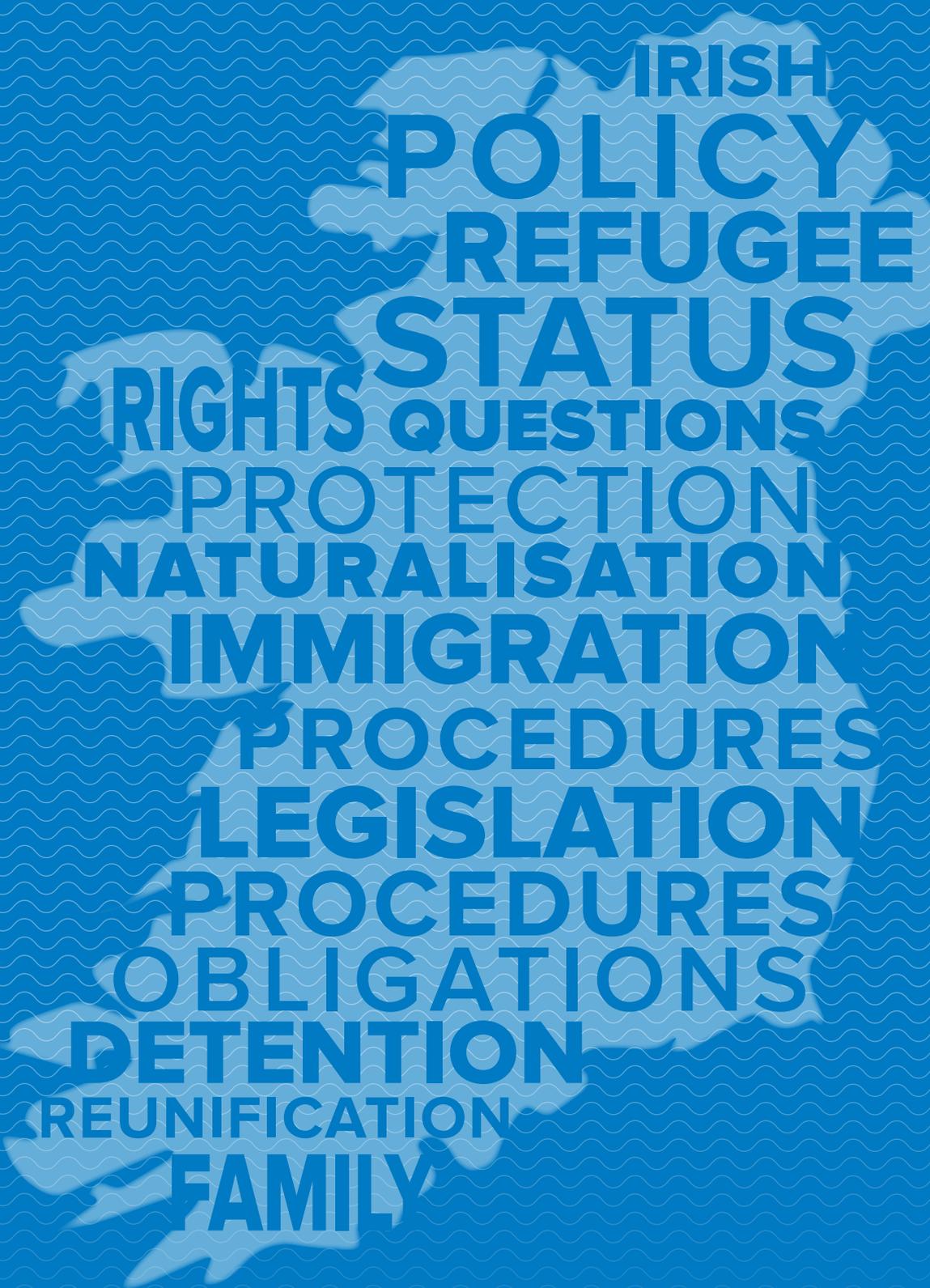


# GUIDE TO THE INTERNATIONAL PROTECTION PROCEDURE IN IRELAND



IRISH  
POLICY  
REFUGEE  
STATUS  
RIGHTS QUESTIONS  
PROTECTION  
NATURALISATION  
IMMIGRATION  
PROCEDURES  
LEGISLATION  
PROCEDURES  
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DETENTION  
REUNIFICATION  
FAMILY

# About Us

The Office of the United Nations High Commissioner for Refugees is the UN agency mandated to protect people forced to flee their homes and find safety in other countries. The national office of UNHCR Ireland works to safeguard the rights and well-being of refugees, asylum-seekers and stateless people in Ireland through the provision of guidance, training and support to the authorities and the promotion of best international standards in legislation, policy and procedures. We also provide, in some instances, assistance, support or advice to individual refugees, asylum seekers or stateless persons.

In December 2016, a new law called the **International Protection Act 2015** came into force in Ireland. It establishes a new single protection procedure for examining international protection applications in Ireland. This information booklet provides an overview of the main changes under the new law and the new asylum process and aims to assist people seeking international protection in Ireland and those working with asylum applicants.<sup>1</sup>

## Decision Making Bodies

These are the organisations that will examine your international protection application.

### **The International Protection Office (IPO)**

The IPO, an office within the Irish Naturalisation and Immigration Service (INIS), is responsible for examining international protection applications. The independence of IPO officers making decisions on international protection is protected under Irish law. To claim asylum in Ireland, other than at a port of entry, you must apply in person to the IPO. It replaced the Office of the Refugee Applications Commissioner (ORAC) at the beginning of 2017. To find out more please go here: [www.ipo.gov.ie](http://www.ipo.gov.ie)

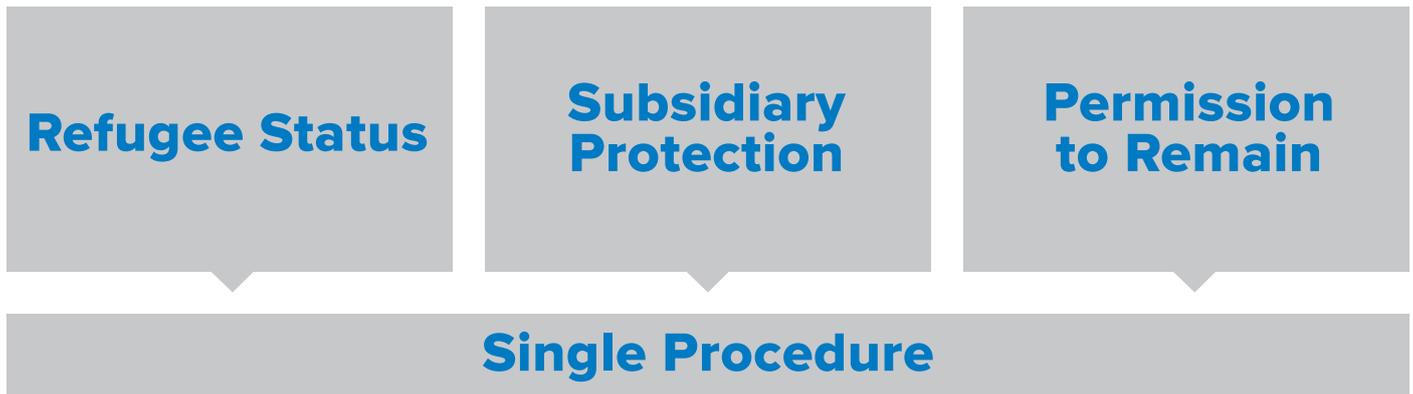
### **The International Protection Appeals Tribunal (IPAT)**

