



**BILLE NA nDÍDEANAITHE, 1995**  
**REFUGEE BILL, 1995**

**EXPLANATORY AND FINANCIAL MEMORANDUM**

*Purpose of the Bill*

The purpose of the Bill is to set out in statutory form the status and rights of persons recognised in the State as refugees and the procedures to be followed in determining whether or not a person should be afforded recognition as a refugee in the State.

*Background*

Ireland has been a party to the 1951 United Nations Geneva Convention relating to the Status of Refugees since 29 November 1956 and to the 1967 Protocol relating to the Status of Refugees since 6 November 1968. Refugee is defined in the 1951 Convention as a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it".

When Ireland became a party to the 1951 Convention and the 1967 Protocol it was decided to implement them on an administrative basis. Provision was made in the Irish Nationality and Citizenship Act, 1986 to facilitate the naturalisation of refugees who apply for Irish citizenship but other than that, there are no specific statutory provisions dealing with the status of refugees. Specific administrative procedures for the determination of refugee status in Ireland were drawn up in 1985 in consultation with the Office of the United Nations High Commissioner for Refugees and it has been held by the Supreme Court (*Gutrani v. the Minister for Justice*, 2 July 1992) that these procedures are binding on the Minister. The Bill will provide a statutory basis for the implementation of our obligations under the 1951 Convention and 1967 Protocol as well as providing a statutory framework for the procedures to be followed in the determination of refugee status.

*"Programme Refugees"*

The Bill includes provisions dealing with groups of people who are granted the protection of the State on foot of Government decision. Such groups are referred to as "programme refugees" in the Bill and examples include groups of people from countries such as Hungary, Chile, Iran, Vietnam and the former Yugoslavia who have been admitted to the State for the purposes of temporary protection or resettlement. Such groups are not necessarily limited to persons who would be deemed to be refugees under international law.

### *Dublin Convention*

The Bill also opens the way for Ireland to ratify the Dublin Convention which determines the state responsible for examining applications for asylum lodged in one of the member states of the European Communities.

### **Section 1: Interpretation**

*Section 1* is concerned with interpretation and defines certain terms which are used in the Bill.

### **Section 2: "Refugee"**

*Section 2* defines the term "refugee" and follows the definition used in the Geneva Convention. In that context it should be noted that for the purposes of the Bill *section 1* provides that "membership of a particular social group" includes membership of a trade union and also includes membership of a group of persons whose defining characteristic is their belonging to the female or the male sex or having a particular sexual orientation.

### **Section 3: Extension to refugees of certain rights.**

*Section 3* sets out the rights of persons recognised as refugees in the State. These rights apply to persons who have been granted refugee status prior to the entry into force of this Bill as well as to persons granted refugee status under the Bill in the future. All persons in the State, whether or not they are citizens have certain rights and such rights will apply automatically to a refugee in respect of whom a declaration has been made under the Bill. Irish citizens have rights over and above these basic rights by virtue of their citizenship. The purpose of the section is to give recognised refugees the same rights as Irish citizens in specific areas and to clarify the situation where there might be any doubts.

### **Section 4: Travel document**

This section provides for the Minister giving a travel document (which acts in lieu of a passport for travel purposes in the case of refugees) to a person recognised as a refugee under the Bill.

*Subsection (1)* provides that the Minister may, on application in writing and on payment of a prescribed fee (if any), issue to a person declared to be a refugee under the Bill a travel document identifying him or her as a person recognised as a refugee by the State.

*Subsection (2)* provides that the Minister may refuse to issue a travel document in the interests of national security or public policy. This is provided for in Article 28 of the Geneva Convention.

*Subsection (3)* provides for the format of a travel document to be prescribed. The travel document to be issued will be on the lines envisaged by Article 28 and the Schedule to the Geneva Convention.

*Subsection (4)* requires an applicant for a travel document to furnish to the Minister such information (if any) as may be reasonably required by the Minister.

### **Section 5: Prohibition of refoulement.**

This section provides that a person shall not be expelled from the State or returned to the frontiers of territories where, in the opinion of the Minister, the life or freedom of the person would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion. This provision goes beyond Article 33 of the Geneva Convention as it applies to all persons, not just refugees.

