



# **DÁIL ÉIREANN**

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

### **LEASUITHE A RINNE AN SEANAD AMENDMENTS MADE BY THE SEANAD**

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# DÁIL ÉIREANN

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## AN BILLE UM CHOSAINT IDIRNÁISIÚNTA, 2026 [BILLE DÁLA ARNA LEASÚ AG AN SEANAD]

### INTERNATIONAL PROTECTION BILL 2026 [DÁIL BILL AMENDED BY THE SEANAD]

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*Leasuithe a rinne an Seanad  
Amendments made by the Seanad*

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*[The page and line references in this list of amendments  
are to the text of the Bill as passed by Dáil Éireann.]*

#### SECTION 2

1. In page 17, between lines 6 and 7, to insert the following:

“ “Act of 1995” means the Civil Legal Aid Act 1995;”.

2. In page 17, between lines 11 and 12, to insert the following:

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

3. In page 18, line 3, after “2013/32/EU” to insert the following:

“, as amended by Regulation (EU) 2026/463 of the European Parliament and of the Council of 24 February 2026 and Regulation (EU) 2026/464 of the European Parliament and of the Council of 24 February 2026”.

4. In page 20, line 4, after “ “information” ” to insert “, other than in *section 224\**”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 230.]*

5. In page 20, between lines 11 and 12, to insert the following:

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

6. In page 20, to delete lines 14 and 15.

7. In page 20, between lines 15 and 16, to insert the following:

“ “legal counselling” means any guidance, information or assistance given to an applicant on matters relating to the application procedure by a person appointed under section 11B(1) of the Act of 1995 to provide legal counselling and shall include:

- (a) guidance on, and explanation of, the procedure in respect of an application, including information on the rights and obligations of the applicant during that procedure;
- (b) assistance with the lodging of an application;

[SECTION 2]

(c) guidance on:

- (i) the different procedures under which an application may be examined and the reasons for the use of those procedures;
- (ii) the rules related to the admissibility of an application;
- (iii) legal issues arising in the course of the procedure under which the application is examined including information on how to make an appeal (within the meaning of *Part 6* or *section 82*, as the case may be);
- (iv) guidance on and explanation of the criteria and procedure for determining the Member State responsible in accordance with *Part 4* and the Asylum and Migration Management Regulation, including information on rights and obligations during all stages of that procedure;
- (v) guidance on and assistance with providing information that could help determine the Member State responsible in accordance with the criteria set out in Chapter II of Part III of the Asylum and Migration Management Regulation;
- (vi) guidance and assistance on the template referred to in Article 22(1) of the Asylum and Migration Management Regulation;”.

8. In page 20, line 16, to delete “means a practising solicitor or a practising barrister” and substitute “shall be construed in accordance with *section 28\**”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 23.]*

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

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

10. In page 21, line 13, to delete “or”.

11. In page 21, line 16, to delete “declaration;” and substitute “declaration, or”.

12. In page 21, between lines 16 and 17, 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;”.

13. In page 21, line 25, to delete “*section 44(a)*” and substitute “*section 44(1)\**”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 37.]*

14. In page 22, line 17, to delete “*section 44(b)*” and substitute “*section 44(2)\**”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 37.]*

[SECTION 3]

SECTION 3

15. In page 24, line 1, after “18,” to insert “41\*, 87\*\*,”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 29.]*

*[\*\*This is a reference to a section proposed to be inserted by amendment No. 81.]*

SECTION 5

16. In page 25, line 12, after “15,” to insert “20,”.

SECTION 24

17. In page 33, between lines 15 and 16, to insert the following:

**“Obligation to inform applicant**

24. Where an applicant (other than an applicant referred to in *section 22(6)(e)*) refuses or fails to comply with a direction under *section 22(2)* or a requirement made for the purposes of alternative arrangements under *section 23*, a member of An Garda Síochána or an immigration officer shall inform the applicant of—

- (a) the obligations to cooperate referred to in *sections 25* and *63*,
- (b) the grounds for implicit withdrawal of an application under *section 67*, and
- (c) the powers under *Part 5\**.”.

*[Acceptance of this amendment involves the deletion of section 24 of the Bill.]*

*[\*This is a reference to a Part proposed to be inserted by amendment No. 90.]*

SECTION 26

18. In page 35, line 30, to delete “shall inform an applicant” and substitute the following:

“shall inform the applicant concerned, as soon as practicable after the making of an application, and at the latest when the application is registered,”.

19. In page 35, line 34, to delete “*section 38*, and” and substitute “*section 38*,”.

20. In page 35, after line 36, to insert the following:

- “(iii) the right, for the purposes of his or her application, to legal counselling in accordance with *section 27\**,
- (iv) the right, for the purposes of his or her application, to consult a legal representative in accordance with *section 28(1)\*\**, and
- (v) the right to apply for legal advice and legal aid in accordance with the Act of 1995,”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 22.]*

*[\*\*This is a reference to a section proposed to be inserted by amendment No. 23.]*

[SECTION 26]

21. In page 36, line 9, to delete “Data Protection Act 2018” and substitute “Act of 2018”.

SECTION 27

22. In page 36, between lines 26 and 27, to insert the following:

**“Legal counselling**

27. (1) An applicant may request legal counselling at any stage—
- (a) during the procedure in respect of an application and, without prejudice to *subsection (2)*, until the Determining Authority has made a decision on his or her application, and
  - (b) during the procedure to determine the Member State responsible in accordance with *Part 4* and the Asylum and Migration Management Regulation.
- (2) Where an applicant makes a request under *subsection (1)(a)*, legal counselling shall, subject to *subsection (4)*, be provided to him or her as soon as practicable and in accordance with Article 16 of the Asylum Procedures Regulation.
- (3) Where an applicant makes a request under *subsection (1)(b)*, legal counselling shall, subject to *subsection (4)*, be provided to him or her as soon as practicable and in accordance with Article 21 of the Asylum and Migration Management Regulation.
- (4) The provision of legal counselling may be excluded where the applicant is already assisted by a legal representative.
- (5) Where an applicant has been provided with legal counselling in accordance with this section, or where legal counselling has been excluded in accordance with *subsection (4)*, the Minister shall record such provision or exclusion in the applicant’s file.”.

23. In page 36, between lines 26 and 27, to insert the following:

**“Consultation with legal representative**

28. (1) An applicant may consult a legal representative for the purpose of obtaining legal advice—
- (a) in respect of his or her application, at any stage during the procedure in respect of an application,
  - (b) during the procedure to determine the Member State responsible in accordance with *Part 4* and the Asylum and Migration Management Regulation in respect of the application of that procedure, and
  - (c) in respect of an appeal within the meaning of *Part 6* or an appeal under *section 82, 105\* or 157(1)*.
- (2) The functions of a legal representative under this Act shall be performed by a practising solicitor or a practising barrister.
- (3) In this section, “legal advice” shall be construed in accordance with the Legal

[SECTION 27]

Services Regulation Act 2015.”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 99.]*

24. In page 36, line 28, to delete “(7)” and substitute “(7),”.

SECTION 28

25. In page 38, line 24, to delete “The results” and substitute “Subject to *subsection (4)* and *section 31(1)(e)*, the results”.

26. In page 38, to delete lines 31 to 35 and substitute the following:

“(5) Where the Minister considers that the applicant requires special procedural guarantees referred to in *subsection (1)(d)*, the Minister shall make arrangements to provide such guarantees in such form and manner as the Minister considers appropriate.”.

27. In page 38, line 38, to delete “under Article 25 of the Reception Conditions Directive” and substitute “under *section 77\**”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 71.]*

SECTION 31

28. In page 42, line 19, to delete “Data Protection Act 2018” and substitute “Act of 2018”.

SECTION 41

29. In page 49, between lines 33 and 34, to insert the following:

**“Competent authority (*Part 3*) (*Chapter 2*)**

41. The Minister shall by order designate a person to perform the functions of the competent authority under this Chapter.”.

SECTION 42

30. In page 50, line 19, to delete “an applicant” and substitute the following:

“an applicant, in relation to whom neither a provisional representative person nor a representative person has been appointed or designated, as the case may be”.

31. In page 50, to delete lines 22 to 24.

SECTION 43

32. In page 50, lines 28 and 29, to delete “with the necessary skills and expertise”.

33. In page 50, line 32, to delete “that is the subject” and substitute “who is the subject”.

34. In page 50, lines 36 and 37, to delete “with the necessary skills and expertise”.

35. In page 50, line 40, to delete “that is the subject” and substitute “who is the subject”.

36. In page 51, to delete lines 1 to 6 and substitute the following:

“(2) The function of a representative organisation shall be to appoint individuals under *section 44\** to perform the functions set out in *section 47\*\**.”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 37.]*

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

[SECTION 44]

SECTION 44

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

**“Appointment of provisional representative persons and representative persons**

44. (1) Where a representative organisation has been designated under *section 43(1)(a)* in respect of an unaccompanied minor, the representative organisation shall, as soon as possible, appoint an individual to provisionally act as a representative (within the meaning of the EU acts) for the unaccompanied minor (in this Act referred to as a “provisional representative person”) until a representative person has been appointed.

(2) Where a representative organisation has been appointed under *section 43(1)(b)*, the representative organisation shall, as soon as possible, and within the period referred to in *section 43(1)(b)*, appoint an individual to act as a representative (within the meaning of the EU acts) for the unaccompanied minor (in this Act referred to as a “representative person”).”.

*[Acceptance of this amendment involves the deletion of section 44 of the Bill.]*

SECTION 45

38. In page 52, line 6, to delete “*section 44(a)*” and substitute “*section 44(1)*”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 37.]*

39. In page 52, line 9, to delete “*section 44(a)*” and substitute “*section 44(1)*”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 37.]*

40. In page 52, line 11, to delete “*section 44(b)*” and substitute “*section 44(2)*”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 37.]*

41. In page 52, line 13, to delete “*section 44(b)*” and substitute “*section 44(2)*”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 37.]*

SECTION 46

42. In page 52, between lines 29 and 30, to insert the following:

“(b) ensure that the unaccompanied minor’s file is accessible to the provisional representative person or representative person, as the case may be.”.

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

“(4) Any decision, determination, direction, information, notification, report, warning or document (howsoever described) required under this Act or the EU acts to be sent, provided, given or otherwise made available to an unaccompanied minor by any person shall also be sent, provided, given or otherwise made available to the provisional representative person or representative person designated or appointed, as the case may be, in respect of the unaccompanied minor.”.

SECTION 47

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

**“Functions of provisional representative person and representative person**

47. (1) The functions of a provisional representative person or a representative person in respect of an unaccompanied minor in relation to whom he or she is designated or appointed shall be to represent, assist and act on behalf of the unaccompanied minor, as applicable, in order to safeguard the best interests and general well-being of the unaccompanied minor in a manner that enables the unaccompanied minor to benefit from his or her rights and to comply with his or her obligations under this Act or the EU acts.
- (2) Without prejudice to the generality of *subsection (1)*, for the purposes of performing his or her functions under this Act or the EU acts, a provisional representative person or a representative person shall, in respect of an unaccompanied minor in relation to whom he or she is designated or appointed, exercise, as required, and where appropriate together with the unaccompanied minor’s legal representative (if any), the following powers:
- (a) to meet with the unaccompanied minor and take into account the minor’s views regarding his or her needs where those views are relevant to the performance by the provisional representative person or the representative person of his or her functions in relation to that unaccompanied minor;
  - (b) to assist the unaccompanied minor in the provision of information that is relevant to the assessment of his or her best interests by the minor to any person for any purpose under this Act or the EU acts;
  - (c) to provide the unaccompanied minor with information relevant to the procedures provided for in this Act or the EU acts and to assist the unaccompanied minor in understanding the information relevant to the procedures provided for in and under this Act or the EU acts;
  - (d) where applicable, to assist the unaccompanied minor in relation to the provision of biometric and other data under *section 15* including providing the minor with information relevant to the provision of the data;
  - (e) where applicable, to assist the unaccompanied minor in relation to screening procedures carried out in accordance with *Chapter 2 of Part 2*;
  - (f) where applicable, to assist the unaccompanied minor with an age assessment carried out in accordance with *Chapter 3*;
  - (g) where applicable, to assist the unaccompanied minor with the registration and lodgement of an application, or to register and lodge an application on behalf of the unaccompanied minor in accordance with *sections 37 and 38* and to submit elements and documents in accordance with *section 39*;
  - (h) where applicable, to assist with the preparation of, and be present for, the unaccompanied minor’s personal interview and to inform the unaccompanied minor about the purpose and possible consequences of the personal interview and

[SECTION 47]

about how to prepare for that interview;

- (i) where applicable, to assist the unaccompanied minor in relation to any measure applied in relation to the unaccompanied minor, or any related review or appeal, under *Part 5\**;
  - (j) where applicable, to assist the unaccompanied minor in relation to procedures under the Asylum and Migration Management Regulation including preparing, and being present for, an Article 22 interview (within the meaning of *Chapter 2 of Part 4*) and appealing a transfer decision;
  - (k) where applicable, to assist the unaccompanied minor in relation to an appeal (within the meaning of *Part 6*) to the Tribunal, including preparing, and being present, for an oral hearing;
  - (l) where applicable, to support the unaccompanied minor in any engagement with family tracing procedures carried out in accordance with the Asylum Migration Management Regulation or the Reception Conditions Directive.
- (3) A provisional representative person or a representative person appointed in relation to an unaccompanied minor shall—
- (a) be independent in the performance of his or her functions,
  - (b) not have any interests that conflict, or potentially conflict, with the interests of the unaccompanied minor,
  - (c) subject to *section 49*, be appointed in respect of no more than 30 unaccompanied minors at any one time,
  - (d) have the necessary qualifications, training and expertise to perform the functions of a provisional representative person or representative person, as appropriate, and
  - (e) treat any information received in his or her capacity as a representative person or a provisional representative person as confidential and not disclose such information to any person except—
    - (i) for the purpose of the performance of his or her functions under this Act or the EU acts,
    - (ii) when required, by an order of a court of competent jurisdiction, to disclose the information in civil or criminal proceedings, or
    - (iii) where otherwise required to do so in accordance with any enactment.”.

*[Acceptance of this amendment involves the deletion of section 47 of the Bill.]*

*[\*This is a reference to a Part proposed to be inserted by amendment No. 90.]*

SECTION 48

**45.** In page 54, to delete lines 10 to 16 and substitute the following:

- “(a) in relation to a provisional representative person designated or appointed in respect of a relevant person and where the relevant person is an unaccompanied minor, a representative person is appointed for the relevant person,”.

[SECTION 48]

46. In page 54, lines 17 to 19, to delete all words from and including “is” in line 17 down to and including “appointed” in line 19 and substitute “notifies the competent authority that it is satisfied that the relevant person”.

47. In page 54, to delete lines 24 to 31 and substitute the following:

“(c) the Determining Authority notifies the competent authority that the relevant person is a beneficiary of international protection, granted by the State or by a Member State other than the State, and an international protection guardian has been appointed for the relevant person,

(d) the Determining Authority notifies the competent authority that the relevant person has ceased to be an applicant,

(e) the Determining Authority notifies the competent authority that the relevant person has left the State without the consent of the Minister,

(f) the relevant person is a minor and the Determining Authority notifies the competent authority that an accompanying family member has become responsible for him or her such that the Determining Authority is satisfied that the relevant person is no longer unaccompanied.”.

48. In page 54, line 34, to delete “person,” and substitute “person, or”.

49. In page 54, to delete lines 35 to 39 and substitute the following:

“(h) the designation or appointment of the provisional representative person or the appointment of the representative person is terminated by the competent authority in accordance with regulations made under *section 50*—

(i) because the provisional representative person or representative person has not adequately performed his or her functions under this Act or the EU acts,

(ii) on foot of a complaint that is made, and deemed to be well-founded, in accordance with regulations made under *section 50*, or

(iii) because the competent authority is no longer satisfied that the provisional representative person or representative person complies with the requirement set out in *paragraph (a) or (b) of section 47(3)*.”.

50. In page 55, to delete lines 1 to 3.

51. In page 55, between lines 3 and 4, to insert the following:

“(2) The designation or appointment of a representative organisation under *section 43(1) (a) or 43(1)(b)* in respect of a person (in this section referred to as a “relevant person”) shall cease on the earliest of the following occurring—

(a) the individual appointed by the representative organisation under *section 44(1)\* or 44(2)\** has ceased being a provisional representative person or a representative person, as the case may be, for the relevant person concerned arising from one or more of the matters referred to in *paragraph (b), (c)\*\*, (d)\*\*, (e)\*\* or (f)\*\* of subsection (1)*,

(b) the competent authority notifies the representative organisation that the

[SECTION 48]

competent authority is no longer satisfied as to one or more of the matters specified in *paragraph (a), (b), (c), (d), (e) or (f) of section 43(3)*,

- (c) the designation or appointment of a representative organisation is terminated on foot of a complaint that is made, and deemed to be well-founded, in accordance with regulations made under *section 50*, or
  - (d) the competent authority appoints a different representative organisation in accordance with *section 43(1)(b)* in respect of the relevant person concerned.
- (3) Where the designation or appointment of a representative organisation ceases under *paragraph (b), (c) or (d) of subsection (2)*, any appointment by the representative organisation of—
- (a) a provisional representative person under *section 44(1)\**, or
  - (b) a representative person under *section 44(2)\**,
- shall also cease.”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 37.]*

*[\*\*This is a reference to paragraphs proposed to be inserted by amendment No. 47.]*

52. In page 55, line 5, to delete “*paragraph (g), (h) or (i)*” and substitute “*paragraph (g) or (h)\*\**”.

*[\*This is a reference to a paragraph proposed to be inserted by amendment No. 49.]*

53. In page 55, line 7, to delete “under” and substitute “in accordance with”.

54. In page 55, between lines 7 and 8, to insert the following:

“(3) Where the designation or appointment of a representative organisation ceases under *paragraph (b) or (c) of subsection (2)\**, the competent authority shall make an appointment under *section 43(1)(b)* in respect of a relevant person in relation to whom the representative organisation was designated or appointed, and *section 43(1)* shall apply as if the relevant person was the subject of a notification referred to in that section.”.

