



STATUTORY INSTRUMENTS.

S.I. No. 62 of 2018



EUROPEAN UNION (DUBLIN SYSTEM) REGULATIONS 2018

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I, CHARLES FLANAGAN, Minister for Justice and Equality, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Regulation (EU) No 604/2013¹, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Dublin System) Regulations 2018.

Interpretation

2. (1) In these Regulations:

“Act of 1996” means the Refugee Act 1996 (No. 17 of 1996);

“Act of 2015” means the International Protection Act 2015 (No. 66 of 2015);

“Agency” means the Child and Family Agency;

“chairperson” has the meaning it has in section 2 of the Act of 2015;

“chief international protection officer” has the meaning it has in section 2 of the Act of 2015;

‘contract for services’ means a contract for services entered into by the Minister with a person for the provision by the person of assistance to international protection officers in the performance by them of their functions under the Act of 2015, the Regulations of 2014 or any Regulations giving effect to the EU Regulation or to any Regulation amending or replacing the EU Regulation;

“EU Regulation” means Regulation (EU) No 604/2013¹;

“immigration officer” has the meaning it has in section 3 of the Immigration Act 2004;

“international protection” has the meaning it has in section 2 of the Act of 2015;

“international protection officer” has the meaning it has in section 2 of the Act of 2015;

“legal representative” has the meaning it has in section 2 of the Act of 2015;

¹OJ No. L 180, 29.06.2013, p.31

¹OJ No. L 180, 29.06.2013, p.31

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 9th March, 2018.*

“Member State” means a Member State of the European Union or a state that participates in the EU Regulation by virtue of an agreement with the European Union;

“Minister” means Minister for Justice and Equality;

“person subject to the transfer procedure” means a person who may, under Regulation 10(1), be transferred in accordance with that Regulation;

“person who has entered into a contract for services” means a person who has entered into a contract for services with the Minister;

“port” has the meaning it has in section 1 of the Immigration Act 2004;

“Regulations of 2006” means the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006);

“Regulations of 2013” means the European Union (Subsidiary Protection) Regulations 2013 (S.I. No. 426 of 2013);

“Regulations of 2014” means the European Union (Dublin System) Regulations 2014 (S.I. No. 525 of 2014);

“Regulations of 2016” means the European Union (Dublin System) (Amendment) Regulations 2016 (S.I. No. 140 of 2016);

“subsidiary protection application” means—

- (a) an application for subsidiary protection made in accordance with Regulation 4(1)(a) of the Regulations of 2006, or
- (b) an application for a subsidiary protection declaration made or deemed to have been made under the Regulations of 2013;

“transfer decision” means a decision made by an international protection officer to transfer, in accordance with the EU Regulation—

- (a) an applicant, or
- (b) a person, being a person other than an applicant, referred to in Article 18(1)(c) or (d) of the EU Regulation,

where the State is the requesting Member State and the requested Member State has accepted to take charge of or to take back that applicant or person;

“Tribunal” means the International Protection Appeals Tribunal.

(2) A word or expression that is used in these Regulations and is also used in the EU Regulation shall have in these Regulations the same meaning as it has in the EU Regulation unless the contrary intention appears.

(3) A reference in these Regulations to a numbered Article is a reference to the Article so numbered of the EU Regulation.

Performance of functions under the EU Regulation

3. (1) The following functions under the EU Regulation shall be performed by an international protection officer save as otherwise provided in these Regulations:

- (a) the functions of a determining Member State;
- (b) the functions of a requesting Member State;
- (c) the functions of a requested Member State;
- (d) the communication and requesting of personal data and information under Article 34.

(2) The functions of a transferring Member State under the EU Regulation shall be performed by the Minister.

(3) (a) The functions of a Member State under Article 6 shall be performed by an international protection officer.

(b) In performing the functions referred to in paragraph (a), an international protection officer shall consult as necessary with the Agency in relation to the performance by him or her of his or her functions under—

- (i) subparagraphs (b) and (d) of paragraph 3 of Article 6, and
- (ii) such other provisions of Article 6 as the international protection officer considers necessary.

Personal interview

4. (1) An international protection officer shall, where necessary for the purpose of performing his or her functions referred to in Regulation 3(1)(a), and subject to Article 5(2), conduct a personal interview with the applicant concerned in accordance with the provisions of Article 5.

(2) The personal interview under paragraph (1) shall be conducted at such time and place as the international protection officer may fix.

(3) The chief international protection officer may delegate to a person who has entered into a contract for services the functions of an international protection officer under paragraph (1).

Notification of transfer decision

5. (1) Where an international protection officer makes a transfer decision, he or she shall send the applicant concerned and the applicant's legal representative (if known) a notification under paragraph (2).