The IPAT is an independent Tribunal. It examines appeals of persons who the IPO recommended should not receive international protection (refugee status or subsidiary protection.) It replaced the Refugee Appeals Tribunal (RAT) at the beginning of 2017. To find out more please go here: [www.protectionappeals.ie](http://www.protectionappeals.ie)

<sup>1</sup> **Disclaimer:** This booklet is for information purposes only, does not constitute legal advice and is subject to change. For more information please see the International Protection Office Information Booklet for Applicants for International Protection [www.ipo.gov.ie](http://www.ipo.gov.ie)

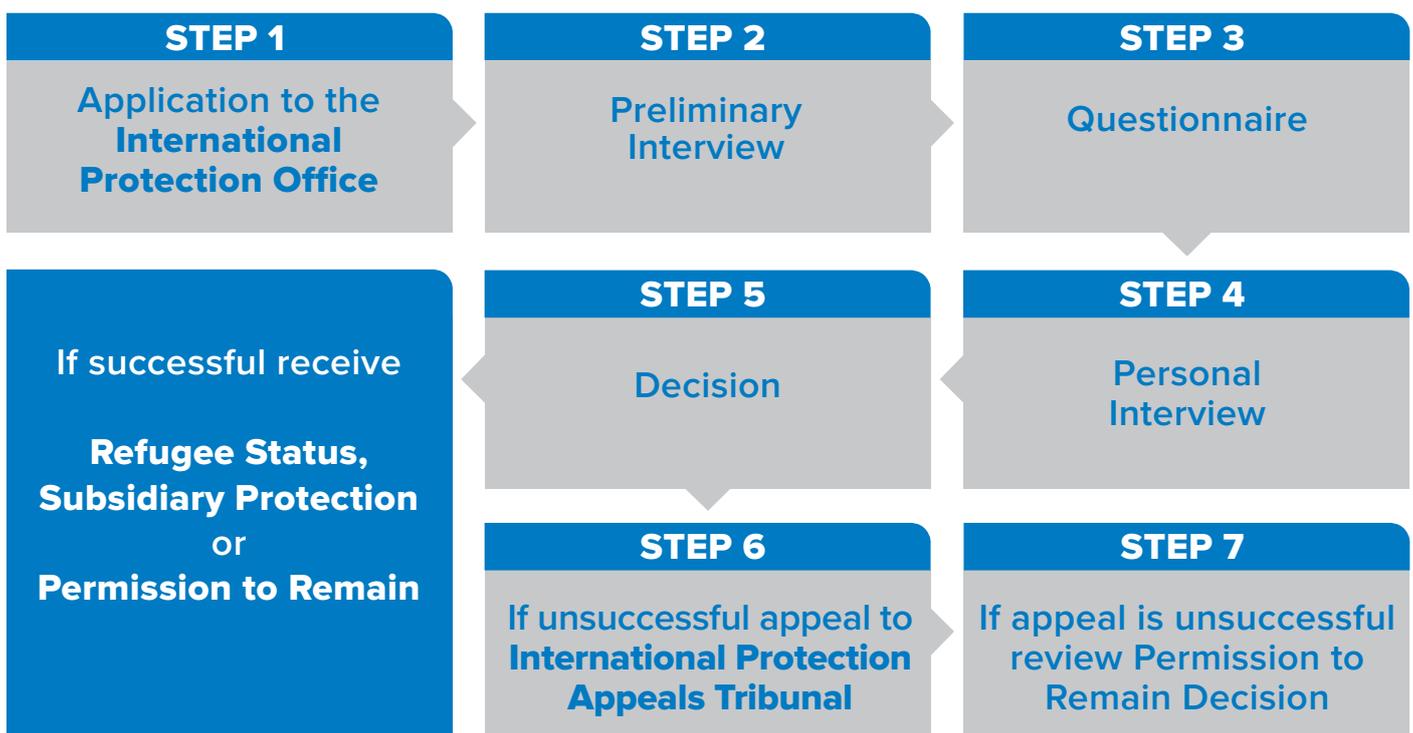
# 1 A Single Procedure

The most significant change introduced by the International Protection Act 2015 is a new single procedure for examining international protection applications. This means that refugee status, subsidiary protection and permission to remain will all be examined together in the same process. This should prevent lengthy delays in the asylum procedure.



# 2 The Application Process

This diagram provides an overview of the new application process in Ireland and should be read together with the text below for each step. More detailed flowcharts are contained at the back of this information leaflet.



## Step 1 Applying for International Protection

You may request international protection either at the frontiers of the State or when you are already in the State at the IPO. You may request international protection on your own behalf and/or on behalf of your dependent children under the age of 18 years. If your children are born in the State or enter it while you are in the protection procedure they will automatically be dependants on your claim unless they are a national of Ireland. As an applicant with children it is very important that you raise any protection concerns relating to your children as well as yourself during the procedure.

Tusla, the Child and Family Agency, may request international protection for unaccompanied children in their care.

## Step 2 Preliminary Interview

If you request international protection at the frontiers of the State, such as at an airport or a sea port, an immigration officer and/or IPO officer may interview you. This will be for the purpose of gathering preliminary information such as your identity, your country of origin, the route you travelled to Ireland and the general grounds on which you are requesting international protection. Where this preliminary interview has not taken place at the frontiers of the State, then it will be held at the IPO.

The preliminary interview will also examine if your application is admissible. This means that an IPO officer will decide whether you are able to apply for asylum in Ireland. You may not be able to do so if you have been granted refugee status or subsidiary protection in another EU Member State, or if there is another country outside the EU which has granted you refugee status and will allow you to return there where you will be protected.

### **What happens if my application is found to be inadmissible?**

**You will receive a reasoned decision from the IPO which will include a time limit for submitting an appeal to the IPAT. The IPAT appeal will be in writing only.**

If your preliminary interview took place at the frontiers of the State, you will then be directed to go to the premises of the IPO. At the IPO, you and your dependants will be fingerprinted and have your photographs taken. This information is taken for the purpose of establishing your identity and whether the Dublin Regulation is applicable in your case.

You will then be issued with a temporary residence certificate which indicates that you have permission to be in Ireland for your international protection application. It is not an official identity card but you should keep it with you at all times. It may be renewed during the protection procedure.

## Step 3 Questionnaire

An officer of the IPO will provide you with an information booklet on the single procedure and a questionnaire to complete and return to the IPO. It is very important that you read the information booklet in advance of completing the questionnaire and seek legal assistance.

It is important that you complete the questionnaire fully and provide accurate information regarding your international protection needs. If you do not understand parts of the questionnaire, ask your solicitor for assistance.

Where possible, the questionnaire should be returned within 20 working days i.e. 4 weeks. This is to assist the IPO in processing applications as efficiently as possible. If you need extra time to complete the Questionnaire or to consult a legal advisor the IPO has assured applicants that flexibility will be provided. If this applies to you speak to your solicitor or contact the IPO directly to let them know (See page 21 for contact information).

It is important that you also supply any supporting documentation that you think may be of relevance for your application. This includes any information related to your application for permission to remain.

## Step 4 Personal Interview

The IPO will send you a letter of appointment for your interview. An interpreter may be arranged for you, if required. If you have additional information and/or evidence since you submitted your questionnaire try to submit this information at least a week in advance of the scheduled interview. The interview is your opportunity to provide all the reasons why you are seeking protection in Ireland. On the day of the interview please check whether you and the interpreter understand one another.

