

Local authorities are encouraged to streamline processing of HAP applications where a property has been secured.

Please Note - While Inter-Authority applications are permitted under the HAP scheme it should be emphasised to tenants that this approach does not carry over for the housing transfer/waiting list. The applicant will remain on the transfer list where they initially applied for social housing support. For this reason, a tenant who wishes to ultimately be considered for other forms of social housing allocation should apply for social housing support in the authority area where they wish to live. Time spent on lists is not transferrable between local authorities. Alternatively, tenants could be advised to apply where they live, pursue inter-authority HAP and then apply for social housing at the receiving local authority at the earliest opportunity.

Additionally, where a property is sourced and a HAP tenancy is not a sustainable option, local authorities could consider the RAS on a case-by-case basis. Questions on this should be directed to the RAS Section in the DHLGH ras@housing.gov.ie.

7. Further Support and Resources

Operational Queries in relation to this information note can be addressed to:

- Ashling Ward – Senior Staff Officer, Local Authority Services, The Housing Agency
hss@housingagency.ie
- Andrew Guy – Administrative Officer, Local Authority Services, The Housing Agency
hss@housingagency.ie
- Patrick McCarthy – Senior Executive Officer, Local Authority Services, The Housing Agency
hss@housingagency.ie

Policy Queries in relation to this information note can be addressed to:

- Darryl Barr – Higher Executive Officer, Social Housing Policy, Department of Housing, Local Government and Heritage
darryl.barr@housing.gov.ie
- Dorothy Kelleher – Assistant Principal Officer, Social Housing Policy, Department of Housing, Local Government and Heritage
dorothy.kelleher@housing.gov.ie

Disclaimer

All care has been taken in the preparation of this note and the information contained in it has been derived from sources believed to be accurate and reliable.

This note does not constitute legal advice, and if a local authority requires further legal advice, it is encouraged to engage a suitably qualified person.