**Section 6: Refugee Applications Commissioner.**

This section provides that there shall be a Refugee Applications Commissioner (the Commissioner) who shall be independent in the exercise of his or her functions. The detailed provisions regarding the Commissioner are set out in the *First Schedule* to the Bill.

**Section 7: Annual Report and information to Minister.**

Under this section the Commissioner is required to submit a report annually to the Minister.

*Subsection (1)* requires the Commissioner, not later than 3 months after the end of each year, to submit a written report of his or her activities during the year. The Minister must lay a copy of the report before each House of the Oireachtas not later than 1 month after its submission by the Commissioner.

Under *subsection (2)* the Commissioner must furnish to the Minister such information on his or her activities as the Minister may from time to time require.

**Section 8: Applications for declaration.**

This section deals with applications for declarations for recognition as a refugee.

*Subsection (1)* stipulates that a person who seeks asylum on arrival at the frontiers of the State must be interviewed by an immigration officer and be informed of the right to apply for a declaration that he or she is a refugee.

*Subsection (1) (c)* deals with a person already in the State (whether lawfully or unlawfully) who is seeking to be declared a refugee. Such a person may apply to the Minister and he or she will be referred to an immigration officer for interview.

*Subsection (2)* requires that an interview under *subsection (1)* shall, where necessary and possible, be conducted with the assistance of an interpreter and that a record of the interview be kept by the immigration officer and a copy furnished to the person interviewed, to the Commissioner and to the United Nations High Commissioner for Refugees (the UNHCR).

*Subsection (3)* provides that a person being interviewed must be informed that he or she is entitled to consult (a) a solicitor and (b) a representative of the UNHCR.

*Subsection (4)* stipulates that, subject to *section 9* (leave to enter or remain in the State) and *section 22* (the provision dealing with the Dublin Convention), all applications for a declaration shall be referred to the Commissioner. The immigration officer has no discretion in this matter.

*Subsections (5) and (6)* deal with procedural and technical matters.

**Section 9: Leave to enter or remain in State.**

This section provides that a person who has applied for refugee status shall be given leave to enter the State subject to certain conditions.

*Subsection (1)* provides that a person who arrives at the frontiers of the State and who has applied for a declaration that he or she is a refugee shall be given leave to enter the State by an immigration officer subject to the subsequent provisions of the section. The immigration officer has no authority under this provision to refuse entry

to an applicant even if the officer has reservations about his or her bona fides.

*Subsection (2)* provides that a person who is granted leave to enter the State under *subsection (1)* or a person who is already in the State is entitled to remain in the State while his or her application is being considered. Except in cases where an exclusion or deportation order applies (see *subsection (15)*) or an application is withdrawn or deemed to be withdrawn the permission to remain expires only when the entire procedure, including appeals, has been exhausted and the application has been rejected or when, under the Dublin Convention, the application is transferred to another EU state.

*Subsection (3)* provides that a person referred to in *subsection (2)* shall be given a temporary residence certificate ("a certificate") stating his or her name and containing a photograph of the person concerned, specifying the date on which his or her application for a declaration was referred to the Commissioner and stating that, subject to the provisions of the Bill, the person shall not be removed from the State before the final determination of his or her application.

Under *subsection (4)* an applicant may not (a) leave or attempt to leave the State without the consent of the Minister or (b) seek or enter employment or carry on any business, trade or profession during the period before the final determination of his or her application for refugee status.

*Subsection (5)* enables an immigration officer, by notice in writing, to require an applicant (a) to reside or remain in particular districts or places in the State, or (b) to report at specified intervals to an immigration officer or member of the Garda Síochána as specified in the notice.

*Subsection (6)* provides an appeal mechanism against the imposition of any requirement under *subsection (5)*. It enables the Minister to direct an immigration officer to withdraw or vary a requirement stipulated under *subsection (5)* where a person applies to the Minister.

*Subsection (7)* provides that a person who contravenes *subsections (4)* or *(5)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding one month or to both.

