



**SEANAD ÉIREANN**

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

**LEASUITHE TUARASCÁLA  
REPORT AMENDMENTS**

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# SEANAD ÉIREANN

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

### INTERNATIONAL PROTECTION BILL 2026 —REPORT

#### *Leasuithe Amendments*

*\*Government amendments are denoted by an asterisk*

- \*1. In page 18, line 18, after “1956,” to insert “the Child Care Act 1991,”.
- \*2. In page 18, line 19, to delete “the Immigration Act 2004” and substitute “the Immigration Act 2004, the National Vetting Bureau (Children and Vulnerable Persons) Act 2012, the Children First Act 2015”.
3. In page 19, between lines 2 and 3, to insert the following:

“(4) (a) Within 12 months of the passing of this Act, the Minister shall produce a report on the treatment of refugees and asylum seekers.

(b) The report shall analyse the effects of this Act and include details as to whether immigrants are receiving appropriate legal counselling and are being treated humanely in detention in line with national law and the European Convention on Human Rights.”.

—*Senators Victor Boyhan, Aubrey McCarthy.*

4. In page 19, between lines 2 and 3, to insert the following:

“(4) The Minister shall not later than 12 months following the enactment of this Act provide a report which shall review the functioning of this Act and which shall be laid before the Houses of the Oireachtas in accordance with standing orders of the Dáil and Seanad.”.

—*Senators Michael McDowell, Victor Boyhan, Gerard Craughwell.*

- \*5. In page 19, between lines 14 and 15, to insert the following:

“ “Act of 2018” means the Data Protection Act 2018;”.

6. In page 20, between lines 17 and 18, to insert the following:

“ “Common Travel Area” means the area consisting of the State, the United Kingdom of Great Britain and Northern Ireland and those dependencies in respect of which the nationals of either jurisdiction generally have freedom to travel from one jurisdiction to the other and to reside there without any visa or residence permit;”.

—*Senators Michael McDowell, Victor Boyhan, Gerard Craughwell.*

7. In page 21, to delete line 1.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

\*8. In page 22, to delete lines 1 and 2.

\*9. In page 22, line 12, after “ “information” ” to insert “, other than in *section 274#*,”.

[#*This is a reference to a section proposed to be inserted by amendment No. 271.*]

\*10. In page 22, between lines 19 and 20, to insert the following:

“ “international protection guardian” has the meaning that “guardian” has in the Qualification Regulation;”.

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

“ “personal data” means personal data as defined in Article 4 of the Data Protection Regulation;”.

\*12. In page 24, line 5, to delete “or”.

\*13. In page 24, line 8, to delete “declaration;” and substitute “declaration, or”.

\*14. In page 24, between lines 8 and 9, to insert the following:

“(f) an application by a person under Regulation 4 of the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006) in respect of which the Minister has determined that the person is not a person eligible for subsidiary protection;”.

15. In page 26, between lines 18 and 19, to insert the following:

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

16. In page 26, between lines 18 and 19, to insert the following:

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

(a) guidance on and an explanation of the administrative procedure including information on rights and obligations during that procedure;

(b) assistance on the lodging of the application and guidance on:

(i) the different procedures under which the application may be examined and the reasons for the application of those procedures;

(ii) the rules related to the admissibility of an application;

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

17. In page 26, between lines 18 and 19, to insert the following:

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

18. In page 26, between lines 23 and 24, to insert the following:

- “(2) Any order or regulation made under this Act shall comply with the European Convention on Human Rights.”.

—*Senators Patricia Stephenson, Alice-Mary Higgins, Laura Harmon, Nessa Cosgrove, Malcolm Noonan, Frances Black, Lynn Ruane.*

\*19. In page 26, line 29, after “43,” to insert “90#,”.

[#This is a reference to a section proposed to be inserted by amendment No. 107.]

\*20. In page 28, line 4, after “15,” to insert “20,”.

21. In page 28, between lines 10 and 11, to insert the following:

## “CHAPTER 2

### *Powers of the Government to adapt, suspend and modify application of international protection provisions in the case of exceptional difficulties or emergencies*

#### **Orders made by the Government**

7. (1) Notwithstanding any provision of this Act or of any other enactment relating to the provision by the State of international protection or reception of persons by the State as refugees or for subsidiary protection or for application for either such status, the Government by order may adapt, suspend or modify the application of any provision of any such enactment whereby the said order of the Government declares that such measures are urgently required in the public interest or to protect the security of the State or to conserve the resources of the State in the national interest.
- (2) Without prejudice to the provisions of *subsection (1)*, the power of the Government to

make an order thereunder shall include the following powers:

- (a) the power to limit the number of persons entitled to apply for international protection in any given year or other period;
  - (b) the power to limit or suspend any obligations on the State to provide accommodation for any persons applying for international protection;
  - (c) the power to limit or suspend any obligations on the State to provide payments or material assistance in kind to any applicants for international protection;
  - (d) the power to limit or suspend any liability on the part of the State or other statutory bodies or authorities or agencies to compensate any persons applying for international protection or their dependents for any failure to afford such persons accommodation or other welfare assistance.
- (3) In the exercise of its powers under this Chapter, the Government may have regard to any relevant consideration including the following considerations:
- (a) the budgetary situation and financial capacity of the Exchequer;
  - (b) the capacity of the State and of national economic resources and enterprises to provide accommodation for persons seeking international protection and for other persons needing accommodation in the State;
  - (c) the capacity of the State and statutory and other bodies to provide temporary or emergency accommodation for persons who could be otherwise homeless or obliged to live in overcrowded and/or unsafe or unsanitary circumstances.”.

—*Senators Michael McDowell, Victor Boyhan, Gerard Craughwell.*

22. In page 28, between lines 10 and 11, to insert the following:

**“Laying of orders before the Oireachtas**

8. The Government shall lay any order made under *section 7#* before both houses of the Oireachtas and any such order shall have effect in accordance with its terms unless a resolution disapproving such order is passed by either House of the Oireachtas.”.

—*Senators Michael McDowell, Victor Boyhan, Gerard Craughwell.*

[#This is a reference to a section proposed to be inserted by amendment No.21.]

23. In page 28, between lines 16 and 17, to insert the following:

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

24. In page 28, between lines 16 and 17, to insert the following:

**“Report on compliance with European Convention on Human Rights**

8. (1) Any order or regulation under this Act shall comply with the European Convention on Human Rights.
- (2) Within 12 months of the passing of this Act, and every two years thereafter, the Minister shall produce a report on the implementation of this Act regarding compatibility with the European Convention on Human Rights, and taking due account of relevant judgments, declarations, decisions and advisory opinions of the European Court of Human Rights.
- (3) The report shall analyse the effects of this Act and include details as to whether the treatment of asylum seekers, international protection applicants and other immigrants is compliant with international law and the European Convention on Human Rights.
- (4) The report shall be laid before both Houses of the Oireachtas.”.

—*Senators Patricia Stephenson, Alice-Mary Higgins, Laura Harmon, Nessa Cosgrove, Malcolm Noonan, Frances Black, Lynn Ruane.*

25. In page 29, after line 30, to insert the following:

**“Matters concerning minors**

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

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

26. In page 31, between lines 32 and 33, to insert the following:

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

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

27. In page 33, between lines 9 and 10, to insert the following:

- “(8) Facial image data maintained as part of a record of biometric data taken under this Chapter shall not be used as grounds for detention.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

28. In page 33, between lines 9 and 10, to insert the following:

- “(8) Biometric data taken under this Chapter shall not be used as grounds to conduct an age assessment under *section 55*.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

29. In page 34, to delete lines 13 to 15.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

30. In page 35, to delete lines 14 to 18.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

31. In page 35, between lines 21 and 22, to insert the following:

- “(a) the appeal mechanism,
- (b) the right to access legal representation.”

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

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

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

33. In page 36, line 18, after “applicant” to insert “in a language the applicant understands or is reasonably supposed to understand”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

34. In page 37, line 2, after “concerned,” to insert “within 5 working days of making an application.”

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

35. In page 37, between lines 7 and 8, to insert the following:

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

\*36. In page 37, line 24, to delete “Data Protection Act 2018” and substitute “Act of 2018”.

37. In page 37, to delete lines 30 and 31 and substitute the following:

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

\*38. In page 38, line 27, to delete “Part 4” and substitute “Part 6”.

\*39. In page 38, line 30, to delete “85.”.

\*40. In page 38, line 30, after “98” to insert “, 129”.

\*41. In page 38, line 36, to delete “(7)” and substitute “(7),”.

42. In page 40, between lines 18 and 19, to insert the following:

“(12) The qualified medical professional referred to in *subsection (1)* shall be selected from a panel of registered medical practitioners who, in the opinion of the Minister, possess the qualifications and experience necessary for the performance of the functions outlined under *section 27*.”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

43. In page 40, between lines 18 and 19, to insert the following:

“(12) In this section, “acute medical care” includes—

- (a) emergency medical care,
- (b) mental health care, including crisis intervention and ongoing psychiatric treatment,
- (c) trauma-related care, and
- (d) treatment necessary to prevent the deterioration of a chronic condition.

(13) For the purposes of this Act, “essential medical care” means medical care, the absence of which would result in—

- (a) a significant deterioration in the person’s health,
- (b) a risk to the health of others, or
- (c) a risk to public health,

and includes the continued provision of prescribed medication, maternity care, and treatment for communicable diseases.

(14) No expense shall occur under this section without approval from the Houses of the Oireachtas.”.

—*Senators Aubrey McCarthy, Victor Boyhan.*

44. In page 40, between lines 18 and 19, to insert the following:

“(12) In this section, “acute medical care” includes—

- (a) essential medical care,
- (b) mental health care, including crisis intervention and ongoing psychiatric treatment,
- (c) trauma-related care, and

(d) treatment necessary to prevent the deterioration of a chronic condition.

