

An Oifig Um
Chosaint Idirnáisiúnta
International
Protection Office



IMMIGRATION SERVICE DELIVERY

INTERNATIONAL PROTECTION OFFICE

Information Booklet for Applicants for International Protection

**THE FOLLOWING INFORMATION BOOKLET SHOULD BE READ IN CONJUNCTION
WITH THE MAKING OF AN APPLICATION FOR INTERNATIONAL PROTECTION.
PLEASE READ CAREFULLY.**

Purpose of this booklet

This information booklet will help you understand the procedures for processing applications for international protection in Ireland. It will also explain what your rights and obligations are and who you will be dealing with during the application, examination and recommendation/determination process. This booklet also provides information about the grant of permission to remain on other grounds.

Important Notes

You should keep this information booklet so that you can refer back to it while your application is being processed.

When making your international protection application, you are entering a legal procedure. The documents you need to complete and the information you need to provide as part of the application, examination and recommendation/determination process are central to that process. Therefore, it is very important that you read the following information fully and seek legal advice as required so that you are in a position to support your application. You must co-operate with the International Protection Office (IPO). Failure to do so may have adverse legal consequences for the outcome of your application.

The law governing the examination and determination of applications for international protection as well as permission to remain and family reunification in Ireland is set out in the International Protection Act 2015 (the 2015 Act) and in the orders and regulations made under that Act. You can access this legislation in full on the following websites:

- www.ipa.gov.ie
- www.irishimmigration.ie

This booklet is for information and guidance purposes only. This booklet is not legal advice and it does not give a legal interpretation of the International Protection Act 2015. If you require more information about the 2015 Act and its effect on your case, you should obtain legal advice.

While every effort is made to ensure that the content of this booklet is correct, no responsibility is accepted for any error or omission contained herein. Furthermore, nothing in this booklet is to be taken as a representation or promise giving rise to any binding legal obligation on the part of the Minister for Justice ('the Minister') or any other party, including the officers and staff of the International Protection Office, beyond any obligation created by law.

International Protection Office
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Section 1

What is International Protection, and how do I apply for it?

1.1 What is international protection?

- 1.1.1 There are two forms of international protection covered by the International Protection Act 2015 namely refugee status and subsidiary protection.

Refugee status

- 1.1.2 To be recognised as a *refugee*, you must be a person who, owing to a well-founded fear of being persecuted for reasons of:

- (i) race,
- (ii) religion,
- (iii) nationality,
- (iv) political opinion or
- (v) membership of a particular social group,

is outside his or her country of nationality and is unable or, owing to such fear, is unwilling to avail of the protection of that country, or a stateless person, who, being outside of his or her country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it.

Subsidiary protection status

- 1.1.3 If it is decided that you are not a refugee, you may qualify for *subsidiary protection* if there are substantial grounds for believing that you would face a real risk of suffering serious harm if returned to your country of origin/country of former habitual residence. See **section 2.5.1** for more information.

1.2 Who can apply for international protection?

- 1.2.1 A person who is 18 years of age and over and who is at the frontier of the State (Ireland) or who is in the State (Ireland) can make an application for international protection

- (a) on his or her own behalf
- (b) on behalf of another person who is under 18 and for whose care and protection he or she is taking responsibility.

- 1.2.2** This is subject to the application referred to in **paragraph 1.2.1**

- (a) being found to be admissible (**see paragraph 3.3**), or
- (b) if a subsequent application, being accepted with the consent of the Minister (**see section 3.4**).

Please see also **section 3.13** concerning dependent children.

1.3 Is making an application for international protection the right course of action in my individual circumstances?

- 13.1 You should only apply for international protection if you fear returning to your country of origin/country of former habitual residence /nationality.

If you have other reasons for seeking to remain in the State (Ireland) please refer to the www.irishimmigration.ie website for information.

1.4 Where should I make my application for international protection?

- 14.1 You must make your application **in person** to the Minister. You should do this as soon as possible, either at the airport or seaport where you arrived in Ireland or (after entry to the State), at the

**International Protection Office,
Immigration Service Delivery,
79-83 Lower Mount Street,
Dublin 2.
D02 ND99**

1.5 Who will deal with my application for international protection?

- 15.1 By applying for international protection, you are requesting that the Minister considers whether you qualify for a refugee declaration *or* a subsidiary protection declaration.

- 15.2 As part of a single application procedure, your application for international protection will normally be examined by officials, known as International Protection Officers in the International Protection Office. This is part of Immigration Service Delivery (ISD), which is itself within the Department of Justice. Other persons within the IPO may also be involved in this process.

1.6 What is permission to remain and how do I apply for it?

- 16.1 If the IPO recommends that you are not entitled to either refugee status or subsidiary protection, the Minister will then consider whether or not to give you permission to remain in the State (Ireland) for another reason (for example, because of your family or personal circumstances). This function will also be carried out in the International Protection Office. You must set out the relevant information in the appropriate part of the International Protection Questionnaire.

You must also inform the IPO of any change in your circumstances which could be relevant to the decision to grant or refuse you permission to remain.

This is dealt with in more detail in **Section 13**.

1.7 What is family reunification?

- 17.1 If you are granted refugee or subsidiary protection status, you may apply to the Minister, within a period of one year from the date of grant, for permission for certain members of your family to enter and reside in the State (Ireland). **This relates only to spouses, civil partners (where you were married or in a civil partnership to that person on the date of your protection application), unmarried children under 18 years and, in the case of a minor granted protection, the parents and siblings of applicants who are under 18 years.**
- 1.7.2 The Minister will investigate the application and, if satisfied that the person is a member of your family covered by the family reunification requirements, will grant that person a residence permission.
- 1.7.3 The Minister may refuse to grant permission to a family member for a number of reasons including in the interests of public security, public policy or public order or where such a family member would be, or is, excluded from being a refugee or a person eligible for subsidiary protection.
- 1.7.4 It is important to note that when you make an application for international protection you are required to provide all details of family members who may subsequently qualify for family reunification should a declaration of refugee or subsidiary protection status be granted to you by the Minister.
- 1.7.5 For further information please see **Section 14**.

Section 2 Useful Terms

2.1 What is the International Protection Office (IPO)?

2.1.1 The IPO is an office within Immigration Service Delivery (ISD) and is responsible for examining and processing applications for international protection. The head of the IPO is the Chief International Protection Officer, who leads a team of international protection officers. Staff of the IPO will also decide, on behalf of the Minister, whether or not permission to remain in the State (Ireland) should be granted on other grounds to unsuccessful applicants for international protection.

2.2 What is the International Protection Appeals Tribunal (IPAT)?

2.2.1 The IPAT is a statutory independent body established to determine international protection appeals and such other appeal functions conferred on it by the International Protection Act 2015 and other relevant legislation.

2.3 Who is the Minister?

2.3.1 The Minister is the Minister for Justice.

2.4 Who is considered to be a refugee?

2.4.1 To be recognised as a *refugee*, you must be a person who, owing to a well-founded fear of being persecuted for reasons of

- (i) race,
- (ii) religion,
- (iii) nationality,
- (iv) political opinion or
- (v) membership of a particular social group,

is outside his or her country of nationality and is unable or, owing to such fear, is unwilling to avail of the protection of that country, or a stateless person, who, being outside of his or her country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it.

There are certain categories of persons who are excluded from being granted refugee status (**see section 2.8**).

2.5 Who is eligible for subsidiary protection?

2.5.1 This is a status which is similar to that of refugee. It is granted where the person does not qualify as a refugee but where the IPO considers that the person faces a real risk of suffering serious harm in his or her country of origin.

The precise definition is that a *person eligible for subsidiary protection* is a person

- (i) who is not a national of a Member State of the European Union,
- (ii) who does not qualify as a refugee,
- (iii) in respect of whom substantial grounds have been shown for believing that he or she, if returned to his or her country of origin/country of former habitual residence, would face a real risk of suffering serious harm, and who is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country; and
- (iv) who is not excluded from eligibility for subsidiary protection for certain reasons. Please see paragraph **2.8.2**.

2.6 What is serious harm?

2.6.1 *Serious harm* means:

- (i) death penalty or execution,
- (ii) torture or inhuman or degrading treatment or punishment of a person in his or her country of origin/country of former habitual residence, or
- (iii) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict.

2.7 What is the prohibition of refoulement?

2.7.1 The prohibition of refoulement means that the Minister shall not expel or return a person to the frontier of a territory where, in the opinion of the Minister,

- (i) the life or freedom of the person would be threatened for reasons of race, religion, nationality, membership of a particular social group or political opinion, or
- (ii) there is a serious risk that the person would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

The Minister must comply with this duty whether or not the person has been granted refugee status or subsidiary protection.