*[\*This is a reference to a subsection proposed to be inserted by amendment No. 51.]*

55. In page 55, line 8, after “*subsection (1)*” to insert “or (3)\*\*”.

*[\*This is a reference to a subsection proposed to be inserted by amendment No. 54.]*

SECTION 49

56. In page 55, line 39, to delete “*section 43(3)(e)*” and substitute “*sections 43(3)(e) and 47(3)(c)\*\**”.

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

[SECTION 53]

SECTION 53

57. In page 58, line 40, to delete “*section 53*” and substitute “*section 54*”.

SECTION 61

58. In page 64, between lines 13 and 14, to insert the following:

**“Authorisation to enter State**

61. (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 64(a), 64(b)(ii) or 130(3)* applies, or
- (b) whose application is being examined under the asylum border procedure within the meaning of *Chapter 6 of Part 5*, unless *section 118(4) or 125(3)* applies.
- (3) Where, following the giving of an authorisation under *subsection (1)*, the Determining Authority forms the opinion that *section 120* 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.”.

59. In page 64, to delete lines 22 to 27 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.”.

[\*This is a reference to a Part proposed to be inserted by amendment No. 90.]

SECTION 62

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

“(a) an authorisation given under *section 61\**.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 58.]

61. In page 65, line 2, after “remain” to insert “in the State”.

SECTION 67

62. In page 67, line 38, to delete “*section 61(2)(c)(ii)*” and substitute “*section 99\** or *section 109(1)(c)\*\**”.

[\*This is a reference to a section proposed to be inserted by amendment No. 93.]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 103.]

[SECTION 69]

SECTION 69

63. In page 69, between lines 13 and 14, to insert the following:

“PART 4

RECEPTION CONDITIONS

CHAPTER 1

*Definitions and application*

**Definitions (Part 4)**

69. In this Part—

“accommodation centre” means any place in which applicants are collectively housed in accommodation allocated under *section 72\**;

“clothing allowance” means the clothing provided to an applicant by way of supplementary welfare allowance under section 201 of the Social Welfare Consolidation Act 2005;

“daily expenses allowance” means that part of the material reception conditions that constitutes a weekly payment made, under a scheme administered by the Minister for Social Protection, to an applicant in order for the applicant to meet incidental personal expenses;

“family member”, in relation to an applicant, means the following persons who were members of the applicant’s family before the applicant arrived on the territory of the Member States and who are present in the State during the procedure for international protection:

- (a) the spouse or civil partner of the applicant or the applicant’s unmarried partner in a stable relationship;
- (b) the minor children of the couple referred to in *paragraph (a)* or of the applicant;
- (c) the unmarried adult dependent children of the couple referred to in *paragraph (a)* or of the applicant;
- (d) where the applicant is a minor—
  - (i) the applicant’s father or mother or another adult responsible under law for the applicant, including an adult sibling of the minor, and
  - (ii) the minor children of the applicant’s father or mother;

“house rules” means the house rules made under *section 79\*\**;

“material reception conditions” means—

- (a) accommodation, food, personal hygiene products and associated benefits provided in kind,

[SECTION 69]

- (b) a daily expenses allowance, and
- (c) the clothing allowance.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 66.]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 73.]

SECTION 69

64. In page 69, between lines 13 and 14, to insert the following:

**“Application of Part 4\***

70. (1) Subject to *subsections (2) and (3) and subsections (1) and (3) of section 74\*\**, *Chapters 2\*\*\** and *3\*\*\*\** shall apply to a person who is present on the territory of the State and is—

(a) an applicant, provided that the person—

(i) is not the subject of a transfer decision under *Part 4* or, where so subject, has made a request to remain under *section 83* that has yet to be determined or has made such a request and been granted the right to remain in the State under that section, or

(ii) is not the subject of a return decision that is in effect under *Part 9*,

or

(b) where the person is not an applicant under this Act, a person who has made an application under section 15 of the Act of 2015, provided that the person—

(i) has not ceased to be an applicant within the meaning of the Act of 2015,

(ii) has not received a determination under section 21(11) of the Act of 2015, or

(iii) has not been refused consent under section 22(15) of the Act of 2015.

(2) *Section 75\*\*\*\*\** shall not apply to an applicant who has been notified that he or she is the subject of a transfer decision under *section 81*.

(3) *Subsections (1) to (6) of section 76\*\*\*\*\** shall apply to an applicant notwithstanding that the applicant is the subject of a transfer decision under *Part 4*.

(4) *Chapter 3\*\*\*\** shall apply to a person referred to in *subsection (1)* who is required to be present in the State in accordance with Article 17(4) of the Asylum and Migration Management Regulation.

(5) References in this Part to an “applicant” shall be construed in accordance with this section.”.

[\*This is a reference to a Part proposed to be inserted by amendment No. 63.]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 68.]

[\*\*\*This is a reference to a chapter proposed to be inserted by amendment No. 65.]

[\*\*\*\*This is a reference to a chapter proposed to be inserted by amendment No. 75.]

[SECTION 69]

[\*\*\*\*\*This is a reference to a section proposed to be inserted by amendment No. 69.]

[\*\*\*\*\*This is a reference to a section proposed to be inserted by amendment No. 70.]

65. In page 69, between lines 13 and 14, to insert the following:

“CHAPTER 2

*Material reception conditions*

**Provision of material reception conditions**

71. (1) Subject to this Part, an applicant shall be entitled to receive material reception conditions under this Chapter where the applicant does not have sufficient means to have an adequate standard of living without receiving such conditions.
- (2) The Minister shall make material reception conditions (other than the daily expenses allowance and the clothing allowance) available to the applicant at the accommodation allocated to the applicant under *section 72\** provided that the applicant resides in the accommodation.
- (3) The Minister for Social Protection shall make the daily expenses allowance and, where necessary, a clothing allowance available to the applicant provided that the applicant resides in the accommodation allocated to the applicant under *section 72\**.
- (4) The Minister, in consultation with the Minister for Social Protection, shall ensure that the material reception conditions provided to the applicant in accordance with their respective functions under *subsections (2) and (3)* provide an adequate standard of living for the applicant in accordance with Article 19(2) of the Reception Conditions Directive.
- (5) The Minister shall ensure that the requirements of *subsections (2), (3) and (4)* are also met in respect of—
- (a) applicants assessed as having special reception needs under *section 77\*\**, and
  - (b) applicants held in detention under *Part 5\*\*\**.
- (6) Following consultation with the Minister for Social Protection, the Minister may by regulations do one or more than one of the following:
- (a) provide that material reception conditions or specified material reception conditions are to be available to an applicant only where the applicant does not have sufficient financial means to have an adequate standard of living as referred to in *subsection (1)*;
  - (b) require an applicant to cover or contribute to the cost of the material reception conditions which the applicant receives where the applicant has sufficient means to do so;
  - (c) where it transpires that an applicant had sufficient financial means to cover the cost of the material reception conditions received at the time the applicant was provided with such conditions, require the applicant to refund the cost of those conditions to the State;

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- (d) in so far as it is necessary and proportionate for the purposes of this subsection, impose requirements on an applicant to share details of the applicant's financial means with the Minister and the Minister for Social Protection in such form and manner and in such circumstances as may be prescribed;
  - (e) in so far as is necessary and proportionate for the purposes of this subsection, impose requirements on an employer of an applicant, the Minister for Social Protection and the Revenue Commissioners to share with the Minister details of payments received by the applicant in such form and manner and in such circumstances as may be prescribed.
- (7) Regulations under *subsection (6)* shall ensure that—
- (a) the principle of proportionality is respected,
  - (b) the applicant's individual circumstances are taken into account,
  - (c) the need to respect the applicant's dignity or personal integrity is taken into account, and
  - (d) the applicant's special reception needs (if any) are taken into account.
- (8) The Minister or the Minister for Social Protection may provide the material reception conditions, or particular material reception conditions, as a financial allowance or vouchers or a combination of these.
- (9) The Minister, following consultation with the Minister for Social Protection, may make such regulations as the Minister considers necessary in order to—
- (a) arrange for the provision of material reception conditions to applicants, and
  - (b) arrange for the giving of financial allowances or vouchers or a combination of these to applicants instead of any or all of the material reception conditions.
- (10) The entitlement of an applicant to material reception conditions under this Chapter shall not apply to an unaccompanied minor being provided with such conditions by or on behalf of the Child and Family Agency.”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 66.]*

*[\*\*This is a reference to a section proposed to be inserted by amendment No. 71.]*

*[\*\*\*This is a reference to a Part proposed to be inserted by amendment No. 90.]*

66. In page 69, between lines 13 and 14, to insert the following:

**“Allocation of accommodation**

72. (1) The Minister may allocate accommodation within the State to an applicant.
- (2) The Minister may, where the Minister considers it necessary to do so, allocate accommodation to an applicant that is different to the accommodation previously allocated by the Minister to the applicant and shall ensure that the applicant has the opportunity to inform the applicant's legal representative or legal counselling service (if any) of the address of the new accommodation.

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- (3) Other than where an applicant is detained under *Part 5\**, an applicant may choose to reside at the accommodation allocated to the applicant under this section or, subject to *Part 5\**, elsewhere in the State.
- (4) The Minister may by regulations provide for the putting in place of mechanisms for the purpose of verifying whether an applicant is residing at accommodation allocated to the applicant under this section for the purpose of *subsection (2) or (3) of section 71\*\** and such regulations may provide for all or any of the following:
  - (a) mechanisms by which the person in charge of an accommodation centre or an officer of the Minister may verify whether the applicant is residing in the accommodation;
  - (b) mechanisms, including electronic mechanisms, by which the applicant may confirm that he or she is residing in the accommodation, including verification of the applicant's identity by use of an identity card, password, or such personal data (within the meaning of the Data Protection Regulation) as may be prescribed;
  - (c) the processing (within the meaning of the Data Protection Regulation) of personal data for the purposes of verifying the identity of the applicant;
  - (d) suitable and specific measures to be taken to safeguard the fundamental rights and freedoms of data subjects in processing the data (which may include, in particular, the measures referred to in section 36(1) of the Act of 2018).
- (5) The Minister shall have regard to the following matters when allocating accommodation to an applicant:
  - (a) where family members of the applicant are applicants and are present in the State, the maintenance, with the agreement of the applicant and the family member concerned, of family unity;
  - (b) gender and age-specific concerns;
  - (c) the special reception needs of the applicant (if any);
  - (d) where relevant, the efficient consideration of the applicant's application;
  - (e) the need to ensure, in so far as possible, the prevention of assault and violence including violence committed with a sexual, gender, racist or religious motive.
- (6) In allocating accommodation to a minor, the Minister shall ensure that the minor is accommodated with the minor's parents or with the adult responsible under law for the minor and the minor's unmarried minor siblings, provided it is in the best interests of the minor.
- (7) The Minister may, exceptionally and subject to *subsection (8)*, provide material reception conditions to an applicant that are different to those provided for in this section where—
  - (a) an assessment of an applicant's needs is required to be carried out under *section 77\*\*\**, or
  - (b) the accommodation otherwise normally available for allocation to an applicant is

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temporarily exhausted and the contingency plan for the time being in place under *section 222* is activated.

- (8) The provision of material reception conditions in accordance with *subsection (7)* shall—
- (a) be for as short a period as possible,
  - (b) ensure the applicant has access to health care in accordance with *section 76\*\*\*\**, and
  - (c) be in accordance with Article 20(10) of the Reception Conditions Directive.
- (9) Where an applicant is availing of material reception conditions in an accommodation centre—
- (a) the applicant shall be afforded sufficient facilities within the accommodation centre to ensure that the applicant can communicate with the applicant’s relatives or legal representatives, persons providing legal counselling, representatives of the High Commissioner and other relevant national, international and non-governmental organisations or bodies, and
  - (b) subject to *subsection (10)*, family members and legal representatives of the applicant, persons providing legal counselling, representatives of the High Commissioner and other relevant non-governmental organisations shall have access to the accommodation centre in order to assist the applicant.
- (10) The right of access referred to in *subsection (9)(b)* may be limited only on grounds relating to the security of the accommodation centre and of applicants.
- (11) Where accommodation is allocated to an applicant, the Minister shall, without delay, inform the applicant in writing, in a language that the applicant understands or may reasonably be supposed to understand, of—
- (a) the applicant’s obligations under the house rules of the accommodation, and the consequences of non-compliance with the house rules, and
  - (b) the contact details of the office of the Legal Aid Board and the Health Service Executive that services the area in which the accommodation is located.”.

[\*This is a reference to a Part proposed to be inserted by amendment No. 90.]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 65.]

[\*\*\*This is a reference to a section proposed to be inserted by amendment No. 71.]

[\*\*\*\*This is a reference to a section proposed to be inserted by amendment No. 70.]

67. In page 69, between lines 13 and 14, to insert the following:

**“Reception needs of minors**

73. (1) This section shall apply to an applicant who is a minor.

- (2) In the application of this Part to minors referred to in *subsection (1)*, the best interests of the child shall be a primary consideration.

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- (3) In assessing the best interests of a child, due account shall be taken of the following:
  - (a) family reunification possibilities;
  - (b) the minor's well-being and social development, taking into account the minor's background and the need for stability and continuity in care;
  - (c) safety and security considerations, in particular where there is a risk of the minor being a victim of any form of violence or exploitation, including trafficking in human beings;
  - (d) the views of the minor in accordance with the minor's age and maturity.
- (4) The Minister shall ensure that minors referred to in *subsection (1)*, where residing in accommodation in an accommodation centre allocated under this Chapter, have access to—
  - (a) leisure activities, including play and recreational activities appropriate to their age, and
  - (b) open-air activities within the accommodation centre.
- (5) The Minister, Minister for Children, Disability and Equality, the Minister for Health and the Health Service Executive shall, in accordance with the respective functions of each and having regard to any special reception needs of a minor referred to in *subsection (1)*, ensure access to rehabilitation services for such a minor who has been a victim of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who has suffered from armed conflict and shall ensure that appropriate mental health care and counselling is provided to the minor where required.
- (6) Persons working with minors referred to in *subsection (1)* shall—
  - (a) have, and continue to receive, appropriate training concerning the rights and needs of minors, including those relating to any applicable child safeguarding standards, and
  - (b) treat any information received in working with such minors as confidential and not disclose it to any person other than—
    - (i) for the purpose of the performance of functions under this Act or the EU acts,
    - (ii) when required, by order of a court of competent jurisdiction, to disclose the information in civil or criminal proceedings, or
    - (iii) where otherwise required to do so in accordance with any enactment.”.

68. In page 69, between lines 13 and 14, to insert the following:

**“Schooling and education for minors**

74. (1) Notwithstanding *subparagraphs (i) and (ii) of paragraph (a) and subparagraphs (i) to (iii) of paragraph (b) of section 70(1)\** and subject to *subsection (3)*, this section shall apply to a minor who is present on the territory of the State who is an applicant.

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- (2) Subject to *subsection (6)*, a minor referred to in *subsection (1)* shall be given access to primary and post-primary education, support services and school materials in the like manner and to the like extent in all respects as an Irish citizen.
- (3) Access given in accordance with *subsection (2)* or *(6)* shall not be withdrawn from a minor referred to in *subsection (1)* solely because the minor ceases to be—
  - (a) an applicant, or
  - (b) a minor.
- (4) Access referred to in *subsection (2)* shall be given, taking into account school holidays—
  - (a) in the case of an applicant within the meaning of the Act of 2015, within two months of the application concerned being received by the Minister under section 15 of the Act of 2015, and
  - (b) in any other case, within two months of the lodging of the application concerned in accordance with *section 38*.
- (5) The Minister for Education and Youth shall ensure that a minor referred to in *subsection (1)* is provided with such support services and language supports as are necessary to facilitate the minor’s access to, and participation in, education referred to in this section.
- (6) Where access to the general education system is not possible due to the specific situation of a minor referred to in *subsection (1)*, the Minister for Education and Youth may make alternative arrangements for the education of that minor provided that such alternative arrangements—
  - (a) ensure that the standard and quality of education provided is equivalent to that provided to a person who has not attained the age of 18 years and is an Irish citizen, and
  - (b) ensure that the minor accessing education under alternative arrangements is provided with such support services and language supports as are necessary to facilitate access to, and participation in, the education provided under those arrangements.
- (7) In this section, “support services” means support services within the meaning of the Education Act 1998.”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 64.]*

**69.** In page 69, between lines 13 and 14, to insert the following:

**“Language courses and vocational training**

- 75.** (1) The Minister and the Minister for Further and Higher Education, Research, Innovation and Science shall make arrangements to ensure that applicants have access to courses that each Minister, in accordance with the respective functions of each, considers appropriate in order to help enhance applicants’ ability to—

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- (a) act autonomously,
  - (b) interact with competent authorities, or
  - (c) find employment.
- (2) Without prejudice to the generality of *subsection (1)*, the courses referred to in that subsection may include language courses, civic education courses and vocational training courses.
- (3) Where an applicant is considered to have sufficient means, the Minister or the Minister for Further and Higher Education, Research, Innovation and Science, as the case may be, may require the applicant to cover or contribute to the cost of a course to which the applicant has access under arrangements referred to in *subsection (1)*.”.