(13) For the purposes of this Act, “essential medical care” means medical care, the absence of which would result in—

(a) a significant deterioration in the person’s health,

(b) a risk to the health of others, or

(c) a risk to public health,

and includes the continued provision of prescribed medication, maternity care, and treatment for communicable diseases.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

45. In page 40, between lines 29 and 30, to insert the following:

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

46. In page 40, line 30, after “out” to insert “in private, in conditions calculated to ensure that the applicant and personal information relating to the applicant such as his or her gender, gender identity and sexual orientation are treated with dignity and respect,”.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

47. In page 40, line 31, after “assessments” to insert “, including in relation to detection, protection and support of victims of trafficking,”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy, Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black..*

48. In page 40, between lines 35 and 36, to insert the following:

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

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

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

49. In page 41, line 8, to delete “or the entirety of,”.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

50. In page 41, between lines 12 and 13, to insert the following:

“(8) Where special reception needs become apparent at a later stage in the procedure for

international protection, an officer or agent of the Minister referred to in *subsection (2)* shall assess and address those needs.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**51.** In page 41, between lines 12 and 13, to insert the following:

- “(8) A preliminary vulnerability assessment under this section is not in substitution for—
- (a) a comprehensive assessment of special reception needs as required under Article 25 of the Reception Conditions Directive,
  - (b) a comprehensive assessment of the need for special procedural guarantees as required under Article 20 of the Asylum Procedures Regulation, or
  - (c) a comprehensive reassessment under either *paragraph (a)* or *(b)* where special reception or procedural needs emerge at a later stage.”.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**52.** In page 41, between lines 12 and 13, to insert the following:

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

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

- (c) with full regard to the rights, dignity, and welfare of applicants.
- (5) The Minister shall, within 12 months of the commencement of this section, lay before each House of the Oireachtas a report outlining—
  - (a) the standards prescribed under *subsection (2)*,
  - (b) the due diligence procedures established under *subsection (3)*,
  - (c) the monitoring and quality assurance mechanisms established under *subsection (4)*.
- (6) Nothing in this section shall be construed as limiting the rights of an applicant to challenge the outcome of a vulnerability assessment or to seek a review or reassessment where appropriate.”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

- 53.** In page 42, line 3, to delete “, an immigration officer or an officer of the Minister” and substitute “or an immigration officer”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- 54.** In page 42, line 26, to delete “or an officer of the Minister”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- 55.** In page 42, line 34, after “a” where it firstly occurs to insert “copy of a”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- 56.** In page 42, to delete lines 37 and 38.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- 57.** In page 42, between lines 39 and 40, to insert the following:

“(6) The Minister shall by regulations provide for—

- (a) the maximum period documents may be retained for under *subsection (5)*, and,
- (b) the records that must be kept by a member of An Garda Síochána, an immigration officer or an officer of the Minister who retains documents under *subsection (5)*.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- 58.** In page 44, between lines 9 and 10, to insert the following:

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

- (i) a student permission,
- (ii) an employment permit or other work related permission,
- (iii) a short stay or long stay visit (tourist) permission,

- (iv) a family reunification or dependent permission, or
- (v) any other immigration permission category recorded by the Minister.”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

\*59. In page 44, line 28, to delete “Data Protection Act 2018” and substitute “Act of 2018”.

60. In page 45, between lines 9 and 10, to insert the following:

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

34. (1) The Minister shall, not later than 31 March each year, publish a report containing statistical information relating to the entry into the State of persons who made an application for international protection during the preceding calendar year.
- (2) The report shall include, insofar as the information is available through the screening process or other statutory procedures—
- (a) the number of applicants who presented at a port or airport,
  - (b) the number of applicants who presented inland,
  - (c) the number of applicants who reported entry via the Common Travel Area,
  - (d) the number of applicants whose means or route of entry could not be established,
  - (e) any other categories of entry route data collected pursuant to the EU Screening Regulation, and
  - (f) a breakdown, in aggregate form, of the prior immigration permissions held by applicants, including—
    - (i) student permissions,
    - (ii) employment permits or other work related permissions,
    - (iii) short stay or long stay visit (tourist) permissions,
    - (iv) family reunification or dependent permissions, and
    - (v) any other immigration permission categories recorded by the Minister.
- (3) The Minister shall ensure that all data published under this section is anonymised and presented in aggregate form.
- (4) The Minister shall lay the report before each House of the Oireachtas and make it publicly available.
- (5) Nothing in this section shall be taken to require the publication of information that would compromise the security or integrity of the State’s border management operations.”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

61. In page 45, to delete lines 10 to 14 and substitute the following:

**“Cultural mediator**

34. (1) The Minister may make arrangements to allow cultural mediators to assist an applicant during the carrying out of the procedures under this Part, including by the provision of information to the applicant and support in the applicant’s communication with officers of the Minister.
- (2) A person shall not be engaged or permitted to act as a cultural mediator unless—
- (a) the person has demonstrable competence in—
    - (i) the language or languages of the applicant or applicants to whom they are assigned, and
    - (ii) an official language of the State,
  - (b) the person has completed training appropriate to the role, including training in intercultural communication and trauma informed practice, and
  - (c) the person has been vetted by An Garda Síochána in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.
- (3) Cultural mediators may assist with communication but shall not provide legal advice, credibility assessments, or opinions on the merits of a claim.
- (4) The Minister shall ensure that any arrangements made under *subsection (1)* include procedures for verifying compliance with *subsection (2)* and for the removal of any person who no longer meets those requirements.”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

62. In page 46, between lines 9 and 10, to insert the following:

**“Onus of applicants seeking international protection**

36. Any applicant for international protection shall bear the onus of showing the following matters in support of such an application:
- (a) that the application is not primarily motivated by economic factors;
  - (b) that the State was the first practicable jurisdiction in which to make the application;
  - (c) that the applicant has not used the Common Travel Area to access the State without seeking international protection status in the United Kingdom;
  - (d) that there are good and substantial reasons for not providing travel and/or identity documents establishing the identity and means by which the applicant reach the State.”.

—*Senators Michael McDowell, Victor Boyhan, Gerard Craughwell.*

63. In page 46, line 30, after “responsible”)” to insert “or independently by the minor”.

—Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack,  
Conor Murphy.

64. In page 51, between lines 32 and 33, to insert the following:

**“Digital portal**

42. (1) The Minister shall establish and maintain a secure digital portal through which an applicant may submit any elements or documents referred to in *section 39*.
- (2) The digital portal shall also provide applicants with access to notifications, requests for information and other communications issued by the Determining Authority in connection with the examination of their application.
- (3) The Minister shall ensure that appropriate measures are in place to safeguard the security, confidentiality and integrity of information submitted or made available through the digital portal.
- (4) Nothing in this section shall preclude an applicant from submitting elements or documents, or receiving communications, by other means where necessary or appropriate.
- (5) The Minister shall ensure that adequate redundancy is in place should such a portal be inaccessible in any regard.
- (6) The Minister shall ensure that such a portal is adequately accessible, and that adequate provision is made for the use of such portal by individuals necessitated by matters of literacy or computer literacy.”.

—Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack,  
Conor Murphy.

\*65. In page 52, to delete lines 30 to 32.

66. In page 52, between lines 32 and 33, to insert the following:

**“Appointment of representative within specified period**

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

—Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack,  
Conor Murphy.

- \*67. In page 53, line 1, to delete “that is the subject” and substitute “who is the subject”.
- \*68. In page 53, line 8, to delete “that is the subject” and substitute “who is the subject”.
69. In page 53, line 32, after “be” to insert “, including in child trafficking and protection of children at risk”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

70. In page 54, between lines 15 and 16, to insert the following:

**“Minimum standards for representatives**

49. (1) The Minister shall ensure that any person appointed as a representative under this Chapter—
- (a) has been vetted in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016,
  - (b) has received training in child protection and safeguarding,
  - (c) has received training in trauma-informed practice and cultural competency, and
  - (d) possesses such qualifications or experience as are necessary to effectively represent the interests of an unaccompanied minor.
- (2) The standards referred to in *subsection (1)* shall apply notwithstanding any regulations made under *section 50*.”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

71. In page 55, between lines 12 and 13, to insert the following:

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

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

- \*72. In page 55, line 22, to delete “their” and substitute “his or her”.
- \*73. In page 57, line 16, to delete “a guardian” and substitute “an international protection guardian”.
- \*74. In page 58, lines 26 and 27, to delete “shall appoint a representative person” and substitute “shall make an appointment”.
75. In page 59, line 35, after “standards” to insert “, including in relation to child trafficking”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

76. In page 60, between lines 17 and 18, to insert the following:

**“Reporting to Oireachtas**

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

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

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

77. In page 60, line 25, after “are” to insert “serious and substantiated”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

78. In page 60, to delete line 31.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

79. In page 60, to delete line 34.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

80. In page 61, to delete lines 7 to 9.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

81. In page 61, between lines 34 and 35, to insert the following:

“(6) An applicant shall be presumed to be a minor until an age assessment determines otherwise.

