



An tAcht um Chosaint Idirnáisiúnta, 2026
International Protection Act 2026

Meabhrán Miniúcháin
Explanatory Memorandum

[*Revised*]



AN tACHT UM CHOSAINN IDIRNÁISIÚNTA, 2026
INTERNATIONAL PROTECTION ACT 2026

EXPLANATORY MEMORANDUM

Purpose of the Act

The principal purpose of the International Protection Act 2026 is to reform Ireland’s international protection law by giving effect to the following measures of the European Union Pact on Migration and Asylum (“the Pact”):

- Directive (EU) 2024/1346: Reception Conditions Directive (recast)
- Regulation (EU) 2024/1347: Asylum Qualification Regulation
- Regulation (EU) 2024/1348: Asylum Procedures Regulation (as amended by Regulation (EU) 2026/463 and Regulation (EU) 2026/464)
- Regulation (EU) 2024/1350: Union Resettlement and Humanitarian Admission Framework Regulation
- Regulation (EU) 2024/1351: Asylum and Migration Management Regulation
- Regulation (EU) 2024/1358: Eurodac Regulation
- Regulation (EU) 2024/1359: Crisis and Force Majeure Regulation.

The Act provides for appropriate alignment with the Schengen measures of the Pact: the Screening Regulation (Regulation (EU) 2024/1356) and the Return Border Procedure Regulation (Regulation (EU) 2024/1349).

The Act will replace the International Protection Act 2015. That Act will continue to apply to applications for international protection lodged before 12 June 2026.

The Act includes provisions on temporary protection to give effect to Directive 2001/55/EC, which replace the temporary protection provisions in the International Protection Act 2015.

Provisions of the Act

PART 1

PRELIMINARY AND GENERAL

Chapter 1

Preliminary and General

1. Short title and commencement

Section 1 is a standard provision relating to the short title of the Act and its commencement. It is intended that the Act will come into operation in respect of international protection applications lodged from 12 June 2026.

2. Interpretation

Section 2 provides for the definitions of terms used in the Act.

3. Regulations and orders

Section 3 is a standard provision relating to regulations and orders to be made under the Act.

4. Service of documents

Section 4 provides for the service of notices or other documents under this Act and includes provisions for service by electronic means.

5. Repeals

Section 5 provides for the repeal of certain provisions of the International Protection Act 2015. This will include repeal of the provisions of the 2015 Act allowing for applications to be made under that Act.

6. Expenses

Section 6 is a standard provision regarding expenses incurred in the administration of the Act.

Chapter 2

Designation of Determining Authority, conduct of examinations and application of certain concepts

7. Designation of Determining Authority

Section 7 designates the Minister for Justice, Home Affairs and Migration (the Minister) as the Determining Authority for the purposes of Article 4 of the Asylum Procedures Regulation.

8. Examinations conducted in accordance with Qualification Regulation

Section 8 provides that examinations to determine whether a person qualifies as a refugee or is eligible for subsidiary protection under the Act will be conducted by the Determining Authority and the Tribunal for Asylum and Returns Appeals (the Tribunal) in accordance with the provisions of the Qualification Regulation.

9. Individual assessment of applicability of concept of first country of asylum

Section 9 provides that the concept of first country of asylum may only apply to an applicant if he or she cannot provide elements justifying why the concept is not applicable to him or her. This is done in the framework of an individual assessment.

10. First country of asylum for unaccompanied minor

Section 10 provides that a third country may only be considered a first country of asylum for an unaccompanied minor where it is not contrary to his or her best interests and the State has received confirmation from that third country that the minor will be taken in charge and will immediately benefit from effective protection.

11. Application of concept of safe third country

Section 11 provides for the application of the safe third country concept. It stipulates that the concept may be applied where the country has been designated as a safe third country or where the conditions set out in Article 59(1) of the Asylum Procedures Regulation are met with regard to the applicant. The concept can only be applied where the applicant cannot provide elements which justify the concept not being applicable to him or her and where there is a connection between the applicant and the country on the basis of which it would be reasonable for him or her to go to that country.

12. Safe third country for unaccompanied minor

Section 12 provides that a third country may only be considered a safe third country for an unaccompanied minor where it is not contrary to his or her best interests and the State has received confirmation from that third country that the minor will be taken in charge and immediately benefit from effective protection.

13. Application of concept of safe country of origin

Section 13 sets out the situations in which the concept of safe country of origin may be applied, namely if an applicant has the nationality, or is a former habitual resident, of that country; that he or she does not belong to a category of persons for which an exception was made when the country was designated a safe country of origin; and that the applicant cannot provide justification why the concept should not apply to him or her.

PART 2

EURODAC AND SCREENING

Chapter 1

Eurodac

14. Definitions (Part 2) (Chapter 1)

Section 14 provides definitions for terms used in Chapter 1 of Part 2 of the Act.

15. Taking of data and transmission of data to Eurodac

Section 15 outlines the procedure for the taking and transmission of an applicant's biometric data to Eurodac. Biometric data may not be taken from minors who are below the age of 6 years. The section includes safeguards in relation to the taking of data from minors.

16. Taking of data from person referred to in Article 18 of Eurodac Regulation

Section 16 provides that the Minister may request the relevant authorities of another Member State, the European Union Agency for Asylum (EUAA) or another relevant international organisation to take the biometric data of persons considered for admission to the State under the Union Resettlement and Humanitarian Admission Framework Regulation, and transmit such data to the Minister.

17. Management of biometric data and other data

Section 17 places an obligation on the Minister to maintain or cause to be maintained records of biometric data taken under Chapter 1 of Part 2 for the relevant periods specified under Article 29 of the Eurodac Regulation. An Garda Síochána will be the designated authority for the purpose of Article 5 of the Eurodac Regulation. The Minister may by order designate a unit within An Garda Síochána to be the verifying authority in the State for the purpose of Article 6 of the Eurodac Regulation.

18. Designated person

Section 18 provides that the Minister may by order designate a person to be a designated person for the purposes of the performance of the functions of a designated person under Chapter 1 of Part 2. This enables persons and organisations to be designated to take biometric data on behalf of the Minister for the purposes of resettlement and humanitarian admissions.

19. Offence of processing data in Eurodac contrary to Article 1 of Eurodac Regulation

Section 19 provides that it is an offence to process data recorded in Eurodac in a manner or for a purpose that is contrary to the purpose for which the information is recorded under Article 1 of the Eurodac Regulation.

Chapter 2

Screening

20. Definitions (Part 2) (Chapter 2)

Section 20 provides definitions for terms used in Chapter 2 of Part 2 of the Act.

21. Designation of screening centre

Section 21 gives the Minister the power to designate a suitable premises as a screening centre. The location of the premises designated and the date of the designation must be listed on a website maintained by or on behalf of the Minister or the Government.

22. Obligation to travel to screening centre

Section 22 places an obligation on applicants to travel to a screening centre where they have made an application for international protection in a place other than a screening centre. An applicant must comply with a direction regarding travel to a screening centre given by a member of An Garda Síochána, an immigration officer or an officer of the Minister. Section 22 exempts certain categories of applicants from the obligation to travel to a screening centre and also provides that the Minister may, where he or she considers it appropriate, exempt individual applicants in certain other categories from the obligation.

23. Alternative arrangements for screening of certain applicants

Section 23 provides that, where an applicant is exempted from an obligation to travel to a screening centre, alternative arrangements may be put in place by the Minister to ensure that procedures under Part 2 can be carried out.

24. Obligation to inform applicant

Section 24 requires an immigration officer or member of An Garda Síochána to inform an applicant who fails to comply with a direction to

travel to a screening centre or alternative arrangements of the applicant's obligations and other specified matters.

25. Obligations of applicant under Part 2

Section 25 requires an applicant to cooperate fully with an individual performing a function under Part 2 and lists the information the applicant must provide to an officer of the Minister.

26. Provision of information to applicant

Section 26 lists the information that must be provided to the applicant about international protection procedures. This information must be given to the applicant in writing, in paper or electronic format, and, if the Minister considers necessary, orally, and in a language the applicant understands or is reasonably supposed to understand.

27. Legal counselling

Section 27 provides that an applicant may request legal counselling, which will be provided in line with the Asylum Procedures Regulation and Asylum and Migration Management Regulation. An applicant may be excluded from receiving legal counselling where they are already being assisted by a legal representative.

28. Consultation with legal representative

Section 28 provides that an applicant may consult a legal representative to obtain legal advice at any stage during the procedure in respect of their application, during the procedure to determine the Member State responsible under the Asylum and Migration Management Regulation, or in respect of an appeal under this Act.

29. Preliminary health assessment

Section 29 provides that an applicant shall undergo a preliminary health assessment carried out by a qualified medical professional to identify the need for any urgent medical care or illnesses that may pose a threat to public health. An applicant may refuse to undergo a preliminary health assessment or request that it cease where it has already begun.

30. Preliminary vulnerability assessment

Section 30 provides for a preliminary vulnerability assessment to identify any special reception needs or procedural guarantees the applicant may require. This includes identifying the person as being stateless, vulnerable, or a victim of torture or other inhuman or degrading treatment. This assessment and the preliminary health assessment under section 29 may form part of, or the entirety of, the assessment under Article 25 of the Reception Conditions Directive or Article 20 of the Asylum Procedures Regulation.

31. Guarantees for minors

Section 31 provides that the best interest of the child shall be a primary consideration when carrying out procedures in respect of a minor under Part 2 and sets out arrangements for minors to be accompanied while being provided with information under section 26 and for the duration of the preliminary vulnerability assessment or preliminary health assessment.

32. Search of applicant

Section 32 requires that an applicant declare documents in their possession to a member of An Garda Síochána, an immigration officer or an officer of the Minister. In certain circumstances, applicants and their luggage may be searched to determine whether they are carrying any documentation. Applicants must provide all reasonable assistance in the operation of any devices in which documents may be stored.

33. Screening form

Section 33 requires the Minister to complete a form containing certain information relating to the applicant. This form will be made available to the applicant in either paper or electronic format and he or she will be asked to confirm the accuracy of the information once it is collected.

34. Cultural mediator

Section 34 provides that the Minister may make arrangements to allow cultural mediators to assist an applicant during the procedures under Part 2. The term “cultural mediator” is defined in section 2.

35. Termination of screening

Section 35 requires that screening is carried out as soon as possible, and, where practicable, within 7 days of a person arriving at a screening centre or 7 days after alternative arrangements have been made for applicants under section 23(1). Section 35 lists the grounds under which the procedures of Part 2 shall be terminated and places an obligation on the Minister to record the reason why the procedures have been terminated.