70. In page 69, between lines 13 and 14, to insert the following:

**“Health care**

76. (1) The Minister for Health shall ensure that an applicant has access to such health care as is necessary, including—
- (a) emergency health care,
  - (b) such health care as is necessary for the essential treatment of illnesses, including of serious mental disorders,
  - (c) sexual and reproductive health care which is essential to address a serious physical condition, and
  - (d) such other health care as is necessary to protect the applicant’s physical and mental health.
- (2) The Minister for Health shall ensure that an applicant who is a minor has access to health care in the like manner and to the like extent in all respects as a person who has not attained the age of 18 years and is an Irish citizen.
- (3) Where an applicant who is a minor starts specific treatment in accordance with this section before attaining the age of 18 years and the treatment is considered to be necessary, such treatment shall be continued without interruption or delay after the applicant reaches the age of 18 years for so long as is necessary and for so long as the applicant remains on the territory of the State.
- (4) Where an applicant has been assessed as having special reception needs under *Part 2* or *section 77\**, the Minister for Health shall ensure, having regard to those needs, that the applicant has access to—
- (a) such mental health care as is appropriate, and
  - (b) where needed for medical reasons, such medical or other assistance as is appropriate and such rehabilitation or assistive device as is necessary.
- (5) The Minister for Health shall ensure that the health care received in accordance with this section is in accordance with Article 19(2) of the Reception Conditions Directive.

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- (6) The Minister and the Minister for Health shall ensure that the requirements of *subsection (5)* are also met in respect of—
  - (a) applicants assessed as having special reception needs under *Part 2* or *section 77\**, and
  - (b) applicants held in detention under this Act.
- (7) Subject to *subsection (8)*, following consultation with the Minister, the Minister for Health may by regulations do one or more than one of the following:
  - (a) require an applicant to cover or contribute to the cost of the health care where the applicant has sufficient means to do so;
  - (b) where it transpires that an applicant had sufficient means to cover the cost of health care received in accordance with this section at the time the applicant was provided with that healthcare, require that the applicant refund the cost of the health care to the State;
  - (c) in so far as is necessary and proportionate for the purposes of this subsection, impose requirements on an applicant to share details of the applicant's financial means with the Minister and the Minister for Health in such form and manner and in such circumstances as may be prescribed;
  - (d) in so far as is necessary and proportionate for the purposes of this subsection, impose requirements on an employer of an applicant, the Minister for Social Protection or the Revenue Commissioners to share details of payments an applicant received while an applicant with the Minister and the Minister for Health in such form and manner and in such circumstances as may be prescribed.
- (8) The Minister may only require an applicant to cover or contribute to the cost of the health care received under this section where the health care provided is not provided free of charge to Irish citizens.
- (9) Regulations under *subsection (7)* shall ensure that any measures requiring an applicant to fund or refund the cost of health care to the State—
  - (a) respect the principle of proportionality,
  - (b) take into account the individual circumstances of the applicant,
  - (c) take into account the need to respect the applicant's dignity or personal integrity, and
  - (d) take into account the applicant's special reception needs.
- (10) An applicant who has been notified of a decision to transfer him or her to another Member State in accordance with *Part 4* shall not be entitled to avail of the entitlements under, or be subject to the requirements of, *subsection (7), (8) or (9)*.
- (11) Persons providing necessary medical and psychological treatment and care to applicants who have been subjected to trafficking in human beings, torture, rape or other serious acts of psychological, physical or sexual violence shall—
  - (a) have, and continue to receive, appropriate training concerning the needs of such

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applicants and appropriate treatments for such applicants, and

- (b) treat any information received in working with such applicants as confidential and not disclose it to any person other than—
  - (i) for the purpose of the performance of functions under this Act or the EU acts,
  - (ii) when required, by order of a court of competent jurisdiction, to disclose the information in civil or criminal proceedings, or
  - (iii) where otherwise required to do so in accordance with any enactment.”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 71.]*

71. In page 69, between lines 13 and 14, to insert the following:

**“Assessment of special reception needs**

77. (1) The Minister shall, as soon as practicable, and not later than 30 working days, after an application is made or deemed to have been made under *Part 3* or an indication is given under paragraph (a), (b) or (c) of section 13(1) of the Act of 2015, individually assess—
- (a) whether the applicant has special reception needs, and
  - (b) if so, the nature of those special reception needs.
- (2) Where necessary for the purposes of ensuring appropriate communication during the assessment under *subsection (1)*, the applicant shall be provided with the services of an interpreter.
- (3) The assessment under *subsection (1)* may be integrated with the assessment referred to in Article 20 of the Asylum Procedures Regulation.
- (4) Where *subsection (3)* applies, the assessment under *subsection (1)* must be continued after the application is lodged under *section 38*, taking into account any information in the applicant’s file.
- (5) Notwithstanding the period referred to in *subsection (1)*, where the Minister considers it necessary to do so, the Minister may at any stage after the expiry of that period, individually assess—
- (a) whether an applicant has special reception needs, and
  - (b) if so, the nature of the applicant’s special reception needs.
- (6) The Minister for Health and the Health Service Executive shall provide the Minister with such assistance as is necessary for the performance by the Minister of the Minister’s functions under this section.
- (7) The Minister shall ensure that a person carrying out an assessment under this section—

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- (a) is trained to detect signs that an applicant has special reception needs,
  - (b) is trained to identify measures to address those special reception needs when identified, and
  - (c) attends training where necessary in order to ensure that the person remains sufficiently qualified to detect and identify measures to address the special reception needs of an applicant.
- (8) An assessment under *subsection (1)* shall be initiated by identifying special reception needs based on one or more than one of the following indicators:
- (a) visible signs from the applicant that the applicant may have special reception needs;
  - (b) the applicant's statements;
  - (c) the applicant's behaviour;
  - (d) where the applicant is a minor:
    - (i) where applicable, statements from the minor's parents or the adult taking responsibility for the minor;
    - (ii) where designated or appointed, as the case may be, statements from the representative person or the provisional representative person of the minor;
    - (iii) the statements and views of the minor in accordance with the minor's age or maturity.
- (9) When assessing under this section whether an applicant may have special reception needs, the assessment shall take into consideration that the following categories of applicants are more likely to have special reception needs:
- (a) minors;
  - (b) unaccompanied minors;
  - (c) persons with disabilities;
  - (d) elderly persons;
  - (e) pregnant women;
  - (f) lesbian, gay, bisexual, transgender and intersex persons;
  - (g) single parents with minor children;
  - (h) victims of trafficking in human beings;
  - (i) persons with serious illnesses;
  - (j) persons with mental disorders, including post-traumatic stress disorder;
  - (k) persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, victims of gender-based violence, of female genital mutilation, of child or forced marriage, or of violence committed with a sexual, gender, racist or religious motive.

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- (10) Where the applicant has been assessed as having special reception needs, the following information shall be included in the applicant's file:
  - (a) the nature of the applicant's special reception needs;
  - (b) a description of the visible signs or the applicant's statements or behaviour relevant for the assessment of the applicant's special reception needs;
  - (c) measures that have been identified to address those needs;
  - (d) the authorities responsible for addressing those needs.
- (11) Where there are indications that the mental or physical health of the applicant could affect the applicant's reception needs, the person assessing the special reception needs of the applicant under this section shall, subject to the prior consent of the applicant, refer the applicant to an appropriate registered medical practitioner or psychologist (within the meaning of the Health and Social Care Professionals Act 2005) for further assessment.
- (12) The Minister shall take into account the result of the assessment under this section when deciding on the type of special reception support which may be provided to the applicant and shall make arrangements for the provision of such support.
- (13) Where necessary for the purposes of ensuring appropriate communications with the registered medical practitioner or psychologist following a referral in accordance with *subsection (11)*, the applicant shall be provided with the services of an interpreter to ensure that the applicant can communicate with the registered medical practitioner, psychologist or other medical staff.
- (14) Where the lack of an interpreter would risk delaying treatment by a registered medical practitioner or psychologist, an oral translation may, subject to the applicant's consent, be provided by other persons who have attained the age of 18 years.”.

72. In page 69, between lines 13 and 14, to insert the following:

**“Provision of information to applicants**

78. (1) Without prejudice to *section 26*, the Minister shall, within 3 days from the date on which the application concerned is made or deemed to have been made under *Part 3* or an indication is made under paragraph (a), (b) or (c) of section 13(1) of the Act of 2015, inform the applicant of—
- (a) the material reception conditions to which the applicant is entitled,
  - (b) the rights and obligations of the applicant under this Part,
  - (c) the contact details of any organisations or groups of persons that, in the opinion of the Minister, may be able to help or inform an applicant in relation to the material reception conditions and health care to which the applicant is entitled, and
  - (d) the contact details of any organisations or groups of persons that provide specific legal assistance and representation, including free of charge, or of any

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organisations or groups of people that, in the opinion of the Minister, may be able to help or inform an applicant in relation to the legal assistance or legal representation to which the applicant is entitled.

- (2) Subject to *subsections (4) and (5)*, the information provided under *subsection (1)* shall—
  - (a) be in writing and in a concise, transparent, intelligible and easily accessible form, using clear and plain language,
  - (b) be in a language that the applicant understands or is reasonably supposed to understand, and
  - (c) be based on the template developed for that purpose by the Asylum Agency (if any).
- (3) Where the Minister considers it necessary, the information referred to in *subsection (1)* shall be adapted to the applicant's needs and shall also be provided orally or, where appropriate, in a visual form, including in the form of a video or pictogram.
- (4) Where the applicant is an unaccompanied minor, the information provided under *subsection (1)* shall be provided by the Child and Family Agency—
  - (a) in an age-appropriate manner,
  - (b) in a manner that ensures that the unaccompanied minor understands it,
  - (c) using material specifically adapted to minors where appropriate, and
  - (d) in the presence of the minor's representative person or provisional representative person.
- (5) In exceptional cases, the information required to be provided under this section shall be provided to the applicant by means of an oral translation or, where appropriate in a visual form, including by means of videos or pictograms where—
  - (a) the information cannot be provided in writing within the period referred to in *subsection (1)* because the language that an applicant understands or is reasonably supposed to understand is a rare language, and
  - (b) the applicant subsequently confirms that the applicant understands the information provided.
- (6) Where the circumstances in *subsection (5)* apply, the Minister shall provide the applicant with the information in writing in the language concerned as soon as practicable thereafter, other than where it is clear, in the opinion of the Minister, that the provision of such information is no longer necessary.”.

73. In page 69, between lines 13 and 14, to insert the following:

**“House rules**

79. (1) The Minister may make rules in relation to accommodation allocated for the housing of applicants under *section 72\** (in this Part referred to as “house rules”) to be complied with by applicants allocated the accommodation and visitors to the

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accommodation.

- (2) Without prejudice to the generality of *subsection (1)*, house rules may relate to—
  - (a) the conduct of residents,
  - (b) arrangements to facilitate the communication referred to in *section 72(9)(a)\** and access referred to in *section 72(9)(b)\**, including any limitations related to security of the accommodation and of applicants,
  - (c) the operation of an accommodation centre,
  - (d) the provision of a safe place in an accommodation centre for female residents and the minor children of female residents, and
  - (e) the provision of separate sanitary facilities for male and female residents of an accommodation centre.
- (3) The Minister shall have regard to the following objectives in making house rules:
  - (a) the need to ensure the quiet and peaceful enjoyment by persons of the facilities available in the accommodation;
  - (b) ensuring the security of the accommodation;
  - (c) the prohibition on violence and aggression by a person towards an applicant availing of accommodation in an accommodation centre, a member of staff of an accommodation centre or any other person attending an accommodation centre.
- (4) The Minister shall cause house rules to be—
  - (a) made available on a website maintained by or on behalf of the Minister or the Government, and
  - (b) provided to a resident as soon as possible and no later than 3 days after the allocation of the accommodation to the resident.”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 66.]*

74. In page 69, between lines 13 and 14, to insert the following:

**“Travel documents for applicants**

80. (1) The Minister may, following an application by an applicant, issue a travel document to the applicant where there are serious humanitarian reasons or other imperative reasons that require the applicant’s presence in another state.
- (2) A travel document issued under *subsection (1)* shall be limited to the purpose and duration necessary for the reason for which it is issued.”.

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75. In page 69, between lines 13 and 14, to insert the following:

“CHAPTER 3

*Reduction or withdrawal of material reception conditions*

**Definitions**

81. In this Chapter—

“material reception benefits” means accommodation, food, personal hygiene products and associated benefits in kind, and

“*section 82\** decision” means a decision under *subsection (1) or (2) of section 82\**.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 76.]

76. In page 69, between lines 13 and 14, to insert the following:

**“Reduction or withdrawal of material reception conditions**

82. (1) Where duly justified and proportionate, the Minister may—

- (a) where one or more of the circumstances specified in *subsection (3)* exists, reduce an applicant’s material reception benefits, or
  - (b) where one or more of the circumstances specified in *paragraph (f) or (g) of subsection (3)* exists, withdraw the applicant’s material reception benefits.
- (2) The Minister for Social Protection may, where one or more of the circumstances specified in *subsection (3)* exists, reduce or withdraw an applicant’s daily expenses allowance.
- (3) The circumstances referred to in *subsections (1) and (2)* are the following:
- (a) the applicant abandons the specified place at which he or she was required to reside in accordance with *section 98\** without permission under *section 106\*\**;
  - (b) the applicant absconds;
  - (c) the applicant does not cooperate with the Minister, the Determining Authority, the Tribunal or An Garda Síochána or does not comply with a procedural requirement established by this Act or EU acts;
  - (d) the applicant has lodged a subsequent application;
  - (e) the applicant has concealed financial resources, and has therefore unduly benefited from material reception conditions;
  - (f) the applicant has seriously or repeatedly breached the house rules made under *section 79\*\*\** of the accommodation allocated to the applicant;
  - (g) the applicant has behaved in a violent or threatening manner in the accommodation allocated to the applicant.
- (4) The procedural requirements referred to in *subsection (3)(c)* include the following:

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- (a) a requirement to provide biometric data under *section 15*;
  - (b) an obligation to travel to a screening centre under *section 22*;
  - (c) a requirement to reside in a specified place under *section 98\**;
  - (d) a requirement to report to competent authorities under *section 99\*\*\*\**;
  - (e) a requirement under *section 109\*\*\*\*\**;
  - (f) a requirement related to the applicant's detention under *section 114\*\*\*\*\**.
- (5) The Minister shall ensure that an applicant's material reception conditions are not reduced or withdrawn other than pursuant to this section or otherwise under this Act.
- (6) The Minister for Social Protection shall ensure that an applicant's daily expenses allowance is not reduced or withdrawn other than in accordance with this section or another enactment.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 92.]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 100.]

[\*\*\*This is a reference to a section proposed to be inserted by amendment No. 73.]

[\*\*\*\*This is a reference to a section proposed to be inserted by amendment No. 93.]

[\*\*\*\*\*This is a reference to a section proposed to be inserted by amendment No. 103.]

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

77. In page 69, between lines 13 and 14, to insert the following:

**“Making a decision under *section 82\****

**83.** (1) Where a Minister makes a *section 82\** decision, he or she shall—

- (a) take the decision objectively and impartially on the merits of the individual case,
  - (b) have regard to the individual circumstances of the applicant, especially with regards to whether the applicant has been assessed as having special reception needs under *section 77\*\**,
  - (c) have regard to the principle of proportionality,
  - (d) make the decision in writing and include in the decision the reasons on which it is based, and
  - (e) ensure the applicant retains access to—
    - (i) health care in accordance with *section 76\*\*\**, and
    - (ii) a standard of living in accordance with Union law, including the Charter, and international obligations for all applicants.
- (2) A Minister who makes a *section 82\** decision in respect of an applicant shall inform the applicant of the decision by notice in writing.
- (3) A notice under *subsection (2)* shall state the reasons for the *section 82\** decision the subject of the notice.”.

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[\*This is a reference to a section proposed to be inserted by amendment No. 76.]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 71.]

[\*\*\*This is a reference to a section proposed to be inserted by amendment No. 70.]

78. In page 69, between lines 13 and 14, to insert the following:

**“Section 82\* decision based on applicant’s conduct**

84. (1) Where a Minister makes a *section 82\** decision based on the applicant’s conduct referred to in *paragraph (a), (b) or (c) of section 82(3)\**, and the deciding Minister is subsequently satisfied that the conduct has ceased, the deciding Minister shall consider whether any material reception conditions reduced or withdrawn by the decision should be reinstated.
- (2) Where, following consideration referred to in *subsection (1)*, some but not all material reception conditions are reinstated under this section, the deciding Minister concerned shall take a new *section 82\** decision and notify it to the applicant concerned accordingly.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 76.]