(7) The Determining Authority shall ensure that an applicant is informed, prior to the commencement of an age assessment, in an age-appropriate manner and in a language which the applicant may reasonably be supposed to understand, of:

- (a) the reasons for doubting their age, and
- (b) the structure and timeframe of the age assessment process, including their opportunity to respond.”.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

82. In page 61, line 36, after “shall” to insert “be carried out by qualified professionals from relevant disciplines and shall”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

83. In page 62, line 17, to delete “sections 59, 60 and 62” and substitute “section 59”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

84. In page 62, to delete lines 22 to 26 and substitute the following:

“(c) where the result of the multi-disciplinary assessment undertaken in respect of the applicant is not conclusive, determine that the applicant is presumed to be a minor for the purposes of this Act.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

85. In page 63, to delete lines 2 to 41 and to delete page 64.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

86. In page 63, to delete line 29.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

87. In page 63, lines 30 and 31, to delete “a designated healthcare professional who has the training and qualifications as prescribed under *section 63(2)(b)*” and substitute “qualified medical professionals with experience and expertise in age estimation”.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

88. In page 65, to delete lines 2 to 15.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

89. In page 65, line 9, after “applicant” to insert “and the applicant’s legal representative”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

90. In page 66, to delete lines 23 to 34.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

91. In page 67, between lines 12 and 13, to insert the following:

**“Separate accommodation for age disputed applicants**

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

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

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

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

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

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

92. In page 67, between lines 12 and 13, to insert the following:

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

63. (1) The Child and Family Agency (Tusla) shall not enter into, renew or extend any contract, arrangement, or agreement with a private for profit provider for the provision of accommodation, care, supervision, or support services to separated children seeking international protection.
- (2) For the purposes of this section—
- “care or support services” includes accommodation, residential care, social care, aftercare, and any ancillary services provided to separated children;
- “for profit provider” means any natural or legal person whose primary purpose is the generation of profit for owners, shareholders, or investors;
- “separated child” means a person under the age of 18 who is seeking international protection and who is not accompanied by a parent or guardian.
- (3) Tusla shall ensure that all services provided to separated children seeking international protection are delivered by—
- (a) Tusla directly,
  - (b) non-profit organisations, or
  - (c) public bodies or publicly funded entities.
- (4) Any existing arrangement with a for profit provider relating to the care of separated children shall not be renewed or extended after the commencement of this section.
- (5) A contract or arrangement entered into in contravention of this section shall be void and unenforceable.”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

93. In page 67, between lines 12 and 13, to insert the following:

**“False claims of minority**

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

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

94. In page 67, line 18, after “55(3)(c)(i)” to insert “, including trafficking expertise and training”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

95. In page 67, to delete lines 21 to 28.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

\*96. In page 68, between lines 2 and 3, to insert the following:

**“Authorisation to enter State**

64. (1) Following the screening carried out in accordance with *Chapter 2 of Part 2*, an applicant shall, subject to *subsection (2)*, be given an authorisation by the Minister that operates to allow the applicant to enter the State for the sole purpose of the examination of his or her application, including an appeal to the Tribunal in relation to the application.
- (2) The Minister shall refuse to give an authorisation under *subsection (1)* to an applicant—
- (a) to whom *section 67(a), 67(b)(ii) or 177(3)* applies, or
- (b) whose application is being examined under the asylum border procedure within the meaning of *Chapter 6 of Part 7*, unless *section 165(4) or 172(3)* applies.
- (3) Where, following the giving of an authorisation under *subsection (1)*, the Determining Authority forms the opinion that *section 167* applies in respect of an application, the Determining Authority shall inform the Minister and the Minister may revoke the authorisation.
- (4) Where an authorisation is revoked under *subsection (3)*, the authorisation shall be deemed never to have been given.”.

\*97. In page 68, to delete lines 11 to 16 and substitute the following:

“(c) comply with such conditions as may be notified in writing to him or her under *Part 5* by an immigration officer, a member of an Garda Síochána or an officer of the Minister.”.

\*98. In page 68, between lines 21 and 22, to insert the following:

“(a) an authorisation given under *section 64#*,”.

[#This is a reference to a section proposed to be inserted by amendment No. 96.]

\*99. In page 68, line 26, after “remain” to insert “in the State”.

\*100. In page 71, line 27, to delete “*section 64(2)(c)(ii)*” and substitute “*section 92 or section 102(1)(c)*”.

\*101. In page 74, line 3, to delete “*Chapter 2*” and substitute “*Chapters 2 and 3*”.

\*102. In page 76, lines 37 and 38, to delete “Data Protection Act 2018” and substitute “Act of 2018”.

103. In page 78, between lines 7 and 8, to insert the following:

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

76. (1) The Minister shall, by regulations made under this Act, prescribe a maximum amount that may be paid per person per day by the State in respect of accommodation provided to applicants for international protection.

- (2) Regulations made under *subsection (1)* shall specify—
  - (a) the monetary cap applicable to all forms of accommodation procured or funded by the Minister for the purposes of this Act,
  - (b) the methodology used in determining the cap, including consideration of value for money, regional cost variations, and the avoidance of excessive reliance on emergency or *ad hoc* accommodation arrangements, and
  - (c) the date on which the cap shall come into operation.
- (3) The Minister shall review the cap prescribed under *subsection (1)* at least once in every 12 month period and may amend the cap by regulation following such review.
- (4) Regulations under this section shall be laid before each House of the Oireachtas as soon as may be after they are made.”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

**104.** In page 78, between lines 7 and 8, to insert the following:

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

- 76.** (1) Prior to the establishment of any new accommodation centre under this Act, the Minister shall ensure that a Community Impact Assessment is prepared and published.
- (2) A Community Impact Assessment shall be carried out by—
    - (a) the relevant local authority, or
    - (b) such other competent body as the Minister may appoint for that purpose.
  - (3) A Community Impact Assessment shall include—
    - (a) the projected capacity of the proposed centre,
    - (b) an assessment of local service impacts,
    - (c) community engagement plans,
    - (d) proposed mitigation measures, and
    - (e) an analysis of the Pobal Deprivation Index for the area concerned, including consideration of whether the proposal would contribute to a disproportionate concentration of accommodation centres in disadvantaged communities.
  - (4) The body carrying out the Assessment under *subsection (2)* shall conduct a statutory consultation with—
    - (a) the relevant local authority (where it is not itself the assessing body), and
    - (b) community stakeholders.
  - (5) A centre shall not commence operation until—
    - (a) the consultation period has concluded, and

(b) the Community Impact Assessment has been published.”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

**105.** In page 80, after line 39, to insert the following:

“(5) Where the Minister proposes to allocate accommodation to an applicant that is different to the accommodation previously allocated by the Minister under *section 75(2)*, the Minister shall, before allocating different accommodation, take reasonable steps to ensure the continuity of any ongoing medical treatment of the person, having regard to—

- (a) any medical treatment that the person is receiving or is scheduled to receive,
- (b) the transfer of relevant medical records to the person’s new treating medical practitioner,
- (c) any prescribed medication the person may need to cover the period of transition, and
- (d) any specialist treatment the person is receiving and the arrangements that need to be made for the continuation of that treatment.

(6) An allocation of different accommodation under *section 75(2)* shall not be effected where, in the opinion of a registered medical practitioner, the transfer would pose a significant risk to the health of the person.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**\*106.** In page 88, after line 39, to insert the following:

“CHAPTER 4

*Monitoring of reception conditions*

**Definitions (Part 4) (Chapter 4)**

**89.** In this Chapter—

“authorised person” means a person appointed to be an authorised person under *section 93#*;

“material benefit” means the accommodation, food, personal hygiene products and associated benefits provided in kind referred to in *paragraph (a)* of the definition of “material reception conditions” in *section 72*;

“National Standards” means the standards for accommodation offered to people in the international protection process for the time being published on a website maintained by or on behalf of the Minister under *section 91##(1)*;

“monitoring body” means the body for the time being designated to be the monitoring body under *section 90###*;

“service provider”, in relation to an accommodation centre, means a person who,

pursuant to an arrangement with the Minister, is engaged in the provision to an applicant of a material benefit at that accommodation centre.”.

[#This is a reference to a section proposed to be inserted by amendment No. 110.]

[##This is a reference to a section proposed to be inserted by amendment No. 108.]

[###This is a reference to a section proposed to be inserted by amendment No.107.]

\*107. In page 88, after line 39, to insert the following:

**“Monitoring body**

90. (1) For the purposes of ensuring that the State complies with its obligations under Article 31 of the Reception Conditions Directive, the Minister shall by order designate a public body to be the monitoring body for the purposes of this Chapter.
- (2) Notwithstanding *subsection (1)*, the Health Information and Quality Authority shall be designated to be the monitoring body until an order is made under *subsection (1)* and, when such an order is made, the Health Information and Quality Authority shall cease to be the monitoring body in accordance with the terms of the order.
- (3) Where the Health Information and Quality Authority or subsequently designated body ceases to be the monitoring body, this Chapter shall, on and after that cessation, continue to apply in relation to any inspection commenced but not completed by the Health Information and Quality Authority or subsequently designated body immediately before that cessation.
- (4) In this section, “public body” means a body established by or under an enactment (other than the Companies Act 2014 or a former enactment relating to companies within the meaning of section 5 of that Act).”.

\*108. In page 88, after line 39, to insert the following:

**“National Standards and monitoring of accommodation**

91. (1) The Minister may, for the purposes of Article 31 of the Reception Conditions Directive, set standards for accommodation offered to people in the international protection process and shall publish those standards on a website maintained by or on behalf of the Minister.
- (2) The monitoring body shall, for the purposes of Article 31 of the Reception Conditions Directive—
- (a) monitor compliance by service providers with the National Standards in so far as they relate to accommodation centres,
  - (b) advise the Minister as to the level of compliance by service providers with the National Standards in so far as they relate to accommodation centres, and
  - (c) provide, in accordance with *section 96#*, a report of each inspection of an accommodation centre to the Minister.
- (3) The monitoring body shall be independent in the performance of its functions.”.

[#This is a reference to a section proposed to be inserted by amendment No. 113.]

\*109. In page 88, after line 39, to insert the following:

**“Provision of information to monitoring body**

92. The monitoring body may require a service provider to provide the monitoring body with any information that the monitoring body considers necessary in order to determine the level of compliance by the service provider with the National Standards in so far as they relate to accommodation centres.”.

\*110. In page 88, after line 39, to insert the following:

**“Authorised persons**

93. (1) The monitoring body may appoint such and so many of its employees as it thinks fit to be authorised persons for the purposes of this Chapter.
- (2) The monitoring body shall give each authorised person a certificate of appointment and, when exercising any power conferred on an authorised person under this Chapter, the authorised person shall, if requested by any person affected, produce the certificate or a copy of it to that person.”.