PART 3

APPLICATION FOR INTERNATIONAL PROTECTION

Chapter 1

Making, registration and lodgement of application

36. Application for international protection

Section 36 covers the procedure for making an application for international protection by a person at the frontier of the State or in the State. An application for international protection will be considered to be made when the person expresses his or her wish to receive international protection in person to an officer of the Minister, a member of An Garda Síochána, an immigration officer, or a governor of a prison. Section 36 makes provision for timely communication to the Minister where applications are made to a member of An Garda Síochána or a governor of a prison.

37. Application on behalf of minor

Section 37 provides for the procedure of applying for international protection on behalf of a minor. The section also regulates the making of applications on behalf of a minor who is born in, or enters, the State while his or her parent or person responsible is an applicant for international protection.

38. Application on behalf of person lacking capacity

Section 38 details the procedure for applying for international protection on behalf of persons who lack capacity but would otherwise be eligible to apply for international protection. Section 36 lists out the circumstances in which an application can be made on behalf of such a person.

39. Registration of application

Section 39 provides for the procedure for registering applications for international protection. The Minister is designated as the competent authority for the registration of applications. This section provides for the registration of specified information on the international protection application form as well as for the services of an interpreter for applicants where necessary.

40. Lodgement of application

Section 40 provides for the procedure for the lodging of applications for international protection. Lodging will be done in person with the Minister by the applicant attending a specified place on a specified date, with some exceptions. Where practicable, lodging shall be done at the same time as the registration of the application. The section also provides for applications to be lodged on behalf of certain categories of persons.

41. Submission of elements and documents

Section 41 lays out the requirement for applicants to submit all available elements and documents which are relevant to their application for consideration during the examination procedure. Submission of any additional elements or documents must be done prior to a decision being taken on an application and applicants shall endeavour to do so within a 5-day period following the personal interview. No new applications may be made before a decision is taken on an application and any representations which are made before a decision is taken will be considered as further representations in respect of the current application.

Chapter 2

Appointment of representatives for unaccompanied minors

42. Definition (Part 3) (Chapter 2)

Section 42 provides a definition for the term “representative organisation” as used in Chapter 2 of Part 3.

43. Competent authority (Part 3) (Chapter 2)

Section 43 provides for the designation by the Minister of the competent authority in respect of representatives for unaccompanied minors.

44. Best interests of child (Part 3) (Chapter 2)

Section 44 provides for the best interests of the child to be a primary consideration in the application of this Chapter.

45. Requirement to notify the competent authority

Section 45 provides that the competent authority must be notified of an application made by a minor or unaccompanied minor. Where an unaccompanied minor has been relocated or transferred to the State, the Minister is obliged to notify the competent authority of this.

46. Designation of provisional representative and appointment of representative

Section 46 provides for the designation of representative organisations and the criteria which must be met for an organisation to be designated as a representative organisation. The section sets out the timeframes to appoint a representative organisation or a provisional representative person or a representative person to an unaccompanied minor who has made an application for international protection. A provisional representative must be appointed as soon as possible, and the representative must be appointed no later than 15 working days after the application. Where a representative organisation is appointed, the section sets out the functions and responsibilities of the representative organisation.

47. Appointment of provisional representative persons and representative persons

Section 47 provides that where a representative organisation is designated as the provisional representative or appointed as the

representative, that organisation must, as soon as possible, appoint specific individuals to act as the provisional representative and long-term representative.

48. Power to appoint substitute provisional representative person and representative person

Section 48 provides that a representative person or provisional representative person can be changed, where necessary, and outlines the powers of the competent authority or a representative organisation to designate or appoint same in circumstances where a change is required.

49. Consequences of appointment of provisional representative person or representative person

Section 49 provides for the procedural consequences of the appointment (including designation) of a person under this Chapter. These are the notification of the Determining Authority that an appointment has taken place, that the unaccompanied minor is informed that a person has been appointed for them. The Determining Authority is then responsible for informing the person appointed of any relevant facts pertaining to the unaccompanied minor, and for informing the Child and Family Agency of the appointment of the person. Following the appointment, the person appointed may request information from the relevant bodies about the progress of the unaccompanied minor's application and shall be kept informed of any relevant decisions with respect to the minor.

50. Functions of provisional representative person and representative person

Section 50 lists the functions of a provisional representative person or a representative person with regard to assisting an unaccompanied minor through the international protection process and safeguarding the best interests and well-being of the unaccompanied minor.

51. Cessation of designation or appointment of representatives and consequences of cessation

Section 51 provides the grounds for the cessation of the designation or appointment of a provisional representative person or a representative person and for the cessation of the designation or appointment of a representative organisation.

52. Modification of certain references (exceptional situations)

Section 52 provides that in exceptional situations, a representative person may be appointed within 25 working days instead of within the 15 working day limit required by section 46. Similarly, this section provides that in these exceptional situations, a representative person may be appointed to represent up to 50 unaccompanied minors instead of up to 30 as required by section 46.

53. Regulations (Part 3) (Chapter 2)

Section 53 provides the Minister with the power to make regulations for the purpose of promoting high professional standards and good practice on the part of representative organisations, provisional representative persons and representative persons.

Chapter 3

Assessments to determine age of applicant

54. Best interests of child (Part 3) (Chapter 3)

Section 54 stipulates that the best interests of the child shall be a primary consideration in the application of Chapter 3.

55. Age assessments

Section 55 provides for an age assessment to be carried out where there are doubts as to the age of an applicant. It sets out the matters from which doubt may arise, and the bodies who may carry out the assessment and who must be present during the assessment. As required by the Asylum Procedures Regulation, the age assessment will be undertaken by the Determining Authority and will involve a multi-disciplinary assessment. As a measure of last resort, the age assessment may also include a medical assessment.

56. Multi-disciplinary assessment

Section 56 provides further detail on the multi-disciplinary assessment to be carried out for the purposes of the age assessment. It stipulates what is to be included in this assessment, the process to be followed by the Determining Authority in respect of the results of the assessment, including the requirements to notify the applicant, his or parent, adult responsible, or representative following the assessment.

57. Medical examination to determine age

Section 57 provides for medical examinations for the purposes of carrying out an age assessment. This section sets out the conditions which must be met for a medical examination to be carried out and provides for the medical examination only to be carried out with the consent of the applicant and of the parent, adult responsible, or representative person.

58. Age assessment in Member State other than the State

Section 58 enables the Determining Authority to rely on an age assessment that has taken place in another Member State in determining the age of an applicant.

59. Request by applicant for further age assessment

Section 59 regulates requests for further age assessments by an applicant. It sets out the process for making a request and sets out the procedure to be followed once the request is made.

60. Decision by Determining Authority to arrange further age assessment

Section 60 provides that, where it is determined that an applicant is a minor, the Determining Authority may arrange a further age assessment if the Child and Family Agency or an Appeals Officer has reasonable grounds to believe that the applicant is not a minor.

61. Estimated date of birth

Section 61 makes provision for the Determining Authority to determine an estimated date of birth for an applicant. It stipulates that the estimated date of birth be recorded in the applicant's file and be considered to be the applicant's date of birth for the purposes of this Act unless a date of birth can be verified.

62. Confirmation of age based on verifiable information

Section 62 provides for situations where an applicant's age can be confirmed based on verifiable information. The section sets out the obligation for the Determining Authority to vary a determination under this Chapter in respect of that applicant and the obligation to record the confirmed age in the applicant's file.

63. Regulations (Part 3) (Chapter 3)

Section 63 gives the Minister, after consultation with the Minister for Children, Disability and Equality, and the Minister for Health, the power to prescribe certain matters in relation to age assessments.

Chapter 4

Consequences of making application

64. Authorisation to enter State

Section 64 gives further effect to the Asylum Procedures Regulation provisions relating to non-entry to the State of applicants subject to the asylum border procedure. The Minister will be required, following the screening carried out under Part 2, to give applicants an authorisation to enter the State solely for the purpose of having their application examined. This is subject to certain exceptions, including where an applicant's application is being examined under the asylum border procedure.

65. Right to remain in State

Section 65 provides for an applicant's right to remain in the State during the application process, which shall last until a decision has been reached on his or her application by the Determining Authority. This section also sets out the obligations of applicants who have a right to remain.

66. Limitation on right to remain

Section 66 sets out the limitations on the right to remain. It is clarified that a right to remain under section 65 shall not constitute an authorisation under section 64 or a permission under section 4 of the Immigration Act 2004, or a right to travel to the territory of another Member State without a travel document. Further clarification is made that the registration requirements under section 9 of the Act of 2004 do not apply to applicants who have a right to remain under this Act.

67. Duty to cooperate

Section 67 sets out the duty of an applicant to cooperate with the Determining Authority, the Tribunal, the Minister and An Garda Síochána for the duration of the procedure for international protection. Section 67 also requires applicants to remain present and available in the State.

68. Exception from right to remain

Section 68 details exceptions from the right to remain under section 65. Paragraph (a) outlines exceptions in relation to subsequent applications. Paragraph (b) sets out situations such as the extradition, surrender or transfer of a person to facilitate criminal prosecutions, custodial sentences and detention orders, as well as a person being considered a danger to public order or national security.

69. International protection applicant card

Section 69 provides for the international protection applicant card which replaces the temporary residence certificate under section 17 of the International Protection Act 2015. The card allows applicants to prove their status as an applicant for international protection and access their rights during the international protection procedure. This section specifies the contents and purpose of the card, the period of validity of the card, custody of the card, the surrendering of the card and offences in relation to the card.

Chapter 5

Withdrawal of application

70. Explicit withdrawal of application

Section 70 provides for the procedure for the explicit withdrawal of applications for international protection. This section also sets out the

obligations and duties of the Determining Authority or, upon appeal, the Tribunal, once notification of the intent to withdraw has been received.

71. Implicit withdrawal of application

Section 71 sets out the criteria for determining that an application is implicitly withdrawn and describes the circumstances under which the Determining Authority may make a declaration that the application has been implicitly withdrawn.

Chapter 6

Subsequent application

72. Subsequent application

Section 72 sets out the criteria for the preliminary examination of a subsequent application and for determining whether a subsequent application is to be deemed admissible or not. This section clarifies that elements which are not considered to be “new” do not have to be considered, with some exceptions. Where any new elements are presented by the applicant or arise through a subsequent application, the application will be further examined on its merits unless another ground for inadmissibility exists.

PART 4

RECEPTION CONDITIONS

Chapter 1

Definitions and application

73. Definitions (Part 4)

Section 73 provides definitions for terms used in Part 4 of the Act.

74. Application of Part 4

Section 74 provides that the provision of material reception conditions and the monitoring of reception conditions in Chapter 2 and Chapter 3 of Part 4 apply to an applicant who is present in the State and is allowed to remain on the territory of the State. As the Reception Conditions Directive is applicable to all international protection applicants, those who have made an application under the International Protection Act 2015 will also be able to avail of material reception conditions under this Act.