79. In page 69, between lines 13 and 14, to insert the following:

**“Appeal of *section 82\** decision**

85. (1) The Minister shall by regulations provide for the procedure by which a *section 82\** decision that reduces or withdraws an applicant’s material reception benefits may be appealed.
- (2) The Minister for Social Protection shall by regulations provide for the procedure by which a *section 82\** decision that reduces or withdraws an applicant’s daily expenses allowance may be appealed.
- (3) An appeal under regulations under this section shall include a review of the reasons for the *section 82\** decision.
- (4) Where an appeal under regulations under this section is to a judicial authority, the Minister who makes the regulations shall ensure that free legal assistance and representation—
- (a) is made available as necessary to ensure effective access to justice, and
  - (b) is provided by legal representatives whose interests do not conflict, or could not potentially conflict, with those of the applicant.
- (5) Legal assistance and representation referred to in *subsection (4)* shall consist of the preparation of the appeal or request for review, including, at least, the preparation of the required procedural documents, and participation in the hearing before the judicial authorities on behalf of the applicant.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 76.]

[SECTION 69]

80. In page 69, between lines 13 and 14, to insert the following:

“CHAPTER 4

*Monitoring of reception conditions*

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

86. In this Chapter—

“authorised person” means a person appointed to be an authorised person under *section 90\*\**;

“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 69\*\*\**;

“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 88(1)\*\*\*\**;

“monitoring body” means the body for the time being designated to be the monitoring body under *section 87\*\*\*\*\**;

“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 Part proposed to be inserted by amendment No. 63.]

\*\*This is a reference to a section proposed to be inserted by amendment No. 84.]

\*\*\*This is a reference to a section proposed to be inserted by amendment No. 63.]

\*\*\*\*This is a reference to a section proposed to be inserted by amendment No. 82.]

\*\*\*\*\*This is a reference to a section proposed to be inserted by amendment No. 81.]

81. In page 69, between lines 13 and 14, to insert the following:

**“Monitoring body**

87. (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

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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).”.

82. In page 69, between lines 13 and 14, to insert the following:

**“National Standards and monitoring of accommodation**

88. (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 93\**, 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. 87.]

83. In page 69, between lines 13 and 14, to insert the following:

**“Provision of information to monitoring body**

89. 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.”.

84. In page 69, between lines 13 and 14, to insert the following:

**“Authorised persons**

90. (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.”.

85. In page 69, between lines 13 and 14, to insert the following:

**“Inspection of accommodation centres**

91. (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

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- (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

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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 92(1)(d)\**).
- (10) In this section and *section 92\**, “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. 86.]

86. In page 69, between lines 13 and 14, to insert the following:

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

92. (1) A person who—
- (a) refuses to allow an authorised person, in the performance of his or her functions under *section 91\**—
    - (i) to enter, in accordance with that section or in accordance with a warrant issued pursuant to *section 91\**, 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 91\**, 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 91\**, an accommodation centre or any part of it including a dwelling,

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- (c) obstructs or impedes—
  - (i) an authorised person in the performance of his or her functions under *section 91\**, or
  - (ii) a member of An Garda Síochána, or any person who accompanies an authorised person, in accordance with a warrant issued under *section 91\**, or
- (d) gives to an authorised person, in the performance of his or her functions under *section 91\**, 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. 85.]

87. In page 69, between lines 13 and 14, to insert the following:

**“Inspection reports**

93. (1) An authorised person who conducts an inspection of an accommodation centre under

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*section 91\** 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. 85.]

88. In page 69, between lines 13 and 14, to insert the following:

**“Statutory notifications to monitoring body**

94. 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 72\**, 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.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 66.]

89. In page 69, between lines 13 and 14, to insert the following:

**“Notification of serious incidents**

95. (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.

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- (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.”.

90. In page 69, between lines 13 and 14, to insert the following:

“PART 5

RESTRICTION OF FREEDOM OF MOVEMENT AND DETENTION

CHAPTER 1

*Preliminary and general*

**Application of *Part 5***

96. (1) This Part applies to a person who is present on the territory of the State and is—

- (a) an applicant, provided that the person—
  - (i) is not the subject of a transfer decision under *Part 4* or, where so subject, has made a request to remain under *section 83* that has yet to be determined or has made such a request and been granted the right to remain in the State under that section, or
  - (ii) is not the subject of a return decision that is in effect under *Part 9*,or
- (b) where the person is not an applicant under this Act, a person who has made an application under section 15 of the Act of 2015, provided that the person—

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- (i) has not ceased to be an applicant within the meaning of the Act of 2015,
  - (ii) has not received a notification under section 21(11) of the Act of 2015, or
  - (iii) has not been refused consent under section 22(15) of the Act of 2015.
- (2) References in this Part to an “applicant” shall be construed in accordance with this section.”.

91. In page 69, between lines 13 and 14, to insert the following:

**“Particular reasons to believe that person might abscond**

97. (1) Without prejudice to the consideration of any other matter, where any of the following circumstances exists in the case of an individual applicant, it may be regarded as reason to believe that that person might abscond:

- (a) the person, during the processing of his or her application—
  - (i) provided to an immigration officer, an officer of the Minister or a member of An Garda Síochána, information that he or she knew, or could reasonably be expected to know, was false,
  - (ii) misrepresented information to an immigration officer, an officer of the Minister or a member of An Garda Síochána or presented information to such a person in a way that was misleading, or
  - (iii) when requested to provide information relevant to the examination of his or her application that was in his or her knowledge, withheld or concealed such information,  
whether or not by the use of false documents;
- (b) the person while in the State, destroyed or disposed of an identity document or travel document with the intention of preventing his or her identity or nationality being determined;
- (c) the person failed, without reasonable excuse, to cooperate with competent authorities or, as the case may be, comply with procedural requirements, under this Act or the EU acts;
- (d) the person explicitly expressed an intention not to cooperate with competent authorities or, as the case may be, comply with procedural requirements, under this Act or the EU acts;
- (e) the person has previously failed to comply with the law of the State, or of another state, relating to the entry, or presence, of foreign nationals into, or in, the State or, as the case may be, that other state;
- (f) the applicant is in the State and is required to be present in another Member State in accordance with Article 17(4) of the Asylum and Migration Management Regulation;
- (g) the applicant is required to be present in the State in accordance with Article 17(4) of the Asylum and Migration Management Regulation and has been

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transferred to the State after having absconded to another Member State;

- (h) the person's application has been rejected as inadmissible or manifestly unfounded.
- (2) Without prejudice to the generality of *paragraph (c)* of *subsection (1)*, procedural requirements referred to in that paragraph include—
- (a) a requirement under *section 15* to provide biometric data,
  - (b) a requirement under *section 22* to travel to a screening centre,
  - (c) an obligation under *section 25* to provide information,
  - (d) the requirement to lodge the application in accordance with *section 38* and Article 28 of the Asylum Procedures Regulation,
  - (e) a requirement to attend a personal interview,
  - (f) a requirement to reside in a specified place under *section 98\**, and
  - (g) a requirement to report to competent authorities under *section 99\*\**.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 92.]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 93.]

92. In page 69, between lines 13 and 14, to insert the following:

“CHAPTER 2

*Restrictions of freedom of movement*

**Requirement that applicant reside in specific place**

98. (1) An immigration officer, an officer of the Minister or a member of An Garda Síochána may, where necessary, require an applicant to reside in a specified place adapted for housing applicants—
- (a) for reasons of public order, or
  - (b) where there is a risk of absconding, to effectively prevent the applicant from absconding, in particular where an applicant is an applicant who—
    - (i) is required to be present in another Member State in accordance with Article 17(4) of the Asylum and Migration Management Regulation, or
    - (ii) is required to be present in the State in accordance with Article 17(4) of the Asylum and Migration Management Regulation and who has been transferred to the State after having absconded to another Member State.
- (2) Where a requirement is made of an applicant under *subsection (1)*, the provision of material reception conditions shall be subject to the actual residence by the applicant in the specified place.
- (3) The Minister may prescribe ways in which an applicant the subject of a requirement

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under *subsection (1)* or *section 109(1)(b)\** may record or evidence his or her presence or residence at the specified place.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 103.]

93. In page 69, between lines 13 and 14, to insert the following:

**“Requirement that applicant report to competent authorities**

99. (1) An immigration officer, an officer of the Minister or a member of An Garda Síochána may, where necessary and without disproportionately affecting his or her rights, require an applicant to report to an immigration officer or a member of An Garda Síochána at a specified time or at reasonable, specified intervals.
- (2) An immigration officer, an officer of the Minister or a member of An Garda Síochána may make a requirement referred to in *subsection (1)*—
- (a) to ensure that a requirement under *section 98\** is respected, or
- (b) to effectively prevent an applicant from absconding.
- (3) The Minister may by regulations provide for procedures by which an applicant may report in accordance with a requirement under *subsection (1)* or *section 109(1)(c)\*\**.
- (4) Without prejudice to the generality of *subsection (3)*, regulations under that subsection may, in particular, provide for—
- (a) reporting by use of electronic means from a specified location other than in the presence of the relevant immigration officer or member of An Garda Síochána,
- (b) verification by a person the subject of a requirement under *subsection (1)* of his or her identity by use of an identity card, a password or prescribed personal data, and
- (c) the sharing, storage, processing and use of personal data for the purposes of verifying the identity of a person who reports from a specified location other than in the presence of the relevant immigration officer or member of An Garda Síochána.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 92.]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 103.]

94. In page 69, between lines 13 and 14, to insert the following:

**“Matters to be taken into account**

100. A decision to make a requirement under *section 98\** or *99\*\** shall be proportionate and take into account relevant aspects of the individual situation of the applicant, including any special reception needs of that applicant that have been identified.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 92.]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 93.]

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95. In page 69, between lines 13 and 14, to insert the following:

**“Form and content of requirement restricting freedom of movement**

101. (1) A requirement under *section 98\** or *99\*\** shall—

- (a) be in writing,
- (b) state the reasons in fact and, where relevant, in law for the requirement,
- (c) be communicated to the applicant to whom it is made in writing together with information regarding the procedures for challenging the requirement and of the consequences of non-compliance with the obligations imposed by the requirement, and
- (d) be in a language that the applicant understands or may reasonably be supposed to understand and in a concise, transparent, intelligible and easily accessible form, using clear and plain language.”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 92.]*

*[\*\*This is a reference to a section proposed to be inserted by amendment No. 93.]*

96. In page 69, between lines 13 and 14, to insert the following:

**“Assistance for unaccompanied minor**

102. Where an unaccompanied minor is the subject of a requirement under *section 98\** or *99\*\**, his or her representative person or provisional representative person shall assist the minor with any matters relating to the requirement, a request under *section 103\*\*\**, a request under *section 106\*\*\*\**, a review under *section 104\*\*\*\*\** or an appeal under *section 105\*\*\*\*\**.”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 92.]*

*[\*\*This is a reference to a section proposed to be inserted by amendment No. 93.]*

*[\*\*\*This is a reference to a section proposed to be inserted by amendment No. 97.]*

*[\*\*\*\*This is a reference to a section proposed to be inserted by amendment No. 100.]*

*[\*\*\*\*\*This is a reference to a section proposed to be inserted by amendment No. 98.]*

*[\*\*\*\*\*This is a reference to a section proposed to be inserted by amendment No. 99.]*

97. In page 69, between lines 13 and 14, to insert the following:

**“Power to vary restriction of freedom of movement**

103. (1) An immigration officer, an officer of the Minister or a member of An Garda Síochána may vary a requirement under *section 98\** or *99\*\** where the circumstances relating to the making of the requirement change and in such other particular circumstances as the Minister may prescribe.

(2) A person who is the subject of a requirement under *section 98\** or *99\*\** may apply to the Minister, in such form and manner as the Minister may prescribe, to have the requirement varied.

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- (3) Without prejudice to *subsection (2)*, the Minister may, in particular, prescribe the changes of circumstances which may be the basis of an application under *subsection (2)*.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 92.]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 93.]

98. In page 69, between lines 13 and 14, to insert the following:

**“Review of restriction of freedom of movement**

104. (1) A person who is the subject of a requirement under *section 98\** or *99\*\** may, within 5 working days of the date of the making of that requirement, apply in writing to the Minister for a review of the requirement or of part of it.
- (2) The Minister, on receipt of an application under *subsection (1)*, shall appoint an officer of the Minister (referred to in this Chapter as a “review officer”) to perform the functions of a review officer under this section.
- (3) Where the requirement under review was made by a member of An Garda Síochána, the officer of the Minister appointed shall be of Executive Officer grade or higher.
- (4) Where the decision under review was made by an officer of the Minister or an immigration officer, the Minister shall appoint an officer of the Minister of a rank that is the same or higher than the officer who made the decision that gave rise to the application for a review.
- (5) The review officer, having reviewed the requirement that gave rise to the application for a review, may vary, affirm or set aside the requirement.
- (6) A review officer shall within 10 working days notify the person the subject of the requirement of his or her decision under *subsection (5)* and where the requirement is varied or affirmed of the reasons for it.
- (7) Where a person applies under *subsection (1)* for a review of a requirement, the requirement shall remain in force until, as the case may be—
- (a) the review officer notifies the person of his or her decision to vary the requirement,
- (b) the review officer notifies the person of his or her decision to set aside the requirement,
- (c) where the decision of the review officer referred to in *subsection (5)* is appealed to the Tribunal, the Tribunal notifies the person of its decision to vary or set aside the decision, or
- (d) the requirement is otherwise varied by an immigration officer, an officer of the Minister or a member of An Garda Síochána.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 92.]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 93.]

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99. In page 69, between lines 13 and 14, to insert the following:

**“Appeal from decision of review officer**

105. (1) An applicant who is dissatisfied with a decision of a review officer under *section 104\** may, within 10 working days of the date of the notice of the decision, appeal, in fact and law, against that decision to the Tribunal.
- (2) The Tribunal may extend the 10 day period referred to in *subsection (1)* in exceptional circumstances or in the interests of justice.
- (3) An appeal under *subsection (1)* shall be made in writing in the form required by the Tribunal and shall include copies of any documents referred to in the appeal.
- (4) The Director of the Tribunal shall assign an Appeals Officer (within the meaning of *Part 11*) to consider and determine appeals under this section and a reference in this section to the assigned Appeals Officer shall be construed as a reference to the Appeals Officer so assigned.
- (5) The assigned Appeals Officer of the Tribunal shall—
- (a) determine an appeal under this section within a reasonable time having regard to any guidelines issued by the Chief Appeals Officer under *section 186(2)*, and
- (b) unless he or she considers it is not in the interests of justice to do so, and having had regard to the guidelines issued under *section 186(2)*, make his or her determination in relation to the appeal without holding an oral hearing.
- (6) The determination of the assigned Appeals Officer under *subsection (5)* shall be to affirm, vary or set aside the decision of the review officer.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 98.]

100. In page 69, between lines 13 and 14, to insert the following:

**“Request to reside temporarily outside specified place**

106. (1) An applicant who is subject to a requirement under *section 98\** or *109(1)(b)\*\** may make a request to the Minister, in writing, for permission to reside temporarily outside the place specified in the requirement.
- (2) Where a request is made under *subsection (1)*, the decision regarding such permission shall be taken objectively and impartially on the merits of the individual case and reasons shall be given if such permission is not granted.
- (3) An applicant may attend appointments with authorities and courts if his or her attendance is necessary and shall notify an immigration officer or a member of An Garda Síochána of such appointments.
- (4) The Minister may make regulations providing for procedures for making an application under this section, which may include making such an application electronically by uploading a request to a website or portal.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 92.]

[SECTION 69]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 103.]

101. In page 69, between lines 13 and 14, to insert the following:

“CHAPTER 3

*Detention and alternatives to detention*

**Prohibition of detention on certain grounds**

107. (1) A person shall not be arrested, or detained, in the State—

- (a) for the sole reason that he or she is an applicant,
- (b) on the basis that he or she is an applicant of a particular nationality, or
- (c) for the sole reason that he or she is subject to a procedure under the Asylum and Migration Management Regulation.

(2) Detention under this Chapter shall not be punitive in nature.”.

102. In page 69, between lines 13 and 14, to insert the following:

**“Grounds of detention and application of alternatives to detention**

108. The following grounds are the grounds referred to in *sections 109\** and *114\*\**:

- (a) to determine or verify the identity or nationality of the applicant;
- (b) to determine the elements on which the application for international protection is based which could not be obtained in the absence of detention, in particular where there is a risk of absconding;
- (c) to ensure compliance with a requirement under *section 98\*\*\** to which the applicant is subject where—
  - (i) the applicant has not complied with such requirement, and
  - (ii) there continues to be a risk of absconding;
- (d) to decide, in the context of the asylum border procedure, under *Chapter 6 of Part 5*, whether the applicant should be authorised to enter the State;
- (e) in circumstances where—
  - (i) the applicant—
    - (I) is detained under—
      - (A) *section 165* or *172*,
      - (B) subsection (1) or (2) of section 5 of the Act of 1999,
      - (C) paragraph (a) of subsection (2) of section 5 of the Act of 2003,
      - (D) subsection (3) of section 3 of the Immigration Act 2004, or
      - (E) Regulation 22(1) of the European Communities (Free Movement of

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Persons) Regulations 2015 (S.I. No. 548 of 2015),

or

(II) is serving a prison sentence following a conviction and is subject to a deportation order,

in order to prepare the return, or carry out the removal process, and

(ii) the Minister can substantiate on the basis of objective criteria, including that the applicant already had the opportunity to access the procedure for international protection, that there are reasonable grounds to believe that the applicant is making the application for international protection merely in order to delay or frustrate the enforcement of a return decision or deportation order;

(f) in order to ensure transfer procedures are carried out in accordance with the Asylum and Migration Management Regulation in circumstances where the Minister takes a decision under *section 80* to transfer an applicant to the Member State responsible or the Member State of relocation (within the meaning of the Asylum and Migration Management Regulation) and—

(i) there is a risk of the applicant absconding, or

(ii) the protection of national security or public order so requires;

(g) when protection of national security or public order so requires.”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 103.]*

*[\*\*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. 92.]*

**103.** In page 69, between lines 13 and 14, to insert the following:

**“Alternatives to detention**

**109.** (1) An immigration officer or a member of An Garda Síochána may, following an individual assessment in relation to an applicant, make any one or more than one of the following requirements of the applicant on the grounds set out in *section 108*\*:

(a) a requirement to—

(i) attend at a specified place, that is not a place of detention, at, or by, a specified time,

(ii) remain at a specified place that is not a place of detention, during a particular time period or for a specified period of time, and

(iii) allow himself or herself to be conveyed by a specified vehicle to a specified place,

in order to comply with a procedural requirement relating to his or her application for international protection, subject to *section 110(2)\*\**, for a maximum aggregate period of 12 hours to enable the applicant to comply with

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such a procedural requirement;

- (b) a requirement to reside at a specified place that is not a place of detention;
  - (c) a requirement to report to an immigration officer or a member of An Garda Síochána at a specified time or at reasonable, specified intervals.
- (2) An immigration officer or a member of An Garda Síochána shall not detain an applicant under *section 114\*\*\** unless he or she has considered whether or not any of the alternatives to detention provided for in this section can be effectively applied for the purposes of the relevant ground for detention set out in *section 108\**.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 102.]