(2) A notification under this paragraph shall be in the form specified in Schedule 1 or a form to the like effect and shall inform the applicant—

- (a) of the making of the transfer decision,
- (b) where applicable, that his or her application for international protection under section 15 of the Act of 2015 will not be examined, and
- (c) of the following:
 - (i) his or her entitlement under Regulation 6 to appeal against the transfer decision;
 - (ii) the manner in which such an appeal may be made;
 - (iii) the effect under Regulation 8 of such an appeal.

(3) The international protection officer shall send a copy of the transfer decision to the Minister.

(4) In this Regulation and Regulations 6 to 10, “applicant” includes a person, being a person other than an applicant, referred to in Article 18(1)(c) or (d).

Appeal against a transfer decision

6. (1) An applicant may, in accordance with this Regulation, appeal to the Tribunal, in fact and in law, against a transfer decision.

(2) An appeal under this Regulation shall be made by notice in writing, in the form specified in Schedule 2 or a form to the like effect, and—

- (a) shall be made—
 - (i) within 10 working days of the sending to the applicant of the notification under Regulation 5(2), or
 - (ii) where the Tribunal has granted the applicant a permission under Regulation 7(4)(a), within the period specified by the Tribunal under that subparagraph,

and
- (b) shall specify the grounds of appeal and indicate whether the applicant wishes the Tribunal to—
 - (i) hold an oral hearing for the purpose of the appeal, and
 - (ii) if so, direct the attendance of a witness before the Tribunal.

(3) Where an appeal is made in accordance with paragraph (2), the Tribunal, on receipt of the notice of appeal, shall—

(a) transmit a copy of the notice to the chief international protection officer, and

(b) notify the Minister of the making of the appeal.

(4) The chief international protection officer shall, following receipt under paragraph (3) of the copy of the notice of appeal, cause the Tribunal to be provided with originals of any documents, reports, or representations in writing submitted to an international protection officer in relation to the transfer decision and shall cause the Tribunal to be provided with an indication of the nature and source of any other information relating to the transfer decision that has come to the notice of the international protection officer in the course of the making of the transfer decision.

(5) The Tribunal may direct the chief international protection officer to cause such inquiries to be made with another Member State, and to cause the Tribunal to be furnished with such further information, as it considers necessary or expedient for the purpose of deciding an appeal under this Regulation.

(6) Subject to paragraph (7), an appeal may be determined without an oral hearing.

(7) The Tribunal shall hold an oral hearing for the purpose of an appeal under this Regulation where—

(a) the applicant has requested this in the notice under paragraph (2), or

(b) it is of the opinion that it is in the interests of justice to do so.

(8) In conducting an oral hearing, the Tribunal shall—

(a) enable the applicant to be present at the hearing and present his or her case to the Tribunal in person or through a legal representative, and

(b) enable the chief international protection officer to be present at the hearing and present his or her case to the Tribunal in person or through an international protection officer, a person who has entered into a contract for services or other person.

(9) In relation to an appeal under this Regulation, the Tribunal may decide to—

(a) affirm the transfer decision, or

(b) set aside the transfer decision.

(10) The Tribunal's decision under paragraph (9) shall be in writing and the Tribunal shall send a copy of the decision, which shall include the reasons for the decision, to the applicant and his or her legal representative (if known), the chief international protection officer and the Minister.

Applicant may request permission to make late appeal

7. (1) An applicant who fails to make an appeal within the period specified in Regulation 6(2)(a)(i) may request, in accordance with paragraph (3), the Tribunal to permit him or her to make an appeal under Regulation 6.

(2) Where an applicant (other than an applicant to whom a permission under this Regulation has been granted) purports to make an appeal under Regulation 6 after the expiry of the period specified in Regulation 6(2)(a)(i)—

(a) the Tribunal shall, by notice in writing, inform the applicant—

- (i) that his or her purported appeal has been received after the expiry of the period specified in Regulation 6(2)(a)(i),
- (ii) that he or she will be entitled under these Regulations to make an appeal under Regulation 6 only in accordance with a permission granted under paragraph (4), and
- (iii) of his or her entitlement to make, in accordance with paragraph (b), a request under paragraph (3),

and

(b) he or she may, within 3 working days of the receipt by him or her of the notice under paragraph (a), make a request under paragraph (3).

(3) A request referred to in paragraph (1) or (2) shall be made by notice in writing, in the form specified in Schedule 3 or a form to the like effect—

- (a) setting out the reasons why the applicant was unable to bring the appeal within the period specified in Regulation 6(2)(a)(i), and
- (b) requesting the Tribunal to permit him or her to make an appeal under Regulation 6.