\*111. In page 88, after line 39, to insert the following:

**“Inspection of accommodation centres**

94. (1) An authorised person may, for the purposes of the performance by the monitoring body of its functions under this Chapter, do any of the following:
- (a) subject to *subsection (5)*, enter and inspect at any time an accommodation centre;
  - (b) at such accommodation centre, inspect, take copies of or extracts from and remove from the centre any documents or records (including personal records) relating to the provision to an applicant by, or on behalf of, the service provider, of a material benefit at that centre;
  - (c) inspect the operation of any computer and any associated apparatus or material which is or has been in use in connection with the documents or records in question;
  - (d) inspect any other item and remove it from the accommodation centre if the authorised person considers it necessary or expedient for the purposes of this Chapter;
  - (e) interview in private—
    - (i) any person who is engaged in providing to an applicant, on behalf of the service provider, a material benefit at that accommodation centre, or
    - (ii) any applicant who is being provided with a material benefit at the accommodation centre and who consents to be interviewed;
  - (f) where an authorised person considers it necessary to do so in order to preserve for inspection records, documents or any other matter, to secure, for later

inspection, and for such period as may reasonably be necessary for the purposes of the exercise of the authorised person's powers under this Chapter, documents or records accessed or found during the inspection, and any data equipment, including any computer, in which those documents or records may be held;

- (g) take photographs, recordings, digital images and measurements of the accommodation centre;
  - (h) make any other examination into the state and management of the accommodation centre or the standard of a material benefit provided by, or on behalf of, a service provider to applicants at that centre.
- (2) At any time, an authorised person, in respect of an accommodation centre which is the subject of an inspection under *subsection (1)*, may require—
- (a) a service provider, or
  - (b) any person who—
    - (i) is in charge of the centre,
    - (ii) is engaged in providing to an applicant, on behalf of the service provider, a material benefit at that centre, or
    - (iii) possesses, or is in charge of, any records held at the centre or in respect of a material benefit provided at that centre, even if the records are held elsewhere,

to furnish the authorised person with the information the authorised person reasonably requires for the purposes of the functions of an authorised person under this Chapter and to make available to the authorised person any document or records in the power or control of the service provider or of any person described in *paragraph (b)* that, in the opinion of the authorised person, is relevant to the functions of an authorised person under this Chapter.

- (3) If a person is required under this Chapter to produce a document or record and that document or record is kept by means of a computer, the authorised person may require that person to produce that document or record in a form which is legible and can be taken away.
- (4) If an authorised person, in respect of an accommodation centre the subject of an inspection under *subsection (1)*, considers an explanation necessary and expedient for the purposes of the performance of the functions of an authorised person under this Chapter, the authorised person may require the service provider or any person referred to in *subsection (2)(b)* to provide an explanation of any—
- (a) document or record inspected, copied or provided in accordance with this section,
  - (b) other information provided in the course of the inspection, or
  - (c) other matters which are the subject of the functions being performed by the authorised person under this Chapter.
- (5) An authorised person shall not enter a dwelling other than—

- (a) with the consent of the occupier, or
  - (b) pursuant to a warrant under *subsection (7)*.
- (6) Where, in relation to any accommodation centre, an authorised person, in the performance of his or her functions under this Chapter, is prevented or has reasonable cause to believe that he or she will be prevented from entering the accommodation centre or any part of it, an application may be made to the District Court for a warrant under *subsection (7)* authorising the entry.
- (7) Where a judge of the District Court is satisfied on the sworn information of an authorised person that there are reasonable grounds for believing that—
- (a) there are any records (including records stored in non-legible form) relating to a material benefit provided to an applicant by, or on behalf of, a service provider or a person referred to in *subsection (2)(b)* at that accommodation centre or that there is anything being used at the centre which the authorised person considers it necessary to inspect for the purposes of his or her functions under this Chapter, or
  - (b) there is, or such an inspection is likely to disclose, evidence of non-compliance with the National Standards,

the judge may issue a warrant authorising an authorised person, accompanied by other persons with appropriate qualifications, or by members of An Garda Síochána, as may be necessary, at any time or times, within one month after the date of issue of the warrant, on production of the warrant if requested, to enter the accommodation centre or any part of it, if need be by reasonable force, and to perform the functions conferred by or under this Chapter.

- (8) If an authorised person—
- (a) has reasonable cause to expect any serious obstruction in the performance of the authorised person’s functions under this Chapter, and
  - (b) is in possession of a warrant under *subsection (7)*,
- the authorised person, when performing those functions, may be accompanied by a member of An Garda Síochána.
- (9) A statement or admission made by a person pursuant to a requirement under *subsection (4)* shall not be admissible in proceedings brought against the person for an offence (other than an offence under *section 95#(1)(d)*).
- (10) In this section and *section 95#*, “dwelling” includes—
- (a) the space occupied by an applicant in an accommodation centre for the applicant’s private use, and
  - (b) any part of an accommodation centre that is occupied as a private residence by—
    - (i) a service provider,
    - (ii) a person in charge of the centre, or
    - (iii) a person who is engaged in providing to an applicant, on behalf of the service

provider, a material benefit at that centre.”.

[#This is a reference to a section proposed to be inserted by amendment No. 112.]

\*112. In page 88, after line 39, to insert the following:

**“Prohibition against certain conduct in relation to inspection**

95. (1) A person who—

- (a) refuses to allow an authorised person, in the performance of his or her functions under *section 94#*—
  - (i) to enter, in accordance with that section or in accordance with a warrant issued pursuant to *section 94#*, an accommodation centre or any part of it other than a dwelling, or
  - (ii) to enter, under and in accordance with a warrant issued under *section 94#*, a dwelling,
- (b) refuses to allow a member of An Garda Síochána, or any person who accompanies an authorised person, to enter, under and in accordance with a warrant issued under *section 94#*, an accommodation centre or any part of it including a dwelling,
- (c) obstructs or impedes—
  - (i) an authorised person in the performance of his or her functions under *section 94#*, or
  - (ii) a member of An Garda Síochána, or any person who accompanies an authorised person, in accordance with a warrant issued under *section 94#*, or
- (d) gives to an authorised person, in the performance of his or her functions under *section 94#*, information that the person giving the information knows, or should reasonably know, to be false or misleading,

shall be guilty of an offence and shall be liable on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both.

- (2) Summary proceedings for an offence under this section may be brought and prosecuted by the monitoring body.
- (3) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this section may be brought—
  - (a) within 12 months from the date on which the offence was committed or alleged to have been committed, or
  - (b) within 6 months from the date on which evidence first comes to the knowledge of the monitoring body that is sufficient, in the opinion of the monitoring body, to justify the bringing of the proceedings,

whichever is the later, but no such proceedings shall be instituted later than 2 years from the date on which the offence was committed or alleged to have been committed.

- (4) For the purposes of *subsection (3)(b)*, a document, purporting to have been issued by the monitoring body, certifying the date on which the evidence described in that subsection first came to the knowledge of the monitoring body—
  - (a) is admissible without proof of the signature or official character of the person appearing to have signed the document, and
  - (b) in the absence of evidence to the contrary, is proof of the matters certified in the document.
- (5) Where an offence under this section is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the body corporate, shall be guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence.”.

[#This is a reference to a section proposed to be inserted by amendment No. III.]

\*113. In page 88, after line 39, to insert the following:

**“Inspection reports**

96. (1) An authorised person who conducts an inspection of an accommodation centre under *section 94#* shall prepare a report (in this section referred to as an “inspection report”) of the inspection after the inspection.
- (2) The monitoring body may publish an inspection report.
  - (3) Before an inspection report is published, the monitoring body shall give a service provider a copy of the draft report along with a notice in writing stating that the provider may, not later than 30 days from the date on which the notice was received by the service provider, or such further period as the monitoring body allows, make submissions in writing to the monitoring body in relation to the draft report.
  - (4) The monitoring body—
    - (a) may, as soon as practicable after the expiry of the period referred to in *subsection (3)*, and having considered any submissions made, amend the draft report, and
    - (b) shall, where the report is to be published under *subsection (2)*, no less than 15 days prior to such publication, furnish the final report to the Minister and to the service provider.
  - (5) The monitoring body or an authorised person shall not be liable in damages arising from any report or other document prepared, or communication made, in good faith, for the purposes of, or in connection with, the performance of the functions of the monitoring body or an authorised person under this Chapter.”.

[#This is a reference to a section proposed to be inserted by amendment No. III.]

\*114. In page 88, after line 39, to insert the following:

**“Statutory notifications to monitoring body**

97. The Minister shall—

- (a) notify the monitoring body, within 21 days of applicants being first allocated accommodation in an accommodation centre in accordance with *section 75*, of such allocation, and
- (b) where a premises is to cease being used as an accommodation centre, notify the monitoring body, as soon as practicable, of the date of such cesser.”.

\*115. In page 88, after line 39, to insert the following:

**“Notification of serious incidents**

98. (1) Where an incident or event to which *subsection (3)* applies occurs in an accommodation centre, the service provider concerned shall, subject to *subsection (2)*—

- (a) notify the monitoring body, within 3 days of the date on which it occurred, of the incident or event, and
- (b) keep a record of the incident or event.

(2) In the case of an unexpected absence of a minor from an accommodation centre, the service provider concerned shall notify the monitoring body, within 24 hours of becoming aware of the absence of the minor, of such absence.

(3) The incidents or events to which this subsection applies are—

- (a) the unexpected death of an applicant,
- (b) the making of an allegation of abuse of an applicant,
- (c) any serious injury to an applicant in an accommodation centre that requires immediate medical treatment, or
- (d) the unexpected absence of a minor from the accommodation centre.

(4) In this section—

“abuse” means mistreatment of any kind and includes the physical, financial or material, psychological, sexual or discriminatory mistreatment or neglect of an applicant;

“serious injury” means an injury which creates a substantial risk of death or which causes serious disfigurement or substantial loss or impairment of the mobility of the body as a whole or of the function of any particular bodily member or organ.”.

- \*116. In page 91, line 19, to delete “officer or” and substitute “officer.”
- \*117. In page 91, line 19, after “Minister” to insert “or a member of An Garda Síochána”.
- 118. In page 92, lines 29 and 30, to delete “within 5 working days of” and substitute “at any point from”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- \*119. In page 92, line 38, to delete “concerned”.
  - 120. In page 93, line 5, to delete “within 10 working days” and substitute “as soon as is practicable”.
- Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*
- \*121. In page 93, line 32, after “time” to insert “having regard to any guidelines issued by the Chief Appeals Officer under *section 236(2)*”.

- \*122. In page 94, line 18, to delete “or” where it secondly occurs.
- \*123. In page 94, line 19, to delete “nationality.” and substitute “nationality, or”.
- \*124. In page 94, between lines 19 and 20, to insert the following:

“(c) for the sole reason that he or she is subject to a procedure under the Asylum and Migration Management Regulation.”.

