



**DÁIL ÉIREANN**

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**AN BILLE UM CHOSAINN IDIRNÁISIÚNTA, 2026  
INTERNATIONAL PROTECTION BILL 2026**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

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## AN BILLE UM CHOSAINN IDIRNÁISIÚNTA, 2026 —AN COISTE

### INTERNATIONAL PROTECTION BILL 2026 —COMMITTEE

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#### *Leasuithe Amendments*

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#### SECTION 1

1. In page 16, between lines 26 and 27, to insert the following:

“(3) Notwithstanding any provisions within *subsection (2)*, this Act shall not come into operation until such time as the Minister has laid before each House of the Oireachtas a report setting out—

- (a) the administrative, operational and staffing arrangements that have been put in place to enable the State to comply with the requirements and obligations arising under this Act,
- (b) the resources allocated for the purpose of implementing this Act, including staffing levels, accommodation capacity, interpretation services, legal assistance provision and IT systems,
- (c) the measures taken to ensure that all relevant bodies, agencies and contractors are capable of performing functions assigned to them under this Act, and
- (d) an implementation timetable confirming that the Minister is satisfied that the State is in a position to meet all requirements and obligations arising under this Act.”.

—Matt Carthy.

#### SECTION 2

2. In page 16, between lines 32 and 33, to insert the following:

#### **“Sovereignty of the State in Matters of International Protection**

- 2. (1) Nothing in this Act shall be construed as limiting the sovereign authority of the State, exercised through the Oireachtas, to determine policy in respect of immigration and international protection.
- (2) No provision of this Act shall be interpreted as delegating such authority to any external body or institution without the express approval of the Oireachtas by primary legislation.”.

—Matt Carthy.

[SECTION 2]

3. In page 16, between lines 32 and 33, to insert the following:

**“Annual report on sovereignty and external obligations**

2. (1) The Minister shall, not later than 31 March each year, lay before the Oireachtas a report detailing:
- (a) the extent to which the State’s international protection system remains under domestic control;
  - (b) obligations arising from EU or international agreements during the preceding year; and
  - (c) steps taken to ensure that Irish sovereignty and democratic oversight are maintained.
- (2) The report shall be referred to the Joint Oireachtas Committee on Justice for consideration.”.

—Matt Carthy.

4. In page 16, between lines 32 and 33, to insert the following:

**“Assessment of Common Travel Area impacts**

2. (1) The Government shall prepare and publish an assessment of the potential and actual impacts on the Common Travel Area arising from the operation of this Act.
- (2) An assessment under *subsection (1)* shall include—
- (a) analysis of any implications for the movement of persons between the State and Great Britain,
  - (b) consideration of the effect of international protection procedures on CTA integrity and cooperation,
  - (c) evaluation of any risks of displacement or diversion effects within the CTA, and
  - (d) measures proposed to mitigate identified impacts.
- (3) The Government shall consult with relevant Departments, agencies, and stakeholders, including those with responsibility for immigration control, border management, and CTA coordination.
- (4) An assessment prepared under this section shall be laid before each House of the Oireachtas not later than 12 months after the commencement of this section, and thereafter at intervals not exceeding three years.”.

—Matt Carthy.

5. In page 16, between lines 34 and 35, to insert the following:

“ “absconding” means the action by which an applicant does not remain available to the competent administrative or judicial authorities of a Member State, such as by leaving the territory of the state without permission from the competent authorities,

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for reasons which are not beyond the applicant’s control;”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

6. In page 20, between lines 8 and 9, to insert the following:

“ “legal counselling” means the provision to an applicant of information, guidance and assistance relating to the asylum procedure, having regard to the particular circumstances of the applicant, and that is provided—

- (a) on an individual and in-person basis,
- (b) by a practising solicitor or barrister,
- (c) without charge to the applicant,
- (d) in a language that is understood by the applicant,

and includes—

- (i) assistance in the lodging of an application for international protection,
- (ii) support in the preparation for any interview conducted at first instance, and
- (iii) the provision of information on the means available to challenge a decision refusing such an application;”.

—Gary Gannon.

7. In page 20, between lines 8 and 9, to insert the following:

“ “legal counselling” means oral or written legal advice from a practising solicitor or barrister, or a person employed by the Legal Aid Board who is authorised to provide legal advice or representation;”.

—Matt Carthy.

8. In page 23, between lines 22 and 23, to insert the following:

“(2) A reference in this Act to a ‘measure of last resort’ means, in relation to an adult or a child, a measure that is taken only after all non-custodial alternatives to detention have been duly considered, in accordance with Recital 33 and Article 10(2) of the Reception Conditions Directive.”.

—Alan Kelly.

9. In page 23, between lines 22 and 23, to insert the following:

“(2) “Legal counselling” shall include the provision, free of charge, of:

- (a) guidance on and an explanation of the administrative procedure including information on rights and obligations during that procedure;
- (b) assistance on the lodging of the application and guidance on:
  - (i) the different procedures under which the application may be examined and the reasons for the application of those procedures;
  - (ii) the rules related to the admissibility of an application;

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- (iii) legal issues arising in the course of the procedure, including information on how to challenge a decision rejecting an application in accordance with *Part 6*.”.

—Alan Kelly.

10. In page 23, between lines 24 and 25, to insert the following:

- “(3) (a) In the application and interpretation of this Act, the best interests of the child shall be a primary consideration in all matters affecting a person who is a minor or who is presumed to be a minor.
- (b) In determining for the purposes of *paragraph (a)* what is in the best interests of the child, the following factors shall be taken into account:
  - (i) the views of the child, having regard to the child’s age and maturity;
  - (ii) the child’s identity, including their age, gender, sexual orientation, nationality and religion;
  - (iii) safety, welfare and development needs;
  - (iv) preservation of family relationships;
  - (v) any particular vulnerabilities of the child; and
  - (vi) any other particular circumstances pertaining to the child concerned.”.

—Gary Gannon, Alan Kelly.

SECTION 3

11. In page 23, between lines 24 and 25, to insert the following:

**“Pre-commencement report on capacity of Child and Family Agency**

- 3. (1) The Minister shall, prior to the commencement of this Act or of any relevant Part thereof, lay before each House of the Oireachtas a report on the capacity of the Child and Family Agency to discharge its statutory functions under this Act.
- (2) A report under *subsection (1)* shall include—
  - (a) an assessment of the staffing levels, operational capacity and organisational structures of the Child and Family Agency insofar as they relate to the performance of its functions under this Act,
  - (b) an assessment of the financial and other resources available to the Agency for the purpose of fulfilling those functions, and
  - (c) confirmation that the Agency is in a position to comply with its statutory obligations under this Act upon commencement.
- (3) The Minister shall not commence this Act, or any Part thereof to which the report relates, until the report required under *subsection (1)* has been laid before each House of the Oireachtas.”.

—Matt Carthy.

[SECTION 3]

12. In page 23, lines 33 and 34, to delete “174(1) or 174(5)” and substitute “174(1), 174(5), 176 or 193”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

SECTION 7

13. In page 25, between lines 16 and 17, to insert the following:

“(2) Where an officer of the Minister, pursuant to any enactment or rule of law, performs a function conferred on the Minister by virtue of *subsection (1)*, the officer is independent in the performance of that function.”.

—Alan Kelly.

SECTION 14

14. In page 26, after line 30, to insert the following:

**“Welfare of minors**

14. (1) The best interests of the child shall be primary consideration in the application of this Act, and the Minister shall have due regard to this principle in respect of all matters concerning minors.
- (2) For the avoidance of doubt, minors are entitled under this Act to—
- (a) special procedural guarantees in accordance with Article 20 of the Procedures Regulation,
  - (b) special reception in accordance with their special reception needs under Article 13 of the Reception Conditions Directive.
- (3) Without prejudice to the generality of *subsection (1)* in assessing the best interests of the child, the Minister shall, in accordance with Articles 13 and 26 of the Reception Conditions Directive, take due account of the following factors:
- (a) the principle that minors, as a rule, shall not be detained;
  - (b) the principle that the health, including the mental health of minors shall be of primary concern;
  - (c) the possibility of family reunification;
  - (d) the wellbeing and social development of minors, taking into particular consideration their background and need for stability and continuity in care;
  - (e) the safety and security considerations of minors, in particular where there is a risk of minors being the victim of any form of violence or exploitation, including trafficking in human beings;
  - (f) the views of the minor in accordance with his or her age and maturity.
- (4) The Minister shall in accordance with the Reception Conditions Directive, provide an applicant with necessary healthcare, including emergency care, essential treatment of illnesses including serious mental disorders, and sexual and reproductive healthcare.
- (5) Where the applicant is a minor—

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- (a) provide the minor with access to leisure activities, including play and recreational activities appropriate to their age, and to open-air activities within the premises and accommodation centres provided under this Act,
  - (b) provide the minor with a standard of living adequate for their physical, mental, spiritual, moral, and social development,
  - (c) provide the minor with access to education on an equal basis as that provided for Irish citizens, for the duration of the minor's application for international protection, and that the education of a minor shall take place in the same location and at the same time as the education of Irish citizens,
  - (d) where the minor has been a victim of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or has suffered from armed conflicts, provide them with appropriate access to rehabilitation services, and ensure that appropriate mental health care and counselling is provided where needed.
- (6) Without prejudice to *subsection (5)*, provide the minor with the same type of healthcare as that provided for Irish citizens, including where necessary after the minor reaches the age of 18.
- (7) The Minister for Education, and the Minister for Health shall provide the Minister with such assistance as is necessary for the purposes of this section.
- (8) Without prejudice to *subsections (3)(b) and (3)(c)*, the Minister for Education shall not withdraw secondary education from a minor for the sole reason that the minor has reached the age of 18 years.”.

—Aidan Farrelly.

15. In page 26, after line 30, to insert the following:

**“Community impact assessments prior to location of international protection accommodation**

14. (1) Prior to the establishment of any new accommodation centre under this Act, the Minister shall ensure that a Community Impact Assessment is prepared and published.
- (2) A Community Impact Assessment shall be carried out by—
- (a) the relevant local authority, or
  - (b) such other competent body as the Minister may appoint for that purpose.
- (3) A Community Impact Assessment shall include—
- (a) the projected capacity of the proposed centre,
  - (b) an assessment of local service impacts,
  - (c) community engagement plans,
  - (d) proposed mitigation measures, and
  - (e) an analysis of the Pobal Deprivation Index for the area concerned, including

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consideration of whether the proposal would contribute to a disproportionate concentration of accommodation centres in disadvantaged communities.

- (4) The body carrying out the Assessment under *subsection (2)* shall conduct a statutory consultation with—
  - (a) the relevant local authority (where it is not itself the assessing body), and
  - (b) community stakeholders.
- (5) A centre shall not commence operation until—
  - (a) the consultation period has concluded, and
  - (b) the Community Impact Assessment has been published.”.

—Matt Carthy.

16. In page 26, after line 30, to insert the following:

**“Transparency of accommodation contracts**

14. (1) The Minister shall publish all contracts, subcontracts, financial schedules, performance reports, and compliance assessments relating to accommodation or services provided to international protection applicants.
- (2) Publication shall occur no later than 30 days after the signing of the relevant document.
- (3) Information may be withheld only where strictly necessary to protect commercially sensitive material, as defined by regulation, and such withholding must be justified in writing.
- (4) All documents published under this section shall be made available on a publicly accessible website maintained by the Minister.”.

—Matt Carthy.

17. In page 26, after line 30, to insert the following:

**“Matters concerning minors**

14. The best interests of the child shall be primary consideration in the application of this Act, and the Minister shall have due regard to this principle in respect of all matters concerning minors.”.

—Matt Carthy.

18. In page 26, after line 30, to insert the following:

**“Due diligence and beneficial ownership requirements for contractors**

14. (1) The Minister shall ensure that any company, partnership, body corporate, or organisation seeking to enter into a contract with the State for the provision of accommodation or services to persons within the international protection system is

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subject to mandatory due diligence and vetting procedures prior to the award of such contract.

- (2) The due diligence procedures under *subsection (1)* shall include, at a minimum:
  - (a) verification of the identity of all directors, partners, or persons exercising control;
  - (b) a full beneficial ownership declaration, including disclosure of any natural person who ultimately owns or controls, directly or indirectly, more than 25 per cent of the entity;
  - (c) confirmation of tax compliance;
  - (d) assessment of financial capacity and trading history;
  - (e) checks for prior regulatory sanctions, insolvency proceedings, or relevant criminal convictions;
  - (f) any additional checks the Minister considers necessary to ensure the integrity and suitability of the contractor.
- (3) The Minister shall not award a contract for the provision of accommodation or services unless satisfied that the entity has complied fully with the requirements of this section.
- (4) The Minister shall maintain a register of all entities that have undergone due diligence and beneficial ownership checks under this section, and shall update the register annually.
- (5) The Minister shall lay before each House of the Oireachtas an annual statement confirming compliance with this section and summarising the number of entities assessed, approved, or rejected during the preceding year.
- (6) Nothing in this section shall prevent the Minister from applying more stringent requirements where necessary to protect the public interest or ensure the proper administration of the international protection system.”.

—Matt Carthy.

19. In page 26, after line 30, to insert the following:

**“Cap on daily expenditure for international protection accommodation**

14. (1) The Minister shall, by regulations made under this Act, prescribe a maximum amount that may be paid per person per day by the State in respect of accommodation provided to applicants for international protection.
- (2) Regulations made under *subsection (1)* shall specify—
  - (a) the monetary cap applicable to all forms of accommodation procured or funded by the Minister for the purposes of this Act,
  - (b) the methodology used in determining the cap, including consideration of value for money, regional cost variations, and the avoidance of excessive reliance on emergency or *ad hoc* accommodation arrangements, and

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- (c) the date on which the cap shall come into operation.
- (3) The Minister shall review the cap prescribed under *subsection (1)* at least once in every 12 month period and may amend the cap by regulation following such review.
- (4) Regulations under this section shall be laid before each House of the Oireachtas as soon as may be after they are made.”.

—Matt Carthy.

SECTION 15

20. In page 28, between lines 32 and 33, to insert the following:

“(14) The best interests of the child shall be a primary consideration in the carrying out of procedures in respect of a minor under this Part, in accordance with Article 14(1) of the Eurodac Regulation.”.

—Gary Gannon, Aidan Farrelly, Matt Carthy.

SECTION 22

21. In page 32, to delete lines 14 to 18.

—Gary Gannon.

22. In page 32, between lines 34 and 35, to insert the following:

“(f) an applicant who is a presumed or identified victim of trafficking.”.

—Gary Gannon, Alan Kelly.

SECTION 24

23. In page 33, between lines 14 and 15, to insert the following:

“(1) A member of An Garda Síochána or an immigration officer shall not arrest an applicant under this section for the sole reason that he or she is an applicant, or on the basis of his or her nationality.”.