*Subsection (8)* provides that an immigration officer or a member of the Garda Síochána may detain a person where, with reasonable cause, he or she suspects that an applicant (a) poses a threat to national security or public order in the State, (b) has committed a serious non-political crime outside the State, (c) has not made reasonable efforts to establish his or her true identity, (d) intends to leave the State and enter another state without lawful authority, or (e) has, without reasonable cause, destroyed his or her identity or travel documents or is in possession of forged identity documents.

*Subsection (9)* provides that the Minister shall make regulations providing for the treatment of persons detained pursuant to this section.

*Subsection (10)* provides that a person detained under *subsection (8)* shall, as soon as practicable, be brought before a judge of the District Court.

*Subsection (10) (b)* provides that where a person is brought before the District Court the Court may (i) commit the person concerned to prison for such period not exceeding 10 days from the time of his or her detention or (ii) release the person and the Court may make such release subject to one or more conditions.

*Subsection (10) (c)* provides that where the immigration officer or Garda is of the opinion that the provisions of *subsection (8)* no longer apply to a person who has been detained, the applicant will be brought before the District Court which may release him or her.

*Subsection (11)* states that the provisions for detention and *subsection (4)* only apply to persons who otherwise would not be admitted to the State.

*Subsection (12) (a)* provides that the detention provisions shall not apply to a person under 17 years. *Subsection (12) (b)* provides that where the immigration officer or Garda has reasonable grounds for believing the person is not under 17 years, the detention provisions shall apply. *Subsection (12) (c)* provides that where the parents or guardian of a person under 17 years are detained, the immigration officer or member of the Garda Síochána must inform the appropriate Health Board accordingly. This provision is intended to alert the Health Board to the welfare needs of the child.

*Subsection (13) (a)* provides for the detention of a person who has failed to comply with a condition imposed by the District Court under *subsection (10)*.

*Subsection (13) (b)* provides that a person detained under *paragraph (a)* shall be brought before the District Court which may commit him or her to prison for a period not exceeding 10 days or it may release the person subject, if appropriate, to conditions.

*Subsection (13) (c)* provides that the Court may release the person if it is satisfied the conditions imposed under *subsection (10)* have been complied with.

*Subsection (14) (a)* provides that where the District Court commits a person to prison under *subsections (10)(b)* or *(13)(b)* the Court may commit him or her for such further periods (each period being a period not exceeding 10 days) pending the determination of the person's application.

*Subsection (14) (b)* provides that a person who has been detained and who wishes to leave the State shall be brought before the District Court and the Court may direct the Minister to arrange for his or her removal from the State.

The Minister already has power to exclude or deport aliens by orders made under the Aliens Act, 1935. *Subsection (15)* is intended to ensure that where the Minister exercises his or her powers under the Aliens Act in respect of a person who is a criminal, war criminal or a threat to national security or public order, the person who is the subject of the order will not be able to invoke *subsections (1)* and *(2)* of this section to circumvent the effect of the order.

*Subsection (16)* provides that where, under *subsection (15)*, a person is refused permission to enter the State, or is not entitled to stay in the State he or she may not make an application for refugee status without the consent of the Minister and any such application already referred to the Commissioner shall be deemed to be withdrawn.

**Section 10: Information to be given to detained persons**

*Subsection (1)* provides that certain information must be given to persons detained under *subsection (8)* or *(13)* of *section 9*. This includes information that he or she will be brought before a Court to determine if detention is in order, that he or she is entitled to consult a solicitor, to have access to an interpreter and to have notification of the detention sent to the UNHCR and another person. *Subsection (2)* provides that a person who does not exercise a right specified in the section immediately will not be precluded from doing so at a later stage.

**Section 11: Investigation of application by Commissioner.**

This section states that it shall be the function of the Commissioner to investigate applications and the section also sets out procedures in relation to such investigations.

It is envisaged that an applicant, who may invoke the assistance of a solicitor, will make a written submission to the Commissioner setting out his or her case. The applicant will be interviewed by an officer of the Commissioner and the Department of Foreign Affairs and the Department of Justice may be asked to make inquiries regarding the applicant's claim. A copy of all material obtained by the Commissioner with respect to the application will be supplied to the applicant so that he or she can make further submissions.

*Subsection (1)* states that subject to *section 12* the Commissioner shall investigate an application referred to him or her under *sections 8, 16, 22* or otherwise by the Minister for the purpose of ascertaining whether the applicant is a person in respect of whom a declaration should be given.