- \*125. In page 94, line 32, to delete “permitted” and substitute “authorised”.
- \*126. In page 95, line 10, to delete “concerned”.
- \*127. In page 95, lines 17 and 18, to delete “where— (i)” and substitute “where”.
- \*128. In page 95, line 20, to delete “Regulation),” and substitute “Regulation)”.
- 129. In page 95, line 23, to delete “or public order”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- 130. In page 95, between lines 23 and 24, to insert the following:

“(2) The use of facial image data shall not provide grounds for detention.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- \*131. In page 97, line 4, to delete “this section” and substitute “*section 102*”.
- \*132. In page 97, line 16, to delete “this section” and substitute “*section 102*”.
- \*133. In page 98, lines 8 and 9, to delete “, subject to *section 103*,”.
- \*134. In page 98, line 17, to delete “*subsection (1)*” and substitute “*subsection (2)*”.
- \*135. In page 99, line 37, to delete “*subsection (1)*” and substitute “*subsection (3)*”.
- \*136. In page 99, line 39, to delete “*section 145*” and substitute “*section 101*”.
- \*137. In page 100, line 1, to delete “*subsection (1)*” and substitute “*subsection (2)*”.
- \*138. In page 100, between lines 9 and 10, to insert the following:

“(2) Without prejudice to *section 107*, an immigration officer or a member of An Garda

Síochána may arrest without warrant and detain an applicant who has in his or her custody an applicant who is a minor (whether the applicant is a parent of the minor or a person acting in *loco parentis* or any other person) where—

- (a) it is necessary for the purposes of determining or verifying the identity or nationality of the applicant,
- (b) the member or officer is satisfied that a requirement under *section 102* cannot be applied in relation to the applicant effectively, and
- (c) the minor in the applicant’s custody is detained in accordance with *subsection (3)#*.”.

[#This is the correct reference if this amendment is accepted.]

**139.** In page 100, to delete lines 10 to 40, and in page 101, to delete lines 1 to 30.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black, Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**\*140.** In page 100, lines 11 and 12, to delete “in accordance with *subsection (4)*,”.

**\*141.** In page 100, line 14, to delete “the” and substitute “that”.

**\*142.** In page 100, line 14, to delete “under this section” and substitute “in accordance with *subsection (2)#*”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 138.]

**\*143.** In page 100, lines 23 and 24, to delete “in accordance with *subsection (4)*,”.

**\*144.** In page 100, line 32, after “time” to insert “having regard to the purpose of the detention”.

**\*145.** In page 100, line 33, to delete “and” and substitute the following:

“(b) separately from adults (other than the minor’s parent or a person acting in *loco parentis*),”.

**\*146.** In page 100, line 34, before “in” where it firstly occurs to insert “in the case of an unaccompanied minor,”.

**\*147.** In page 100, after line 40, to insert the following:

“(c) in the case of an accompanied minor, in facilities (or in a vehicle for the purposes of bringing the minor to facilities) adapted to the needs of minors.”.

**\*148.** In page 101, to delete lines 1 and 2 and substitute the following:

“(5) An applicant detained under *subsection (2)#* shall be detained—

- (a) with the minor who was in his or her custody who is detained in accordance with *subsection (3)##*, and
- (b) for the shortest possible period of time having regard to the purpose of the detention and, in any event, for a maximum period of 12 hours.”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 138.]

[##This is the correct reference if amendment No. 138 is accepted.]

- \*149. In page 101, line 14, after “the” to insert “person, or, in the case of a minor, the”.
- \*150. In page 101, line 14, after “and” to insert “the adult responsible for the minor or”.
- \*151. In page 101, line 29, to delete “minors” and substitute “persons”.
- 152. In page 103, to delete lines 24 to 27.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- 153. In page 104, between lines 26 and 27, to insert the following:

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

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

- 154. In page 108, between lines 4 and 5, to insert the following:

**“Healthcare continuity during transfer of accommodation**

- 125. (1) Where the Minister proposes to transfer a person from one accommodation centre to another, the Minister shall, before effecting the transfer, take reasonable steps to ensure the continuity of any ongoing medical treatment of the person.
- (2) Without prejudice to the generality of *subsection (1)*, the Minister shall—
  - (a) have regard to any medical treatment that the person is receiving or is scheduled to receive,
  - (b) ensure that relevant medical records are transferred to the person’s new treating medical practitioner,
  - (c) ensure that the person has a supply of prescribed medication sufficient to cover the period of transition, and
  - (d) where the person is receiving specialist treatment, ensure that arrangements are made for the continuation of that treatment.
- (3) A transfer shall not be affected where, in the opinion of a registered medical practitioner, the transfer would pose a significant risk to the health of the person.
- (4) No expense shall occur under this section without approval from the Houses of the Oireachtas.”.

—*Senators Aubrey McCarthy, Victor Boyhan.*

- 155. In page 109, line 36, after “hearings” to insert the following:

“in every case unless—

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**156.** In page 112, to delete lines 34 to 37 and substitute the following:

“(4) For the purposes of arresting a person under *subsection (1)*, an immigration officer or member of An Garda Síochána may only enter and search a premises if the immigration officer or member has a warrant to do so.”

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**157.** In page 112, line 35, to delete “(if necessary by use of reasonable force)”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**158.** In page 112, to delete lines 38 to 42, and in page 113, to delete lines 1 to 3 and substitute the following:

“(5) Where the premises where the person is, or where the person is, or where the immigration officer or member suspects the person to be, is a dwelling the immigration officer or member shall not enter the dwelling unless the immigration officer or member has a warrant to do so.”

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**159.** In page 113, to delete lines 21 to 24 and substitute the following:

“(8) Where, for the purposes of *subsection (7)*, there is any doubt as to whether the person subject to the transfer procedure is under the age of 18, the immigration officer or member of An Garda Síochána shall—

- (a) as soon as possible and in any event before the operation of *subsections (1)* and *(3)*, refer the person for age assessment under *section 52*, and
- (b) pending the results of an age assessment, the provisions of *subsection (1)* and *(3)* shall not apply.”

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**160.** In page 113, line 34, to delete “or periods each not exceeding 12 hours” and substitute “required to complete a direct journey to the port”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**161.** In page 113, line 37, to delete “or periods each”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**162.** In page 114, after line 34, to insert the following:

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

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

- \*163. In page 115, line 13, to delete “minor” and substitute “minor,”.
- \*164. In page 115, line 26, after “and” to insert “, in the case of an examination referred to in *subsection (1)*,”.
165. In page 116, between lines 2 and 3, to insert the following:

**“State-funded medico-legal assessments**

138. (1) Where, in the course of an examination of an application under this Part, it appears that the applicant may have been subjected to torture or other serious harm, the Minister shall arrange for the applicant to undergo a medico-legal assessment at the expense of the State.
- (2) An assessment under *subsection (1)* shall be conducted by a registered medical practitioner with expertise in the documentation of torture and ill-treatment, having regard to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).
- (3) The report of an assessment under this section shall be admitted as evidence in any proceedings under this Act.
- (4) No expense shall occur under this section without approval from the Houses of the Oireachtas.”.

—*Senators Aubrey McCarthy, Victor Boyhan.*

- \*166. In page 117, between lines 12 and 13, to insert the following:
- “(5) In examining an application, the Determining Authority shall consider any observations made by the High Commissioner.”.
- \*167. In page 118, line 36, after “origin,” to insert “or”.
- \*168. In page 119, line 12, to delete “interview,” and substitute “interview”.
169. In page 119, to delete lines 33 to 39 and substitute the following:
- “(6) When in doubt as to the fitness of ability of the applicant to be interviewed, the Determining Authority shall consult a registered medical practitioner with expertise in trauma and mental health to establish whether the applicant is temporarily unfit or unable to be interviewed or whether his or her situation is of an enduring nature and where, following the consultation with that medical practitioner, it is clear that the condition making the applicant unfit or unable to be interviewed is of a temporary nature, the Determining Authority shall postpone the personal interview until such time as the applicant is fit or able to be interviewed.
- (7) In making a determination under *subsection (6)*, the medical practitioner shall, *inter alia*, have regard to—
- (a) the applicant’s mental health, including any symptoms of post-traumatic stress, dissociation, or trauma-related memory fragmentation,
- (b) the applicant’s physical health, and

- (c) any reasonable adjustments that could be made to the interview process to enable the applicant’s participation.”.

—*Senators Aubrey McCarthy, Victor Boyhan, Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

\*170. In page 119, line 37, to delete “medical professional” and substitute “medical practitioner”.

\*171. In page 120, line 11, to delete “The personal interviews” and substitute “Personal interviews”.

\*172. In page 120, line 31, after “temporarily” to insert “to conduct such interviews”.

\*173. In page 120, lines 33 and 34, to delete “to conduct such interviews”.

174. In page 121, between lines 8 and 9, to insert the following:

“(e) an interpreter.”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

\*175. In page 121, line 32, to delete “The personal interviews” and substitute “Personal interviews”.

\*176. In page 123, between lines 37 and 38, to insert the following:

“(8) The Minister shall inform the High Commissioner of the result of every decision referred to in *subsection (1)*.”.

177. In page 124, line 18, after “protection” to insert “, and in such cases the Determining Authority shall reject the application as inadmissible unless the applicant demonstrates substantial grounds for believing that the protection previously granted no longer affords effective protection against refoulement or serious harm”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

178. In page 125, between lines 23 and 24, to insert the following:

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

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

\*179. In page 128, line 30, after “involved,” to insert “or”.

180. In page 129, between lines 15 and 16, to insert the following:

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

(a) the staffing levels of the Determining Authority during the preceding year,

(b) the extent to which the time limit in *subsection (1)* was met during that year, and

- (c) where the time limit was not met, the reasons for non compliance and the measures proposed to secure future compliance.”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

**181.** In page 129, after line 33, to insert the following:

**“Resourcing of Legal Aid Board**

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

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

**182.** In page 129, after line 33, to insert the following:

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

- 162.** (1) The Minister shall ensure that Tusla (Child and Family Agency) is provided with sufficient and sustainable resources to meet the additional responsibilities arising from the enactment and operation of this Act, including responsibilities in respect of unaccompanied minors, age assessment processes, child protection, and family support services.
- (2) In fulfilling the obligation under *subsection (1)*, the Minister shall have regard to—
- (a) the projected number of applications for international protection involving children or families,

- (b) Tusla’s statutory obligations under the Child and Family Agency Act 2013 and any obligations arising under this Act,
  - (c) the need to avoid delays in the provision of assessments, placements, and supports for children,
  - (d) the importance of ensuring that all children in the international protection process receive timely, appropriate, and child centred care.
- (3) The Minister shall, within 6 months of the commencement of this section, lay before each House of the Oireachtas a report outlining—
- (a) the anticipated additional workload for Tusla arising from this Act,
  - (b) the measures taken to ensure adequate staffing, training, and funding,
  - (c) any further steps required to maintain timely and effective child protection and family support services.
- (4) The Minister shall provide an annual update to each House of the Oireachtas on the resourcing of Tusla insofar as it relates to the operation of this Act.
- (5) Nothing in this section shall be construed as limiting the independence of Tusla in the performance of its statutory functions.”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

**183.** In page 131, line 15, after “procedure,” to insert “or that the application is by a presumed or identified victim of trafficking,”.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**\*184.** In page 131, line 37, after “Authority” to insert “is”.

**\*185.** In page 133, line 3, after “remain” where it firstly occurs to insert “in the State”.

**\*186.** In page 133, line 3, after “to” where it secondly occurs to insert “so”.

**\*187.** In page 133, between lines 22 and 23, to insert the following:

“(6) The reference in this section to the Minister authorising an applicant to enter the State is a reference to an authorisation to enter the State under *section 64#*.”.

[#*This is a reference to a section proposed to be inserted by amendment No. 96.*]

**188.** In page 134, line 36, after “rape” to insert “, trafficking,”.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**189.** In page 136, to delete lines 16 to 18 and substitute the following:

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

190. In page 136, between lines 24 and 25, to insert the following:

“(4) Nothing in *subsection (2)* shall prevent children in the asylum border procedure from retaining general freedom of movement and the Minister shall ensure that—

- (a) children are not *de facto* detained under this section, and
- (b) children retain their right to have special reception needs recognised.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

191. In page 136, line 29, to delete “constitute an entry” and substitute “constitute an authorised entry”.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

192. In page 142, line 36, to delete “, other than the Minister or an officer of the Minister.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

193. In page 149, between lines 2 and 3, to insert the following:

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

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

\*194. In page 149, line 22, to delete “a guardian” and substitute “an international protection guardian”.

195. In page 149, lines 27 and 28, to delete all words from and including “and” in line 27 down to and including line 28.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

196. In page 150, between lines 19 and 20, to insert the following:

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

193. (1) A beneficiary of international protection (in this section referred to as the “sponsor”) may, subject to *subsection (11)*, make an application to the Minister for permission to be given to a member of the family of the sponsor, where that family member does not qualify for international protection –

- (a) to enter and reside in the State, or
- (b) where the member, on the date of the application, is in the State (whether lawfully or unlawfully), to reside in the State.

(2) The Minister shall investigate, or cause to be investigated, an application under *subsection (1)* to determine –

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

- (b) the relationship between the sponsor and the person who is the subject of the application, and
  - (c) the domestic circumstances of the person who is the subject of the application.
- (3) It shall be the duty of the sponsor and the person who is the subject of the application to cooperate fully in the investigation under *subsection (2)*, including by providing all information in his or her possession, control or procurement relevant to the application.
- (4) Subject to *subsections (6) and (7)*, if the Minister is satisfied that the person who is the subject of an application under this section is a member of the family of the sponsor, he or she shall give permission in writing to the person to enter and reside in the State and the person shall, while the permission is in force and the sponsor is entitled to remain in the State, be entitled to the rights and privileges specified in *section 144* in relation to a beneficiary of international protection.
- (5) (a) A permission to reside issued pursuant to *subsection (4)* shall have the same date of expiry as the permission to reside issued to the beneficiary of international protection and shall, subject to *subsections (6) and (7)*, be renewable for as long as the permission to reside issued to the beneficiary of international protection is renewed.
- (b) The period of validity of the permission to reside issued to the family member shall not extend beyond the date of expiry of the permission to reside held by the beneficiary of international protection.
- (6) The Minister shall refuse to give permission to enter and reside in the State to a person referred to in *subsection (4)* or revoke any permission given to such a person –
- (a) in the interest of national security or public policy (“*ordre public*”), where the Minister considers it necessary,
  - (b) where the person has committed a crime against peace, a war crime or a crime against humanity,
  - (c) where the person guilty of acts contrary to the purposes and principles of the United Nations;
  - (d) where the entitlement of the sponsor to remain in the State ceases, or
  - (e) where misrepresentation or omission of facts, whether or not including the use of false documents, by the person was decisive in the decision to give the person the permission.
- (7) The Minister shall refuse to give permission to enter and reside in the State to a spouse or civil partner where there are strong indications that the marriage or partnership was contracted for the sole purpose of enabling the person concerned to enter or reside in the State.
- (8) Family members who have been issued a permission to reside pursuant to *subsection (4)* shall be entitled to the rights laid down in articles 25 to 32, 34 and 35 of the Qualification Regulation.

- (9) A permission given under *subsection (4)* shall cease to be in force if the person to whom it is given does not enter and reside in the State by a date specified by the Minister when giving the permission.
- (10) A permission given under *subsection (4)* to the spouse or civil partner of a sponsor shall cease to be in force where the marriage or the civil partnership concerned ceases to subsist.
- (11) An application under *subsection (1)* shall be made within 12 months of the giving under head 78 of the refugee declaration or, as the case may be, subsidiary protection declaration to the sponsor concerned.
- (12) A beneficiary of international protection (in this section referred to as the “sponsor”) may, subject to head 91(2), (3), and (5) to (8), make an application to the Minister for permission to reside in the State to be given to a member of the family of the sponsor who, on the date of the application, is in the State (whether lawfully or unlawfully) and who does not himself or herself qualify for international protection.
- (13) Subject to head 91(6), if the Minister is satisfied that the person who is the subject of an application under this head is a member of the family of the sponsor, the Minister shall give permission in writing to the person to reside in the State and the person shall, while the permission is in force and the sponsor is entitled to remain in the State, be entitled to the rights and privileges specified in head 88 in relation to a beneficiary of international protection.
- (14) (a) In this section, family member means, insofar as the family already existed before the sponsor arrived in the State, the following members of the family of the sponsor:
- (i) the spouse of the sponsor or his or her civil partner;
  - (ii) the minor children of the sponsor or of his or her spouse or civil partner and the unmarried adult dependent children of the sponsor or of his or her spouse or civil partner;
  - (iii) where the sponsor is, on the date of the application under *subsection (1)*, a minor, the father, mother, and their children who, on the date of the application under *subsection (1)*, are under the age of 18 years, or another adult responsible for that beneficiary, including an adult sibling.
- (b) For the purpose of *paragraph (a)(ii)*, an adult child should be considered dependent, on the basis of an individual assessment, where that child is unable to support himself or herself due to a physical or mental condition linked to a serious non-temporary illness or severe disability.”

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**197.** In page 151, to delete lines 5 and 6.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**\*198.** In page 151, line 13, to delete “a sponsor” and substitute “the sponsor”.

**199.** In page 151, to delete lines 27 to 29.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**200.** In page 152, line 2, to delete “in accordance with this section” and substitute “in accordance with *section 34*”.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**201.** In page 152, lines 10 to 12, to delete all words from and including “the” where it firstly occurs in line 10 down to and including line 12 and substitute “, the father, mother, and their children who, on the date of the application, are under the age of 18 years, or another adult responsible for that beneficiary, including an adult sibling.”.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**202.** In page 152, between lines 12 and 13, to insert the following:

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**203.** In page 152, to delete lines 18 to 20 and substitute the following:

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**204.** In page 152, to delete lines 24 to 30 and substitute the following:

“(b) the relationship between the sponsor and the person who is the subject of the application, and

(c) the domestic circumstances of the person who is the subject of the application.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**205.** In page 152, to delete lines 28 to 30.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**206.** In page 152, to delete lines 38 and 39, and in page 153, to delete lines 1 and 2 and substitute “that the person who is subject to the application is a family member of the sponsor,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**207.** In page 153, to delete lines 1 and 2.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

208. In page 153, to delete lines 5 to 27.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black, Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

209. In page 153, to delete lines 29 and 30.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

210. In page 154, between lines 4 and 5, to insert the following:

“(a) may be extended by the Minister, where the Minister considers it appropriate to do so having regard to the circumstances of the sponsor or their family members.”

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

211. In page 154, to delete lines 10 to 12.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

212. In page 154, line 24, to delete “in accordance with this section” and substitute “in accordance with *section 34*”.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

213. In page 155, lines 10 to 12, to delete all words from and including “the” where it thirdly occurs in line 10 down to and including line 12 and substitute “the father, mother, and their children who, on the date of the application, are under the age of 18 years, or another adult responsible for that beneficiary, including an adult sibling;”.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

214. In page 155, between lines 12 and 13, to insert the following:

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

215. In page 155, to delete lines 23 to 29 and substitute the following:

**“Due regard to vulnerable persons under *section 146* and *section 147***

195. (1) In the application of *sections 146* and *147*, due regard shall be had to the specific situation of vulnerable persons, such as persons under the age of 18 years (whether or not accompanied), disabled persons, elderly persons, pregnant women, single parents with children under the age of 18 years, victims of human trafficking, persons with mental illness and persons who been subjected to torture, rape, or other serious forms of psychological, physical, or sexual violence.

(2) In the applications of *sections 146* and *147*, in relation to a person who has not

attained the age of 18 years, the best interests of the child shall be a primary consideration.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**216.** In page 160, after line 39, to insert the following:

**“Enhanced oversight of deportation orders**

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

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

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

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

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

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

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

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

\*217. In page 161, line 35, to delete “shall”.

\*218. In page 163, line 7, to delete “*subsection (1)*” and substitute “*subsection (1)(a)*”.

\*219. In page 163, line 8, to delete “*subsection (2)*” and substitute “*subsection (2)(a)*”.