\*\*This is a reference to a section proposed to be inserted by amendment No. 104.]

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

104. In page 69, between lines 13 and 14, to insert the following:

**“Measures relating to minors**

110. (1) In exceptional circumstances, an immigration officer or a member of An Garda Síochána may make a requirement referred to *section 109\** of an applicant who is a minor—
- (a) in the case of an accompanied minor, where the minor’s parent or primary caregiver is the subject of a requirement under *section 109\**,
  - (b) in the case of an unaccompanied minor, where such requirement safeguards the minor, and
  - (c) after it has been established that making the requirement of the minor is assessed to be in the best interests of the minor.
- (2) A minor shall not be required to attend or remain at a specified place under *section 109(1)(a)\** for any longer than 12 hours.
- (3) Where a requirement under *section 109\** is made of an applicant who is a minor, the requirement and any information to be given to the applicant shall also be given to the minor’s parent or another adult responsible for the minor, or where appointed or designated, the minor’s provisional representative person or representative person.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 103.]

105. In page 69, between lines 13 and 14, to insert the following:

**“Application of alternative to detention**

111. (1) A requirement under *section 109\** shall be—
- (a) based on an individual assessment of the applicant’s circumstances,
  - (b) proportionate to the ground specified in *section 108\*\** on which it is made, and
  - (c) in the case of a requirement under *section 109(1)(a)\**, of such duration only as is required to comply with the relevant procedural requirement.

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- (2) A requirement under *section 109\** shall—
- (a) be in writing,
  - (b) state the reasons in fact and, where relevant, in law for the requirement,
  - (c) be communicated to the applicant to whom it is made in writing together with information regarding the procedures for challenging the requirement and the consequences of non-compliance with the obligations imposed by the requirement, and
  - (d) be in a language that the applicant understands or is reasonably supposed to understand and in a concise, transparent, intelligible and easily accessible form, using clear and plain language.
- (3) A person who makes a requirement under *section 109\** shall, without delay, inform the person who is the subject of the requirement, or cause him or her to be informed, in writing, in a language that he or she understands or may reasonably be supposed to understand, of—
- (a) the requirement,
  - (b) the reason for the requirement and the relevant ground specified in *section 108\*\**,
  - (c) the possible consequences of not complying with the procedural requirement identified in the requirement,
  - (d) his or her right to appeal or challenge the requirement,
  - (e) the procedures for making such an appeal or challenge, and
  - (f) his or her right to seek legal assistance and legal representation in respect of an appeal or challenge to the requirement.
- (4) A person the subject of a requirement under *section 109\** is entitled to the assistance of an interpreter for the purpose of consultation with a legal representative and for the purpose of any appearance before a court in order to challenge the requirement.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 103.]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 102.]

**106.** In page 69, between lines 13 and 14, to insert the following:

**“Power to vary requirement under *section 109\****

- 112.** (1) An immigration officer or a member of An Garda Síochána may vary a requirement under *section 109\** where the circumstances relating to the making of the requirement change and in such other particular circumstances as the Minister may prescribe.
- (2) A person who is the subject of a requirement under *section 109\** may apply to the Minister, in such form and manner as the Minister may prescribe, to have the requirement varied.
- (3) In the case of a minor who is subject to a requirement under *section 109\**, an application under *subsection (2)* may be made by the minor’s parent or another adult

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responsible for the minor, or where appointed or designated, the minor's provisional representative person or representative person.

- (4) Without prejudice to *subsection (2)*, the Minister may, in particular, prescribe the changes of circumstances which may be the basis of an application under that subsection.”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 103.]*

107. In page 69, between lines 13 and 14, to insert the following:

**“Appeal of requirement under section 109\***

113. (1) A person of whom a requirement is made under *section 109\** may, while such requirement is in force, appeal to the District Court against the requirement.
- (2) In the case of a minor, an appeal under *subsection (1)* may be brought by the minor's parent or another adult responsible for the minor, or where appointed or designated, the minor's provisional representative person or representative person.
- (3) The District Court, on the hearing of an appeal under *subsection (1)*, may, as it thinks proper, affirm, revoke or vary the requirement.”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 103.]*

108. In page 69, between lines 13 and 14, to insert the following:

**“Arrest and detention of applicants**

114. (1) A person shall be detained under this section only for as short a period as possible having regard to the reason for the detention and in the case of detention under *section 108(f)\** for no longer than the time reasonably necessary to complete the required administrative procedures with due diligence until the transfer is carried out.
- (2) An immigration officer or a member of An Garda Síochána may arrest without warrant and detain an applicant, other than an applicant who is a minor, on one or more of the of the grounds specified in *section 108\**, where—
- (a) he or she, or another immigration officer or member of An Garda Síochána, has carried out an individual assessment in relation to the applicant, and
- (b) he or she is of the opinion—
- (i) that the other less coercive alternative measures provided for in *section 109\*\** cannot be applied effectively, and
- (ii) that such detention is necessary.
- (3) A person detained under *subsection (2)* shall, as soon as practicable, be brought before a judge of the District Court assigned to the District Court district in which the person is being detained.
- (4) An immigration officer or, as the case may be, a member of An Garda Síochána who detains a person under this section shall immediately inform the person, or cause him

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or her to be informed, in writing, in a language that he or she understands or may reasonably be supposed to understand—

- (a) that he or she is being detained under this section,
  - (b) of the reasons for his or her detention,
  - (c) that he or she shall, as soon as practicable, be brought before a court which shall determine whether or not he or she should be committed to a place of detention or released,
  - (d) that he or she is entitled to—
    - (i) seek free legal assistance and legal representation,
    - (ii) consult a legal representative, and
    - (iii) challenge his or her detention by making a complaint under Article 40.4.2° of the Constitution,and
  - (e) of the procedures for making a complaint under Article 40.4.2° of the Constitution.
- (5) Where a person is brought before a judge of the District Court under *subsection (3)*, the judge may—
- (a) subject to *subsection (6)*, and if satisfied that one or more of the paragraphs of *section 108\** apply in relation to the person, commit the person concerned to—
    - (i) a specialised detention facility, or
    - (ii) where accommodation cannot be provided at such a facility, to such other appropriate place,  
  
prescribed by the Minister for the purposes of this Part (referred to in this Part as a “place of detention”) for a period not exceeding 21 days from the time of his or her detention, or
  - (b) without prejudice to *subsection (6)*, order the release of the person and make such release subject to such conditions as the judge may direct, including a requirement under *section 109\*\**, to be supervised by an immigration officer or a member of An Garda Síochána, or a requirement to surrender any passport or other travel document that he or she holds.
- (6) If, at any time during the detention of a person under this section, an immigration officer or a member of An Garda Síochána is of the opinion that none of the paragraphs of *section 108\** applies in relation to the person, the person shall, as soon as practicable, be brought before a judge of the District Court assigned to the District Court district in which the person is being detained and, if the judge is satisfied that none of the paragraphs of *section 108\** applies in relation to the person, the judge shall order the release of the person.

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- (7) Where a person is released from a place of detention subject to one or more of the conditions referred to in *subsection (5)(b)*, a judge of the District Court assigned to the District Court district in which the person's dwelling is situated may, on the application of the person, an immigration officer or a member of An Garda Síochána, if the judge considers it appropriate to do so, vary, revoke or add a condition to the release, and a reference in this section to a condition referred to in *subsection (5)(b)* shall be construed as including a reference to such a condition as varied or added to under this subsection.
- (8) A member of An Garda Síochána may arrest without warrant and detain, in a place of detention, a person who, in the member's opinion, has failed to comply with a condition imposed by the District Court under *subsection (5)(b)*.
- (9) A person detained under *subsection (8)* shall be brought as soon as practicable before a judge of the District Court assigned to the District Court district in which the person is being detained, and *subsections (5), (6) and (7)* shall apply to such person detained under *subsection (8)* as they apply to a person referred to in *subsection (3)*, subject to the modifications that references in those subsections to the judge being satisfied that one or more of the paragraphs of *section 108\** apply shall be construed as a reference to his or her being satisfied that the person has failed to comply with a condition referred to in *subsection (5)(b)* and any other necessary modifications.
- (10) If a judge of the District Court is satisfied in relation to a person brought before him or her under *subsection (8)* that the person has complied with the condition referred to in that subsection, the judge shall order the release of the person.
- (11) Where a person is detained under *subsection (2) or (8)*, a judge of the District Court assigned to the District Court district in which the person is being detained may, if satisfied that one or more of the paragraphs of *section 108\** applies in relation to the person, commit the person for further periods (each period being a period not exceeding 21 days) pending the determination of the person's application for international protection.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 102.]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 103.]

109. In page 69, between lines 13 and 14, to insert the following:

**“Detention as last resort**

115. (1) Minors shall, as a rule, not be detained but shall be placed in suitable accommodation in accordance with *Chapter 2\** of *Part 4\*\**.
- (2) Without prejudice to *section 114\*\*\**, 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,

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- (b) the member or officer is satisfied that a requirement under *section 109\*\*\*\** 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)*.
- (3) An immigration officer or a member of An Garda Síochána may, in exceptional circumstances and as a measure of last resort, arrest without warrant and detain a minor who is in the custody of an applicant (whether the applicant is a parent or a person acting in *loco parentis* or any other person) where that applicant is detained in accordance with *subsection (2)* and where—
  - (a) it is necessary for the purposes of determining or verifying the identity or nationality of the minor,
  - (b) the member or officer is satisfied that a requirement under *section 109\*\*\*\** cannot be applied in relation to the minor effectively, and
  - (c) it is assessed by the member or officer that the detention is in the minor's best interests.
- (4) An immigration officer or a member of An Garda Síochána may, in exceptional circumstances and as a measure of last resort, arrest without warrant an applicant who is an unaccompanied minor and detain the unaccompanied minor where—
  - (a) it is necessary for the purposes of determining or verifying the identity or nationality of the unaccompanied minor,
  - (b) the member or officer is satisfied that a requirement under *section 109\*\*\*\** cannot be applied effectively, and
  - (c) it is assessed by the member or officer that the detention is in the unaccompanied minor's best interests and safeguards the unaccompanied minor.
- (5) A minor referred to in *subsection (3)* or *(4)* shall be detained—
  - (a) 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,
  - (b) separately from adults (other than the minor's parent or a person acting in *loco parentis*),
  - (c) in the case of an unaccompanied minor, in facilities (or in a vehicle for the purposes of bringing the minor to facilities)—
    - (i) adapted to the housing of unaccompanied minors, prescribed by the Minister for that purpose (which shall not be a prison, children detention school or Garda Síochána station), and
    - (ii) provided with staff qualified to safeguard the rights of unaccompanied minors and attend to their needs,and
  - (d) in the case of an accompanied minor, in facilities (or in a vehicle for the purposes

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of bringing the minor to facilities) adapted to the needs of minors.

- (6) 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.
- (7) A person detained under this section shall be detained under warrant of the arresting officer or member and in the custody of the officer of the Minister or member of An Garda Síochána for the time being in charge of the place at which he or she is detained.
- (8) A warrant referred to in *subsection (7)* shall state—
- (a) the reasons in fact and in law, including the ground under *section 108\*\*\*\*\**, on which the detention is based,
  - (b) the alternative measures to detention under *section 109\*\*\*\*\** considered by the officer or member detaining the applicant, and
  - (c) the reasons why those alternative measures cannot be applied effectively.
- (9) An immigration officer or, as the case may be, a member of An Garda Síochána who detains a person under this section shall immediately inform the person, or, in the case of a minor, the minor and the adult responsible for the minor or his or her representative person or provisional representative person (where appointed) in writing, in a language that he or she understands or may reasonably be supposed to understand—
- (a) that he or she is being detained under this section,
  - (b) of the reasons for his or her detention,
  - (c) that he or she is entitled to—
    - (i) seek free legal assistance and legal representation,
    - (ii) consult a legal representative, and
    - (iii) challenge his or her detention by making a complaint under Article 40.4.2° of the Constitution,and
  - (d) of the procedures for making a complaint under Article 40.4.2° of the Constitution.
- (10) The Minister may make regulations providing for the form of a warrant referred to in *subsection (7)* and prescribing standards of treatment of persons detained under this section.”.

[\*This is a reference to a chapter proposed to be inserted by amendment No. 65.]

[\*\*This is a reference to a Part proposed to be inserted by amendment No. 63.]

[SECTION 69]

[\*\*\*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. 103.]

[\*\*\*\*\*This is a reference to a section proposed to be inserted by amendment No. 102.]

110. In page 69, between lines 13 and 14, to insert the following:

**“Offences - Part 5\***

116. (1) An applicant shall not behave in a manner likely to endanger the applicant’s safety or the safety of others in the course of the performance of a function by an immigration officer or a member of An Garda Síochána under this Part.

(2) A person shall not obstruct or hinder an immigration officer or a member of An Garda Síochána engaged in the performance of a function under this Part.

(3) A person who contravenes *subsection (1) or (2)* shall be guilty of an offence and shall be liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months, or both.”.

[\*This is a reference to a Part proposed to be inserted by amendment No. 90.]

111. In page 69, between lines 13 and 14, to insert the following:

**“Rights of detained person**

117. A person detained under *section 115\** is entitled to—

- (a) be given a copy of the warrant under which he or she is being detained,
- (b) be informed of his or her right to make a complaint under Article 40.4.2° of the Constitution and of the procedures for doing so,
- (c) seek legal assistance and legal representation,
- (d) consult a legal representative,
- (e) have notification of his or her detention, the place of his or her detention and every change in that place sent to the High Commissioner and to another person reasonably nominated by the detained person for that purpose, and
- (f) the assistance of an interpreter for the purpose of consultation with a legal representative under *paragraph (a)* and for the purpose of any appearance before a court relating to his or her detention.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 109.]

112. In page 69, between lines 13 and 14, to insert the following:

**“Detention of persons with special reception needs**

118. (1) An immigration officer or a member of An Garda Síochána shall not detain an applicant with special reception needs under *section 114\** where to do so would put his or her physical and mental health at serious risk.

[SECTION 69]

- (2) When detaining an applicant under this Part, the immigration officer or member of An Garda Síochána shall take into account any visible signs, statements or behaviour indicating that the applicant has special reception needs.
- (3) Where a person is detained under this Part and the assessment provided for in *section 77\*\** has not yet been completed, it shall be completed without undue delay and the results of the assessment shall be taken into account when deciding whether to continue detention or whether the detention conditions need to be adjusted.
- (4) Where an applicant with special reception needs is detained under this Part, the Minister shall ensure that the health, including the mental health, of the applicant shall be of primary concern while he or she is in detention.
- (5) Where applicants with special reception needs are detained, the Minister shall ensure regular monitoring of, and the provision of timely and adequate support to those applicants, taking into account their particular situation, including their physical and mental health.”.

*[\*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. 71.]*

113. In page 69, between lines 13 and 14, to insert the following:

**“Notification to Child and Family Agency where minor in custody of detained person**

119. Where an applicant is detained under *section 114\** and a minor is in the custody of the detained applicant (whether the applicant is a parent or a person acting in *loco parentis* or any other person), an immigration officer or a member of An Garda Síochána shall notify the Child and Family Agency of the detention and its circumstances without delay.”.

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

114. In page 69, between lines 13 and 14, to insert the following:

**“Administrative delay while applicant is in detention**

120. (1) The Minister shall ensure that administrative procedures relevant to the grounds of detention set out in *section 114\** are executed with due diligence.

(2) Delays in administrative procedures that cannot be attributed to the applicant shall not justify a continuation of detention.”.

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

115. In page 69, between lines 13 and 14, to insert the following:

**“Conditions of detention**

121. (1) Where an applicant detained under *section 114\** is kept in prison accommodation, the detained applicant shall be kept separately from ordinary prisoners and the detention conditions provided for in this Part shall apply.