(4) The Tribunal, on receipt of a request under paragraph (3), shall, subject to paragraph (5)—

- (a) permit the applicant to make an appeal within such period as the Tribunal may specify, or
- (b) refuse the request.

(5) The Tribunal shall grant a permission under paragraph (4) only where it is satisfied that—

- (a) the applicant has demonstrated that there were special circumstances as to why he or she could not make an appeal within the period specified in Regulation 6(2)(a)(i), and
- (b) in the circumstances concerned, it would be unjust not to grant the permission.

Suspension of implementation of transfer decision pending outcome of appeal

8. (1) An applicant who appeals under Regulation 6 shall, subject to paragraph (2), be entitled to remain in the State pending the outcome of the appeal.

(2) The following provisions of the Act of 2015 shall apply to the entitlement of an applicant under paragraph (1) to remain in the State, as if the references to an applicant in those provisions was a reference to an applicant referred to in paragraph (1):

(a) subsections (3), (4) and (5) of section 16;

(b) section 19.

Withdrawal and deemed withdrawal of appeal under Regulation 6

9. (1) An applicant who makes an appeal under Regulation 6 may withdraw his or her appeal by sending notice of withdrawal to the Tribunal.

(2) The Tribunal, on receipt of a notice under paragraph (1), shall, as soon as practicable, notify the Minister and chief international protection officer of the withdrawal.

(3) Where an applicant fails, without reasonable cause, to attend an oral hearing under Regulation 6, then, unless the applicant, within 3 working days of the date fixed under that Regulation for the oral hearing, furnishes the Tribunal with an explanation for not attending the hearing which the Tribunal considers reasonable in the circumstances, his or her appeal shall be deemed to be withdrawn.

(4) Where an appeal is withdrawn or deemed to be withdrawn under this Regulation, Regulations 6, 7 and 8 shall cease to apply in respect of the applicant concerned.

Transfer of an applicant to the Member State responsible

10. (1) Where Regulation 5 applies, the applicant concerned may be transferred in accordance with this Regulation where he or she—

(a) informs the chief international protection officer that he or she does not wish to exercise his or her right under Regulation 6 to appeal against the transfer decision,

(b) does not appeal under Regulation 6 within the period specified in paragraph (2)(a)(i) or, where applicable, (2)(a)(ii), of that Regulation,

(c) appeals in accordance with Regulation 6(2) and the appeal is withdrawn or deemed to be withdrawn under Regulation 9, or

(d) appeals under Regulation 6 and the outcome of the appeal is that the Tribunal affirms the transfer decision.

(2) An immigration officer or a member of the Garda Síochána may, for the purpose of facilitating the transfer of a person subject to the transfer procedure,

by notice in writing require the person to comply with one or more than one of the following conditions:

- (a) that he or she present himself or herself to such immigration officer or member of the Garda Síochána at such date, time and place as may be specified in the notice;
- (b) where, and only for so long as, it is reasonably necessary to facilitate his or her transfer, that he or she surrender his or her passport and any other travel document that he or she holds;
- (c) that he or she co-operate in any way necessary to enable an immigration officer or a member of the Garda Síochána to obtain a passport or other travel document, travel ticket or other document required for the purpose of such transfer;
- (d) that he or she reside or remain in a particular place in the State pending his or her transfer.

(3) A person subject to the transfer procedure shall comply with a requirement under paragraph (2).

(4) Where an immigration officer or a member of the Garda Síochána considers that there is a significant risk of a person subject to the transfer procedure absconding, the officer or member (“arresting officer or member”) may, for the purpose of facilitating the transfer of the person, arrest the person without warrant and a person so arrested may be taken by an immigration officer or a member of the Garda Síochána to a place listed in Schedule 4 and detained—

- (a) in the place under warrant of the arresting officer or member and in the custody of the officer of the Minister or member of the Garda Síochána for the time being in charge of the place, and
- (b) for a period not exceeding 7 days.

(5) For the purpose of arresting a person under paragraph (4), an immigration officer or member of the Garda Síochána may enter (if necessary by use of reasonable force) and search any premises (including a dwelling) where the person is or where the immigration officer or member, with reasonable cause, suspects the person to be and where the premises is a dwelling, the immigration officer or member shall not, unless acting with the consent of an occupier of the dwelling or other person who appears to the immigration officer or member to be in charge of the dwelling, enter that dwelling unless—

- (a) the person ordinarily resides at the dwelling, or
- (b) he or she believes on reasonable grounds that the person is within the dwelling.