220. In page 169, between lines 28 and 29, to insert the following:

**“Healthcare access for persons subject to return decisions**

208. (1) A person who is the subject of a return decision under *section 154, 156 or 157* shall, for so long as the person remains in the State, continue to be entitled to:

- (a) access to essential medications, including life-sustaining medications, psychiatric medications, and medications for the management of chronic conditions;
  - (b) emergency medical care;
  - (c) maternity care;
  - (d) treatment for communicable diseases;
  - (e) mental health treatment.
- (2) Where a return decision is made in respect of a person, the Minister shall ensure that a care coordination plan is prepared in respect of that person, setting out arrangements for the continuity of any ongoing medical treatment.
- (3) A care coordination plan under *subsection (2)* shall be prepared in consultation with the person and, where the person consents, with the person’s treating medical practitioner.
- (4) No expense shall occur under this section without approval from the Houses of the Oireachtas.”.

—*Senators Aubrey McCarthy, Victor Boyhan.*

221. In page 170, between lines 10 and 11, to insert the following:

**“Healthcare standards for detention**

210. (1) Any place in which a person is detained under *section 161 or 168* shall meet the following minimum healthcare standards:

- (a) access to registered medical practitioners, including mental health professionals, within 24 hours of admission and at regular intervals thereafter;
- (b) independent medical assessments, which shall not be provided by the operator of the detention facility;
- (c) continuity of medication, including the uninterrupted supply of any medication prescribed to the person prior to detention;
- (d) protection of medical confidentiality from immigration officers and detention facility staff;

- (e) trauma-informed care protocols, having regard to the fact that detained persons may have experienced torture, persecution, or trafficking;
  - (f) clear procedures for medical exemption from detention where, in the opinion of a registered medical practitioner, detention would pose a significant risk to the person’s health.
- (2) The medical exemptions referred to in *subsection (1)(f)* shall include, at a minimum, pregnancy, severe mental illness, and serious physical conditions.
  - (3) Children shall not be detained under *section 212* or *215*.
  - (4) No expense shall occur under this section without approval from the Houses of the Oireachtas.”.

—*Senators Aubrey McCarthy, Victor Boyhan.*

**222.** In page 172, line 6, to delete “or periods each not exceeding 12 hours” and substitute “required to complete a direct journey to the port”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**223.** In page 172, line 9, to delete “or periods each”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**224.** In page 172, to delete lines 35 to 39 and substitute the following:

“(6) *Subsections (1) and (2)* shall not apply to a person who is under the age of 18 years.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**\*225.** In page 175, line 13, before “present” to insert “that he or she”.

**\*226.** In page 175, line 17, after “person,” to insert “that he or she”.

**\*227.** In page 175, line 17, to delete “the person’s” and substitute “his or her”.

**\*228.** In page 175, line 18, to delete “the person” and substitute “he or she”.

**\*229.** In page 175, line 19, before “cooperate” to insert “that he or she”.

**\*230.** In page 175, line 31, after “under” to insert “*section 64#* of this Act or”.

[*#This is a reference to a section proposed to be inserted by amendment No. 96.*]

**\*231.** In page 175, line 34, to delete “that” and substitute “*section 64#* of this Act or”.

[*#This is a reference to a section proposed to be inserted by amendment No. 96.*]

**\*232.** In page 175, line 34, after “*section 4*” to insert “of the Act of 2004”.

**233.** In page 176, line 19, to delete “or periods each not exceeding 12 hours” and substitute “required to complete a direct journey to the port”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**234.** In page 176, line 22, to delete “or periods each”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- 235.** In page 176, to delete lines 34 to 38 and substitute the following:  
“(5) *Subsections (1) and (2)* shall not apply to a person who is under the age of 18 years.”.  
—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*
- \*236.** In page 179, to delete lines 16 to 18.
- \*237.** In page 179, after line 35, to insert the following:  
“(3) On and from the commencement of this Part, a displaced person, to whom a Council Decision under Article 5 of the Temporary Protection Directive applies, shall be given a permission in accordance with *section 226(8)* and not under section 60(6) of the Act of 2015.”.
- \*238.** In page 180, line 25, to delete “*paragraphs*” and substitute “*paragraph*”.
- \*239.** In page 180, line 27, to delete “*paragraphs*” and substitute “*paragraph*”.
- \*240.** In page 182, to delete lines 20 and 21 and substitute the following:  
“(5) *Paragraph (d) of subsection (3)* applies both to the participants in, and the persons who have instigated, a crime referred to in that paragraph.”.
- \*241.** In page 187, line 10, to delete “considers” and substitute “consider”.
- \*242.** In page 187, line 40, to delete “considers” and substitute “consider”.
- \*243.** In page 188, line 1, to delete “it” and substitute “, the Government”.
- \*244.** In page 194, line 13, to delete “agrees” and substitute “agree”.
- \*245.** In page 194, line 19, to delete “is satisfied” and substitute “are satisfied”.
- \*246.** In page 194, line 33, to delete “proposes” and substitute “propose”.
- \*247.** In page 195, line 21, to delete “the Government or the Minister, as the case may be, considers” and substitute “the Government consider or the Minister considers, as the case may be,”.
- \*248.** In page 201, line 28, to delete “Data Protection Act 2018” and substitute “Act of 2018”.
- 249.** In page 202, line 32, after “acts” to insert “such funds, as may be necessary for the proper functioning of the Chief Inspector, shall be paid out of moneys provided by the Oireachtas.”.  
—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*
- 250.** In page 204, line 4, to delete “for stated reasons, including”.  
—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*
- 251.** In page 204, to delete lines 12 and 13.  
—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black, Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*
- 252.** In page 205, to delete lines 8 to 11 and substitute the following:  
“(a) to monitor asylum border procedures and compliance with European Union and international law, including the Charter, with regard to, *inter alia*, the asylum

procedure, the principle of non-refoulement, the best interest of the child and the relevant rules on detention, including relevant provisions on detention in national law and instances of *de facto* detention, during the screening process and in designated asylum border facilities, in line with the independent monitoring mechanism provided for by the Screening Regulation and referred to in Article 43 of the Asylum Procedures Regulation;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**253.** In page 205, to delete lines 8 to 11 and substitute the following:

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

(i) access to the asylum procedure,

(ii) the principle of non-refoulement,

(iii) the best interest of the child, and

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

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**254.** In page 206, between lines 26 and 27, to insert the following:

“(7) The Minister shall, in consultation with the Minister for Finance, make such funds available for the proper functioning of the Chief Inspector.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**\*255.** In page 206, to delete lines 27 to 40, and in page 207, to delete lines 1 to 20.

**\*256.** In page 207, lines 34 and 35, to delete “staff of the Authority” and substitute “staff of the Chief Inspector”.

**257.** In page 208, line 18, after “functions” to insert “and the Chief Inspector shall furnish to the Advisory Board such information regarding the performance of his or her functions as may be required for the Board to perform its functions”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**258.** In page 208, between lines 30 and 31, to insert the following:

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**\*259.** In page 209, line 4, to delete “the Chairperson of the Health Information and Quality Authority” and substitute “the Chairperson of, or the person holding a corresponding office in, the monitoring body, within the meaning of *Part 4*”.

**260.** In page 210, to delete lines 23 to 26 and substitute the following:

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

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

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**261.** In page 210, to delete lines 23 to 29 and substitute the following:

“**259.** (1) The Chief Inspector shall, not later than 3 months after the end of each year, submit to each House of the Oireachtas an annual report on the performance of the Chief Inspector’s functions and on such other related matters during the previous year.

(2) The Chief Inspector may also lay before each House of the Oireachtas such other reports with respect to those functions as he or she thinks appropriate.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**262.** In page 211, to delete lines 15 to 39, and in page 212, to delete lines 1 to 11 and substitute the following:

“(2) With the permission of the Chairperson of a committee making the request under *subsection (1)*, either—

- (a) the acting Chief inspector, or
- (b) a member of staff of the Chief Inspector,

may attend before the committee in place of the Chief Inspector to give an account of the general administration of the Office of the Chief Inspector.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**263.** In page 213, line 2, to delete “may” and substitute “shall”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**264.** In page 213, between lines 2 and 3, to insert the following:

“(7) Where there are incidents of death or serious harm in the Screening Process, Border Procedure, or Return Border Procedure, the Chief Inspector shall conduct a formal

investigation under *section 213*.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**265.** In page 213, between lines 9 and 10, to insert the following:

“(9) The Chief Inspector shall, in acknowledging the receipt of complaints made under *subsection (7)*, provide the complainant with a clear timeline for the handling and determination of his or her complaint.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**266.** In page 215, line 13, after “(4)” to insert “and the Minister shall cause copies of this report to be laid before each House of the Oireachtas, not later than one month after its submission”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**267.** In page 218, between lines 25 and 26, to insert the following:

“(4) Where the Minister enters into contracts for the provision of premises for screening centres, asylum border procedure centres, or detention facilities, the Minister shall ensure that such contracts contain such terms and conditions to ensure suitable health and safety standards in those centres or facilities.

(5) Where the Minister enters into contracts for services with companies to assist him or her in the performance of his or her functions under this Act, such contracts shall contain terms and conditions which require those companies to disclose their ownership structure, and these details, including, *inter alia*, the cost of such contracts, shall be made publicly available.

(6) Where the Minister enters into contracts for services with regard to the functions of immigration officers or officer of the Minister under this Act, the Minister shall ensure that such contracts contain terms and conditions which require any persons who may be performing the functions of immigration officers or officers of the Minister under this Act to be appropriately trained and experienced in the performance of their functions.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**268.** In page 218, between lines 29 and 30, to insert the following:

**“Transparency of accommodation contracts**

**268.** (1) The Minister shall publish all contracts, subcontracts, financial schedules, performance reports, and compliance assessments relating to accommodation or services provided to international protection applicants.

(2) Publication shall occur no later than 30 days after the signing of the relevant document.

(3) Information may be withheld only where strictly necessary to protect commercially sensitive material, as defined by regulation, and such withholding must be justified in writing.

(4) All documents published under this section shall be made available on a publicly

accessible website maintained by the Minister.”.