Chapter 2

Material reception conditions

75. Provision of material reception conditions

Section 75 requires material reception conditions to be provided to applicants to ensure that they have an adequate standard of living while in the State. The section also provides for the Minister, following consultation with the Minister for Social Protection, to make regulations that require an applicant to cover or contribute to the cost of his or her material reception conditions where the applicant has the financial means to do so.

76. Allocation of accommodation

Section 76 provides for the allocation of accommodation to applicants, for certain matters to be considered before allocating accommodation and, by regulation, for mechanisms to confirm that an applicant is residing in his or her allocated accommodation.

77. Reception needs of minors

Section 77 provides for key considerations to be taken into account when dealing with the reception needs of minors. The best interests of the child shall be a primary consideration with regards to the reception needs of minors.

78. Schooling and education for minors

Section 78 ensures that minors are provided with the same access to primary and post-primary education, support services and school materials as Irish citizens.

79. Language courses and vocational training

Section 79 requires the Minister and the Minister for Further and Higher Education, Research, Innovation and Science to make arrangements to ensure that applicants have access to appropriate courses. These may include language courses, civic education courses and vocational training courses.

80. Health care

Section 80 seeks to ensure that applicants have access to necessary healthcare.

81. Assessment of special reception needs

Section 81 provides for an assessment of special reception needs to be carried out to ensure that applicants with special reception needs receive necessary supports during the international protection process.

82. Provision of information to applicants

Section 82 ensures that applicants receive information on their entitlements to material reception conditions, information on their rights and obligations under Part 4, and the contact information of organisations or groups of persons who can inform applicants regarding access to material reception conditions and health care.

83. House rules

Section 83 provides for the making of rules in relation to accommodation allocated to applicants.

84. Travel documents for applicants

Section 84 provides that a travel document may be issued to an applicant where there are serious humanitarian reasons or other imperative reasons that require the applicant's presence in another state. This document will be limited to the purpose and duration necessary for the reason for which it is issued.

Chapter 3

Reduction or withdrawal of material reception conditions

85. Definitions

Section 85 provides definitions for terms used in Chapter 3 of Part 4.

86. Reduction or withdrawal of material reception conditions

Section 86 provides the grounds on which the Minister may reduce or withdraw an applicant's material reception benefits, or the Minister for Social Protection may reduce or withdraw an applicant's daily expenses allowance. Such a measure can be taken where an applicant has demonstrated that he or she has failed to follow certain requirements during the international protection process.

87. Making a decision under section 86

Section 87 provides for the requirements that must be adhered to where the Minister or the Minister for Social Protection makes a decision under section 86. These include the need to inform the applicant of the reasons for the reduction or withdrawal, the need to ensure that the decision taken considers the individual circumstances of the applicant, and the need to maintain the applicant's access to health care and an adequate standard of living under EU law.

88. Section 86 decision based on applicant's conduct

Section 88 permits the Minister or the Minister for Social Protection to restore or partially restore an applicant's material reception benefits or daily expenses allowance where it is determined that the specified conduct that led to the reduction or withdrawal has ceased.

89. Appeal of section 86 decision

Section 89 provides for regulation-making powers to establish procedures for appeals of a reduction or withdrawal of material reception benefits and for appeals of a reduction or withdrawal of the daily expenses allowance.

Chapter 4

Monitoring of reception conditions

90. Definitions (Part 4) (Chapter 4)

Section 90 provides definitions for terms used in Chapter 4 of Part 4.

91. Monitoring body

Section 91 provides for the designation of a public body to be the monitoring body for the purpose of monitoring accommodation centres. The Health Information and Quality Authority (HIQA) is designated as the monitoring body until another public body is designated.

92. National Standards and monitoring of accommodation

Section 92 provides that the Minister may set standards for accommodation offered to people in the international protection process ("National Standards"). The section provides for the functions of the monitoring body in relation to monitoring compliance by service providers with the National Standards and providing reports to the Minister of inspections of accommodation centres. The monitoring body shall be independent in the performance of its functions.

93. Provision of information to monitoring body

Section 93 provides that the monitoring body may require a service provider to provide the monitoring body with any information that the monitoring body considers necessary to determine the level of compliance by the service provider with the National Standards.

94. Authorised persons

Section 94 provides that the monitoring body may appoint employees to be authorised persons for the purposes of Chapter 4 of Part 4.

95. Inspection of accommodation centres

Section 95 provides for the powers of the monitoring body in relation to the inspection of accommodation centres.

96. Prohibition against certain conduct in relation to inspection

Section 96 provides for offences relating to the refusal to permit an authorised person to enter an accommodation centre, the obstruction or impeding of an authorised officer in the performance of his or her

functions, and the provision of false or misleading information to an authorised person.

97. Inspection reports

Section 97 provides for the preparation and publication of an inspection report after the inspection of an accommodation centre by an authorised person.

98. Statutory notifications to monitoring body

Section 98 provides that the Minister shall notify the monitoring body, within 21 days of applicants being first allocated accommodation in an accommodation centre, of such an allocation. Where a premises is to cease being used as an accommodation centre, the Minister shall notify the monitoring body of the date of this cessation.

99. Notification of serious incidents

Section 99 sets out requirements for notifying the monitoring body of any serious incident or event that occurs in an accommodation centre. The service provider must notify the monitoring body within 3 days of the date on which the incident or event occurred and keep a record of the incident or event. In the case of an unexpected absence of a minor from an accommodation centre, the service provider concerned must notify the monitoring body of such an absence, within 24 hours of becoming aware of the absence.

PART 5

RESTRICTION OF FREEDOM OF MOVEMENT AND DETENTION

Chapter 1

Preliminary and General

100. Application of Part 5

Section 100 describes the categories of applicants to whom Part 5 applies.

101. Particular reasons to believe that person might abscond

Section 101 lists particular grounds under which an applicant may be considered at risk of absconding. These include the presentation of false or misleading information and failing to cooperate with competent authorities or procedural requirements. The procedural requirements that an applicant must adhere to are also listed in this section.

Chapter 2

Restrictions of freedom of movement

102. Requirement that applicant reside in specific place

Section 102 provides the grounds on which an immigration officer, an officer of the Minister or a member of An Garda Síochána may require an applicant to reside in a specified place adapted to housing applicants. The provision of material reception conditions will be based on an applicant actually residing in the specified place. The means by which an applicant records or evidences that he or she is residing in that place will be provided for by regulations.

103. Requirement that applicant report to competent authorities

Section 103 permits an immigration officer, an officer of the Minister or a member of An Garda Síochána to require an applicant to report to an immigration officer or a member of An Garda Síochána. The Minister

may make regulations to provide for the ways in which this reporting can be carried out, which may include reporting by electronic means.

104. Matters to be taken into account

Section 104 ensures that the individual circumstances of the applicant are kept under consideration when making a requirement under section 102 or 103. This will include a consideration of the applicant's special reception needs.

105. Form and content of requirement restricting freedom of movement

Section 105 provides that an applicant subject to a requirement under section 102 or 103 will be given a written explanation as to why the requirement is being imposed, information regarding the procedures for challenging the requirement and of the consequences of non-compliance with the obligations imposed by the requirement.

106. Assistance for unaccompanied minor

Section 106 provides that where an unaccompanied minor is subject to a requirement under section 102 or 103, his or her representative person or provisional representative person shall assist the minor with matters relating to the requirement.

107. Power to vary restriction of freedom of movement

Section 107 provides that a requirement under section 102 or 103 may be varied by an immigration officer, an officer of the Minister or a member of An Garda Síochána where the circumstances relating to the making of the requirement have changed and in such other particular circumstances as the Minister may prescribe. An applicant may apply for a variation of a requirement.

108. Review of restriction of freedom of movement

Section 108 enables an applicant to apply for a review of a requirement under section 102 or 103 within 5 working days of the requirement being made. The review officer, having reviewed the requirement, may vary, affirm or set aside the requirement.

109. Appeal from decision of review officer

Section 109 allows an applicant who is dissatisfied with a decision of a review officer under section 108 to appeal to the Tribunal within 10 working days of the date of the notice of the decision. The Tribunal may, in exceptional circumstances or in the interests of justice, extend the 10 day period. The determination of the appeals officer shall be to affirm, vary or set aside the decision of the review officer.

110. Request to reside temporarily outside specified place

Section 110 provides that an applicant who is required to reside in a specified place that is not a place of detention may make a request for permission to reside temporarily outside that specified place. The Minister may make regulations for procedures under this section. Where permission is not granted, the applicant will be given the reasons for the decision.

Chapter 3

Detention and alternatives to detention

111. Prohibition of detention on certain grounds

Section 111 transposes Article 10(1) of the Reception Conditions Directive and Article 44(1) of the Asylum and Migration Management Regulation. It provides the grounds for the prohibition of detention, which

includes for the sole reason that an individual is an applicant or on the basis that he or she is an applicant of a particular nationality. Detention under Chapter 3 will not be punitive in nature.

112. Grounds of detention and application of alternatives to detention

Section 112 transposes Article 10(4) of the Reception Conditions Directive which provides the grounds for the detention of an applicant. These grounds include to determine or verify the identity or nationality of the applicant, to ensure transfer procedures are carried out in accordance with the Asylum and Migration Management Regulation, to determine the elements on which the application for international protection is based which could not be obtained in the absence of detention, in particular where there is a risk of absconding, and when protection of national security or public order so requires.

113. Alternatives to detention

Section 113 provides that where grounds under section 112 apply, an immigration officer or a member of An Garda Síochána may apply alternatives to detention following an individual assessment of the applicant. Such requirements may include an obligation to attend at a specified place at a specified time, remain at a specified place for a specified period of time, reside at a specified place, be conveyed in a specified vehicle to a specified place or report to an immigration officer or a member of An Garda Síochána at a specified time or at reasonable, specified intervals. An immigration officer or a member of An Garda Síochána shall not detain an applicant under *section 118* unless he or she has considered whether or not any of the alternatives to detention provided for in this section can be effectively applied.

114. Measures relating to minors

Section 114 provides that, in exceptional circumstances, an immigration officer or a member of An Garda Síochána may make a requirement under section 113 of a minor who is an applicant. This may occur where the parent or primary caregiver of an accompanied minor is the subject of a requirement under section 113, or where such a requirement safeguards an unaccompanied minor and where it has been established that making the requirement of the minor is assessed to be in his or her best interests.

115. Application of alternative to detention

Section 115 specifies that a requirement made under section 113 must be based on an individual assessment of the applicant's circumstances and must be proportionate to the ground on which it is made. A requirement under section 113 and the reasons for it must be notified to the applicant in writing, in a language that the applicant understands or is reasonably supposed to understand and in a concise, transparent, intelligible and easily accessible form, using clear and plain language.

116. Power to vary requirement under section 113

Section 116 provides that an immigration officer or a member of An Garda Síochána may vary a requirement under section 113 where the circumstances relating to the making of the requirement change and in such other particular circumstances as the Minister may prescribe. An applicant may apply for a variation of a requirement.

