



Years Putting It Right  
Bliain Á Chur Ina Cheart  
Office of the Ombudsman  
Oifig an Ombudsman

Ms Emily O'Reilly  
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Médiateur européen

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27 November 2014

### **Own Initiative Inquiry re Frontex and fundamental rights**

Dear Emily

I refer to your letter of 20 October 2014 concerning your own initiative inquiry into forced returns carried out under the auspices of Frontex.

My Office does not have the remit to monitor Frontex flights leaving Ireland. It is my understanding that there is no national body in Ireland designated to carry out such monitoring. Frontex flights leaving Ireland would include Gardaí (police officers) accompanying persons being deported from this jurisdiction. If an individual complaint arose against Gardaí during such an operation, or if there was a serious adverse incident involving Gardaí, then a complaint or an own initiative investigation could lie with the Garda Síochána Ombudsman Commission in relation to the conduct of the Gardaí.

You raise the possibility of parallel inquiries being made by Ombudsmen which could address human rights issues arising from return operations. The legislation governing my Office prevents it from examining any complaints in relation to actions taken in the administration of the law relating to immigration. As you know, this Office has long held the view that the restriction in the area of immigration is unwarranted and is not in line with remit normally granted to Ombudsman Offices throughout Europe and beyond. I continue to pursue this issue with the Government and the Parliament.

As a matter of principle, I believe that there should be a designated oversight body in this jurisdiction charged with monitoring Frontex flights.

I am sorry that my Office has not been able to provide greater input to your investigation. I have however attached some general information on the scale and nature of deportations from Ireland in 2013 (see Appendix 1) which may help to inform your inquiry. My Office obtained this information from the website of the Department of Justice and Equality.

I look forward to seeing the outcome of your inquiry.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Tyndall', written in a cursive style.

Peter Tyndall  
Ombudsman

## Appendix 1

Deportations/Removals Almost 2,250 persons were deported/removed from the State in 2013.

This number comprises of some 1,890 persons who were refused entry into the State at ports of entry and were returned to the place from where they had come.

In addition, 210 failed asylum seekers and illegal migrants were deported from the State in 2013. The top 5 nationalities deported were from Nigeria, China, Mauritius, Albania and Pakistan. A total of 86 persons were deported on charter flights and 124 on scheduled commercial aircraft. In 2013, Ireland participated in 10 chartered deportation flights, 5 of which were organised in conjunction with EU agency FRONTEX which coordinates removals throughout the EU.

A further 84 asylum seekers were transferred to the EU member state in which they first applied for asylum under the Dublin Regulation. In addition, a further 63 EU nationals were returned to their countries of origin on foot of an EU Removal Order.