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**An Bille um Chosaint Idirnáisiúnta, 2026**  
**International Protection Bill 2026**

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*Meabhrán Miniúcháin*  
*Explanatory Memorandum*

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

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**EXPLANATORY MEMORANDUM**

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**Purpose of the Bill**

The principal purpose of the International Protection Bill 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
- 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 Bill will also provide 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 Bill will replace the International Protection Act 2015. That Act will continue to apply to applications for international protection lodged before 12 June 2026.

**Provisions of the Bill**

**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 Bill and its commencement. Following enactment, it is intended that the Bill 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 Bill.

## **3. Regulations and orders**

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

## **4. Service of documents**

*Section 4* provides for the service of notices or other documents under this Bill 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 Bill.

## **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 Bill 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 Bill.

#### **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 Bill.

#### **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. Arrest and detention (Part 2)**

*Section 24* provides for the arrest and detention of an applicant who continually fails to comply with a direction or a requirement to travel to a screening centre. An applicant may be detained only until such time as their identity or nationality is determined or verified. Where a minor is in the custody of an applicant who is detained under this section, or is an unaccompanied minor, section 24 provides for the detention of the minor in exceptional circumstances, as a measure of last resort and for the shortest possible period of time.

#### **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. Preliminary health assessment**

*Section 27* 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.

## **28. Preliminary vulnerability assessment**

*Section 28* 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 27 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.

## **29. Guarantees for minors**

*Section 29* 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.

## **30. Search of applicant**

*Section 30* 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.

## **31. Screening form**

*Section 31* 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.

## **32. Cultural mediator**

*Section 32* 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.

## **33. Termination of screening**

*Section 33* 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 33 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

###### **34. Application for international protection**

*Section 34* 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 34 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.

###### **35. Application on behalf of minor**

*Section 35* 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.

###### **36. Application on behalf of person lacking capacity**

*Section 36* 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.

###### **37. Registration of application**

*Section 37* 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.

###### **38. Lodgement of application**

*Section 38* 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.

###### **39. Submission of elements and documents**

*Section 39* 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

#### 40. Definition (Part 3) (Chapter2)

*Section 40* provides definitions for terms used in Part 3 Chapter 2.

#### 41. Best interests of child

*Section 41* provides for the best interests of the child to be a primary consideration in the application of this Chapter.

#### 42. Requirement to notify the competent authority

*Section 42* 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.

#### 43. Designation of provisional representative and appointment of representative

*Section 43* 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. Where a representative organisation is appointed, the section sets out the functions and responsibilities of the representative organisation.

#### 44. Appointment of provisional representative persons and representative persons

*Section 44* provides that where a representative organisation is designated as the representative, that organisation must, as soon as possible, appoint specific individuals to act as the provisional representative and long-term representative.

#### 45. Power to appoint substitute provisional representative person and representative person

*Section 45* 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.

#### 46. Consequences of appointment of provisional representative person or representative person

*Section 46* provides for the notification of the Determining Authority that an appointment of a provisional representative person or a representative person has taken place. The unaccompanied minor is to be informed that a provisional representative person or a representative person has been appointed for them. The Determining Authority is responsible for informing the provisional representative person or representative person of any relevant facts pertaining to the unaccompanied minor, and for informing the Child and Family Agency of the appointment of the provisional representative person or representative person.

#### 47. Functions of provisional representative person and representative person

*Section 47* lists the functions of a provisional representative person or a representative person with regard to assisting an unaccompanied minor through the international protection process.

#### **48. Cessation of designation or appointment of representatives and consequences of cessation**

*Section 48* provides the grounds for the cessation of the appointment of a provisional representative person or a representative person.

#### **49. Modification of certain references (exceptional situations)**

*Section 49* provides that in exceptional situations, a representative person may be appointed within 25 days instead of within the 15 day limit required by section 43. 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 43.

#### **50. Regulations (Part 3) (Chapter 2)**

*Section 50* 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**

##### **51. Best interests of child**

*Section 51* stipulates that the best interests of the child shall be a primary consideration in the application of Chapter 3.

##### **52. Age assessments**

*Section 52* 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 involve a medical assessment.

##### **53. Multi-disciplinary assessment**

*Section 53* 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.

##### **54. Medical examination to determine age**

*Section 54* regulates 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.

##### **55. Age assessment in Member State other than the State**

*Section 55* 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.

##### **56. Request by applicant for further age assessment**

*Section 56* 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.