If you have any difficulties understanding the interpreter raise this with the interviewing IPO officer. The interviewing IPO officer will have read your completed questionnaire in advance and will be familiar with your case. If you have any difficulties understanding the questions raised by the interviewing IPO officer please ask him/her to repeat the question. Please note you remain under an obligation to update the Minister on any changes of circumstances relevant to your permission to remain application right up until the time that a report is prepared by the Minister in relation to that permission to remain decision.

If you wish to provide additional information concerning the permission to remain aspect of your application, this is your opportunity to do so. You or your solicitor may make representations in writing in relation to your application up to and including the day of your interview.

A written record of the interview will be kept by the interviewing IPO officer. At certain intervals during the interview, the interviewer will stop and ask you to review the notes of what you have said and to make any clarifications or corrections should they be necessary. You will then be asked to

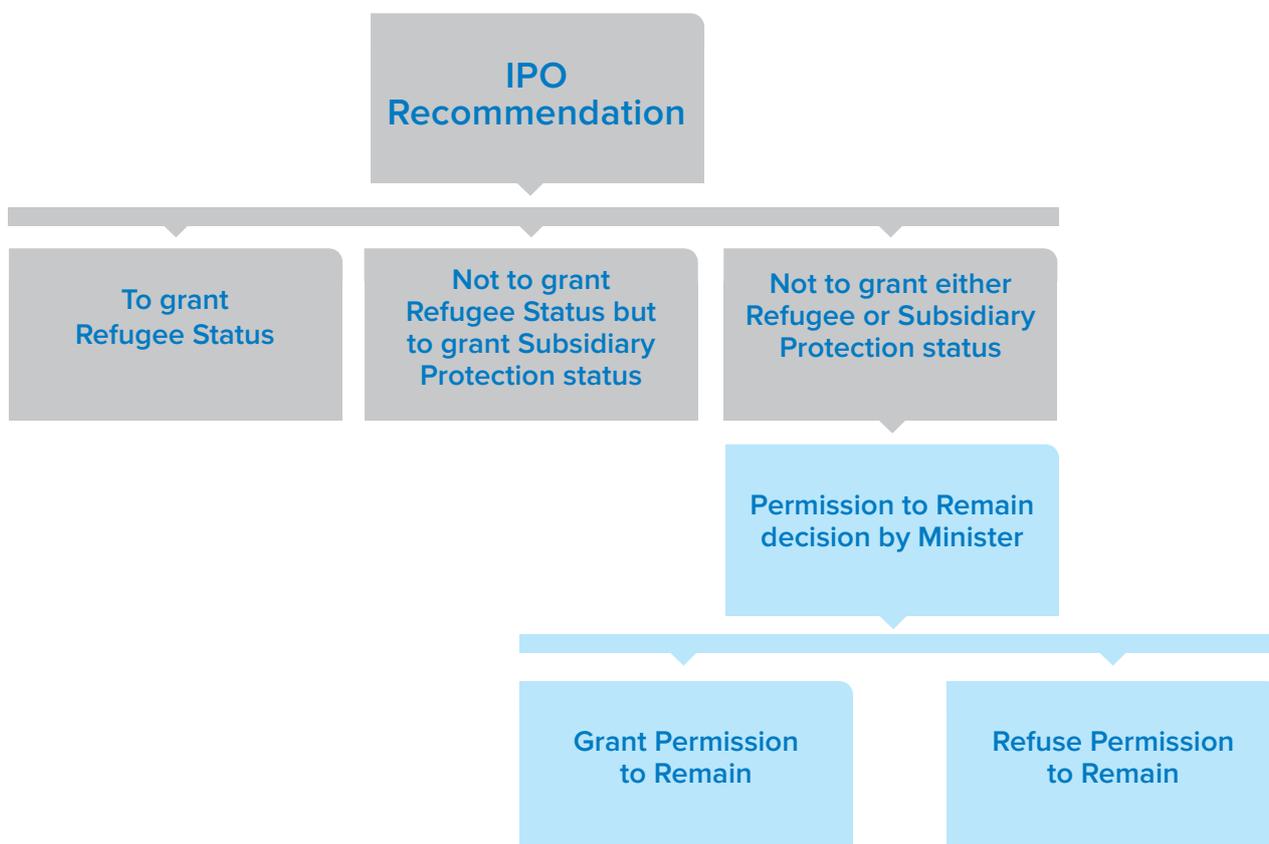
sign the interview record to confirm its accuracy. If there is anything in the interview record that is not accurate, or if there is an omission in it, inform the interviewing officer directly so that you can clarify it.

Your solicitor may attend the interview should they wish although this is not the usual practice. He/she may also make representations on your behalf in advance of the interview. If you are an unaccompanied child your guardian or representative from Tusla must attend the interview. The interview may only be postponed in exceptional circumstances, for example, when you are suffering from ill-health. It is important that you inform the IPO immediately if you cannot attend the interview on the scheduled date. The interview may be dispensed with in limited circumstances.<sup>2</sup>

## Step 5 IPO Decision

Following the interview the IPO will consider all the relevant information concerning your case. This includes the interview record and the completed questionnaire. If a recommendation has not been made within six months you can request information on the estimated time for receiving a decision from the IPO.

The possible different outcomes for a recommendation are set out in the table below. The recommendation will include a statement of reasons as to how the recommendation was reached in your individual application. Certain findings in the recommendation may also impact the time limit for any appeal and whether or not an oral hearing is permitted before the IPAT.



<sup>2</sup> For further information see section 4.5.12 of the International Protection Office Information Booklet for Applicants for International Protection.

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You and/or your solicitor will receive the recommendation by registered post. If the IPO recommends that you should be granted refugee status, the Minister for Justice and Equality (the Minister) will give you a refugee declaration within several weeks. In very limited circumstances the Minister may refuse to follow the recommendation of the IPO when the applicant is deemed to be a security risk.

If you are refused refugee status but granted subsidiary protection you still have a right to appeal to the IPAT for refugee status. If you are refused both refugee status and subsidiary protection status the Minister will decide whether or not to grant you “permission to remain”. Whether that decision is to grant or not grant you permission to remain, you will still be entitled to appeal the decision to refuse you international protection to the IPAT.

If you are refused refugee and/or subsidiary protection status, you will receive a copy of the interview record and a statement on your right to appeal to the International Protection Appeals Tribunal. You will also receive information on the procedure to be followed and an appeal form for submitting such an appeal. For more detailed flow-charts on the possible outcomes of your application, please turn to the back of this information leaflet.

## Step 6 Appeal to the International Protection Appeals Tribunal

You may appeal an IPO recommendation that you are not entitled to refugee status or subsidiary protection to the IPAT. There is no appeal to the IPAT for a refusal of permission to remain.

An appeal form must be completed and submitted to the IPAT within the relevant time limits which you will be notified of in your IPO recommendation letter. You may request an oral hearing for the appeal, depending on the findings in your IPO recommendation letter.

You will be notified when your appeal has been allocated a hearing date. On the day of the hearing, if an interpreter is required, please check whether you and the interpreter understand one another. If you have any difficulties understanding the interpreter raise this with the Tribunal Member. During an oral hearing a member of the IPO will be present as well as you, your solicitor or barrister and the Tribunal Member. The Tribunal Member may also direct the attendance of a witness before the Tribunal to give evidence in relation to some aspects of your protection application.