2.8 Who is excluded from international protection?

2.8.1 A person is excluded from being a refugee where:

- (i) he or she is receiving protection or assistance from organs or agencies of the United Nations (other than the United Nations High Commissioner for Refugees (UNHCR)), such as the United Nations Relief and Works Agency (UNRWA) and that protection or assistance has not ceased.
- (ii) he or she has been recognised by the competent authorities of the country in which he or she has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or rights and obligations equivalent to those, or
- (iii) there are serious reasons for considering that he or she:
 - a. has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes,
 - b. has committed a serious non-political crime outside the State (Ireland) prior to his or her arrival in the State (Ireland), or
 - c. has been guilty of acts contrary to the purposes and principles of the United Nations.

Please note that this exclusion also applies where there are serious reasons for considering that a person has incited or otherwise participated in the commission of a crime or act referred to in (iii).

2.8.2 A person is excluded from being eligible for subsidiary protection where there are serious reasons for considering that he or she:

- (i) has committed a crime against peace, a war crime, or a crime against humanity as defined in the international instruments drawn up to make provision in respect of such crimes,
- (ii) has committed a serious crime,
- (iii) has been guilty of acts contrary to the purposes and principles of the United Nations, or
- (iv) constitutes a danger to the community or to the security of the State (Ireland).

Please note that this exclusion also applies where there are serious reasons for considering that a person has incited or otherwise participated in the commission of a crime or act referred to at (i) – (iv).

- 2.8.3 A person is excluded from being eligible for subsidiary protection if he or she has, prior to his or her arrival in the State (Ireland), committed a crime not referred to in **paragraph 2.8.2** which, if committed in the State (Ireland), would be punishable by imprisonment and if he or she left his or her country of origin/country of former habitual residence solely in order to avoid sanctions resulting from that crime.

2.9 What is EURODAC?

EURODAC is an electronic system for the exchange and comparison of fingerprints between Contracting States for the effective application of the EU Dublin Regulation. Please see **section 10** for information on the EU Dublin Regulation.

2.10 What is the scope of the Common Travel Area?

- 2.10.1 The Common Travel Area (CTA) comprises Ireland, the United Kingdom, the Channel Islands and the Isle of Man.

Section 3

The International Protection Process

3.1 What can I expect when I make my application for international protection?

3.1.1 When you apply for international protection you can expect that:

- (i) You will be treated with respect, dignity and fairness regardless of your age, disability, nationality, ethnicity, race, gender, sexual orientation, religion or belief.
- (ii) The IPO recognises that this process may be unfamiliar to you and that you may have been through traumatic experiences, and that you may find it difficult to reveal sensitive information about yourself.
- (iii) In order for your individual circumstances to be taken fully into account when considering your application, the IPO wants you to feel safe in sharing any sensitive information, for example, about rape, torture, any ill-treatment, or your sexuality, where relevant to your application. All details provided in connection with your application will be treated in confidence in accordance with the law and will not be disclosed to the authorities in your home country or to representatives of your country in Ireland.
- (iv) Should your particular experience be such that you may find it easier to talk with either a man or a woman about your experiences, the IPO will accommodate such requests, where possible.
- (v) You will be asked if you are happy to speak to the IPO in English or if you will need an interpreter. You are entitled, where necessary and possible, to be provided with an interpreter to ensure appropriate communication.

3.2 What are the initial steps in the application process?

3.2.1 It is important to note that before you can make an application for international protection you must first complete a preliminary interview which will include consideration of whether or not your application is admissible or can be accepted by the IPO. You will also fill out a short questionnaire regarding your application and the reasons you are looking for protection.

3.3 How will the admissibility of my application be determined?

3.3.1 Before you can make an application for international protection you must, as part of your preliminary interview, satisfy an international protection officer that your application is admissible.

- 3.3.2 Your application will not be admissible (and you will not be entitled to apply for protection) if:
- (i) Another EU member state has granted you refugee status or subsidiary protection and/or
 - (ii) a country, other than an EU member state
 - a. has recognised you as a refugee and you can still avail yourself of that protection, or
 - b. you otherwise enjoy sufficient protection in that country, including benefiting from the principle of non-refoulement and you will be readmitted to that country.
- 3.3.3 An international protection officer will make a recommendation about the admissibility of your application following the preliminary interview.
- 3.3.4 Should you receive a recommendation from an international protection officer that your application for international protection is inadmissible, you will receive a written report with reasons.
- 3.3.5 You are entitled to appeal that recommendation to the IPAT within the relevant statutory period. Further information on appeals is to be found in **section 5. The decision of the IPAT will be made without an oral hearing.**
- 3.3.6 If the international protection officer recommends that your application is inadmissible, and that recommendation is affirmed by the IPAT, the Minister must decide that your application is inadmissible.
- 3.3.7 If the application is found to be admissible, either by the IPO or the IPAT, it will be accepted by the Minister for investigation and determination by the IPO.
- 3.4 If I have already received a decision on a previous application for international protection, can I make another application (subsequent application)?**
- 3.4.1 A person cannot make a second or further application (*subsequent application*) for international protection without the consent of the Minister.
- 3.4.2 An application for the Minister's consent to make a subsequent application for international protection should be made in writing to the Minister and will be considered by an international protection officer.
- 3.4.3 In order to be entitled to make a subsequent application, the following conditions must be satisfied:
- (i) Since the determination of the previous application for international protection, new elements or findings have arisen or have been presented by you which make it significantly more likely that you will qualify for international protection, and

you were, through no fault of your own, incapable of presenting these elements or findings for the purposes of your previous application,

or

- (ii) If the previous application was withdrawn or deemed to have been withdrawn, you were, at the time of the withdrawal or deemed withdrawal, through no fault of your own, incapable of pursuing your previous application.

3.4.4 If the international protection officer recommends that the Minister should give you consent to the making of a subsequent application, the Minister will grant you that consent and you may then make the application.

If the international protection officer recommends that the Minister should *not* give his or her consent to your making of a subsequent application, you will receive a written report with reasons.

3.4.5 You are entitled to appeal the latter recommendation to the IPAT within the relevant statutory period. Further information on appeals is to be found in **section 5. The decision of the IPAT will be made without an oral hearing.** If you do not appeal, the Minister will refuse you consent to make a subsequent application.

3.4.6 If you are successful in your appeal, the Minister will grant you consent to make the subsequent application. If you are unsuccessful in your appeal to IPAT, the Minister will refuse you consent to make a subsequent application.

3.5 What is the preliminary interview?

3.5.1 When completing a preliminary interview, you will be asked, amongst other things, some short questions regarding

- (i) whether you wish to make an application for international protection and, if so, the general grounds on which the application is based,
- (ii) your identity,
- (iii) your nationality,
- (iv) your country of origin/country of former habitual residence,
- (v) the route you travelled to the State (Ireland), the means of transport used and details of any person who assisted you in travelling to Ireland,
- (vi) the reasons why you came to Ireland,
- (vii) the legal basis for your entry to or presence in the State (Ireland).

3.5.2 You will also be asked some questions to determine whether you can be admitted to the international protection process (**see sections 3.3 and 3.4**).

3.5.3 This preliminary interview will, where necessary and possible, be conducted with the assistance of an interpreter.

- 3.5.4 A record of this preliminary interview will be kept by the officer conducting it. It will be read back to you and you will have the opportunity to make corrections to the record should you need to do so. You will be asked to sign a declaration to confirm that the information you have given is correct and that any necessary corrections or changes have been made. It is very important that you read over this declaration carefully to make sure that it includes all relevant information that you have provided. It is your responsibility to ensure that during the interview you have not been misquoted or misunderstood. You will then be given a copy of this agreed interview record.
- 3.5.5 Following this preliminary interview, if your application is found to be admissible, you will be allowed to make an application for international protection by filling out an application form. You will also fill out a short questionnaire regarding your application and the reasons you are looking for protection

3.6 Will I have fingerprints and other biometric information taken?

- 3.6.1 The IPO will take your biometric information. This involves taking your fingerprints and your photograph. This is for the purpose of establishing your identity and checking whether or not you previously made an application for international protection in a Contracting State to the EU Dublin Regulation (**see section 10**). The information will be checked against other databases (including EURODAC and visas) to ensure that Ireland is the responsible country to examine your application.

Fingerprints will only be taken from a person under the age of 14 in the presence of a parent or responsible adult or, if applicable, a person appointed by TUSLA - Child and Family Agency to make the application and represent the applicant during the process.

3.7 Will I receive written information on the international protection process?

- 3.7.1 This Booklet will provide you with the necessary information on the international protection process.

3.8 What do I need to bring with me when I make my international protection application?

- 3.8.1 You should bring any documents you have in your possession to the IPO when making your application. These include

- **Passport(s)** - this includes your passport, and the passports of your spouse and/or any dependants with you in Ireland (if applicable). This is to help the IPO establish your age, identity and nationality. If you used a false passport for all or part of your travel to Ireland then you should also bring this.
- **Any other travel documents** - this includes travel tickets and boarding passes, even if they were not issued in the name on the passport or national identity document used for travelling.
- **Other documents** - this includes identity cards, birth/marriage/school certificates, membership cards and any other documents relevant to your claim.