*Subsection (2)* requires the Commissioner to direct an authorised officer to interview an applicant and furnish a report in writing to the Commissioner.

Under *subsection (3)* an applicant, the UNHCR or any other person concerned may make representations in writing to the Commissioner concerning an investigation and the Commissioner must take account of any such representations.

*Subsection (4)* provides for the Commissioner requesting in writing the Minister for Justice, the Minister for Foreign Affairs or such other persons as may be specified to furnish him or her with information in relation to an application. The Minister for Justice and the Minister for Foreign Affairs may withhold information in the interest of national security or public policy ("ordre public").

*Subsection (5)* stipulates that, notwithstanding the provisions of the Data Protection Act, 1988, every person who has information relevant to an investigation shall on request give to the Commissioner such information as in his or her possession or control relating to the application.

Under *subsection (6)* the Commissioner is required to furnish the applicant with copies of any documents or representations in writing submitted to the Commissioner together with an indication in writing of the nature and source of any other information relating to the application which has come to the notice of the Commissioner in the course of an investigation by him or her. This is to ensure that the applicant is fully informed of the material on which the Commissioner will make his or her recommendation and to give the applicant an opportunity to refute any material he or she disagrees with.

*Subsection (7)* provides that certain material supplied by another state shall not be disclosed in breach of any condition regarding confidentiality.

*Subsection (8)* provides that, where an application is referred to the Commissioner, the Commissioner shall inform the applicant in writing of the procedures to be observed in the investigation, his or her right to consult a solicitor, his or her entitlement to contact a representative of the Office of the United Nations High Commissioner for Refugees, his or her entitlement to make written submissions to the Commissioner, the duty of the applicant to cooperate with the Commissioner and to furnish information relevant to his or her application and the obligation of the applicant to notify the Commissioner of his or her address in the State.

***Section 12: Manifestly Unfounded Applications.***

This section provides for the manner in which the Commissioner is to deal with manifestly unfounded applications.

To avoid delaying the processing of genuine applications, the section provides that the Commissioner need not pursue his or her investigations where he or she believes that an application is manifestly unfounded. The applicant must be advised of this by the Commissioner (*subsection (1)*) and be given an opportunity to rebut it and an interview with an authorised officer, if requested (*subsection (2)*). If the Commissioner remains of the opinion that the application is manifestly unfounded the Commissioner will recommend that he or she should not be declared a refugee (*subsection (3)*). *Subsection (4)* sets out the circumstances which would give rise to a view that an application is manifestly unfounded. An example of a situation where an application would be considered to be manifestly unfounded is where an application does not show on its face any grounds for the contention that the applicant is a refugee. *Subsection (5)* provides that the applicant must by notice be informed of his or her right to appeal against the recommendation to the Appeal Board (see *section 16*).

***Section 13: Recommendations and Reports by Commissioner***

This section deals with recommendations and reports to be made by the Commissioner following the investigation of an application.

*Subsection (13) (1)* provides that where the Commissioner has completed an investigation into an application he or she must submit a report, together with his or her recommendation, to the Minister. Under *subsection (2)* the applicant and the UNHCR must also be furnished with a copy and the applicant must be notified of his or her right to appeal to the Appeal Board.

***Section 14: Establishment day.***

This section empowers the Minister by order to appoint a day to be the establishment day for the purposes of the Bill which will be the day the Appeal Board referred to in *section 15* will come into being.

***Section 15: Refugee Appeal Board***

This section provides for the establishment of a Refugee Appeal Board.

*Subsection (1)* provides that there shall be established a Board to be known as the Refugee Appeal Board (the Appeal Board) to hear and decide appeals under *section 16* of the Bill.

*Subsection (2)* provides that the Appeal Board shall be independent in the exercise of its functions.

*Subsection (3)* provides that the provisions of the *Second Schedule* to the Bill shall have effect in relation to the Appeal Board.

***Section 16: Appeals to Appeal Board***

This section provides for appeals against a recommendation of the Commissioner.

*Subsection (1)* provides that an applicant may appeal to the Appeal Board against a recommendation of the Commissioner under *section 12* or *section 13*.