—Alan Kelly.

24. In page 33, between lines 21 and 22, to insert the following:

- “(d) appeal mechanism,
- (e) right to access legal representation.”.

—Aidan Farrelly, Matt Carthy, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

25. In page 33, line 27, to delete “without warrant” and substitute “further to a warrant”.

—Gary Gannon.

26. In page 33, between lines 28 and 29, to insert the following:

“(3) A member of An Garda Síochána or an immigration officer may, as a measure of last resort, arrest without warrant and detain an applicant where the member or officer is satisfied, on reasonable grounds, that the applicant has a documented history of

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violent criminal offending and that such history gives rise to a present danger to public security or public order.”.

—Matt Carthy.

27. In page 33, lines 30 and 31, to delete “unless *section 22(5)* applies to the applicant”.

—Gary Gannon, Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

28. In page 33, between lines 32 and 33, to insert the following:

“(c) a presumed or identified victim of trafficking.”.

—Gary Gannon, Alan Kelly.

29. In page 33, line 34, to delete “in a screening centre or”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

30. In page 33, line 35, after “detention” ” to insert “which means a place not within the general prison population”.

—Gary Gannon.

31. In page 33, line 39, to delete “, and for a period not exceeding 12 hours, in a vehicle”.

—Gary Gannon.

32. In page 34, between lines 6 and 7, to insert the following:

“(6) If a person is detained and brought to a place of detention referred to in *subsection (4) (a)* is a prison or a Garda Síochána station, they should be entitled to the rights and obligations contained within the Criminal Justice Act, 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations, 1987 (S.I. No. 119 of 1987), including, but not limited to, a record of detention, access to a solicitor, provided with meals, water, toilets and medical treatment as necessary, and not be subject to ill-treatment or the threat of ill-treatment.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

33. In page 34, to delete lines 14 and 15.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

34. In page 34, between lines 18 and 19, to insert the following:

“(10) *Subsection (9)* shall not apply to applicants with special reception needs.”.

—Gary Gannon.

35. In page 34, to delete lines 19 to 23 and substitute the following:

“(10) Where a person under the age of 18 years is in the custody of an applicant (whether the applicant is a parent or a person acting in *loco parentis* or any other person) and the applicant is detained under this section, the best interests of the children shall be a primary consideration. Such families are to be placed in accommodation suitable to protect and promote the best interests of the child in accordance with Article 26(2) of the Reception Conditions Directive, including respect for the principle of family

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unity. Where necessary, in the best interests of the child, a member of An Garda Síochána or an immigration officer shall notify the Child and Family Agency of the detention and its circumstances without delay.”.

—Gary Gannon.

- 36.** In page 34, lines 21 and 22, to delete “is detained under this section, a member of An Garda Síochána or an immigration officer shall notify the Child and Family Agency of the detention” and substitute the following:

“would be detained but for his or her accompaniment by a child, under this section a member of An Garda Síochána or an immigration officer shall identify other less coercive alternative measures to detention which are appropriate to families with minor children, and notify the Child and Family Agency of the alternative measures”.

—Aidan Farrelly, Alan Kelly, Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

- 37.** In page 34, between lines 23 and 24, to insert the following:

“(11) Minors shall, as a rule, not be detained. They shall be placed in suitable accommodation in accordance with Articles 26 and 27. Adequate alternatives to detention shall, as a rule, be used for families with minors in accordance with the principle of family unity. Such families shall be placed in accommodation suitable for them.”.

—Aidan Farrelly.

- 38.** In page 34, to delete lines 24 to 42, and in page 35, to delete lines 1 to 10 and substitute the following:

“(11) At no point during the screening procedure shall a minor, either unaccompanied or in the custody of an applicant (a parent or person acting in *loco parentis*), be subject to arrest without a warrant or detention.”.

—Gary Gannon.

- 39.** In page 34, to delete lines 24 to 34.

—Aidan Farrelly, Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

- 40.** In page 34, to delete lines 24 to 42, and in page 35, to delete lines 1 to 10.

—Alan Kelly.

- 41.** In page 34, between lines 34 and 35, to insert the following:

“(12) For the purpose of this section, and subject to the conclusion of any age assessment, where the immigration officer or member of An Garda Síochána is uncertain as to whether or not the person is under 18 years of age, they shall consider such a person to be a minor.”.

—Gary Gannon.

- 42.** In page 35, to delete lines 3 to 10.

—Aidan Farrelly.

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43. In page 35, between lines 10 and 11, to insert the following:

“(c) in facilities suitable for the housing of unaccompanied minors, and such facilities shall be provided with staff qualified to safeguard the rights of unaccompanied minors and attend to their needs,

and such a minor shall be accommodated separately from adults.”.

—Gary Gannon.

44. In page 35, between lines 10 and 11, to insert the following:

“(14) For the purposes of this section, less coercive alternative measures to detention shall include regular reporting to the authorities, the deposit of a financial guarantee, or an obligation to stay at an assigned place.

(15) The detention of applicants under this section shall be ordered in writing by the courts or the Determining Authority. The detention order shall state the reasons in fact and in law on which it is based as well as why less coercive alternative measures cannot be applied effectively.

(16) Where detention under this section is ordered by the Determining Authority, applicants shall have the right to apply to the High Court for judicial review of the lawfulness of such detention. Such review shall be concluded as speedily as possible, taking into account the circumstances of each case, and no later than 15 days or, in exceptional situations, no later than 21 days from the launch of the relevant proceedings.”.

—Gary Gannon.

SECTION 26

45. In page 35, line 28, after “applicant” to insert “, within 5 working days of making an application,”.

—Aidan Farrelly, Matt Carthy, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

46. In page 35, to delete lines 31 to 34 and substitute the following:

“(b) the rights of an applicant, in particular—

(i) the right to request and receive legal counselling,

(ii) the right to request and receive legal assistance,

(iii) the right to request and receive legal representation,

(iv) the right to lodge an application in accordance with *section 38*, and

(v) the rights of the applicant under the Asylum and Migration Management Regulation,”.

—Gary Gannon.

47. In page 35, between lines 32 and 33, to insert the following:

“(ii) the entitlement of the applicant—

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- (I) for the purposes of his or her application, and
  - (II) for the purposes of any decision under this Act affecting the applicant and in relation to the making of which he or she is entitled to make submissions,
- to consult a legal adviser and to seek legal assistance and legal representation, and”.

—Alan Kelly.

48. In page 35, between lines 34 and 35, to insert the following:

- “(iii) the rights of the applicant under the Reception Conditions Regulation,
- (iv) the right to receive information on the right to legal counselling and legal assistance and representation,”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

49. In page 36, to delete lines 13 and 14 and substitute the following:

- “(j) the right of the applicant to medical care, including to a medical examination in accordance with Article 24(3) of the Asylum Procedures Regulation, and to mental health counselling and other mental health support services.”.

—Alan Kelly.

50. In page 36, to delete lines 21 to 24, and substitute the following:

- “(4) Where the Minister considers it appropriate, the Minister may authorise, on the Minister’s behalf, a relevant and competent national or international organisation or body or non-governmental organisation or body to provide an applicant with further information relevant to the matters referred to in *subsection (1)*.
- (5) The granting of an authorisation under this section shall not operate to restrict or preclude any other relevant and competent national or international organisation or body or non-governmental organisation or body from providing information or assistance to an applicant, and no authorisation or permission of the Minister shall be required for that purpose.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 27

51. In page 36, between lines 24 and 25, to insert the following:

**“Legal counselling**

- 27. (1) An applicant shall be entitled to request legal counselling upon their arrival at the border.
- (2) For the avoidance of doubt, the provision of legal counselling is a service that must be provided to an applicant and it is in addition to, and not in place of, the rights to request and receive legal assistance or legal representation on an individualised basis

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at both administrative procedure stage and on appeal.”.

—Gary Gannon.

**52.** In page 36, between lines 25 and 26, to insert the following:

“(1) In this section—

“acute medical” care includes mental health and trauma related healthcare needs;

“essential medical care” means medical care necessary to prevent the deterioration of a physical or mental health condition, including chronic disease management and mental health support.”.

—Gary Gannon.

**53.** In page 36, between lines 32 and 33, to insert the following:

“(c) may be a victim of trafficking and to facilitate their referral into the National Referral Mechanism pursuant to Part 3 of the Criminal Law (Sexual Offences and Human Trafficking) Act 2024.”.

—Gary Gannon.

**54.** In page 37, to delete line 15 and substitute the following:

“(c) be accessible to the Minister, where it is necessary to protect public health or public security.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**55.** In page 38, between lines 5 and 6, to insert the following:

“(12) Where an applicant for international protection is transferred from one location to another pursuant to this Act, the Minister shall ensure—

(a) continuity of access to appropriate medical care at the receiving location,

(b) that relevant medical records are transferred, with the consent of the applicant, and

(c) that, where the applicant has ongoing or complex healthcare needs, a named primary care provider is identified at the receiving location.”.

—Gary Gannon.

**56.** In page 38, between lines 5 and 6, to insert the following:

“(12) The qualified medical professional referred to in *subsection (1)* shall be selected from a panel of registered medical practitioners who, in the opinion of the Minister, possess the qualifications and experience necessary for the performance of the functions outlined under this section.”.

—Matt Carthy, Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

[SECTION 28]

SECTION 28

57. In page 38, between lines 16 and 17, to insert the following:

“(e) be a victim of trafficking and to facilitate their referral into the National Referral Mechanism pursuant to Part 3 of the Criminal Law (Sexual Offences and Human Trafficking) Act 2024.”.

—Gary Gannon, Alan Kelly.

58. In page 38, to delete lines 17 to 22 and substitute the following:

“(2) A preliminary vulnerability assessment shall be carried out by officers or agents of the Minister who have received specialised training in the conduct of such assessments including in relation to detection, protection and support of victims of trafficking and the officers or agents of the Minister may be assisted in the conduct of such assessments by healthcare professionals who have received specialised training in the conduct of such assessments and with whom or in respect of whom the Minister has entered into a contract for services.”.

—Gary Gannon.

59. In page 38, to delete lines 17 to 22, and substitute the following:

“(2) A preliminary vulnerability assessment shall be carried out by officers or agents of the Minister who have received specialised training in the conduct of such assessments, including in relation to detection, protection and support of victims of trafficking and the officers or agents of the Minister may be assisted in the conduct of such assessments by healthcare professionals who have received specialised training in the conduct of such assessments and with whom or in respect of whom the Minister has entered into a contract for services.

(3) officers or agents referred to in *subsection (2)* may carry out assessments of applicants referred by non-governmental actors or other agencies as the Minister considers appropriate.

(4) following the preliminary assessment referred to in *subsection (1)*, and separate to that assessment, an officer or agent of the Minister referred to in *subsection (2)* shall carry out or cause to be carried out an assessment of an applicant (in this section referred to as a “preliminary vulnerability assessment”) for the purpose of identifying whether the applicant may—

(a) be a stateless person,

(b) be vulnerable or a victim of torture or other inhuman or degrading treatment,

(c) have special reception needs within the meaning of Article 24 of the Reception Conditions Directive, or

(d) require special procedural guarantees within the meaning of Article 21 of the Asylum Procedures Regulation.

(5) The vulnerability assessment is an ongoing process to identify whether applicants may fall under *subsection (1)(b)*, *(c)* and *(d)* categories to enable factors that become

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apparent at a later stage to be considered by the Minister in the procedure for international protection.”.

—Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

60. In page 38, line 17, after “carried out” to insert the following:

“in private, in conditions calculated to ensure that the applicant and personal information relating to the applicant such as his or her gender, gender identity and sexual orientation are treated with dignity and respect,”.

—Alan Kelly.

61. In page 38, line 18, after “assessments” to insert “, including in relation to detection, protection and support of victims of trafficking,”.

—Matt Carthy.

62. In page 38, between lines 22 and 23, to insert the following:

“(3) A preliminary vulnerability assessment shall be completed within 30 days of the making of an application for international protection, unless exceptional circumstances, as prescribed by the Minister through regulation, justify a longer period.

(4) The Minister shall ensure that clear and timely referral pathways are established for applicants identified during a preliminary vulnerability assessment as requiring medical, psychological, or social supports.”.

—Matt Carthy.

63. In page 38, between lines 22 and 23, to insert the following:

“(3) An applicant may refuse to undergo a preliminary vulnerability assessment or, at any point during the conduct of the preliminary vulnerability assessment, request that the preliminary vulnerability assessment cease, and in either case the preliminary vulnerability assessment shall not be carried out or shall cease unless an officer or agent of the Minister who has received specialised training in the conduct of such assessments believes, on reasonable grounds, that it is necessary for the purposes of *subsection (1)*.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

64. In page 38, between lines 34 and 35, to insert the following:

“(6) The Minister shall consider minors to be applicants with special reception needs in accordance with Article 24 of the Reception Conditions Directive, irrespective of whether they are minors accompanied by their parent, such other adult who has responsibility for their care or protection, or whether they are unaccompanied minors.”.

—Aidan Farrelly.

65. In page 38, to delete lines 35 to 38.

—Gary Gannon.

[SECTION 28]

66. In page 38, line 36, to delete “or the entirety of, the assessment” and substitute “the assessment of special reception needs”.

—Aidan Farrelly.

67. In page 38, line 36, to delete “, or the entirety of,”.

—Alan Kelly, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

68. In page 38, between lines 38 and 39, to insert the following:

“(7) Subject to *subsection (5)*, an assessment of special reception needs in accordance with Article 25 of the Reception Conditions Directive shall—

(a) have due regard for—

(i) visible signs of the applicant’s condition,

(ii) the statements of the applicant,

(iii) the behaviour of the applicant, and

(iv) in the case of a minor, the statements of their parent or other such adult who has responsibility for their care and protection,

and

(b) be completed no later than 30 days after the making of the application under *Part 3*.

(8) Without prejudice to *subsection (7)(b)*, where special reception needs become apparent at a later stage, the Minister shall assess and address those needs upon their discovery.”.

—Gary Gannon.

69. In page 38, between lines 38 and 39, to insert the following:

“(7) Subject to *subsection (6)*, an assessment of special reception needs in accordance with Article 25 of the Reception Conditions Directive shall have due regard for—

(a) visible signs of the applicant’s condition,

(b) the statements of the applicant,

(c) the behaviour of the applicant,

(d) in the case of a minor, the statements of their parent or other such adult who has responsibility for their care and protection.”.

—Aidan Farrelly.

70. In page 38, after line 41, to insert the following:

“(8) Where special reception needs become apparent at a later stage in the procedure for international protection, an officer or agent of the Minister shall assess and address those needs.”.

—Gary Gannon.

