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**AN BILLE UM IARRATASÓIRÍ AR THEARMANN (STÁDAS
A THABHAIRT CHUN RIALTACHTA) (UIMH. 2), 1998
ASYLUM SEEKERS (REGULARISATION OF STATUS)
(NO. 2) BILL, 1998**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
 2. Definition of admitted asylum seekers.
 3. Rights and privileges of admitted asylum seekers.
 4. Powers of Minister.
 5. Short title.
-

Acts Referred to

Aliens Act, 1935

1935, No. 14

Refugee Act, 1996

1996, No. 17



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BILL

entitled

AN ACT TO REGULARISE THE STATUS OF ASYLUM SEEKERS IN THE STATE.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

10 **1.**—(1) In this Act, unless the context otherwise requires— Interpretation.

“an admitted asylum seeker” means a person permitted to remain in the State under the provisions of *section 2* of this Act;

15 “the Aliens legislation” means the Aliens Act, 1935, and any statutory amendments or re-enactments thereof and any orders made thereunder;

“an application for asylum” shall mean an application for asylum or refuge in the State whether or not such application has been accepted by the Minister;

20 “the Minister” means the Minister for Justice, Equality and Law Reform;

“refugee” shall be construed in accordance with section 2 of the Refugee Act, 1996.

(2) In this Act—

25 (a) a reference to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any subsequent enactment including this Act,

30 (b) a reference to a section is a reference to a section of this Act unless it is indicated that reference to some other enactment is intended,

35 (c) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended.

Definition of admitted asylum seekers.

2.—A person who, before 1 January, 1998, had made or was entitled to make an application seeking the status of a refugee in the State shall be permitted by the Minister to remain and reside in the State, subject to the provisions of *section 4* of this Act, and shall be called an admitted asylum seeker.

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Rights and privileges of admitted asylum seekers.

3.—A person who is an admitted asylum seeker shall be entitled to all of the rights and privileges accorded by the State to a person recognised by the State as a refugee.

Powers of Minister.

4.—(1) The provisions of *section 2* of this Act shall not apply to a person who:

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- (a) had not entered the State prior to 1 January, 1998; or
- (b) had not made an application to the Minister prior to 1 January, 1998; or
- (c) has been convicted of any crime committed in the State (other than a crime under the Aliens legislation) carrying as a penalty a term of imprisonment, whether or not such penalty was imposed.

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(2) Where the Minister is satisfied that a person admitted under the provisions of *section 2*:

- (a) would not be recognised as a refugee for the reasons listed in *section 2(a)* to *(e)* of the Refugee Act, 1996; or
- (b) is a person to whom the provisions of *section 21(1)(a)* to *(g)* of the Refugee Act, 1996, apply;

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the Minister may withdraw the permission granted under *section 2*.

(3) Where the Minister, under this section of this Act, proposes to withdraw a permission granted under *section 2* of this Act, he or she shall notify the person concerned, consider representations and permit an appeal to the High Court in all respects as if the withdrawal was revocation of a declaration of refugee status and the provisions of *section 21(3)* to *(6)* of the Refugee Act, 1996, shall apply to the withdrawal of permission of an admitted asylum seeker in all respects as if it was the revocation of a declaration of refugee status.

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(4) The Minister may, at his or her discretion, grant permission in writing to a person in respect of whom a permission to remain as an admitted asylum seeker has been denied under *subsection (1)* or withdrawn under *subsection (2)* to remain in the State for such period and subject to such conditions as the Minister may specify in writing.

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Short title.

5.—This Act may be cited as the Asylum Seekers (Regularisation of Status) Act, 1998.



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EXPLANATORY MEMORANDUM

General

The main purpose of the Bill is to regularise the position of the approximately 4,000 asylum seekers currently in Ireland. Under the terms of the Bill the Minister for Justice, Equality and Law Reform would be required to allow those who had arrived in the State prior to 1 January, 1998, and who had applied for refugee status prior to that date to remain within the State as “admitted asylum seekers”. Certain limited categories of people are excluded — those who would not have been qualified to apply for refugee status under the Refugee Act, 1996.

Section 1 deals with definitions and interpretations.

Section 2 is the kernel of the Bill. It establishes the category of “admitted asylum seeker”. Under this section the Minister would be required (subject to the exceptions in *section 4*) to permit those who, before 1 January, 1998, had made or were entitled to make an application for the status of refugee to remain within the State.

Section 3 provides that a person who is an admitted asylum seeker would be entitled to all the rights and privileges of a refugee. These include, *inter alia*, the right to work or start businesses; the right to social welfare and health benefits; the right to travel; freedom of association and access to the courts.

Section 4. Subsection (1) provides that the terms of *section 2* shall not apply to a person who had not entered the State prior to January, 1998, or who had not made an application prior to that date or who had been convicted of a crime, carrying as a penalty a term of imprisonment. *Subsection (2)* provides that the Minister may, in certain circumstances, withdraw the permission to remain in the State under *section 2*. They include, *inter alia*, those who have committed war crimes, serious non-political crimes outside of the State, or acts contrary to the purposes and principles of the United Nations. Also included are those who have voluntarily returned to their country of origin or acquired new nationality. *Subsection (3)* provides that where it is proposed to withdraw permission to remain, the person shall be notified and the Minister shall consider representations. The

same right of appeal to the High Court set out in section 21 of the Refugee Act, 1996, shall also apply. *Subsection (4)* provides that where the status of admitted asylum seeker has been denied or withdrawn, the Minister may grant permission to remain in the State for such period and subject to such conditions as he or she may specify.

An Teachta Eilís Mhic Mhánais,
Márta, 1998.