

Permitting pre-clearance to operate in Ireland may violate Human Rights



Joint statement from Irish human rights organisations

Monday, 30 January 2017

FOR IMMEDIATE RELEASE

President Trump's Executive Order adopting a targeted ban on refugees and migrants from certain countries should be strongly and categorically condemned by the Irish government. This Executive Order is a barely concealed attempt to discriminate on nationality and religious grounds, itself a gross violation of freely accepted international human rights obligations. We stand in solidarity with US civil society organisations working to uphold the legal rights of all those affected by this Executive Order.

Closer to home, we express collective concern that the operation of US pre-clearance at Dublin and Shannon Airports may result in individual Gardaí and immigration officials providing assistance to US pre-clearance officials in implementing the Executive Order.

We welcome the call by the Minister for Children and Youth Affairs, Katherine Zappone for an urgent review of the Irish pre-clearance agreement with the US.

We call on the Minister for Foreign Affairs and Trade and the Minister for Justice and Equality to take steps to **immediately**:

1. Conduct an urgent review of the pre-clearance system operating in Ireland and take appropriate action, up to and including suspension of the pre-clearance agreement, where there might be a reasonable chance that a person's rights under the Constitution, EU law or the European Convention on Human Rights may be under threat.

2. Provide appropriate information on the applicable law and procedures to any person refused pre-clearance on the basis of the operation of the Executive Order. Irish immigration officials should also give any person refused pre-clearance the opportunity to seek legal advice. The organisations issuing this statement stand ready to give advice and/or make appropriate referrals, to any person refused pre-clearance in Ireland on the basis of the Executive Order.
3. Clarify the role of Gardaí and immigration officials in the US pre-clearance process to ensure that in the exercise of their public functions, a person's rights under the Irish Constitution, European Convention on Human Rights, EU law or international human rights law will not be violated.

Signed:

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Colm O’Gorman, Executive Director of [Amnesty Ireland](#)
Edel McGinley, Director of [Migrant Rights Center of Ireland](#) (MRCI)
Eilis Barry, Chief Executive of [Free Legal Advice Centres](#) (FLAC)
Fiona Finn, CEO of [Nasc, the Irish Immigrant Support Centre](#) (Nasc)
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