[SECTION 28]

71. In page 38, after line 41, to insert the following:

“(8) Appropriate monitoring and support shall be provided to applicants assessed to have special reception needs taking into account their special reception needs throughout the duration of the procedure for international protection.”

—Gary Gannon.

72. In page 38, after line 41, to insert the following:

“(8) A preliminary vulnerability assessment under this section is not in substitution for—

- (a) a comprehensive assessment of special reception needs as required under Article 25 of the Reception Conditions Directive,
- (b) a comprehensive assessment of the need for special procedural guarantees as required under Article 20 of the Asylum Procedures Regulation, or
- (c) a comprehensive reassessment under either *paragraph (a)* or *(b)* where special reception or procedural needs emerge at a later stage.”

—Alan Kelly.

73. In page 38, after line 41, to insert the following:

“(8) Without prejudice to any specific conditions of detention as provided for in Articles 12 and 13, in relation to housing referred to in paragraph 1(a), (b) and (c) of this Article, Member States shall ensure that:

- (a) applicants are guaranteed protection of their family life;
- (b) applicants have the possibility of communicating with relatives, legal advisers or counsellors, persons representing UNHCR and other relevant national, international and non-governmental organisations and bodies;
- (c) family members, legal advisers or counsellors, persons representing UNHCR and relevant non-governmental organisations recognised by the Member State concerned are granted access to the housing provided in order to assist the applicants;
- (d) limits on such access may be imposed only on grounds relating to the security of the premises and of the applicants.”

—Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

SECTION 29

74. In page 38, after line 41, to insert the following:

“29. (1) The Minister shall ensure that the vulnerability assessment of an applicant is an ongoing process and is not limited to the preliminary assessment conducted under *section 28*.

- (2) Where, at any stage of the application or appeal process, information arises indicating that an applicant may be in need of special procedural or reception guarantees, the Minister or Tribunal, as appropriate, shall ensure that a further assessment is carried out without delay.

[SECTION 29]

- (3) An assessment under this section shall take account of circumstances that may affect an applicant’s ability to disclose relevant information at an early stage, including trauma, fear of stigma, or prior experiences of persecution.
- (4) The Minister shall ensure that personnel conducting assessments under this section receive appropriate training in identifying vulnerability, including in relation to sexual orientation, gender identity, and other protected characteristics.”.

—Gary Gannon.

75. In page 38, after line 41, to insert the following:

**“Standards and due diligence in the conduct of vulnerability assessments**

29. (1) The Minister shall ensure that any vulnerability assessment carried out under this Act is conducted only by persons who possess the necessary qualifications, training, and professional competence to identify and assess the specific needs of applicants for international protection.
- (2) The Minister shall prescribe, by regulation, minimum standards for persons authorised to conduct vulnerability assessments, including—
    - (a) relevant professional qualifications,
    - (b) training in trauma-informed practice,
    - (c) training in child protection and safeguarding where applicable, and
    - (d) cultural competency and awareness of the particular vulnerabilities of international protection applicants.
  - (3) The Minister shall ensure that all persons conducting vulnerability assessments are subject to appropriate due diligence, including—
    - (a) vetting in accordance with applicable legislation,
    - (b) verification of qualifications and professional standing, and
    - (c) ongoing oversight to ensure compliance with the standards prescribed under *subsection (2)*.
  - (4) The Minister shall establish a system of monitoring, audit, and quality assurance to ensure that vulnerability assessments are carried out—
    - (a) consistently,
    - (b) to a high professional standard, and
    - (c) with full regard to the rights, dignity, and welfare of applicants.
  - (5) The Minister shall, within 12 months of the commencement of this section, lay before each House of the Oireachtas a report outlining—
    - (a) the standards prescribed under *subsection (2)*,
    - (b) the due diligence procedures established under *subsection (3)*, and

[SECTION 29]

- (c) the monitoring and quality assurance mechanisms established under *subsection (4)*.
- (6) Nothing in this section shall be construed as limiting the rights of an applicant to challenge the outcome of a vulnerability assessment or to seek a review or reassessment where appropriate.”.

—Matt Carthy.

SECTION 30

76. In page 39, line 31, to delete “, an immigration officer or an officer of the Minister”.

—Gary Gannon, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

77. In page 39, to delete lines 35 to 40.

—Gary Gannon.

78. In page 40, between lines 8 and 9, to insert the following:

“and any powers of search utilised should respect the principles of necessity and proportionality.”.

—Gary Gannon, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

SECTION 31

79. In page 41, between lines 36 and 37, to insert the following:

“(k) information provided by the applicant regarding any prior immigration permission held in the State, including, where applicable, whether the applicant previously entered or resided in the State on—

- (i) a student permission,
- (ii) an employment permit or other work-related permission,
- (iii) a short-stay or long-stay visit (tourist) permission,
- (iv) a family reunification or dependent permission, or
- (v) any other immigration permission category recorded by the Minister.”.

—Matt Carthy.

SECTION 32

80. In page 42, after line 38, to insert the following:

**“Annual reporting on entry routes and prior immigration permissions of applicants for international protection**

32. (1) The Minister shall, not later than 31 March each year, publish a report containing statistical information relating to the entry into the State of persons who made an application for international protection during the preceding calendar year.
- (2) The report shall include, insofar as the information is available through the screening process or other statutory procedures—

[SECTION 32]

- (a) the number of applicants who presented at a port or airport,
- (b) the number of applicants who presented inland,
- (c) the number of applicants who reported entry via the Common Travel Area,
- (d) the number of applicants whose means or route of entry could not be established,
- (e) any other categories of entry route data collected pursuant to the EU Screening Regulation, and
- (f) a breakdown, in aggregate form, of the prior immigration permissions held by applicants, including—
  - (i) student permissions,
  - (ii) employment permits or other work-related permissions,
  - (iii) short-stay or long-stay visit (tourist) permissions,
  - (iv) family-reunification or dependent permissions, and
  - (v) any other immigration permission categories recorded by the Minister.
- (3) The Minister shall ensure that all data published under this section is anonymised and presented in aggregate form.
- (4) The Minister shall lay the report before each House of the Oireachtas and make it publicly available.
- (5) Nothing in this section shall be taken to require the publication of information that would compromise the security or integrity of the State's border management operations.”.

—Matt Carthy.

**81.** In page 42, after line 38, to insert the following:

**Cultural mediator**

- 32.** (1) The Minister may make arrangements to allow cultural mediators to assist an applicant during the carrying out of the procedures under this Part, including by the provision of information to the applicant and support in the applicant's communication with officers of the Minister.
- (2) A person shall not be engaged or permitted to act as a cultural mediator unless—
- (a) the person has demonstrable competence in—
    - (i) the language or languages of the applicant or applicants to whom they are assigned, and
    - (ii) an official language of the State,
  - (b) the person has completed training appropriate to the role, including training in intercultural communication and trauma informed practice, and

[SECTION 32]

- (c) the person has been vetted by An Garda Síochána in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.
- (3) Cultural mediators may assist with communication but shall not provide legal advice, credibility assessments, or opinions on the merits of a claim.
- (4) The Minister shall ensure that any arrangements made under *subsection (1)* include procedures for verifying compliance with *subsection (2)* and for the removal of any person who no longer meets those requirements.

—Matt Carthy.

*[Acceptance of this amendment involves the deletion of section 32 of the Bill.]*

**82.** In page 43, between lines 5 and 6, to insert the following:

- “(2) A cultural mediator is defined as a person who is fluent in at least two languages and is familiar with at least two cultures and who is using these skills and knowledge to facilitate communication between two or more parties and promote mutual understanding.
- (3) Cultural mediators shall not assume the roles of interpreters, legal representatives, or legal counsellors.”.

—Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

SECTION 33

**83.** In page 43, between lines 16 and 17, to insert the following:

- “(3) Until functions under *section 27* and *section 28* are performed the applicant cannot proceed to an accelerated examination procedure under *section 115*.”.

—Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

SECTION 35

**84.** In page 44, line 25, after “responsible”)” to insert “or independently by the minor”.

—Aidan Farrelly, Matt Carthy, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

SECTION 39

**85.** In page 49, line 2, to delete “5 days” and substitute “10 days”.

—Aidan Farrelly, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

SECTION 40

**86.** In page 49, between lines 28 and 29, to insert the following:

**“Digital portal**

- 40.** (1) The Minister shall establish and maintain a secure digital portal through which an applicant may submit any elements or documents referred to in *section 39*.
- (2) The digital portal shall also provide applicants with access to notifications, requests for information and other communications issued by the Determining Authority in connection with the examination of their application.

[SECTION 40]

- (3) The Minister shall ensure that appropriate measures are in place to safeguard the security, confidentiality and integrity of information submitted or made available through the digital portal.
- (4) Nothing in this section shall preclude an applicant from submitting elements or documents, or receiving communications, by other means where necessary or appropriate.
- (5) The Minister shall ensure that adequate redundancy is in place should such a portal be inaccessible in any regard.
- (6) The Minister shall ensure that such a portal is adequately accessible, and that adequate provision is made for the use of such portal by individuals necessitated by matters of literacy or computer literacy.”.

—Matt Carthy.

SECTION 43

87. In page 50, between lines 24 and 25, to insert the following:

**“Appointment of representative within specified period**

43. (1) Where a notification is made under *section 42* in respect of an unaccompanied minor, the competent authority shall ensure that a representative is appointed for that minor not later than 3 working days after the date of such notification.
- (2) Pending the appointment of a representative under *subsection (1)*, the competent authority shall take all necessary measures to safeguard the welfare and best interests of the minor.
- (3) A failure to comply with *subsection (1)* shall not prejudice the rights of the minor under this Act.”.

—Matt Carthy.

88. In page 51, to delete lines 21 to 23 and substitute the following:

- “(e) is able to ensure that, subject to *section 49*, a provisional representative person or a representative person is appointed in respect of not so many unaccompanied minors as to prevent the effective performance of their functions, and”.

—Gary Gannon.

89. In page 51, to delete lines 21 to 23 and substitute the following:

- “(e) is able to ensure that, subject to *section 49*, a provisional representative person or a representative person is not appointed in respect of so many unaccompanied minors as would prevent the effective performance of his or her functions, and in any event is not appointed in respect of more than 30 unaccompanied minors at any one time, and”.

—Matt Carthy.

[SECTION 43]

90. In page 51, to delete lines 24 to 28 and substitute the following:

“(f) has sufficient internal governance and management arrangements in place to ensure that provisional representative persons and representative persons appointed by the representative organisation have the necessary qualifications, training and expertise to perform the functions of a provisional representative person or a representative person, as the case may be, including in child trafficking and protection of children at risk.”.

—Gary Gannon.

91. In page 51, between lines 28 and 29, to insert the following:

“(g) without prejudice to *paragraph (e)\**, a provisional representative person or a representative person shall not be appointed in respect of no more than 30 unaccompanied minors at any one time.”.

—Gary Gannon.

[\*This is a reference to a paragraph proposed to be inserted by amendment No. 88.]

SECTION 44

92. In page 51, after line 40, to insert the following:

“(c) without prejudice to *paragraph (b)*, the representative organisation shall ensure that an individual appointed as a representative (within the meaning of the EU Acts) for the unaccompanied minor receives regular training for the performance of their tasks.”.

—Gary Gannon.

93. In page 51, after line 40, to insert the following:

“(c) not appoint an individual to act as a provisional representative or as a representative person (within the meaning of the EU Acts) where that individual has a record of criminal offences concerning children.”.

—Gary Gannon.

94. In page 51, after line 40, to insert the following:

“(c) where a representative organisation has been designated under *section 43(1)(a)* in respect of an unaccompanied minor, the representative organisation shall, without prejudice to *paragraph (b)*, ensure that an individual appointed as a representative (within the meaning of the EU Acts) for the unaccompanied minor receives regular training for the performance of their tasks,

(d) where a representative organisation has been designated under *section 43(1)(a)* in respect of an unaccompanied minor, the representative organisation shall not appoint an individual to act as a provisional representative or as a representative person (within the meaning of the EU Acts) where that individual has a record of criminal offences concerning children.”.

—Matt Carthy.

[SECTION 46]

SECTION 46

95. In page 52, between lines 13 and 14, to insert the following:

**“Minimum standards for representatives**

46. (1) The Minister shall ensure that any person appointed as a representative under this Chapter—

- (a) has been vetted in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016,
- (b) has received training in child protection and safeguarding,
- (c) has received training in trauma-informed practice and cultural competency, and
- (d) possesses such qualifications or experience as are necessary to effectively represent the interests of an unaccompanied minor.

(2) The standards referred to in *subsection (1)* shall apply notwithstanding any regulations made under *section 50*.”.

—Matt Carthy.

96. In page 52, after line 41, to insert the following:

“(4) The Minister shall ensure that representatives are assigned caseloads that allow for the effective discharge of their functions under this Act, and shall not permit a representative to be assigned such number of unaccompanied minors as would undermine the welfare or best interests of any such minor.”.

—Matt Carthy.

SECTION 47

97. In page 53, between lines 34 and 35, to insert the following:

“(k) to protect the unaccompanied minor from violence or exploitation, in particular from gender-based violence, trafficking in human beings, and persecution based on gender, sexual orientation, gender identity or age, in accordance with Article 26 of the Reception Conditions Directive.”.

—Gary Gannon.

98. In page 53, between lines 34 and 35, to insert the following:

“(k) to ensure the unaccompanied minor has the same access to education as Irish citizen children for so long as a return order against the unaccompanied minor is not enforced, in accordance with Article 16 of the Reception Conditions Directive.”.

—Gary Gannon.

99. In page 53, between lines 34 and 35, to insert the following:

“(k) to ensure the specific education and health care needs of an unaccompanied minor are respected and taken into account, in accordance with Article 16 of the

[SECTION 47]

Reception Conditions Directive.”.

—Gary Gannon.

**100.**In page 53, between lines 34 and 35, to insert the following:

“(k) where applicable, to support the detection of any child victim of trafficking and facilitate their referral to age-appropriate identification process and specialist support and accommodation.”.

—Gary Gannon.

SECTION 50

**101.**In page 56, to delete lines 12 to 15 and substitute the following:

“(b) make provision for the training of provisional representative persons and representative persons and the staff of representative organisations, including initial and continuous training concerning the rights and needs of unaccompanied minors and any applicable child safeguarding standards, including in relation to child trafficking,”.

—Gary Gannon.

SECTION 51

**102.**In page 56, between lines 35 and 36, to insert the following:

**“Reporting to Oireachtas**

**51.** The Minister shall, not later than 12 months after the commencement of this Chapter and annually thereafter, lay before each House of the Oireachtas a report on—

- (a) the number of unaccompanied minors appointed a representative,
- (b) the time taken to make such appointments,
- (c) representative caseloads, and
- (d) any complaints made in respect of representatives and their outcomes.”.