[SECTION 69]

- (2) Detained applicants shall, as far as possible, be kept separately from other third-country nationals who have not lodged an application for international protection.
- (3) Where applicants cannot be detained separately from other third-country nationals, the Minister shall ensure that the detention conditions provided for by or under this Part are applied.
- (4) Detained applicants shall have access to open-air spaces.
- (5) Persons representing the High Commissioner and organisations which are working on the territory of the State on behalf of the High Commissioner pursuant to an agreement with the State shall have the possibility to communicate with and visit applicants in conditions that respect privacy.
- (6) Family members, legal representatives and persons representing relevant non-governmental organisations recognised by the State shall have the possibility to communicate with and visit applicants in conditions that respect privacy.
- (7) For the purposes of this section, limits to access to the place of detention may be imposed only where they are objectively necessary for security, public order or the administrative management of the place of detention, and provided that access is not thereby severely restricted or rendered impossible.
- (8) The person in charge of the place of detention in which an applicant is, or is to be, detained under *section 114\** or *115\*\** shall, without delay, provide the applicant with information—
  - (a) that explains the rules applied in the place of detention in which the detained applicant is, or is to be, detained, and
  - (b) setting out, in a language that he or she understands or may reasonably be supposed to understand, the detained applicant’s rights and obligations while he or she is detained in the place of detention.”.

*[\*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. 109.]*

SECTION 70

116. In page 70, between lines 5 and 6, to insert the following:

**“Best interests of child – (Part 4)**

70. (1) 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.
- (2) The Minister shall give priority to procedures in their application to minors.”.

SECTION 81

117. In page 74, line 6, to delete “legal adviser or other counsellor” and substitute “legal representative”.

118. In page 74, between lines 7 and 8, to insert the following:

- “(2) The transfer decision shall state that the relevant reception conditions have been withdrawn in accordance with this Article 21 of the Reception Conditions Directive.”.

[SECTION 86]

SECTION 86

119. In page 76, line 27, to delete “the subject of a transfer decision” and substitute “to whom *section 85* applies”.

120. In page 77, between lines 4 and 5, to insert the following:

“(3) The Minister may by regulations provide for procedures by which an applicant may demonstrate compliance with a requirement under *subsection (1)(d)*, including, without prejudice to the generality of this subsection—

- (a) reporting by use of electronic means from a specified location other than in the presence of the relevant immigration officer or member of An Garda Síochána,
- (b) verification by a person the subject of a requirement under *subsection (1)* of his or her identity by use of an identity card, a password or prescribed personal data,
- (c) the sharing, storage, processing and use of personal data for the purposes of verifying the identity of a person who reports from a specified location other than in the presence of the relevant immigration officer or member of An Garda Síochána.”.

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121. In page 77, line 6, after “applicant” to insert “to whom *section 85* applies”.

122. In page 78, line 7, to delete “*section 164*” and substitute “*section 86*”.

123. In page 78, between lines 14 and 15, to insert the following:

“(f) whether the person is being, or has been, detained under *Part 5\**.”.

[\*This is a reference to a Part proposed to be inserted by amendment No. 90.]

SECTION 90

124. In page 80, line 13, to delete “minor” and substitute “minor”.

125. In page 80, line 26, after “and” to insert “, in the case of an examination referred to in *subsection (1)*.”.

SECTION 91

126. In page 82, 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.”.

SECTION 92

127. In page 83, lines 8 to 10, to delete all words from and including “a” in line 8 down to and including “conditions” in line 10 and substitute “a *section 82\** decision”.

[\*This is a reference to a section proposed to be inserted by amendment No. 76.]

[SECTION 92]

128. In page 83, line 38, after “origin,” to insert “or”.

SECTION 93

129. In page 84, line 15, to delete “interview,” and substitute “interview”.
130. In page 85, line 1, to delete “medical professional” and substitute “medical practitioner”.

SECTION 94

131. In page 85, line 14, to delete “The personal interviews” and substitute “Personal interviews”.
132. In page 85, line 22, to delete “legal assistance” and substitute “assistance by a legal representative”.
133. In page 85, line 34, after “temporarily” to insert “to conduct such interviews”.
134. In page 85, lines 36 and 37, to delete “to conduct such interviews”.

SECTION 96

135. In page 86, line 15, to delete “legal adviser” and substitute “legal representative”.
136. In page 86, line 17, to delete “legal adviser participates in the personal interview, the legal adviser” and substitute “legal representative participates in the personal interview, the legal representative”.
137. In page 86, line 19, to delete “legal adviser” and substitute “legal representative”.

SECTION 97

138. In page 86, line 32, to delete “The personal interviews” and substitute “Personal interviews”.
139. In page 87, line 4, after “interview” to insert the following:  
“, or within the period of 3 working days beginning on the day on which the applicant is given access to the personal interview report under *subsection (11)*,”.

140. In page 87, lines 17 and 18, to delete “applicant’s representative and his or her legal advisers” and substitute “legal representative representing him or her”.

SECTION 98

141. In page 88, to delete lines 1 and 2 and substitute the following:  
“(b) where applicable, the legal representative representing him or her,”.
142. In page 88, line 27, to delete “legal adviser” and substitute “legal representative”.
143. In page 88, lines 30 and 31, to delete “legal adviser who legally represents the applicant” and substitute “legal representative”.
144. In page 88, line 33, to delete “legal adviser” and substitute “legal representative”.
145. In page 88, line 38, to delete “challenge” and substitute “appeal”.
146. In page 88, after line 38, to insert the following:  
“(8) The Minister shall inform the High Commissioner of the result of every decision referred to in *subsection (1)*.”.

[SECTION 106]

SECTION 106

147. In page 92, lines 13 and 14, to delete “legal adviser, to consult with his or her legal adviser” and substitute “legal representative, to consult with his or her legal representative”.
148. In page 92, lines 15 and 16, to delete “to consult with a person entrusted with providing legal counselling” and substitute “to be provided with legal counselling”.

SECTION 110

149. In page 93, line 31, after “involved,” to insert “or”.

SECTION 115

150. In page 96, line 37, after “Authority” to insert “is”.

SECTION 117

151. In page 97, lines 30 and 31, to delete “ and *section 125(3)*”.

SECTION 118

152. In page 98, line 3, after “remain” where it firstly occurs to insert “in the State”.
153. In page 98, line 3, after “to” where it secondly occurs to insert “so”.
154. In page 98, line 14, to delete “a Member State” and substitute “the State”.
155. In page 98, line 16, to delete “a Member State” and substitute “the State”.
156. In page 98, line 19, to delete “a Member State” and substitute “the State”.
157. In page 98, 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 61\**.”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 58.]*

SECTION 126

158. In page 101, line 17, to delete “the Reception Conditions Directive” and substitute “*Part 5\**”.

*[\*This is a reference to a Part proposed to be inserted by amendment No. 90.]*

SECTION 130

159. In page 104, between lines 3 and 4, to insert the following:

“(ii) a country which is not a Member State is considered to be a safe third country for the person, unless it is clear that the person will not be admitted or readmitted to that country;

(iii) a Member State other than the State has granted the person international protection;”.

SECTION 131

160. In page 105, line 37, to delete “*Part 9*” and substitute “*section 158 or 160*”.

SECTION 134

161. In page 108, to delete lines 16 and 17 and substitute the following:

“(3) Where the Tribunal produces a transcript of an oral hearing or a transcript of a

[SECTION 134]

recording under *subsection (1)*, the Tribunal shall include the transcript in an applicant's file.”.

SECTION 144

**162.** In page 114, line 11, to delete “and the same social welfare” and substitute “, social welfare”.

**163.** In page 114, line 11, after “benefits” to insert “and housing benefits”.

**164.** In page 114, between lines 12 and 13, to insert the following:

“(e) for so long as the beneficiary of international protection is an unaccompanied minor, to have an international protection guardian appointed in respect of him or her to perform the functions of a guardian set out in Article 33(2) of the Qualification Regulation.”.

**165.** In page 114, line 18, to delete “section,” and substitute the following:

“section—

“housing benefits” means—

- (a) a social housing support provided, facilitated or managed under section 19 of the Housing (Miscellaneous Provisions) Act 2009, and
- (b) accommodation or lodgings made available, or assistance provided, under section 10 of the Housing Act 1988;”.

SECTION 146

**166.** In page 115, line 32, to delete “a sponsor” and substitute “the sponsor”.

SECTION 147

**167.** In page 119, between lines 4 and 5, to insert the following:

“ “*de facto partner*”, in relation to a sponsor, means a person—

- (a) who is unmarried,
- (b) with whom the sponsor lived in an intimate and committed relationship,
- (c) who is in a stable and continuing relationship with the sponsor,
- (d) with whom the sponsor intends to resume the relationship referred to in *paragraph (b)*, and
- (e) who is not related to the sponsor within a prohibited degree of relationship such that the person and the sponsor would be prohibited from marrying each other in the State by reason of that relationship;”.

**168.** In page 119, line 28, to delete “of” and substitute the following:

“of—

- (a) material reception conditions made available to him or her under *Chapter 2\** of *Part 4\*\**, and
- (b) ”.

[\*This is a reference to a chapter proposed to be inserted by amendment No. 65.]

[SECTION 147]

[\*\*This is a reference to a Part proposed to be inserted by amendment No. 63.]

SECTION 155

169. In page 126, line 6, to delete “shall”.

SECTION 156

170. In page 127, line 18, to delete “*subsection (1)*” and substitute “*subsection (1)(a)*”.
171. In page 127, line 19, to delete “*subsection (2)*” and substitute “*subsection (2)(a)*”.

SECTION 159

172. In page 131, lines 23 and 24, to delete “(including a return decision referred to in *section 161*)” and substitute “or *161*”.

SECTION 160

173. In page 133, line 28, to delete “before the person the subject of the decision is removed from the State”.
174. In page 133, line 31, to delete “at the frontier of the State or in the State” and substitute “to the Minister”.

SECTION 161

175. In page 134, lines 4 to 14, to delete all words from and including “in accordance” in line 4 down to and including line 14 and substitute the following:
- “before a declaration is made or adopted under *section 66* or *67* or a decision is given under *section 98* in respect of the person’s application.”.

176. In page 134, between lines 15 and 16, to insert the following:

- “(3) A person the subject of a return decision under *subsection (1)* that is in effect shall be required to leave the State and may be removed from the State or returned to the country specified in the return decision.
- (4) *Paragraphs (a) and (b) of subsection (3), and subsection (4), of section 158* shall apply to the making of a return decision under *subsection (1)* as they apply to a return decision made under that section.”.

SECTION 162

177. In page 134, to delete lines 20 to 26 and substitute the following:

- “(2) Without prejudice, in the case of a subsequent application, to *section 61*, a return decision made under *section 158* or *160* shall come into effect when the person the subject of the return decision no longer has the right to remain in, and may be removed from, the State in accordance with *Part 6*.
- (3) A return decision made under *section 161* shall come into effect on the date on which the return decision is made.”.

[SECTION 163]

SECTION 163

178. In page 134, lines 31 and 32, to delete “*section 158 or 160*” and substitute “this Chapter”.

SECTION 164

179. In page 135, line 19, to delete “An” where it firstly occurs and substitute “Subject to *Chapter 2*, an”.
180. In page 135, line 21, to delete “has come into effect under *section 162*” and substitute “is in effect”.

SECTION 165

181. In page 136, line 2, to delete “An” where it firstly occurs and substitute “Subject to *Chapters 2 and 3*, an”.
182. In page 136, line 3, after “may” to insert “, for the purpose of enforcing the return decision,”.
183. In page 136, line 4, to delete “has come into” and substitute “is in”.
184. In page 136, line 4, to delete “under *section 162*”.
185. In page 136, to delete lines 17 and 18 and substitute the following:

“(c) where the person has failed to leave the State after the coming into effect of the return decision.”.

SECTION 166

186. In page 138, lines 5 to 27, to delete all words from and including “(1) *Subsection*” in line 5 down to and including line 27 and substitute the following:

“(1) Where a person who is the subject of a return decision that is in effect under this Chapter is being detained under *section 165*, and the period of detention, or aggregate of the periods of detention if the person was previously detained under *section 165* or under *section 172* and subsequently under *section 165*, as the case may be, is at, or is approaching, 12 weeks, and it is necessary for the purpose of enforcing the return decision—

- (a) the person shall, on or before the expiry of that period of 12 weeks, be brought before a judge of the District Court, and
- (b) the person shall continue to be detained under *section 165* only with the leave of a judge of the District Court.

(2) Where a person who is the subject of a return decision that is in effect under this Chapter has previously been detained under *section 165* or *172*, and the period, or the aggregate of the periods, of the previous detention is 12 weeks or, where leave was previously granted under *subsection (1)*, more than 12 weeks, and the person is arrested and detained under *section 165*—

- (a) the person shall, as soon as practicable, be brought before a judge of the District Court, and
- (b) the person shall continue to be detained under *section 165* only with the leave of a judge of the District Court.”.

[SECTION 168]

SECTION 168

187. In page 139, line 19, to delete “considered” and substitute “rejected”.
188. In page 139, line 20, to delete “Chapter 6 of”.
189. In page 139, line 22, to delete “has come into” and substitute “is in”.
190. In page 139, line 22, to delete “section 162” and substitute “Chapter 1”.

SECTION 169

191. In page 139, line 35, before “present” to insert “that he or she”.
192. In page 140, line 2, after “person,” to insert “that he or she”.
193. In page 140, line 2, to delete “the person’s” and substitute “his or her”.
194. In page 140, line 3, to delete “the person” and substitute “he or she”.
195. In page 140, line 4, before “cooperate” to insert “that he or she”.

SECTION 171

196. In page 140, line 16, after “under” to insert “section 61\* of this Act or”.
- [#This is a reference to a section proposed to be inserted by amendment No. 58.]
197. In page 140, line 19, to delete “that” and substitute “section 61\* of this Act or”.
- [#This is a reference to a section proposed to be inserted by amendment No. 58.]
198. In page 140, line 19, after “section 4” to insert “of the Act of 2004”.

SECTION 172

199. In page 140, line 21, to delete “An” where it firstly occurs and substitute “Subject to Chapter 3, an”.
200. In page 140, line 22, after “resort” to insert “and for the purpose of enforcing the return decision concerned”.
201. In page 141, between lines 34 and 35, to insert the following:

“(8) Without prejudice to *section 168*, where a person detained under this section institutes court proceedings challenging the validity of the return decision concerned, the court hearing those proceedings or any appeal therefrom may, on application to it, determine whether the person shall continue to be detained or shall be released, and may make any such release subject to such conditions as it considers appropriate, including, but without prejudice to the generality of the foregoing, any one or more than one of the following conditions:

- (a) that the person reside or remain in a particular district or place in the State;
- (b) that the person report to a specified Garda Síochána station or immigration officer at specified intervals;
- (c) that the person surrender any passport or travel document in the person’s possession.”.

[SECTION 177]

SECTION 177

202. In page 143, between lines 11 and 12, to insert the following:

**“Definitions (Part 10)**

177. (1) For the purposes of this Part—

“Council Decision” means a Council Decision under Article 5 of the Temporary Protection Directive;

“designated premises” means a premises designated or deemed to be designated under *section 178(15)\**;

“displaced persons” has the meaning it has in the Temporary Protection Directive;

“Irish transit visa” and “Irish visa” have the same meanings as they have in the Immigration Act 2003;

“notice of intention to revoke” has the meaning given to it in *section 179(2)\*\**;

“permission holder” means a person who has been given a permission to reside in the State under *section 178(8)\** which permission is valid;

“temporary protection” means a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection, in accordance with Article 2(a) of the Temporary Protection Directive;

“Temporary Protection Directive” means Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof and any other Directive amending or replacing it;

(2) A reference in any enactment to—

(a) a permission given under section 60(6) of the Act of 2015 shall be construed as including a reference to a permission given under *section 178(8)\**, and

(b) a person to whom section 60 of the Act of 2015 applies shall be construed as including a reference to a person to whom *section 178\** applies.

(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 178(8)\** and not under section 60(6) of the Act of 2015.

[\*This is a reference to a section proposed to be inserted by amendment No. 205.]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 206.]

[SECTION 177]

203. In page 143, line 36, to delete “*paragraphs*” and substitute “*paragraph*”.
204. In page 144, line 1, to delete “*paragraphs*” and substitute “*paragraph*”.

SECTION 178

205. In page 144, after line 43, to insert the following:

**“Temporary Protection**

178. (1) This section applies to a displaced person to whom, following a Council Decision under Article 5 of the Temporary Protection Directive, permission to enter and remain in the State for temporary protection as part of a specific group of such displaced persons has been given by the Government or the Minister and whose personal data is entered in the register referred to in *subsection (2)*.
- (2) The Minister shall, as soon as practicable after the coming into operation of this section, cause to be established and maintained, in such form as he or she considers appropriate, a register of displaced persons referred to in *subsection (1)*, to be known as the Register of Beneficiaries of Temporary Protection.
- (3) The Minister shall exclude a displaced person from temporary protection and shall not give the person a permission in accordance with *subsection (8)* if—
- (a) there are serious reasons for considering that—
- (i) he or she has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes, or
- (ii) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble to, and Articles 1 and 2, of the Charter of the United Nations and embodied in its resolutions relating to measures countering terrorism,
- (b) there are reasonable grounds for regarding him or her as a danger to the security of the State,
- (c) subject to *subsection (4)*, the Minister is of the opinion that he or she constitutes a danger to the community of the State because he or she was convicted by a final judgment of a particularly serious crime, whether in the State or elsewhere, or
- (d) subject to *subsection (4)*, there are serious reasons for considering that he or she has committed a serious non-political crime outside the State prior to his or her entry into the State.
- (4) In considering whether to exclude a displaced person from temporary protection under *paragraph (c)* or *(d)* of *subsection (3)*, the Minister shall consider the reasons underlying the Council Decision concerned as they relate to the displaced person and the nature of the crime concerned.
- (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.