#### **57. Decision by Determining Authority to arrange further age assessment**

*Section 57* 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.

#### **58. Estimated date of birth**

*Section 58* 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 Bill unless a date of birth can be verified.

#### **59. Confirmation of age based on verifiable information**

*Section 59* 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.

#### **60. Regulations (Chapter 3)**

*Section 60* 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**

#### **61. Right to remain**

*Section 61* 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.

#### **62. Limitation on right to remain**

*Section 62* sets out the limitations on the right to remain. It is clarified that a permission under section 61 shall not constitute 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 Bill.

#### **63. Duty to cooperate**

*Section 63* 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 63 also requires applicants to remain present and available in the State.

#### **64. Exception from right to remain**

*Section 64* details exceptions from the right to remain under section 61. 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.

## **65. International protection applicant card**

*Section 65* 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**

## **66. Explicit withdrawal of application**

*Section 66* 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.

## **67. Implicit withdrawal of application**

*Section 67* 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**

## **68. Subsequent application**

*Section 68* 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**

### **ASYLUM AND MIGRATION MANAGEMENT**

#### **Chapter 1**

##### **Preliminary and General**

## **69. Interpretation (Part 4)**

*Section 69* provides definitions for terms used in Part 4 of the Bill.

## **70. Minister to share information for purposes of asylum and migration management**

*Section 70* provides for the sharing of information in accordance with Article 51 of the Asylum and Migration Management Regulation.

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

*Section 71* 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.

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

*Section 72* 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**

**73. Minister to determine Member State responsible**

*Section 73* 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.

**74. Determination of Member State Responsible - assessment whether applicant poses threat to internal security**

*Section 74* 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.

**75. Personal interview for determining Member State responsible**

*Section 75* 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.

**76. Offence of forging or altering recording or summary of Article 22 interview**

*Section 76* provides for offences relating to the forging or altering of an audio recording or summary of an interview under section 75.

**77. Circumstances in which Article 22 interview need not take place**

*Section 77* 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

#### **78. Request by State to other Member State to take charge of, or take back, applicant**

*Section 78* 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.

#### **79. Functions of Minister where State is transferring Member State**

*Section 79* assigns the functions of the transferring Member State under the Asylum and Migration Management Regulation to the Minister.

#### **80. Minister to take transfer decision**

*Section 80* 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.

#### **81. Notification of transfer decision**

*Section 81* provides that where a transfer decision is taken, the applicant and their legal adviser shall be notified.

#### **82. Appeal against transfer decision**

*Section 82* 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.

#### **83. Request to remain in State pending appeal**

*Section 83* provides that a person who appeals a transfer decision may request permission to remain in the State pending the outcome of the appeal.

#### **84. Additional functions of Minister in relation to transfer decision**

*Section 84* 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.

#### **85. Transfer of applicant from State to Member State responsible**

*Section 85* 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.

#### **86. Powers of immigration officer, etc. for purposes of facilitating transfer**

*Section 86* gives powers to immigration officers and members of An Garda Síochána for the purpose of facilitating the transfer of a person subject to a transfer decision. A person subject to a transfer decision must comply with certain requirements under the section.

#### **87. Arrest and detention of applicant subject of transfer decision**

*Section 87* 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

#### **88. Request by other Member State to State to take charge of applicant for international protection**

*Section 88* 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.

#### **89. Procedure where State takes charge of, or takes back, applicant for international protection**

*Section 89* 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 5

### EXAMINATION OF APPLICATIONS FOR INTERNATIONAL PROTECTION

#### Chapter 1

##### Medical Examination for Indications of Past Persecution or Serious Harm

#### **90. Determining Authority may request medical examination for indications of past persecution or serious harm**

*Section 90* enables the Determining Authority to request medical examinations in relation to indicators of past persecution or serious harm.

#### Chapter 2

##### Examination Procedure

#### **91. Examination of applications**

*Section 91* 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.

#### **92. Determining Authority may prioritise examination of applications for international protection**

*Section 92* provides that applications may be prioritised by the Determining Authority and sets out the grounds for such prioritisation.

#### Chapter 3

##### Personal interviews

#### **93. Requirement to give applicant opportunity of personal interview**

*Section 93* 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.

#### **94. Requirements for personal interviews**

*Section 94* 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.

#### **95. Conduct of personal interview**

*Section 95* 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.