117. Appeal of requirement under section 113

Section 117 seeks to ensure that robust legal remedies are in place by enabling an applicant to appeal to the District Court against a requirement made under section 113 while the requirement is in force.

118. Arrest and detention of applicants

Section 118 provides for the arrest and detention of applicants, with the exception of minors, for as short a time as possible, where it is determined that other less coercive alternative measures cannot be applied and where detention is necessary. An applicant who is detained under this section must be brought before the District Court as soon as practicable. A detained applicant must be informed of the reasons for the arrest and detention and of his or her entitlement to seek free legal assistance and legal representation, consult a legal representative and challenge the detention. A judge of the District Court may commit the person to a place of detention for a period not exceeding 21 days or release the person subject to conditions. The grounds for the detention of an applicant will continue to be monitored and where it is assessed that these grounds no longer apply, the applicant must be brought before a judge of the District Court who will order the release of the person.

119. Detention as last resort

Section 119 provides for a very limited set of circumstances in which a minor may be detained. The section allows for the detention of an accompanied minor with the adult who accompanies him or her, and for the detention of an unaccompanied minor where it safeguards the unaccompanied minor. A minor may be detained for a period of up to 12 hours and only for the purposes of determining or verifying the identity or nationality of the minor, where less coercive alternative measures cannot be applied effectively and where detention has been assessed as being in the minor's best interests. All of these requirements must be met before a minor can be detained. Minors may only be detained for the shortest possible period of time having regard to the purpose of the detention and in facilities appropriate to their needs.

120. Offences (Part 5)

Section 120 provides for offences relating to the endangerment by an applicant of his or her safety or the safety of others in the course of the performance of a function by an immigration officer or a member of An Garda Síochána under this Part, and in relation to the obstruction or hindering of an immigration officer or a member of An Garda Síochána engaged in performing their duties under this Part.

121. Rights of detained person

Section 121 specifies the rights of a person who is detained under section 119.

122. Detention of persons with special reception needs

Section 122 provides that applicants with special reception needs must not be detained where this would have serious risks for their physical and mental health. Where applicants with special reception needs are detained, their health will be of primary concern and timely and adequate supports will be provided for them.

123. Notification to Child and Family Agency where minor in custody of detained person

Section 123 requires the Child and Family Agency to be notified where an applicant is detained under section 118 and a minor is in the custody of the detained applicant.

124. Administrative delay while applicant is in detention

Section 124 requires the Minister to ensure that administrative procedures relevant to the grounds of detention set out in section 118 are executed with due diligence. Any delays in administrative procedures that

cannot be attributed to the applicant shall not justify a continuation of detention.

125. Conditions of detention

Section 125 requires that detained applicants are kept separately from ordinary prisoners and other third country nationals who have not lodged an application for international protection. This section allows detained applicants to contact family members, legal representatives and persons representing relevant non-governmental organisations.

PART 6

ASYLUM AND MIGRATION MANAGEMENT

Chapter 1

Preliminary and General

126. Interpretation (Part 6)

Section 126 provides definitions for terms used in Part 6 of the Act.

127. Best interests of child (Part 6)

Section 127 provides that 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, and that the Minister shall give priority to procedures in their application to minors.

128. Minister to share information for purposes of asylum and migration management

Section 128 provides for the sharing of information in accordance with Article 51 of the Asylum and Migration Management Regulation.

129. Minister to provide applicant with information on application of Asylum and Migration Management Regulation

Section 129 provides that applicants must be provided with information on the application of the Asylum and Migration Management Regulation and their rights and obligations under the Asylum and Migration Management Regulation. An applicant may request an update on the progress of the procedure.

130. Minister may request another Member State to take charge of applicant to bring family together

Section 130 provides that the Minister may request another Member State to take charge of an applicant in order to bring together family relations on humanitarian grounds. This take-charge request shall contain all relevant material in possession of the Minister, to allow the requested Member State to assess the situation.

Chapter 2

Determination of Member State Responsible

131. Minister to determine Member State responsible

Section 131 provides that where a person's application is registered in the State pursuant to the Asylum Procedures Regulation, or the person has been relocated to the State, the Minister shall determine the Member State responsible for the application.

132. Determination of Member State responsible – assessment whether applicant poses threat to internal security

Section 132 provides that the Minister shall, where the State is the first Member State in which an application was registered, examine whether or

not the applicant poses a threat to internal security. Such an examination will be carried out as soon as possible after registration.

133. Personal interview for determining Member State responsible

Section 133 provides for the conduct of a personal interview in accordance with Article 22 of the Asylum and Migration Management Regulation to facilitate the determination of the Member State responsible for the applicant.

134. Offence of forging or altering recording or summary of Article 22 interview

Section 134 provides for offences relating to the forging or altering of an audio recording or summary of an interview under section 133.

135. Circumstances in which Article 22 interview may be omitted

Section 135 provides for cases where an Article 22 interview may be omitted. This can be done where an applicant absconds, where the applicant did not attend a scheduled interview and failed to provide justified reasons, or the applicant has already provided enough information for the determination to be made. Where the interview is omitted, the applicant will be given the opportunity to present further information which is relevant to the correct determination of the Member State responsible.

Chapter 3

Transfers

136. Request by State to other Member State to take charge of, or take back, applicant

Section 136 gives the Minister the power to submit a take charge request or a take back notification in accordance with the Asylum and Migration Management Regulation.

137. Functions of Minister where State is transferring Member State

Section 137 assigns the functions of the transferring Member State under the Asylum and Migration Management Regulation to the Minister.

138. Minister to take transfer decision

Section 138 provides that where a take charge request or take back notification has been made by the State and been accepted or confirmed, the Minister shall take a transfer decision.

139. Notification of transfer decision

Section 139 provides that where a transfer decision is taken, the applicant and their legal representative shall be notified. The transfer decision shall state that the relevant reception conditions have been withdrawn in accordance with Article 21 of the Reception Conditions Directive.

140. Appeal against transfer decision

Section 140 provides for appeals of transfer decisions. Such appeals may be made within one week from the date of receipt of the notification of the decision. The Tribunal may make findings limited to assessing the risk of inhuman and degrading treatment, whether subsequent circumstances to the transfer decision are decisive and whether specific articles of the Asylum and Migration Management Regulation have been infringed. The Tribunal may affirm a transfer decision or set it aside.

141. Request to remain in State pending appeal

Section 141 provides that a person who appeals a transfer decision may request permission to remain in the State pending the outcome of the appeal.

142. Additional functions of Minister in relation to transfer decision

Section 142 provides that the Minister shall consult with a Member State accepting a take charge request or take back notification to ensure that the transfer of the relevant applicant is carried out as soon as practically possible.

143. Transfer of applicant from State to Member State responsible

Section 143 allows for the transfer of an applicant who is the subject of a transfer decision taken by the Minister. Such an applicant will be issued a *laissez passer* or other suitable travel document.

144. Powers of immigration officer, etc. for purposes of facilitating transfer

Section 144 gives powers to immigration officers and members of An Garda Síochána for the purpose of facilitating the transfer of a person to whom section 143 applies. A person subject to a transfer decision must comply with certain requirements under the section.

145. Arrest and detention of applicant subject of transfer decision

Section 145 provides immigration officers and members of An Garda Síochána with powers in relation to the arrest and detention of persons subject to transfer decisions.

Chapter 4

Procedures where State is Member State Responsible

146. Request by other Member State to State to take charge of, or take back, applicant for international protection

Section 146 assigns the functions of receiving a take charge request under Articles 35 and 39 of the Asylum and Migration Management Regulation or a take back notification under Article 41 of the same regulation to the Minister.

147. Procedure where State takes charge of, or takes back, applicant for international protection

Section 147 provides that the Determining Authority will examine the applications of applicants whose application was registered in a different Member State, where the State has taken charge of an applicant under Article 39, 40 and 46 of the Asylum and Migration Management Regulation or taken back the applicant under Articles 41 and 46 of same.

PART 7

EXAMINATION OF APPLICATIONS FOR INTERNATIONAL PROTECTION

Chapter 1

Medical Examination for Indications of Past Persecution or Serious Harm

148. Determining Authority may request medical examination for indications of past persecution or serious harm

Section 148 enables the Determining Authority to request medical examinations in relation to indicators of past persecution or serious harm.

Chapter 2

Examination Procedure

149. Examination of applications

Section 149 regulates the process of examining and taking decisions on applications by the Determining Authority in accordance with the basic principles and guarantees set out in the Asylum Procedures Regulation. This section sets out certain requirements for staff of the Determining Authority who will be examining applications.

150. Determining Authority may prioritise examination of applications for international protection

Section 150 provides that applications may be prioritised by the Determining Authority and sets out the grounds for such prioritisation.

Chapter 3

Personal interviews

151. Requirement to give applicant opportunity of personal interview

Section 151 sets out the obligation for an applicant to be given the opportunity of a personal interview. Where sufficient effort has been made to ensure the applicant is given the opportunity of a personal interview, but such interview does not occur, the Determining Authority shall not be prevented from taking a decision on the application.

152. Requirements for personal interviews

Section 152 provides for the requirements in respect of carrying out personal interviews. These requirements relate to the manner and method in which the interview is conducted, the applicant's presence at the interview, providing for the services of an interpreter as well as the staff conducting interviews and their competence.

153. Conduct of personal interview

Section 153 provides for who may be present during the personal interview and provides for, in particular, the presence of the United Nations High Commissioner for Refugees (where he or she so requests), legal representatives, trained cultural mediators, and in the case of unaccompanied minors, the provisional representative or representative person, where necessary.

154. Legal assistance at personal interview

Section 154 provides for the presence of a legal representative at the personal interview and clarifies that the interview may occur in the absence of a legal representative.

155. Report and recording of personal interviews

Section 155 provides for matters relating to reports, transcripts and audio recordings of personal interviews, including offences relating to forging or fraudulently altering a report or an audio recording.

Chapter 4

Decisions on applications

156. Decision on applications for international protection and notification of decision

Section 156 provides for decisions and notifications of decisions (a "section 156 notification") in respect of applications for international protection. This section sets out to whom a decision and notification must be delivered and the form a decision and notification must take.

The section also provides for single decisions on applications of minors or dependent adults and the parent or adult responsible, where such applications are based on the same grounds.

157. Assessment of admissibility of application

Section 157 regulates assessments as to the admissibility of an application. The section sets out both the mandatory and discretionary grounds for rejecting an application as inadmissible. This section also provides for admissibility interviews.

158. Duration of examination to determine whether application is admissible

Section 158 provides for a two-month time limit for the duration of admissibility examinations and prohibits the deeming of an application as admissible solely for the reason that no decision regarding inadmissibility has been taken within the time limit. Time limits may be extended by a further two months in set circumstances.

159. Decision to reject application as inadmissible

Section 159 sets out what must be included in a section 156 notification once an application has been rejected as inadmissible on foot of the application of the concepts of first country of asylum or safe third country.