3.8.2 You should provide the IPO with **all available documentation** to support your application **as soon as possible**. You should bring them with you to the IPO or if you are unable to do this when you make your application for international protection, you should provide them as soon as possible in advance of or at your international protection interview. If you are unable to meet any of these requirements, you should provide the IPO with any additional documentation within the timescale which may be given to you at your international protection interview.

3.8.3 Depending on the circumstances involved, failure to provide documentation may be considered as **failure in your duty to co-operate** with the international protection process. Please see **section 4.4 and section 8.2**.

3.9 What is a Temporary Residence Certificate (TRC) and when will I receive it?

3.9.1 When you make your application for international protection and that application is found to be admissible, as part of the preliminary registration process you will receive a Temporary Residence Certificate (TRC). The TRC is evidence that you have submitted a protection application in Ireland.

3.9.2 The TRC is **not** an identity card and is not proof of your identity but it will contain the personal details you supplied to the IPO, including your name, date of birth and nationality, as well as your photograph.

3.9.3 The TRC, which can be renewed, remains the property of the Minister and you must surrender it when requested to do so by the Minister. Your TRC becomes invalid when your permission to enter and reside in the State (Ireland) as a protection applicant, ceases to be valid.

3.9.4 Please ensure that you keep your TRC up to date as it shows you have permission to be in the State (Ireland) for the purpose of your application for international protection.

3.10 What if I am disabled or have special needs?

3.10.1 Please tell the IPO as soon as possible about any special needs or requirements for your interview. You should also inform the IPO of any special needs on the day that you are making your application. Where feasible, the IPO will attempt to accommodate any reasonable needs of which you inform us.

3.11 Can I apply for international protection if in custody or detention?

3.11.1 You may apply for international protection even though you are in custody or detention in the State (Ireland). You can only make an application for protection through the Governor of the institution where you are being detained. You should notify the Governor's Office immediately should you wish to make an application for protection. The Governor's Office will then make the necessary arrangements with the IPO to have your application processed.

3.11.2 The IPO will accord priority to the examination and the determination of an application from a person in detention.

3.12 What are the circumstances in which an applicant for international protection can be detained?

3.12.1 An immigration officer or a member of the Garda Síochána may arrest an applicant without warrant if they reasonably suspect that the applicant:

- (i) poses a threat to public security or public order in the State (Ireland),
- (ii) has committed a serious non-political crime outside the State (Ireland),
- (iii) has not made reasonable efforts to establish his or her identity,
- (iv) intends to leave the State (Ireland) and without lawful authority enter another state,
- (v) has acted or intends to act in a manner that would undermine -
 - the system for granting persons international protection in the State (Ireland), or
 - any arrangement relating to the Common Travel Area (see **section 2.10**), or
- (vi) without reasonable excuse -
 - has destroyed his or her identity or travel document, or
 - is or has been in possession of a forged, altered or substituted identity document.

3.12.2 If you are arrested for any of the above, you may be taken to a prescribed place of detention. A person so detained shall, as soon as practicable, be brought before the District Court, which may commit the person to detention for a period of up to 21 days, or release the person subject to conditions. The period of detention can be renewed from time to time by periods of up to 21 days pending the determination of the application for international protection. A person detained under these provisions is entitled to consult a legal representative, and receive the assistance of an interpreter for the purpose of consultation with the legal representative and for any court appearances.

3.13 What happens if I have dependants under 18?

3.13.1 Provided he or she is not an Irish citizen, a dependent child under 18 years will be deemed to be included in your application. This presumption applies whether or not the child was present in the State (Ireland) at the time of the making of your application.

3.13.2 Therefore, if you make an application for international protection, you will be deemed to have also made an application on behalf of your dependent child who is not an Irish citizen and

- (a) at the time of the making of the application, is present in the State (Ireland) and is under 18 years of age,
- (b) is born in the State (Ireland) while you are an applicant,
- (c) who is under 18 years of age and enters the State (Ireland) while you are an applicant.

3.13.3 If you are applying for international protection and have dependent children, you must bring them with you to the IPO when you make your application.

3.13.4 Important: If your child is born after you have made an application for international protection, or any of your dependants subsequently arrive in the State (Ireland) after your application is made, you must bring the child/children to the IPO immediately.

3.14 Where can I get legal advice?

3.14.1 You have the right to consult a legal representative about the making of your application for international protection. You can avail of the services of the Legal Aid Board (LAB) which will

- (i) provide legal assistance and advice in support of your application.

- (ii) assist you in the preparation for your international protection interview and any written representations to the Minister.
- (iii) in the case of a negative recommendation on your application, provide representation for you in any appeal you may take to the International Protection Appeals Tribunal (IPAT).

3.14.2 Contact details for the LAB are set out in the **Annex** to this document.

3.14.3 If you do not wish to use the services of the LAB you may alternatively seek the services of a legal representative privately and at your own expense. If you choose to consult a legal representative privately you must ensure that he or she is registered as a practicing solicitor or a practicing barrister in the State (Ireland).

3.15 Can I withdraw my application for international protection?

3.15.1 You can generally withdraw your application for international protection at any time before the report on your application is prepared by an international protection officer. You can do this by sending a notification of withdrawal of the application to the IPO. The notification should include your most up to date address, your reference number and your signature. If you have dependent children included in your application, you should include their details on your notice of withdrawal.

3.15.2 The effect of the withdrawal of your application will be that an appeal to the IPAT will be unavailable and the Minister will refuse to give you a declaration of refugee status or of subsidiary protection status. However, please note that the Minister will not go on to consider whether or not you should be granted permission to remain on other grounds. Unless you have another basis on which to remain in the State (Ireland), you are likely to become at risk of a proposal to make a deportation order.

3.15.3 Before withdrawing your application for international protection you should seek legal advice to ensure that you fully understand the consequences of your decision.

Section 4 Interview and Examination

4.1 What can I expect at my international protection interview?

- 4.11 You will be given information about the date, time and place of your international protection interview **in writing by the IPO**. Your interview will be conducted in private. If you have requested special arrangements for your interview, the IPO will consider your request and facilitate you where possible.
- 4.12 Your interview is your opportunity to speak to the IPO face to face and to give a full account of why you left your country of origin/country of former habitual residence and why you are afraid of returning there. It is very important that you attend the interview, which we will make as sensitive and reassuring as possible. It is very important that you give a full account of what happened to you in a truthful manner and who you or what you are afraid of, if you returned to your country of origin/country of former habitual residence.
- 4.13 We will interview you in a language that you may reasonably be supposed to understand and in which you are able to communicate. A written record of the interview will be made by the international protection officer and will be read back to you at regular intervals so you can make any corrections or include more information. You will be asked to sign each page of the interview record to confirm that the information given is correct.
- 4.14 It is very important that you provide any evidence or information that you have to support your account at the time of your interview (or earlier if possible). If you have further evidence that you wish to submit after the interview, you should do so within the time period stated by the IPO.
- 4.15 We will take account of any gender-specific information and any vulnerability that you mention in your application or during the examination process.
- 4.16 **You will not be asked questions directly in relation to matters to do with permission to remain at your protection interview. The interview will focus on your protection application.** However, if such matters arise (for example, your family circumstances), they will be recorded in writing by the international protection officer. If the IPO recommends that you should not be granted international protection, consideration will be given to whether you should be granted permission to remain on other grounds, and any relevant information furnished during the protection application process will be considered at that time.

4.2 Can I bring anyone with me to my international protection interview for support?

421 Your interview will be conducted in private. Your legal representative may attend the interview. If you are receiving legal advice from the Legal Aid Board, you should check with your legal representative if they will be able to attend or not. Generally, no one else will be able to attend, unless you are under 18 years then either your guardian or a representative from TUSLA - Child and Family Agency must attend.

422 The person who accompanies you will not be able to answer any questions for you.

423 If you wish to bring a legal representative with you, he or she will be allowed to observe at the interview. Your legal representative will be given an opportunity at the start and at the end of the interview to make any points which they consider necessary. They will not be able to answer any questions for you.

4.3 What if I can't attend my interview or fail to attend my interview?

431 Because you have a duty to actively co-operate with the examination process, interviews can only be postponed for reasons of ill-health or other **exceptional** reasons. You should inform the IPO **as soon as possible** if you think you may have a problem coming to your interview. You are expected to provide medical evidence of any illness from your doctor (GP or consultant) to the IPO in advance of the interview.

432 If you do not attend for a personal interview on the date and at the time fixed and do not, within 3 working days from that date, provide the IPO with a reasonable explanation, the IPO will proceed to examine your application on the basis of the information you have submitted up to that point in the protection process. In other words, you lose the opportunity to explain matters at an interview and the application will be examined based on your application form and questionnaire and any documents that you have submitted prior to the time assigned for the interview.

4.4 Do I have a duty to co-operate with the application process and what are the consequences of failing to do so?

441 It is your duty to co-operate actively with the examination of your application for international protection.

442 Your duty to co-operate is wide ranging and includes the need

- (i) to be truthful and to submit as soon as reasonably practicable all the information needed to substantiate your application (this includes statements and documents at your disposal regarding the important elements of your application), and

- (ii) to co-operate in the examination of your application and in the determination of any appeal.

443 You are also required to comply with all of the other obligations in the International Protection Act 2015. In this regard, please see **section 8**.

444 If the Minister is of the opinion

- (i) that you are failing in your duty to co-operate in the examination of your application, or
- (ii) that you have breached your obligation not to leave or attempt to leave the State (Ireland) without the consent of the Minister, or
- (iii) that you have breached your obligation to inform the Minister of your address and any change of address as soon as possible, or
- (iv) that you have breached your obligation to comply with a notice that required you to:
- reside or remain in a specified district or place in the State (Ireland)
- and
- report at specified intervals to an immigration officer, or at a specified Garda Síochána station,

the Minister will notify you in writing of this opinion and invite you, within 10 working days, to furnish your observations in reply. You will be asked to confirm that you wish to continue with your application and will be reminded of your duty of co-operation.

445 If

- (a) you do not reply,

or, following consideration of your response,

- (b) the Minister decides that you are not co-operating with the protection process,

your application will be examined on the basis of the information that you submitted prior to that time.

4.5 What is the main examination process, including the personal interview?

451 The IPO will investigate your application for international protection to establish:

- first, whether or not you are entitled to refugee status, and, if not,
- whether or not you are entitled to subsidiary protection.

452 The process will normally require

- a personal interview,
- an examination of your application including all information submitted by you in writing or at interview and
- the preparation of a report on the results of the examination. This report will include findings and a recommendation as to whether or not you are eligible for either form of international protection.

Personal Interview

453 The purpose of the personal interview is to establish the full details of your claim for international protection. Spouses/partners are normally interviewed separately.

454 At the interview, you should

- (i) explain clearly and concisely why you are seeking international protection,
- (ii) explain clearly and concisely why you are seeking international protection in respect of your dependants, if applicable,
- (iii) provide all of the information, documentation and details relevant to your particular circumstances and those of your dependants and in particular, information on why you and your dependants cannot return to your country of origin/country of former habitual residence.

455 It is your duty to co-operate fully and to be completely truthful. Failure to do so may affect your credibility **and result in you being held not to have co-operated in the examination of your application** (see paragraphs 4.4.4 and 4.4.5 above).

456 An interviewer conducting an interview may, where he or she considers it necessary to do so, interview dependants included in your application.

457 To ensure appropriate communication an interview will be conducted with the assistance of an interpreter, where necessary and possible.

458 The interpreter is obliged to respect the confidential nature of the interview, and is not permitted to disclose, discuss, use, or pass to any other persons any information gathered while performing his or her functions.

459 You will be interviewed by an interviewer who has received training in interviewing persons seeking international protection and will have detailed information available on your country of origin/country of former habitual residence.

4510 A written/printed record of the interview will be kept by the interviewer. You will have an opportunity to review the record and you will be asked to sign each page to confirm that it is an accurate account of your interview. **If you believe that anything written or printed in this account is not accurate, you should inform the interviewer directly, and you will be given an opportunity to have it clarified during the interview.**

4511 You may make representations in writing to the IPO in relation to any matter relevant to its examination of your application. Any other person concerned with the application may also do so, as may the UNHCR. It is desirable that any such representations are made prior to the interview. The IPO will take into account all such representations made before or during an interview with you and may also take into account representations made after the interview provided that they are submitted before the report is completed in relation to the application.

4512 A personal interview may be dispensed with where an international protection officer is of the opinion that

- (i) the available evidence indicates that the applicant is a person who should be given a refugee declaration;
- (ii) the applicant, being under the age of 18, is of such a young age and low level of maturity that an interview would not usefully advance the examination, or
- (iii) the applicant is unfit or unable to be interviewed owing to circumstances that are enduring and beyond his or her control.

Examination of your application and preparation of the recommendation

4.6 What happens after my interview?

4.6.1 The IPO will consider all relevant information in respect of your application for international protection and prepare a recommendation based on this.

4.7 What are the possible outcomes of my international protection application?

4.7.1 An international protection officer will produce a written report containing a recommendation on your application for international protection. The recommendation will be one of the following:

- (i) that you should be given a refugee declaration,

- (ii) that you should not be given a refugee declaration but should be given a subsidiary protection declaration, or
- (iii) that you should be given neither a refugee nor a subsidiary protection declaration.

4.72 In cases where it is recommended that you be given neither a refugee nor a subsidiary protection declaration, the report of the international protection officer may also include one or more findings as follows:

- (i) that your application has raised only issues that are not relevant or are of minimal relevance to your eligibility for international protection,
- (ii) that you have made inconsistent, contradictory, improbable or insufficient representations which make your claim to be eligible for international protection clearly unconvincing,
- (iii) that you failed without reasonable cause to make your application as soon as reasonably practicable having had an opportunity to do so,
- (iv) that you are not in need of international protection as protection is available to you in a part of your country of origin/country of former habitual residence,
- (v) that your country of origin/country of former habitual residence is a designated safe country of origin/country of former habitual residence.

In a case where a report includes one of the findings above, a shorter period for an appeal to the IPAT may apply. See **Section 5** for information on the appeals process.

4.73 As part of the single procedure process, if you are found not to be eligible for refugee status or subsidiary protection, the Minister will then consider whether there are any reasons why you should be given permission to remain in the State (Ireland). Please see **paragraph 1.6** and **section 13**.

4.74 The Minister will notify both you and your legal representative (if known) of the recommendation of the international protection officer, by registered post. If the recommendation is that you should be granted refugee status, you will only be notified of that fact.

If you are refused refugee status or both refugee status and subsidiary protection, you will be sent:

- (i) a statement of the reasons for the recommendation,
- (ii) a copy of the report containing the recommendation, and
- (iii) information on how to appeal this recommendation to the IPAT.

- 4.75 If you are found not to be entitled to international protection, you will also receive a decision on whether the Minister has decided to give you permission to remain on other grounds, stating the reasons for this decision.
- 4.76 You may appeal a recommendation not to grant you international protection (either refugee status or both refugee status and subsidiary protection) to the IPAT. An IPAT decision on your appeal, and the reasons for it, will be notified both to you and your legal representative (if known).
- 4.77 You cannot appeal a decision of the Minister not to give you permission to remain.
- 4.78 If you appeal a recommendation not to grant you international protection and the IPAT upholds that recommendation, the Minister will then review the decision not to give you permission to remain if you have submitted any new information relating to a change of circumstances (of relevance to that decision) since the original decision was made (see **paragraph 13.5**).
- 4.8 What happens if I have not received a recommendation on my application for international protection within 6 months?**
- 4.81 If you have not received a recommendation on your application within 6 months, the Minister shall, at your request, provide you with information on the estimated time period within which a recommendation should be made. However, this estimate does not in itself bind the IPO to make a recommendation within that time.

Section 5

Appeals and International Protection

5.1 Am I entitled to appeal a recommendation not to grant me international protection and other recommendations?

5.1.1 Yes. If it is recommended that you are not entitled to refugee status or that you are not entitled to refugee or subsidiary protection status you can appeal that recommendation.

5.1.2 You are also entitled to appeal a recommendation that

- (i) your protection application is inadmissible, or
- (ii) you should not be allowed to make a subsequent application for international protection.

5.2 How do I appeal?

5.2.1 You must send an appeal to the International Protection Appeals Tribunal. When you receive your recommendation you will be given a copy of the appeal form that you need to complete.

5.3 What are the time limits to lodge an appeal?

5.3.1 Details of the relevant time limits will be included with your recommendation.

5.4 Am I entitled to legal representation for my appeal?

5.4.1 Yes. You should discuss your appeal with your legal representative. If you do not have a legal representative, you can contact the Legal Aid Board. Alternatively, you can hire a private solicitor at your own expense to help you.

5.5 How soon will my appeal be heard?

5.5.1 The International Protection Appeals Tribunal will contact you with details of when your appeal will be heard.

5.6 Where can I find out more information about the appeal process?

5.6.1 Information on the appeals process in respect of applications for international protection can be found on the IPAT website www.protectionappeals.ie

Section 6

Declaration of Refugee or Subsidiary Protection Status

6.1 What happens after I receive a recommendation?

6.11 If the IPO recommends that you should be given a refugee or subsidiary protection declaration, or the IPAT overturns a negative recommendation of the IPO, the Minister will, as soon as possible, give you a refugee declaration or a subsidiary protection declaration, whichever is applicable. This is subject to **paragraph 6.1.4** below.

6.12 If the IPO recommends that you should not be granted either form of declaration, and

- (i) you do not appeal, or,
- (ii) if you do appeal and you are unsuccessful,

the Minister will refuse to grant you either form of declaration.

6.13 A refugee declaration or a subsidiary protection declaration will cease to be in force should you become an Irish citizen.

6.14 Even if the IPO recommends or the IPAT decides on appeal that you are a refugee, the Minister may refuse to give you a declaration where:

- (i) there are reasonable grounds for regarding you as a danger to the security of the State (Ireland), or
- (ii) you constitute a danger to the community of the State (Ireland), having been convicted by a final judgment of a particularly serious crime (inside or outside the State (Ireland)).

Section 7

Your Rights if Granted International Protection

7.1 What are my rights if I receive international protection?

7.1.1 When you receive a refugee declaration or a subsidiary protection declaration, subject to the provisions of the International Protection Act, 2015, you are entitled:

- (i) to seek and enter employment, to engage in any business, trade or profession and to have access to education and training in the State (Ireland) in the same manner and to the same extent in all respects as an Irish citizen;
- (ii) to receive, upon and subject to the same conditions applicable to Irish citizens, the same medical care and the same social welfare benefits as those to which Irish citizens are entitled;
- (iii) to reside in the State (Ireland) for **a specified period** of not less than three years which shall be renewable subject to conditions; and
- (iv) to the same rights of travel to and from the State (Ireland) as those to which Irish citizens are entitled and to a travel document.

Section 8

Your Rights and Obligations in the International Protection Process

8.1 What are my rights in the international protection application process?

8.1.1 Unless your case is to be dealt with under the EU Dublin Regulation, in which case certain alternative arrangements apply (see **section 10**), your rights as an applicant for international protection include the following:

- (i) You will be given permission by the Minister to enter and remain in the State (Ireland) for the purpose of the examination of your application for international protection by the IPO and your appeal to the IPAT. See **paragraph 8.1.2**.
- (ii) You are entitled, where necessary and possible, to be provided with an interpreter to ensure appropriate communication.
- (iii) You are entitled to seek legal advice and assistance from the Legal Aid Board. Alternatively, you may engage private legal representation at your own expense, if you wish.
- (iv) You are entitled to communicate with the UNHCR. Contact details can be found in the **Annex**.
- (v) You are entitled to make submissions to the Minister in relation to your application. These submissions must be made in writing.
- (vi) The International Protection Accommodation Services (IPAS) may offer you accommodation (on a full board basis) while your protection application is being processed. Contact details for IPAS can be found in the **Annex**.
- (vii) All details provided in connection with your application will be treated in confidence. Information may, however, be disclosed to other public bodies which may be dealing with you, such as Irish Government Departments and Agencies including the Immigration Authorities, An Garda Síochána (the Irish Police) and Local Authorities. This will enable these organisations to carry out their functions including the administration of the law relating to the entry to and removal from the State (Ireland) of foreign nationals. Some information may also be provided to other countries operating the EU Dublin Regulation.
- (viii) You will be notified in writing by the IPO, the IPAT or the Minister, of any appointments, interviews, decisions or any other notices in connection with your application for international protection at the address provided by you.

8.1.2 Your Temporary Residence Certificate will generally remain valid until you cease to be an applicant for international protection, for example at the time when the Minister refuses to give you a refugee or subsidiary protection declaration or if you are transferred from the State (Ireland) in accordance with the EU Dublin Regulation.

8.2 What are my obligations in the international protection application process?

8.2.1 Your obligations as an applicant for international protection are as follows:

- (i) You must comply with the laws of the State (Ireland) and with any other requirements that may be imposed on you.
- (ii) It is your duty to co-operate fully in the examination of all aspects of your application and in the determination of any appeal, including by submitting all information and documentation in your possession to support your application.
- (iii) If you change your address, **you must notify the IPO, in writing**, of the details of your new address **immediately**. This applies even if you are transferred to new accommodation by the International Protection Accommodation Services (IPAS). **Failure to do so is an offence.**
- (iv) In all correspondence with the IPO or the IPAT **you should clearly indicate your name, address, nationality and the Person ID number** shown on your Temporary Residence Certificate.
- (v) **You must not leave or attempt to leave the State (Ireland)**, without the consent of the Minister, while your application is under consideration. To leave the State (Ireland) without the consent of the Minister is **an offence.**
- (vi) **You are not entitled to seek, to enter or to be in employment or to engage for gain in any business, trade or profession.** To engage in either employment or in business is **an offence.**
- (vii) You or your legal representative must **retain all copies of documentation** given to you by the IPO and the IPAT.
- (viii) You **may be required to reside or remain in a specified district or place** in the State (Ireland). Failure to do so is **an offence.**
- (ix) You **may be required to report at specified intervals** to an Immigration Officer, or a specified Garda Síochána (Irish Police) station. Failure to do so is **an offence.**
- (x) You must be **truthful** at all times in the information you provide in connection with your application and failure to do so is **an offence.**

- (xi) You should submit in your questionnaire any information you may have that would be relevant to the Minister's decision on whether or not to grant you permission to remain. You may also submit any information that would be relevant to the Minister's decision on whether to grant you permission to remain during the period between the making of your application and the preparation of the report in respect of the examination of your protection application. You should also inform the Minister of any change of circumstances that may be relevant to the Minister's decision on this matter immediately. Information on permission to remain can be found in **section 13**.
- (xii) You should make all relevant information which is in your possession, control or procurement available to the IPO or the IPAT, as soon as reasonably practicable.

IMPORTANT

- 8.2.2 You must provide the IPO or the IPAT (as appropriate) with **details of your legal representative (name, address, phone number etc.) and any change of legal representative, as soon as possible**. Failure to do so may prejudice your ability to receive advice and assistance from your legal representative on communications and decisions in connection with your application for international protection.

Section 9 Unaccompanied Children

9.1 What happens if I seek to apply for international protection as an unaccompanied child?

9.1.1 Where you appear to be a child (under the age of 18), and not accompanied by an adult who is taking responsibility for your care and protection, you will be referred to TUSLA - Child and Family Agency.

9.1.2 If you are referred to TUSLA - Child and Family Agency, and they accept you into their services, that agency will take responsibility for you and decide whether it is in your best interests to make an application for international protection or whether other options may apply such as family reunification or family tracing.

9.2 What is the procedure if TUSLA – Child and Family Agency makes an application for international protection for me?

9.2.1 If TUSLA - Child and Family Agency considers that it is in your best interest to make an application for international protection on your behalf, on the basis of information including legal advice available to it, it will arrange for the appointment of an employee of TUSLA - Child and Family Agency, or such other person as it may determine, to make such an application and to represent and assist you at the interview and examination process.

9.3 What is the procedure for referring a child under 18 to the Legal Aid Board?

9.3.1 TUSLA - Child and Family Agency can contact the LAB to arrange legal representation for you. Specific arrangements will be made with TUSLA - Child and Family Agency to accompany you to your interview.

Section 10 EU Dublin Regulation

10.1 What is the EU Dublin Regulation?

- 10.1.1 The EU Dublin Regulation provides the legal basis and procedural rules for establishing the criteria and mechanisms for determining the state responsible for examining an application for international protection made in one of the participating states by a third country national or a stateless person.
- 10.1.2 When you make an application for international protection at the IPO, you will be provided with further information on the Dublin process.
- 10.1.3 If you come under the provisions of the EU Dublin Regulation you may be transferred to another participating state to have your international protection application examined there.

Section 11 Voluntary Return Options

11.1 Do I have the option of voluntarily returning to my country of origin/country of former habitual residence?

11.11 An option open to you at any time during the examination of your application for international protection or after the refusal of your application is to return voluntarily to your country of origin/country of former habitual residence. If your protection application is withdrawn, you will also have the option at that stage to voluntarily return to your country of origin/country of former habitual residence.

11.12 If the Minister notifies you of his or her decision to refuse your application for international protection you will be specifically notified of the option of returning to your country of origin/country of former habitual residence voluntarily. In order to avail of this option at that stage, you must inform the Minister in writing within five days from the date of the Minister's notification. Your decision letter will provide you with details of who you should contact to organise your voluntary return to your country of origin/country of former habitual residence.

11.13 If you decide to voluntarily return to your country of origin/country of former habitual residence, you will be able to obtain advice and assistance from the International Organisation for Migration (IOM). Please see the **Annex** for contact details.

11.14 The IOM can assist you in obtaining the necessary travel documentation, as well as covering the financial costs of your travel from Ireland to your country of origin. In addition, a small integration grant is available to all returnees to help cover the costs of an income generating activity, such as education, professional training and/or business set-up.

11.15 If you choose not to comply with the option to voluntarily return to your country of origin/country of former habitual residence, the Minister will proceed to issue a deportation order against you and arrangements will be made to have you removed from the State (Ireland). If you do not comply with the deportation order, you will have no legal basis to remain in the State (Ireland).

11.16 The Department of Justice also directly assists persons who wish to return voluntarily to their country of origin/country of former habitual residence by providing administrative and other supports to persons requesting assistance.

11.17 The benefit of availing of the option of voluntary return to your country of origin/country of former habitual residence is that such an arrangement

enables you to return to the State (Ireland) at a future date if you establish a legal basis for doing so. On the other hand, a person who is the subject of a deportation order is legally required to leave the State (Ireland) and to remain outside the State (Ireland) (unless the deportation order is later revoked).

Section 12 Other Information

12.1. What are the procedures for the prioritisation of applications for international protection?

12.1.1 The Minister may give priority to any application for international protection where the Minister considers it necessary to do so subject to the need for fairness and efficiency in dealing with such applications for international protection.

12.1.2 In according priority the Minister may have regard to the following:

- (i) Whether an applicant possesses identity documents, and, if not, whether he or she has provided a reasonable explanation for the absence of such documents.
- (ii) Whether the applicant has provided a reasonable explanation to substantiate his or her claim that the State (Ireland) is the first safe country in which he or she has arrived since departing from his or her country of origin/country of former habitual residence;
- (iii) Whether the applicant has provided a full and true explanation of how he or she travelled to and arrived in the State (Ireland).
- (iv) Where the application was made other than at the frontier of the State (Ireland), whether the applicant has provided a reasonable explanation to show why he or she did not make an application for international protection or, as the case may be, an application under section 8 of the Refugee Act 1996 immediately on arriving at the frontier of the State (Ireland) unless the application is grounded on events which have taken place since his or her arrival in the State (Ireland).
- (v) Where the applicant has forged, destroyed or disposed of any identity or other documents relevant to his or her application, whether he or she has a reasonable explanation for so doing.
- (vi) Whether the applicant has provided manifestly false evidence in support of his or her application, or has otherwise made false representations, either orally or in writing.
- (vii) Whether the applicant, without reasonable cause, has made an application following the notification of a proposal to deport them from the State (Ireland).

- (viii) Whether the applicant has complied with his or her duty to co-operate with the protection process.
- (ix) Whether the applicant is a person in respect of whom TUSLA - Child and Family Agency is providing care and protection.
- (x) Whether the applicant has, without reasonable cause, failed to comply with certain requirements associated with their permission to enter and remain in the State (Ireland).

12.2 What will happen to the information I provide to the International Protection Office?

12.2.1 When you give your personal details to the IPO, there is an obligation on the office to keep these details private and safe.

12.2.2 You have the right to access, correct and delete personal information which may be held on you, in accordance with your rights under the Data Protection Acts 1988 and 2003.

12.2.3 Records relating to personal information held by the Immigration Service Delivery come within the scope of the Freedom of Information Act 2014, subject to certain exemptions.

12.2.4 The Freedom of Information Act 2014 establishes a legal right for each person to:

- (i) Access information held by public bodies.
- (ii) Have official information relating to himself or herself amended where it is incomplete, incorrect or misleading.
- (iii) Obtain an explanation for the reasons for decisions affecting them.

12.2.5 The 2014 Act asserts the right of members of the public to obtain access to official information to the greatest extent possible, consistent with the public interest and the right to privacy of individuals.

12.2.6 Please see the IPO website www.ipo.gov.ie for further information on Data Protection.

Section 13

Permission to Remain

13.1 How do I apply for permission to remain?

13.1.1 When you make your application for international protection you must at the same time submit any information that you may have that might be relevant to the Minister's decision on whether or not to give you permission to remain if you are not given refugee status or subsidiary protection. If there is anything that you want the Minister to consider, you must make sure to inform the IPO about it as soon as you can.

13.1.2 You are required to provide this information in the appropriate part of your international protection questionnaire. You should supply any supporting documents that you think are relevant (for example, birth or marriage certificates, character references, testimonials or qualifications, etc.). If you do not have these documents to hand, you can supply them later, at any time up until the time when the IPO prepares the report for the Minister on your application for international protection.

13.1.3 Furthermore, you should provide updated information to the IPO if there is any change in your circumstances which would be relevant to the Minister's decision on permission to remain.

13.1.4 Please note that the interview which will be conducted by the IPO is directed at the examination of your application for international protection and not permission to remain. The interviewing officer will ask you questions relevant to this and will not specifically inquire into other matters which, though not relevant to your application for protection, might be relevant to the Minister's decision whether or not to grant you permission to remain in the State (Ireland). However, if such matters arise at the interview, they will be recorded in writing by the interviewer and will be available for consideration by the Minister in deciding whether or not to grant you permission to remain if you are not granted refugee status or subsidiary protection.

13.2 What information is relevant to the Minister's decision whether or not to give permission to remain in the State (Ireland)?

13.2.1 The Minister will have regard to any relevant information submitted by you including relevant information presented on your application for international protection and any statement made by you at your preliminary interview and your personal international protection interview.

13.2.2 The Minister must take into consideration your family and personal circumstances and your right to respect for your private and family life, and have due regard to:

- (i) the nature of your connection with the State (Ireland) if any,
- (ii) humanitarian considerations,
- (iii) your character and conduct both within and outside the State (Ireland) (including criminal convictions),
- (iv) considerations of national security and public order, and
- (v) any other considerations of the common good.

13.2.3 The Minister will also have regard to any matters raised by you about the prohibition of refoulement, (see **paragraph 2.7.1**).

13.3 What happens if I am refused permission to remain?

13.3.1 If you decide not to appeal the recommendation on your protection application to the IPAT, and the Minister refuses to give you permission to remain, then you will no longer be able to remain in the State (Ireland). Your TRC will no longer be valid and you must immediately return that certificate to the IPO.

13.3.2 You will have the option to voluntarily return to your country of origin/country of former habitual residence and you must notify the IPO and INIS if you decide to leave the State (Ireland) voluntarily.

13.3.3 If you decide not to return voluntarily to your country of origin/country of former habitual residence, the Minister will make a Deportation Order requiring you to leave Ireland and to remain out of the State indefinitely.

13.4 What happens if I am granted permission to remain?

13.4.1 If you are granted permission to remain you will receive a letter providing you with detailed information on the actions you should take and on your entitlements and obligations.

13.5 How does a “review” of a refusal of permission to remain operate?

13.5.1 You cannot appeal a decision refusing you permission to remain.

13.5.2 If you are refused a recommendation in respect of international protection by the IPO, you will receive information on the appeal process to the IPAT. If you appeal to the IPAT but it affirms the negative recommendation of the IPO, you will receive a *Permission to Remain Review* form to complete. The period of time for the completion and return of this form will be provided to you with the form.

13.5.3 If your circumstances change in the period between the Minister's initial permission to remain decision and the decision by the IPAT on your international protection appeal, in a way that is relevant to the Minister's initial decision, you should inform the Minister of this as soon as you become aware of it.

13.5.4 If you have submitted any information relevant to the Minister's initial permission to remain decision indicating a change of circumstances, the Minister will review his or her earlier decision not to grant you permission to remain. The Minister will again have regard to the matters set out at **paragraph 13.2.2** above and any supplementary information submitted by you. The Minister will also have regard to matters raised by you about the prohibition of refoulement.

13.5.5 Following a review of your permission to remain decision, the Minister can either give you temporary permission to remain for a specific period of time or refuse to give you permission. You will be notified in writing of the Minister's decision with the reasons for this decision.

13.6 What happens if I am granted permission to remain but I decide to appeal the protection recommendation from the IPO to the IPAT?

13.6.1 You can still register at your local Immigration Registration Office so your permission to remain in the State (Ireland) can come into effect. However, if you appeal the protection decision, because you are still an applicant for international protection, you will not be able to enter or be in employment, or engage in business, trade or a profession until the outcome of your appeal to the IPAT is known.

13.7 What happens if I am refused permission to remain after the review process?

13.7.1 If you have been refused permission to remain, you will no longer be able to remain in the State (Ireland). Your TRC will no longer be valid and you must immediately return that certificate to the IPO.

13.7.2 You will have the option to voluntarily return to your country of origin/country of former habitual residence and you must notify the IPO and INIS if you decide to leave the State (Ireland) voluntarily.

13.7.3 If you decide not to return voluntarily to your country of origin/country of former habitual residence, the Minister will make a Deportation Order requiring you to leave the State (Ireland) and to remain out of the State (Ireland) indefinitely.

Section 14 Family Reunification

14.1 What is family reunification?

14.1.1 If the Minister gives you a refugee status declaration or a subsidiary protection declaration, you may, within 12 months from the date of the declaration, apply to the Minister for permission for **specific** members of your family to

- enter and reside in the State (Ireland), if outside on the date of application; or
- remain and reside in the State (Ireland), if already in the State (Ireland) on the date of application.

14.2 Is there a time limit?

14.2.1 You must submit an application for your family members to join you within **12 months** of you being granted a refugee declaration or a subsidiary protection declaration.

14.3 Who is a family member?

14.3.1 **Family member** is strictly defined. It means:

- (i) The spouse of the person, provided that the marriage was in force on the date of the application for international protection in the State (Ireland),
- (ii) The civil partner of the person, provided that the civil partnership was in force on the date of the application for international protection in the State (Ireland),
- (iii) If the person is under 18 years of age and unmarried, his or her parents and their children who are under 18 years and unmarried, or
- (iv) A child of the person who, on the date of the application for family reunification, is under the age of 18 years and unmarried.

14.4 What information must I include on the International Protection Application Form and Questionnaire?

14.4.1 When you apply for international protection, you will be required to provide relevant information on family members that would, in the event that you

are granted international protection, be eligible for family reunification (see **paragraph 14.3**).

14.4.2 You must provide relevant information about your family members on the International Protection Questionnaire.

14.4.3 It is very important for you to include all the details of your family members at the time that you are completing your application and questionnaire, and to provide relevant documentation such as marriage certificates, birth certificates etc.

14.5 How can I apply for family reunification?

14.5.1 If you have been granted refugee status or subsidiary protection and wish to apply for family reunification for a family member referred to at **paragraph 14.3**, you should apply in writing to the Family Reunification Unit (ISD) at the following address:

**Family Reunification Unit
Immigration Service Delivery
13/14 Burgh Quay
Dublin 2
D02 XK70**

14.5.2 Further information is available at _

www.irishimmigration.ie

REMEMBER THAT THE APPLICATION FOR FAMILY REUNIFICATION MUST BE MADE WITHIN 12 MONTHS OF THE GRANT OF REFUGEE STATUS OR SUBSIDIARY PROTECTION.

Section 15

Your Accommodation

15.1 Reception/Accommodation Information

- 15.1.1 If you apply for international protection at the IPO, your initial details will be processed and you will then be referred to the International Protection Accommodation Services (IPAS) who manage all matters regarding State provided accommodation and full board for those in the international protection process.
- 15.1.2 If you require accommodation your details will be noted and an offer of accommodation may be made to you. If you accept this offer, transport will be provided for you to a Reception Centre where you may stay for a short period of time – usually no more than three weeks.
- 15.1.3 After a short time at the Reception Centre you may then be transferred to an accommodation centre. You will not be given any choice with regard to the location of the centre to which you are transferred.
- 15.1.4 You may remain in the accommodation centre to which you are transferred until your application for international protection has been fully processed (including any appeal, if applicable) or alternatively you may decide to live in private accommodation at your own expense.
- 15.1.5 Please note that if you make your own arrangements for accommodation etc., you are obliged to keep the IPO informed of your whereabouts.
- 15.1.6 The offer of accommodation at the Reception Centre or an Accommodation Centre is subject to you complying at all times with the House Rules applicable to that centre.
- 15.1.7 You may seek to transfer from officially provided accommodation through IPAS and only in circumstances where the Agency is in a position to offer you alternative accommodation.
- 15.1.8 Further information may be obtained from www.gov.ie/ipas

ANNEX

CONTACT DETAILS

STATE AND OTHER ORGANISATIONS WITH WHICH YOU MAY BE IN CONTACT IN CONNECTION WITH YOUR APPLICATION FOR PROTECTION:

Organisation	Function
<p>Immigration Service Delivery, Department of Justice. 13 – 14 Burgh Quay, Dublin 2. D02 XK70</p> <p>Telephone: +353 1 616 7700 Lo-Call: 1890 551 500 Website: https://www.irishimmigration.ie/</p>	<p>The Immigration Service Delivery (ISD) is responsible for administering the administrative functions of the Minister for Justice in relation to asylum, immigration (including visas) and citizenship matters. ISD also facilitates a whole of government approach to immigration and asylum issues, which enables a more efficient service to be provided in these areas.</p>
<p>International Protection Office Immigration Service Delivery, 79-83 Lower Mount Street, Dublin 2. D02 ND99</p> <p>Telephone: +353 1 602 8000 Fax: + 353 1 602 8122 Email: info@ipo.gov.ie Website: www.ipo.gov.ie</p>	<p>The principal function of the International Protection Office (IPO) is, inter alia, to make recommendations pursuant to the provisions of the International Protection Act 2015 as to whether a person is entitled to international protection in the State (Ireland). If the protection applicant is not so entitled, the IPO also considers whether he/she should be permitted to remain in the State (Ireland) on other grounds also having regard to refoulement etc.</p>
<p>International Protection Appeals Tribunal 6/7 Hanover Street, Dublin 2. D02 W320</p> <p>Telephone: +353 1 474 8400 Lo-Call: 1890 210 458 Fax: +353 1 474 8410 Email: info@protectionappeals.ie Website: www.protectionappeals.ie</p>	<p>The principal function of the International Protection Appeals Tribunal (IPAT) is to decide appeals against negative recommendations of the IPO. An appeal is dealt with by a member of the IPAT.</p>

Organisation	Function
<p>International Protection Accommodation Services (IPAS) P.O. Box 11487 Dublin 2.</p> <p>Email: ipasinbox@equality.gov.ie Website: www.gov.ie/ipas</p>	<p>International Protection Accommodation Services (IPAS) is responsible for the provision of accommodation and related services provided to protection applicants.</p>
<p>United Nations High Commissioner for Refugees. 102 Pembroke Road, Ballsbridge, Dublin 4. D04 E7N6</p> <p>Telephone: 01 631 4510 Website: www.unhcr.org</p>	<p>The United Nations High Commissioner for Refugees (UNHCR) was established in 1951 to protect the interests of refugees. The work of the UNHCR is defined as humanitarian, social and non-political. Its principal functions are to provide international protection to refugees, seek durable solutions to their plights and to furnish them with material assistance. Protection involves preventing refoulement i.e. the forcible return of the refugee to a country where he/she may have reason to fear persecution. Procedures are in place for keeping the UNHCR informed of the processing of applications at both first and appeal stage. The UNHCR may attend any interviews or appeal hearings or make written submissions in connection with any application</p>
<p>International Organisation for Migration. 116 Lower Baggot Street, Dublin 2. D02 R252</p> <p>Freephone: 1800 406 406 Telephone: +353 1 676 0655 Email: iomdublin@iom.int Website: www.ireland.iom.int/</p>	<p>The International Organisation for Migration (IOM) offers confidential assistance to asylum seekers and irregular migrants from the non-European Economic Area (EEA) who wish to voluntarily return to their home country and do not have the means and/or travel documents to do so.</p>

Organisation	Function
<p>Legal Aid Board (Smithfield). 48/49 North Brunswick Street, Georges Lane, Dublin 7. D07 PEOC</p> <p>Telephone: (01) 646 9600 Fax: (01) 671 0200 Email: lawcentresmithfield@legalaidboard.ie</p> <p><u>Legal Aid Board (Cork)</u> Popes Quay Law Centre, North Quay House, Popes Quay, Cork T23 TV0C</p> <p>Telephone: + 353 21 455 16 86 Fax: +353 21 455 1690 Email: lawcentrecorknorth@legalaidboard.ie</p> <p>Galway Law Centre (Seville House) Seville House New Dock Road Galway H91 CKVO Telephone: +353 91 562 480 Fax: +353 91 562 599 Email: lawcentresevillehouse@legalaidboard.i e</p>	<p>Applicants for international protection in Ireland can apply for civil legal aid and advice to help with their application for protection and any appeal, if required to the International Protection Appeals Tribunal.</p>
<p>Team for Separated Children Seeking Asylum, TUSLA- Child and Family Agency Sir Patrick Dun's Hospital, Lower Grand Canal Street, Dublin 2. D02 P667</p> <p>Telephone: +353 1 647 7000 Fax: +353 1 647 7008 Website: www.tusla.ie</p>	<p>TUSLA - Child and Family Agency is responsible for the immediate and ongoing requirements of separated children seeking international protection in areas such as accommodation, medical and social needs.</p>

Organisation	Function
<p>The Irish Red Cross Society. 16 Merrion Square North, Dublin 2. D02 XF85</p> <p>Telephone: +353 1 642 4600 Fax: +353 1 661 4461 Email: info@redcross.ie</p> <p>http://www.redcross.ie</p>	<p>The Irish Red Cross is dedicated to the provision of emergency and humanitarian relief through its network of volunteers both nationally and internationally.</p>

**ADDENDUM No. 1 TO INFORMATION BOOKLET FOR APPLICANTS FOR
INTERNATIONAL PROTECTION (IPO 1)**

Section 8 – Your rights and obligations in the International Protection Process

Access to the Labour Market

Access to the labour market for international protection applicants has been facilitated by Ireland opting into the EU (recast) Reception Conditions Directive (2013/33/EU).

The Regulations adopted by Ireland as a result of this Directive allow for effective access to the labour market when no first instance recommendation on an international protection application has been made within 6 months.

An international protection applicant may have access to the labour market six months from the date when their protection application was lodged, if they have yet to receive a first instance recommendation from the International Protection Office, and if they have cooperated with the process.

Eligible applicants may apply to the Minister for Justice for a labour market permission, which allows both employment and self-employment. An applicant who has not received a first instance decision in respect of his or her international protection application within a period of 5 months may apply for permission to access the labour market. Such permission, if granted, will come into effect if the applicant is still eligible on the date which marks 6 months since the making of their international protection application.

The Labour Market Access Unit (LMAU) which is part of Immigration Service Delivery (ISD), processes applications on behalf of the Minister for Justice. The permission is granted to eligible applicants for 12 months and is renewable until there is a final decision on the holder's protection application.

Eligible applicants have access to all sectors of employment, with the exception of the Civil and Public Service, An Garda Síochána, and the Irish Defence Forces.

For further information please see the website [Labour Market Access Permission - Immigration Service Delivery \(irishimmigration.ie\)](http://irishimmigration.ie)

Please note that certain information furnished for the purpose of an international protection application may be disclosed to Immigration Service Delivery and other Government Departments, in line with the law, for the purpose of processing an application for permission to access the Labour Market.

**ADDENDUM No. 2 TO THE INFORMATION BOOKLET FOR APPLICANTS FOR
INTERNATIONAL PROTECTION (IPO 1)**

INFORMATION NOTICE

**Designation by the Minister for Justice of certain Countries as Safe Countries of Origin
under the International Protection Act, 2015**

Under section 72 of the International Protection Act, 2015 and the International Protection Act 2015 (Safe Countries of Origin) Order 2018 (Statutory Instrument no 121 of 2018), the Minister for Justice has designated the following countries as safe countries of origin **with effect from Monday, 16 April 2018.**

Albania, Bosnia and Herzegovina, Georgia, Kosovo, North Macedonia, Montenegro, Serbia and South Africa.

If you are an applicant for international protection in the State from one of these countries, your application will have a full consideration on its merits in the International Protection Office (IPO). However, the following situation will apply for the purposes of its assessment:

- (i) Your application for international protection may be prioritised for interview;
- (ii) Your country will be considered to be a safe country of origin in relation to your application where you do not submit any serious grounds for considering the country not to be a safe country of origin in your particular circumstances and in terms of your eligibility for international protection.
- (iii) If the recommendation of an International Protection Officer is that you should be given **neither** a refugee declaration nor a subsidiary protection declaration, the finding that you are from a safe country of origin may be included in the section 39 Report of the examination of your application.
- (iv) Where such a finding is made, any appeal lodged by you to the International Protection Appeals Tribunal (IPAT) must be made by notice in writing within 10 working days from the date of the sending of the notification of the recommendation by the Minister.
- (v) Unless the IPAT considers it is not in the interests of justice to do so, it shall make its decision in relation to the appeal without holding an oral hearing.

**International Protection Office
20 April 2018**

**ADDENDUM No. 3 TO THE INFORMATION BOOKLET FOR APPLICANTS FOR
INTERNATIONAL PROTECTION (IPO 1)**

**Information relevant to the Minister's decision whether or not to give
permission to remain in the State (Ireland)**

Under section 49(3) of the International Protection Act 2015, *in deciding whether to give an applicant permission (to remain in the State), the Minister shall have regard to the applicant's family and personal circumstances and his or her right to respect for his or her private and family life, having due regard to—*

- (a) the nature of the applicant's connection with the State, if any,*
- (b) humanitarian considerations,*
- (c) the character and conduct of the applicant both within and (where relevant and ascertainable) outside the State (including any criminal convictions),*
- (d) considerations of national security and public order, and*
- (e) any other considerations of the common good.*

Note

While the Minister will normally have access to details of criminal convictions recorded against applicants in the State, it should be noted that applicants should also provide information to the Minister in respect of any criminal convictions recorded against them both within and outside the State.

**ADDENDUM No. 4 TO THE INFORMATION BOOKLET FOR APPLICANTS FOR
INTERNATIONAL PROTECTION (IPO 1)**

INFORMATION NOTICE

**INFORMATION REGARDING THE TIMING OF THE PROHIBITION OF REFOULEMENT
CONSIDERATION UNDER SECTION 50 OF THE INTERNATIONAL PROTECTION ACT 2015.**

From **1st January 2020**, for new international protection applicants, a section 50 (prohibition of *refoulement*) consideration will only be undertaken should the criteria specified under section 51(1)(a) to (c) of the 2015 Act become applicable to a person, i.e. where the Minister-

- (a) has refused under section 47 both to give a refugee declaration and to give a subsidiary protection to the person, and
- (b) is satisfied that section 48(5) does not apply in respect of the person, and
- (c) has refused under section 49(4) to give the person a permission under that section.

The Minister will no longer form an opinion on the prohibition of *refoulement* under section 50 when considering whether to give an applicant permission to remain under section 49.

In this regard, if the section 50 consideration concludes that section 50(1) does apply, a letter will be sent to the person to notify them that they have been granted permission to remain under section 50(4). However, if the section 50 consideration concludes that section 50(1) does not apply, a section 50 report will be sent to the person with the notification of the Deportation Order issued under section 51(3) of the 2015 Act.

**ADDENDUM No. 5 TO THE INFORMATION BOOKLET FOR APPLICANTS FOR
INTERNATIONAL PROTECTION (IPO 1)**

International Protection Office

**General Data Protection Regulation
Privacy Notice**

1. The data you are providing is being collected by the International Protection Office (IPO) of the Immigration Service Delivery (ISD) (a part of the Department of Justice). The data controller's contact details are:

**International Protection Office
Immigration Service Delivery
79-83 Lower Mount Street
Dublin 2
D02 ND99**

2. We may use the personal data you provide to the International Protection Office for the purpose of assessing your eligibility for international protection and, if appropriate, permission to remain at first instance in line with the relevant statutory framework. This includes the data you provide in the *Application for International Protection Questionnaire* (IPO 2) and any other personal data you may provide to the IPO by any other form or means. If required, the IPO and the Immigration Service Delivery/Department of Justice may also use the personal data you provide in the IPO 2 and in associated correspondence as part of any future consideration regarding your immigration or citizenship status.
3. Our legal basis for collecting and processing this data is as follows:
 - i. International Protection Act 2015 and Regulations made thereunder
 - ii. European Union (Dublin System) Regulations 2018
 - iii. European Communities (Eligibility for Protection) Regulations 2006
 - iv. European Union (Subsidiary Protection) Regulations 2013 as amended
 - v. European Union Dublin Regulation
 - vi. European Union Eurodac Regulation

4. Data may also be shared with other States operating the EU Dublin Regulation and the EU Eurodac Regulation should your application for international protection fall within the scope of those EU Regulations.
5. The personal data provided will be stored securely on Department of Justice IT servers. In addition to domestic data sharing with the Immigration Service Delivery/Department of Justice, data may be shared, where appropriate, with other Government offices/agencies including:
 - a. An Garda Síochána
 - b. Legal Aid Board
 - c. Department of Employment and Social Protection
 - d. Tusla – the Child and Family Agency
 - e. Health Service Executive

Information may also be shared with our translation and interpretation service provider(s).

6. The personal data provided may also be shared with the United Nations High Commissioner for Refugees in connection with their mandate to support the international protection process.
7. The contact for any queries in relation to this Notice is:

**International Protection Office
Immigration Service Delivery
79-83 Lower Mount Street
Dublin 2
D02 ND99.**

8. This data will be stored in accordance with specified Department of Justice retention schedules and the requirements of the National Archives Act 1986.
9. You can request a copy of the personal data that we hold. You can do this by completing a Subject Access Request form, available at [gov.ie](http://www.gov.ie) - [Protecting Personal Data in the Department of Justice \(www.gov.ie\)](http://www.gov.ie) or from any Department of Justice public office and forwarding it to subjectaccessrequests@justice.ie or by post to the Department of Justice Data Protection Officer at the address in paragraph 11 below. You will be required to verify your identity before any data can be forwarded to you.

10. You have the right to rectify any inaccuracies in your data. To do this you should write to the International Protection Office of the Immigration Service Delivery at the address provided in paragraph 1 above documenting the inaccuracies which need to be rectified.
11. You have the right, where appropriate, to obtain erasure of your data and/or a restriction on processing your data as well as the right to object to the processing of your data. In addition, you have the right to lodge a complaint with the Data Protection Commission. Further details in relation to your data protection rights can be found in the Department of Justice Data Protection Policy available at www.gov.ie - [Protecting Personal Data in the Department of Justice \(www.gov.ie\)](http://www.gov.ie)
12. You can contact the Data Protection Officer for the Department of Justice by post:

The Data Protection Officer
Department of Justice
51 St. Stephen's Green
Dublin 2
D02 HK52

Or

by email: dataprotectioncompliance@justice.ie

13. This Privacy Notice supersedes the information on data protection contained in the *Information Booklet for Applicants for International Protection (IPO 1)*.

International Protection Office

July 2018