The Appeal Board may, under *subsection (2)*, either affirm the recommendation or set aside the recommendation. If the recommendation is made under *section 12* (i.e. the application was considered to be manifestly unfounded and therefore not fully investigated) the Appeal Board, when setting aside the recommendation, shall remit the application to the Commissioner to carry out a full investigation.

*Subsections (3), (4) and (5)* are procedural. An applicant can opt for an oral hearing before the Appeal Board and the Appeal Board must arrange accordingly (*subsection (10)*).

*Subsections (6) and (7)* give the Appeal Board the power to ask the Commissioner for certain further information.

*Subsection (8)* provides that the Appeal Board must give the applicant and his or her solicitor copies of all documentation furnished to it by the Commissioner.

*Subsection (9)* enables an applicant to withdraw an application.

*Subsection (10)* obliges the Appeal Board to hold an oral hearing if so requested by the applicant.

*Subsection (11) (a)* provides that for the purpose of a hearing the Appeal Board may direct in writing any person whose evidence is required by it to attend before the Board on a date and at a time and place specified in the direction and to give evidence and to produce any document or thing in his or her possession or control. The Appeal Board may give any other directions for the purpose of an appeal that appear reasonable and just.

The Minister for Justice and the Minister for Foreign Affairs may direct that certain material should not be disclosed to the Appeal Board in the interest of national security or public policy (*subsection (11) (b)*).

The Appeal Board must enable the applicant, the Commissioner or an authorised officer to be present at the hearing and to present their case to the Appeal Board in person or through a legal representative (*Subsection (11) (c)*).

The Appeal Board must also do its utmost to procure an interpreter for the hearing (*Subsection (11) (d)*).

*Subsection (12)* provides that a witness before the Appeal Board shall be entitled to the same privileges and immunities as a witness in Court.

*Subsection (13)* provides that material supplied by another state shall not be disclosed in breach of any condition regarding confidentiality.

*Subsection (14)* provides that an oral hearing shall be in private. By definition a refugee is a person in fear of persecution and material relating to an application should not be made public as it could have adverse implications for the applicant or for his or her family.

*Subsection (15)* sets out the information which the Appeal Board must consider before deciding on an appeal.

*Subsection (16)* provides for the Appeal Board's decision to be communicated to the applicant, his or her solicitor, the Commissioner, the Minister and the UNHCR.

**Section 17: Declaration that person is refugee**

This section provides for the Minister giving a declaration to a person that he or she is a refugee.

*Subsection (1)* provides that, subject to the subsequent provisions of the section, where a report under *section 13* is furnished to the Minister, he or she shall, if the report includes a recommendation that the applicant should be declared to be a refugee, or if the Appeal Board on appeal so recommend, give to the applicant a statement in writing ("a declaration") declaring that the person is a refugee.

*Subsection (2)* gives the Minister power to refuse a declaration to a person in the interest of national security or public policy.

*Subsection (3)* extends the scope of the Bill to persons already recognised as refugees.

*Subsection (4)* provides that a refugee who has already been granted protection by another state is not entitled to a declaration.

*Subsection (5)* provides that, where a person has been refused a declaration, the Minister shall send the applicant a notice in writing accordingly and inform him or her that his or her permission to reside in the State has expired and that an order may be made requiring the applicant to leave the State. A copy of the notice will also be sent to the UNHCR and the applicant's solicitor.

*Subsection (6)* provides that the Minister may grant permission to remain in the State to a person who is not given a declaration.

*Subsection (7)* provides that a person who has been refused a declaration shall not make a further application without the Minister's permission.

*Subsection (8)* provides for the removal of persons who are not refugees or who have no other lawful grounds for being in the State.

**Section 18: Member of family of refugee**

This section provides that the Minister, on application by a refugee and after investigation by the Commissioner, may allow close family relatives of the refugee enter the State. (*Subsections (1), (2) and (3)*).

*Subsection (4)* provides that the Minister can also permit certain dependent family members who are not close family members to enter the State. Relatives granted permission to enter the State will be entitled to the rights and privileges in *section 3* for such period as the refugee is entitled to remain in the State.

*Subsection (5)* provides that the Minister may refuse to grant permission to family members to enter and reside in the State or may revoke such permission in the interest of national security or public policy.