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- (6) The Minister shall not give to a displaced person a permission in accordance with *subsection (8)* where he or she—
- (a) is a Union citizen as defined in Regulation 2 of the European Communities (Free Movement of Persons) Regulations 2015 (S.I. No. 548 of 2015),
  - (b) holds a valid residence permit from another Member State issued in accordance with Article 8 of the Temporary Protection Directive,
  - (c) has an application for international protection under consideration within the meaning of the Act of 2015, or
  - (d) is an applicant within the meaning of this Act.
- (7) A person who is given a permission under *subsection (8)* may not hold another permission that requires registration under the Act of 2004.
- (8) The Minister shall, subject to *subsections (3)* and *(6)*, give to a displaced person to whom this section applies a permission to reside in the State and—
- (a) if required, issue him or her with an Irish visa or an Irish transit visa, and
  - (b) provide him or her with information, in a language that he or she understands or is reasonably supposed to understand, setting out the provisions of this section relating to temporary protection in the State.
- (9) Subject to *section 179(1)(a)\**, a permission to reside in the State given under *subsection (8)* shall be valid for at least one year and may be extended in accordance with Article 4 of the Temporary Protection Directive.
- (10) Where, during the period of validity of a permission to reside in the State referred to in *subsection (9)*, the permission holder concerned seeks to enter another Member State or has entered it without authorisation, the Minister may, in cooperation with the competent authority of that Member State, make arrangements for the return of the person to the State.
- (11) Without prejudice to *section 179\**, a permission holder, whose permission is valid, shall be entitled—
- (a) to seek and enter employment, to engage in any business, trade or profession and to have access to education and training in the State in the like manner and to the like extent in all respects as an Irish citizen,
  - (b) to receive, upon and subject to the same conditions applicable to Irish citizens, the same medical care and, other than while he or she is resident in a designated premises, the same social welfare benefits as those to which Irish citizens are entitled, and
  - (c) to the same rights of travel in the State as those to which Irish citizens are entitled.
- (12) For the purposes of Article 15 of the Temporary Protection Directive, the Minister shall cooperate with the competent authorities of another Member State in relation to—

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- (a) the transfer to another Member State,
  - (b) the transfer from another Member State to the State,
  - (c) the reunification in the State of family members, and
  - (d) the reunification in another Member State of family members,  
of a permission holder.
- (13) The Minister may prescribe documentation to be used for the purpose of enabling and facilitating transfers and reunifications referred to in *subsection (12)*.
- (14) The Minister may, to the extent necessary and proportionate for the purposes of *subsection (12)*, provide to the competent authority of another Member State, relating to the permission holder concerned, insofar as they are available—
- (a) personal data,
  - (b) travel documents,
  - (c) documents concerning evidence of family ties (such as marriage certificates, birth certificates and certificates of adoption),
  - (d) other information required to establish the identity of the person or his or her family relationships,
  - (e) residence permits and decisions concerning the giving or refusal of visas or residence permissions to the person by the Minister, and documents forming the basis of those decisions,
  - (f) applications for visas or entry permissions or residence permissions submitted by the person and pending in the State, and information relating to the stage reached in the processing of these, and
  - (g) any amended information within *paragraphs (a) to (f)* which becomes available.
- (15) For the purposes of this section, the Minister may, where he or she is satisfied that the premises concerned are suitable for the purpose, designate in writing such and so many premises as he or she considers appropriate for the accommodation of persons who have been given a permission to reside in the State under *subsection (8)*, which permission is valid.
- (16) A premises designated under section 60(14A) of the Act of 2015 shall be deemed to be designated under *subsection (15)*.
- (17) A person who—
- (a) for the purposes of seeking an entitlement conferred by this section, gives or makes any statement, declaration or information which is to his or her knowledge false or misleading in a material particular,
  - (b) for the purposes of seeking an entitlement conferred by this section, destroys or conceals documents with intent to deceive, or
  - (c) forges, fraudulently alters, assists in forging or fraudulently altering or procures

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the forging or fraudulent alteration of any document for reward where such documents are used or intended to be used in connection with seeking an entitlement conferred by this section,

shall be guilty of an offence.

- (18) A person who commits an offence under *subsection (17)* shall be liable—
- (a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months, or both, or
  - (b) on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 5 years, or both.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 206.]

206. In page 144, after line 43, to insert the following:

**“Revocation of temporary protection**

179. (1) A permission to reside in the State given to a displaced person under *section 178(8)\** may be revoked—

- (a) when the temporary protection concerned comes to an end in accordance with the Temporary Protection Directive,
  - (b) upon the transfer of residence of the permission holder to another Member State,
  - (c) where *section 178(6)\** applies in respect of the permission holder,
  - (d) where the Minister decides that the permission should not have been given to the person due to a reason referred to in *section 178(3)\**,
  - (e) where the Minister has reasonable grounds to believe that the permission holder did not meet the conditions of *section 178(1)\** at the time of the permission being issued, or
  - (f) where, in a 12 month period, the permission holder spends in excess of 90 days in aggregate of the period of validity referred to in *section 178(9)\** outside the State,
- (2) The Minister, where he or she is satisfied that one or more of the revocation grounds specified in *paragraph (c), (d), (e) or (f) of subsection (1)* exists, shall, prior to revoking the permission under this section, give the permission holder such notice, as may be prescribed, of his or her intention to revoke the permission (in this section referred to as a “notice of intention to revoke”).
- (3) A notice of intention to revoke shall—
- (a) inform the permission holder of the Minister’s intention to revoke the permission,
  - (b) subject to *subsection (13)*, inform the permission holder of the reasons for the Minister’s opinion that one or more than one of the grounds specified in *paragraph (c), (d), (e) or (f) of subsection (1)* exists,
  - (c) inform the permission holder of the right to make representations under *subsection (4)*,

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- (d) inform the permission holder of the effect of *subsections (6) and (7)*, and
  - (e) be in a language that the permission holder understands or is reasonably supposed to understand.
- (4) A permission holder to whom a notice of intention to revoke is given may, within the period of 28 days beginning on the date the notice is given to him or her, make representations in writing to the Minister regarding the intended revocation, including representations relating to the matters referred to in *subsections (7) and (8)*.
- (5) After the expiry of the period referred to in *subsection (4)* the Minister shall—
- (a) having regard to the representations, if any, made by the permission holder under that subsection, decide—
    - (i) whether to revoke the permission, and
    - (ii) where he or she decides to revoke the permission, and in accordance with *subsections (7) and (8)* (where applicable), the date on which such revocation is to take effect, which shall be no earlier than the expiration of the period for submitting an appeal under *subsection (10)*, and
  - (b) give the permission holder concerned a notification in writing of his or her decision.
- (6) A revocation under *paragraph (a) or (b) of subsection (1)* of a permission to reside in the State shall take effect on such date as is specified in the notification under *subsection (5)(b)*.
- (7) A revocation under *paragraph (c), (d), (e) or (f) of subsection (1)* of a permission to reside in the State may operate—
- (a) from the date of revocation,
  - (b) where the Minister considers it appropriate having regard to the circumstances of the individual case and the matters referred to at *subsection (8)*, from the date the permission was granted, or
  - (c) from any date between the dates referred to in *paragraphs (a) and (b)*, depending on the circumstances of the individual case and the matters referred to in *subsection (8)*.
- (8) The Minister shall have regard to the following matters, where applicable, when considering whether to revoke, in accordance with *subsection (7)(b)*, a permission from the date the permission was granted:
- (a) whether a child or dependant of the permission holder has derived an autonomous right, entitlement or status from the person's right, entitlement or status to reside in the State;
  - (b) the extent to which any other person has derived an autonomous right, entitlement or status within the meaning of *paragraph (a)*;
  - (c) whether the permission holder failed to inform the Minister of a material fact which had, or was capable of having, an effect on the validity of the permission;

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- (d) whether the permission was procured by fraud, misrepresentation, whether innocent or fraudulent, or concealment of material facts or circumstances;
  - (e) any other information that the Minister deems relevant in the making of his or her decision.
- (9) Where the Minister decides under *subsection (5)* to revoke the permission, the notification under *paragraph (b)* of that subsection shall include a statement informing the permission holder of—
- (a) the Minister’s decision to revoke the permission, including the date on which the revocation is to take effect,
  - (b) subject to *subsection (13)*, the reasons for the decision,
  - (c) where applicable, the right under *subsection (10)* of the permission holder to appeal that decision, and
  - (d) the effect of *subsection (11)*.
- (10) Where the revocation of a permission is on a ground referred to in *paragraph (c), (d), (e) or (f)* of *subsection (1)*, the permission holder concerned may, within the period of 15 days beginning on the date on which the notification under *subsection (5)(b)* is given to him or her, appeal that decision to the Tribunal in accordance with *Part 6*.
- (11) The Tribunal, on the hearing of an appeal under *subsection (10)*, may, as it thinks proper—
- (a) affirm the decision of the Minister, or
  - (b) direct the Minister not to revoke temporary protection.
- (12) The decision of the Minister to revoke the permission shall take effect—
- (a) where no appeal to the Tribunal is brought against the decision of the Minister, on the date specified in the notification under *subsection (5)(b)*, or
  - (b) where an appeal to the Tribunal is brought against the decision of the Minister—
    - (i) from the date on which the Tribunal, under *subsection (11)(a)*, affirms the decision, or
    - (ii) from the date on which the appeal is withdrawn.
- (13) Where the Minister considers that specifying the reasons for his or her intention to, or decision to, revoke a permission would be contrary to the interests of national security, he or she shall not include such reasons in the notice of intention to revoke or notification under *subsection (5)(b)*, as the case may be.”

[\*This is a reference to a section proposed to be inserted by amendment No. 205.]

[SECTION 178]

207. In page 145, line 2, to delete “considers” and substitute “consider”.
208. In page 145, line 32, to delete “considers” and substitute “consider”.
209. In page 145, line 33, to delete “it” and substitute “, the Government”.

SECTION 179

210. In page 146, line 29, to delete “*section 82*” and substitute “*sections 82, 105\* and 179(10)\*\**”.
- [\*This is a reference to a section proposed to be inserted by amendment No. 99.]*
- [\*\*This is a reference to a section proposed to be inserted by amendment No. 206.]*

SECTION 182

211. In page 147, line 26, to delete “*section 82*” and substitute “*sections 82, 105\* and 179(10)\*\**”.
- [\*This is a reference to a section proposed to be inserted by amendment No. 99.]*
- [\*\*This is a reference to a section proposed to be inserted by amendment No. 206.]*

SECTION 183

212. In page 149, between lines 14 and 15, to insert the following:
- “(9) The Minister may, notwithstanding *subsection (8)*, appoint an Appeals Officer under *subsection (7)* without a selection competition having been held by the Service under *subsection (8)* where the person stands appointed as a member of the International Protection Appeals Tribunal (other than its chairperson) and he or she consents to being so appointed.”.
213. In page 149, line 15, to delete “The Minister may”.
214. In page 149, line 15, to delete “, designate”.
215. In page 149, line 16, before “a” to insert “the Government may designate”.
216. In page 149, line 17, before “persons” to insert “the Minister may designate”.
217. In page 149, line 19, to delete “Minister” and substitute “Government”.

SECTION 184

218. In page 150, line 8, after “shall” to insert “, subject to *subsection (4)\**”.
- [\*This is a reference to a subsection proposed to be inserted by amendment No. 219.]*
219. In page 150, between lines 21 and 22, to insert the following:
- “(4) The term of office of an Appeals Officer to whom *section 183(9)\** applies shall be for a period not exceeding the unexpired term of the person’s appointment as a member of the International Protection Appeals Tribunal.”.
- [\*This is a reference to a subsection proposed to be inserted by amendment No. 212.]*

[SECTION 185]

SECTION 185

220. In page 151, line 31, to delete “agrees” and substitute “agree”.
221. In page 151, line 37, to delete “is satisfied” and substitute “are satisfied”.
222. In page 152, line 13, to delete “proposes” and substitute “propose”.
223. In page 153, line 1, 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,”.

SECTION 196

224. In page 159, line 21, to delete “Data Protection Act 2018” and substitute “Act of 2018”.

SECTION 203

*Section proposed to be deleted.*

SECTION 204

225. In page 165, lines 24 and 25, to delete “staff of the Authority” and substitute “staff of the Chief Inspector”.

SECTION 206

226. In page 166, line 30, 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\**”.

*[\*This is a reference to a Part proposed to be inserted by amendment No. 63.]*

SECTION 221

227. In page 179, line 34, after “Officer” where it firstly occurs to insert “and the Director (within the meaning of *Part 11*)”.

228. In page 179, line 35, to delete “*section 82,*” and substitute “*sections 82, 105\* or 179(10)\*\* or*”.

*[\*This is a reference to a section proposed to be inserted by amendment No. 99.]*

*[\*\*This is a reference to a section proposed to be inserted by amendment No. 206.]*

SECTION 223

229. In page 180, between lines 19 and 20, to insert the following:

**“Family tracing for unaccompanied minors**

223. (1) Where it is in the best interests of an unaccompanied minor, the Minister shall start tracing the members of the unaccompanied minor’s family as soon as possible after the earlier of the following occurring—

(a) an application for international protection is made by or on behalf of the unaccompanied minor, or

(b) an unaccompanied minor becomes a beneficiary of international protection.

- (2) Where there is a possible threat to the life or integrity of the unaccompanied minor or the minor’s close relatives, in particular if those relatives have remained in the minor’s country of origin, the Minister shall ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardising the safety of either the minor or the minor’s close relatives.

- (3) Where necessary, the Minister may perform his or her functions under this section with the assistance of international or other relevant organisations.”.

230. In page 180, between lines 19 and 20, to insert the following:

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

224. (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;

[SECTION 223]

- (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,

[SECTION 223]

- (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 217*, 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.”.

[\*This is a reference to a Part proposed to be inserted by amendment No. 63.]

**231.** In page 180, lines 23 to 28, to delete all words from and including “(1) *Part*” in line 23 down to and including line 28.

**232.** In page 181, between lines 2 and 3, to insert the following:

“(5) A person who gave an indication under paragraph (a), (b) or (c) of *section 13(1)* of the Act of 2015 before the date on which this subsection comes into operation but did not, before that date, make an application under *section 15* of the Act of 2015, shall be considered to have made an application for international protection under *section 34* on that date, if immediately before that date the person was a resident of accommodation allocated under the European Communities (Reception Conditions) Regulations 2018.”.

SECTION 224

**233.** In page 181, between lines 13 and 14, 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 108\** exists,

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(ii) the other less coercive alternative measures provided for in *section 109*\*\* 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 114*\*\*\* shall apply as if the person had been brought before the judge under *section 114(3)*\*\*\*.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 102.]

[\*\*This is a reference to a section proposed to be inserted by amendment No. 103.]

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

SECTION 225

234. In page 183, between lines 7 and 8, to insert the following:

**“Transitional provisions relating to appointment of Appeals Officers under *Part 11***

225. (1) The Minister may, before the establishment day of the Tribunal, designate a person who immediately before that day stands appointed under section 62(3) of the Act of 2015 as a member of the International Protection Appeals Tribunal (other than the chairperson (within the meaning of the Act of 2015)) to be appointed, with the person’s consent, as an Appeals Officer (other than the Chief Appeals Officer).

(2) Where, immediately before the establishment day of the Tribunal, a person stands designated under *subsection (1)*, the person shall, on and from that day, stand appointed as an Appeals Officer for a period not exceeding the unexpired term of his or her appointment as a member of the International Protection Appeals Tribunal.

(3) The terms and conditions to which a person is subject on his or her becoming an Appeals Officer in accordance with *subsection (2)* shall, subject to that subsection, be deemed to have been determined by the Minister in accordance with *section 184*.

(4) In this section, “Appeals Officer”, “establishment day of the Tribunal” and “International Protection Appeals Tribunal” have the same meanings as they have in *Part 11*.”.

SECTION 231

235. In page 185, between lines 23 and 24, to insert the following:

**“Amendment of section 62 of Act of 2015**

231. Section 62 of the Act of 2015 is amended—

(a) by the insertion of the following subsection after subsection (2):

“(2A) Where a person stands appointed as an Appeals Officer (within the meaning of *Part 11* of the *International Protection Act 2026*), the period of such appointment shall, notwithstanding subsection (2), be

[SECTION 231]

deemed to be reckonable for the purpose of calculating a period of appropriate experience as specified in that subsection.”,

(b) in subsection (4), by the substitution of “subsections (4A), (8) and (15)” for “subsections (8) and (15)”,

(c) by the insertion of the following subsection after subsection (4):

“(4A) The Minister may, notwithstanding subsection (4), appoint a person under subsection (3) as a member of the Tribunal (other than the chairperson) without a selection competition having been held by the Public Appointments Service under subsection (4) where the person—

(a) stands appointed as an Appeals Officer (within the meaning of *Part II* of the *International Protection Act 2026*),

(b) has the requisite experience referred to in subsection (2)(a) or (b), and

(c) consents to being so appointed.”,

and

(d) by the insertion of the following subsection after subsection (7B):

“(7C) The term of office of a member of the Tribunal to whom subsection (4A) applies shall be for a period not exceeding the unexpired term of the person’s appointment as an Appeals Officer under *Part II* of the *International Protection Act 2026*.”.