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

**269.** In page 218, between lines 29 and 30, to insert the following:

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

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

—*Senators Nicole Ryan, Chris Andrews, Pauline Tully, Joanne Collins, Maria McCormack, Conor Murphy.*

\*270. In page 222, line 12, to delete “129,” and substitute “129 or”.

\*271. In page 223, between lines 11 and 12, to insert the following:

**“Sharing of information for performance of functions**

274. (1) A relevant body may share information with another relevant body for the purpose of the performance of the functions of either body under this Act or the EU acts to the extent that it is necessary and proportionate for that purpose and subject to suitable and specific measures being taken.
- (2) The Minister may make regulations in relation to the sharing of information by a relevant body under this section, including in relation to—
- (a) the nature of the information that may be shared,
  - (b) the measures to be taken by a relevant body to ensure that information shared by it with another relevant body is shared only to the extent necessary and proportionate for the performance by either body of its functions, and
  - (c) the suitable and specific measures to be taken in the processing of personal data (including special categories of personal data and Article 10 data).
- (3) In making regulations under *subsection (2)*, the Minister shall have regard to the need to safeguard the fundamental rights and freedoms of data subjects in the sharing of personal data (including special categories of personal data and Article 10 data) for the purpose of the performance of the functions of relevant bodies under this Act or the EU acts.
- (4) Subject to *subsections (5) and (6)*, where the Minister considers it appropriate, he or she may prescribe a public body as a relevant body for the purposes of this section.
- (5) In prescribing a public body as a relevant body, the Minister shall have regard to the functions of the public body concerned.
- (6) The Minister shall, prior to prescribing a public body as a relevant body under *subsection (4)*, consult with the public body concerned.
- (7) A relevant body who shares information under this section may enter into a data-sharing agreement, which shall include the matters that section 19(1) of the Act of 2019 requires to be specified or included in a data-sharing agreement, subject to the following modifications to the description of those matters in section 19(1) of that Act:
- (a) references to data-sharing shall be construed as references to any disclosure under the agreement;
  - (b) the reference in paragraph (d) to the public body concerned shall be construed as a reference to the relevant body with whom the agreement is entered;
  - (c) the reference in paragraph (f) to a public body shall be construed as a reference to a party to the agreement;
  - (d) the reference in paragraph (q) to such other matters as may be prescribed under

subsection (2) shall be construed as a reference to such other matters as may be prescribed under this section;

(e) the following paragraph shall be construed as having been substituted for paragraph (r):

“(r) include in a schedule to the agreement a statement summarising the grounds on which the relevant bodies consider the disclosure of the information to be necessary and proportionate.”.

(8) Where information is shared under *subsection (1)*, the relevant body with whom it is shared may only use the information for the purpose of the performance by it of its functions and only to the extent necessary and proportionate for that purpose.

(9) This section is without prejudice to any other legal basis for the sharing of documents and information between relevant bodies.

(10) In this section—

“Act of 2019” means the Data Sharing and Governance Act 2019;

“Article 10 data” means personal data referred to in Article 10 of the Data Protection Regulation;

“data-sharing agreement” has the meaning it has in the Act of 2019;

“information” includes personal data (including special categories of personal data and Article 10 data);

“processing” has the meaning it has in the Data Protection Regulation;

“public body” has the meaning it has in the Act of 2019;

“relevant body” means—

(a) the Minister,

(b) the Determining Authority,

(c) the Minister for Children, Disability and Equality,

(d) the Minister for Education and Youth,

(e) the Minister for Foreign Affairs and Trade,

(f) the Minister for Further and Higher Education, Research, Innovation and Science,

(g) the Minister for Health,

(h) the Minister for Housing, Local Government and Heritage,

(i) the Minister for Social Protection,

(j) An Garda Síochána,

(k) the Health Service Executive,

(l) the Revenue Commissioners,

- (m) the Child and Family Agency,
- (n) an international protection guardian, representative organisation (within the meaning of *Chapter 2 of Part 3*), provisional representative person or representative person,
- (o) the Tribunal,
- (p) the Chief Inspector,
- (q) the Legal Aid Board,
- (r) the monitoring body, within the meaning of *Part 4*,
- (s) the High Commissioner,
- (t) a service provider, within the meaning of *Part 4*,
- (u) a person with whom the Minister has entered into a contract for services in accordance with *section 267*, or
- (v) such other public body as the Minister may prescribe as a relevant body under *subsection (4)*;

“special categories of personal data” has the meaning it has in the Act of 2018;

“suitable and specific measures” means measures taken to safeguard the fundamental rights and freedoms of data subjects in processing the personal data of those subjects and may include measures referred to in *section 36(1)* of the Act of 2018.”.

**272.** In page 223, between lines 11 and 12, to insert the following:

**“Report on the implementation of this Act**

- 274.** (1) Within 12 months of the passing of this Act, and every two years thereafter, the Minister shall produce a report on the implementation of this Act regarding its compliance and adherence to the UN Convention on the Rights of the Child
- (2) The report shall analyse the effects of this Act and include details as to whether the treatment of asylum seekers, international protection applicants and other immigrants is compliant with the UN Convention on the Rights of the Child
- (3) The report shall be laid before both Houses of the Oireachtas.”.

—*Senators Laura Harmon, Nessa Cosgrove, Patricia Stephenson, Malcolm Noonan.*

**\*273.** In page 224, between lines 4 and 5, to insert the following:

- “(3) Where a person is detained under *section 20* of the Act of 2015 immediately before the repeal of that section by *section 5*, he or she shall, as soon as practicable—
- (a) be released, or
  - (b) where an immigration officer or a member of An Garda Síochána, having carried out an individual assessment in relation to the applicant, is of the opinion that—
    - (i) one or more of the grounds specified in *section 101* exists,

(ii) the other less coercive alternative measures provided for in *section 102* cannot be applied effectively, and

(iii) detention is necessary,

be brought before a judge of the District Court assigned to the District Court district in which the person is being detained.

(4) Where a person is brought before a judge of the District Court under *subsection (3)*, *subsection (1)* and *subsections (4) to (11)* of *section 107* shall apply as if the person had been brought before the judge under *section 107(3)*.”.

**\*274.** In page 230, between lines 31 and 32, to insert the following:

**“Amendment of Child Care Act 1991**

**285.** Section 32 of the Child Care Act 1991 is amended—

(a) by the designation of the section as subsection (1), and

(b) by the insertion of the following subsection after subsection (1):

“(2) Without prejudice to subsection (1), and subject to *Chapter 3* of *Part 3* of the *International Protection Act 2026*, an applicant within the meaning of that Act shall, following a notification under *section 45(1)*, *(3)* or *(4)* of that Act, be presumed to be a minor for the purposes of this Act.”.

**\*275.** In page 235, between lines 2 and 3, to insert the following:

**“Amendment of Immigration Act 2003**

**290.** Section 8 of the Immigration Act 2003 is amended—

(a) in subsection (1)—

(i) by the substitution of “section 42(9) of the International Protection Act 2015 (in this section referred to as ‘Act of 2015’) and *section 180(9)* of the *International Protection Act 2026* (in this section referred to as ‘Act of 2026’)” for “section 11(4) of the Refugee Act 1996 (‘the Act of 1996’)”, and

(ii) by the substitution of “within the meaning of the Act of 2015 and the *Act of 2026*” for “within the meaning of the Act of 1996”,

and

(b) in subsection (2), by the substitution of “the Act of 2015 and the *Act of 2026*” for “the Act of 1996”.

**\*276.** In page 235, between lines 8 and 9, to insert the following:

“(b) in section 3(8), by the insertion of “or the *International Protection Act 2026*” after “this Act”,.”.

277. In page 235, between lines 8 and 9, to insert the following:

“(b) in section 3(8), by the insertion of the following after “Act”, insert “or any other Act”.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

\*278. In page 240, to delete lines 8 to 15 and substitute the following:

**“Amendment of Schedule 1 to National Vetting Bureau (Children and Vulnerable Persons) Act 2012**

293. Schedule 1 to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 is amended—

(a) in Part 1—

(i) by the substitution of the following for subparagraph (g) of paragraph 1:

“(g) an accommodation centre within the meaning of *Part 4* of the *International Protection Act 2026* or a designated centre within the meaning of *Chapter 2* of *Part 11* of that Act.”,

and

(ii) by the insertion of the following paragraph after paragraph 1:

“1A. Any work or activity carried out in relation to an unaccompanied minor (within the meaning of the *International Protection Act 2026*) by a provisional representative person, a representative person or an international protection guardian, each within the meaning of *section 2(1)* of that Act.”,

and

(b) in Part 2, by inserting the following after paragraph 1(d):

“(e) an accommodation centre within the meaning of *Part 4* of the *International Protection Act 2026* or a designated centre within the meaning of *Chapter 2* of *Part 11* of that Act.”.

\*279. In page 240, between lines 15 and 16, to insert the following:

**“Amendment of Children First Act 2015**

294. The Children First Act 2015 is amended—

(a) in Schedule 1—

(i) by the substitution of the following for subparagraph (g) of paragraph 1:

“(g) an accommodation centre within the meaning of *Part 4* of the *International Protection Act 2026* or a designated centre within the meaning of *Chapter 2* of *Part 11* of that Act, or”,

and

(ii) by the insertion of the following paragraph after paragraph 9:

“10. Any work or activity which is carried out in relation to an unaccompanied minor, within the meaning of the *International Protection Act 2026*, by—

- (a) a provisional representative person or a representative person in accordance with *Chapter 2* of *Part 3* of that Act, or
- (b) an international protection guardian in accordance with *section 191(e)* of that Act.”,

and

(b) in Schedule 2, by—

(i) the substitution of the following subparagraph for subparagraph (c) in paragraph 15:

“(c) manager of an accommodation centre within the meaning of *Part 4* of the *International Protection Act 2026* or a designated centre within the meaning of *Chapter 2* of *Part 11* of that Act;”,

and

(ii) the insertion of the following paragraph after paragraph 18:

“19. Person who assists, represents or acts for an unaccompanied minor, within the meaning of the *International Protection Act 2026*, as a provisional representative person, a representative person or an international protection guardian, each within the meaning of *section 2(1)* of that Act.”.

**\*280.** In page 241, line 2, to delete “Data Protection Act 2018” and substitute “Act of 2018”.