(6) The matters to which an officer or member referred to in paragraph (4) may have regard, in considering for the purposes of that paragraph whether

there is a significant risk of a person subject to the transfer procedure absconding, include the following:

- (a) whether the person, in the purported discharge of his or her duty to establish his or her identity, has misrepresented or omitted facts, whether or not by the use of false documents;
 - (b) whether the person has failed to comply with a requirement under paragraph (2);
 - (c) whether the person, having been informed of arrangements for his or her transfer, has failed to co-operate with those arrangements;
 - (d) whether the person has explicitly expressed an intention not to comply with arrangements for his or her transfer;
 - (e) whether the person has previously failed to comply with the law of the State, or of another state, relating to the entry or presence of foreign nationals in the State or, as the case may be, that state.
- (7) (a) Subject to paragraph (b), paragraphs (4) and (5) shall not apply to a person subject to the transfer procedure who is under the age of 18 years.
- (b) If and for so long as an immigration officer or member of the Garda Síochána concerned has reasonable grounds for believing that the person subject to the transfer procedure is not under the age of 18 years, the provisions of paragraphs (4) and (5) shall apply as if he or she had attained the age of 18 years.
- (8) The Minister may, in order to facilitate the transfer of a person subject to the transfer procedure, issue to the person subject to the transfer procedure a *laissez passer* or such other travel document as the Minister considers appropriate.
- (9) An immigration officer or member of the Garda Síochána may, for the purpose of the transfer, detain a person subject to the transfer procedure in accordance with paragraph (10) and place him or her on a vehicle that is about to leave the State and the person shall be deemed to be in lawful custody while so detained and until the vehicle leaves the State.
- (10) A person who is detained under paragraph (9) may, for the purposes of that paragraph, be detained—
- (a) for a period not exceeding 7 days, in a place listed in Schedule 4,
 - (b) for a period or periods each not exceeding 12 hours, in a vehicle, for the purpose of bringing the person to the port from which the vehicle referred to in paragraph (9) is due to leave the State, or

- (c) for a period or periods each not exceeding 12 hours, within the port referred to in subparagraph (b).

(11) The master or person in charge of a vehicle that is about to leave the State shall, if so directed by an immigration officer or member of the Garda Síochána, receive a person subject to the transfer procedure on board the vehicle and afford the person so received proper accommodation and maintenance during the journey concerned.

Person to whom Article 18(1)(a) applies

11. (1) This Regulation applies to a person—

- (a) to whom Article 18(1)(a) applies,
- (b) who is present in the State, and
- (c) whom an international protection officer has agreed the State will take charge of on the grounds that the State is the Member State responsible.

(2) A person to whom this Regulation applies shall, without prejudice to sections 21 and 22 of the Act of 2015, be deemed to have made, on the date on which this Regulation first applies to him or her, an application for international protection under section 15 of that Act, and, subject to this Regulation, the provisions of that Act shall, with any necessary modifications, apply accordingly.

(3) An international protection officer shall, as soon as practicable after this Regulation first applies to a person—

- (a) send the person, and his or her legal representative (if known), a notice in writing—
 - (i) informing him or her of the effect of paragraph (2), and
 - (ii) inviting the person to complete, in respect of his or her application referred to in paragraph (2), the form prescribed under section 15(5) of the Act of 2015,

and

- (b) give or cause to be given to the person a statement under section 18(1) of the Act of 2015.

(4) Notwithstanding anything contained in those Regulations, Regulations 12 to 16 shall not apply to a person to whom this Regulation applies.

Applicant under section 8 of the Refugee Act 1996 or under section 15 of Act of 2015 to whom Article 18(1)(c) applies

12. (1) This Regulation applies to a person—

- (a) to whom Article 18(1)(c) applies,

(b) who has made—

- (i) an application for a declaration under section 8 of the Act of 1996, or
- (ii) an application for international protection under section 15 of the Act of 2015,

which application was, under the Act concerned, withdrawn or deemed to have been withdrawn,

(c) who is present in the State, and

(d) whom an international protection officer has agreed the State will take back on the grounds that the State is the Member State responsible.

(2) A person to whom this Regulation applies shall, notwithstanding section 22 of the Act of 2015, but without prejudice to section 21 of that Act, be deemed to have made, on the date on which this Regulation first applies to him or her, an application for international protection under section 15 of that Act, and, subject to this Regulation, the provisions of that Act shall, with any necessary modifications, apply accordingly.

(3) An international protection officer shall as soon as practicable after this Regulation first applies to a person—

- (a) send the person, and his or her legal representative (if known), a notice in writing—
 - (i) informing him or her of the effect of paragraph (2), and
 - (ii) inviting the person to complete, in respect of his or her application referred to in paragraph (2), the form prescribed under section 15(5) of the Act of 2015,

and

- (b) give or cause to be given to the person a statement under section 18(1) of the Act of 2015.

(4) Notwithstanding anything contained in those Regulations, Regulations 13 to 16 shall not apply to a person to whom this Regulation applies.