#### **96. Legal assistance at personal interview**

*Section 96* provides for the presence of a legal adviser at the personal interview and clarifies that the interview may occur in the absence of a legal adviser.

#### **97. Report and recording of personal interviews**

*Section 97* 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**

#### **98. Decision on applications for international protection and notification of decision**

*Section 98* provides for decisions and notifications of decisions (a "section 98 notice") 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.

#### **99. Assessment of admissibility of application**

*Section 99* 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.

#### **100. Duration of examination to determine whether application is admissible**

*Section 100* 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.

#### **101. Decision to reject application as inadmissible**

*Section 101* sets out what must be included in a section 98 notice 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.

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

*Section 102* states that the section 98 notice 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.

**103. Rejection of application and issuance of return decision**

*Section 103* provides that where a return decision is issued on foot of a decision on an application for international protection, the section 98 notice shall state that fact.

**104. Examination on merits of application**

*Section 104* 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.

**105. Determining Authority may decide not to grant refugee status**

*Section 105* 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.

**106. Decision on the merits of application**

*Section 106* 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.

**107. Grant of refugee status following decision that person qualifies as refugee**

*Section 107* provides that, except where a decision is made under section 105, 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.

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

*Section 108* 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.

**109. Rejection of application as unfounded**

*Section 109* provides that an application may be rejected as unfounded or manifestly unfounded under certain conditions.

#### **110. Duration of examination procedure on merits**

*Section 110* prescribes the duration of the examination procedure on the merits of an application (other than where the accelerated procedure or asylum border procedure applies). 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 110(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.

#### **111. Examination procedure to conclude within 21 months of lodging of application**

*Section 111* provides that, in any event, the Determining Authority shall conclude the examination procedure within 21 months from the lodging of an application.

#### **112. Duration of examination procedure where court annuls decision of Determining Authority and refers back**

*Section 112* provides that the Minister shall by regulations prescribe time limits shorter than the time limits set out in *sections 100, 110 and 111* 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.

#### **113. Decision that applicant qualifies as refugee**

*Section 113* provides that, where the decision of the Determining Authority is that the applicant qualifies as a refugee, the section 98 notice shall include information on the rights and obligations relating to refugee status.

#### **114. Decision that applicant does not qualify as refugee and is eligible for subsidiary protection**

*Section 114* 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 98 notice shall include information on the rights and obligations relating to subsidiary protection.

### **Chapter 5**

#### **Special procedures**

#### **115. Accelerated examination procedure**

*Section 115* 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.

#### **116. Duration of the accelerated examination procedure**

*Section 116* 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

#### **117. Conditions for applying asylum border procedure**

*Section 117* 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.

#### **118. Deadlines under asylum border procedure**

*Section 118* 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.

#### **119. Prioritisation of examination of applications in asylum border procedure**

*Section 119* 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.

#### **120. Application by person deemed to be national security risk**

*Section 120* 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.

#### **121. Mandatory application of asylum border procedure**

*Section 121* 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.

#### **122. Application of special procedures to applicants in need of special procedural guarantees**

*Section 122* 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.

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

*Section 123* 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 118.

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

*Section 124* 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.

**125. Exceptions to the asylum border procedure**

*Section 125* 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.

**126. Restrictions on freedom of movement during asylum border procedure**

*Section 126* sets out restrictions on freedom of movement which apply to applicants under the asylum border procedure. This includes express provision for applicants to reside in designated locations, to ensure that families reside in appropriate reception facilities, 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.

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

*Section 127* 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.

**PART 6**

**APPEALS TO TRIBUNAL**

**128. Definitions (Part 6)**

*Section 128* provides definitions for terms used in Part 6.

**129. Appeals**

*Section 129* 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.

**130. Right to remain pending appeal**

*Section 130* 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.

**131. Request to Tribunal to be allowed to remain pending appeal**

*Section 131* 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.

**132. Provision of information, submission of documents to Tribunal**

*Section 132* provides that the Determining Authority shall give the Tribunal copies of documents and other information necessary for the purpose of the Tribunal's functions.

**133. Oral hearing**

*Section 133* 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. 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.

**134. Recording of oral hearing**

*Section 134* provides for the audio recording of oral hearings and offences relating to the forgery or fraudulent alteration of recordings.

**135. Examination by Tribunal**

*Section 135* 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 Bill.

**136. Withdrawal and deemed withdrawal of appeal**

*Section 136* 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.

**137. Decision of Tribunal**

*Section 137* 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.

**138. Effect of judicial review on right to remain in State**

*Section 138* 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.

**139. Duration of appeal to Tribunal**

*Section 139* provides for maximum time periods for the Tribunal to conclude examinations of appeals.

#### **140. Procedures for appeals and requests to remain**

*Section 140* 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 7**

#### **CONTENT OF INTERNATIONAL PROTECTION**

#### **141. Definition (Part 7)**

*Section 141* provides definitions for terms used in Part 7 of the Bill.

#### **142. Application of Part 7**

*Section 142* 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.

#### **143. Information for beneficiaries of international protection**

*Section 143* 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.

#### **144. Extension to beneficiaries of international protection of certain rights**

*Section 144* sets out the entitlement of beneficiaries of international protection to specified rights.

#### **145. Permission for beneficiaries of international protection to reside in State**

*Section 145* 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.

#### **146. Travel document**

*Section 146* 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.

#### **147. Cancellation and surrender of travel document**

*Section 147* 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.

#### **148. Offences relating to travel document**

*Section 148* 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.

**149. Meaning of “false” and “making”**

*Section 149* sets out what constitutes a false travel document and defines what it means to “make” a travel document for the purposes of section 148.

**150. Proceedings relating to offences under section 148 committed outside State**

*Section 150* deals with proceedings for offences under section 148 committed outside the State.

**PART 8**

**VOLUNTARY RETURN AND WITHDRAWAL OF  
INTERNATIONAL PROTECTION**

**151. Option to voluntarily return**

*Section 151* 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.

**152. Withdrawal of international protection**

*Section 152* 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.

**153. Appeal of withdrawal of international protection**

*Section 153* provides that a person to whom a notification to withdraw 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 9**

**RETURNS**

**Chapter 1**

**Return decisions**

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

*Section 154* 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 154 also sets out the effects of a return decision.

**155. Entry ban notice**

*Section 155* 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.

**156. First country of asylum or safe third country return decision**

*Section 156* 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.

**157. Making of return decision before decision under Part 3 or 5**

*Section 157* provides for the public order and national security grounds on which the Minister may make a return decision before a person's application is rejected by the Determining Authority or is declared to be unfounded or withdrawn by the Determining Authority. The Minister may revoke or amend a return decision given under this section.

**158. Coming into effect of return decision**

*Section 158* 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.

**159. Exceptions to making of return decision**

*Section 159* 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 section 154 or 156 is in being, or the person is a member of a class or classes of persons prescribed under this section.

**160. Requirements on person subject of return decision**

*Section 160* lists the obligations that those being removed from the State or being returned must abide by under this Chapter.

**161. Arrest and detention (Part 9)**

*Section 161* provides that in certain specified circumstances, an immigration officer or a member of An Garda Síochána may arrest a person who is the subject of a return decision which has come into effect under section 158 without warrant and detain the person in a place prescribed by the Minister. Under section 161 a person shall not be detained under this section for a period or periods exceeding 12 weeks in aggregate.

**162. Continuance of detention under section 161**

*Section 162* provides that the period of detention under section 161 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.

**163. Prohibition of refoulement**

*Section 163* provides that a return decision shall not be issued under sections 154, 156 or 157 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

#### 164. Application of Chapter 2 of Part 9

*Section 164* lists the grounds on which the return border procedure in Chapter 2 of Part 9 will apply and cease to apply to a person.

#### 165. Requirements on person to whom Chapter applies

*Section 165* 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.

#### 166. Designated centre

*Section 166* allows the Minister to designate a premises as suitable for the purposes of a requirement to reside under section 165.

#### 167. Refusal of authorisation to enter State

*Section 167* states that a person to whom this Chapter applies shall not be authorised to enter the State under section 4 of the Immigration Act 2004. Under section 167, a requirement on the person to reside in a designated centre under section 165 or the fact of the person's detention under section 168 shall not be considered to be an authorisation to enter the State under section 4 of the 2004 Act.

#### 168. Arrest and detention under return border procedure

*Section 168* 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 a person without warrant to whom Chapter 2 applies for a period not exceeding 12 weeks. Section 168 lists the considerations that may be taken into account when determining whether there is a risk of the person absconding.

#### 169. Cessation of return border procedure

*Section 169* provides for the procedure to be followed where Chapter 2 ceases to apply to a person in accordance with section 164(2).