—Matt Carthy.

SECTION 52

**103.**In page 57, line 3, after “are” to insert “serious and substantiated”.

—Gary Gannon.

**104.**In page 57, line 3, after “are”, to insert “serious”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**105.**In page 57, to delete lines 16 and 17 and substitute the following:

“(c) any relevant matter that gives rise to a serious doubt as to the age of an applicant that comes to the attention of a person referred to in *paragraph (a)*.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

[SECTION 52]

106. In page 57, to delete lines 22 to 24.

—Gary Gannon.

107. In page 57, to delete line 25, and substitute the following:

- “(c) shall only be carried out by medically qualified persons—
  - (i) with experience and expertise in age estimation.”.

—Gary Gannon.

108. In page 58, between lines 11 and 12, to insert the following:

- “(6) An applicant shall be presumed to be a minor until an age assessment determines otherwise.
- (7) The Determining Authority shall ensure that an applicant is informed, prior to the commencement of an age assessment, in an age-appropriate manner and in a language which the applicant may reasonably be supposed to understand, of—
  - (a) the reasons for doubting their age, and
  - (b) the structure and timeframe of the age assessment process, including their opportunity to respond.”.

—Gary Gannon, Alan Kelly.

SECTION 53

109. In page 58, line 13, after “shall” to insert “be carried out by qualified professionals from relevant disciplines and shall”.

—Matt Carthy, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

110. In page 58, between lines 16 and 17, to insert the following:

- “(c) an interview, subject to the applicant’s agreement, and”.

—Gary Gannon.

SECTION 54

111. In page 60, line 3, to delete “consistent with the need to achieve a reliable result,”.

—Alan Kelly.

112. In page 60, to delete line 5.

—Alan Kelly.

113. In page 60, lines 6 and 7, to delete all words from and including “a” in line 6 down to and including line 7 and substitute “qualified medical professionals with experience and expertise in age estimation.”.

—Alan Kelly.

114. In page 60, to delete line 13.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

[SECTION 54]

115. In page 61, line 7, to delete “or registered midwife”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

116. In page 61, to delete lines 9 to 16 and substitute the following:

“(d) psychologist.”

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

*Section opposed.*

—Gary Gannon.

SECTION 55

117. In page 61, to delete lines 19 to 21, and substitute the following:

“(a) may have regard to the age of an applicant arrived at on the basis of an age assessment that was carried out in a Member State other than the State in accordance with the law of the European Union, and shall consider additional relevant information and documents which may not have been available at the time of the age assessment carried out in the other Member State, and”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

118. In page 61, between lines 21 and 22, to insert the following:

“(b) shall furnish the applicant with a copy of any records related to the age assessment, including any written decision or record numbers, received from the Member State in accordance with *paragraph (a)\**.”

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

*[\*This is a reference to the paragraph proposed to be inserted by amendment No. 117.]*

119. In page 61, line 25, after “applicant” to insert “and the applicant’s legal representative”.

—Matt Carthy, Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

*Section opposed.*

—Gary Gannon.

SECTION 56

120. In page 61, line 33, to delete “may request a further” and substitute “may appeal an”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

121. In page 61, line 38, to delete “and within 10 working days of the notification referred to”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

122. In page 61, line 38, to delete “10 working days” and substitute “30 working days”.

—Gary Gannon, Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

123. In page 62, line 7, after “applicant,” to insert “the applicant’s legal representative,”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

[SECTION 56]

124. In page 62, line 27, after “applicant,” to insert “, the applicant’s legal representative,”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

125. In page 62, after line 39, to insert the following:

“(10) Without prejudice to the generality of *subsection (4)*, a further age assessment shall be carried out by a designated healthcare professional who is wholly independent of the determining authority.”.

—Gary Gannon.

SECTION 57

126. In page 63, lines 2 to 4, to delete from and including “*paragraph*” in line 2, down to and including “(c)” in line 4 and substitute “*paragraph (a), (b) or (c) of section 53(2), paragraph (a), (b) or (c) of section 54(5), paragraph (a) of section 55 or paragraph (a), (b) or (c)*”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

127. In page 63, to delete lines 10 to 13.

—Gary Gannon.

128. In page 63, to delete lines 10 to 13, and substitute the following:

“(b) new information is brought forward by an applicant, their parent, guardian, representative, non-governmental organisation supporting the applicant or legal representative which casts doubt on a determination made under *paragraph (b) of section 53(2), paragraph (b) of section 54(5), paragraph (a) of section 55 or paragraph (b) of section 56(6)*.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 60

129. In page 63, between lines 30 and 31, to insert the following:

**“Separate accommodation for age-disputed applicants**

60. (1) Where there is doubt as to whether an applicant is under the age of 18 years and an age assessment has been initiated under this Chapter, the Minister shall ensure that, pending the completion of that assessment, the applicant—

- (a) is not accommodated in residential care or other accommodation designated exclusively for confirmed minors, and
- (b) is provided with accommodation that is appropriate, safe and suitable having regard to the applicant’s welfare, dignity and any identified vulnerabilities.

(2) Accommodation provided under *subsection (1)(b)* shall—

- (a) not be of a penal or detention-like nature,
- (b) include access to appropriate supports, including medical, psychological and welfare supports, and
- (c) ensure that the applicant is not exposed to a heightened risk of harm, exploitation

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or neglect.

- (3) Nothing in this section shall be construed as—
  - (a) treating the applicant as an adult for the purposes of this Act, or
  - (b) limiting the application of the presumption of minority pending the completion of an age assessment.
- (4) Upon a determination that the applicant is under the age of 18 years, the applicant shall be transferred without delay to accommodation appropriate for a child.”.

—Matt Carthy.

130. In page 63, between lines 30 and 31, to insert the following:

**“Prohibition on the use of for profit providers in the care of separated children seeking international protection**

60. (1) The Child and Family Agency (Tusla) shall not enter into, renew or extend any contract, arrangement, or agreement with a private for profit provider for the provision of accommodation, care, supervision, or support services to separated children seeking international protection.

(2) In this section—

“care or support services” includes accommodation, residential care, social care, aftercare, and any ancillary services provided to separated children;

“for profit provider” means any natural or legal person whose primary purpose is the generation of profit for owners, shareholders, or investors;

“separated child” means a person under the age of 18 who is seeking international protection and who is not accompanied by a parent or guardian.

- (3) Tusla shall ensure that all services provided to separated children seeking international protection are delivered by—
  - (a) Tusla directly,
  - (b) non-profit organisations, or
  - (c) public bodies or publicly funded entities.
- (4) Any existing arrangement with a for profit provider relating to the care of separated children shall not be renewed or extended after the commencement of this section.
- (5) A contract or arrangement entered into in contravention of this section shall be void and unenforceable.”.

—Matt Carthy.

[SECTION 60]

131. In page 63, between lines 30 and 31, to insert the following:

**“False claims of minority**

60. (1) A person who knowingly or recklessly represents themselves to be a child or an unaccompanied minor for the purposes of this Act, where that person is not in fact a child, shall be guilty of an offence.
- (2) A person shall not be guilty of an offence under *subsection (1)* where—
- (a) the person’s age is uncertain or disputed, and
  - (b) the person has not yet been assessed in accordance with an age-assessment procedure provided for under this Act or otherwise in law.
- (3) A person who knowingly assists, encourages or facilitates another person to falsely claim to be a child or an unaccompanied minor for the purposes of this Act shall be guilty of an offence.
- (4) *Subsection (3)* shall not apply to—
- (a) a representative appointed under this Chapter,
  - (b) a legal practitioner,
  - (c) a social worker, medical practitioner or other relevant professional, or
  - (d) an employee or agent of a body providing support services,
- where that person acts in good faith and on the basis of information reasonably available to them at the time.
- (5) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months, or both, or
  - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.
- (6) Proceedings for an offence under this section shall not be instituted except by or with the consent of the Director of Public Prosecutions.
- (7) In this section, “recklessly” means acting with disregard as to whether the representation made is false.

—Matt Carthy.

132. In page 63, to delete lines 35 and 36, and substitute the following:

- “(b) the qualifications, training or experience required for persons who carry out each type of multi-disciplinary assessment under *section 52(3)(c)(i)*\* including trafficking expertise and training, and”.

—Gary Gannon.

[\*This is a reference to the subparagraph proposed to be inserted by amendment No. 107.]

[SECTION 60]

*Section opposed.*

—Gary Gannon.

SECTION 67

**133.**In page 68, between lines 11 and 12, to insert the following:

“(3) Before issuing a declaration that an application has been implicitly withdrawn, the Determining Authority will inform the applicant of the proposal to issue such decision, and provide the applicant with an opportunity to respond.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 69

**134.**In page 69, after line 34, to insert the following:

“(4) The best interests of the child shall be a primary consideration in the carrying out of procedures in respect of a minor under this Part, in accordance with Article 23 of the Asylum and Migration Management Regulation.”.

—Matt Carthy.

**135.**In page 69, after line 34, to insert the following:

“(4) This Part will be interpreted in line with the Guarantees for minors set out in Article 23 of the Asylum and Migration Management Regulation.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 71

**136.**In page 70, between lines 19 and 20, to insert the following:

“(3) Where the applicant is a minor, information should be provided in a child-friendly manner by appropriately trained staff and in the presence of the applicant’s representative.”.

—Gary Gannon, Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 75

**137.**In page 72, line 19, after “shall” to insert “, subject to *section 77*.”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

**138.**In page 72, line 20, to delete “section” and substitute “Chapter”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

SECTION 82

**139.**In page 74, line 11, to delete “one week” and substitute “three weeks”.

—Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

**140.**In page 74, line 27, to delete “originals” and substitute “copies”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

**141.**In page 75, line 3, after “oral hearings”, to insert the following:

“in every case unless—

[SECTION 82]

- (a) there are good reasons, not connected with administrative convenience, for not holding an oral hearing in a particular case, and
- (b) dispensing with an oral hearing would not be contrary to fair procedures.”

—Alan Kelly

142. In page 75, between lines 14 and 15, to insert the following:

- “(12) The person seeking international protection shall be informed of their right to access legal assistance and representative, and have effective access to legal representation within the appeal notice period.”

—Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

143. In page 75, line 17, to delete “one week” and substitute “three weeks”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 84

144. In page 76, lines 13 to 17, to delete all words from and including “6” in line 13 down to and including “remain” in line 17 and substitute “the timelines set out in Article 46”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

SECTION 87

145. In page 77, lines 11 and 12, to delete “and an immigration officer”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

146. In page 77, to delete line 17, and substitute with the following: “the member (in this section referred to as the “arresting member”)”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

147. In page 77, line 21, to delete “without warrant” and substitute “further to a warrant”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

148. In page 77, line 22, to delete “officer or”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

149. In page 77, to delete lines 34 to 43 and in page 78 to delete lines 1 to 3 and substitute the following:

- “(4) For the purpose of arresting a person under *subsection (1)*, a member of An Garda Síochána may under warrant of the arresting member enter (if necessary by use of reasonable force) and search any premises (including a dwelling) where the person is or where the immigration officer or member, with reasonable cause, suspects the person to be.

- (5) Where the premises where the person is, or where the member suspects the person to be, is a dwelling the member shall not, unless acting with the consent of an occupier of the dwelling or other person who appears to the member to be in charge of the dwelling, enter that dwelling unless—

[SECTION 87]

- (a) the person ordinarily resides at the dwelling, or
- (b) the immigration officer or member believes on reasonable grounds that the person is within the dwelling, and the member has obtained a search warrant.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**150.**In page 78, between lines 3 and 4, to insert the following:

“(6) Where a person subject to arrest and detention having been deemed at risk of absconding due to having “misrepresented or omitted facts, whether or not by the use of false documents”, that person shall, be afforded the opportunity to demonstrate good cause for the misrepresentation or omission before that applicant is subject to arrest and detention.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**151.**In page 78, to delete lines 20 to 23 and substitute the following:

“(8) For the purpose of this section, and subject to the conclusion of any age assessment, where the immigration officer or member of An Garda Síochána is uncertain as to whether or not the person is under 18 years of age, they shall consider such a person to be a minor.”.

—Gary Gannon.

**152.**In page 78, to delete lines 20 to 23 and substitute the following:

“(8) Where, for the purposes of *subsection (7)*, there is any doubt as to whether the person subject to the transfer procedure is under the age of 18, the immigration officer or member of An Garda Síochána shall, as soon as possible and in any event before the operation of *subsections (1) and (3)*, refer the person for age assessment under *section 52* that arises by operation of *subsection (7)(a)\** of that section, the provisions of *section 24(13)(c)\*\**, *(14)\*\*\** and *(15)\*\*\*\**, as appropriate, shall apply.”.

—Gary Gannon.

*[\*This is a reference to a paragraph proposed to be inserted by amendment No. 108.]*

*[\*\*This is a reference to a paragraph proposed to be inserted by amendment No. 43.]*

*[\*\*\*This is a reference to a subsection proposed to be inserted by amendment No. 44.]*

*[\*\*\*\*This is a reference to a subsection proposed to be inserted by amendment No. 44.]*

**153.**In page 78, lines 22 and 23, to delete from and including “the” in line 22, down to and including line 23 and substitute the following:

“the person will be referred to the age determination procedures, and the transfer procedure will be suspended until such time as the age determination procedure has concluded.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

[SECTION 89]

SECTION 89

154. In page 79, after line 32, to insert the following:

“(4) The best interests of the child shall be a primary consideration in the carrying out of procedures in respect of a minor under this Part, in accordance with Article 22 of the Asylum Procedures Regulation.”.

—Matt Carthy.

SECTION 90

155. In page 81, line 1, to delete “determining body” and substitute “Determining Authority”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

SECTION 91

156. In page 81, between lines 2 and 3, to insert the following:

- “91. (1) The Minister shall establish or provide for the establishment of a State-funded medico-legal assessment service for applicants for international protection.
- (2) A service under *subsection (1)* shall include access to medical practitioners with appropriate expertise in the assessment and documentation of indications of past persecution or serious harm, including practitioners trained in the application of the Istanbul Protocol.
- (3) The Minister shall ensure that the service is available within such timeframes as enable medico-legal reports to be obtained and submitted prior to the completion of the examination of an application under this Part.
- (4) The Minister may make regulations for the purposes of this section.”.

—Gary Gannon.

157. In page 82, to delete lines 19 to 22 and substitute the following:

“(a) have the appropriate knowledge and have received training, including relevant training under Article 8 of the European Union Agency for Asylum Regulation, in the relevant standards applicable in the field of asylum and refugee law, and in relation to the detection, protection and support of victims of trafficking.”.

—Gary Gannon.