160. Finding that applicant's country of origin is a safe country of origin

Section 160 states that the section 156 notification shall make reference to the fact that the Determining Authority has made a finding that the applicant's country of origin is a safe country of origin, where that finding is part of the decision on the application.

161. Rejection of application and issuance of return decision

Section 161 provides that where a return decision is issued on foot of a decision on an application for international protection, the section 156 notification shall state that fact.

162. Examination on merits of application

Section 162 sets out situations where an application shall not be examined on its merits. These are where another Member State is responsible for examining the application, where an application was rejected as inadmissible, or where the application was explicitly or implicitly withdrawn.

163. Determining Authority may decide not to grant refugee status

Section 163 sets out the circumstances under which, during examination of an application or appeal, but before a decision has been taken, the Determining Authority may decide not to grant refugee status. This applies where the applicant is deemed a danger to national security or was convicted of a particularly serious crime and constitutes a danger to the community of the State.

164. Decision on the merits of application

Section 164 provides that, when examining an application on its merits, the Determining Authority shall take a decision on whether a person qualifies as a refugee, and if not, whether he or she is eligible for subsidiary protection status. Before a decision is reached, an applicant must be given the opportunity for a substantive interview. The interview is regulated by this section, including the manner in which it is conducted and the rights and obligations of the applicant in an interview. The section sets out requirements relating to the decision on the merits of an application.

165. Grant of refugee status following decision that person qualifies as refugee

Section 165 provides that, except where a decision is made under section 163, where the Determining Authority or, on appeal, the Tribunal makes a decision that a person qualifies as a refugee, that decision shall state that the person is granted refugee status in accordance with Article 13 of the Qualification Regulation.

166. Grant of subsidiary protection status following decision that person is eligible for subsidiary protection

Section 166 provides that where the Determining Authority or, on appeal, the Tribunal, makes a decision that a person is eligible for subsidiary protection in accordance with the Qualification Regulation, the decision shall state that the person is granted subsidiary protection status in accordance with Article 18 of that Regulation.

167. Rejection of application as unfounded

Section 167 provides that an application may be rejected as unfounded or manifestly unfounded under certain conditions.

168. Duration of examination procedure on merits

Section 168 prescribes the duration of the examination procedure on the merits of an application (other than where the accelerated procedure or asylum border procedure applies). In general, the examination is to be concluded as soon as possible and no later than six months from the date on which the application is lodged. There are provisions for extending the time limit in set circumstances, postponing the conclusion of the examination, and the procedure to be followed when postponement occurs. Section 168(3) clarifies the time limits in respect of applicants subject to a transfer procedure as laid down in Article 46 of the Asylum and Migration Management Regulation.

169. Examination procedure to conclude within 21 months of lodging of application

Section 169 provides that, in any event, the Determining Authority shall conclude the examination procedure within 21 months from the lodging of an application.

170. Duration of examination procedure where court annuls decision of Determining Authority and refers back

Section 170 provides that the Minister shall by regulations prescribe time limits shorter than the time limits set out in *sections 158, 168* and *169* for the conclusion of the examination procedure in cases where a court or tribunal annuls the decision of the Determining Authority and refers the case back.

171. Decision that applicant qualifies as refugee

Section 171 provides that, where the decision of the Determining Authority is that the applicant qualifies as a refugee, the section 156 notification shall include information on the rights and obligations relating to refugee status.

172. Decision that applicant does not qualify as refugee and is eligible for subsidiary protection

Section 172 provides that, where the decision of the Determining Authority is that the applicant does not qualify as a refugee and is eligible for subsidiary protection, the section 156 notification shall include information on the rights and obligations relating to subsidiary protection.

Chapter 5

Special procedures

173. Accelerated examination procedure

Section 173 sets out the grounds for the acceleration of the examination procedure. Provision is made for circumstances where, due to complex issues of fact or law, the application cannot be examined under the accelerated procedure. This section also sets out the limited specified circumstances in which the accelerated procedure may be applied to an unaccompanied minor.

174. Duration of the accelerated examination procedure

Section 174 provides that the Determining Authority shall conclude the accelerated examination procedure as soon as possible and no later than three months from the date on which the application is lodged.

Chapter 6

Asylum border procedure

175. Conditions for applying asylum border procedure

Section 175 sets out the circumstances in which the Determining Authority may examine an application under the asylum border procedure and provides that applicants under the procedure shall not be authorised to enter the State.

176. Deadlines under asylum border procedure

Section 176 regulates the duration of the asylum border procedure. The maximum period shall be 12 weeks from when the application is registered until a final decision, including a decision on appeal, is issued. This can be extended to 16 weeks when an applicant is transferred to the State under the Asylum and Migration Management Regulation. If the period for examining the application expires prior to a final decision being made, the applicant will be authorised to enter the State, unless they are subject to the return border procedure.

177. Prioritisation of examination of applications in asylum border procedure

Section 177 sets out the different cohorts of people whose applications will be prioritised for examination under the asylum border procedure. Where the number of applicants exceeds the number that corresponds to the adequate capacity of the State, priority shall be given to applicants with a higher prospect of being returned in case of a negative decision, to those who are considered a danger to national security or public order, and to adult applicants.

178. Application by person deemed to be national security risk

Section 178 provides that, where deemed to be a national security risk, an applicant shall be placed in the asylum border procedure, regardless of whether their application was being examined under a different procedure.

179. Mandatory application of asylum border procedure

Section 179 sets out the circumstances in which an application must be examined in the asylum border procedure: where an applicant has intentionally misled the authorities by providing false documents or information, including in relation to their nationality or identity; where an applicant is deemed a danger to national security or public order; and where an applicant comes from a country with a recognition rate across the EU of 20% or less. It also provides for the disapplication of the mandatory application of the asylum border procedures in certain

circumstances for applicants coming from countries with a recognition rate across the EU of 20% or less, and for appropriate measures to be taken to maintain family unity in the asylum border procedure in relation to applicants deemed a danger to national security or public order.

180. Application of special procedures to applicants in need of special procedural guarantees

Section 180 makes provision for applicants who are in need of special procedural guarantees, mandating that the asylum border procedure or the accelerated procedure shall not apply or shall cease to apply where those guarantees cannot be provided within the framework of those procedures.

181. Determination of Member State responsible and relocation where asylum border procedure is applicable

Section 181 sets out that where the conditions for the asylum border procedure apply, the Minister shall determine the Member State responsible as part of the asylum border procedure, without prejudice to the deadlines established in section 176.

182. Application of asylum border procedure where applicant is transferred to State

Section 182 sets out the procedure for examining applications under the asylum border procedure where an applicant has been transferred to the State, as well as making particular provision for transferred applicants who are deemed, by the Determining Authority, to be a national security risk.

183. Exceptions to the asylum border procedure

Section 183 provides that the only circumstances in which the asylum border procedure may apply to an unaccompanied minor are where he or she is deemed a danger to national security or public order. The section also provides for the circumstances in which the asylum border procedure shall not apply or shall cease to apply in respect of an applicant.

184. Restrictions on freedom of movement during asylum border procedure

Section 184 sets out restrictions on freedom of movement which apply to applicants under the asylum border procedure. The Minister may designate a premises to be a location for the carrying out of the asylum border procedure (an “ABP centre”). This section includes express provision for applicants to reside in an ABP centre, to ensure that families reside in appropriate ABP centres, and to clarify that the requirement to reside in a specified place or any transfers of an applicant shall not constitute an authorisation to enter the State or entry to the State.

185. Minister to notify where number of applications in border procedure reaches maximum

Section 185 sets out the obligation of the Minister to inform the European Commission when the number of applications that have been examined in the asylum border procedure within one calendar year is equal to or exceeds the maximum number of applications set out in respect of the State in an implementing act referred to in Article 47(1) of the Asylum Procedures Regulation.

186. Definitions (Part 8)

PART 8

APPEALS TO TRIBUNAL

Section 186 provides definitions for terms used in Part 8.

187. Appeals

Section 187 provides that an appeal may be brought by notice in writing within 1 month from the date of receipt by an applicant of notification of their first instance decision. This applies to applicants under the standard examination procedure. Applicants subject to the accelerated examination procedure or the asylum border procedure may bring an appeal within a shorter time limit of 10 days.

188. Right to remain in State pending appeal

Section 188 provides applicants with the right to remain within the State during the period in which they may make an appeal and whilst pending the outcome of an appeal. Provision is made for the circumstances in which applicants shall not have the right to remain in the State, subject to certain exceptions where an applicant is an unaccompanied minor.

189. Request to Tribunal to be allowed to remain pending appeal

Section 189 provides for the mechanism whereby an applicant may request permission to remain in the State pending the conclusion of an appeal by the Tribunal. Such a request must be submitted within 10 days of the notice of the decision under appeal, during which time the applicant may remain in the State.

190. Provision of information, submission of documents to Tribunal

Section 190 provides that the Determining Authority shall give the Tribunal copies of documents and other information necessary for the purpose of the Tribunal's functions.

191. Oral hearing

Section 191 provides for the holding of an oral hearing for the purpose of an appeal where the Appeals Officer, to whom the appeal is assigned, is of the opinion that a full and *ex nunc* examination of both facts and points of law cannot be achieved without an oral hearing. Arriving at this conclusion must be done so with reference to guidelines issued by the Chief Appeals Officer under *section 247(2)*. An oral hearing shall be held in private unless the Tribunal, following an application from the applicant, determines otherwise. This section makes provision for procedural matters relating to oral hearings.

192. Recording of oral hearing

Section 192 provides for the audio recording of oral hearings and offences relating to the forgery or fraudulent alteration of recordings.

193. Examination by Tribunal

Section 193 provides for the full and *ex nunc* examination process to be carried out by the Tribunal before reaching a decision on an appeal. The Tribunal may refuse to take certain documents into account if they have been submitted outside of specified time periods or if they are not translated in accordance with the Act.

194. Withdrawal and deemed withdrawal of appeal

Section 194 provides for the withdrawal of an appeal. Withdrawal by the applicant can be done at any time before the Tribunal makes its decision. The Tribunal may deem an appeal to be withdrawn in cases where the applicant fails to attend an oral hearing without reasonable explanation or fails in their duty to cooperate. Provision is made for notification requirements and for the consequences of withdrawal and deemed withdrawal of an appeal.

195. Decision of Tribunal

Section 195 provides for the decision of Tribunal on appeal. The Tribunal may decide to affirm or set aside the first-instance decision. Where a decision on inadmissibility, declaration of implicit withdrawal, or a return decision, is set aside, it must be remitted to the Determining Authority for examination.

196. Effect of judicial review on right to remain in State

Section 196 provides that a person who applies for judicial review of a decision of the Tribunal shall not be entitled to remain in the State solely by virtue of such an application.

197. Duration of appeal to Tribunal

Section 197 provides for maximum time periods for the Tribunal to conclude examinations of appeals, as follows:

- (a) where the appeal is against a decision to reject an application as inadmissible, 2 months,
- (b) where the appeal is in respect of an application considered in the accelerated examination procedure, 3 months,
- (c) where the appeal is in respect of an application considered in the asylum border procedure, as soon as possible having regard to the maximum duration of that procedure,
- (d) where the appeal is against a return decision and no appeal has been brought against the related decision, 28 days, and
- (e) in every other case, 6 months.

198. Procedures for appeals and requests to remain

Section 198 provides that the Minister may, in consultation with the Chief Appeals Officer, prescribe different procedures in respect of different classes of appeals and requests to remain, including the holding of oral hearings.

PART 9

CONTENT OF INTERNATIONAL PROTECTION

199. Definitions (Part 9)

Section 199 provides definitions for terms used in Part 9 of the Act.

200. Application of Part 9

Section 200 provides that beneficiaries of international protection shall have the rights and obligations set out in Chapter VII of the Qualification Regulation, as well as those set out in this Part. A beneficiary shall have access to such rights upon the receipt of their grant of refugee status or subsidiary protection and for as long as they hold that status.

201. Information for beneficiaries of international protection

Section 201 states that a beneficiary of international protection must be provided with information in either electronic or paper format, as soon as practicable after becoming a beneficiary, detailing his or her rights and obligations specified in Annex I of the Qualification Regulation.

202. Extension to beneficiaries of international protection of certain rights

Section 202 sets out the entitlement of beneficiaries of international protection to specified rights.

203. Permission for beneficiaries of international protection to reside in State

Section 203 details the permission of beneficiaries of international protection to reside in the State. This section provides the details of the permission, the obligations on beneficiaries, as well as the renewal periods for the permission. Provision is also made for the Minister to revoke or refuse to renew a permission in certain circumstances.

204. Permission to reside for family members of beneficiaries of international protection

Section 204 deals with the maintenance of family unity for beneficiaries of international protection whose family members, as defined in this section, are already in the State. The rules on the maintenance of family unity are set out in the Qualification Regulation. Accordingly, this provision seeks to mirror those requirements when dealing with applications for such persons.

205. Permission to enter and reside for family members of beneficiaries of international protection

Section 205 makes provision for a beneficiary of international protection to make an application to the Minister for family members, as defined in this section, who are not present in the State to enter and reside in the State. It requires that a sponsor may not make an application for permission to enter and reside in the State for a family member until 2 years after the date on which the sponsor was granted international protection. It also imposes self-sufficiency criteria to be met by the sponsor.

206. Application by unaccompanied minors for waiver of certain requirements under section 205

Section 206 allows for certain criteria for the granting of family reunification under section 205 to be waived where an application is brought by an unaccompanied minor, who is seeking to bring a family member to enter and reside in the State.

207. Travel document

Section 207 regulates the procedure to be followed in respect of beneficiaries of international protection applying for travel documents. This includes the form of both the application and document, the circumstances in which it may be refused, as well as the obligation on the Minister to publish a copy of the form and any relevant information on a website to be maintained on behalf of the Minister or Government.

208. Cancellation and surrender of travel document

Section 208 provides for the cancellation and surrender of travel documents. The circumstances under which a document may be cancelled are stipulated as well as the procedure to be followed once a document is cancelled.

209. Offences relating to travel document

Section 209 sets out offences in relation to the possession and use of travel documents and false travel documents as well as the relevant penalties for same.

210. Meaning of “false” and “making”

Section 210 sets out what constitutes a false travel document and defines what it means to “make” a false travel document for the purposes of section 209.

211. Proceedings relating to offences under section 209 committed outside State

Section 211 deals with proceedings for offences under section 209 committed outside the State.

212. Regulations (section 205)

Section 212 provides for regulation-making powers, setting out the elements to be taken into account by the Minister in prescribing the minimum level of income required, relevant social welfare payments and relevant housing supports for the purposes of the assessment under section 205 on family reunification.

PART 10

VOLUNTARY RETURN AND WITHDRAWAL OF INTERNATIONAL PROTECTION

213. Option to voluntarily return

Section 213 provides that the Minister may inform a person at any stage during the administrative procedure that he or she may voluntarily return to his or her country of origin, country of former habitual residence, or to a country where he or she is entitled to reside. The option of voluntary return shall not be extended to persons who have committed a serious offence or who are regarded as a danger to the security of the State.

214. Withdrawal of international protection

Section 214 provides the criteria by which the Minister can withdraw the refugee or subsidiary protection status of a person. Where the Minister is considering whether to withdraw international protection status retrospectively, he or she shall have regard to the matters listed in this section.

215. Appeal of withdrawal of international protection

Section 215 provides that a person to whom a notification of withdrawal of international protection is sent may, within 10 working days from the date of the notification, appeal to the Circuit Court against this decision. The Circuit Court may affirm the decision of the Minister or direct the Minister not to withdraw international protection.

PART 11

RETURNS

Chapter 1

Return decisions

216. Return decision where application is inadmissible on certain grounds, unfounded, manifestly unfounded or withdrawn

Section 216 allows the Minister to make a return decision at the same time as the person's application is rejected by the Determining Authority or is declared to be withdrawn. *Section 216* also sets out the effects of a return decision.

217. Entry ban notice

Section 217 provides for the Minister to issue a notice in writing (called an "entry ban notice") alongside a return decision providing for the person the subject of the notice to remain outside the State. It also provides for the coming into effect of entry ban notices, the circumstances

under which they can be revoked and the circumstances under which they no longer have effect.

218. First country of asylum or safe third country return decision

Section 218 provides that the Minister shall make a return decision at the same time as the person's application is rejected as inadmissible by the Determining Authority on the basis of the application of the first country of asylum or safe third country concept. Where a return decision is made under this section, the person shall be required to leave the State and may be removed from the State to the first country of asylum or to the safe third country, as the case may be.

219. Making of return decision before decision under Part 3 or 7

Section 219 provides for the public order and national security grounds on which the Minister may make a return decision before a decision is made on a person's application by the Determining Authority. The Minister may revoke or amend a return decision given under this section.

220. Coming into effect of return decision

Section 220 states that a return decision shall be automatically suspended for as long as the person who is the subject of the return decision has a right to remain or is allowed to remain in the State. It also provides for when a return decision comes into effect.

221. Exceptions to making of return decision

Section 221 provides that the Minister shall not make a return decision in respect of a person who is the subject of a deportation order, or where a return decision in respect of the person under this Chapter is in being, or the person is a member of a class or classes of persons prescribed under this section.

222. Requirements on person subject of return decision

Section 222 lists the obligations that those being removed from the State or being returned must abide by under this Chapter.

223. Arrest and detention (Part 11)

Section 223 provides that in certain specified circumstances, an immigration officer or a member of An Garda Síochána may arrest without warrant a person who is the subject of a return decision that is in effect and detain the person in a place prescribed by the Minister. A person shall not be detained under this section for a period or periods exceeding 12 weeks in aggregate.

224. Continuance of detention under section 223

Section 224 provides that the period of detention under section 223 may continue beyond 12 weeks only with the leave of a judge of the District Court. The section provides for matters relating to the reckoning of periods of detention under this Chapter.

225. Prohibition of refoulement

Section 225 provides that a return decision shall not be issued under section 216, 218 or 219 and where a return decision is issued, a person shall not be expelled or returned in any manner whatsoever to the frontier of a territory, where there are grounds that give rise to refoulement concerns with respect to the person.

Chapter 2

Return border procedure

226. Application of Chapter 2 of Part 11

Section 226 lists the grounds on which the return border procedure in Chapter 2 of Part 11 will apply and cease to apply to a person.

227. Requirements on person to whom Chapter applies

Section 227 requires a person subject to the return border procedure to reside in a designated centre for the period specified in a notice given under this section. An immigration officer, an officer of the Minister or a member of An Garda Síochána may require the person to present themselves in person or electronically, surrender their passport or any travel documents they may hold, and cooperate with an immigration officer or a member of An Garda Síochána to obtain documents needed to carry out a return or removal from the State.

228. Designated centre

Section 228 allows the Minister to designate a premises as suitable for the purposes of a requirement to reside under section 227.

229. Refusal of authorisation to enter State

Section 229 states that a person to whom this Chapter applies shall not be authorised to enter the State under section 64 of this Act or section 4 of the Immigration Act 2004. Under section 229, a requirement on the person to reside in a designated centre under section 227 or the fact of the person's detention under section 230 shall not be considered to be an authorisation to enter the State under section 64 of this Act or section 4 of the 2004 Act.

230. Arrest and detention under return border procedure

Section 230 provides that an immigration officer or a member of An Garda Síochána may, in certain specified circumstances and as a measure of last resort, arrest without warrant a person to whom Chapter 2 applies for a period not exceeding 12 weeks. The section lists the considerations that may be taken into account when determining whether there is a risk of the person absconding. A person arrested under this section may be detained for a period not exceeding 12 weeks. The section provides for a mechanism for the release of a detained person while judicial review proceedings are ongoing.

231. Cessation of return border procedure

Section 231 provides for the procedure to be followed where Chapter 2 ceases to apply to a person in accordance with section 226(2).

Chapter 3

Miscellaneous

232. Power to enter premises

Section 232 provides that an immigration officer or a member of An Garda Síochána may enter and search a premises for the purpose of arresting a person under section 223 or 230. Where the premises is a dwelling, the immigration officer or member of An Garda Síochána may only enter under certain conditions.

233. Issue of travel document for purpose of return

Section 233 states that the Minister may, in order to facilitate and effect the return or removal of a person the subject of a return decision under

section 216, 218 or 219, issue to the person a *laissez-passer* or such other travel document as the Minister considers appropriate.

234. Review of detention under Part 11

Section 234 provides that a person who has been detained under section 223 or 230 for more than 4 weeks may request an administrative review of his or her detention to determine whether the grounds for detention still apply.

PART 12

HUMANITARIAN ADMISSION FRAMEWORK, PROGRAMME REFUGEES, TEMPORARY PROTECTION, CRISIS AND FORCE MAJEURE

235. Definitions (Part 12)

Section 235 provides definitions for terms used in Part 12 of the Act. It also clarifies that future beneficiaries of temporary protection will receive their permission under this Act rather than the International Protection Act 2015.

236. Programme Refugees

Section 236 gives further effect to elements of the Union Resettlement and Humanitarian Admission Framework Regulation, and makes provision for the reception, resettlement and humanitarian admission of programme refugees into the State. This section also sets out the obligations and functions of the Minister in respect of programme refugees and provides for the continuation of the register under section 59 of the International Protection Act 2015.

237. Temporary Protection

Section 237 sets out the terms of temporary protection status. It provides for permission to enter and remain in the State for displaced persons specified in a Council Decision under Article 5 of the Temporary Protection Directive (Directive 2001/55/EC). This section also sets out further criteria for eligibility, the rights that may be enjoyed by beneficiaries of temporary protection, and provides for procedures to enable and facilitate transfers and reunifications.

238. Revocation of temporary protection

Section 238 establishes a comprehensive process for the revocation of temporary protection. Temporary protection status may only be revoked under strict criteria. The permission holder must be provided with notice of an intention to revoke. The permission holder will be given the opportunity to make representations to the Minister before a final decision is made. In cases where temporary protection is revoked, the Act provides for appeals to be made to the Tribunal for Asylum and Returns Appeals. Upon examining an appeal, the Tribunal shall have the power to either affirm the decision of the Minister or direct the Minister not to revoke temporary protection.

239. Crisis and Force Majeure

Section 239 sets out the procedures to be followed where the Government consider the State to be in a situation of crisis or force majeure within the meaning of the Crisis and Force Majeure Regulation.

PART 13
TRIBUNAL

Chapter 1

Definitions (Part 13)

240. Definitions (Part 13)

Section 240 provides definitions for terms used in Part 13.

Chapter 2

Establishment of Tribunal

241. Establishment day of Tribunal

Section 241 provides for the Minister to appoint an establishment day of the Tribunal.

242. Establishment of Tribunal

Section 242 establishes the body known as *An Binse um Achomhairc i dtaobh Tearmainn agus Filleadh* or, in English, as the Tribunal for Asylum and Returns Appeals, to perform relevant functions under the EU acts, the Act and any other enactment.

Chapter 3

Tribunal

243. Functions of Tribunal

Section 243 establishes the functions of the Tribunal. It also provides that the Tribunal shall be inquisitorial in nature and independent in the performance of its functions.

244. Composition of Tribunal

Section 244 provides for the composition of the Tribunal, which will consist of a Chief Appeals Officer, a number of Deputy Chief Appeals Officers and Appeals Officers appointed in a whole-time capacity and a number of Appeals Officers appointed in a part-time capacity. The Chief Appeals Officer will be appointed by Government. The first Chief Appeals Officer and Deputy Chief Appeals Officers shall be appointed for a period of 5 years beginning on the day of establishment of the Tribunal. The section also details the experience requirements for appointment to each role. A member of the International Protection Appeals Tribunal (other than its chairperson) may be appointed as an Appeals Officer, without going through a selection competition, where he or she consents to being so appointed.

245. Terms of appointment and conditions of office of Appeals Officers

Section 245 provides for the terms of appointment and conditions of office for the Chief Appeals Officer (5 years with possibility of reappointment for a second term), Deputy Chief Appeals Officer (5 years with possibility of reappointment for a second term) and both whole-time and part-time Appeals Officers (7 years with possibility of reappointment for a second term not exceeding 3 years). The section lists factors that exclude a person from being eligible for appointment and also lists disqualifying factors.

246. Resignation and removal of Appeals Officers

Section 246 provides for the resignation and removal process of the Chief Appeals Officer and an Appeals Officer. The Chief Appeals Officer

may be removed from office only by the Government for specified stated reasons.

247. Functions of Chief Appeals Officer

Section 247 provides for the functions of the Chief Appeals Officer. These functions are to enable the Tribunal to perform efficiently and ensure that Appeals Officers dispose of their business as expeditiously as may be consistent with fairness and natural justice. The functions include issuing guidelines, assigning priority to certain cases, requesting reassignments of work and making provision for training programmes.

248. Delegation of functions of Chief Appeals Officer

Section 248 provides the Chief Appeals Officer with powers to delegate any of his or her functions to a Deputy Chief Appeals Officer or any other Appeals Officer appointed in a whole-time capacity. Any act or thing done on foot of such a delegation will have the same force and effect as if done by the Chief Appeals Officer.

249. Power of Deputy Chief Appeals Officer to perform functions of Chief Appeals Officer

Section 249 provides that a Deputy Chief Appeals Officer shall be appointed by the Minister to perform the functions of a Chief Appeals Officer during any period of absence or incapacity or while the office is vacant.

250. Functions of Appeals Officers

Section 250 provides for the performance of the functions of a Deputy Chief Appeals Officer and Appeals Officers.

251. Director of Tribunal

Section 251 provides for the office of the Director of the Tribunal. This section lists the functions of the Director, which are primarily managerial and administrative in nature. The Director shall be independent in the performance of these functions and may not hold any other office or occupy any position in respect of remuneration without the consent of the Minister.

252. Staff of Tribunal

Section 252 provides for the members of staff of the Tribunal to be appointed by the Minister as civil servants. The Minister may also appoint a member of staff to be a “designated member of staff” of the Tribunal. A designated member of staff will work under the direction of an Appeals Officer, to support them in the transaction of their business. This will mostly consist of preparatory and procedural work, including research, as the Appeal Officer requires. It is also provided in this section that the work of the designated member of staff will not interfere with the independence of the Appeal Officer.

253. Power of member of staff to perform functions of Director

Section 253 provides the Director with the power to authorise a member of staff to perform his or her functions during a period where the Director is absent or incapacitated or the position is vacant. The section also enables the Minister to exercise this power, where the Director has not made an authorisation.

Chapter 4

Reporting

254. Annual report of Tribunal

Section 254 obliges the Director to prepare and submit an annual report, no later than 3 months after the end of each year, to the Minister, detailing the activities of the Tribunal during the preceding year. A copy of the annual report shall be laid before each House of the Oireachtas and published online as soon as is practicable.

255. Reports of Chief Appeals Officer

Section 255 allows for written reports to be made to the Minister by the Chief Appeals Officer on matters that he or she considers appropriate due to their gravity or other exceptional circumstances. The Minister may request a report from the Chief Appeals Officer.

256. Reports of Director

Section 256 allows for written reports on matters relating to the functions of the Director to be made to the Minister by the Director. The Minister may request such a report from the Director.

PART 14

CHIEF INSPECTOR OF ASYLUM BORDER PROCEDURES

Chapter 1

Definitions (Part 14)

257. Definitions (Part 14)

Section 257 provides definitions for terms used in Part 14.

Chapter 2

Establishment of Office of Chief Inspector of Asylum Border Procedures

258. Establishment day of Office of Chief Inspector

Section 258 states that the Minister shall, by order, appoint a day to be the establishment day of the Office of the Chief Inspector.

259. Establishment of Office of Chief Inspector

Section 259 provides for the establishment of *Oifig an Phríomh-Chigire Níosanna Imeachta Teorann um Thearmann* or, in the English language, the Office of the Chief Inspector of Asylum Border Procedures. The holder of the office shall be known as the Chief Inspector of Asylum Border Procedures and is referred to in the Act as “the Chief Inspector.”

Chapter 3

Appointment and functions of Chief Inspector of Asylum Border Procedures

260. Appointment of Chief Inspector

Section 260 provides for the appointment of the Chief Inspector of Asylum Border Procedures. The Government shall appoint a person to this office for a term not exceeding 5 years, which may be extended by reappointment to a maximum aggregate term of 10 years. The Chief Inspector shall, subject to this Part, be independent in the performance of his or her functions.

261. Resignation and removal of Chief Inspector

Section 261 provides for the resignation and removal process of the Chief Inspector. He or she may resign by notice in writing to the Minister. The Chief Inspector may be removed from office by the Government for specified stated reasons. This section also provides for grounds of disqualification.

262. Acting Chief Inspector

Section 262 provides that during any period where the Chief Inspector is absent or unable to perform the functions of the office, the Minister may authorise a member of staff of the Chief Inspector to perform such functions. This authorisation shall cease upon the appointment of a Chief Inspector and shall not exceed a period of 6 months unless the Minister is satisfied that it is not reasonably practicable for an appointment to be made within that time.

263. Functions of Chief Inspector

Section 263 provides for the functions of the Chief Inspector in relation to monitoring asylum border procedures to ensure compliance with European and international law. Provision is made for the carrying out of inspections of designated asylum border facilities and formal investigations of complaints and allegations of breaches of fundamental rights in a designated asylum border facility.

264. Staff of Chief Inspector

Section 264 enables the Chief Inspector to appoint members of staff. A member of staff shall be a civil servant of the State for which the Chief Inspector will be the appropriate authority. It is provided that the Chief Inspector shall manage and control generally the staff, administration and business of the Office.

Chapter 4

Governance and accountability of Chief Inspector of Asylum Border Procedures

265. Establishment and role of Advisory Board

Section 265 provides for the establishment of an Advisory Board which shall consult and guide the Chief Inspector in relation to his or her duties and the performance of his or her functions.

266. Membership of Advisory Board

Section 266 provides for the membership of the Advisory Board, which shall consist of a chairperson and *ex officio* members. *Section 266* lists the office holders who shall, *ex officio*, be members of the Advisory Board. These members may nominate other officials from their organisation to perform their functions. The chairperson shall be appointed by the Minister from the members of the Advisory Board.

267. Meetings of Advisory Board

Section 267 provides for meetings of the Advisory Board, which shall be held as often as may be necessary for the due performance of the Board's functions, but not less than once every 3 months. The section allows the Board to determine its own procedures for meetings.

268. Member ceasing to be member of Advisory Board

Section 268 provides for the resignation and removal process of a member of the Advisory Board. A member of the Advisory Board may resign by notice in writing to the Minister or be removed from office by the Minister for stated reasons. The vacancy arising from such a

resignation or removal may be filled by a person appointed in the same manner as the former member.

269. Annual report of Chief Inspector

Section 269 obliges the Chief Inspector to prepare and submit an annual report, no later than 3 months after the end of each year to the Minister, detailing the activities of the Office during the preceding year. The report shall be laid before the Houses of the Oireachtas. Provision is made for the omission, amendment or redaction of certain matters in a published report.

270. Accountability to Oireachtas Committees

Section 270 provides that, at the request in writing of an Oireachtas Committee, the Chief Inspector shall appear before it to give an account of the general administration of the Office unless a matter is the subject of proceedings before a court or tribunal in the State.

Chapter 5

Complaints, investigations and inspections

271. Inspections and complaints of designated asylum border facilities

Section 271 provides the Chief Inspector with powers of inspection of designated asylum border facilities necessary for carrying out the functions of the Office. If a breach of fundamental rights is identified in the course of an inspection, the Chief Inspector may conduct a formal investigation under section 273. A complaint concerning a breach of fundamental rights within a designated asylum border facility may be made and referred to the Chief Inspector.

272. Recording and handling of complaints

Section 272 specifies the procedure for the receipt of complaints by the Chief Inspector. If a complaint is determined to be admissible, it will be subsequently determined whether the complaint warrants a formal investigation. The complainant and body responsible for the management of the designated asylum border facility shall be notified of any such determination.

273. Formal investigation

Section 273 provides the Chief Inspector with the powers necessary to perform formal investigations. For the purposes of such an investigation, the Chief Inspector may at all reasonable times enter, search and inspect any designated asylum border facility and have access to, inspect, examine and make copies of, any documents or interview any person necessary for the purposes of the performance of his or her functions. A report shall be submitted to the Minister on the completion of a formal investigation and shall contain all findings and recommendations arising from the investigation.

274. Other actions by Chief Inspector following formal investigation

Section 274 provides that, where a report following a formal investigation discloses a concern in relation to the fundamental rights of persons in the designated asylum border facilities, a copy of the report shall be furnished to the Minister, and to An Garda Síochána where it is suspected that a criminal offence is being or has been committed. The Minister is then obliged to notify the Chief Inspector of any action taken on foot of this report and rationale for same.

Chapter 6

Miscellaneous

275. Offences under Part 14

Section 275 provides for certain actions to be criminal offences under Part 14. This is to ensure that the Chief Inspector can carry out his or her functions without obstruction or refusal to comply with requirements.

276. Prohibition on unauthorised disclosure of confidential information

Section 276 prohibits members of the Advisory Board, staff of the Chief Inspector, the Chief Inspector or persons engaged with the Chief Inspector in any other capacity from disclosing confidential information obtained while performing their duties, subject to specified exceptions.

PART 15

MISCELLANEOUS PROVISIONS

277. Contracts for services

Section 277 provides that the Minister may enter into contracts for services as is necessary to assist in the performance of his or her functions under the Act. It also provides that certain functions of the Minister under the Act may not be carried out by a person with whom he or she has entered into a contract for services.

278. Prohibition on publication or broadcast of certain information

Section 278 provides that information likely to lead to the identification of a person as an applicant without the consent of that person shall not be broadcast or published or caused to be broadcast or published, and provides for an offence relating to such broadcast or publication.

279. Designation of safe countries of origin

Section 279 permits the Minister to designate a country as a safe country of origin by order in accordance with the Asylum Procedures Regulation. This designation may make exceptions for specific parts of the territory of the country, clearly identifiable categories of persons, or both.

280. Designation of safe third countries

Section 280 permits the Minister to designate a country as a safe third country by order in accordance with the Asylum Procedures Regulation. This designation may make exceptions for specific parts of the territory of the country, clearly identifiable categories of persons, or both.

281. Prioritisation by Tribunal of certain appeals and requests to remain

Section 281 provides for the Minister to request the Chief Appeals Officer to prioritise an appeal or a request to remain.

282. Contingency Plan

Section 282 requires that the Minister review and update the contingency plan required by the Reception Conditions Directive before 12 April 2028 and at least once every 3 years following that date or whenever necessary having regard to changing circumstances.

283. Family tracing for unaccompanied minors

Section 283 provides that the Minister shall have responsibility for undertaking the tracing of the members of an unaccompanied minor's family.

284. Sharing of information for performance of functions

Section 284 makes clear provision for the sharing of information, including personal data, by public bodies for the purpose of carrying out functions under this Act. Provision is made for necessary safeguards for the fundamental rights and freedoms of data subjects in the processing of personal data.

PART 16

TRANSITIONAL PROVISIONS

285. Application of Act to certain applications

Section 285 provides that where a person has made an application under section 15 of the International Protection Act 2015, they shall not make an application under this Act unless they have ceased to be an applicant under the 2015 Act. The section also provides that persons who indicated under section 13 of the 2015 Act that they wished to make an application for international protection but did not fully make their application under section 15 of that Act before the commencement of this section, and who are resident in accommodation allocated under the European Communities (Reception Conditions) Regulations 2018, will continue to be considered to be applicants, and their application will be considered to have been made under section 36 of this Act.

286. Transitional provisions relating to repeals under section 5

Section 286 accounts for any outstanding situations arising from repeals of provisions of the International Protection Act 2015. It provides for various outstanding issues and applications to dealt with under the new Act and for the new provisions to apply accordingly once the Act comes into operation. It includes a transitional provision related to applicants who are detained under section 20 of the 2015 Act immediately before the commencement of this Act. It ensures that, where detention is continued under this Act, the detention of such persons is reviewed by a court as soon as practicable.

287. Transitional provisions relating to appointment of Appeals Officers under Part 13

Section 287 is a transitional provision to allow for members of the International Protection Appeals Tribunal to be designated to stand appointed as Appeals Officers of the Tribunal for Asylum and Returns Appeals upon the establishment day of the Tribunal.

288. Amendment of section 2 of Act of 2015

Section 288 amends section 2 (Interpretation) of the International Protection Act 2015 by substituting in new definitions from the Qualification Regulation.

289. Continued application and effect of the Act of 2015

Section 289 provides for the insertion of amendments into the International Protection Act 2015 which will allow certain aspects to continue to function after the Act comes into operation.

290. Internal protection

Section 290 amends section 32 (Internal protection) of the International Protection Act 2015.

291. Amendment of section 21(16) of Act of 2015

Section 291 amends section 21(16) (Inadmissible application) of the International Protection Act 2015.

292. Amendment of section 27(1) of Act of 2015

Section 292 amends section 27(1) (Duty of applicant to cooperate) of the International Protection Act 2015.

293. Amendment of section 28 of Act of 2015

Section 293 amends section 28 (Assessment of facts and circumstances) of the International Protection Act 2015.

294. Amendment of section 62 of Act of 2015

Section 294 amends section 62 (Membership of Tribunal) of the International Protection Act 2015 to make provision for the appointment of appeals officers of the Tribunal for Asylum and Returns Appeals as members of the International Protection Appeals Tribunal.

PART 17

AMENDMENTS TO OTHER ACTS OF OIREACHTAS

295. Amendment of Irish Nationality and Citizenship Act 1956

Section 295 provides for the amendment of the Irish Nationality and Citizenship Act 1956 to include references to certain time periods under the Asylum Procedures Regulation and this Act in the list of time periods which are non-reckonable for the purposes of calculating a period of residence under section 6A of that Act. This amendment also includes references to certain time periods under the Asylum Procedures Regulation and this Act in the list of time periods which are non-reckonable for the purposes of calculating a period of residence for the purpose of granting a certificate of naturalisation.

296. Amendment of Child Care Act 1991

Section 296 amends section 32 (Presumption and determination of age) of the Child Care Act 1991 to include a provision that subject to the age assessment process, where a notification is made to the competent authority for the appointment of representatives for unaccompanied minors that an applicant for international protection may be an unaccompanied minor, that applicant shall be presumed to be a minor for the purposes of the Child Care Act 1991.

297. Amendment of Act of 1995

Section 297 amends the Civil Legal Aid Act 1995 to provide that the provision of legal counselling under this Act will be part of the statutory functions and responsibilities of the Legal Aid Board.

298. Amendment of section 23C of Road Traffic Act 1961

Section 298 amends section 23C (Automatic revocation of driving licence where holder is subject of deportation order) of the Road Traffic Act 1961 to include references to return decisions under this Act.

299. Amendment of Schedule to Bail Act 1997

Section 299 amends the schedule to the Bail Act 1997 to include the offence under section 209 of the Act in relation to travel documents.

300. Amendment of Act of 1999

Section 300 amends section 3 (Deportation orders) of the Immigration Act 1999 to remove the obligation to provide the option of voluntary return where it is proposed to make a deportation order against a person who has been convicted outside the State of a serious offence. It amends section 6 (Service of notices) of the Act of 1999 to include a reference to this Act.

301. Amendment of section 5 of Illegal Immigrants (Trafficking) Act 2000

Section 301 amends section 5 (Judicial review) of the Illegal Immigrants (Trafficking) Act 2000 to include the relevant provisions of this Act.

302. Amendment of Immigration Act 2003

Section 302 amends section 8 (Exchange of information) of the Immigration Act 2003 is to clarify that the term “non-national” for the purposes of that section includes applicants within the meaning of the Act and the International Protection Act 2015.

303. Amendment of Act of 2004

Section 303 provides for certain amendments to be made to the Immigration Act 2004. The amendments relate largely to search powers under the Act of 2004 as well as registration of minors under that Act. An immigration officer performing functions under this Act will be required to produce his or her warrant of appointment, or a copy of it, if requested by a person affected.

304. Amendment of Social Welfare Consolidation Act 2005

Section 304 amends the Social Welfare Consolidation Act 2005 to include references to relevant provisions of this Act.

305. Amendment of Schedule 3 to Broadcasting Act 2009

Section 305 amends Schedule 3 to the Broadcasting Act 2009 to include a reference to section 278 of this Act.

306. Amendment of Schedule 1 to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012

Section 306 amends Schedule 1 of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 in respect of relevant work or activities relating to children, by the updating of the provision relating to accommodation for international protection applicants and by the insertion of a new paragraph to include the work of a provisional representative, a representative person and an international protection guardian.

307. Amendment of Children First Act 2015

Section 307 amends the Children First Act 2015. The section amends Schedule 1 by updating the provision relating to accommodation for international protection applicants and by inserting a new paragraph to include the work of a provisional representative, a representative person and an international protection guardian. It amends Schedule 2 by updating the provisions for accommodation centre managers, and by including provisional representatives, representative persons and international protection guardians in the list of mandated persons.

308. Amendment of section 24 of Prisons Act 2015

Section 308 amends section 24 (Taking of certain persons from prison for the purposes of deportation or removal from the State) of the Prisons Act 2015 to include references to return decisions under the Act.

309. Amendment of section 12(2) of Act of 2018

Section 309 amends section 12(2) (Functions of Commission) of the Data Protection Act 2018 to update the text in paragraphs (a) and (b) in relation to the Eurodac Regulation and the Asylum and Migration Management Regulation.

310. Amendment of Childcare Support Act 2018

Section 310 amends the Childcare Support Act 2018 to include references to relevant provisions of this Act.

311. Amendment of section 5(1) of Criminal Justice (Smuggling of Persons) Act 2021

Section 311 amends section 5 (Interpretation (Part 2)) of the Criminal Justice (Smuggling of Persons) Act 2021 to ensure that the reference to the International Protection Act 2015 is updated to refer to this Act.

312. Amendment of Civil Law (Miscellaneous Provisions) Act 2022

Section 312 amends the Civil Law (Miscellaneous Provisions) Act 2022 to ensure that references to temporary protection under the International Protection Act 2015 are updated to refer to the corresponding provisions of this Act.

313. Amendment of section 8 of Employment Permits Act 2024

Section 313 amends section 8 (Non-application of section 7 to certain foreign nationals) of the Employment Permits Act 2024 to include references to relevant provisions of this Act.

Schedules

Schedule 1 sets out, for convenience of reference, the text of the 1951 Convention relating to the Status of Refugees. Schedule 2 sets out, for convenience of reference, the text of the 1967 Protocol relating to the Status of Refugees.

*An Roinn Dlí agus Cirt, Gnóthaí Baile agus Imirce,
Aibreán, 2026*