## Chapter 3

### Miscellaneous

#### 170. Power to enter premises

*Section 170* 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 161 or 168. Where the premises is a dwelling, the immigration officer or member of An Garda Síochána may only enter under certain conditions.

#### 171. Issue of travel document for purpose of return

*Section 171* 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 154, 156 or 157, issue to the person a *laissez-passer* or such other travel document as the Minister considers appropriate.

## **172. Review of detention under Part 9**

*Section 172* provides that a person who has been detained under section 161 or 168 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 10**

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

## **173. Programme Refugees**

*Section 173* 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.

## **174. Crisis and Force Majeure**

*Section 174* sets out the procedures to be followed where the Government considers the State to be in a situation of crisis or force majeure within the meaning of the Crisis and Force Majeure Regulation.

## **PART 11**

### **TRIBUNAL**

#### **Chapter 1**

#### **Definitions (Part 11)**

## **175. Definitions (Part 11)**

*Section 175* provides definitions for terms used in Part 11.

#### **Chapter 2**

#### **Establishment of Tribunal**

## **176. Establishment day of Tribunal**

*Section 176* provides for the Minister to appoint an establishment day of the Tribunal.

## **177. Establishment of Tribunal**

*Section 177* 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 Bill and any other enactment.

#### **Chapter 3**

#### **Tribunal**

## **178. Functions of Tribunal**

*Section 178* 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.

### **179. Composition of Tribunal**

*Section 179* 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 by the Minister 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.

### **180. Terms of appointment and conditions of office of Appeals Officers**

*Section 180* 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). The section lists factors that exclude a person from being eligible for appointment and also lists disqualifying factors.

### **181. Resignation and removal of Appeals Officers**

*Section 181* 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.

### **182. Functions of Chief Appeals Officer**

*Section 182* 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.

### **183. Delegation of functions of Chief Appeals Officer**

*Section 183* 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.

### **184. Power of Deputy Chief Appeals Officer to perform functions of Chief Appeals Officer**

*Section 184* 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.

### **185. Functions of Appeals Officers**

*Section 185* provides for the performance of the functions of a Deputy Chief Appeals Officer and Appeals Officers.

### **186. Director of Tribunal**

*Section 186* 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.

### **187. Staff of Tribunal**

*Section 187* 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.

### **188. Power of member of staff to perform functions of Director**

*Section 188* 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**

### **189. Annual report of Tribunal**

*Section 189* 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.

### **190. Reports of Chief Appeals Officer**

*Section 190* 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.

### **191. Reports of Director**

*Section 191* 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 12**

### **CHIEF INSPECTOR OF ASYLUM BORDER PROCEDURES**

#### **Chapter 1**

#### **Definitions (Part 12)**

### **192. Definitions (Part 12)**

*Section 192* provides definitions for terms used in Part 12.

#### **Chapter 2**

#### **Establishment of Chief Inspector**

### **193. Establishment day of Chief Inspector**

*Section 193* states that the Minister shall, by order, appoint a day to be the establishment day of the Chief Inspector for the purposes of this Part.

#### **194. Establishment of Office of Chief Inspector**

*Section 194* provides for the establishment of *Oifig an Príomh-Chigire Nósanna Imeachta Teorann um Thearmann* or, in the English language, the Office of 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 Bill as “the Chief Inspector.”

### **Chapter 3**

#### **Appointment and functions of Chief Inspector of Asylum Border Procedures**

#### **195. Appointment of Chief Inspector**

*Section 195* 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.

#### **196. Resignation and removal of Chief Inspector**

*Section 196* 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.

#### **197. Acting Chief Inspector**

*Section 197* 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.

#### **198. Functions of Chief Inspector**

*Section 198* 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.

#### **199. Superannuation of Chief Inspector**

*Section 199* enables the provision of superannuation benefits to the Chief Inspector.

#### **200. Staff of Chief Inspector**

*Section 200* 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

#### 201. Establishment and role of Advisory Board

*Section 201* provides for the establishment of an Advisory Board for the Chief Inspector. The Advisory Board shall consult and guide the Chief Inspector in relation to his or her duties and the performance of his or her functions.

#### 202. Membership of Advisory Board

*Section 202* provides for the membership of the Advisory Board, which shall consist of a chairperson and *ex officio* members. *Section 202* 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.

#### 203. Meetings of Advisory Board

*Section 203* 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.

#### 204. Member ceasing to be member of Advisory Board

*Section 204* 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.

#### 205. Annual Report of Chief Inspector

*Section 205* 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.

#### 206. Accountability to Oireachtas Committees

*Section 206* 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

#### 207. Inspections and complaints of designated asylum border facilities

*Section 207* 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 209. A complaint concerning a breach of fundamental rights within a designated asylum border facility may be made and referred to the Chief Inspector.

## **208. Recording and handling of complaints**

*Section 208* 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.

## **209. Formal investigation**

*Section 209* 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.

## **210. Other actions by Chief Inspector following formal investigation**

*Section 210* 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, relevant body, and 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**

## **211. Offences under Part 12**

*Section 211* provides for criminal offences to ensure that the Chief Inspector can carry out his or her functions without obstruction or refusal to comply with requirements.

## **212. Prohibition on unauthorised disclosure of confidential information**

*Section 212* 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 13**

### **MISCELLANEOUS PROVISIONS**

## **213. Contracts for services**

*Section 213* 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 Bill. It also provides that certain functions of the Minister under the Bill may not be carried out by a person with whom he or she has entered into a contract for services.

## **214. Prohibition on publication or broadcast of certain information**

*Section 214* 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.

### **215. Designation of safe countries of origin**

*Section 215* 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.

### **216. Designation of safe third countries**

*Section 216* permits the Minister to designate a country as a safe third country by order in accordance with the Asylum Procedures Regulation. This order may make exceptions for specific parts of the territory of the country, clearly identifiable categories of persons, or both.

### **217. Prioritisation by Tribunal of certain appeals and requests to remain**

*Section 217* provides for the Minister to request the Chief Appeals Officer to prioritise an appeal or a request to remain.

### **218. Contingency Plan**

*Section 218* 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.

## **PART 14**

### **TRANSITIONAL PROVISIONS**

### **219. Application of Act to certain applications**

*Section 219* provides that Part 8 of the Bill relating to the Asylum and Migration Management Regulation shall only apply and have effect on applications for international protection registered after 1 July 2026. Any applications registered before that date shall be subject to the European Union (Dublin System) Regulations 2018. Where a person has made an application under section 15 of the International Protection Act 2015, they shall not make an application under this Bill unless they have ceased to be an applicant under the 2015 Act.

### **220. Transitional provisions relating to repeals under section 5**

*Section 220* 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 Bill and for the new provisions to apply accordingly once the Bill comes into operation.

### **221. Amendment of section 2 of Act of 2015**

*Section 221* amends section 2 (Interpretation) of the International Protection Act 2015 by substituting in new definitions from the Qualification Regulation.

### **222. Continued application and effect of the Act of 2015**

*Section 222* provides for the insertion of amendments into the International Protection Act 2015 which will allow certain aspects to continue to function after the Bill comes into operation.

### **223. Internal protection**

*Section 223* amends section 32 (Internal protection) of the International Protection Act 2015.

**224. Amendment of section 21(16) of Act of 2015**

*Section 224* amends section 21(16) (Inadmissible application) of the International Protection Act 2015.

**225. Amendment of section 27(1) of Act of 2015**

*Section 225* amends section 27(1) (Duty of applicant to cooperate) of the International Protection Act 2015.

**226. Amendment of section 28 of Act of 2015**

*Section 226* amends section 28 (Assessment of facts and circumstances) of the International Protection Act 2015.

**PART 15**

**AMENDMENTS TO OTHER ACTS OF OIREACHTAS**

**227. Amendment of Irish Nationality and Citizenship Act 1956**

*Section 227* provides for the amendment of the Irish Nationality and Citizenship Act 1956 in order to include references to certain time periods under this Bill 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 this Bill 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.

**228. Amendment of Schedule to Bail Act 1997**

*Section 228* amends the schedule to the Bail Act 1997 to include the offence under section 148 of the Bill in relation to travel documents.

**229. Amendment of section 3(4A) of Act of 1999**

*Section 229* 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.

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

*Section 230* amends section 5 (Judicial review) of the Illegal Immigrants (Trafficking) Act 2000 to include the relevant provisions of the Bill.

**231. Amendment of Act of 2004**

*Section 231* 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.

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

*Section 232* 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 insertion of a new paragraph to include the work of a provisional representative or representative within the meaning of Part 3 of the Bill.

**233. Amendment of section 24 of Prisons Act 2015**

*Section 233* 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 Bill.

**234. Amendment of section 12(2) of the Data Protection Act 2018**

*Section 234* 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 AMMR.

**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,  
Eanáir, 2026.*