Certain persons taken back under EU Regulation

13. (1) This Regulation applies to a person—

(a) who is a person—

(i) to whom

- (I) a notification referred to in Regulation 4(1) of the Regulations of 2006 was sent and who did not make an application for

subsidiary protection under those Regulations within the period referred to in that paragraph, or

(II) a notice under section 17(5) (as amended by Regulation 34 of the Regulations of 2013) of the Act of 1996 was sent, and who did not make an application for a subsidiary protection declaration within the period specified in the notice,

(ii) who is present in the State, and

(iii) whom an international protection officer has agreed the State will take back on the grounds that the State is the Member State responsible.

(2) A person to whom this Regulation applies shall, notwithstanding section 22 of the Act of 2015 but without prejudice to section 21 of that Act, and subject to Regulation 15, be deemed to have made, on the date on which this Regulation first applies to him or her, an application for international protection under section 15 of that Act.

(3) An international protection officer shall, as soon as practicable after this Regulation first applies to a person—

(a) send the person and his or her legal representative (if known), a notice in writing—

(i) informing him or her of the effect of paragraph (2), and

(ii) inviting the person to complete, in respect of his or her application referred to in paragraph (2), the form prescribed under section 15(5) of the Act of 2015,

and

(b) give or cause to be given to the person a statement under section 18(1) of the Act of 2015.

(5) Notwithstanding anything contained in those Regulations, Regulations 14 and 16 shall not apply to a person to whom this Regulation applies.

Subsidiary protection applicant to whom Article 18(1)(c) applies

14. (1) This Regulation applies to a person—

(a) to whom Article 18(1)(c) applies,

(b) who has made a subsidiary protection application which application was, under the Regulations of 2006 or the Regulations of 2013, as the case may be, withdrawn or deemed to have been withdrawn,

(c) who is present in the State, and

(d) whom an international protection officer has agreed the State will take back on the grounds that the State is the Member State responsible.

(2) A person to whom this Regulation applies shall, notwithstanding section 22 of the Act of 2015 but without prejudice to section 21 of that Act, and subject to Regulation 15, be deemed to have made, on the date on which this Regulation first applies to him or her, an application for international protection under section 15 of that Act.

(3) An international protection officer shall, as soon as practicable after this Regulation first applies to a person—

(a) send the person, and his or her legal representative (if known), a notice in writing—

(i) informing him or her of the effect of paragraph (2), and

(ii) inviting the person to complete, in respect of his or her application referred to in paragraph (2), the form prescribed under section 15(5) of the Act of 2015,

and

(b) give or cause to be given to the person a statement under section 18(1) of the Act of 2015.

(4) Notwithstanding anything contained in those Regulations, Regulation 16 shall not apply to a person to whom this Regulation applies.

Person to whom Regulation 13(2) or 14(2) applies.

15. Where a person is deemed under Regulation 13(2) or 14(2) to have made an application for international protection under section 15 of the Act of 2015, the provisions of that Act shall apply to the application, with the following modifications and any other necessary modifications—

(a) the application shall be deemed not to be an application for status in the State as a refugee on the basis of a refugee declaration but to be an application only for status in the State as a person eligible for subsidiary protection on the basis of a subsidiary protection declaration,

(b) for the purposes of the examination under Part 5 of that Act of the application, the person shall be deemed to be a person who should not be given a refugee declaration,

(c) for the purposes of section 39(3) of that Act—

(i) a recommendation referred to in paragraph (a) of that subsection shall not be made in respect of the person, and

- (ii) the recommendation of the Refugee Applications Commissioner, made under the Act of 1996 in respect of the person, shall be deemed to be a recommendation, referred to in paragraphs (b) and (c) of that subsection, of the international protection officer that the person should not be given a refugee declaration,

and

- (d) an appeal to the Tribunal under section 41(1) of that Act against a recommendation under paragraph (b) or (c) of section 39(3) of that Act may be made only in respect of the part of the recommendation that recommends that the person should not be given a subsidiary protection declaration.

Applicant for subsidiary protection under Regulations of 2006 to whom Article 18(1)(d) applies

16. (1) This Regulation applies to a person—

- (a) to whom Article 18(1)(d) applies,
- (b) who has made an application for a subsidiary protection declaration under the Regulations of 2006 and whom the Minister has determined, under Regulation 4(5) of those Regulations, is not a person eligible for subsidiary protection,
- (c) who is present in the State, and
- (d) whom an international protection officer has agreed the State will take back on the grounds that the State is the Member State responsible.

(2) Subject to this Regulation, a person to whom this Regulation applies may appeal to the Tribunal against the determination of the Minister referred to in paragraph (1)(b).