SECTION 92

158. In page 83, to delete lines 14 to 38, and in page 84 to delete lines 1 to 3.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 93

159. In page 84, line 37, to delete “medical professional” and substitute “registered medical practitioner”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

160. In page 85, between lines 10 and 11, to insert the following:

“(9) In the case of an application by a minor, subject to *subsection (4)(e)*, the Determining

[SECTION 93]

Authority shall give the minor an opportunity of a personal interview, including where the application is made on his or her own behalf in accordance with Articles 32 and 33 of the Asylum Procedures Regulation.

- (10) Where a minor is interviewed pursuant to *subsection (9)*, the Designated Authority shall ensure that the interview is conducted in a child-sensitive and context appropriate manner, taking into consideration the age and maturity of the child, by a person competent to take account of the personal and general circumstances surrounding the application, including their age, vulnerability and special procedural needs, in accordance with Articles 13 and 22 of the Asylum Procedures Regulation.
- (11) Where, pursuant to *subsection (4)(e)*, a person carrying out an assessment under *section 28(7)* has assessed that a personal interview would not be in the best interests of the minor, that person shall furnish reasons to the minor, their parent or such other adult who has responsibility for their care or protection, or, in the case of an unaccompanied minor, their provisional representative person or representative person, explaining why they decided not to give the minor an opportunity for a personal interview.
- (12) Where a personal interview is conducted with a minor pursuant to *subsection (9)*, the interview shall be conducted by a person with the necessary qualification, training or expertise in the needs of minors, and shall be conducted in a child-sensitive and context-appropriate manner, taking into consideration the age and maturity of the child.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 94

**161.**In page 85, after line 43, to insert the following:

- “(9) In conducting a personal interview, the Determining Authority shall ensure that conditions are such as to enable safe and confidential disclosure of relevant information, including information relating to sexual orientation, gender identity, or experiences of persecution.
- (10) A delay in disclosure of information shall not, of itself, be treated as adversely affecting the credibility of an applicant where the delay is reasonably attributable to fear, trauma, lack of trust, or other vulnerability.
- (11) Interview personnel shall receive appropriate training in trauma-informed and culturally competent interviewing practices.”.

—Gary Gannon.

**162.**In page 85, after line 43, to insert the following:

- “(9) Applicants who are identified as being in need of special procedural guarantees pursuant to Regulation (EU) 2024/1348, shall be provided with adequate support in order to create the conditions necessary for effectively presenting all elements allowing for the determination of the Member State responsible. Staff interviewing applicants shall also have acquired general knowledge of factors which could adversely affect the applicant’s ability to be interviewed, such as indications that the

[SECTION 94]

person has been tortured in the past or has been a victim of trafficking in human beings.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 95

**163.**In page 86, between lines 8 and 9, to insert the following:

“(e) interpreter.”.

—Matt Carthy, Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**164.**In page 86, between lines 13 and 14, to insert the following:

“(4) A determination as to whether an applicant is fit to participate in an interview shall be made by a medical practitioner with expertise in trauma and mental health.”.

—Gary Gannon.

SECTION 96

**165.**In page 86, to delete lines 17 and 18 and substitute the following:

“(2) Where a legal adviser participates in the personal interview, it shall not be the role of the legal adviser to provide testimony on behalf of an applicant.”.

—Gary Gannon, Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 97

**166.**In page 86, to delete lines 26 and 27.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 98

**167.**In page 88, line 38, after “decision” to insert “where applicable”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

SECTION 99

**168.**In page 89, line 5, to delete “shall” and substitute “may”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**169.**In page 89, to delete lines 21 and 22 and substitute the following:

“(c) a Member State other than the State has granted the applicant international protection, and in such cases the Determining Authority shall reject the application as inadmissible unless the applicant demonstrates substantial grounds for believing that the protection previously granted no longer affords effective protection against refoulement or serious harm.”.

—Matt Carthy.

**170.**In page 90, between lines 6 and 7, to insert the following:

“(5) The Determining Authority may assess the merits of an application even if the conditions for regarding it as inadmissible are met, if the interests of justice and

[SECTION 99]

fairness so require.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 100

171. In page 90, between lines 10 and 11, to insert the following:

**“Effect of repeated inadmissible applications**

100. Where a person has made two or more applications for international protection that have been declared inadmissible under this Chapter, the determining authority may take such previous findings into account when assessing the credibility of any subsequent application, provided that the applicant is afforded an opportunity to make representations.”.

—Matt Carthy.

172. In page 90, between lines 27 and 28, to insert the following:

“(5) Representations made under this section shall be confined to matters directly relevant to the grounds of inadmissibility relied upon, and shall not operate to delay a decision where they are manifestly repetitive, vexatious or irrelevant.”.

—Matt Carthy.

SECTION 106

173. In page 92, line 15, after “consult” to insert “free of charge”.

—Alan Kelly.

SECTION 110

174. In page 94, between lines 17 and 18, to insert the following:

“(7) The Minister shall ensure that the Determining Authority is provided with such staffing and resources as are necessary to enable compliance with the time limit specified in *subsection (1)*, and shall, not later than 31 March in each year, lay before each House of the Oireachtas a report outlining—

- (a) the staffing levels of the Determining Authority during the preceding year,
- (b) the extent to which the time limit in *subsection (1)* was met during that year, and
- (c) where the time limit was not met, the reasons for non-compliance and the measures proposed to secure future compliance.”.

—Matt Carthy.

SECTION 115

175. In page 94, after line 35, to insert the following:

**“Resourcing of Legal Aid Board**

115. (1) The Minister shall ensure that the Legal Aid Board is provided with sufficient and sustainable resources to meet the additional demand for legal services arising from the enactment and operation of this Act.

[SECTION 115]

- (2) In fulfilling the obligation under *subsection (1)*, the Minister shall have regard to—
  - (a) the projected number of applications for international protection,
  - (b) the statutory obligations of the Legal Aid Board in respect of applicants,
  - (c) the need to avoid delays in the provision of legal advice and representation, and
  - (d) the importance of ensuring fair procedures and access to justice for all applicants.
- (3) The Minister shall within 6 months of the commencement of this section, lay before each House of the Oireachtas a report outlining—
  - (a) the anticipated additional workload for the Legal Aid Board arising from this Act,
  - (b) the measures taken to ensure adequate staffing and funding, and
  - (c) any further steps required to maintain timely access to legal services.
- (4) The Minister shall provide an annual update to each House of the Oireachtas on the resourcing of the Legal Aid Board insofar as it relates to the operation of this Act.
- (5) Nothing in this section shall be construed as limiting the independence of the Legal Aid Board in the performance of its statutory functions.”.

—Matt Carthy.

176. In page 94, after line 35, to insert the following:

**“Resourcing of Tusla (Child and family Agency)**

- 115.** (1) The Minister shall ensure that Tusla (Child and Family Agency) is provided with sufficient and sustainable resources to meet the additional responsibilities arising from the enactment and operation of this Act, including responsibilities in respect of unaccompanied minors, age assessment processes, child protection, and family support services.
- (2) In fulfilling the obligation under *subsection (1)*, the Minister shall have regard to—
    - (a) the projected number of applications for international protection involving children or families,
    - (b) Tusla’s statutory obligations under the Child and Family Agency Act 2013 and any obligations arising under this Act,
    - (c) the need to avoid delays in the provision of assessments, placements, and supports for children, and
    - (d) the importance of ensuring that all children in the international protection process receive timely, appropriate, and child centred care.
  - (3) The Minister shall, within 6 months of the commencement of this section, lay before each House of the Oireachtas a report outlining—
    - (a) the anticipated additional workload for Tusla arising from this Act,
    - (b) the measures taken to ensure adequate staffing, training, and funding, and

[SECTION 115]

- (c) any further steps required to maintain timely and effective child-protection and family-support services.
- (4) The Minister shall provide an annual update to each House of the Oireachtas on the resourcing of Tusla insofar as it relates to the operation of this Act.
- (5) Nothing in this section shall be construed as limiting the independence of Tusla in the performance of its statutory functions.”.

—Matt Carthy.

**177.**In page 96, line 15, after “procedure” to insert “or that the application is by a presumed or identified victim of trafficking”.

—Alan Kelly.

SECTION 120  
*Section opposed.*

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 121

**178.**In page 99, lines 20 to 23, to delete all words from and including “in” in line 20 down to and including “State” in line 23 and substitute the following:

“insofar as the family already existed before the applicant arrived on the territory of a Member State, and they have also made applications that are being examined by the State, the following persons are members of the applicant’s family”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

SECTION 122

**179.**In page 99, line 36, after “rape” to insert “, victims of trafficking.”.

—Alan Kelly.

SECTION 125

**180.**In page 100, line 28, after “Part 3” to insert “, and will treat the person as a child until the conclusion of such age assessment process”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**181.**In page 100, lines 28 and 29, to insert the following:

“(3) The Determining Authority shall not, or shall cease to, apply the asylum border procedure until an age assessment and further age assessment, if requested by the applicant, is carried out and considered conclusive.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**182.**In page 100, after line 37, to insert the following:

“(c) The preliminary health assessment under *section 27* or preliminary vulnerability assessment *section 28* have not been completed in full under *Part 2*.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

[SECTION 126]

SECTION 126

**183.**In page 101, between lines 12 and 13, to insert the following:

“(1) The Minister may designate a premises to be a location for the carrying out of the asylum border procedure (referred to in this Part as an “ABP centre”) where the Minister is satisfied that the premises is suitable for that purpose.”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

**184.**In page 101, lines 13 to 16, to delete all words from and including “During” in line 13 down to and including line 16 and substitute the following:

“During the examination of an application subject to the asylum border procedure, the applicant may be required, in accordance with the Reception Conditions Directive and following a consideration of the individual circumstances of the applicant including any special reception needs that he or she may have, to reside in a designated location within the State, fully taking into account the State’s specific geographical circumstances.”.

—Alan Kelly.

**185.**In page 101, line 14, to delete “shall” and substitute “may”.

—Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

**186.**In page 101, line 15, to delete “designated locations within the State” and substitute “an ABP centre,”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

**187.**In page 101, line 16, after “circumstances” to insert the following:

“with due regard to the principle of proportionality and where no other less intrusive methods are possible”.

—Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

**188.**In page 101, between lines 16 and 17, to insert the following:

“(2) Such restriction of freedom of movement may be permitted where there is a verifiable risk that an applicant may abscond, following an individual assessment of the circumstances of the case, and where it is established that no less coercive alternative measures cannot be effectively applied.

(3) All decisions restricting an applicant’s freedom of movement should take into account relevant aspects of the individual situation of the applicant, including the special reception needs of that applicant, and the principles of necessity and proportionality. Applicants should be duly informed of such decisions, of the procedures for challenging them and of the consequences of non-compliance.”.

—Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

**189.**In page 101, line 18, to delete “reside in reception facilities” and substitute “are required to reside in an ABP centre”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

[SECTION 126]

190. In page 101, line 27, to delete “constitute an entry” and substitute “constitute an authorised entry”.

—Alan Kelly.

191. In page 101, between lines 28 and 29, to insert the following:

“(5) Measures taken to restrict the movement of children in the asylum border procedure must—

- (a) never amount to *de facto*, and
- (b) comply with any special reception needs, as laid out in Article 9 of the Reception Conditions Directive.”.

—Gary Gannon.

SECTION 129

192. In page 102, between lines 8 and 9, to insert the following:

**“Procedures in respect of a minor**

129. The best interests of the child shall be a primary consideration in the carrying out of procedures in respect of a minor under this Part, in accordance with Article 22 of the Asylum Procedures Regulation.”.

—Matt Carthy.

193. In page 102, between lines 21 and 22, to insert the following:

“(f) a decision to examine an application under *section 115* or *section 117*.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

194. In page 103, line 6, to delete “*section 98* notification” and substitute “notice under *section 154(3)* or *156(3)*”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

SECTION 130

195. In page 103, between lines 28 and 29, to insert the following:

“(3) Where an applicant asserts that removal prior to the determination of an appeal would expose them to a real risk of serious harm, including harm arising from persecution linked to sexual orientation, gender identity, or other vulnerability, the appeal shall have suspensive effect pending determination by the Tribunal.”.

—Gary Gannon.

SECTION 133

196. In page 106, to delete lines 33 to 37 and substitute the following:

“(2) The Tribunal shall hold an oral hearing for the purpose of an appeal where—

- (a) the applicant has requested one, or

[SECTION 133]

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

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**197.**In page 106, line 35, to delete “Officer” and substitute “Officer (within the meaning of *Part II*)”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

SECTION 135

**198.**In page 109, between lines 10 and 11, to insert the following:

“(4) The Tribunal may take such documents into account where it is in the interests of justice and fairness to do so, and where reasonable reasons were provided as to why it was not possible to provided documents in manner required.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 136

**199.**In page 109, line 16, to delete “3 days” and substitute “10 days”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**200.**In page 109, line 18, to delete “shall” and substitute “may”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**201.**In page 109, between lines 19 and 20, to insert the following:

“(3) Where, in the opinion of the Tribunal, an applicant had reasonable grounds for not attending the scheduled oral hearing, and for failing to furnish the Tribunal with an explanation within the required timeframe, the Tribunal may consider an application not to have been withdrawn.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 138

**202.**In page 111, after line 39, to insert the following:

“(2) The types of relief available to the Presiding Judge hearing Judicial Review cases shall remain at the discretion of the judge.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 140

**203.**In page 112, line 27, to delete “The Minister may, in consultation with”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 141

**204.**In page 112, between lines 33 and 34, to insert the following:

**“Definitions (*Part 7*)**

**141.** (1) In this Part—

“income” means gross income from all sources;

[SECTION 141]

“sponsor” means a beneficiary of international protection who makes an application for a permission under *section 146\** or *147\*\** to be given to a member of the family (within the meaning of each of those sections) of the sponsor;

“travel document” means a document issued by the Minister under *section 146*.

- (2) A word or expression that is used in this Part, other than in *section 147\*\**, and is also used in the Qualification Regulation has the same meaning in this Part as it has in that Regulation unless the contrary intention appears.”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

*[\*This is a reference to the section to be inserted by amendment No. 212.]*

*[\*\*This is a reference to the section to be inserted by amendment No. 213.]*

*[Acceptance of this amendment involves the deletion of section 141 of the Bill.]*

SECTION 142

- 205.**In page 113, lines 9 and 10, to delete “*sections 143 to 146*” and substitute “*sections 143 to 146\** and *section 146*”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

*[\*This is a reference to the section to be inserted by amendment No. 212.]*

- 206.**In page 113, between lines 25 and 26, to insert the following:

“(3) The best interests of the child shall be a primary consideration in the carrying out of procedures in respect of a minor under this Part, in accordance with Article 20 of the Qualification Regulation.”.

—Matt Carthy.