*Subsection (6)* provides for the issue of travel documents to persons given permission to enter the State under this section.

**Section 19: Protection of identity of applicants**

By definition a refugee is a person in fear of persecution and much of the material relating to an application should not be made public as it could identify the applicant and have very serious implications for the applicant or for his or her family. *Section 19* provides protection for the identity of the applicant.

*Subsection (1)* provides that the Commissioner, the Appeal Board, the Ministers for Justice and Foreign Affairs and their officers shall ensure that the identity of an applicant is kept confidential.

*Subsection (2)* prohibits publication or broadcast of any matter likely to identify an applicant without his or her consent and the consent of the Minister.

*Subsections (3), (4) and (5)* are concerned with the offence of publishing or broadcasting material in contravention of *subsection (2)*.

**Section 20: Prohibition of False Information and alteration of identity documents.**

This section deals with offences relating to the giving of false information and the alteration of identity documents.

*Subsection (1)* defines "identity documents" for the purposes of the section.

*Subsection (2)* provides that if a person, for the purposes of or in relation to an application gives or makes to the Commissioner, the Appeal Board or to an authorised officer any statement or information which is to his or her knowledge false or misleading, that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1, 500 or to imprisonment for a term not exceeding 6 months or to both.

Under *subsection (3)* it will be an offence for a person to destroy or conceal the identity papers of an applicant with intent to deceive. The penalty for this offence on summary conviction will be a fine not exceeding £1, 500 or imprisonment for a term not exceeding 6 months or both.

*Subsection (4)* provides that if a person forges identity papers for reward, that person shall be guilty of an offence and shall be liable (a) on summary conviction to a fine not exceeding £1, 500 or to imprisonment for a term not exceeding 6 months or to both or (b) on conviction on indictment, to a fine of £60,000 or to imprisonment for a term not exceeding 3 years or to both.

*Subsection (5)* stipulates that if a person sells or supplies or has in his or her possession for the purpose of sale or supply forged identity

papers, that person shall be liable (a) on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 6 months or to both or (b) on conviction on indictment, to a fine not exceeding £100,000 or to imprisonment for a term not exceeding 5 years or to both.

*Subsection (6)* provides for the arrest without warrant of a person reasonably suspected by a member of the Garda Síochána of an offence under this section.

### **Section 21: Revocation of Declaration**

This section deals with the revocation of a declaration by the Minister.

*Subsection (1)* gives the Minister power to revoke a declaration in the circumstances set out in this subsection.

*Subsection (2)* stipulates that the Minister shall not revoke a declaration on the grounds specified in *subsection (1) (e)* or *(f)* where the Minister is satisfied that the person concerned is able to invoke compelling reasons arising out of previous persecution as to why the declaration should not be revoked in his or her case.

*Subsections (3), (4), (5)* and *(6)* provide that a person must be given an opportunity to make representations to the Minister on the question of revocation and if the Minister decides to proceed the person may appeal to the High Court. A person cannot be removed from the State until any such appeal is finally determined.

### **Section 22: Dublin Convention**

This section deals with the making of orders by the Minister for the purposes of the Dublin Convention (i.e. the Convention determining the state responsible for examining applications for asylum lodged in one of the member states of the European Communities).

*Subsection (1)* gives the Minister power to make such orders as appear to him or her to be necessary or expedient for the purposes of giving effect to the Dublin Convention. *Subsection (2)* goes on to indicate, in particular, what such orders may provide for.

*Subsection (3)* stipulates that any order made under the section may make provision for such consequential incidental, ancillary, and supplementary matters as the Minister considers necessary or expedient.

*Subsection (4)* provides that the section shall not be construed as authorising the transfer of an application for asylum to a Convention country unless that country is responsible for the examination of the application under the provisions of the Dublin Convention or has agreed to accept responsibility for the examination of the application.

*Subsection (5), (6)* and *(7)* are technical provisions.

*Subsection (8)* provides that the Minister shall, pursuant to Articles 14 and 15 of the Dublin Convention, communicate information to Convention countries.

*Subsection (9)* defines "an application for asylum".

**Section 23: Regulations**

This section provides a general power to make regulations to enable the provisions of the Bill to have full effect.