(3) Paragraph (2) shall not apply to a person to whom this Regulation applies who has previously had the opportunity, under that paragraph, to appeal against the determination of the Minister referred to in paragraph (1)(d).

(4) An appeal under paragraph (2) shall be made—

- (a) within 15 working days of the sending to the person concerned of the notice referred to in paragraph (5), and
- (b) by notice in writing, in the form specified in Schedule 5 or a form to the like effect.

(5) An appeal under paragraph (2) made in accordance with paragraph (4) shall be deemed to be an appeal under section 41(1)(b) of the Act of 2015, and the provisions of that Act shall apply to the appeal, with the following modifications and any other necessary modifications—

- (a) the determination of the Minister, referred to in paragraph (1)(b), shall be deemed to be a recommendation, referred to in section 39(3)(c) of that Act, of an international protection officer that the person should be given neither a refugee declaration nor a subsidiary protection declaration,
- (b) the appeal shall be deemed to have been made only in respect of the part of the recommendation referred to in paragraph (a) that recommends that the person should not be given a subsidiary protection declaration, and
- (c) a reference in that Act to a notice of appeal under section 41(2) shall be deemed to be a reference to the person's notice of appeal under paragraph (4)(b).

(6) An international protection officer shall send a person to whom this Regulation applies, and his or her legal representative (if known), a notice in writing informing him or her of the effect of paragraphs (2), (3) and (4).

(7) Where a person makes an appeal under paragraph (2) in accordance with paragraph (4), an international protection officer shall, as soon as practicable, give or cause to be given to the person a statement under section 18(1) of the Act of 2015.

Provisions in relation to chief international protection officer

17. (1) The chief international protection officer shall be independent in the exercise of his or her functions under these Regulations.

(2) A reference in section 75(3) of the Act of 2015 to the functions of the chief international protection officer (including a reference to the functions of the chief international protection officer conferred by that Act) shall be deemed to include a reference to the functions conferred on the chief international protection officer by these Regulations.

Provisions in relation to international protection officers

18. (1) An international protection officer shall be independent in the performance of his or her functions under these Regulations.

(2) A reference in the Act of 2015 to the functions of an international protection officer conferred on him or her by that Act shall be deemed to include a reference to the functions conferred on an international protection officer by these Regulations.

Provisions in relation to the Tribunal

19. (1) The Tribunal shall be independent in the performance of its functions under these Regulations.

(2) A reference in the Act of 2015 to—

- (a) a function of the Tribunal, chairperson, deputy chairperson, registrar or a member of the Tribunal (including a reference to a function

conferred by that Act) shall be deemed to include a reference to the functions conferred upon the Tribunal, chairperson, deputy chairperson, registrar or member, as the case may be, by these Regulations.

- (b) the work or business of the Tribunal shall include a reference to the work or business of the Tribunal by virtue of these Regulations, and
- (c) an applicant and an appeal shall include a reference to an applicant or an appeal, as the case may be, under these Regulations.

Notices

20. (1) Notices, representations in writing or documents required or authorised by these Regulations to be sent by or given to the Tribunal shall be deemed to have been duly sent or given if directed to the Chairperson, International Protection Appeals Tribunal, and—

- (a) sent by prepaid registered post,
- (b) sent electronically where confirmed by a successful receipt report, or
- (c) delivered to the Tribunal, where the applicant has a receipt for the delivery, issued by the Tribunal.

(2) Where a notice is required or authorised by these Regulations to be served on or given to a person, it shall be addressed to him or her and shall be served on or given to him or her in one of the following ways:

- (a) by delivering it to him or her, or
- (b) by sending it by prepaid registered post addressed to him or her at the address most recently furnished by him or her to an international protection officer or, in the case of his or her legal representative, if any, at his or her address, or, in a case in which an address for service has been furnished, at that address.

(3) Where a notice under these Regulations has been sent to a person in accordance with paragraph (2)(b), the notice is deemed to have been duly served on or given to the person on the third working day after the day on which it was so sent.

Prioritisation of applications and appeals

21. (1) Subject to paragraphs (2) and (5), the chief international protection officer may, where he or she considers it necessary or expedient to do so, accord priority to the performance by an international protection officer of his or her functions under Regulation 3(1) in respect of a particular applicant for international protection or other person.

(2) The power conferred on the chief international protection officer under paragraph (1) is subject to the need for fairness and efficiency in the performance of the functions referred to in that paragraph.

(3) Subject to paragraphs (4) and (5), the Minister may, where he or she considers it necessary or expedient to do so, and having consulted with the chairperson of the Tribunal, request the chairperson to accord priority to any appeal under Regulation 6.

(4) The power conferred on the Minister under paragraph (3) is subject to the need for fairness and efficiency in the hearing of appeals under Regulation 6.