SECTION 143

- 207.**In page 113, between lines 31 and 32, to insert the following:

“(2) A beneficiary of international protection shall be entitled to be provided with information on the application of the Qualification Regulation, in a language that the beneficiary can understand or is reasonably supposed to understand.

- (3) Information provided should make explicit references to the consequences of not complying with the obligations provided for in Article 27 on movement within the Union.”.

—Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

SECTION 144

- 208.**In page 114, lines 12 and 13, to delete “and where required, obliged to participate in such measures”.

—Alan Kelly.

- 209.**In page 114, between lines 13 and 14, to insert the following:

“(g) beneficiaries of international protection who have special needs, such as pregnant women, persons with a disability, persons who have been subjected to torture,

[SECTION 144]

rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, or cruel, inhuman and degrading treatment, or who have suffered from armed conflict shall be provided with adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as nationals of the Member State that granted them international protection,

- (h) as soon as possible after international protection is granted in respect of an unaccompanied minor, the Guardian ad Litem National Service shall take the necessary measures, under national law, to appoint a guardian.”.

—Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

SECTION 145

210. In page 114, line 23, to delete “1 year” and substitute “3 years”.

—Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

211. In page 114, between lines 23 and 24, to insert the following:

“(3) A residence permit shall be issued as soon as possible after refugee status or subsidiary protection status has been granted, and at the latest 90 days from the notification of the decision to grant international protection, using the uniform format laid down in Regulation (EC) No 1030/2002.

(4) A residence permit shall be issued free of charge.

(5) Where a residence permit is not issued to a beneficiary of international protection within 15 days of the granting of international protection, the Member State concerned shall take provisional measures, such as registration or the issuance of a document, to ensure that the beneficiary has effective access to the rights laid down in Chapter VII, with the exception of those laid down in Articles 25 and 27, until such time as a residence permit is issued.”.

—Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

SECTION 146

212. In page 114, between lines 34 and 35, to insert the following:

**“Permission to reside for family members of beneficiaries of international protection**

146. (1) A sponsor may, subject to *subsection (2)*, make an application to the Minister for permission to reside in the State to be given to a family member of the sponsor who, on the date of the application, is in the State (whether lawfully or unlawfully) where the family member does not qualify for international protection.

(2) An application shall be made within 12 months from the date on which the sponsor was granted international protection.

(3) The Minister shall investigate, or cause to be investigated, an application to determine—

(a) the identity of the person who is the subject of the application,

[SECTION 146]

- (b) the relationship between the sponsor and the person who is the subject of the application, and
  - (c) the domestic circumstances of the person who is the subject of the application.
- (4) The sponsor and the person who is the subject of the application shall cooperate fully in the investigation under *subsection (3)*, including by providing to the Minister all relevant information in the possession, control or procurement of the sponsor and the person who is the subject of the application.
- (5) Where the Minister, having had regard to the application and information available to him or her, including any information obtained in an investigation under *subsection (3)*, is satisfied that the person who is the subject of an application is a family member of the sponsor, the Minister shall, subject to *subsection (6)*, give a permission in writing to the person to reside in the State.
- (6) The Minister shall refuse to give a permission under *subsection (5)*—
- (a) where he or she is of the opinion that it is in the interest of national security or public policy, as it relates to the family member, not to do so,
  - (b) where the person would be or is excluded from being a refugee in accordance with Article 12 of the Qualification Regulation,
  - (c) where the person would be or is excluded from being eligible for subsidiary protection in accordance with Article 17 of the Qualification Regulation,
  - (d) where the sponsor in relation to whom the person is a family member ceases or has ceased to be entitled to remain in the State,
  - (e) where the person is a spouse or civil partner of a sponsor, where there are strong indications that the marriage or civil partnership was contracted for the sole purpose of enabling the person concerned to reside in the State, or
  - (f) where there has been misrepresentation or omission of facts, whether or not including the use of false documents, in respect of any matter referred to in *paragraphs (a) to (e)*.
- (7) A person to whom a permission under *subsection (5)* is given shall—
- (a) comply with section 9 of the Act of 2004, and
  - (b) while the permission is in force and the sponsor is entitled to remain in the State, be entitled to the rights, and subject to the obligations, specified in Chapter VII of the Qualification Regulation, including those specified in this Part.
- (8) A permission given under *subsection (5)*—
- (a) shall cease to be in force on the same date as the permission to reside given to the sponsor in accordance with *section 145*,
  - (b) shall cease to be in force, where it is given to the spouse or civil partner of a sponsor, on and from the date on which the marriage or civil partnership concerned ceases to subsist, and

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- (c) shall, subject to *subsections (6) and (9)*, be renewable for as long as the permission to reside given to the sponsor is renewed in accordance with *section 145*.
- (9) The Minister shall revoke or refuse to renew a permission given under *subsection (5)* where he or she is of the opinion that—
  - (a) there has been misrepresentation or omission of facts, whether or not including the use of false documents, in respect of whether or not the circumstances referred to in *paragraphs (a) to (e) of subsection (6)* exist, and
  - (b) the permission would not have been given, or as the case may be, renewed, but for the misrepresentation or omission referred to in *paragraph (a)*.

(10) In this section—

“application” means an application made in accordance with this section;

“family member”, in so far as the family already existed before the sponsor arrived in the State, in relation to a sponsor, means the following members of the family of the sponsor:

- (a) the spouse or civil partner of the sponsor;
- (b) the minor or adult dependent children of a couple referred to in *paragraph (a)* or of the sponsor, provided that the minor or adult dependent child is unmarried and regardless of whether they were born in or out of wedlock or adopted;
- (c) where the sponsor is, on the date of an application, a minor, the father and mother of the sponsor or other adult (including the sponsor’s adult sibling) responsible for the sponsor.”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

*Amendments to Amendment No. 212*

1. In section 146(6), to delete paragraph (a).

—Gary Gannon, Alan Kelly.

2. In section 146(8), to delete paragraph (b).

—Gary Gannon, Alan Kelly.

3. In section 146(10), in the definition of “application”, to delete “in accordance with this section” and substitute “in accordance with *section 34*”.

—Alan Kelly.

4. In section 146(10), in the definition of “family member”, to delete paragraph (c) and substitute the following:

- “(c) where the sponsor is, on the date of an application, a minor, the father, mother, and their children who, on the date of the application, are under the age of 18 years, or another adult responsible for that beneficiary, including an adult

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sibling.”.

—Alan Kelly.

5. In section 146(10), in the definition of “family member”, after paragraph (c) to insert the following:

- “(d) any grandparent, parent, brother, sister, child, grandchild, ward or guardian of the sponsor who is dependent on the sponsor or is suffering from a mental or physical disability to such extent that it is not reasonable for him or her to maintain himself or herself fully;
- (e) the unmarried or unregistered partner of the sponsor, provided that, in their country of origin or in either one of their countries of origin before the sponsor arrived in the State, their relationship with the sponsor was punishable as a criminal offence or was not afforded the lawful protection of equivalent opposite sex couples, whether or not that was the subject matter of the sponsor’s application for international protection.”.

—Gary Gannon.

6. In section 146(10), in the definition of “family member”, after paragraph (c) to insert the following:

- “(d) the unmarried or unregistered partner of the sponsor, provided that, in their country of origin or in either one of their countries of origin before the sponsor arrived in the State, their relationship with the sponsor was punishable as a criminal offence or was not afforded the lawful protection of equivalent opposite sex couples, whether or not that was the subject matter of the sponsor’s application for international protection.”.

—Alan Kelly.

213. In page 114, between lines 34 and 35, to insert the following:

**“Permission to enter and reside for family members of beneficiaries of international protection**

147. (1) A sponsor may, subject to *subsection (2)*, make an application to the Minister for permission to enter and reside in the State to be given to his or her family member to whom *section 146(1)\** does not apply.
- (2) Subject to *section 148\*\**, an application may not be made until after the expiry of a period of 2 years from the date on which the sponsor was granted international protection.
  - (3) The Minister shall investigate, or cause to be investigated, an application to determine—
    - (a) the identity of the person who is the subject of the application,
    - (b) the relationship between the sponsor and the person who is the subject of the application,

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- (c) the domestic circumstances of the person who is the subject of the application, and
  - (d) whether, subject to *subsections (6) to (9)*, the sponsor has sufficient resources for himself or herself and his or her family members not to become an unreasonable burden on the State.
- (4) The sponsor and the person who is the subject of the application shall cooperate fully in the investigation under *subsection (3)*, including by providing to the Minister all relevant information in the possession, control or procurement of the sponsor and that person.
- (5) Where the Minister, having regard to the application and information available to him or her, including any information obtained in an investigation under *subsection (3)*, is satisfied—
  - (a) that the person who is the subject of an application is a family member of the sponsor, and
  - (b) subject to *section 148\*\**, that the sponsor satisfies the condition specified in *subsection (3)(d)*,the Minister may, subject to *subsection (10)*, give a permission in writing to a person to enter and reside in the State.
- (6) The conditions specified in *subsection (3)(d)* shall be considered to have been satisfied where the sponsor—
  - (a) subject to *subsection (7)*, is at the time of his or her application, in receipt of at least the minimum level of income prescribed under *section 151(1)\*\*\**,
  - (b) is not, at the time of his or her application, in receipt of a prescribed social welfare payment or a prescribed housing support, and subject to *subsection (8)*, has not, in the period of 2 years immediately preceding the application, been in receipt of such payment or such support, and
  - (c) subject to *subsection (9)*, does not, at the time of his or her application, owe a debt in respect of his or her relevant contributions for a period of arrears of 12 weeks or more.
- (7) *Subsection (6)(a)* shall not apply where the sponsor was a minor on the date that he or she made his or her application for international protection.
- (8) The Minister may give a permission under *subsection (5)* to a family member of a sponsor who does not satisfy the requirement under *subsection (6)(b)* where the Minister is satisfied that the sponsor has been in receipt of a prescribed social welfare payment or a prescribed housing support for a period that does not, or periods the aggregate of which do not, exceed 6 months in the period of 2 years immediately preceding the application by the sponsor.
- (9) The Minister may give a permission under *subsection (5)* to a family member of a sponsor who does not satisfy the requirement under *subsection (6)(c)* where the Minister is satisfied that the sponsor has entered into, and is complying with, a

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repayment arrangement for the purposes of the arrears referred to in *subsection (6)(c)*.

- (10) The Minister shall refuse to give a permission under *subsection (5)*—
- (a) where he or she is of the opinion that it is in the interest of national security or public policy, as it relates to the family member, not to do so,
  - (b) where the sponsor in relation to whom the person is a family member ceases or has ceased to be entitled to remain in the State,
  - (c) where the person is a spouse or civil partner of a sponsor, where there are strong indications that the marriage or civil partnership was contracted for the sole purpose of enabling the person concerned to enter or reside in the State, or
  - (d) where there has been misrepresentation or omission of facts, whether or not including the use of false documents, in respect of any matter referred to in *paragraphs (a) to (c)*.
- (11) A person to whom a permission under *subsection (5)* is given shall—
- (a) comply with section 9 of the Act of 2004, and
  - (b) while the permission is in force and the sponsor is entitled to remain in the State, be entitled to the rights, and subject to the obligations, specified in Chapter VII of the Qualification Regulation, including those specified in this Part.
- (12) A permission given under *subsection (5)*—
- (a) shall cease to be in force if the person to whom it is given does not enter and reside in the State by the date specified by the Minister when giving the permission,
  - (b) shall cease to be in force on the same date as the permission to reside given to the sponsor in accordance with *section 145*,
  - (c) shall cease to be in force, where it is given to the spouse or civil partner of a sponsor, on and from the date on which the marriage or civil partnership concerned ceases to subsist, and
  - (d) shall, subject to *subsections (10) and (13)*, be renewable for as long as the permission to reside given to the sponsor is renewed in accordance with *section 145*.
- (13) The Minister shall revoke or refuse to renew a permission given under *subsection (5)* where he or she is of the opinion that—
- (a) there has been misrepresentation or omission of facts, whether or not including the use of false documents, in respect of the conditions specified in *subsection (3)* or the circumstances referred to in *paragraphs (a) to (c) of subsection (10)*, and
  - (b) the permission would not have been given, or as the case may be, renewed, but for the misrepresentation or omission referred to in *paragraph (a)*.
- (14) In this section—

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“application” means an application made in accordance with this section;

“family member”, in so far as the family already existed before the sponsor arrived in the State, in relation to a sponsor, means the following members of the family of the sponsor:

- (a) the spouse, civil partner or *de facto* partner of the sponsor;
- (b) a minor child of the sponsor provided that the minor child is unmarried;
- (c) an adult child of the sponsor who is—
  - (i) dependent on a long term basis on the sponsor, or
  - (ii) suffering from a mental or physical disability,to such extent that it is not reasonable for the adult child to maintain himself or herself fully;
- (d) a parent of the sponsor who is—
  - (i) dependent on a long term basis on the sponsor, or
  - (ii) suffering from a mental or physical disability,to such extent that it is not reasonable for the parent to maintain himself or herself fully;
- (e) where the sponsor is a minor on the date of an application, the father and mother of the sponsor or other adult (including the sponsor’s adult sibling) responsible for the sponsor;

“prescribed housing support” means a social housing support, accommodation, lodgings or assistance prescribed under *section 151(4)*\*\*\*;

“prescribed social welfare payment” means a payment prescribed under *section 151(3)*\*\*\*;

“relevant contributions” means the contributions payable by a sponsor towards the cost of the relevant reception conditions provided to him or her under the European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230 of 2018).”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

[\*This is a reference to the section to be inserted by amendment No. 212.]

[\*\*This is a reference to the section to be inserted by amendment No. 214.]

[\*\*\*This is a reference to the section to be inserted by amendment No. 219.]

*Amendments to Amendment No. 213*

1. In section 147(1), to delete “, subject to *subsection (2)*,”.

—Gary Gannon.

2. In section 147, to delete subsection (2).

—Gary Gannon.

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3. In section 147, to delete subsection (2) and substitute the following:

“(2) An application shall be made within 12 months from the date on which the sponsor was granted international protection.”.

—Alan Kelly.

4. In section 147(3), to delete paragraph (d).

—Gary Gannon, Alan Kelly.

5. In section 147(5), to delete paragraph (b).

—Gary Gannon, Alan Kelly.

6. In section 147, to delete subsection (6).

—Gary Gannon, Alan Kelly.

7. In section 147, to delete subsection (7).

—Gary Gannon, Alan Kelly.

8. In section 147, to delete subsection (8).

—Gary Gannon, Alan Kelly.

9. In section 147, to delete subsection (9).

—Gary Gannon, Alan Kelly.

10. In section 147(10), to delete paragraph (a).

—Gary Gannon, Alan Kelly.

11. In section 147(12), to delete paragraph (c).

—Gary Gannon, Alan Kelly.