**Section 24: "Programme refugees"**

This section provides for "programme refugees" who are groups of persons given temporary protection or resettlement in the State as part of a programme. Programme refugees will have similar rights to refugees while in the State.

**Section 25: Savings**

This section ensures there is no conflict between this Bill and the provisions of the Extradition Acts.

**Section 26: Annual Report to Houses of Oireachtas**

This section requires the Minister to make an annual report to each House of the Oireachtas on the number of cases in which sections 9 (15), 17 (2) and 18 (5) were applied. These provisions could be applied to refuse admission to the State to a person who is the subject of a deportation or exclusion order made in specified circumstances such as where the person poses a threat to national security or public policy (section 9 (15)), to enable the Minister to refuse to give a declaration in the interest of national security or public policy (section 17 (2)) or to refuse permission to enter or reside in the State to a family member or to revoke permission given to a family member in the interest of national security or public policy (section 18 (5)).

**Section 27: Laying of orders and regulations before Houses of Oireachtas**

This section provides that every order other than an order under section 17 (8) or regulation made by the Minister must be laid before each House of the Oireachtas and it provides for the possibility of an annulling resolution.

**Section 28: Transitional Provision**

This is a transitional provision in relation to applications on hand before the commencement of the Bill's provisions.

**Section 29: Expenses of Minister and Section 30: short title and commencement**

These are standard provisions.

**First Schedule — Refugee Applications Commissioner**

The First Schedule provides that the Commissioner shall have had not less than 7 years' experience as a practising barrister or solicitor before his or her appointment. It provides for his or her appointment and term of office, resignation and remuneration and expenses. The Schedule also provides for the appointment by the Minister of staff to assist the Commissioner.

**Second Schedule — Refugee Appeal Board**

The Second Schedule provides that the Appeal Board shall consist of a chairperson who, before his or her appointment, shall have had not less than ten years' experience as a practising barrister or practising solicitor. It provides for the appointment by the Minister of four other members, one of whom will be an officer of the Minister and one who will be an officer of the Minister for Foreign Affairs. The Schedule also provides for the term of office of the members and their remuneration and expenses.

***Financial Implications***

The annual cost of implementing the Bill is estimated at £695,000. Staff will be required to assist the Commissioner and the Appeal Board. Additional costs will arise in relation to the use of interpretation services, legal assistance and travel and subsistence.

*An Roinn Dlí agus Cirt,  
Deireadh Fómhair, 1995.*

*Section 23: Regulations*

Financial implications

The annual cost of implementing the Bill is estimated at \$893,000. Staff will be required to assist the Commission and the Appeal Board. Additional costs will arise in relation to the use of interpreters, legal services, legal assistance and travel and subsistence.

This section provides for "refugees" who are groups of persons given temporary protection in New Zealand as a result of a programme of assistance to refugees while in the State.

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The First Schedule provides that the Commissioner shall have had not less than 7 years' experience as a practising barrister or solicitor before his or her appointment. It provides for his or her appointment and term of office, resignation and remuneration and expenses. The Schedule also provides for the appointment by the Minister of staff to assist the Commissioner.

*Second Schedule — Refugee Appeal Board*

The Second Schedule provides that the Appeal Board shall consist of a chairperson who has held office for not less than 10 years' experience as a practising barrister or solicitor. It provides for the appointment by the Minister of four other members, one of whom will be an officer of the Minister and one who will be an officer of the Refugee Appeal Board. The Schedule also provides for the appointment of staff to assist the members of the Board.

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THE HISTORY OF THE  
CITY OF BOSTON

From its first settlement in 1630 to the present time  
its growth and development  
its political and social progress  
its economic and industrial expansion  
its cultural and educational achievements  
its architectural and artistic landmarks  
its historical and archaeological sites  
its natural and scenic beauty  
its climate and weather conditions  
its transportation and communication systems  
its public services and utilities  
its sports and recreation facilities  
its health and medical care services  
its law and justice system  
its military and defense installations  
its foreign relations and international trade  
its population and demographics  
its statistics and data  
its maps and geographical features  
its chronology and timeline  
its bibliography and references  
its index and glossary  
its appendix and supplementary material