(5) The matters to which the chief international protection officer may have regard in according priority under paragraph (1), and to which the Minister may have regard in making a request under paragraph (3), include—

- (a) the interests of public security and public policy, and
- (b) the need to ensure the effectiveness of procedures for the application of the EU Regulation.

Revocation

22. Subject to Regulation 23, the Regulations of 2014 and 2016 are revoked.

Transitional

23. Notwithstanding the revocation of the Regulations of 2014 and 2016—

- (a) a transfer decision made under those Regulations, that is in force immediately before the date on which these Regulations come into operation, shall continue in force,
- (b) the Regulations of 2014 and 2016 shall continue to apply in respect of such a transfer decision, and
- (c) a transfer order made under the Refugee Act 1996 (Section 22) Order 2003 (S.I. No. 423 of 2003) that is in force immediately before the date on which these Regulations come into operation, shall continue in force, and that Order shall continue to apply in respect of—
 - (i) such a transfer order, and
 - (ii) a notice under Article 7 of that Order that is issued to a person the subject of such a transfer order.

SCHEDULE 1

European Union (Dublin System) Regulations 2018

Notice of decision to transfer application to another Member State

To:

Dear

An International Protection Officer has decided that _____ is responsible, pursuant to the provisions of Article _____ of Regulation (EU) No. 604/2013*, for dealing with your application for international protection. Ireland will not be examining your application for a declaration under section 15 of the International Protection Act 2015

The reason(s) for this decision is/are as follows:

The appropriate authorities in _____ have agreed to readmit you to that country pursuant to the above EU Regulation.

The Minister for Justice and Equality has been notified of this decision with a view to making arrangements for your transfer to _____.

You may appeal this decision within 10 working days of the date of this notice to the International Protection Appeals Tribunal. If you wish to appeal, you must do so by completing the attached notice of appeal. The notice of appeal shall specify the grounds of appeal on which you rely for the purposes of your appeal. Your appeal should be sent by registered post, facsimile or delivered to the International Protection Appeals Tribunal, 6/7 Hanover Street East, Dublin 2.

An appeal of this decision confers the right to remain in this State pending the outcome of that appeal. You will be notified of the outcome of your appeal at the address provided by you.

In accordance with the provisions of Regulation (EU) No. 604/2013, your transfer to _____ will take place as soon as practically possible and at the latest within six months from the date of acceptance by the other Member State. In the event that you appeal this decision and your appeal is unsuccessful, your transfer to _____ will take place within six months of a final decision by the International Protection Appeals Tribunal to this effect. The time limit can be extended in certain circumstances provided for in Regulation (EU) No. 604/2013.

Yours sincerely,

Signed: _____

International Protection Officer:

Date:

*Regulation (EU) No. 604/2013 of the European Parliament and the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

SCHEDULE 2

European Union (Dublin System) Regulations 2018

International Protection Appeals Tribunal

NOTICE OF APPEAL

against the transfer decision of an International Protection Officer made under Regulation (EU) No. 604/2013*

1. Personal details:

1.1 Name: _____

1.2 Address: _____

1.3 Nationality: _____

1.4 Your temporary residence certificate number: _____

2. Legal Representation:

2.1 Do you have legal representation? YES / NO (delete as appropriate)

2.2 Name of your legal representative: _____

2.3 His or her address: _____

2.4 His or her telephone number: _____

2.5 His or her email address: _____

3. Grounds of Appeal:

Please state clearly and concisely the grounds of your appeal. You may use additional pages, if necessary.

Ground 1 _____

Ground 2 _____

Ground 3 _____

4. Oral Appeal

4.1 Do you wish to have an oral hearing in connection with your appeal-

Yes No (tick as appropriate).

Please note that if you do not request an oral hearing, the Tribunal will consider your appeal on the basis of this appeal form and the documentation supplied by you and the Chief International Protection Officer

4.2 If yes, do you require an interpreter-

Yes No (tick as appropriate).

4.3 If yes, please specify the precise language or dialect for which you require interpretation.

5. Communications to the Tribunal:

All communications to the Tribunal should be sent by registered post, or faxed to 01-4748410 (and confirmed by a successful transmission report), or delivered to the International Protection Appeals Tribunal, 6/7 Hanover Street East, Dublin 2. The Tribunal will issue you with a receipt which you should retain as proof of such delivery.

Signed: _____
Applicant
Date

Signed: _____
Legal Representative
Date

SCHEDULE 3

European Union (Dublin System) Regulations 2018

International Protection Appeals Tribunal

Request for Permission to make a late appeal against the transfer decision of an International Protection Officer made under Regulation (EU) No 604/2013.*

1. Personal details:

1.1 Name: _____

1.2 Address: _____

1.3 Nationality: _____

1.4 Your temporary residence certificate number: _____

2. Legal Representation:

2.1 Do you have legal representation? YES / NO (delete as appropriate)

2.2 Name of your legal representative: _____

2.3 His or her address: _____

2.4 His or her telephone number: _____

2.5 His or her email address: _____

3. Request for Permission to make a late appeal:

3.1 I, _____ request the permission of the International Protection Appeals Tribunal to make a late appeal against the transfer decision of an International Protection Officer made under Regulation (EU) No 604/2013

3.2 Please set out clearly the reasons why you were unable to bring the appeal within the period set out in Regulation 6(2)(a)(i)

4. Communications to the Tribunal:

All communications to the Tribunal should be sent by registered post, or faxed to 01-4748410 (and confirmed by a successful transmission report), or delivered to the International Protection Appeals Tribunal, 6/7 Hanover Street East, Dublin 2. The Tribunal will issue you with a receipt which you should retain as proof of such delivery.

Signed: _____
Applicant
Date

Signed: _____
Legal Representative
Date

SCHEDULE 4

Places of Detention

A Garda Síochána station

Castlerea Prison

Cloverhill Prison

Cork Prison

Limerick Prison

The Midlands Prison

Mountjoy Prison.

SCHEDULE 5**European Union (Dublin System) Regulations 2018**

International Protection Appeals Tribunal
NOTICE OF APPEAL against the determination of the Minister under
Regulation 4(5) of the Regulations of 2006* as provided for under Regulation
16(2) of the European Union (Dublin System) Regulations 2018

Part 1: Applicant's Details

[1.1] Personal Reference Number (e.g. 123456-16): _____

[1.2] Full Name: _____

[1.3] Any other Names used: _____

[1.4] Date of Birth: ____/____/____

[1.5] Address: _____

[1.6] Telephone Number(s) (if any): _____

[1.7] Nationality: _____

[1.8] Details of any dependents included in your appeal:

Name	Date of Birth	Male or Female	Relationship to Applicant	Personal Ref. No.

[1.9] Details of any other family members living in the State:

Name	Date of Birth	Male or Female	Relationship to Applicant	Personal Ref. No.

Part 2: Applicants under 18 and in the care of Tusla — The Child and Family Agency (if applicable)

[2.1] Name and address of Tusla — The Child and Family Agency representative:

[2.2] If you are in the care of a person other than a parent or Tusla — The Child and Family Agency, please insert here the name and address of that person.

Part 3: Legal Representation (if applicable)

[3.1] Do you have legal representation- Yes: No: (*tick as appropriate*)

[3.2] Name and Address of your legal representative:

[3.3] Telephone number: _____

[3.4] Email address: _____

Note: If you instruct a legal representative at a later stage of your appeal you should inform the Tribunal of this immediately and provide the Tribunal with the relevant details. If you have a legal representative, all correspondence in relation to your appeal will be sent to them unless the International Protection Act 2015 requires it to be sent directly to you.

Part 4: Grounds of Appeal

[4.1] Ground 1: _____

[4.2] Ground 2: _____

[4.3] Ground 3: _____

Note: Please state clearly and concisely the grounds on which you are seeking to appeal.

If you require more space, documentation should be listed on separate sheet(s)

Part 5: Oral Hearing (if applicable)

[5.1] Do you wish to have an oral hearing in connection with your appeal-

Yes: No: *(tick as appropriate)*

[5.2] If yes, do you require an interpreter? Yes: No: *(tick as appropriate)*

[5.3] If yes, please specify the precise language or dialect for which you require interpretation

Part 6: Witnesses

Name of Witness(es)	Contact Details	Language for Interpretation	Nature or purpose of evidence

Note: You can request the Tribunal to direct the attendance of a witness before the Tribunal. Please supply the name, address and telephone number of any such persons. Please also state clearly the nature, purpose and relevance of the evidence proposed to be given by them.

Part 7: Authorisation and Confirmation of Applicant

[7.1] I confirm that the answers set out in this form are true and correct.

[7.2] I authorise my legal representative to act on my behalf in respect of all matters with the Tribunal and to receive all correspondence and documents relating to my appeal.

Signed: _____ **Applicant**

Date: ____/____/____

Note: This part must be signed by the applicant.

Where the applicant is a minor it should be signed on their behalf by a parent/guardian.



GIVEN under my Official Seal,
6 March 2018.

CHARLES FLANAGAN,
Minister for Justice and Equality.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations are made for the purpose of supporting the operation in the State of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person (recast). These Regulations revoke the European Union (Dublin System) Regulations 2014 and the European Union (Dublin System) (Amendment) Regulations 2016.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
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52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
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