12. In section 147(14), in the definition of “application”, to delete “in accordance with this section” and substitute “in accordance with *section 34*”.

—Alan Kelly.

13. In section 147(14), in the definition of “family member”, to delete paragraph (b) and substitute the following:

“(b) the minor or adult dependent children of a couple referred to in *paragraph (a)* or of the sponsor, provided that the minor or adult dependent child is unmarried and regardless of whether they were born in or out of wedlock or adopted;”.

—Gary Gannon.

14. In section 147(14), in the definition of “family member”, to delete paragraph (c) and substitute the following:

“(c) any grandparent, parent, brother, sister, child, grandchild, ward or guardian of the sponsor who is dependent on the sponsor or is suffering from a mental or physical disability to such extent that it is not reasonable for him or her to maintain

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himself or herself fully;”.

—Gary Gannon.

15. In section 147(14), in the definition of “family member”, to delete paragraph (d).

—Gary Gannon.

16. In section 147(14), in the definition of “family member”, to delete paragraph (e) and substitute the following:

“(e) where the sponsor is a minor on the date of an application, the father, mother, and their children who, on the date of the application, are under the age of 18 years, or another adult responsible for that beneficiary, including an adult sibling;”.

—Alan Kelly.

17. In section 147(14), in the definition of “family member”, to insert the following paragraph after paragraph (e):

“(f) the unmarried or unregistered partner of the sponsor, provided that, in their country of origin or in either one of their countries of origin before the sponsor arrived in the State, their relationship with the sponsor was punishable as a criminal offence or was not afforded the lawful protection of equivalent opposite sex couples, whether or not that was the subject matter of the sponsor’s application for international protection;”.

—Gary Gannon, Alan Kelly.

214. In page 114, between lines 34 and 35, to insert the following:

**“Application by unaccompanied minors for waiver of certain requirements under section 147\*”**

148. The Minister may, in his or her absolute discretion, waive the requirements under *section 147(2)\** or *(5)(b)\**, or both, in respect of a sponsor who was an unaccompanied minor on the date of his or her application for international protection if, on application by the sponsor, the Minister considers it appropriate to do so having regard to the particular circumstances of the sponsor.”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

*[\*This is a reference to the section to be inserted by amendment No. 213.]*

*Amendment to Amendment No. 214*

1. In section 148, to delete “or *(5)(b)*, or both”.

—Gary Gannon.

215. In page 114, between lines 34 and 35, to insert the following:

**“Permission to enter and reside for member of family of beneficiary of international protection”**

146. (1) A beneficiary of international protection (in this section referred to as the “sponsor”)

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may, subject to *subsection (11)*, make an application to the Minister for permission to be given to a member of the family of the sponsor, where that family member does not qualify for international protection—

- (a) to enter and reside in the State, or
  - (b) where the member, on the date of the application, is in the State (whether lawfully or unlawfully), to reside in the State.
- (2) The Minister shall investigate, or cause to be investigated, an application under *subsection (1)* to determine—
- (a) the identity of the person who is the subject of the application,
  - (b) the relationship between the sponsor and the person who is the subject of the application, and
  - (c) the domestic circumstances of the person who is the subject of the application.
- (3) It shall be the duty of the sponsor and the person who is the subject of the application to cooperate fully in the investigation under *subsection (2)*, including by providing all information in his or her possession, control or procurement relevant to the application.
- (4) Subject to *subsections (6) and (7)*, if the Minister is satisfied that the person who is the subject of an application under this section is a member of the family of the sponsor, he or she shall give permission in writing to the person to enter and reside in the State and the person shall, while the permission is in force and the sponsor is entitled to remain in the State, be entitled to the rights and privileges specified in section 144 in relation to a beneficiary of international protection.
- (5) (a) A permission to reside issued pursuant to *subsection (4)* shall have the same date of expiry as the permission to reside issued to the beneficiary of international protection and shall, subject to *subsections (6) and (7)*, be renewable for as long as the permission to reside issued to the beneficiary of international protection is renewed.
- (b) The period of validity of the permission to reside issued to the family member shall not extend beyond the date of expiry of the permission to reside held by the beneficiary of international protection.
- (6) The Minister shall refuse to give permission to enter and reside in the State to a person referred to in *subsection (4)* or revoke any permission given to such a person –
- (a) in the interest of national security or public policy (“ordre public”), where the Minister considers it necessary,
  - (b) where the person has committed a crime against peace, a war crime or a crime against humanity,
  - (c) where the person guilty of acts contrary to the purposes and principles of the United Nations;
  - (d) where the entitlement of the sponsor to remain in the State ceases, or

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- (e) where misrepresentation or omission of facts, whether or not including the use of false documents, by the person was decisive in the decision to give the person the permission.
- (7) The Minister shall refuse to give permission to enter and reside in the State to a spouse or civil partner where there are strong indications that the marriage or partnership was contracted for the sole purpose of enabling the person concerned to enter or reside in the State.
- (8) Family members who have been issued a permission to reside pursuant to *subsection (4)* shall be entitled to the rights laid down in Articles 25 to 32, 34 and 35 of the Qualification Regulation.
- (9) A permission given under *subsection (4)* shall cease to be in force if the person to whom it is given does not enter and reside in the State by a date specified by the Minister when giving the permission.
- (10) A permission given under *subsection (4)* to the spouse or civil partner of a sponsor shall cease to be in force where the marriage or the civil partnership concerned ceases to subsist.
- (11) An application under *subsection (1)* shall be made within 12 months of the giving under *section 78* of the refugee declaration or, as the case may be, subsidiary protection declaration to the sponsor concerned.
- (12) A beneficiary of international protection (in this section referred to as the “sponsor”) may, subject to *section 91(2), (3), and (5) to (8)*, make an application to the Minister for permission to reside in the State to be given to a member of the family of the sponsor who, on the date of the application, is in the State (whether lawfully or unlawfully) and who does not himself or herself qualify for international protection.
- (13) Subject to *section 91(6)*, if the Minister is satisfied that the person who is the subject of an application under this section is a member of the family of the sponsor, the Minister shall give permission in writing to the person to reside in the State and the person shall, while the permission is in force and the sponsor is entitled to remain in the State, be entitled to the rights and privileges specified in *section 88* in relation to a beneficiary of international protection.
- (14) (a) In this section, family member means, insofar as the family already existed before the sponsor arrived in the State, the following members of the family of the sponsor:
  - (i) the spouse of the sponsor or his or her civil partner;
  - (ii) the minor children of the sponsor or of his or her spouse or civil partner and the unmarried adult dependent children of the sponsor or of his or her spouse or civil partner;
  - (iii) where the sponsor is, on the date of the application under *subsection (1)*, a minor, the father, mother, and their children who, on the date of the application under *subsection (1)*, are under the age of 18 years, or another adult responsible for that beneficiary, including an adult sibling.

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- (b) For the purpose of *paragraph (a)(ii)*, an adult child should be considered dependent, on the basis of an individual assessment, where that child is unable to support himself or herself due to a physical or mental condition linked to a serious non-temporary illness or severe disability.”.

—Alan Kelly.

**216.**In page 114, lines 36 to 38, to delete all words from and including “Subject” in line 36 down to and including line 38 and substitute the following:

“Subject to *subsection (2)*, the Minister, on application by the person concerned, shall, in accordance with Article 25 of the Qualification Regulation, issue a travel document to—

- (a) a beneficiary of international protection, and  
(b) a relevant family member of the beneficiary of international protection.”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

**217.**In page 115, between lines 23 and 24, to insert the following:

“(6) In this section, “relevant family member”, in relation to a beneficiary of international protection, means a person in relation to whom—

- (a) a permission to reside in the State given under *section 146\** is in force, or  
(b) a permission to enter and reside in the State given under *section 147\*\** is in force.”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

[\*This is a reference to the section to be inserted by amendment No. 212.]

[\*\*This is a reference to the section to be inserted by amendment No. 213.]

**218.**In page 115, between lines 23 and 24, to insert the following:

“(6) Travel documents shall be valid for more than one year.”.

—Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

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**219.**In page 118, between lines 16 and 17, to insert the following:

**“Regulations (*section 147\**)**

**151.** (1) The Minister shall, for the purposes of *section 147(6)(a)\**, prescribe a minimum level of income.

- (2) In making regulations under *subsection (1)* the Minister shall have regard to—  
(a) annual and quarterly data on earnings and labour costs published by the Central Statistics Office,  
(b) the average cost of living in the State having regard to the most recent information made available by the Central Statistics Office,

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- (c) the interests of a sponsor in being reunited with his or her family members (within the meaning of *section 147\**),
  - (d) the economic and social well-being of the State,
  - (e) the power of the Executive in relation to the control of entry into, and presence in, the State, of non-nationals, and
  - (f) such other matters as the Minister considers appropriate.
- (3) The Minister shall, with the consent of the Minister for Social Protection and for the purposes of *section 147(6)(b)\**, prescribe:
- (a) a payment or class or classes of payments under the Social Welfare Consolidation Act 2005;
  - (b) a payment or class or classes of payments under schemes administered by the Minister for Social Protection.
- (4) The Minister shall, with the consent of the Minister for Housing, Local Government and Heritage and for the purposes of *section 147(6)(b)\**, prescribe:
- (a) a social housing support provided, facilitated or managed under section 19 of the Housing (Miscellaneous Provisions) Act 2009 or a class or classes of such supports;
  - (b) accommodation or lodgings made available, or assistance provided, under section 10 of the Housing Act 1988 or a class or classes of such accommodation, lodgings or assistance.
- (5) In making regulations under *subsection (3)* or *(4)* the Minister shall have regard to—
- (a) the nature and purpose of a payment, social housing support, accommodation, lodgings or assistance including whether any is means-tested,
  - (b) the extent to which receipt by a person of a payment, social housing support, accommodation, lodgings or assistance is indicative of an absence of sufficient resources for a sponsor and his or her family members not to become an unreasonable burden on the State,
  - (c) whether, in the case of regulations under *subsection (4)*, the social housing support, accommodation, lodgings or assistance, as the case may be, is intended primarily as long-term maintenance, subsistence or housing support,
  - (d) the objectives of promoting the self-sufficiency of sponsors and ensuring the sustainable use of the resources of the State, and
  - (e) such other matters as the Minister considers appropriate.
- (6) Without prejudice to the generality of *subsection (1)*, regulations made under that subsection may prescribe different minimum levels of income in respect of different classes of sponsors and in respect of different classes of family members in respect of whom an application under *section 147(1)\** is made.
- (7) Without prejudice to the generality of *subsection (3)*, regulations made under that

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subsection may prescribe different payments or different class or classes of payments in respect of different classes of sponsors and in respect of different classes of family members in respect of whom an application under *section 147(1)\** is made.

- (8) Without prejudice to the generality of *subsection (4)*, regulations made under that subsection may prescribe different social housing supports, accommodation, lodgings or assistance or different class or classes of social housing supports, accommodation, lodgings or assistance in respect of different classes of sponsors and in respect of different classes of family members in respect of whom an application under *section 147(1)\** is made.
- (9) Regulations made under *subsection (1), (3) or (4)* may provide for exemptions from any of the requirements of the regulations for a specified class or classes of sponsors.”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

[\*This is a reference to the section to be inserted by amendment No. 213.]

**220.**In page 118, line 29, to delete “5 days” and substitute “15 days”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**221.**In page 119, between lines 30 and 31, to insert the following:

“(12) In this section, “serious offence” means an offence for which a person of full age and capacity and not previously convicted may be punished by imprisonment for a term of 5 years or by a more severe penalty.”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

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**222.**In page 120, line 11, to delete “*section 151*” and substitute “Article 16(1) of the Qualification Regulation”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

**223.**In page 120, line 13, to delete “Article 12” and substitute “Article 17”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

**224.**In page 122, line 18, to delete “*Part 6*” and substitute “*section 153*”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

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**225.**In page 124, between lines 23 and 24, to insert the following:

“(5) Before deciding to issue a return decision in respect of an unaccompanied minor, assistance by appropriate bodies other than the authorities enforcing return shall be granted with due consideration being given to the best interests of the child.

(6) Before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member state shall be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in

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the State of return.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

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226. In page 124, between lines 23 and 24, to insert the following:

**“Enhanced oversight of deportation orders**

155. (1) The Minister shall maintain a public register of all deportation orders made under this Act, which shall include—

- (a) the number of deportation orders issued in each calendar month,
- (b) the number of deportation orders executed,
- (c) the number of deportation orders revoked, suspended, or otherwise not proceeded with, and
- (d) anonymised statistical information on the nationality, age profile, and gender of persons subject to such orders.

(2) The Minister shall, not later than three months after the end of each year, lay before each House of the Oireachtas an Annual Report on Deportation Orders, which shall include—

- (a) the data specified in *subsection (1)*,
- (b) the average time between the making and execution of deportation orders,
- (c) the number of judicial reviews initiated in respect of deportation orders and the outcomes of such proceedings,
- (d) the number of deportation orders not executed due to humanitarian, medical, or practical considerations, and
- (e) an assessment of compliance with international protection and human rights obligations in the operation of deportation procedures.

(3) Where systemic issues, operational failures, or rights based concerns are identified in the preparation of the Annual Report, the Minister shall outline the steps proposed to address such issues.

(4) The Joint Oireachtas Committee on Justice, Home Affairs and Migration shall be empowered to review the Annual Report and may call the Minister or relevant officials to appear before it to provide further information or clarification.

(5) Nothing in this section shall be construed as requiring the publication of personal data that would identify any individual subject to a deportation order.”.

—Matt Carthy.

227. In page 125, line 4, to delete “risk” and substitute “threat”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

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**228.**In page 129, line 3, to delete “without warrant” and substitute “further to a warrant of the arresting officer”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**229.**In page 129, line 12, to delete “public policy,”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

**230.**In page 129, between lines 19 and 20, to insert the following:

- “(2) Detention may be imposed only as a measure of last resort if it proves necessary on the basis of an individual assessment of each case and if other less coercive measures cannot be applied effectively.
- (3) Detention shall be maintained for as short a period as possible, and for only as long as a reasonable prospect of removal exists, and while arrangements therefor are in progress and are executed with due diligence. The period of detention shall not exceed the period referred to in Article 4(2) of Returns Regulation and, where a consecutive detention is issued immediately following a period of detention as provided for under this Article, that period of detention shall be included in calculating the maximum periods of detention set out in Article 15(5) and (6) of Directive 2008/116/EC.
- (4) Where a person subject to arrest and detention having been deemed at risk of absconding due to having “misrepresented or omitted facts, whether or not by the use of false documents”, that person shall, as per Head 63(1)(a), be afforded the opportunity to demonstrate good cause for the misrepresentation or omission and State authorities shall demonstrate an applicant’s “bad faith” before that applicant is subject to arrest and detention.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**231.**In page 130, to delete lines 14 to 16 and substitute the following:

- “(7) For the purpose of this section, and subject to the conclusion of any age assessment, where the immigration officer or member of An Garda Síochána is uncertain as to whether or not the person is under 18 years of age, they shall consider such a person to be a minor.”.