**236.** In page 185, line 30, to delete “subsection,” and substitute “subsection, or”.

**237.** In page 185, line 31, to delete “paragraphs” and substitute “paragraph”.

**238.** In page 185, to delete lines 32 to 34, and in page 186, to delete lines 1 to 3 and substitute the following:

“(d) it consists of a period during which a person is—

(i) an applicant within the meaning of Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU,

(ii) the subject of a return decision under *Part 9* of the *International Protection Act 2026*,

(iii) the subject of a decision to withdraw international protection status in accordance with *section 156(1) or (2)* of the *International Protection Act 2026* that has taken effect in accordance with *section 157(3)* of that Act, which period shall end on the commencement by the person of a period of residence to which this subsection does not apply, or

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- (iv) entitled to remain in the State pursuant to a permission referred to in *paragraph (e) of section 177(1) of the International Protection Act 2026.*”.”.

239. In page 186, line 7, to delete “subsection,” and substitute “subsection, or”.

240. In page 186, line 8, to delete “paragraphs” and substitute “paragraph”.

241. In page 186, to delete lines 9 to 14 and substitute the following:

“(d) it consists of a period during which a person is—

- (i) an applicant within the meaning of Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU,
- (ii) the subject of a return decision under *Part 9 of the International Protection Act 2026*,
- (iii) the subject of a decision to withdraw international protection status in accordance with *section 156(1) or (2) of the International Protection Act 2026* that has taken effect in accordance with *section 157(3)* of that Act, which period shall end on the commencement by the person of a period of residence to which this subsection does not apply, or
- (iv) entitled to remain in the State pursuant to a permission referred to in *paragraph (e) of section 177(1) of the International Protection Act 2026.*”.”.

SECTION 232

242. In page 186, between lines 14 and 15, to insert the following:

**“Amendment of Child Care Act 1991**

232. 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 42(1), (3) or (4)* of that Act, be presumed to be a minor for the purposes of this Act.”.”.

243. In page 186, between lines 14 and 15, to insert the following:

**“Amendment of Act of 1995**

233. (1) The Act of 1995 is amended—

[SECTION 232]

(a) in section 1(1), by the insertion of the following definitions:

“ ‘*Act of 2026*’ means the *International Protection Act 2026*;

‘legal counselling’ has the same meaning as it has in the *Act of 2026*.”

(b) in section 5—

(i) in subsection (1)(a)—

(I) in subparagraph (i), by the substitution of “Act,” for “Act, and”,

(II) in subparagraph (ii), by the substitution of “service, and” for “service;”,  
and

(III) by the insertion of the following subparagraph after subparagraph (ii):

“(iii) legal counselling;”,

and

(ii) in subsection (1)(b)—

(I) in subparagraph (i), by the substitution of “purpose,” for “purpose, and”,

(II) in subparagraph (ii), by the substitution of “purpose,” for “purpose.”,  
and

(III) by the insertion of the following subparagraphs after subparagraph (ii):

“(iii) legal counselling by the engagement of persons appointed by it  
for that purpose, and

(iv) training in legal counselling, either by itself or by persons  
appointed by it for that purpose.”

(c) by the insertion of the following section after section 11A:

**“Appointment of persons to provide legal counselling or training in relation to such services**

**11B.** (1) The Board may, subject to subsection (3), appoint persons specified in subsection (2) whom it considers to be qualified by reason of knowledge, experience, qualifications, training or expertise to provide legal counselling or training in legal counselling.

(2) The persons referred to in subsection (1) are—

(a) a member of staff of the Board, or

(b) a person contracted by the Board.

(3) The Board shall determine the selection criteria applicable to appointments under subsection (1) having regard to—

(a) the purpose of legal counselling,

(b) the purpose of training in legal counselling,

(c) the objective that persons appointed under that subsection possess

[SECTION 232]

knowledge of, and experience, qualifications, training or expertise in, the matters specified in subsection (4), and

- (d) the need to ensure that a person appointed under that subsection is a fit and proper person to provide legal counselling or training in legal counselling, as the case may be.
- (4) The matters referred to in subsection (3)(c) are—
- (a) legal counselling,
  - (b) training in legal counselling,
  - (c) the procedures governing applications for international protection under the *Act of 2026*,
  - (d) the rights and obligations of applicants during the procedures referred to in paragraph (c),
  - (e) without prejudice to paragraph (d), the rights and obligations of applicants who are unaccompanied minors or in need of special procedural guarantees, and
  - (f) the operation of the laws governing the system of entry into and presence of persons in the State.
- (5) A person appointed under subsection (1) and to whom subsection (2) (b) applies shall be appointed subject to such terms and conditions as may be determined by the Minister with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation.
- (6) In this section, ‘applicant’ and ‘applicant in need of special procedural guarantees’ have the same meanings as they have in *section 2(1)* of the *Act of 2026*.”

and

- (d) in section 37(2), by the insertion of the following paragraph after paragraph (fd):

“(fe) make provision as to the conditions relating to the provision of legal counselling by the Board;”.

**244.** In page 186, between lines 14 and 15, to insert the following:

**“Amendment of section 23C of Road Traffic Act 1961**

**234.** Section 23C of the Road Traffic Act 1961 is amended—

- (a) in subsection (1), by the insertion of “or a return decision” after “a deportation order”,
- (b) in subsection (2), by the insertion of “or the coming into effect of the decision” after “making of the order”,
- (c) in subsection (3)—

[SECTION 232]

- (i) by the substitution of—
    - (I) “makes a deportation order or a return decision” for “makes a deportation order”, and
    - (II) “making of the order or coming into effect of the decision” for “making of the order”,
  - (ii) in paragraph (a), by the insertion of “or return decision” after “deportation order”,
  - (iii) in paragraph (b), by the insertion of “or return decision” after “deportation order”,
  - (iv) in paragraph (c), by the insertion of “or return decision” after “deportation order”,
- and
- (d) in subsection (5), by the insertion of “and ‘return decision’ means a return decision under *Part 9* of the *International Protection Act 2026*” after “the International Protection Act 2015”.”.

SECTION 233

245. In page 186, between lines 20 and 21, to insert the following:

**“Amendment of Act of 1999**

233. The Act of 1999 is amended—

- (a) in section 3(4A)—
    - (i) in paragraph (a), by the deletion of “or”, and
    - (ii) by the insertion of the following paragraph after paragraph (a):
      - “(aa) the person has been, by a final judgment, convicted outside the State of an offence which, were the act or omission constituting that offence done or made in the State, would constitute a serious offence under the law of the State, or”,
- and
- (b) in section 6(1)(b), by the insertion of “or *section 61(2)(b)* of the *International Protection Act 2026*” after “International Protection Act 2015”.”.

*[Acceptance of this amendment involves the deletion of section 233 of the Bill.]*

SECTION 234

246. In page 187, line 7, after “82(9)” to insert “or 83(3)”.

247. In page 187, line 22, to delete “*section 137*” and substitute “*section 131(5)* or *137*”.

248. In page 187, line 26, to delete “*section 158 or 160*” and substitute “*Part 9* or an entry ban notice under *section 159*”.

[SECTION 235]

SECTION 235

249. In page 188, between lines 8 and 9, to insert the following:

**“Amendment of Immigration Act 2003**

235. 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 133(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”.”.

250. In page 188, between lines 14 and 15, to insert the following:

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

251. In page 188, line 15, after “section 4(3)” to insert the following:

“—

(i) in paragraph (f)—

(I) in subparagraph (ii), by the deletion of “or”,

(II) in subparagraph (iii), by the substitution of “State, or” for “State;”, and

(III) by the insertion of the following subparagraph after subparagraph (iii):

“(iv) a return decision or entry ban notice that is in effect under *Part 9 of the International Protection Act 2026*;”,

and

(ii) in paragraph”.

252. In page 188, line 25, after “2013/32/EU” to insert the following:

“ “as amended by Regulation (EU) 2026/463 of the European Parliament and of the Council of 24 February 2026 and Regulation (EU) 2026/464 of the European Parliament and of the Council of 24 February 2026”.”.

253. In page 190, to delete line 36.

254. In page 191, between lines 3 and 4, to insert the following:

“and

[SECTION 235]

- (g) in section 18(1)(b), by the insertion of “or *section 61(2)(b)* of the *International Protection Act 2026*” after “*International Protection Act 2015*”.”.

SECTION 236

255. In page 191, between lines 3 and 4, to insert the following:

**“Amendment of Social Welfare Consolidation Act 2005**

236. The Social Welfare Consolidation Act 2005 is amended—

(a) in section 246—

(i) in subsection (6)—

(I) in paragraph (i), by the substitution of “force;” for “force.”, and

(II) by the insertion of the following paragraphs after paragraph (i):

“(j) a beneficiary of international protection within the meaning of the *Act of 2026*;

(k) a person who has been given, or is deemed under the *Act of 2026* to have been given, a permission to reside in the State under *section 146* of that Act, where the permission concerned is in force;

(l) a person who has been given, or is deemed under the *Act of 2026* to have been given, a permission to enter and reside in the State under *section 147* of that Act, where the permission concerned is in force;

(m) a person who has been given a permission to reside in the State under *section 178(8)\** of the *Act of 2026*, where the permission concerned is in force;

(n) a person who is a programme refugee within the meaning of *Part 10* of the *Act of 2026*.”,

(ii) in subsection (7)—

(I) in paragraph (f), by the substitution of “1999;” for “1999.”, and

(II) by the insertion of the following paragraphs after paragraph (f):

“(g) an applicant within the meaning of section 2(1) of the *Act of 2026*, or a person deemed to have made an application under that Act;

(h) a person who has made, or is deemed under the *Act of 2026* to have made, an application for international protection under that Act which is the subject of a final decision within the meaning of that Act rejecting the application or declaring the application to be implicitly withdrawn or explicitly withdrawn;

(i) a person in relation to whom a return decision has been made under *Part 9* of the *Act of 2026*.”,

[SECTION 236]

(iii) in subsection (8)—

(I) in paragraph (c), by the substitution of “Act,” for “Act, or”,

(II) by the insertion of the following paragraphs after paragraph (e):

“(f) is granted, or deemed under the *Act of 2026* to be granted, refugee status within the meaning of that Act,

(g) is given, or deemed under the *Act of 2026* to be given, a permission to reside in the State under *section 146* of that Act,

(h) is given, or deemed under the *Act of 2026* to be given, a permission to enter and reside in the State under *section 147* of that Act, or

(i) is granted, or deemed under the *Act of 2026* to be granted, subsidiary protection status within the meaning of that Act,”

and

(III) by the substitution of “declaration, permission or status” for “declaration or permission” in each place where it occurs,

and

(iv) in subsection (10), by the insertion of the following definition:

“ ‘*Act of 2026*’ means the *International Protection Act 2026*;”,

and

(b) in section 247D—

(i) in subsection (1), by the substitution of “Act of 2015 or *section 178(8)\** of the *Act of 2026*” for “Act of 2015”, and

(ii) in subsection (2)—

(I) by the substitution of the following definition for the definition of “designated accommodation centre”:

“ ‘designated accommodation centre’ means a premises designated under *subsection (15)* of *section 178\** of the *Act of 2026*, or deemed under *subsection (16)* of that section to be so designated.”

and

(II) by the insertion of the following definition:

“ ‘*Act of 2026*’ means the *International Protection Act 2026*;”.

[\*This is a reference to a section proposed to be inserted by amendment No. 205.]

256. In page 191, between lines 3 and 4, to insert the following:

**“Amendment of Schedule 3 to Broadcasting Act 2009**

237. Schedule 3 to the Broadcasting Act 2009 is amended by the insertion of the following paragraph after paragraph 44:

[SECTION 236]

*“International Protection Act 2026*

45. Online content by which a person publishes or broadcasts information, contrary to *section 218(1)* of the *International Protection Act 2026* (prohibition on publication or broadcast of certain information).”.”.

257. In page 191, between lines 3 and 4, to insert the following:

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

238. 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 9* 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 9* of that Act.”.”.

*[\*This is a reference to a Part proposed to be inserted by amendment No. 63.]*

*[Acceptance of this amendment involves the deletion of section 236 of the bill.]*

SECTION 237

\*258. In page 191, between lines 11 and 12, to insert the following:

**“Amendment of Children First Act 2015**

237. 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

[SECTION 237]

the *International Protection Act 2026* or a designated centre within the meaning of *Chapter 2* of *Part 9* 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 144(1)(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 9* 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.”.

[\*This is a reference to a Part proposed to be inserted by amendment No. 63.]

**259.** In page 191, line 20, after “decision” to insert “that is in effect”.

SECTION 238

**260.** In page 191, line 32, to delete “Data Protection Act 2018” and substitute “Act of 2018”.

NEW SECTION

**261.** In page 192, after line 17, to insert the following:

**“Amendment of Childcare Support Act 2018**

**239.** The Childcare Support Act 2018 is amended—

(a) in section 1(1), by the insertion of the following definition:

“ ‘Act of 2026’ means the *International Protection Act 2026*;”,

[NEW SECTION]

(b) in section 7(1)(b), by the insertion of the following subparagraphs after subparagraph (iia):

“(iib) an applicant within the meaning of section 2(1) of the *Act of 2026*, or a person deemed to have made an application under that Act, or

(iic) a person who is a programme refugee within the meaning of *Part 10* of the *Act of 2026*, or

(iic) a person who has been given a permission to reside in the State under *section 178(8)\** of the *Act of 2026*, where the permission concerned is in force, or”

(c) in section 15(2)(c), by the insertion of the following subparagraphs after subparagraph (iia):

“(iib) an applicant within the meaning of section 2(1) of the *Act of 2026*, or a person deemed to have made an application under that Act, or

(iic) a person who is a programme refugee within the meaning of *Part 10* of the *Act of 2026*, or

(iic) a person who has been given a permission to reside in the State under *section 178(8)\** of the *Act of 2026*, where the permission concerned is in force, or”

and

(d) in Schedule 2, by the insertion of the following:

“

Minister for Justice, Home Affairs and Migration	To facilitate access to childcare services for applicants within the meaning of the <i>Act of 2026</i> and programme refugees within the meaning of <i>Part 10</i> of that Act, so that parents or children can access education, integration and other relevant supports.
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””

[\*This is a reference to a section proposed to be inserted by amendment No. 205.]

262. In page 192, after line 17, to insert the following:

**“Amendment of section 5(1) of Criminal Justice (Smuggling of Persons) Act 2021**

240. Section 5(1) of the Criminal Justice (Smuggling of Persons) Act 2021 is amended by the substitution of the following definition for the definition of “international protection”:

“ ‘international protection’ has the meaning it has in the *International Protection Act 2026*;”

[NEW SECTION]

263. In page 192, after line 17, to insert the following:

**“Amendment of Civil Law (Miscellaneous Provisions) Act 2022**

241. The Civil Law (Miscellaneous Provisions) Act 2022 is amended—

- (a) in section 4, by the substitution of the following definition for the definition of “temporary protection beneficiary”:

“ ‘temporary protection beneficiary’ means a person to whom section 60 of the International Protection Act 2015, or *section 178\** of the *International Protection Act 2026*, applies on foot of Council Implementing Decision (EU) 2022/382 of 4 March 2022 and who has been given a permission to reside in the State under section 60(6) of the International Protection Act 2015 or *section 178(8)\** of the *International Protection Act 2026*, as the case may be, which permission is valid;”, and

- (b) in section 41—

- (i) by the insertion of the following definition:

“ ‘*Act of 2026*’ means the *International Protection Act 2026*;”,

- (ii) in the definition of “international protection”, by the substitution of “*Act of 2026*” for “Act of 2015”, and

- (iii) in the definition of “relevant immigration enactment” by the insertion of the following paragraph after paragraph (a):

“(aa) *section 178\** of the *Act of 2026*.”.

[\*This is a reference to a section proposed to be inserted by amendment No. 205.]

264. In page 192, after line 17, to insert the following:

**“Amendment of section 8 of Employment Permits Act 2024**

242. Section 8 of the Employment Permits Act 2024 is amended—

- (a) in subsection (1)—

- (i) by the insertion of the following paragraph after paragraph (a):

“(aa) who is a beneficiary of international protection within the meaning of the *Act of 2026*,”

- (ii) by the insertion of the following paragraphs after paragraph (b):

“(bb) who is given, or deemed under the *Act of 2026* to be given, a permission to reside in the State under *section 146* of that Act, where the permission concerned is in force,

(bc) who is given, or deemed under the *Act of 2026* to be given, a permission to enter and reside in the State under *section 147* of that Act, where the permission concerned is in force.”,

[NEW SECTION]

(iii) by the insertion of the following paragraph after paragraph (c):

“(cc) a person who is a programme refugee within the meaning of *Part 10* of the *Act of 2026*,”

and

(iv) by the insertion of the following paragraph after paragraph (d):

“(dd) who is an applicant within the meaning of section 2(1) of the *Act of 2026* or a person deemed to have made an application under that Act and who has been granted a labour market access permission which is in force,”

and

(b) in subsection (3), by the insertion of the following definition:

“ ‘*Act of 2026*’ means the *International Protection Act 2026*;”.”.

TITLE

**265.** In page 15, line 19, after “2021/1147;” to insert the following:

“to give further effect to Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof;”.

**266.** In page 16, line 13, after “1956,” to insert “the Child Care Act 1991, the Civil Legal Aid Act 1995,”.

**267.** In page 16, lines 14 and 15, 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”.