If the IPAT overturns a negative recommendation from the IPO the Minister will issue you with the relevant protection declaration i.e. refugee status or subsidiary protection.

### **What if I receive permission to remain from the IPO and want to appeal the recommendation to refuse refugee status or subsidiary protection?**

**If you are granted permission to remain you can still appeal the IPO recommendation to refuse international protection. You can also register your permission to remain at your local immigration registration office.**

## Step 7 Review of Permission to Remain

If the Minister did not grant you permission to remain, and your appeal to the IPAT is not successful, the Minister will then review the decision not to grant permission to remain where you have submitted any new information since the original decision was made. You will receive a permission to remain review form to complete. You will have just **5 days** to submit new information so be sure to obtain any documents you may wish to submit in advance. If your circumstances change in the time between the Minister's initial permission to remain decision and the IPAT decision on your appeal and you have new information of relevance for the review of your permission to remain you should inform the Minister as soon as possible.

The Minister may also grant permission to remain if failure to do so would result in violating the prohibition of refoulement (for more information, see **7. Frequently Asked Questions**).



## WHAT ARE MY RIGHTS?

### Your rights include:

If you are an applicant for international protection your rights include the following:

- Permission to enter and remain in Ireland for the examination of your international protection application by the IPO and any appeal to the IPAT
- The right to obtain legal advice and representation from a solicitor
- The right to be treated with respect, dignity and fairness throughout the single procedure
- The right to provide written submissions to the Minister in relation to your protection application
- The use of an interpreter where necessary to ensure communication
- The right to confidentiality
- The right to be notified in writing of any interviews, decisions or other relevant notices in relation to your application for international protection.
- The right to communicate with UNHCR
- The right to request permission to access the labour market if you have not received a first instance decision within 9 months of applying for international protection

Legal aid is available from the **Legal Aid Board (LAB)**. They will provide you with one of their own solicitors or with a private solicitor that works with them. The LAB is committed to providing all international protection clients with early legal advice on all aspects of their application. This may include a preliminary information consultation before you complete your questionnaire and a pre-interview consultation in which legal advice on the particulars of your claim based on your completed questionnaire will be given. The **Irish Refugee Council Independent Law Centre** also provide early legal advice subject to capacity. If you have the funds you can also seek the services of a private solicitor.

Depending on the individual circumstances of your application you may prefer an interpreter of a certain gender present during your interview or appeal hearing. It is important that you raise this as early as possible at the IPO and/or IPAT so they can accommodate this request where possible.

All information provided in relation to your application will be treated in confidence and will not be disclosed to the authorities in your country of origin/ country of habitual residence or to representatives of your country in Ireland.

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# WHAT ARE MY OBLIGATIONS?

## Your obligations include:

- Duty to comply with the laws in Ireland

This means you have to respect the laws and regulations of Ireland.

- Duty to cooperate

As an applicant in the single procedure you have an active duty to cooperate in the examination of your protection application and in the determination of any appeal in relation to that application. You must also submit as soon as reasonably practicable all the information needed to substantiate your application and be truthful. Failure to cooperate may have consequences on the outcome of your protection application.

## Procedural obligations

Part of the duty to cooperate includes the following obligations:

- a. Not leaving or attempting to leave Ireland during the single procedure without the consent of the Minister;
- b. Informing the Minister of your address and any change of address in writing as soon as possible;
- c. Complying with reporting notices that you may receive such as a requirement to reside or remain in a specified location or place in Ireland and/or report at specified intervals to an immigration officer, or at a specified Garda (police) station;
- d. Indicating your name, address, nationality and person ID number on your temporary residence certificate in any correspondence with the IPO or IPAT;
- e. Being truthful in relation to your application for international protection and completing your questionnaire with relevant information to examine your application;
- f. Retaining all copies of documentation given to you by or which you have given to the IPO and IPAT;
- g. Not seeking or entering into employment or engaging in any business, trade or profession without the relevant labour market permission.

**Applicants can work during the single procedure if granted permission to access the labour market. For further information see.**  
<http://www.inis.gov.ie/en/inis/pages/labour-market-access>

## 4 Other Relevant Information

### Prioritisation

Certain types of applications may be prioritised by the IPO. This means that such applications will be scheduled for interview as soon as possible. This does not pre-determine the decision to be made in such cases or provide any additional guarantees regarding when a decision will be made in such cases.

Your case may be prioritised for certain reasons, including whether you are over the age of 70 (and not otherwise part of a family group), an unaccompanied child, for serious health reasons or due to your country of nationality (Syria, Eritrea, Iraq, Afghanistan, Iran, Libya and Somalia).

The IPO, in consultation with UNHCR, has issued a notice on the prioritisation of certain classes of application which is available here: [http://www.ipo.gov.ie/en/ipo/pages/prioritisation\\_applicants](http://www.ipo.gov.ie/en/ipo/pages/prioritisation_applicants)

### Withdrawal

You are free to withdraw your protection application or appeal at any time before a report is prepared on your application by the IPO or a decision is made by the IPAT. It is important that you seek legal advice before withdrawing your application to fully understand the consequences of such a withdrawal for both yourself and your dependant(s). Once withdrawn the examination of your application will be completed and the Minister will refuse to grant you refugee status or subsidiary protection.

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## Voluntary return

You have the option of voluntarily returning to your country of origin/habitual residence at any stage of the single procedure. If you decide to voluntarily return the International Organisation for Migration (IOM) may be able to provide you with support and advice, including financial assistance for your travel. The voluntary return unit of INIS may also be able to provide you with assistance.

In order to avail of voluntary return during the process, you must either withdraw your application for international protection with the IPO or withdraw your appeal with the IPAT. The Minister will also inform you of the possibility of voluntarily returning to your country of origin/habitual residence at the end of the process should you be refused international protection in Ireland and you are not granted permission to remain. To learn more, please see: <https://www.youtube.com/watch?v=eX7GarY2rUE>

## EU Dublin Regulation

The EU Dublin Regulation is a legal instrument which determines which Member State is responsible for the examination of an application for international protection. When you make an application for international protection the IPO will provide you with an information leaflet on the EU Dublin Regulation. It is important that you read this information leaflet carefully as there may be reasons why another Member State is responsible for your application, including if your family members are present in another EU Member State. If your application falls under the EU Dublin Regulation you will receive another information leaflet on the Dublin procedure and its implications for your individual case.

## Subsequent application for international protection

If you have been refused refugee and subsidiary protection status and your application has been closed, the consent of the Minister is required if you wish to make a second or further application for international protection in Ireland. You can make an application in writing to the Minister seeking consent for a subsequent application. Factors that will be considered include the following:

- a. Since the previous application new information is available which makes it significantly more likely that you will qualify for international protection and you were incapable of providing that information at an earlier stage in the previous application;
- b. If your previous application was withdrawn or deemed to be withdrawn when you were, through no fault of your own, incapable of pursuing the previous application.

If the Minister refuses to consent to a subsequent application for international protection, you will be provided with a reasoned decision which you can appeal to the IPAT.

## Judicial review

Judicial review is a way for the High Court to supervise administrative bodies and Tribunals, including the IPO and IPAT to ensure that they make decisions properly and in accordance with the law. Judicial review is not an appeal. It allows an applicant, in consultation with his/her solicitor, to seek to have the IPO and/or IPAT decision judicially reviewed by the High Court under Irish administrative law, for example where there has been an error of law in the determination process concerning their application. Your solicitor will advise you as to whether it is applicable with respect to your application. It is important to note that a Court undertaking judicial review cannot recommend a

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positive decision on international protection but may require the IPO or IPAT to make a new decision taking into account the Court's legal findings. Judicial review proceedings may also be taken against the Minister for Justice and Equality. Please speak with your solicitor to determine whether any of these options should be considered in your case.

## Detention

Applicants are not generally detained during the protection procedure in Ireland. However, in certain circumstances an applicant may be arrested without warrant by an immigration officer or member of the Garda Síochána (police) if they reasonably suspect that the applicant:

- I. poses a threat to public security or public order in the State;
- II. has committed a serious non-political crime outside of Ireland;
- III. has not made reasonable efforts to establish his or her identity;
- IV. intends to leave Ireland and without lawful authority enter another country;
- V. has acted or intends to act in a manner that would undermine the system for granting persons international protection in the State, or any arrangement relating to the Common Travel Area, 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.

An applicant arrested under those circumstances may be taken to and detained in locations specified for this purpose in law. Children, defined as anyone under the age of 18, cannot be detained under this law.

### **Can I apply for international protection if I am in police custody or detention?**

**You can apply for international protection if you are in custody or detention. You should inform the Governor of the prison or Garda in the police station where you are being detained as soon as possible if you wish to make an application. Your case will be prioritised if you remain in detention during the examination of your application.**

### **Will my detention be reviewed by a Court?**

**If you are detained on the grounds outlined above you will be brought before a judge of the District Court in the area where you are detained as soon as possible. The District Court judge will review the use of detention based on the individual circumstances of your case.**

## My entitlements as a beneficiary of international protection

If you are granted a declaration of refugee status or subsidiary protection you will be entitled to:

- Permission to reside in Ireland for a specified period of not less than 3 years;
- Seek and enter employment, to engage in any business, trade or profession;
- Access education and training in the same manner as Irish citizens;
- Receive the same medical care and social welfare benefits as Irish citizens;
- Obtain the same rights of travel to or from Ireland as those to which Irish citizens are entitled (however, please note that you may still require a visa to enter another country).
- Apply to the Minister, within one year of being granted refugee status or subsidiary protection, for permission for certain members of your family to enter and reside in Ireland with you.

## How can I apply for a travel document?

**You may apply to the Minister to obtain a travel document by completing an application form. Payment of a fee of €80 is also required. The Minister will not issue a travel document if the person applying for it has not provided the necessary information to process the application, the person applying for it has subsidiary protection and can obtain a national passport or the Minister considers that to issue the travel document would not be in the interests of national security, public security, public health or public order or would be contrary to public policy.**

## I have permission to remain. Can I apply for a travel document?

**If you have not been granted refugee or subsidiary protection status but have been granted permission to remain in Ireland, you should apply for a passport to the embassy of your country. In some exceptional cases people who have been granted permission to remain and who do not have a passport may be issued with an alternative travel document by the Minister for Justice and Equality.**

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The rights of refugees and beneficiaries of subsidiary protection are broadly the same except that as a refugee you are entitled to a refugee travel document. A beneficiary of subsidiary protection will only receive a travel document from INIS where the person is unable to obtain a national passport from their country of origin. Refugee status is also an internationally recognised status under the UN 1951 Refugee Convention and its Protocol. Refugees may also apply for Irish citizenship after three years whereas beneficiaries of subsidiary protection must wait five years.

If you are refused refugee status and subsidiary protection but are granted permission to remain, this permission will be in accordance with Section 4 of the Immigration Act of 2004. The permission given may be subject to certain conditions. These include the length of time the permission is granted for and whether it is permitted to engage in employment, business or a profession in the State. Permission to remain may be renewed when it expires, however, the length of time and the conditions set out in it may be reviewed at any time.

A person granted permission to remain does not have the right to family reunification under the International Protection Act. He/She may apply for family reunification through regular immigration procedures, however, different criteria and considerations will apply.

### **Family reunification**

If you are granted a declaration of refugee status or subsidiary protection you may apply, within 12 months of receiving that declaration, to the Minister for permission for certain members of your family to either enter and reside in Ireland with you, or if they are already in Ireland, to reside and remain with you here.

Following an investigation and decision by the Minister, a family member shall then be given permission to reside in Ireland for a specified period of not less than 1 year, and in the case of renewal, of not less than 2 years.

### **Who is defined as a family member for the purposes of family reunification?**

**If you are an adult applicant, your family members are defined as (i) your spouse or civil partner, providing the marriage or civil partnership was in force when you applied for international protection; (ii) your child, as long as they are under the age of 18 and unmarried at the time you applied for international protection.**

### **I am an unaccompanied child. Who is defined as a family member for me for the purposes of family reunification?**

**Your parents and your brothers and sisters provided they are under the age of 18 and unmarried. Your family is defined as of the time you apply for family reunification.**

## **How can I apply for family reunification?**

**You can apply for family reunification, once you have been granted a declaration of refugee status or subsidiary protection, in writing to the Family Reunification Unit, the Irish Naturalisation and Immigration Service, 13/14 Burgh Quay, Dublin 2.**

### **The application procedure for family reunification**

You must apply for family reunification within 12 months of receiving your refugee status or subsidiary protection declaration from the Minister. For example, if you were issued with a refugee status declaration on the 1<sup>st</sup> March 2017, you must apply for family reunification before the 1 March 2018.

You should apply in writing to the Family Reunification Unit, INIS and provide the following information:

- Your name, your person ID number and address;
- The date on which you were granted refugee status or subsidiary protection by the Minister;
- For each family member: their name, relationship to you, their date of birth, nationality and current address.

It can be useful to also provide a copy of your refugee or subsidiary protection status declaration in the correspondence. Following this application you will receive a questionnaire to complete from the Family Reunification Unit. At this stage, you will also be requested to submit original documents concerning your family members such as their birth certificates, national identity cards and passports along with two recent signed colour passport photos. You may also have to provide your travel document and documentary evidence of your current address. Depending on your individual circumstances, you may also have to submit a marriage certificate if you are seeking family reunification with your husband or wife or other relevant information or documentary evidence.

Once you have completed and submitted your questionnaire, the Family Reunification Unit will investigate your application and you will receive a decision letter. If your family reunification is approved you will receive in the decision letter granting permission, a date by which your family member(s) must enter and/or reside in the State. It is important that you arrange their travel before that date as if your family member(s) does not enter Ireland before or on that date, then the family reunification permission ceases to be in force.

## **I am a family member who has recently received approval to join my family member in Ireland. What are my rights?**

**You have permission to enter and/or reside in Ireland for a period of not less than one year, and in the case of renewal, for not less than two years. As a family member, you have the same rights and entitlements as your sponsor, provided the sponsor's international protection is in force and you are resident in the State.**

## 6 Transitional Provisions

Some people will have applied for international protection before the commencement of the International Protection Act on 31 December 2016. Certain arrangements have been put in place to transfer their applications for refugee status and subsidiary protection from the Office of the Refugee Applications Commissioner (ORAC) and certain appeals from the Refugee Appeals Tribunal (RAT) to the new IPO. These applicants should have received an individual letter from the IPO explaining to them the transfer arrangements for their applications.

The diagrams below set out the main categories of cases transferred over to the IPO. It is important to note that the boxes on the left indicate applications that were made before 31 December 2016. More information is available in the **IPO information note on the transitional arrangements:** [http://ipo.gov.ie/en/IPO/Pages/Transitional\\_Arrangements](http://ipo.gov.ie/en/IPO/Pages/Transitional_Arrangements) Please consult your solicitor if you require further advice regarding your application.

I applied for refugee status at ORAC before 31 December 2016 and have not received a recommendation on my case

Your file will be transferred to the IPO to examine your international protection needs. This means you will complete a new questionnaire and have a new interview within the single procedure.

My application for refugee status was on appeal at the RAT before 31 December 2016 but I have not received a Tribunal decision

Your file will be transferred to the IPO for consideration of your entitlement to subsidiary protection only. You will also have a new questionnaire and interview on subsidiary protection only. If the IPO refuses your subsidiary protection application the Minister will consider if you should be granted permission to remain. If you appeal the refusal of subsidiary protection, your appeal will include the refugee status appeal which was preserved so both appeals will be considered together i.e. refugee status and subsidiary protection.

I applied for subsidiary protection at ORAC before 31 December 2016 but the investigation has not started on my application yet.

Your file will be transferred to the IPO for consideration of your entitlement to subsidiary protection only. You will also have a new questionnaire and interview on subsidiary protection only. The recommendation refusing you refugee status by ORAC and the RAT decision (if applicable) will remain in place. If the IPO refuses your subsidiary protection application the Minister will consider if you should be granted permission to remain. You may also appeal the subsidiary protection refusal by the IPO to the IPAT.

My application for subsidiary protection was on appeal to the RAT before 31 December 2016. What will happen to my application?

The IPAT, which replaced the RAT, will make a decision on the appeal for subsidiary protection only. You will then be entitled to apply in writing to the Minister for Justice and Equality for “leave to remain” under s.3 of the Immigration Act 1999. The basis of such decisions differ in some respects to the “permission to remain” considerations set out in the International Protection Act 2015. For more information please speak to your legal representative.

I made an appeal to the RAT on a Dublin Regulation decision before 31 December 2016. What will happen to my application?

The IPAT, which replaced the RAT, will make a decision on the appeal of the Dublin Regulation decision only. Should your appeal be successful then your application will be considered in Ireland through the regular procedures.

## 7 Frequently Asked Questions:

- Q** What is international protection?
- A** International protection is a commonly used phrase in EU law which refers to both refugee and subsidiary protection statuses. A person who claims asylum in Ireland is seeking international protection from persecution or serious harm in their home country.
- Q** Who is a refugee?
- A** A refugee is someone who cannot return to their country because they have a well-founded fear of persecution there for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Refugee status is the form of protection that is granted to people who meet the definition of a refugee.

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**Q** What is subsidiary protection?

**A** Subsidiary protection is complementary to refugee status. It means that someone cannot be returned to their country of origin or habitual residence because they face a real risk of serious harm. Serious harm means (i) the death penalty or execution; (ii) torture or inhuman or degrading treatment or punishment; (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.

**Q** What is permission to remain?

**A** Permission to remain will only be examined if you are found not to be entitled to refugee status or subsidiary protection. This is where the Minister considers whether to grant you permission to remain in Ireland for another reason such as your family or personal circumstances.

The Minister will consider factors such as:

- a. the nature of your connection with Ireland, if any;
- b. humanitarian considerations;
- c. your character and conduct both within Ireland and elsewhere, including any criminal convictions;
- d. considerations of the common good.

When considering permission to remain the Minister will also take into account the prohibition on refoulement.

**Q** What does the prohibition on refoulement mean?

**A** This principle means that the Minister cannot expel or return any person, in any manner whatsoever to the frontier of a territory where, in the opinion of the Minister (a) the life or freedom of that person would be threatened for reasons of race, religion, nationality, membership of a particular social group or political opinion or (b) there is serious risk that the person would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

**Q** What is "leave to remain"?

**A** Leave to remain refers to a procedure which was in place prior to the International Protection Act 2015 taking effect. S.3 of the Immigration Act 1999 sets out the factors the Minister will consider in reaching a decision on leave to remain. The provisions continue to apply in the case of persons whose deportation is being considered and who have not previously applied for asylum. A small number of transitional cases (see above) will continue to be processed through these procedures.

**Q** What does it mean to be dependent on a parent's international protection claim?

**A** It means that the assessment of a dependent child's international protection application will be included in the assessment of his/her parent's claim and may depend upon its outcome. The dependent child does not have a separate interview or separate examination of his or her protection needs. The parent should include any reasons in his or her application process as

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to why the child is in need of international protection and/or should be granted permission to remain in Ireland. It is important to remember that children may have additional or different protection needs from their parents.

**Q** Can I apply for international protection in Ireland if I am stateless?

**A** Yes, you can apply for refugee status and subsidiary protection in Ireland if you are stateless. Your application will then be examined in relation to your country of habitual residence i.e. the country you previously lived in.

**Q** What if I have a disability and/or other special needs?

**A** You should inform the IPO as soon as possible of any disability or other special needs you may have for your personal interview so that the IPO, where feasible, can accommodate your needs.

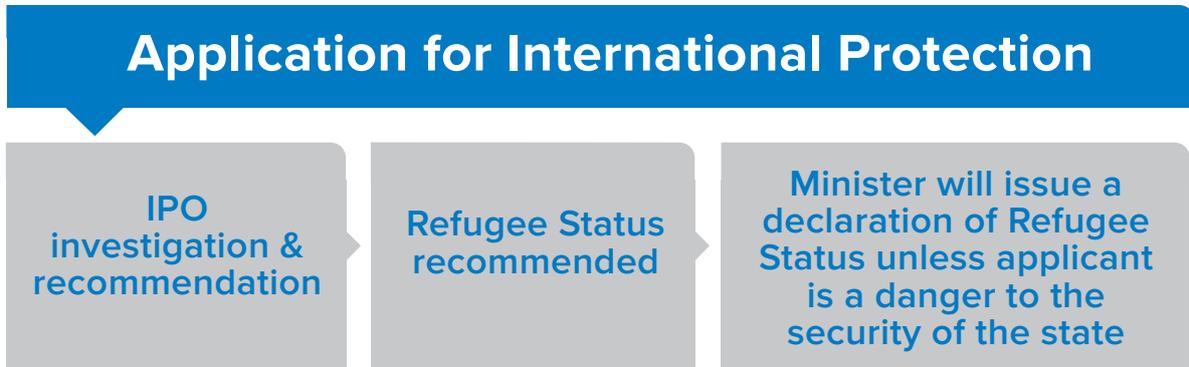
**Q** Can my refugee status declaration or subsidiary protection declaration be revoked?

**A** Yes, your refugee status declaration or subsidiary protection declaration can be revoked under certain limited circumstances such as where you have subsequently been found to have given false or misleading information during the investigation of your application for international protection. If that occurs you will be sent a notice, in writing, of the Minister's proposal to revoke your status, including any reasons. You will be given the opportunity to make representations in writing to the Minister in response within 15 working days of receiving the notice. Once the Minister has decided to revoke your status you may, within 10 working days, appeal to the Circuit Court against that decision.

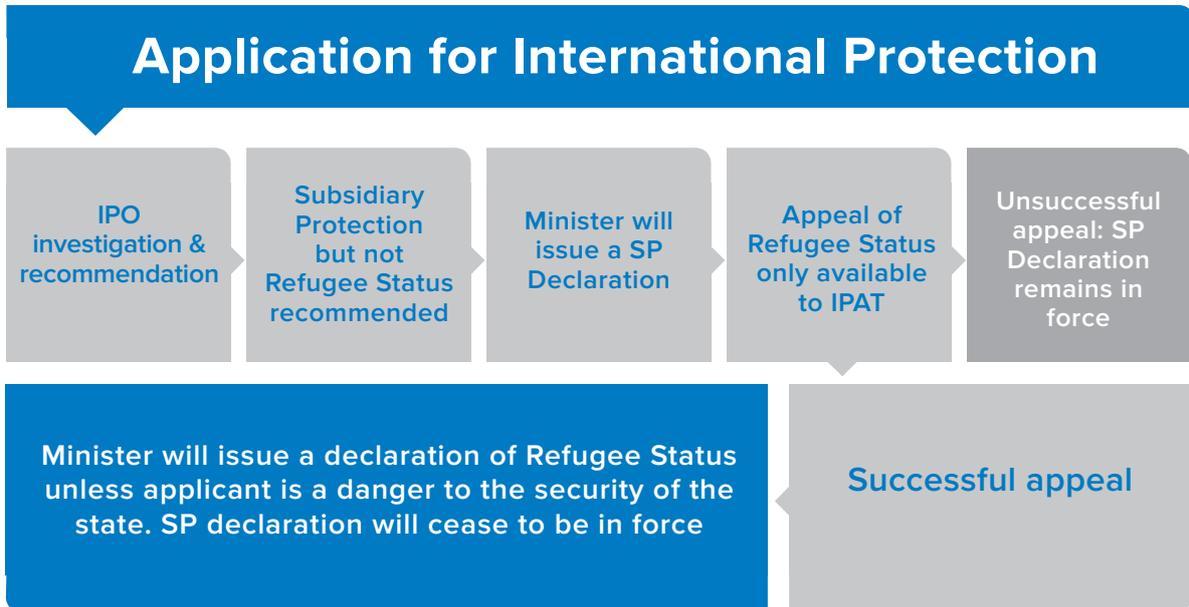
**Q** Where will I stay during the international protection procedure?

**A** You will be offered accommodation by the Reception and Integration Agency in a Direct Provision centre, however, should you have your own financial means to accommodate yourself, you are free to live elsewhere. The reception system has not been changed by the International Protection Act. The reception system is governed by S.I. No. 230 of 2018 European Communities (Reception Conditions) Regulations 2018.

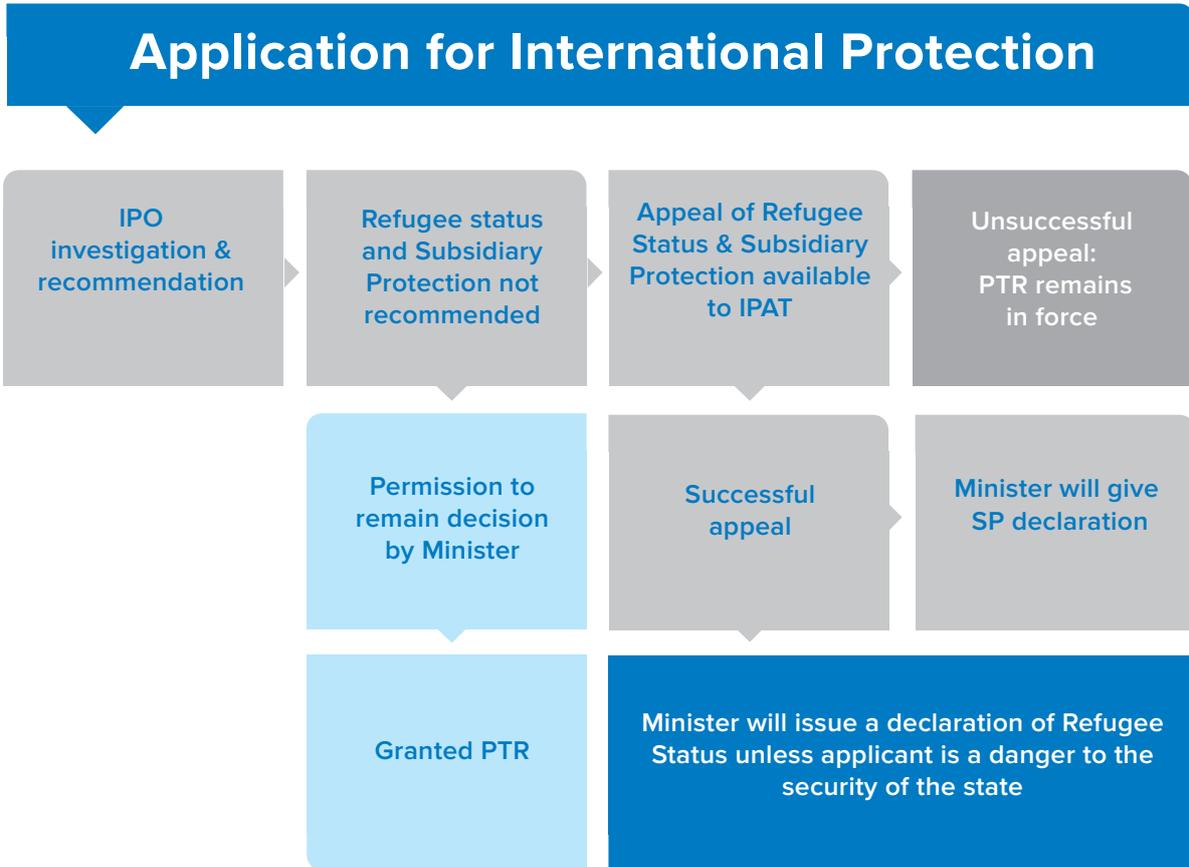
## GRANT OF REFUGEE STATUS AT 1<sup>ST</sup> INSTANCE



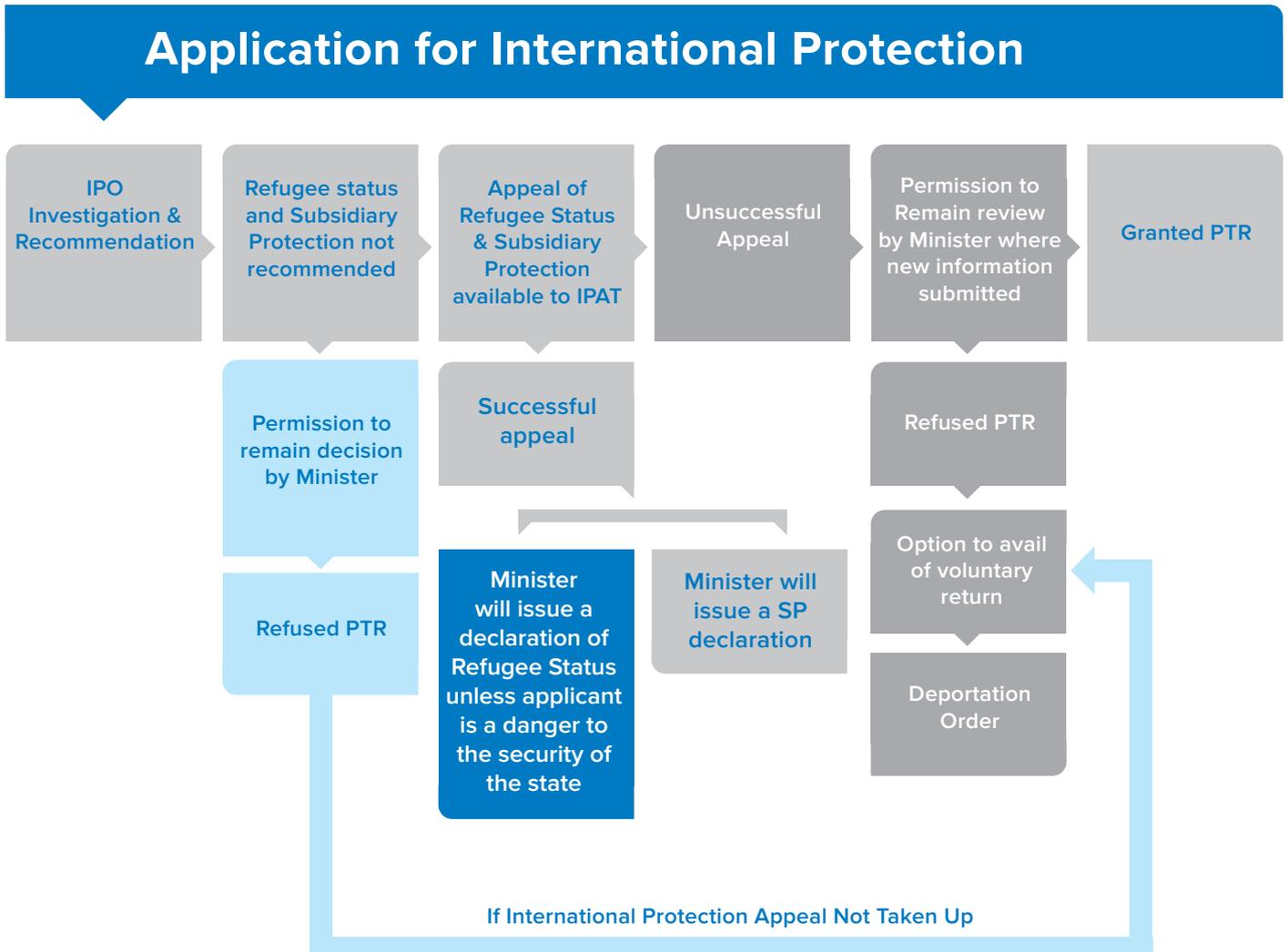
## GRANT OF SUBSIDIARY PROTECTION AT 1<sup>ST</sup> INSTANCE



## GRANT OF PTR AT 1<sup>ST</sup> INSTANCE



# REFUSAL OF REFUGEE STATUS, SP AND PTR AT 1<sup>ST</sup> INSTANCE



## CONTACT DETAILS FOR RELEVANT ORGANISATIONS AND BODIES

**Do you still have questions regarding the new single procedure or the International Protection Act after reading this leaflet?**

**You can contact our office and/or ask your solicitor.**

### **International Protection Office**

**Irish Naturalisation & Immigration Service**  
79-83 Lower Mount Street,  
Dublin 2, D02 ND99  
**Tel:** +353 1 602 8000  
**Fax:** +353 1 602 8122  
**Email:** ipo@justice.ie  
[www.ipo.gov.ie](http://www.ipo.gov.ie)

### **International Protection Appeals Tribunal**

6/7 Hanover Street,  
Dublin 2, D02 W320  
**Tel:** +353 1 474 8400  
**Lo-Call:** 1890 210 458  
**Fax:** +353 1 474 8410  
**Email:** info@protectionappeals.ie  
[www.protectionappeals.ie](http://www.protectionappeals.ie)

### **Irish Naturalisation & Immigration Service**

Department of Justice & Equality  
13-14 Burgh Quay,  
Dublin 2, D02 XK70  
**Tel:** +353 1 616 7700  
**Lo-Call:** 1890 551 500  
[www.inis.gov.ie](http://www.inis.gov.ie)

### **Reception and Integration Agency**

P.O. Box 11487, Dublin 2  
**Tel:** +353 1 418 3200  
**Fax:** +353 1 418 3271  
**Email:** RIA\_Inbox@justice.ie  
[www.ria.gov.ie](http://www.ria.gov.ie)

### **International Organisation for Migration**

116 Lower Baggot Street,  
Dublin 2, D02 R252  
**Tel:** +353 1 676 0655  
**Freephone:** 1800 406 406  
**Email:** iomdublin@iom.int  
[www.ireland.iom.int](http://www.ireland.iom.int)

### **Legal Aid Board Dublin**

48/49 North Brunswick Street,  
Georges Lane, Dublin 7  
D07 PE0C  
**Tel:** +353 1 646 9600  
**Fax:** +353 1 671 0200  
**Email:** lawcentresmithfield@legalaidboard.ie

### **Legal Aid Board Galway**

9 Francis Street Galway,  
H91 NS53  
**Tel:** +353 91 561 650  
**Fax:** +353 91 563 825  
**Email:** galwaylawcentre@legalaidboard.ie

### **Legal Aid Board Cork**

Popes Quay Law Centre,  
North Quay House,  
Popes Quay, Shandon,  
Cork, T23 HV26  
**Tel:** +353 21 4551 686  
**Fax:** +353 21 455 1690  
**Email:** lawcentrecorknorth@legalaidboard.ie

### **Team for Separated Children Seeking Asylum, Tusla - Child & Family Agency**

Sir Patrick Dun's Hospital,  
Lower Grand Canal Street,  
Dublin 2, D02 P667  
**Tel:** +353 1 647 7000  
**Fax:** +353 1 647 7008  
[www.tusla.ie](http://www.tusla.ie)

### **Irish Refugee Council**

37 Killarney Street,  
Mountjoy, Dublin 1  
**Tel:** +353 1 764 854  
**Fax:** +353 1 672 5927  
**Email:** info@irishrefugeecouncil.ie  
[www.irishrefugeecouncil.ie](http://www.irishrefugeecouncil.ie)

### **Nasc Ireland**

Ferry Lane, Dominic Street, Cork  
**Tel:** +353 21 450 3462  
**Email:** info@nascireland.org  
[www.nascireland.org](http://www.nascireland.org)

### **Doras Luimni**

Central Buildings 51a,  
O'Connell Street,  
Limerick, V94 268W  
**Tel:** +353 61 310 328  
**Email:** info@dorasluimni.org  
[www.dorasluimni.org](http://www.dorasluimni.org)

### **Crosscare Refugee Service**

2 Sackville Place, Dublin 1  
**Tel:** +353 1 873 2844  
**Fax:** +353 1 872 7003  
**Email:** refugeeservice@crosscare.ie  
[www.crosscare.ie](http://www.crosscare.ie)

### **SPIRASI**

213 North Circular Road,  
Phibsborough,  
Dublin 7  
**Tel:** +353 1 838 9664  
or +353 1 868 3504  
**Fax:** +353 1 882 3547  
**Email:** info@spirasi.ie  
[www.spirasi.ie](http://www.spirasi.ie)

### **Jesuit Refugee Service Ireland**

The Mews, 20 Upper Gardiner St.  
Dublin 1.  
**Tel:** +353 1 814 8644  
[www.jrs.ie](http://www.jrs.ie)

### **UNHCR,**

102 Pembroke Road,  
Ballsbridge, Dublin 4,  
Ireland.  
**Tel:** + 353 1 6314510  
**Email:** ireduprt@unhcr.org  
[www.unhcr.ie](http://www.unhcr.ie)