—Gary Gannon.

**232.**In page 130, to delete lines 14 to 16 and substitute the following:

- “(7) If, following exhaustion of an age assessment determination, and appeal process, a determination has been reached that a person is not under the age of 18 years, the provisions of *subsections (1) and (2)* shall apply as if the person had attained the age of 18 years.
- (8) Where a person states that they are under the age of 18 years, the benefit of the doubt shall apply. Where required, an age assessment shall take place before a person is arrested and detained, or without undue delay after arrest has taken place.

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- (9) Detention may be imposed only as a measure of last resort if it proves necessary on the basis of an individual assessment of each case and if other less coercive measures cannot be applied effectively.
- (10) Detention shall be maintained for as short a period as possible, and for only as long as a reasonable prospect of removal exists, and while arrangements therefor are in progress and are executed with due diligence. The period of detention shall not exceed the period referred to in Article 4(2) of this Regulation and, where a consecutive detention is issued immediately following a period of detention as provided for under this Article, that period of detention shall be included in calculating the maximum periods of detention set out in Article 15(5) and (6) of Directive 2008/116/EC.
- (11) The Minister shall ensure that family members, legal advisers or counsellors and persons representing relevant non-governmental organisations have the possibility to communicate with and visit applicants in conditions that respect privacy. Limits to access to the detention facility may be imposed only where, by virtue of national law, they are objectively necessary for security, public order or the administrative management of the detention facility, provided that access is not thereby severely restricted or rendered impossible.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 162

**233.**In page 131, between lines 3 and 4, to insert the following:

**“Detention Healthcare Standards**

- 162.** (1) A person detained under this Part shall have access to healthcare equivalent to that available to persons in the community.
- (2) Without prejudice to the generality of *subsection (1)*, such healthcare shall include—
- (a) access to appropriately qualified registered medical practitioners, including mental health professionals,
  - (b) independent medical assessments where clinically indicated,
  - (c) continuity of prescribed medication,
  - (d) protection of medical confidentiality,
  - (e) trauma-informed healthcare practices, and
  - (f) medical grounds on which detention shall not be authorised or shall cease.”.

—Gary Gannon.

**234.**In page 131, between lines 3 and 4, to insert the following:

- “162.** A person who is the subject of a return decision under this Part shall, pending removal from the State, continue to be entitled to—
- (a) essential medications,

[SECTION 162]

- (b) emergency medical treatment,
  - (c) maternity and perinatal care,
  - (d) healthcare relating to communicable diseases, and
  - (e) mental health assessment and treatment.
- (2) The Minister shall ensure that appropriate arrangements are in place to provide continuity of healthcare for a person referred to in *subsection (1)*, including care coordination prior to removal from the State.
- (3) An entitlement under this section shall not be conditional on employment status or eligibility for a medical card.”.

—Gary Gannon.

SECTION 164

235. In page 132, between lines 14 and 15, to insert the following:

**“Requirement to pursue a bilateral returns agreement with Great Britain**

164. (1) The Government shall, as soon as practicable after the commencement of this section, engage with the British Government with a view to negotiating and concluding a bilateral agreement providing for the return of certain applicants for international protection between the State and Great Britain.
- (2) An agreement pursued under *subsection (1)* shall address—
- (a) arrangements for the return of applicants who have made an application for international protection in Great Britain prior to entering the State,
  - (b) arrangements for the return of applicants who have made an application for international protection in the State prior to entering Great Britain,
  - (c) procedures for information-sharing and cooperation between the respective authorities, and
  - (d) safeguards to ensure compliance with international protection obligations and human rights standards.
- (3) The Government shall lay before each House of the Oireachtas a report on progress made under this section—
- (a) within 6 months of the commencement of this section, and
  - (b) at intervals not exceeding 6 months thereafter until such time as an agreement has been concluded or negotiations have ceased.
- (4) Nothing in this section shall be construed as limiting the State’s obligations under international law or under the Common Travel Area arrangements.”.

—Matt Carthy.

[SECTION 168]

SECTION 168

**236.**In page 133, line 33, to delete “risk to public policy, public security” and substitute “threat to public order”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

**237.**In page 134, to delete lines 18 to 20 and substitute the following:

“(6) For the purpose of this section, and subject to the conclusion of any age assessment, where the immigration officer or member of An Garda Síochána is uncertain as to whether or not the person is under 18 years of age, they shall consider such a person to be a minor.”.

—Gary Gannon.

SECTION 172

**238.**In page 135, to delete all words from and including “(1) A person” in line 22 down to and including line 25, and substitute the following:

“(1) A person who is detained under section 161 or 168 for more than 4 weeks will be entitled to an automatic review of the detention for the purposes of determining whether the grounds on which the person is detained under section 161 or 168 continue to apply.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**239.**In page 136, line 6, to delete “may” and substitute “shall”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

SECTION 180

**240.**In page 143, line 18, to delete “7 years” and substitute “3 years”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

**241.**In page 143, line 21, to delete “7 years” and substitute “3 years”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

SECTION 182

**242.**In page 147, to delete lines 3 to 7.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 186

**243.**In page 149, line 1, to delete “Minister” and substitute “Government”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 193

**244.**In page 153, between lines 11 and 12, to insert the following:

“(iii) The Minister shall equip the Chief Inspector with appropriate financial means to carry out its functions.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

[SECTION 194]

SECTION 194

**245.**In page 153, lines 19 and 20, to delete “*Oifig an Phríomh-Chigire Níosanna Imeachta Teorann um Thearmann* (notwithstanding section 9D(1) of the Official Languages Act 2003) or” and substitute the following:

“*Oifig an Phríomh-Chigire Níosanna Imeachta Teorann um Thearmann* or (notwithstanding section 9D(1) of the Official Languages Act 2003)”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

**246.**In page 153, line 21, to delete “language,” and substitute “language as”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

**247.**In page 153, lines 22 and 23, to delete “and is referred to in this Act as the “Chief Inspector” and shall perform the functions” and substitute “(in this Act referred to as the “Chief Inspector”) and shall perform the functions”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

**248.**In page 153, line 24, after “acts.” to insert the following:

“Such funds, as may be necessary for the proper functioning of the Chief Inspector, shall be paid out of moneys provided by the Oireachtas.”.

—Alan Kelly.

SECTION 196

**249.**In page 154, line 28, to delete “for stated reasons, including”.

—Alan Kelly.

**250.**In page 154, to delete lines 36 and 37.

—Alan Kelly, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy.

SECTION 198

**251.**In page 155, between lines 35 and 36, to insert the following:

“(a) monitor compliance with Union and international law, including the Charter, in particular as regards access to the asylum procedure, the principle of non-refoulement, the best interest of the child and the relevant rules on detention, including relevant provisions on detention in national law, during the screening process and in designated asylum border facilities, in line with the independent monitoring mechanism provided for by the Screening Regulation and referred to in Article 43 of the Asylum Procedures Regulation.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**252.**In page 155, to delete lines 36 to 39 and substitute the following:

“(a) to monitor compliance with European Union and international law, including the Charter, in particular as regards access to the asylum procedure, the principle of non-refoulement, the best interest of the child and the relevant rules on detention, including relevant provisions on detention in national law including instances of *de facto* detention, during the screening process and in designated asylum border

[SECTION 198]

facilities, in line with the independent monitoring mechanism provided for by the Screening Regulation and referred to in Article 43 of the Asylum Procedures Regulation.”.

—Gary Gannon.

**253.**In page 155, to delete lines 36 to 39, and substitute the following:

“(a) to monitor asylum border procedures and compliance with European Union and international law, including the Charter and in particular as regards—

(i) access to the asylum procedure,

(ii) the principle of non-refoulement,

(iii) the best interest of the child, and

(iv) the relevant legal provisions on detention during the screening procedure and in designated asylum border facilities,

in line with the independent monitoring mechanism provided for by the Screening Regulation and referred to in Article 43 of the Asylum Procedures Regulation;”.

—Alan Kelly.

**254.**In page 155, after line 39, to insert the following:

“(b) to ensure that the best interests of the child shall be a primary consideration in the course of all procedures undertaken by their office in respect of a minor, in accordance with Article 10(2) of the Screening Regulation;”.

—Matt Carthy.

**255.**In page 156, line 13, to delete “staff of the Office of the Chief Inspector” and substitute “staff of the Chief Inspector”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

SECTION 201

**256.**In page 159, between lines 19 and 20, to insert the following:

“(9) The Chief Inspector shall furnish to the Advisory Board such information regarding the performance of his or her functions as required for the Board to fulfil its duties under this Part.”.

—Gary Gannon.

**257.**In page 159, between lines 19 and 20, to insert the following:

“(9) The Advisory Board is independent in the performance of its functions.”.

—Alan Kelly.

[SECTION 202]

SECTION 202

**258.**In page 159, between lines 30 and 31, to insert the following:

“(g) a person who operates as an independent National Preventive Mechanism under OPCAT.”.

—Gary Gannon.

**259.**In page 159, between lines 30 and 31, to insert the following:

“(g) the Chief Executive of an NGO working in asylum and migration.”.

—Gary Gannon.

**260.**In page 159, between lines 30 and 31, to insert the following:

“(g) the National Preventive Mechanism under OPCAT;  
(h) an NGO working in asylum and migration.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 205

**261.**In page 161, lines 11 to 14, to delete all words from and including “(1) The” in line 11 down to and including line 14 and substitute the following:

“(1) The Chief Inspector shall, not later than 3 months after the end of each year, or before a date as may be specified by the Minister, submit to the Minister an annual report on—

- (a) the performance of the Chief Inspector’s functions during the previous year,
- (b) the implementation during the previous year of any annual recommendations made by the Chief Inspector under *section 198(3)* in relation to the improvement of fundamental rights compliance at designated asylum border facilities,
- (c) the implementation during the previous year of recommendations made by the Chief Inspector in reports under *section 209*, and
- (d) such other related matters as seem to the Chief Inspector to be appropriate.”.

—Alan Kelly.

**262.**In page 161, line 12, to delete “Minister” where it secondly occurs, and substitute “Houses of the Oireachtas”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 207

**263.**In page 163, line 12, to delete “staff of the Office of the Chief Inspector” and substitute “staff of the Chief Inspector”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

[SECTION 207]

**264.**In page 163, line 37, to delete “The Minister” and substitute “An independent body”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 209

**265.**In page 164, to delete all words from and including “(1) Where” in line 26 down to and including line 28, and substitute the following:

“(1) Where a formal investigation is determined to be necessary by the Chief Inspector under *section 207*, or *section 208*, or in the case of incidents of death or serious harm in the Screening Process, Border Procedure or Return Border Procedure, the Chief Inspector shall undertake an investigation in accordance with this Part.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

**266.**In page 164, line 36, to delete “copies of or extracts from” and substitute “copies of, or extracts from,”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

**267.**In page 165, line 24, to delete “staff of the Office of the Chief Inspector” and substitute “staff of the Chief Inspector”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

**268.**In page 165, between lines 39 and 40, to insert the following:

“(6) The Minister shall, subject to *subsection (3)* and *(4)* of *section 205* (which apply to reports under this section as they apply to reports under that section), cause a copy of the report to be laid before each House of the Oireachtas as soon as practicable after he or she receives the report.”.

—Alan Kelly.

**269.**In page 166, line 18, to delete “competent authority for a designated asylum border facility;” and substitute “body responsible for the management of the designated asylum border facility;”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

SECTION 210

**270.**In page 166, lines 27 and 28, to delete all words from and including “of” in line 27 down to and including line 28 and substitute the following:

“of the action—

(a) that will be taken, or

(b) that has been taken,

on foot of the report and the rationale for same.”.

—Alan Kelly.

[SECTION 210]

271. In page 166, after line 32, to insert the following:

“(4) The Chief Inspector shall have the power to make its investigative reports and recommendations public.”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

272. In page 166, after line 32, to insert the following:

“(4) If there is an instance of multiple, serious criminal offences, the Chief Inspector should inform a guard of a certain rank (e.g., superintendent).”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 215

273. In page 171, between lines 21 and 22, to insert the following:

“(vii) human rights organisations,”.

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 217

*Section opposed.*

—Richard Boyd Barrett, Paul Murphy, Ruth Coppinger.

SECTION 220

274. In page 175, between lines 6 and 7, to insert the following:

“(9) Where, before the date on which this subsection comes into operation, a person has made an application under section 55 of the Act of 2015 and, by that date, the Minister has not made a decision under that section in respect of the application—

- (a) the Act of 2015 shall continue to apply in respect of the application, and
- (b) where the Minister decides under that section to issue a travel document to the person, the document shall be deemed to be a travel document issued to the person under *section 146* and this Act shall apply accordingly.”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

275. In page 175, to delete lines 7 to 10 and substitute the following:

“(10) A permission to enter and reside in the State given to a person under section 56 of the Act of 2015 or deemed to have been given under section 69(5) of the Act of 2015 that is in force immediately before the date on which this subsection comes into operation shall be deemed to be a permission given to the person under *section 147\** and this Act shall apply accordingly.

(11) Where, before the date on which this subsection comes into operation, a person has made an application under section 56 of the Act of 2015 and, by that date, the Minister has not made a decision under that section in respect of the application—

- (a) the Act of 2015 shall continue to apply in respect of the application, and
- (b) where the Minister decides under that section to give permission to the person who is the subject of the application to enter and reside in the State, the

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permission shall be deemed to be a permission given to the person under *section 147\** and this Act shall apply accordingly.

- (12) A permission to reside in the State given to a person under section 57 of the Act of 2015 or deemed to have been given under section 69(6) of the Act of 2015 that is in force immediately before the date on which this subsection comes into operation shall be deemed to be a permission given to the person under *section 146\*\** and this Act shall apply accordingly.
- (13) Where, before the date on which this subsection comes into operation, a person has made an application under section 57 of the Act of 2015 and, by that date, the Minister has not made a decision under that section in respect of the application—
- (a) the Act of 2015 shall continue to apply in respect of the application, and
  - (b) where the Minister decides under that section to give permission to the person who is the subject of the application to reside in the State, the permission shall be deemed to be a permission given to the person under *section 146\*\** and this Act shall apply accordingly.”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.

*[\*This is a reference to the section to be inserted by amendment No. 213.]*

*[\*\*This is a reference to the section to be inserted by amendment No. 212.]*

TITLE

**276.**In page 16, line 4, to delete “international protection;” and substitute the following:

“international protection; to provide for permission to enter and reside for family members of beneficiaries of international protection;”.

—An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce.