GENERAL SCHEME OF THE

INTERNATIONAL PROTECTION BILL 2025

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Part 1: Preliminary

Head 1: Short title and commencement

Provide that:

(1) This General Scheme may be cited as the International Protection Bill 2025.

(2) This General Scheme, apart from *Part 4*, shall come into operation in respect of all applications lodged at or after 11.00 p.m. on 11 June 2026.

(3) In addition to the provision set out in *subhead (2)*, *Part 14* shall also come into operation at 11 p.m. on 11 June 2026 in respect of all applicants to whom the provisions of the Act of 2015 continue to apply.

(4) *Part 4* shall come into operation in respect of all applications lodged at or after 11.00 p.m. on 30 June 2026.

Head 2: Interpretation

(1) In this Act—

“Act of 1996” means the Refugee Act 1996;

“Act of 1999” means the Immigration Act 1999;

"Act of 2003" means the Immigration Act 2003;

“Act of 2004” means the Immigration Act 2004;

"Act of 2015" means the International Protection Act 2015;

‘adequate capacity’ has the same meaning as in the Asylum Procedures Regulation;

‘alphanumeric data’ means data represented by letters, digits, special characters, space or punctuation marks;

“applicant” means a person who—

(a) has made an application for international protection in accordance with Head 26, or on whose behalf such an application has been made or is deemed to have been made, and

(b) has not had a final decision taken on his or her application;

‘applicant in need of special procedural guarantees’ means an applicant whose ability to benefit from the rights and comply with the obligations provided for in this Act is limited due to individual circumstances, such as specific vulnerabilities;

‘application for international protection’ means a request for protection to the Minister made by a person, who can be understood to be seeking refugee status or subsidiary protection status;

Asylum Procedures Regulation means 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, or any Regulation amending or replacing that Regulation;

Asylum and Migration Management Regulation means Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013, or any Regulation amending or replacing that Regulation;

‘beneficiary of international protection’ has the same meaning as in the Qualification Regulation.

“biometric data’ includes fingerprint data, facial image data and palm prints;

“chairperson” means the chairperson of the Second Instance Body;

“civil partner” means a civil partner within the meaning of section 3 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

“country of origin” has the same meaning as in the Qualification Regulation;

“criminal behaviour” means the act or omission constituting an offence alleged to have been committed by a person;

“Crisis and Force Majeure Regulation” means Regulation (EU) 2024/1359 of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147, or any Regulation amending or replacing that Regulation;

“cultural mediator” means a person who may be tasked with assisting applicants at specified points in the international protection process [through the provision of information and supporting in communication with officers of the Minister, as well as other tasks as may be necessary]

“deportation order” shall be construed in accordance with section 3 of the Immigration Act 1999;

“deputy chairperson” means a deputy chairperson of the Second Instance Body;

“document” includes—

(a) any written matter,

(b) any photograph,

(c) any currency notes or counterfeit currency notes,

(d) any information in non-legible form that is capable of being converted into

legible form,

(e) any audio or video recording, and

(f) a travel document or an identity document;

“Dublin Regulation” means Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013;

“Dublin System Regulations” means any statutory instrument made by a Minister of the Government for the purpose of giving effect to the Dublin Regulation;

“Eurodac Regulation” means Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of ‘Eurodac’ for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States’ law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council, or any Regulation amending or replacing that Regulation;

“European Union Agency for Asylum” means the European Union Agency for Asylum established by Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021, or any Regulation amending or replacing that Regulation;

“facial image data” means digital images of the face with sufficient image resolution and quality to be used in automatic biometric matching;

"final decision" means a decision on whether or not a third-country national or stateless person is granted refugee status or subsidiary protection status pursuant to head 78, including a decision rejecting the application as inadmissible or a decision rejecting an application as implicitly or explicitly withdrawn, which is no longer subject to a remedy under head 67 or has become final in accordance with this Act, irrespective of whether the applicant has the right to remain in accordance with this Act;

"fingerprint data" means the data relating to plain and rolled impressions of the fingerprints of all ten fingers, where present, or a latent fingerprint;

"Geneva Convention" means the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 (the text of which, in the English language, is, for convenience of reference, set out in Schedule 1) and includes the Protocol relating to the Status of Refugees done at New York on 31 January 1967 (the text of which, in the English language, is, for convenience of reference, set out in Schedule 2);

"High Commissioner" means the United Nations High Commissioner for Refugees and includes the Representative for Ireland of the High Commissioner;

'hit' means the existence of a match or matches established by Eurodac by means of a comparison between biometric data recorded in the computerised central database and those transmitted by a Member State with regard to a person, without prejudice to the requirement that Member States immediately check the results of the comparison pursuant to Article 38(4) of Eurodac;

"identity document" includes a passport, visa, transit visa, national identity card, entry permit, residence permit, driving licence, employment permit, birth certificate, marriage certificate or any other document establishing or contributing to establishing a person's nationality or identity issued or purporting to be issued by or on behalf of a local or the national authority of a state, including the State, or by an organ or agency of the United Nations;

"immigration officer" has the meaning it has in section 3 of the Act of 2004;

"information" includes—

(a) information in the form of a document (or any other thing) or in any other form,

and

(b) personal information, including biometric data;

"international protection" means status in the State either—

(a) as a refugee, on the basis of a refugee declaration, or

(b) as a person eligible for subsidiary protection, on the basis of a subsidiary protection declaration;

"International protection needs arising sur place" has the same meaning as in Article 5 of the Qualification Regulation;

"legal assistance" means legal aid or legal advice, within the meaning of the Civil Legal Aid Act 1995;

"legal counselling" has the meaning assigned to it by head yy;

"legal representative" means a practising solicitor or a practising barrister;

"Member State" means a Member State of the European Union, other than the State;

'Member State responsible' means the Member State responsible for the examination of an international protection application in accordance with Regulation (EU) 2024/1351;

"Minister" means the Minister for Justice, Home Affairs and Migration;

'minor' means a third-country national or stateless person below the age of 18 years;

"partial safe country of origin" means a geographical location within a country of origin that has been designated under *head 149*, or by the European Commission in accordance with Article 60 of the Asylum Procedures Regulation, as safe;

"partial safe third country" means a geographical location within a country that has been designated under *head 149,* or by the European Commission in accordance with Article 60 of the Asylum Procedures Regulation*,* as a safe third country; or a third country that is a partial safe third country for a specific applicant, having regard to the circumstance in *Head 149*;

"persecution" shall be construed in accordance with Article 9 of the Qualification Regulation;

"person eligible for subsidiary protection" means a person—

(a) who is not a national of a Member State of the European Union,

(b) who does not qualify as a refugee,

(c) in respect of whom substantial grounds have been shown for believing that he or she, if returned to his or her country of origin, would face a real risk of suffering serious harm and who is unable or, owing to such risk, unwilling to avail himself or herself of the protection of that country, and

(d) who is not excluded under *head 56* from being eligible for subsidiary protection;

"personal interview" means an interview held under head 40, head 47(1), or head 48(2);

"prescribed" means prescribed by regulations made by the Minister;

"protection" (except where the context otherwise requires) means protection against persecution or serious harm and shall be construed in accordance with *head 53*;

"Qualification Regulation" means Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council, or any Regulation amending or replacing that Regulation.

"Reception Conditions Directive" means Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection, or any Directive amending or replacing that Regulation;

"refugee" has the same meaning as in the Asylum Procedures Regulation;

“refugee declaration” means a statement, made in writing by the Minister or the Second Instance Body, declaring that the person to whom it relates is a refugee;

“registered medical practitioner” means a person who is a registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007;

‘representative’ means a natural person or an organisation, including a public authority, appointed by the competent authorities or bodies to represent, assist and act, as applicable, on behalf of an unaccompanied minor;

"return order" has the meaning assigned to it by *head 84*;

“safe country of origin” means a country that has been designated under *head 149*, or by the European Commission in accordance with Article 62 of the Asylum Procedures Regulation, as a safe country of origin;

"safe third country" means a country that has been designated by the Minister *Head 150* as a safe third country, or by the European Commission in accordance with Article 60 of the Asylum Procedures Regulation, or a third country that is a safe third country for a specific applicant, having regard to the circumstance in *Head 150*;

“serious crime” means an offence for which a person of full age and capacity and not previously convicted may be punished by imprisonment for a term of 5 years or by a more severe penalty.

“serious harm” has the same meaning as in Article 15 of the Qualification Regulation;

“standard procedure” means the examination on the merits of an application that does not fall under the scope of *head 29(2)(a)(i)* or *(iii)*;

‘stateless person’ has the same meaning as in the Asylum Procedures Regulation;

“statute” means—

(a) an Act of the Oireachtas, or

(b) a statute that was in force in Saorstát Éireann immediately before the date of the

coming into operation of the Constitution and that continues to be of full force

and effect by virtue of Article 50 of the Constitution;

“statutory instrument” means an order, regulation, rule, scheme or bye-law made in exercise of a power conferred by statute;

“social welfare benefits” includes any payment or services provided under the Social Welfare Acts or the Health Acts 1947 to 2025;

“subsequent application” means a further application for international protection made in any Member State after a final decision has been taken on a previous application in any Member State, including cases in which the application has been rejected as explicitly or implicitly withdrawn;

“subsidiary protection declaration” means a statement, made in writing by the Minister, or Second Instance Body, declaring that the person to whom it relates is a person eligible for subsidiary protection;

“Tribunal” means the International Protection Appeals Tribunal established by section 61 of the International Protection Act 2015;

‘unaccompanied minor’ means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her, whether by law or practice of the Member State concerned, and for as long as that minor is not effectively taken into the care of such an adult, including a minor who is left unaccompanied after he or she has entered the territory of the Member States;

“Union Resettlement Framework Regulation” means Regulation (EU) 2024/1350 of the European Parliament and of the Council of 14 May 2024 establishing a Union Resettlement and Humanitarian Admission Framework, and amending Regulation (EU) 2021/1147 or any Regulation amending or replacing that Regulation;

‘withdrawal of international protection’ means a decision by the Minister or a competent court or tribunal to revoke or end, including by refusing to renew, international protection, in accordance with *head 77*.

Head 3: Regulations

Provide that:

(1) The Minister may by regulations provide for any matter referred to in this General Scheme as prescribed or to be prescribed.

(2) Different regulations may be made under this section in respect of different classes of matter the subject of the prescribing concerned.

(3) Without prejudice to any provision of this Act, regulations under this head may contain such incidental, supplementary, consequential and transitional provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(4) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as practicable after it is made and, if a resolution annulling such regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Head 4: Service of documents

Provide that:

(1) A notice or other document that is required or authorised by or under this General Scheme to be served on or given to a person shall be addressed to the person concerned by name, and may be so served on or given to the person in one of the following ways:
   (a) by delivering it to the person;
   (b) by leaving at the address most recently furnished by him or her to the Minister[, or Second Instance Body, as the case may be,] under *Heads 24 or 27(2)(b)*, or, in a case in which an address for service has been furnished, at that address;
   (c) by sending it by post in a prepaid registered letter, or by any other form of recorded delivery service prescribed by the Minister, addressed to the person at the address most recently furnished by him or her to the Minister[, or Second Instance Body, as the case may be,] under *Heads 24 or 27* or, in a case in which an address for service has been furnished, at that address;
   (d) by sending it to the person by electronic means in accordance with subhead (2).

(2) For the purposes of subhead (1)(d), a notice or other document is sent to a person by electronic means in accordance with this subhead –
   (a) to an email address most recently furnished by him or her to the Minister [, or Second Instance Body, as the case may be,] under *Heads 24 or 27(2)(b)*, or, in a case in which an email address for service has been furnished, at that email address;
   (b) in a case in which the person is registered on an electronic interface, by sending a notification–

      (i) to an email address most recently furnished by him or her to the Minister[, or Second Instance Body, as the case may be,] under *Heads 24 or 27(2)(b)*, or, in a case in which an email address for service has been furnished, at that email address, or
      (ii) to a telephone number most recently furnished by him or her to the Minister, or Second Instance Body, as the case may be,] under *Heads 24* or *27*, or, in a case in which a telephone number for service has been furnished, at that telephone number,

   informing the person that a notice or document has been left on that electronic interface.

(3) Where a notice or other document referred to in subhead (1) has been sent to a person in accordance with—
   (a) paragraph (c), the notice or other document shall be deemed to have been duly served on or given to the person on the third working day after the day on which it was so sent, and
   (b) paragraph (d), the notice or other document shall be deemed to have been duly served on or given to the person when the sender's facility for the delivery of notices or other documents by electronic means generates a message or other record confirming the delivery of the notice or other document by the electronic means used.

(4) In this Head, "electronic interface" means a secure information technology platform, portal, exchange network or other similar interface maintained by, or on behalf of, the Minister which requires personal log-in details.

Head 5: Expenses

Provide that:

(1) The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, National Development Plan Delivery and Reform, be paid out of moneys provided by the Oireachtas.

Head 6: Repeals and revocations

Provide that:

(1) Subject to *Part 18*, the Act of 2015 is repealed.

(2) Subject to *Part 18*, the following enactments are revoked:

(a) International Protection Act 2015 (Application for International Protection Form) Regulations 2024 (S.I. No. 366 of 2024)

(b) International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022 (S.I. No. 542 of 2022)

(c) International Protection Act 2015 (Section 51B) (Places of Detention) Regulations 2020 (S.I. No. 727 of 2020)

(d) International Protection Act 2015 (Return Order) Regulations 2020 (S.I. No. 726 of 2020)

(e) European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230/2018)

(f) European Union (Dublin System) Regulations (S.I. No. 62/2018)

(g) International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017 (S.I. No. 116 of 2017)

(h) International Protection Act 2015 (Deportation) Regulations 2016 (S.I. No. 668 of 2016)

(i) International Protection Act 2015 (Travel Document) Regulations 2016 (S.I. No. 667 of 2016)

(j) International Protection Act 2015 (Places of detention) Regulations 2016 (S.I. No. 666 of 2016)

(k) International Protection Act 2015 (Voluntary Return) Regulations 2016 (S.I. No. 665 of 2016)

(l) International Protection Act 2015 (Permission to remain) Regulations 2016 (S.I. No. 664 of 2016)

(m) International Protection Act 2015 (Temporary Residence Certificate) (Prescribed Information) Regulations 2016 (S.I. No. 662 of 2016)

Part 2: Arrivals and Screening

Head 7: Taking of biometric data

Provide that:

(1) Subject to *subhead (2),* a member of An Garda Síochána, an immigration officer or officer of the Minister shall—

(a) for the purpose of establishing the identity of a person for any purpose of this Act take or cause to be taken the biometric data of a person applicant,

(b) for the purpose of checking whether the person has previously lodged an application for international protection in another Member State, take or cause to be taken the biometric data of a person who—

(i) is not a citizen of a Member State,
(ii) has attained the age of 6 years, and
(iii) not having permission, under any enactment or rule of law, to be present or remain in the State, has been found in the State,

(c) for the purpose of establishing whether the circumstances referred to in *head 33* apply in relation to the person, take or cause to be taken biometric data of a person who is the subject of an application for international protection, or

(d) to fulfil any obligation on the State arising from Article 13(1) of the Eurodac Regulation take or cause to be taken biometric data of a person who comes within the scope of that Article.

(2) Biometric data shall not be taken under this head from a person who has not attained the age of 18, other than in the presence of –

(a) an adult family member,
(b) a representative provisionally designated in accordance with *head 141(5)(a)*,
(c) a representative designated in accordance with *head 141(5)(b)*, or
(d) an employee or other person appointed by the Child and Family Agency.

(3) An immigration officer, officer of the Minister or member of An Garda Síochána, or a person acting on behalf of such an officer or member, as the case may be, who is taking the biometric data of a person to whom *subhead (2)* applies, shall –

(a) take that child's fingerprints in a child-friendly and child-sensitive manner,
(b) have completed appropriate training in relation to the taking of fingerprints from children, and
(c) explain the fingerprinting procedure to the child.

(4) If and for so long as the immigration officer, officer of the Minister or member of An Garda Síochána concerned has reasonable grounds for believing that the person has attained the

age of 18 years, the provisions of *subhead (2)* shall apply as if he or she has attained the age of 18 years.

(5) A person who is requested to provide an immigration officer, officer of the Minister or member of An Garda Síochána with biometric data in accordance with *subhead (1)* shall comply with that request.

(6) Where a person does not comply with *subhead (5)*, an immigration officer, officer of the Minister or member of An Garda Síochána shall inform the person of his or her obligation to cooperate, outlining the grounds for implicit withdrawal in accordance with *head 75* and the possibility of using reasonable force to obtain biometric data in accordance with *head 8*.

(7) The competent authority shall provide a person whose biometric data has been collected pursuant to *subhead(1)(d)* with the information as set out in Article 42 of the Eurodac Regulation.

Head 8: Use of reasonable force in certain circumstances

Provide that:

(1) A member of An Garda Síochána and the member or members of An Garda Síochána assisting that member may, where a person has attained the age of 18, or where *head 7(4)* applies in respect of a person, refuses to allow his or her biometric data to be taken in accordance with *head 7*, use such force as is reasonably considered necessary –

(i) to take the biometric data, or

(ii) to prevent the biometric data from being lost, damaged or otherwise being made imperfect, or both.

(2) (a) The power conferred by *subhead (1)* shall not be exercised except on the authority, and in the presence of, a member of An Garda Síochána not below the rank of inspector and that member shall determine the number of members of An Garda Síochána that is reasonably necessary for the purposes of *subhead (1)*.

(b) An authorisation pursuant to *paragraph (a)* may be given orally or in writing and if given orally shall be confirmed in writing as soon as practicable.

(3) Where it is intended to exercise the power conferred by *subhead (1)*, one of the members of An Garda Síochána concerned shall inform the person —

(a) of that intention, and

(b) that an authorisation to do so has been given pursuant to *subhead (2)(a)*.

(4) The taking of biometric data in accordance with this head shall be recorded by electronic or similar means.

(5) Where biometric data is taken pursuant to the powers in this head, a member of An Garda Síochána shall inform the Chief Inspector of Asylum Border Procedures of that fact as soon as is practicable, providing details of the procedures followed and the circumstances of the case.

Head 9: Management of Biometric Data

Provide that:

(1) The competent authority shall arrange for the maintenance of a record of biometric data taken pursuant to *head 7 (1).*

(2) Biometric data collected under *head 7 (1)* shall be retained in line with the periods established in Article 29 of the Eurodac Regulation.

(3) An Garda Síochána is the designated authority for Articles 5 and 6 of the Eurodac Regulation.

Head 10: Designation of Screening Centres

Provide that:

(1) The Minister may –

(a) 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 as Screening Centres, and

(b) shall, as soon as practicable after a designation is made under *paragraph (a)*, ensure that the fact of such designation is published on a website maintained by or on behalf of him or her or the Government.

Head 11: Obligation to travel to a Screening Centre

Provide that:

(1) A person who indicates a desire to seek international protection to an immigration officer, an officer of the Minister, or member of An Garda Síochána at a place other than a Screening Centre, shall be obliged to travel to a Screening Centre, as designated in accordance with *head 10,* except where *subhead (3)* or *(4)* applies.

(2) A person who is obliged to travel to a Screening Centre shall comply with any directions given to him or her by an immigration officer, an officer of the Minister, or member of An Garda Síochána to facilitate his or her transfer to a Screening Centre.

(3) A person who holds a valid registration certificate pursuant to section 9(4A) of the Act of 2004, or in the case of a minor exempted from the obligation to register pursuant to section 9(6)(a) of the Act of 2004, where his or her parent or guardian holds a valid registration certificate pursuant to section 9(4A) of the Act of 2004, shall be exempted from the obligation in *subhead (1)* unless the Minister deems it necessary for him or her to attend the Screening Centre in the interests of public policy or national security.

(4) A person who is serving a term of imprisonment in a prison or place of detention, who is deemed by a registered medical professional to be incapable of travelling to a Screening Centre, who is detained in a detention school under the Children Act 2001, or who is subject to an extradition procedure may be exempted from the obligation in *subhead (1)*.

(5) Where *head (3)* or *(4)* applies, the Minister may, where necessary, make alternative arrangements to ensure that the procedures referred to in *head 7*, *21*, and *24* are conducted in respect of that person as soon as is practicable.

(6) In making alternative arrangements pursuant to *subhead (5)*, the Minister may require that a person present to a Screening Centre at a specified time.

Head 12: Arrest and detention for the purposes of transfer to a Screening Centre
Provide that:

(1) Where a person refuses or fails to comply with an obligation pursuant to *head 11(1)*, *(2)* or *(6)*, an immigration officer or member of An Garda Síochána may, for the purposes of transferring that person to a Screening Centre designated in accordance with *head 10*, arrest the person without warrant.

(2) A person arrested under *subhead (1)* may be taken to a place referred to in *paragraph (a)* or *(b)* and detained –

(a) under warrant of an officer or member of An Garda Síochána in any of the places as the Minister has designated in accordance with *head 122*, and in the custody of an officer or such member for the time being in charge of that place, or

(b) for the purposes of transporting the person to a Screening Centre, and for a period of periods each not exceeding 12 hours, in a vehicle destined for a Screening Centre.

(3) When an arrest is made under *subhead (1)* and the person arrested is brought to a prison or to a Garda Síochána station, the Governor of the prison or the Member in Charge of An Garda Síochána station, as the case may be, shall be informed of the fact.

(4) A person arrested under *subhead (1)* may be detained only until such time (being as soon as is practicable) as he or she is transferred to the Screening Centre but, in any event, may not be detained for a period or periods exceeding 2 days in aggregate.

(5) Notwithstanding *subhead (4)*, where a person is detained for the purposes of Screening in accordance with *head 12*, his or her detention shall continue until such a time as Screening is completed or further detention is ordered in accordance with *head 122*.

(6) A person to whom this section applies –

(a) shall not, by act or omission, obstruct or hinder an immigration officer or member of An Garda Síochána engaged in the transfer of that person to a Screening Centre pursuant to this section, and

(b) shall not behave in a manner likely to endanger the safety of himself or herself or the safety of others in the course of his or her transfer to the a Screening Centre.

(7) A person to whom this section does not apply shall not by act or omission, obstruct or hinder an immigration officer or member of An Garda Síochána engaged in the transfer of a person to a Screening Centre pursuant to this section.

(8) A person who contravenes *subheads (6)(a)* or *(7)* shall be guilty of an offence and liable to a penalty in accordance with *head 142(1)*.

(9) Where an immigration officer or a member of An Garda Síochána has reasonable grounds for believing that a person is not under the age of 18 years, *subheads (1)* to *(6)* shall apply to him or her as if he or she had attained the age of 18 years.

(10) Where a child under the age of 18 years is in the custody of any person (whether a parent or a person acting in loco parentis or any other person) and such person is detained under this section, the immigration officer or the member of An Garda Síochána concerned shall, without delay, notify the Child and Family Agency of the detention and of the circumstances thereof.

Head 13: Purpose and application of Screening

Provide that:

(1) The objective of screening shall be to effectively identify all persons seeking international protection whose identity has not yet been effectively confirmed in the State, and to check against relevant databases to ascertain whether the persons subject to screening might pose a threat to national security, public order or public policy.

(2) Screening shall also entail preliminary health and vulnerability checks to identify –

(a) applicants in need of healthcare,
(b) illnesses which might pose a threat to public health, and
(c) applicants with special reception needs.

(3) Screening shall facilitate the referral of applicants to the appropriate procedure in respect of his or her international protection application.

(4) Every person who indicates a desire to claim international protection to an immigration officer, the Minister or member of An Garda Síochána shall be subject to Screening unless he or she falls within an exemption outlined in *head 11(3)* or *(4)*.

Head 14: Permission to enter the State

Provide that:

(1) During screening, applicants shall not be authorised to enter the State and shall not be deemed to have been granted permission to land in accordance with section 4 of the Immigration Act 2004.

Head 15: Screening authority

Provide that:

(1) The Minister shall perform the functions of the screening authority.

(2) The Minister may make arrangements to allow cultural mediators to assist with any procedure in this *Part*.

Head 16: Obligations of applicants subject to screening

Provide that:

(1) During screening, an applicant shall remain available to screening authorities by –

(a) remaining in the area in which he or she has been allocated in accordance with *head 119*, and

(b) presenting to complete all elements of the Screening procedure as may be directed by an immigration officer or the Minister.

(2) No element of *subhead (1)* shall prevent more restrictive measures being adopted in respect of an applicant in accordance with *head 122* where he or she meets the criteria set out in that Head or fails to comply with *subhead (1)*.

(3) Applicants shall –

(a) cooperate fully with screening authorities,

(b) abide by the rules of the accommodation centre,

(c) indicate their name, date of birth, gender, nationality, and, where necessary, evidence of family relationships with other applicants, and provide documents and information, where available, that prove those data, and

(d) provide biometric data as provided for in *head 7*.

Head 17: Provision of information

Provide that:

(1) The Minister shall ensure that all applicants subject to screening are provided with information pertaining to –

(a) the purpose, duration and elements of screening, as well as the manner in which screening is carried out and its possible outcomes,

(b) the obligations and the consequences of non-compliance as provided for in *heads 75 and 122*,

(c) the rights and obligations of applicants during screening, including the obligations set out in *heads 16 and 59*, the right to legal counselling as provided for in *head yy*, and the possibility to obtain self-funded legal advice in accordance with *head yy*, and

(d) the rights conferred on data subjects in accordance with Regulation (EU) 2016/679 and the Data Protection Act 2018.

(2) The Minister shall ensure that applicants subject to screening are provided with information pertaining to –

(a) relevant provisions of this Act, the Act of 2004 and the Act of 1999,

(b) information relating to voluntary return,

(c) the conditions of relocation in accordance with the Asylum and Migration Management Regulation, and

(d) Article 24(3) of the Asylum Procedures Regulation.

(3) The information provided during the screening shall be given in a language which the applicant understands or is reasonably supposed to understand and shall be made available in writing, on paper, in electronic format or orally.

(4) In the case of minors, the information shall be provided in a child-friendly and age-appropriate manner and with the involvement of the representative or person temporarily assisting the minor in accordance with *head 141*.

(5) The Minister may permit relevant and competent national, international and non-governmental organisations and bodies to provide applicants with information referred to in this head.

Head 18: Preliminary health checks

Provide that:

(1) Applicants subject to screening shall be subject to a preliminary health check to be carried out with registered medical practitioners with a view to identifying applicants with –

(a) acute medical care, and

(b) illnesses which might pose a threat to public health, including any need for detention and isolation of a person who is a probable source of infection in accordance with section 38 of the Health Act 1947.

(2) Registered medical practitioners may decide, based on the medical circumstances concerning the general state of an individual applicant, that no further health check is necessary during screening.

(3) Applicants subject to screening shall have access to emergency health care and essential treatment of illnesses.

(4) The preliminary health check may form part of the medical examination referred to in *head 59*.

(5) The results of the preliminary health check shall be made available to the applicant as soon as practicable and shall be accessible to the Minister, competent authorities, and the Second Instance Body, where applicable.

(6) The medical examination shall be the least invasive possible and be performed only by registered medical practitioners.

(7) An applicant may refuse to undergo a health examination unless there are reasonable grounds to believe that the provisions of section 38 of the Health Act 1947 apply in respect of that applicant.

Head 19: Preliminary vulnerability checks

Provide that:

(1) Applicants subject to screening shall undergo a preliminary vulnerability check by specialised personnel of the screening authority trained for that purpose, with a view to identifying whether an applicant might be a stateless person, a victim of torture or other inhuman or degrading treatment or have special needs within the meaning of Article 25 of the Reception Conditions Directive and Article 20 of the Asylum Procedures Regulation.

(2) For the purpose of that vulnerability check, the screening authority may be assisted by non-governmental organisations and, where relevant, by registered medical personnel or personnel of other competent authorities.

(3) Where there are indications of special reception or procedural needs, the applicant concerned shall receive timely and adequate support in adequate facilities in view of their physical and mental health.

(4) In the case of minors, the support referred to in *subhead (3)* shall be given in a child-friendly and age-appropriate manner by personnel trained and qualified to deal with minors, and in cooperation with the Child and Family Agency.

(5) The vulnerability check provided for in this section and the health check provided for in *head 18* may, where appropriate, form part, or the entirety, of the assessment provided for in Article 25 of the Reception Conditions Directive and Article 20 of the Asylum Procedures Regulation.

(6) Where an applicant refuses to undergo a vulnerability check, he or she shall be informed by the Minister that such a refusal may have implications as to the credibility of his or her claim where adverse pre-existing health conditions or previous torture is raised as part of his or her international protection claim.

Head 20: Guarantees for minors

Provide that:

(1) During screening, a minor shall be accompanied by an adult family member, where the adult family member is present in the State.

(2) Where the adult family member referred to in *subhead (1)* cannot attend Screening or his or her attendance is considered by the Child and Family Agency not to be in the best interests of the child, the provisions of *subhead (3)* shall apply in respect of a minor.

(3) In the case of unaccompanied minors, or a minor to whom *subhead (2)* applies, the Minister shall, as soon as possible, take measures to ensure that a representative designated in accordance with *head 141*, where a representative has not been appointed, a person who has been provisionally designated as a representative in accordance with *head 141*, or where no such designation has been made, an employee or other person appointed by the Child and Family Agency is available to support the minor with –

(a) the provision of information provided for in *head 17*,

(b) complying with his or her obligations under *heads 16 and 59,* and

(c) communicating with the Minister during the screening procedure.

Head 21: Identification or verification of identity

(Placeholder)

Head 22: Security check

(Placeholder)

Head 23: Examination of persons during Screening

Provide that:

(1)(a) Any person subject to screening shall, on being required so to do by an immigration officer, an officer of the Minister, or a member of An Garda Síochána, make a declaration as to whether or not he or she is carrying or conveying any documents and, if so required, shall produce them to the officer or member.

(b) Where it is reasonably necessary for the purpose of the enforcement of this Act, including to support *head 21*, or where any criminal offence is reasonably suspected, an immigration officer, an officer of the Minister, or member of An Garda Síochána may search any person subject to screening and any luggage belonging to him or her or under his or her control with a view to ascertaining whether the person is carrying or conveying any documents.

(c) An officer or member may examine and detain any document produced under *paragraph (a)* or found on a search under *paragraph (b)* for as long as an officer or member considers it reasonably necessary to assist in the determination of an international protection claim or return, or for as long as an officer or member reasonably believes it to be evidence of or relating to any criminal offence, as the case may be.

(d) In this section, "documents" includes –

(i) any written matter,
(ii) any photograph,
(iii) any currency notes or counterfeit currency notes,
(iv) any information in non-legible form that is capable of being converted into legible form, or
(v) any audio or video recording.

(2) (a) A person who is subject to this head, shall, if so required by an immigration officer, an officer of the Minister or a member of An Garda Síochána, provide all reasonable assistance in relation to the operation of devices in which the relevant documents are stored or access to the relevant documents stored in those devices, including—

(i) providing the relevant documents to an immigration officer, an officer of the Minister, or a member of An Garda Síochána, as the case may be, in a form in which the documents can be taken away from the place and in which the documents are, or can be made, legible and comprehensible,

(ii) giving to an immigration officer, an officer of the Minister or a member of An Garda Síochána, as the case may be, any password necessary to make the relevant documents concerned legible and comprehensible, or

(iii) otherwise enabling the immigration officer, an officer of the Minister, or a member of An Garda Síochána, as the case may be, to examine the relevant documents in a form in which the document is legible and comprehensible.

(2)(b) A person who contravenes *subhead (1)(a) or subhead (2)(a)* shall be guilty of an offence and liable to a penalty in accordance with *head 142(1)*.

Head 24: Screening form

Provide that:

(1) The Minister shall complete a form in respect of applicants who have been screened, containing the following –

(a) name, date and place of birth and gender,

(b) indication of nationalities or statelessness, countries of residence prior to arrival and languages spoken,

(c) the reason for which the screening was performed,

(d) information on the preliminary health check carried out in accordance with *head 18*, including where, based on the circumstances concerning the general state of each individual applicant, no further health check was necessary

(e) relevant information on the preliminary vulnerability check carried out in accordance with *head 19*, in particular any vulnerability or special reception or procedural needs identified,

(f) information as to whether the applicant made an application for international protection,

(g) information provided by the applicant concerned as to whether he or she has family members located on the territory of any Member State;

(h) whether the consultation of relevant databases in accordance with Article 15 resulted in a hit, and

(i) whether the applicant concerned has complied with his or her obligation to cooperate in accordance with *heads 16 and 59*.

(2) Where available, the form referred to in *subhead (1)* shall include:

(a) the reason for irregular arrival or entry,

(b) information on routes travelled, including the point of departure, places of previous residence, third countries of transit, third countries where international protection may have been sought or granted, and intended destination within the Union,

(c) travel or identity documents carried by the applicant, and

(d) any comments and other relevant information, including any related information in cases of suspected smuggling or trafficking in human beings.

(3) In addition to the information gathered in the form referred to in *subhead (2)*, the Minister may collect such information necessary for the application of article 12 of the *Asylum and Migration Management Regulation* and article 9 of the *Eurodac Regulation*, and any other information deemed necessary by the Minister.

(4) The form shall contain a note as to whether the information contained in *subheads 1(a)* and *(b)* is based on the declaration of an applicant or whether it has been verified by the Minister.

(5) The information contained in *subheads (1), (2)* and *(3)*, shall be made available in either paper or electronic format to the applicant concerned, subject to the information in *subhead (1)(h)* and *subhead (2)(d)* being redacted.

(6) The applicant shall be requested to confirm the accuracy of the information provided to him or her in accordance with *subhead (5)* and where he or she disputes the accuracy of any information contained in the form, a note of this shall be made on the form.

Head 25: Termination of Screening

Provide that:

(1) Screening shall terminate where –

(a) an application for international protection is lodged, or

(b) an applicant withdraws his or her intention to lodge an application for international protection.

(2) Irrespective of *subhead (1)*, Screening in a Screening Centre shall terminate 7 days after the person being screened arrives in a Screening Centre.

(3) Screening may also terminate where the person concerned is arrested in connection with criminal proceedings, becomes the subject of an extradition request, or is deemed unable to continue with screening by a registered medical practitioner.

(4) Where Screening in a Screening Centre has been terminated in accordance with *subhead (2)* or *(3),* the Minister shall retain the right to complete any unfinished procedures outlined in *heads 21, 22, and 24* for a period of 21 days from the termination of screening outside of a Screening Centre.

(5) Where Screening is terminated in accordance with *subhead (3)*, a note will be made of same in the Screening Form as provided for in *head 24*.

(6) Where screening has been terminated in accordance with *subhead 1(b)*, the provisions of section 5 of the Immigration Act 2003 shall apply in respect of that person.

Part 3: Application for International Protection

Head 26: Application for International Protection

Provide that:

(1) (a)Subject to *heads 32* and *33* a person who has attained the age of 18 years and who is at the frontier of the State or who is in the State (whether lawfully or unlawfully) may make an application for international protection—

(i) on his or her own behalf,

(ii) on behalf of another person who has not attained the age of 18 years and who is at the frontier of the State or who is in the State (whether lawfully or unlawfully), where the person who has attained the age of 18 years is taking responsibility for the care and protection of the person who has not attained the age of 18 years, or

(iii) on behalf of another person, who requires assistance to exercise legal capacity, as defined in section 2(1) of the Assisted Decision-Making (Capacity) Act 2015.

(1)(b) For the purpose of substantiating paragraphs (ii) and (iii), the competent authority or the Minister, as applicable, may request that appropriate documentary evidence be submitted.

(2) Subject to *subheads (3)* and *(4)*, an application for international protection shall be made in person and shall be made to the competent authority or the Minister, as applicable.

(3) (a)Subject to *heads 32 and 33*, a person who makes an application under *subhead (1)(a)* shall be deemed to also have made an application for international protection on behalf of his or her dependent child where the child—

(i) at the time of the making of the application by the person, is present in the State and has not attained the age of 18 years,

(ii) is born in the State while the person is an applicant, or

(iii) not having attained the age of 18 years, enters the State while the person is an applicant.

(b) *Paragraph (a)* shall not apply if the child is an Irish citizen or a Union citizen as defined in Regulation 2 of the European Communities (Free Movement of Persons) Regulations 2015.

(4) (a) An application shall be lodged by completing the international protection application form in accordance with *paragraph (c)*.

(b) A person who fails to comply with *paragraph (a)* shall be subject to *head 75*.

(c) An application form for international protection shall be published on a website maintained by or on behalf of the Minister or the Government, as soon as the Minister has approved the content of the application form.

(5) The Minister shall notify the High Commissioner in writing of the lodging of an application for international protection and the notice shall include the name of the applicant, his or her country of origin and such other information as the Minister considers appropriate.

Head 27: Right to Remain in the State during the Administrative Procedure

Provide that:

(1) Once screening has been terminated in accordance with *head 25(1)(a),* or where an applicant is exempted from screening in accordance with *head 11(3)* or *(4)*, an applicant may remain on the territory of the State solely for the purpose of having his or her application considered, until the Minister has taken a first-instance decision on his or her application in accordance with *head 65,* except where *subhead (3)* or *(4)* applies in respect of his or her application.

(2)(a) The right to remain shall not constitute a right to travel to the territory of other Member States without a travel document as provided for in Article 6(3) of the Reception Conditions Directive.

(b) An applicant who is subject to *subhead (1)* shall—

(i) not leave or attempt to leave the State without the consent of the Minister,

(ii) inform the Minister of his or her address, telephone number, and email address and any change of these as soon as possible, and

(iii) comply with either or both of the following conditions, as may be notified in writing to him or her by an immigration officer:

(I) that he or she reside or remain in a specified district or place in the State;

(II) that he or she report at specified intervals to—

(A) an immigration officer, or

(B) a specified Garda Síochána station.

(3) The following exceptions to the applicant's right to remain on the territory of the State shall apply, where that applicant:

(a) makes a subsequent application in accordance with head 32 and the conditions laid down in head 58(1)(c) have been fulfilled;

(b) is or will be extradited, surrendered or transferred to another Member State, a third country, the International Criminal Court or another international court or tribunal for the purpose of conducting a criminal prosecution or for the execution of a custodial sentence or a detention order, provided that applying such an exception does not result in the applicant being removed to a third country or an international court or tribunal in violation of the principle of non-refoulement;

(c) is a danger to public order or national security, without prejudice to head 55 and 56, provided that applying such an exception does not result in the applicant being removed to a third country in violation of the principle of non-refoulement.

(4) An applicant shall not have the right to remain on the territory of the State where his or her application is being examined under *head 105* or where his or her appeal is subject to head *68(2)*.

Head 28: Registration and Lodging an Application

Provide that:

(1)(a) Pursuant to *head 13*, an applicant shall lodge his or her application with the Minister.

(b) The applicant shall lodge his or her application in person.

(c) When an applicant is subject to *head 26(1)(iii)*, he or she may be exempt from the obligation under *paragraph (a)*.

(d) When the applicant cannot comply with *paragraph (b)* due to long-term hospitalisation or imprisonment, the Minister shall make arrangements for the lodging of the application.

(2) Upon lodging, the application shall be registered by the Minister.

Head 29: Procedures for examining applications

Provide that:

(1) Following the registration of an application, the Minister shall inform the applicant as soon as practicable of which procedure under *subhead (2)(a)* his or her application will be examined under.

(2)(a) An application shall be examined under one or more of the following procedures:

(i) asylum border procedure in accordance with *head 105*;

(ii) admissibility procedure in accordance with *head 33*;

(iii) accelerated procedure in accordance with *head 63*;

(iv)standard procedure;

(v) procedure to determine the Member State responsible for examining the application in accordance with *head 39*.

(b) With the exception of an application under *subheads (2)(a)(ii* and *(2)(a)(iii)*, and an application that is subject to *heads 74* or *75*, an application shall be examined on its merits in accordance with *head 62*.

(3) The timelines for the procedures under *subhead (2)(a)(i) and (iii)* shall be three months, under *subhead (2)(a)(ii)* shall be two months and under *subhead (2)(a)(iv)* and *(v)* shall be six months, as set out in articles *51(2)*, *35(1)*, *(3)* and *(4)* of the *Asylum Procedures Regulation*, or in article *46* of the *Asylum and Migration Management Regulation*, as applicable.

Head 30: International Protection Applicant Card

Provide that:

(1) The competent authority shall upon registration and lodging of an application give to an applicant an international protection applicant card, in either digital or physical format (in this section referred to as a "card").

(2) A card shall contain all the information as listed in Article 29(4) of the Asylum Procedure Regulation.

(3) A card remains the property of the competent authority and the person to whom it is given shall surrender it when requested to do so by the competent authority.

(4) A card shall not be proof of identity but shall be considered to be sufficient means for applicants to identify themselves to authorities of the State and to access their rights for the duration of the procedure for international protection.

(5)(a) A card shall be deemed to be a registration card for the purposes of section 12 of the Act of 2004 and an applicant to whom a card has been given shall, for so long as the card remains valid, be deemed to have complied with section 9 of that Act.

(b) A card referred to in *paragraph (a)* shall not be deemed to be a registration card in respect of an applicant who is excluded from permission to remain in the State in accordance with *head 27(3) or (4).*

(6) A card ceases to be valid, and the applicant concerned shall, where applicable, return it to the competent authority without delay when the permissions under *head 27* no longer apply or where one of the following permissions have been given to the applicant —

a) refugee status, or

b) subsidiary protection.

(7) A person who forges, fraudulently alters, assists in forging or fraudulently altering or procures the forging or fraudulent alteration of, a card shall be guilty of an offence and liable to a penalty under *head 142(2)*.

Head 31: Applicants in need of special procedural guarantees

Provide that:

(1)Where an applicant has been identified as being in need of special procedural guarantees, based on the assessment conducted under Article 20 of the Asylum Procedures Regulation, the Minister shall provide the applicant with the necessary support allowing him or her to benefit from the rights and comply with the obligations under this Act and the Asylum Procedures Regulation throughout the duration of the procedure for international protection.

(2) Where the Minister, including on the basis of the assessment of another relevant national authority, considers that the necessary support referred to in *subhead (1)* cannot be provided within the framework of the accelerated examination procedure pursuant to *heads 63 or 105,* the Minister shall not apply or shall cease to apply those procedures to the applicant.

Head 32: Subsequent Applications

Provide that:

(1) Where an applicant makes a subsequent application, the Minister shall conduct a preliminary examination to establish whether new elements have arisen or have been presented by the applicant and which –

(a) significantly increase the likelihood of the applicant to qualify as a beneficiary of international protection, or

(b) relate to an inadmissibility ground previously applied to his or her application, where the previous application was rejected as inadmissible.

(2) (a) The preliminary examination shall be carried out on the basis of written submissions or, if deemed necessary by the Minister, a personal interview.

(b) The personal interview may be dispensed with if it is clear, from the written submissions, that the application does not give rise to new elements as referred to in *subhead (1)*.

(3)(a) If new elements as referred to in *subhead (1)* are presented, the application shall be examined on its merits in accordance with *head 62*, unless the application is considered to be inadmissible on the basis of another ground provided for in *head 33(4) paragraphs (a)* to *(e)*.

(b) The elements presented by the applicant shall be considered to be new only where the applicant was unable, through no fault on his or her own part, to present those elements in the context of the earlier application.

(c) Any elements which could have been presented earlier by the applicant need not be taken into account unless—

(i) they significantly increase the likelihood of the application not being inadmissible or of the applicant qualifying for international protection or

(ii) if a previous application was rejected as implicitly withdrawn in accordance with head 75 without an examination on the merits.

(4) Where no new elements as referred to in *subhead (1)* have been presented by the applicant or have arisen, the application shall be rejected as inadmissible pursuant to *head 33(4) paragraph (f)*.

(5) In this head—
'subsequent application' means a further application for international protection made in any Member State, including the State, after a final decision has been taken on a previous application in any Member State, including the State, including cases in which the application has been rejected as explicitly or implicitly withdrawn.

Head 33: Admissibility Procedure

Provide that:

(1) Before a decision is taken by the Minister on the inadmissibility of an application, the applicant shall be given the opportunity of a personal interview on admissibility.

(2) In the admissibility interview, the applicant shall be given an opportunity to provide reasons as to why the inadmissibility grounds provided for in *subhead (4)* are not applicable in respect of his her application.

(3) The admissibility interview shall be conducted in accordance with *head 48*.

(4)(a) The Minister may reject an application as inadmissible where one or more than one of the following grounds applies in relation to the applicant:

> (a) another Member State has granted refugee status or subsidiary protection status to the person;
>
> (b) a country other than a Member State is, in accordance with *head 151,* a first country of asylum for the applicant unless it is clear that the applicant will not be admitted or readmitted to that country;
>
> (c) the person arrived in the State from a safe third country that is, in accordance with *head 150 or head 152,* a safe country for the person unless it is clear that the applicant will not be admitted or readmitted to that country;
>
> (d) the circumstances referred to in Article 38(1)(d) of the Asylum Procedure Regulation;
>
> (e) the applicant concerned was issued with a return decision in accordance with *head 80* and made his or her application only after seven working days from the date on which the applicant received that return decision, provided that he or she had been informed of the consequences of not making an application within that time limit and that no new relevant elements have arisen since the end of that period;
>
> (f) he or she makes an application which is deemed to be a subsequent application with no new elements as provided for in *head 32(1).*

(b) Where, pursuant to paragraph (a), the Minister rejects an application as inadmissible, he or she shall prepare a report in writing, which shall include the reasons for the decision.

(5) Following the designation under *head 150 or head 152*, the Minister or the Second Instance Body, as applicable, may apply the concept of safe third country in accordance with article 59 of the Asylum Procedure Regulation.

(6) When applying the concept of first country of asylum as referred in *head 151*, the Minister or the Second Instance Body, as applicable, may do so in accordance with article 58 of the Asylum Procedure Regulation.

Head 34: Protection of identity of applicant

Provide that:

(1) The Minister and the Second Instance Body and their respective officers shall take all practicable steps to ensure that the identity of applicants is kept confidential.

(2) Throughout the procedure for international protection and after a final decision on the application has been taken, the authorities shall not disclose information regarding the individual application or the fact that an application has been made, to the alleged actors of persecution or serious harm.

(3) In this head—

"applicant" means a person who is or has been an applicant—

(a) under this Act,
(b) within the meaning of the Act of 2015,
(c) within the meaning of the Act of 1996,
(d) Regulation 4 of the Regulations of 2006, or
(e) the Regulations of 2013.

Head 35: Information to be provided to Applicant

Provide that:

(1)(a) If an applicant meets the criteria in *Chapter II* of *Part III* of the *Asylum and Migration Management Regulation*, he or she shall be subject to the procedure to determine the Member State responsible for examining his or her application.

(b) Pursuant to *paragraph (a)*, the competent authority shall provide the applicant with the necessary information in either electronic or paper format, including the applicant's obligations and consequences of non-compliance with the procedure, no later than the date when his or her application is registered in the State.

Head 36: Personal Interview to Determine Member State Responsible

Provide that:

(1)As part of the procedure for determining the Member State responsible for examining an application, the Minister shall cause the applicant to be interviewed for the purpose of applying Article 39 of the Asylum and Migration Management Regulation.

(2)Where there are indications that the applicant has family members or relatives in a Member State, the applicant shall complete a form as may be provided by the competent authority, where possible before the personal interview referred to in *subhead (1)*, with any information available to him or her in order to facilitate the application of Article 39 of the Asylum and Migration Management Regulation.

(3)The personal interview may be omitted where:

(a) the applicant has absconded;

(b) the applicant has not attended the personal interview and has not provided justified reasons for his or her absence;

(c) the applicant, after having received the information referred to in Article 19 of the *Asylum and Migration Management Regulation,* has already provided the information relevant to determine the Member State responsible by other means.

(4) (a) An audio recording of the personal interview shall be made and the applicant shall be informed of the fact and the purpose of recording.

(b) A written summary or a transcript of the audio recording shall be made and given to—

(i)the applicant and,

(ii) where applicable, the legal representative

prior to the Minister making a decision on the Member State responsible.

(c) The applicant shall be given the opportunity to make or provide clarification with regard to any incorrect translations or misunderstandings or other factual mistakes appearing in the written summary or transcript at the end of the personal interview.

(5) In this section—

"form" means the template referred to in Article 22(1) of the Asylum and Migration Management Regulation for the purpose of determining the Member State responsible.

"relative" has the same meaning as in the Asylum and Migration Management Regulation;

Head 37: Discretionary Assessment of Examination

(Placeholder)

Part 4: Asylum and Migration Management

Head 38: Interpretation

Provide that:

(1) In this Part:

"Agency" means the Child and Family Agency;

"AMMR" means Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013;

"Member State" means a Member State of the European Union or a state that participates in the AMMR by virtue of an agreement with the European Union;

"person subject to the transfer procedure" means a person who may, under head 44, be transferred in accordance with that head;

"port" has the meaning it has in section 1 of the Immigration Act 2004 ;

"transfer decision" means a decision made by the Minister to transfer, where the State is the requesting Member State and the requested Member State has accepted to take charge of or to take back that applicant or person;

(2) A word or expression that is used in this Part and is also used in the AMMR shall have in this Part the same meaning as it has in the AMMR unless the contrary intention appears.

(3) A reference in this Part to a numbered Article is a reference to the Article so numbered of the AMMR.

Head 39: Performance of functions under the AMMR

Provide that:

(1) The following functions under the AMMR shall be performed by the Minister save as otherwise provided in this Part:

(a) the functions of a determining Member State;
(b) the functions of a requesting Member State;
(c) the functions of a requested Member State;
(d) the communication and requesting of personal data and information under Article 51.

(2) The functions of a transferring Member State under the AMMR shall be performed by the Minister.

(3) (a) The functions of a Member State under Article 23 shall be performed by the Minister.

(b) In performing the functions referred to in paragraph (a), the Minister shall consult as necessary with the Agency in relation to the performance by him or her of his or her functions under—
(i) subparagraphs (b) and (d) of paragraph 4 of Article 23, and
(ii) such other provisions of Article 23 as the Minister considers necessary.

(4) The procedure for determining the Member State responsible pursuant to the AMMR shall commence without delay once the Minister has established that the application shall be examined in accordance with *head 29(2)(a)(v)*.

(5) The procedure referred to in *subhead (4)* shall continue in the event that the applicant absconds.

(6)(a) Once the procedure referred to in *subhead (4)* is completed and the Member State responsible has been determined, this information shall be indicated in Eurodac.

(b)Until the information in *paragraph (a)* has been added to Eurodac, the procedures in Article 38(4) of the AMMR shall apply.

Head 40: Personal interview

Provide that:

(1) The Minister shall, where necessary for the purpose of performing his or her functions referred to in head 39 (1)(a), and subject to Article 22(2), conduct a personal interview with the applicant concerned in accordance with the provisions of Article 22.

(2) The personal interview under paragraph (1) shall be conducted at such time and place as the Minister may fix.

(3) The Minister may delegate to a person who has entered into a contract for services the functions of the Minister under paragraph (1).

(4) A person who forges, fraudulently alters, assists in forging or fraudulently altering or procures the forging or fraudulent alteration of, a written summary or an audio recording produced in accordance with Article 22, or utters such a summary or recording knowing it to be forged or fraudulently altered, shall be guilty of an offence and be liable to a penalty in accordance with Head 142(2).

Head 41: Notification of transfer decision

Provide that:

(1) In accordance with Article 42(1) of the AMMR the Minister shall send the applicant concerned and the applicant's legal representative, if applicable, a notification under paragraph (2).

(2) A notification under Article 42(2) of AMMR shall –

(a) be written in a language that the person concerned understands or is reasonably supposed to understand;
(b) outline that the authority will not examine his or her application for international protection;
(c) outline the time limits for carrying out the transfer;
(d) outline the obligation to comply with the decision;
(e) include information on remedies available to him or her under head 67;
(f) include information regarding the right to apply for suspensive effect under head 68; and,
(g) provide information on how to access legal assistance under head yy (*legal counselling/representation*).

(3) The Minister shall send a copy of the transfer decision to the Minister.

Head 42: Appeal against a transfer decision

Provide that:

(1) An applicant may, in accordance with this Part, appeal to the SIB, in fact and in law, against a transfer decision.

(2) The scope of an appeal under subhead (1) shall be limited to an assessment of:

(a) whether the transfer would, for the person concerned, result in a real risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter;
(b) whether there are circumstances subsequent to the transfer decision that are decisive for the correct application of this Part;
(c) whether Articles 25 to 28 and 34 of the AMMR have been infringed, in the case of persons taken charge of pursuant to Article 36(1), point (a).

(3) A notice of appeal shall be submitted in writing to the SIB within one week from the date of the notification of a transfer decision under head 41.

(4) A notice of appeal submitted under subhead (3) shall specify, in writing, the grounds of appeal.

(5) Where an appeal is made in accordance with subhead (3), the SIB, on receipt of the notice of appeal, shall—
(a) transmit a copy of the notice to the Minister, and
(b) notify the Minister of the making of the appeal.

(6) The Minister shall without delay, following receipt under subhead (5) of the copy of the notice of appeal, cause the SIB to be provided with originals of any documents, reports, or representations in writing submitted to the Minister in relation to the transfer decision and shall cause the SIB to be provided with an indication of the nature and source of any other information relating to the transfer decision that has come to the notice of the Minister in the course of the making of the transfer decision.

(7) The SIB may direct the Minister to cause such inquiries to be made with another Member State, and to cause the SIB to be furnished with such further information, as it considers necessary or expedient for the purpose of deciding an appeal under this Part.

(8) The Minister may, in consultation with the Chief Appeals Officer under Head 100, and, having regard to the need to observe fair procedures, prescribe procedures for and in relation to appeals under this Part.

(9) In relation to an appeal under this Part, the SIB may decide to—
(a) affirm the transfer decision, or

(b) set aside the transfer decision.

(10) The SIB's decision under subhead (8) shall be in writing and the SIB shall send a copy of the decision, within one month of the appeal being notified under subhead (3) which shall include the reasons for the decision, to the applicant and his or her legal representative, if applicable, the Minister.

Head 43: Non-Suspensive Effect of a Transfer Decision
Provide that:

(1) An appeal under head 68(2) shall not have suspensive effect.

(2) When submitting a notice of appeal under head 67 (2) an applicant may also submit a request, in writing, to the SIB, to remain in the State pending the outcome of his or her appeal under this Part, within the same time limits specified in that head.

(3) Notwithstanding subhead (1) the transfer decision shall not have effect until such time as –

(a) the time limit within which he or she can submit a request under subhead (2) has expired; or
(b) where a request had been submitted under subhead (2) the time limit within which a decision has to be noted to the applicant under subhead (5).

(4) The SIB, before reaching a decision on a request under subhead (2) shall carry out an examination of both facts and points of law.

(5) A decision of the SIB under subhead (4) and the reasons for it shall be communicated by the SIB to the applicant and his or her legal representative (if applicable) within 5 days of the request being received.

Head 44: Transfer of an applicant to the Member State responsible

Provide that:

(1) Where head 41 (1) applies, the applicant concerned may be transferred in accordance with Article 46 of the AMMR where he or she—

(a) does not apply for suspensive effect under head 68,
(b) is unsuccessful in his or her application for suspensive effect under head 68,
(c) does not appeal under head 67, or
(d) appeals under head 67 and the outcome of the appeal is that the SIB affirms the transfer decision.

(2) An immigration officer or a member of An Garda Síochána may, for the purpose of facilitating the transfer of a person subject to the transfer procedure, by notice in writing require the person to comply with one or more than one of the following conditions:

(a) that he or she present himself or herself to such immigration officer or member of An Garda Síochána at such date, time and place as may be specified in the notice;
(b) where, and only for so long as, it is reasonably necessary to facilitate his or her transfer, that he or she surrender his or her passport and any other travel document that he or she holds;
(c) that he or she co-operate in any way necessary to enable an immigration officer or a member of An Garda Síochána to obtain a passport or other travel document, travel ticket or other document required for the purpose of such transfer;
(d) that he or she reside or remain in a particular place in the State pending his or her transfer.

(3) A person subject to the transfer procedure shall comply with a requirement under paragraph (2).

(4) The Minister may, in order to facilitate the transfer of a person subject to the transfer procedure, issue to the person subject to the transfer procedure a laissez passer or such other travel document as the Minister considers appropriate.

Head 45: Detention of an applicant under this Part

Provide that:

(1) In accordance with Articles 44 and 45 of the AMMR, where an immigration officer or a member of An Garda Síochána considers that –

(a) there is a significant risk of a person subject to the transfer procedure under head 44 absconding, or

(b) where the protection of national security or public order so requires

the officer or member ("arresting officer or member") may, for the purpose of facilitating the transfer of the person, arrest the person without warrant.

(2) A person arrested in accordance with subhead (1) may be taken by an immigration officer or a member of An Garda Síochána to a place of detention, as specified in head 122 and detained—

(a) in a prescribed place of detention 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, and

(b) for a period not exceeding 5 weeks.

(3) For the purpose of arresting a person under paragraph (1), an immigration officer or member of An Garda Síochána may enter (if necessary by use of reasonable force) and search any premises (including a dwelling) where the person is or where the immigration officer or member, with reasonable cause, suspects the person to be and where the premises is a dwelling, the immigration officer or member shall not, unless acting with the consent of an occupier of the dwelling or other person who appears to the immigration officer or member to be in charge of the dwelling, enter that dwelling unless—

(a) the person ordinarily resides at the dwelling, or

(b) he or she believes on reasonable grounds that the person is within the dwelling.

(4) The matters to which an officer or member referred to in paragraph (1) may have regard, in considering for the purposes of that paragraph whether there is a significant risk of a person subject to the transfer procedure absconding, include the following:

(a) whether the person, in the purported discharge of his or her duty to establish his or her identity, has misrepresented or omitted facts, whether or not by the use of false documents;

(b) whether the person has failed to comply with a requirement under head 44 (2);

(c) whether the person, having been informed of arrangements for his or her transfer, has failed to co-operate with those arrangements;

(d) whether the person has explicitly expressed an intention not to comply with arrangements for his or her transfer;

(e) whether 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 in the State or, as the case may be, that state.

(5) (a) Subject to paragraph (b), subheads (1) and (2) shall not apply to a person subject to the transfer procedure who is under the age of 18 years.

(b) If and for so long as an immigration officer or member of An Garda Síochána concerned has reasonable grounds for believing that the person subject to the transfer procedure is not under the age of 18 years, the provisions of subheads (1) and (2) shall apply as if he or she had attained the age of 18 years.

(6) An immigration officer or member of An Garda Síochána may, for the purpose of the transfer, detain a person the subject to the transfer procedure in accordance with *subhead (7)* and place him or her on a vehicle that is soon to leave the State, and to make the necessary arrangements to place the person on that vehicle, and the person shall be deemed to be in lawful custody while so detained and until the vehicle leaves the State.

(7) A person who is detained under subhead (6) may, for the purposes of that paragraph, be detained—

(a) for a period no longer than 35 days,
(b) for a period or periods each not exceeding 12 hours, in a vehicle, for the purpose of bringing the person to the port from which the vehicle referred to in paragraph (7) is due to leave the State, or
(c) for a period or periods each not exceeding 12 hours, within the port referred to in subparagraph (b).

(8) The master or person in charge of a vehicle that is about to leave the State shall, if so directed by an immigration officer or member of An Garda Síochána, receive a person subject to the transfer procedure on board the vehicle and afford the person so received proper accommodation and maintenance during the journey concerned.

Head 46: Persons to whom Article 36 applies

Provide that:

(1) This head applies to a person—

(a) to whom Article 36 applies, and

(b) whom the Minister has agreed the State will take charge of and take back on the grounds that the State is the Member State responsible.

(2) A person to whom this head applies shall be deemed to have made an application for international protection under head 26, and, subject to this Part, the provisions of that head shall, with any necessary modifications, apply accordingly.

(3) The Minister shall, as soon as practicable after this head first applies to a person, send the person, and his or her legal representative, if applicable, a notice in writing informing him or her of the effect of subhead (2),

Part 5: Assessment of applications for International Protection at first instance

Head 47: Substantive Interview

Provide that:

(1) Prior to making a decision on the merits of an application, the Minister shall give the applicant the opportunity of a personal interview on the substance of his or her application (the 'substantive interview'), at such time and place that the Minister may fix.

(2)(a) In the substantive interview referred to in *subhead (1)*, the applicant shall be given the opportunity to present the elements needed to substantiate his or her application in accordance with the Qualification Regulation.

(b) The applicant shall provide the elements referred to in *head 59(1)* and shall be given the opportunity to provide an explanation regarding elements which might be missing or any inconsistencies or contradictions in his or her statements.

(3) A substantive interview shall—

(a) take place without the presence of family members of the applicant unless the Minister considers it necessary for an appropriate examination to have other family members present,

(b) take place under conditions that ensure appropriate confidentiality, and

(c) be conducted in accordance with the requirements in head 48.

(4) The following may be present at the substantive interview:

(a) the High Commissioner, whenever he or she so requests;

(b) the applicant's legal representative or a person nominated by that legal representative, with the consent of the applicant;

(c) a cultural mediator;

(d) a representative for an applicant who requires assistance to exercise legal capacity pursuant to *head 26(1)(a)(iii)* who was appointed by… .

(5)(a) The substantive interview may be omitted where—

(i) the Minister is able to take a positive decision with regard to the refugee status on the basis of the evidence available;

(ii) the Minister is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his or her control;

(iii) where the applicant has not attained the age of 18 years and the Minister has established that an interview would be against his or her best interest in accordance with head 50(1)(a).

(b) The omission of the substantive interview pursuant to *subhead (1)(a)(ii)* shall not adversely affect the decision of the Minister.

(c) Where the substantive interview is omitted pursuant to *subhead (1)(a)(ii)*, the Minister shall give the applicant an effective opportunity to submit further information in writing.

Head 48: Requirements for personal interviews

Provide that:

(1)(a) Where an application is lodged in accordance with *head 26(1)(a)(iii)* , the adult responsible referred to in that provision shall be given the opportunity of a personal interview.

(b) The applicant shall also be given the opportunity to participate in the interview in accordance with *subhead (1)(a)* provided that *head 47(6)(a)(ii)* does not apply.

(2) An applicant interviewed under *heads 47, 33 and 36* shall, whenever necessary for the purpose of ensuring appropriate communication during a personal interview, be provided by the Minister or Minister with the services of an interpreter.

(3) To give effect to *heads 47, 33, and 36*, the Minister shall—

> (a) ensure that the persons who conduct the personal interviews are sufficiently competent to take account of the personal or general circumstances surrounding the application, including the applicant's cultural origin or vulnerability, insofar as it is possible to do so, and
>
> (b) in the case of interviews to which *subhead (2)* applies, select interpreters who are able to ensure appropriate communication between the applicant and the person who conducts the interview.

(4) The requirement in *subhead (3)(b)* shall be regarded as complied with if interpretation is provided in a language that the applicant may reasonably be supposed to understand and in which he or she is able to communicate.

(5) A personal interview shall be conducted under conditions which ensure appropriate privacy and confidentiality, and which allow applicants to present the grounds for their applications in a comprehensive manner.

(6)(a) The presence of the applicant's legal adviser at the personal interview, where the applicant has decided to avail himself or herself of legal assistance in accordance with *head XX,* shall be ensured including when it is held by video conference.

(b) The absence of the legal adviser shall not prevent the Minister from causing the interview to be conducted.

(c) Where a legal adviser participates in the personal interview, he or she may only intervene at the end of the personal interview.

(7) The presence of a cultural mediator may be provided during the personal interviews.

(8)(a) Substantive interviews shall be conducted by the staff of the Minister.

(b) Where there is a disproportionate number of applicants who make an application within the same period of time, making it unfeasible to conduct timely personal interviews of each applicant, the Minister may be assisted temporarily by the staff of other authorities who shall receive the relevant training required in advance.

(9) By way of derogation, the Minister may at his or her discretion cause the substantive interview to be held by video conference.

(10) (a) Where there is doubt as to the fitness or ability of the applicant to be interviewed, the Minister shall consult a medical professional referred to in *head 18 t*o establish whether the applicant is—

(i) temporarily unfit or unable to be interviewed, or

(ii) whether his or her situation is of an enduring nature.

(b) Where, following consultation of a medical professional, it is clear that the condition making the applicant unfit or unable to be interviewed is of a temporary nature as determined under *paragraph (a)(i)*, the Minister shall postpone the substantive interview until such time as the applicant is fit or able to be interviewed.

(c) If the applicant can substantiate to the Minister that, owing to specific circumstances beyond his or her control, he or she is unable to attend the personal interview, the Minister shall reschedule the interview.

(d) If the applicant, pursuant to *paragraph (c)*, fails to attend his or her rescheduled interview, his or her application shall be subject to *head 75(1)(d).*

(11) The applicant shall be present at the personal interview and shall be required to respond in person to the questions asked.

(12) The applicant, the High Commissioner or any other person concerned may make representations in writing to the Minister in relation to any matter relevant to an examination of an application for international protection and the Minister shall take account of any such representations made before or during a personal interview.

Head 49: Recording and transcript of interviews

Provide that:

(1)(a) The Minister, or any other authority or experts assisting with conducting interviews in accordance with *head 48(8)(b)*, shall produce a document relating to the personal interview, in such form as may be prescribed under *paragraph (b)*, to be included in the applicant's file.

(b) The Minister may specify one of the following as the form of the document to be produced under *paragraph (a)*:

(i) a report containing all the main elements of the personal interview,

(ii) a transcript of the personal interview,

(iii) a transcript of the recording of the personal interview.

(c) The document under *paragraph (a)* shall be published on a website maintained by or on behalf of the Minister or the Government, as soon as the Minister has specified the form it shall take in accordance with *paragraph (b)*.

(2)(a) The interviews shall be recorded in audio format.

(b) The applicant shall be informed in advance of the fact that a recording, in accordance with *subhead (1),* is being made and the purpose thereof.

(c) The Minister shall include the recording in the applicant's file.

(3) The applicant shall be given the opportunity to make comments or provide clarification orally with regard to any incorrect translations, interpretations or misunderstandings or other factual mistakes appearing in the document referred to in subhead (1)(a) at the end of the personal interview.

(4) The applicant shall be requested to confirm that the content of the document referred to in subhead (1)(a) correctly reflects the personal interview.

(5)(a) Where the applicant refuses to confirm the content following a request under *subhead (4)*, the reasons for that refusal shall be entered in the applicant's file.

(b) The applicant's refusal to confirm the content shall not prevent the Minister from taking a decision on the application.

(6) Where there is doubt as to the statements made by the applicant during the personal interview, the audio recording shall prevail.

(7) The applicant and, where applicable, his or her representative appointed in accordance with head 141 and his or her legal advisers shall have access to the document referred to in *subhead (1)(a)* as soon as possible after the interview.

(8) A person who forges, fraudulently alters, assists in forging or fraudulently altering or procures the forging or fraudulent alteration of a document produced in accordance with *subhead (1(a))* or an

audio recording produced in accordance with *subhead (2)(a)*, shall be guilty of an offence and liable to a penalty in accordance with head 142(2).

Head 50: Guarantees for minors

Provide that:

(1)(a) The Minister shall give a minor the opportunity of a personal interview, including where an application is made on his or her own behalf in accordance with Article 32 and Article 33(1) of the Asylum Procedures Regulation, unless this is not in the best interests of the child as determined by the assessment under *head 19*.

(b) Where *paragraph (a)* applies, the Minister shall give reasons for the decision not to give a minor the opportunity of a personal interview.

(2) The personal interview of a minor shall be conducted by a person who has the necessary knowledge of the rights and special needs of minors in a child-sensitive and context-appropriate manner, taking into consideration the age and maturity of the child.

(3) Where a minor is accompanied, the personal interview shall be conducted in the presence of an adult responsible for him or her in accordance with *head 26(1)(a)(ii)* or, where applicable, his or her Child and Family Agency representative and, where applicable, a legal adviser.

Head 51: Reasons for persecution

Provide that:

(1) The Minister or the Second Instance Body, as the case may be, shall take the following into account when assessing the reasons for persecution:

(a) the concept of race shall in particular include considerations of colour, descent or membership of a particular ethnic group;

(b) the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

(c) the concept of nationality shall not be confined to citizenship or lack thereof but shall in particular include membership of a group determined by its cultural, ethnic or linguistic identity, common geographical or political origins or its relationship with the population of another state;

(d) the concept of membership of a particular social group shall include, in particular, membership of a group—

(i) whose members share or are perceived to share an innate characteristic or a common background that cannot be changed, or a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and

(ii) which has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society,

and, depending on the circumstances in the country of origin, a particular social group may include a group based on a common characteristic of sexual orientation;

(e) the concept of political opinion shall in particular include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant concerned.

(2) In the assessment of whether an applicant has a well-founded fear of being persecuted, it is irrelevant whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

(3) In the assessment of whether an applicant has a well-founded fear of being persecuted, the Minister cannot reasonably expect that applicant to adapt or change his or her behaviour, convictions or identity, or to abstain from certain practices, where such behaviour, convictions or practices are inherent to his or her identity, to avoid the risk of persecution in his or her country of origin.

(4) For the purposes of *subsection (1)(d)*:

(a) sexual orientation shall not include acts considered to be criminal in the State;

(b) gender-related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group.

Head 52: Actors of Persecution and Actors of Serious Harm

Provide that:

(1) For the purposes of this Act, actors of persecution or serious harm include—

(a) a state ;

(b) parties or organisations controlling a state or a substantial part of the territory of a state, and

(c) non-state actors, if it can be demonstrated that the actors referred to in head 53 are unable or unwilling to provide protection against persecution or serious harm.

(2) For the purposes of this Act, serious harm has the same meaning as in article 15 of the *Qualification Regulation*.

Head 53: Actors of Protection

Provide that:

(1) For the purposes of this Act protection against persecution or serious harm can only be provided by —

(a) a state, provided that they are willing and able to offer protection in accordance with *subhead (2),* or

(b) stable, established non-state authorities, parties or organisations, including international organisations, which control the State or a substantial part of the territory of the State, provided that they are willing and able to offer protection in accordance with *subhead (2).*

(2) Protection against persecution or serious harm—

(a) must be effective and of a non-temporary nature, and

(b) shall be regarded as being generally provided where—

(i) the actors referred to in *subhead (1)* take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and

(ii) the applicant has access to such protection.

(3) When conducting an assessment under *subhead (2),* the Minister or, as the case may be, the Second Instance Body, shall take into account precise and up-to-date information on countries of origin obtained from relevant and available national, European Union and international sources and, where available, the common analysis on the situation in specific countries of origin as provided by the European Union Agency for Asylum.

Head 54: Internal Protection

Provide that:

(1) Where a state or agents of a state are not the actors of persecution or serious harm, the Minister or, as the case may be, the Second Instance Body shall examine whether an applicant is not in need of international protection because he or she can safely and legally travel to and gain admittance to a part of the country of origin and can reasonably be expected to settle there and whether, in that part of the country, the applicant—

(a) has no well-founded fear of being persecuted or does not face a real risk of suffering serious harm; or

(b) has access to effective and non-temporary protection against persecution or serious harm.

(2) Where a state or agents of a state are the actors of persecution or serious harm, the Minister or, as the case may be, the Second Instance Body, shall presume that effective protection is not available to the applicant and no examination as referred to in *subhead (1)* need be carried out.

(b) The Minister may only carry out an examination as referred to in *subhead (1)* where it is clearly established that the risk of persecution or serious harm stems from an actor whose power is clearly limited to a specific geographical area or where a state itself only has control over certain parts of the country.

(3) The applicant shall be entitled to present evidence to the Second Instance Body, where applicable, and submit any element which indicates that such an alternative is not available to him or her.

(4) The Minister or, as the case may be, the Second Instance Body, in examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with *subhead (1),* shall have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with *head 59* and whether the applicant would be able to cater for his or her own basic needs.

(5) The Minister or, as the case may be, the Second Instance Body, in complying with this section, shall ensure that precise and up-to-date information is obtained from relevant sources, such as those referred to in *head 53(3).*

(6) Where the applicant is an unaccompanied minor, the Minister shall take into account the best interests of the minor and, in particular, the availability of sustainable and appropriate care and custodial arrangements.

Head 55: Exclusion from being a refugee

Provide that:

(1) An applicant shall be excluded under this Act from being a refugee where he or she –

(a) subject to subhead (4), is receiving from organs or agencies of the United Nations (other than the High Commissioner) protection or assistance, or

(b) is recognised by the competent authority of the country in which he or she has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or equivalent rights and obligations.

(2) An applicant shall be excluded under this Act from being a refugee where there are serious reasons for considering that he or she—

(a)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,

(b)has committed a serious non-political crime outside the State prior to his or her arrival in the State; particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes, or

(c)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.

(3) An applicant is excluded from being a refugee where there are serious reasons for considering that he or she has incited or otherwise participated in the commission of a crime or an act referred to in *subhead (2)*.

(4) *Subhead (1)(a)* shall not apply to a person referred to in that subparagraph where the protection or assistance concerned has ceased for any reason, without the position of persons who had been receiving that protection or assistance being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations.

(5) Once the Minister has established, based on an assessment of the seriousness of the crimes or acts committed by the person concerned and of that person's individual responsibility, that one or more of the relevant exclusion grounds laid down in *subheads (1) and (2)* apply, the Minister shall exclude the applicant from refugee status without performing a proportionality assessment linked to the fear of being persecuted.

(6) As part of the assessment referred to in *subhead (5)*, when carrying out an examination under *subheads (2) and (3)* in relation to a minor, the Minister shall take into account, inter alia, the minor's capacity to be considered responsible in accordance with section 52 of the Children Act 2001, had the minor committed the crime on the territory of the State.

Head 56: Exclusion from eligibility for subsidiary protection

Provide that:

(1) An applicant shall be excluded from being eligible for subsidiary protection where there are serious reasons for considering that he or she–

(a) 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;

(b) has committed a serious crime prior to arriving on the territory of the State or has been convicted for a serious crime after arrival;

(c) 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;

(d) constitutes a danger to the community of the State or to national security.

(2) An applicant is excluded from being eligible for subsidiary protection where there are serious reasons for considering that he or she has incited or otherwise participated in the commission of a crime or an act referred to in *subhead (1)*.

(3) An applicant is excluded from being eligible for subsidiary protection if he or she has, prior to his or her arrival in the State, committed a crime, not referred to in *subhead (1)*, which, if committed in the State, would be punishable by imprisonment and if he or she left his or her country of origin solely in order to avoid sanctions resulting from that crime.

(4) Once the Minister has established, based on an assessment of the seriousness of the crimes or acts committed by the person concerned and of that person's individual responsibility, that one or more of the relevant exclusion grounds laid down in *subheads (1) or (2)* apply, the Minister shall exclude the applicant from subsidiary protection status without performing a proportionality assessment linked to the fear of serious harm.

(5) As part of the assessment referred to in *subhead (4)*, when carrying out an examination under *subhead (1)* in relation to a minor, the Minister shall take into account, inter alia, the minor's capacity to be considered responsible in accordance with section 52 of the Children Act 2001, had the minor committed the crime on the territory of the State.

Head 57: Exclusion from International Protection for Minors

Provide that:

(1) As part of the assessment referred to in *heads 55 and 56*, when carrying out an examination for eligibility for refugee status or subsidiary protection in relation to a minor, the Minister shall take into account, inter alia, the minor's capacity to be considered responsible under criminal law had the minor committed the crime on the territory of the State in accordance with the age of criminal responsibility as prescribed in section 52 of the Children Act 2001 or, where applicable, a conviction for a serious crime after the minor's arrival.

Part 6: Examination of applications for international protection

Head 58: Obligation to remain in the State

Provide that:

(1) (a) For the purpose of *head 59(1)*, the applicant shall fully cooperate with the Minister, the competent authority, and the Second Instance Body, and shall remain present and available in the State throughout the procedure for examining his or her application, including during the assessment of the relevant elements of the application.

(b) The obligation to remain in the State set out in *subhead (a)* shall cease to apply during the second-instance procedure where –

(i) an applicant has been ordered to leave the State in accordance with *Head 84*,

(ii) the applicant comes within the scope of *Head 68(2)* and

(iii) left the State and returned, voluntarily or otherwise, to the jurisdiction outlined in the order as provided for in *Head 84.*

(c) The obligation to remain in the State set out in *subhead (a)* shall cease to apply during the first or second-instance procedure, where –

(i) an applicant lodges a first subsequent application within the meaning of *Head 32*.

(I) which following a preliminary assessment is determined to fall within the provisions of Head 32(2)(b),

(II) where the intention of that application is to delay or frustrate the enforcement of an order, within the meaning of section 3 of the Act of 1999, section 51A of the Act of 2015, Regulation 20 of the Free Movement of Persons Regulations, or *Head 84* of this General Scheme, or the enforcement of a transfer decision under Regulation 5 of the European Union (Dublin System) Regulations 2018, and

(III) where the applicant is returned to the jurisdiction specified in the applicable order following a review in accordance with *Head 80*.

(ii) an applicant makes a second or subsequent application in accordance with *Head 32* –

(I) following a decision, taken in the State or another Member State, rejecting a previous subsequent application as inadmissible, manifestly unfounded or unfounded in accordance with article 56 of the Asylum Procedure Regulation,

(II) and the applicant is returned to the jurisdiction specified in an order to leave the State following the issuance of a decision, or a review of the facts and circumstances, in accordance with *Head 87(2)*, as the case may be,

(iii) an applicant is extradited, surrendered or transferred to another Member State, a third country, the International Criminal Court or another international court or tribunal for the

purpose of conducting a criminal prosecution or for the execution of a custodial sentence or a detention order, or

(iv) the Minister has reasonable grounds to believe that the applicant is a danger to public order or national security, without prejudice to *heads 55* or *56*, the applicant is issued a return decision in accordance with Head 80 and is removed to the jurisdiction specified in that order.

Head 59: Assessments of facts and circumstances and Duty to Cooperate

Provide that:

(1)(a) An applicant shall submit all the elements available to him or her, which substantiate the application.

(b) The elements referred to in *subhead(a)* shall consist of the following:

(i) the applicant's statements; and

(ii) all the documentation at the applicant's disposal regarding the following:

(I) the applicant's reasons for applying for international protection;

(II) the applicant's age;

(III) the applicant's background, including that of relevant family members and other relatives;

(IV) the applicant's identity;

(V) the applicant's nationality or nationalities;

(VI) the applicant's country or countries, and place or places of previous residence;

(VII) previous applications for international protection from the applicant;

(VIII) the results of any resettlement or humanitarian admission procedure relating to the applicant as defined by the *Union Resettlement and Humanitarian Admission Framework Regulation*;

(IX) the applicant's travel routes; and

(X) the applicant's travel documents.

(2) The Minister and the Second Instance Body shall assess the relevant elements of an application for international protection in accordance with *head 60*.

(3) The fact that an applicant has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm, shall be considered a serious indication of that applicant's well-founded fear of being persecuted or of a real risk of suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated.

(4) (a) In the assessment of an application, the Minister or, in the conduct of an appeal under *head 67*, the Second Instance Body shall, in the case of an applicant who was a child at the time of a relevant occurrence or at any time during which a relevant circumstance existed, take account of the applicant's age at that time and the level of understanding that could reasonably be expected of a child of that age.

(b) In this subhead—

"relevant circumstance" means, in relation to an application, a circumstance that falls to be considered in the assessment of the application;

"relevant occurrence" means, in relation to an application, an occurrence that falls to be considered in the assessment of the application.

(5) Where one or more particular aspects of the applicant's statements are not supported by documentary or other evidence, those aspects shall not need confirmation where the Minister or, as the case may be, the Second Instance Body, is satisfied that—

(a) the applicant has made a genuine effort to substantiate his or her application;

(b) all relevant elements at the applicant's disposal have been submitted and a satisfactory explanation has been given regarding any lack of other relevant elements;

(c) the applicant's statements are found to be coherent and plausible and do not run counter to available specific and general information relevant to the applicant's case;

(d) the general credibility of the applicant has been established, taking into account, inter alia, the time at which the applicant applied for international protection.

(6) The Minister**,** or Second Instance Body, as the case may be, may where is deemed relevant for the examination of an application, subject to the applicant's consent, request a medical examination of the applicant concerning signs and symptoms that might indicate past persecution or serious harm and be informed of results thereof, and shall follow the procedures set out in Article 24 of the Asylum Procedures Regulation.

(7) The examination referred to in *subhead (6)* shall be undertaken only by a registered medical practitioner who shall have regard to Article 24(5) of the Asylum Procedures Regulation in undertaking that examination.

(8) The registered medical practitioner undertaking the examination in accordance with *subhead (6)* and *(7)* shall have access to the results of any previous checks carried in accordance with *head 18* and *19*.

(9) In the case of a minor, the medical examination referred to in *subhead (6)* shall only be carried out with the consent of the minor's parent, guardian, or the representative designated in accordance with *Head 141*, as applicable.

(10) An applicant's refusal to undergo a medical examination or a decision to undergo a medical examination on his or her own initiative, where such an examination does not take place within a suitable timeframe, taking into account the availability of appointments for medical examinations, shall not prevent the Minister, or the Second Instance Body, from taking a decision on the application for international protection or appeal, as the case may be.

In this head –

‘guardian’, in relation to a child, includes a person exercising parental responsibility in respect of the child, within the meaning of paragraph 2 of Article 1 of the Hague Convention as set out in the Schedule to the Protection of Children (Hague Convention) Act, 2000.

Head 60: Examination of Applications

Provide that:

(1) The Minister or the Second Instance Body, as appropriate, shall make decisions on applications after an appropriate examination as to the admissibility or merits of an application, in accordance with *heads 33* and *62*.

(2) The Minister or the Second Instance Body, as appropriate, shall examine applications objectively, impartially and on an individual basis.

(3) For the purposes of examining an application, the Minister or the Second Instance Body, as appropriate, shall take the following into account:

(a) the relevant statements and documentation presented by the applicant in accordance with heads 59 (1) and (2);

(b) relevant, precise and up-to-date information relating to the situation prevailing in the country of origin of the applicant at the time of taking a decision on the application, including laws and regulations of the country of origin and the manner in which they are applied, obtained from relevant and available national, the European Union and international sources;

(c) where applying the concepts of first country of asylum as defined under head 150 or safe third country as designated under *heads 148 and 151*, or as applicable in respect of the applicant in accordance with *article 59* of the *Asylum Procedure Regulation*—

(i) relevant, precise and up-to-date information relating to the situation prevailing in the third country being considered as a first country of asylum or a safe third country at the time of taking a decision on the application, including information and analysis on safe third countries referred to in *article 12* of the *European Union Agency for Asylum Regulation* and

(d) where applying the concept of safe country of origin as designated under *heads 148* and *151* and in accordance with *article 61(5)* of the *Asylum Procedure Regulation*—

(ii) any serious grounds submitted by the applicant for considering the country not to be a safe country of origin in his or her particular circumstances and in terms of his or her eligibility for international protection

(e) the individual position and personal circumstances of the applicant, including factors such as the applicant's background, age, gender, gender identity and sexual orientation, so as to assess whether, on the basis of the applicant's personal circumstances, the acts to which the applicant has been or could be exposed would amount to persecution or serious harm;

(f) whether the activities that the applicant was engaged in since leaving the country of origin were carried out by the applicant for the sole or main purpose of creating the necessary conditions for applying for international protection, so as to assess whether those

activities would expose the applicant to persecution or serious harm, as referred to in *article 5* of the *Qualification Regulation*, if returned to that country;

(g) whether the applicant could reasonably be expected to avail himself or herself of the protection of another country where he or she could assert citizenship;

(h) provided that the State or agents of the State are not the actors of persecution or serious harm, whether the internal protection alternative referred to in Head 54 applies.

(4)(a) Documents assessed by the Minister as relevant for the examination of applications shall be translated, where necessary, for such examination.

(b) The applicant may, at his or her own cost, ensure the translation of other documents.

(c) For subsequent applications, the applicant may be made responsible for the translation of documents.

Head 61: Prioritisation

Provide that:

(1) Subject to the need for fairness and efficiency in dealing with applications for international protection under this Act, the Minister may, where he or she considers it necessary or expedient to do so—

(a) accord priority to any application, or

(b) having consulted with the Director of the Second Instance Body, request the Director to accord priority to any appeal under *head 67*.

(2) In according priority under *subhead (1)(a)* or making a request under *subhead (1)(b),* the Minister may have regard to the following:

(a) whether the applicant possesses identity documents, and, if not, whether he or she has provided a reasonable explanation for the absence of such documents;

(b) whether the applicant has provided a reasonable explanation to substantiate his or her claim that the State is the first safe country in which he or she has arrived since departing from his or her country of origin;

(c) whether the applicant has provided a full and true explanation of how he or she travelled to and arrived in the State;

(d) where the application was made other than at the frontier of the State, whether the applicant has provided a reasonable explanation to show why he or she did not make an application for international protection or, as the case may be, an application under section 13 of the Act of 2015 immediately on arriving at the frontier of the State unless the application is grounded on events which have taken place since his or her arrival in the State;

(e) where the applicant has forged, destroyed or disposed of any identity or other documents relevant to his or her application, whether he or she has a reasonable explanation for so doing;

(f) whether the applicant has adduced manifestly false evidence in support of his or her application, or has otherwise made false representations, either orally or in writing;

(g) whether the applicant, without reasonable cause, has made an application following the notification of a proposal under section 3(3)(a) of the *Immigration Act 1999;*

(h) whether the applicant has complied with the requirements of *Part 7, section 75* ;

(i) whether the applicant is a person in respect of whom the Child and Family Agency is providing care and protection;

(j) whether the applicant has, without reasonable cause, failed to comply with *head 58* and *part 12*.

(k) whether the applicant is from a safe country of origin, without prejudice to *head 149*.

(l) whether the country of origin of the applicant is a country in respect of which there are a large number of applications or appeals, and the need to ensure that these and all other applications or appeals are dealt with in an efficient manner;

(m) whether he or she considers that the application is likely to be well-founded;

(n) the applicant has special reception needs within the meaning of Regulation X of S.I. X [*article 24* of the *Reception Conditions Directive]* or is in need of special procedural guarantees as referred to in *head 31*.

(o) there are reasonable grounds to consider the applicant as a danger to the national security or public order of the State;

(p) the application is a subsequent application in accordance with *head 32*;

(q) the applicant has been subject to a decision in accordance with *head 119*, has been involved in causing public nuisance or has engaged in criminal behaviour.

Head 62: Examination on the Merits of an Application

Provide that:

(1) Subject to heads 33, 36, 74, and 75, the Minister shall examine each application on its merits for the purpose of deciding that—

(a) the applicant shall be given a refugee declaration, or

(b) the applicant shall not be given a refugee declaration and shall be given a subsidiary protection declaration, or

(c) the applicant shall be given neither a refugee declaration nor a subsidiary protection declaration.

Head 63: Accelerated examination procedure

Provide that:

(1) (a)Without prejudice to head 31, the Minister shall accelerate the examination on the merits of an application for international protection where:

(i)the applicant, in lodging his or her application and presenting the facts, has only raised issues that are not relevant to the examination of whether he or she qualifies as a beneficiary of international protection in accordance with the Qualification Regulation;

(ii)the applicant has made clearly inconsistent or contradictory or clearly false or obviously improbable representations or representations which contradict relevant and available country of origin information, thus making his or her claim clearly unconvincing as to whether he or she qualifies as a beneficiary of international protection in accordance with the Qualification Regulation;

(iii)the applicant, after having been provided with the full opportunity to show good cause, is considered to have intentionally misled the authorities by presenting false information or documents or by withholding relevant information or documents, particularly with respect to his or her identity or nationality, that could have had a negative impact on the decision or there are clear grounds to consider that the applicant has, in bad faith, destroyed or disposed of an identity or travel document in order to prevent the establishment of his or her identity or nationality;

(iv)the applicant makes an application merely to delay, frustrate or prevent the enforcement of a decision for his or her removal from the territory of the State;

(v)a third country may be considered to be a safe country of origin for the applicant in accordance with head 149;

(vi)there are reasonable grounds to consider the applicant a danger to the national security or public order of the State or the applicant had been forcibly expelled for serious reasons of national security or public order;

(vii)the application is a subsequent application which is not inadmissible;

(viii)the applicant entered the territory of the State unlawfully or prolonged his or her stay unlawfully and, without good reason, has either not presented himself or herself to the competent authorities or has not made an application as soon as possible, given the circumstances of his or her entry;

(ix)the applicant entered the territory of the State lawfully and, without good reason, has not made an application as soon as possible, given the grounds of his or her application, without prejudice to the need of international protection arising sur place; or

(x)the applicant is of a nationality or, in the case of stateless persons, a former habitual resident of a third country for which the proportion of decisions by the Minister granting international protection is, according to the latest available yearly Union-wide average Eurostat data, 20 % or lower, unless the Minister assesses that a significant change has

occurred in the third country concerned since the publication of the relevant Eurostat data or that the applicant belongs to a category of persons for whom the proportion of 20 % or lower cannot be considered to be representative for their protection needs, taking into account, inter alia, the significant differences between first instance and final decisions.

(b) Where the Asylum Agency has provided a guidance note on a country of origin in accordance with article 11 of the European Union Agency for Asylum Regulation showing that a significant change has occurred in the third country concerned since the publication of the relevant Eurostat data, the competent authority shall use that guidance note as a reference for the application of *subhead 1(a)(x)*.

(2)(a) Where the Minister considers that the examination of the application involves issues of fact or law that are too complex to be examined under an accelerated examination procedure, he or she may continue the examination on the merits in accordance with *head 62.*

(b) Where *subhead (2)(a)* applies, the applicant concerned shall be informed of the change in the procedure.

(3)(a) The accelerated examination procedure may be applied to unaccompanied minors only where:

(i)the applicant comes from a third country that may be considered to be a safe country of origin in accordance with heads 148 or 151;

(ii)there are reasonable grounds to consider the applicant as a danger to the national security or public order of the State or the applicant had been forcibly expelled for serious reasons of national security or public order;

(iii)the application is a subsequent application which is not inadmissible;

(iv)the applicant, after having been provided with the full opportunity to show good cause, is considered to have intentionally misled the authorities by presenting false information or documents or by withholding relevant information or documents, particularly with respect to his or her identity or nationality, that could have had a negative impact on the decision or there are clear grounds to consider that the applicant has, in bad faith, destroyed or disposed of an identity or travel document in order to prevent the establishment of his or her identity or nationality; or

(v)the applicant is of a nationality or, in the case of stateless persons, a former habitual resident of a third country for which the proportion of decisions granting international protection by the Minister is, according to the latest available yearly Union-wide average Eurostat data, 20 % or lower, unless the Minister assesses a significant change has occurred in the third country concerned since the publication of the relevant Eurostat data or that the applicant belongs to a category of persons for whom the proportion of 20 % or lower cannot be considered to be representative for their protection needs, taking into account, inter alia, significant differences between first instance and final decisions.

(b) Where the Asylum Agency has provided a guidance note on a country of origin in accordance with Article 11 of the European Union Agency for Asylum Regulation showing that a significant

change has occurred in the third country concerned since the publication of the relevant Eurostat data, the competent authority shall use that guidance note as a reference for the application of *subhead (3)(a)(v)*.

Head 64: Decision on the merits of an application

Provide that:

(1) An application shall not be examined on the merits, in accordance with *head 62* where:

(a) another Member State is responsible in accordance with the Asylum and Migration Management Regulation;
(b) an application is rejected as inadmissible in accordance with head 33 or;
(c) an application is explicitly or implicitly withdrawn, without prejudice to heads 74 or 75.

(2)(a)When examining an application on the merits in accordance with *head 62,* the Minister or the Second Instance Body shall take a decision on whether the applicant qualifies as a refugee and, if not, it shall determine whether the applicant is eligible for subsidiary protection in accordance with the *Qualification Regulation*.

(b) Where the outcome of the determination under paragraph (a) is that the applicant neither qualifies for refugee status nor is eligible for subsidiary protection, a return decision, subject to heads 80(5) and 82 shall be issued in respect of that applicant.

(3) The Minister shall reject an application as unfounded where it has established that the applicant does not qualify for international protection pursuant to the *Qualification Regulation*.

(4) The Minister may declare an unfounded application to be manifestly unfounded if, at the time of the conclusion of examination, any of the circumstances referred to in *heads 64(1)* and *64(3)* apply.

(5) Where an application is rejected as unfounded under *subhead (3)* or is declared manifestly unfounded under *subhead (4)*, a return decision, subject to heads 80(5) and 82 shall be issued in respect of that applicant.

Head 65: Report on the decision

Provide that:

(1) Following the conclusion of an examination of an application for international protection in accordance with *head 62*, the Minister shall cause a written report to be prepared.

(2) The report under *subhead (1)* shall—

(a) refer to the matters relevant to the application which are—

(i) raised by the applicant in his or her application, at his or her personal interview or through submissions to the Minister no later than 5 days from the date of the personal interview, and

(ii) other matters the Minister considers appropriate,

(b) set out the decision of the Minister in relation to the application and the reasons for the decision.

(3) The decision of the Minister in relation to the application shall be based on the examination of the application and shall be that—

(a) the applicant shall be given a refugee declaration,

(b) the applicant shall not be given a refugee declaration and shall be given a subsidiary protection declaration, or

(c) the applicant shall be given neither a refugee declaration nor a subsidiary protection declaration.

(4) Where the decision of the Minister is the one referred to in *subhead (3)(c)*, the report shall include an assessment under *head 80(5)* and, pursuant to that assessment, a decision under *head 80* or *head 82*, as the case may be.

Head 66: Notification of decision

Provide that:

(1)(a)The Minister shall give the applicant and his or her legal adviser or representative a notice in writing as soon as possible of the decision taken on his or her application.

(b) Where the applicant is not assisted by a legal adviser or representative, the notice in subsection 1(a) and the information required under *subheads (2), (3), (4), (5), (6)* and *(7)* shall be provided in a language that the applicant understands or is reasonably supposed to understand.

(2) Where the decision of the Minister is that referred to in *head 65(3)(a),* the notification under *subhead (1)* shall consist of that fact and shall include information on the rights and obligations deriving from *head 65(3)(a)*.

(3) Where the decision of the Minister is that referred to in head 65(3)(b), the notification under *subhead (1)* shall be accompanied by—

(a) a copy of the report under *head 65*,

(b) information on the rights and obligations deriving from *head 65(3)(b)* and

(c) a statement of the entitlement of the applicant to appeal to the Second Instance Body against the decision referred to in *paragraph (a)*, and of the procedures specified in ***Part 6***.

(4) Where the decision of the Minister is that referred to in head 65(3)(c), the notification under *subhead (1)* shall be accompanied by—

(a) a copy of the report under *head 65(4)*, and

(b) a statement of the entitlement of the applicant to appeal to the Second Instance Body against the decision, and of the procedures specified in ***Part 7***.

(5) Where the decision of the Minister is that referred to in head 33 (4)(a), the notification under *subhead (1)* shall be accompanied by—

(a) a copy of the report under *head 33(4)(b)*, and

(b) a statement of the entitlement of the applicant to appeal to the Second Instance Body against the decision, and of the procedures specified in ***Part 7***.

(6) Where the decision of the Minister is that the application is unfounded in accordance with head 62(3) or manifestly unfounded in accordance with head 62(4) with regard to refugee status or subsidiary protection status, or implicitly withdrawn, the notification under *subhead (1)* shall be accompanied by—

(a) a copy of the report under *head 65*,

(b) a statement of the entitlement of the applicant to appeal to the Second Instance Body against the decision, and of the procedures specified in ***Part 7***.

(7)(a) In the case of applications on behalf of minors or dependent adults and where the applications are all based on the exact same grounds as the application of the adult responsible for that minor or dependent adult, the Minister may, following an individual assessment for each applicant, take a single decision covering all applicants.

(7) (b)Where issuing a single decision under *subhead (7)(a)* would lead to the disclosure of particular circumstances of an applicant which could jeopardise his or her interests, in particular in cases involving gender-based violence, trafficking in human beings, and persecution based on gender, sexual orientation, gender identity or age, a separate decision shall be issued and notified to the person concerned in accordance with *subhead (1)*.

Part 7: Assessment of Applications for International Protection at Second Instance

Head 67: Appeal to the SIB

Provide that

(1) An applicant as defined under Head 26 and a person subject to withdrawal of international protection shall have the right to an effective remedy before the SIB and may, in accordance with regulations under subhead (6) (if any), appeal to the SIB against the following:

(a) a decision, referred to in Head 33 (4), rejecting an application as inadmissible;

(b) a decision, referred to in Head 64 (5), rejecting an application as unfounded or rejecting an application as manifestly unfounded in relation to both refugee and subsidiary protection status;

(c) a decision, referred to in head 75, rejecting an application as implicitly withdrawn;

(d) a decision, referred to in head 74, withdrawing international protection;

(e) a return decision issued in accordance with head 64 (5);

(f) a return order varied in accordance with head 84 (10).

(2) A notice of appeal under subhead (1) shall be submitted in writing to the SIB—

(a) within five days from the date of the decision under heads 33(4), 64(3), 64(4) and 75 is notified; or

(b) subject to subhead (3), within two weeks from the date of the sending to the applicant or person subject to withdrawal of international protection of the decision under heads 64 and 74(5).

(3) Where a return decision is issued together with a decision in subheads (1) (a), (b), (c) or (d), the return decision shall be appealed jointly with that decision within the timelines set out in subhead (2).

(4) A notice of appeal submitted under subhead (2) shall specify, in writing, the grounds of appeal and indicating whether the applicant or person subject to withdrawal of international protection wishes the SIB to hold an oral hearing for the purpose of his or her appeal.

(5) A notice of appeal submitted under subhead (2) may be accompanied by additional documentary evidence, subject to the provisions in Head 26 (1)(b).

(6) On receipt of a notice of appeal submitted under subhead (2), the SIB shall transmit a copy of the notice to the Minister and notify the High Commissioner of the making of the appeal.

(7) The Minister may, in consultation with the Chief Appeals Officer under Head 100 and having regard to the need to observe fair procedures, prescribe procedures for and in relation to appeals under subhead (1), including the holding of oral hearings.

(8) Subhead (1) shall not apply where the applicant or person subject to withdrawal of international protection:

(a) unequivocally renounces his or her recognition as beneficiary of international protection;

(b) has become a national of a Member State; or

(c) has subsequently been granted international protection in another Member State.

Head 68: Suspensive Effect of an Appeal

Provide that:

(1) Subject to subhead (2), an applicant or person subject to withdrawal of international protection shall have the right to remain in the State until the time limit within which they can submit an appeal under Head 72 (2) has expired and, where the appeal has been submitted within the time limit, pending the outcome of the appeal.

(2) Subhead (1) shall not apply to an applicant or a person subject to withdrawal of international protection where any of the following criteria apply;

(a) the first instance decision rejected the person's application as unfounded or manifestly unfounded under Head 64 and the person is;

(i) subject to an accelerated examination procedure under Head 63,

(ii) subject to the border procedure,

(b) the first instance decision was rejected as inadmissible under the following grounds;

(i) a country which is not a Member State is considered to be a first country of asylum for the applicant, unless it is clear that the applicant will not be admitted or readmitted to that country,

(ii) an international criminal court or tribunal has provided safe relocation for the applicant to a Member State or third country, or is unequivocally undertaking actions to that extent, unless new relevant circumstances have arisen which have not been taken into account by the court or tribunal or where there was no legal possibility to raise circumstances relevant to internationally recognised human rights standards before that international criminal court or tribunal,

(iii) the applicant concerned was issued with a return decision in accordance with head 64 (5) and made his or her application only after seven working days from the date on which the applicant received that return decision, provided that he or she had been informed of the consequences of not making an application within that time limit and that no new relevant elements have arisen since the end of that period, or

(iv) the application was a subsequent application where no new relevant elements as referred to in Head 32 (4)(b) have arisen or have been presented by the applicant,

(c) the first instance decision rejected the application as implicitly withdrawn under Head 75;

(d) the application was a subsequent application and was rejected at first instance as unfounded or manifestly unfounded; or

(e) the person was subject to a decision to withdraw international protection as he or she met the following criteria;

(i) the person should have been or is excluded from being a refugee in accordance with Head 55;

(ii) there are reasonable grounds for regarding the person as a danger to the security of the State;

(iii) the person is convicted by a final judgment of a serious crime and constitutes a danger to the community of the State;

(iv) after having been granted subsidiary protection status, the person should have been or is excluded from being eligible for subsidiary protection in accordance with Head 56.

(3) Subsection (2)(a)(ii) or (b) shall not apply where the applicant is an unaccompanied minor subject to the Border Procedure under head 63.

(4) An applicant or person subject to withdrawal of international protection who falls into any of the categories specified in subhead (2) may submit a request, in writing, to the SIB to remain in the State pending the outcome of his or her appeal, within 5 days of the first instance decision being notified to him or her, and should outline the grounds on which the request is being made.

(5) An applicant or person subject to withdrawal of international protection shall have the right to remain in the State until the time limit within which he or she can submit a request under subhead (4) has expired.

(6) When making a request under subhead (4), a person subject to withdrawal of international protection, under subsection (2)(e) may indicate if he or she wishes the SIB to hold an oral hearing, within the provisions of head 69, for the purpose of the request.

(7) The SIB, before reaching a decision on a request under subhead (4) shall carry out an examination of both facts and points of law.

(8) Where the SIB is of opinion that a request under subhead (4) in relation to an application that falls under the category of subsequent application under head 32 was lodged merely in order to delay or frustrate the enforcement of a return decision which would result in the applicant's imminent removal from the State, it shall so notify the applicant, and in such a case, the person shall not have the right to remain in the State under subhead (6) or pending the outcome of his or her appeal.

(9) A decision of the SIB under subhead (7) and the reasons for it shall be communicated by the SIB to the applicant or person subject to withdrawal of international protection concerned and his or her legal representative (if applicable) within 5 days of the request being received.

Head 69: Oral hearing

Provide that:

(1) Subject to subhead (2), the SIB shall make its decision in relation to an appeal without holding an oral hearing.

(2) The Chief Appeals Officer may direct that the SIB shall hold an oral hearing for the purpose of an appeal under Head 67, but only where—

(a) subject to subhead (3), the applicant or person subject to withdrawal of international protection has requested an oral hearing in the notice under Head 67(4)(b), and

(b) (i) the Chief Appeals Officer is satisfied that the applicant was not given the opportunity of a personal interview under Head 48 (Requirements for personal interviews) or under Head 77 (Withdrawal of international protection), as the case may be, or

(ii) if the applicant was given the opportunity of a personal interview, the document referred to in Head 49 (Recording and transcript of interviews), or in the case of an interview under Head 77, a report or transcript of that interview, was not placed on the applicant's file in accordance with that head,

and

(c) the Chief Appeals Officer is of the opinion that an oral hearing is necessary for the purpose of ensuring that there is a full and *ex nunc* examination of both facts and points of law, as referred to in Head 73(1) (Decision of the SIB on appeal).

(3) An applicant or person subject to withdrawal of international protection may withdraw a request referred to in subhead (1)(a) by giving notice, which shall set out the reasons for the withdrawal, to the SIB not later than 3 working days before the hearing date.

(4) Subject to subheads (5) and (6), an oral hearing shall be held in private unless the applicant or person subject to withdrawal of international protection requests that it be held in public.

(5) The High Commissioner may be present at an oral hearing for the purpose of observing the proceedings.

(6) In conducting an oral hearing, the SIB shall—

(a) permit the applicant or person subject to withdrawal of international protection to be present at the hearing and present his or her case to the SIB in person or through a legal representative,

(b) permit an officer of the Minister or another person nominated by the Minister to be present at and participate in the hearing and, in person or through a legal representative, explain to the SIB the decision that is the subject of the appeal,

(c) where necessary for the purpose of ensuring appropriate communication during the hearing, provide the applicant or person subject to withdrawal of international protection with the services of an interpreter,

(d) conduct the oral hearing as informally as is practicable, and consistent with fairness and transparency,

(e) ensure that the oral hearing proceeds with due expedition, and

(f) allow for the examination and cross-examination of the applicant or person subject to withdrawal of international protection and any witnesses.

(7) (a) Oral hearings shall be recorded in audio format.

(b) For the purpose of oral hearings, the SIB shall produce a factual report containing all the main elements of such a hearing to be included in the file of the applicant or person subject to withdrawal of international protection.

(c) The applicant or person subject to withdrawal of international protection shall be informed in advance of the fact that a recording, in accordance with this head is being made and the purpose thereof.

(d) The SIB shall include the recording in the file of the applicant or person subject to withdrawal of international protection.

(e) The applicant or person subject to withdrawal of international protection shall be given the opportunity to make comments or provide clarification orally with regard to any incorrect translations, interpretations or misunderstandings or other factual mistakes appearing in the report of the oral hearing.

(f) The applicant or person subject to withdrawal of international protection shall be requested to confirm that the content of the report of the interview correctly reflects the oral hearing.

(g) Where the applicant or person subject to withdrawal of international protection refuses to confirm the content of the report following a request under paragraph (f), the reasons for that refusal shall be entered in the file of the applicant or person subject to withdrawal of international protection.

(h) The applicant or person subject to withdrawal of international protection's refusal to confirm the content of the report following a request under paragraph (f) shall not prevent the SIB from taking a decision on the appeal.

(i) Where there is doubt as to the statements made by the applicant or person subject to withdrawal of international protection during the oral hearing, the audio recording shall prevail.

(j) The applicant or person subject to withdrawal of international protection and, his or her representative (if applicable) shall have access to the report referred to in paragraph (b) as soon as possible after the interview.

(k) A person who forges, fraudulently alters, assists in forging or fraudulently altering or procures the forging or fraudulent alteration of, a report produced in accordance with paragraph (b) or an audio recording produced in accordance with paragraph (a), shall be guilty of an offence and liable to a penalty in accordance with Head 142 (2).

(8) For the purposes of an oral hearing, the SIB may—

(a) direct in writing any person, other than the Minister or an officer of the Minister, whose evidence is required by the SIB to attend before the SIB on a date and at a time and place specified in the direction and there to give evidence and to produce any document or thing in his or her possession or control specified in the direction,

(b) direct any such person to produce any specified document or thing in his or her possession or control,

(c) give any other directions for the purpose of an appeal that appear to the SIB to be reasonable and just, and

(d) take evidence on oath or on affirmation and for that purpose may cause persons attending before it to swear an oath or make an affirmation.

(9) Paragraphs (a) and (b) of subhead (8) shall not apply to a document or thing relating to information which the Minister or the Minister for Foreign Affairs and Trade directs (which he or she is hereby empowered to do) that the information be withheld in the interest of national security or public policy ("ordre public").

(10) Subject to subhead (11), a witness whose evidence has been or is to be given before the SIB shall be entitled to the same privileges and immunities as a witness in a court.

(11) Where information has been supplied to the Minister, a Department of State or other branch or office of the public service by or on behalf of the government of another state subject to an

undertaking (express or implied) that the information would be kept confidential, the information shall not be produced or further disclosed, other than in accordance with the undertaking, or with the consent of the other state.

Head 70: Provision of information to the SIB

Provide that:

(1) The Minister shall, for the purposes of an appeal under Head 67, furnish the SIB with copies of the documents provided to the applicant or person subject to withdrawal of international protection under Head 70.

(2) The SIB may, for the purposes of its functions under this Act, request the Minister to make such further inquiries and to furnish the SIB with such further information as the SIB considers necessary within such period as may be specified by the SIB.

(3) The Minister shall furnish the SIB with observations in writing concerning any matter arising on the grounds of appeal whenever so requested by the SIB and a copy of such observations shall be furnished to the applicant or person subject to withdrawal of international protection concerned and his or her legal representative (if applicable).

Head 71: Submission of Documents to the SIB

Provide that:

(1) Where an applicant wishes to present documents to the SIB he or she may do so when making an appeal under Head 67(2).

(2) Documents provided under subhead (1) shall be translated, if required, by the applicant.

(3) The SIB may request the applicant or person subject to withdrawal of international protection to submit any additional documents, as it considers necessary in the course of its examination of an appeal under head 67 (1) within such period as may be specified by the SIB.

(4) Documents requested under subhead (3) shall be translated, if required, by the SIB.

(5) Documents that –

(a) are submitted under subhead (1) and not within the timeline as set out by head 67 (2),

(b) are not translated in accordance with subhead (2), or

(c) are not submitted within the period as specified by the SIB under subhead (3)

may not be taken into account in the examination under heads 67 and 69.

Head 72: Withdrawal and deemed withdrawal of appeal to the SIB

Provide that:

(1) An applicant or person subject to withdrawal of international protection may, at any time before the making by the SIB of its decision under Head 73 in relation to the appeal, withdraw his or her appeal to the SIB by sending notice of withdrawal to the SIB.

(2) Where an applicant or person subject to withdrawal of international protection fails, without reasonable cause, to attend an oral hearing at that date and time fixed for the hearing then, unless the applicant or person subject to withdrawal of international protection, not later than 3 working days from that date, furnishes the SIB with an explanation for not attending the oral hearing which the SIB considers reasonable in the circumstances, his or her appeal shall be deemed to be withdrawn.

(3) Where—

(a) in the opinion of the SIB an applicant has failed, or is failing, in his or her duty under Head 59 to co-operate, or

(b) the Minister notifies the SIB that he or she is of the opinion that the applicant or person subject to withdrawal of international protection is in breach of head 27 (2)(b) or a requirement under Head 111,

the SIB shall send to the applicant or person subject to withdrawal of international protection or his or her legal representative (if applicable) written notice of that opinion.

(4) The SIB, in the notice under subhead (3), shall also—

(a) require the applicant or person subject to withdrawal of international protection to confirm in writing, within 10 working days of the date of the notice, that he or she wishes to continue with his or her appeal,

(b) remind the applicant of his or her duty under Head 59 to cooperate and to comply with any requirements that have been or may be imposed on him or her under head 59 and with his or her requirements under Head 27(2) or 111, and

(c) include a statement of the consequences specified in subhead (5).

(5) The consequences referred to in subhead (4)(c) are that an applicant or person subject to withdrawal of international protection's appeal shall be deemed to be withdrawn, and that subhead (6) shall apply accordingly, if the applicant or person subject to withdrawal of international protection —

(a) does not furnish the confirmation referred to in subhead (4)(a), or

(b) having furnished such a confirmation, in the opinion of the SIB or, as the case may be, in the opinion of the Minister, fails or continues to fail to comply with any of the obligations referred to in subhead (4)(b).

(6) Where an appeal is withdrawn or deemed to be withdrawn pursuant to this Head—

(a) any consideration of that appeal by the SIB shall be terminated,

(b) Head 67 shall not apply in respect of that appeal,

(c) Subhead (2)(b) or, as the case may be, (5)(c) of Head [YY] shall apply,

(d) the SIB, as soon as practicable, shall—

(i) notify the applicant or person subject to withdrawal of international protection and his or her legal representative (if applicable) of the fact that the appeal is withdrawn or deemed to be withdrawn and of the reasons for it,

(ii) notify the Minister of the fact that the appeal is withdrawn or deemed to be withdrawn and of the reasons for it, and

(iii) inform the High Commissioner of the fact that the appeal is withdrawn or deemed to be withdrawn.

(7) The notification under subsection (6)(d)(i) shall, when sent to the applicant or person subject to withdrawal of international protection, be in a language that he or she may reasonably be supposed to understand, where—

(a) he or she is not assisted by a legal representative, and

(b) legal assistance is not available to him or her.

Head 73: Decision of the SIB on appeal

Provide that:

(1) The SIB before reaching a decision under subhead (3) shall carry out a full and ex nunc examination of both facts and points of law.

(2) During the examination, under subhead (1), the SIB shall consider the following:

(a) the notice of appeal;

(b) where the appeal is in relation to an applicant under head 67 all material furnished to the SIB under heads 70 and 71 that is relevant to the decision as to whether the applicant should be given a refugee declaration or, as the case may be, a subsidiary protection declaration;

(c) where the appeal is in relation to a person subject to withdrawal of international protection under head 74, all material furnished to the SIB under heads 70 and 71 that is relevant to the decision as to whether the decision to withdraw international protection is to be overturned;

(d) the decision under appeal;

(e) any observations made to the SIB by the Minister or the High Commissioner;

(f) where an oral hearing has been held, the evidence adduced and any representations made at that hearing;

(g) such other matters as the SIB considers relevant to the appeal.

(3) In relation to an appeal under Head 67 (1) the SIB may decide to—

(a) In the case of an applicant under head 67 -

(i) affirm the decision that the applicant should be given neither a refugee declaration nor a subsidiary protection declaration, and affirm the return decision,

(ii) overturn the part of the decision that recommends that the applicant should not be given a refugee declaration and grant the applicant a refugee declaration and overturn the return decision or

(iii) affirm the decision that the applicant should not be given a refugee declaration and overturn the decision that the applicant should not be given a subsidiary protection declaration and grant the applicant a subsidiary protection declaration and overturn the return decision,

(iv) affirm the decision that the applicant should be given neither a refugee declaration nor a subsidiary protection declaration, and overturn or vary the return decision, or

(b) in the case of person subject to withdrawal of international protection under head 77 –

(i) affirm the decision that international protection should be withdrawn

(ii) overturn the decision that international protection should be withdrawn.

(4) In relation to a decision under subsection (3)(a)(ii) or (3)(b)(ii) the SIB shall not make this decision unless it is satisfied, having considered the matters referred to in subhead (2), that the applicant is a refugee.

(5) In relation to a decision under subsection (3) (a) (iii) the SIB shall not make this decision unless it is satisfied, having considered the matters referred to in subhead (2), that the applicant is eligible for subsidiary protection.

(6) A decision of the SIB under subhead (3) and the reasons for it shall be communicated by the SIB to the applicant concerned and his or her legal representative (if applicable), and the Minister within the following times of the appeal being notified under head 73 (2):

(a) within 2 months from the date of the notification of appeal under head 73 (2)(a); or

(b) subject to subhead (7), within 6 months from the date of the notification of appeal under head 73 (2)(b);

(7) Where a return decision was appealed in accordance with head 67 (3), the appeal notification shall be communicated in accordance with subhead (6)(a).

(8) A decision of the SIB under subsection (3) shall be communicated to the High Commissioner.

(9) The SIB shall furnish the applicant concerned and his or her legal representative (if applicable), and the High Commissioner whenever so requested by him or her, with—

(a) copies of any reports, observations, or representations in writing or any other document furnished to the SIB by the Minister, copies of which have not been previously furnished to the applicant and his or her legal representative (if applicable), or as the case may be, the High Commissioner, and

(b) an indication in writing of the nature and source of any other information relating to the appeal which has come to the notice of the SIB in the course of an appeal.

Part 8: Declarations and other outcomes

Head 74: Explicit withdrawal of application

Provide that:

(1) (a) An applicant may, at any time during the procedure, withdraw his or her application.

(b) The application shall be withdrawn in writing to the Minister, either by the applicant in person, or delivered by his or her legal representative, where applicable.

(2) When an applicant expresses the intention to withdraw his or her application, the competent authority before which the withdrawal takes place shall inform—

(a) the applicant

(i) of all procedural consequences of such a withdrawal in a language he or she understands or is reasonably supposed to understand and

(ii) of the withdrawal procedure under subhead (1)(b), and

(b) the Minister of the withdrawal, where the explicit withdrawal takes place before a competent authority other than the Minister.

(3) (a) Pursuant to subhead (1)(b), the Minister shall adopt a decision declaring that the application has been explicitly withdrawn.

(b)The decision under subsection (3)(a) shall be final and shall not be subject to an appeal as referred to in Part 6.

(4) Where, at the stage that the application is explicitly withdrawn by the applicant under subhead (1)(b), the Minister has already found that the applicant does not qualify for international protection pursuant to the Qualification Regulation, he or she may still take a decision to reject the application as unfounded or manifestly unfounded.

Head 75: Implicit withdrawal of application

Provide that:

(1) An application shall be declared as implicitly withdrawn where:

(a) the applicant, without good cause, has not lodged his or her application in accordance with *head 28*, despite having had an effective opportunity to do so;

(b) the applicant refuses to cooperate by not providing the information referred to in *head 16*, or by not providing his or her biometric data;

(c) the applicant refuses to provide his or her address, where he or she has one, unless housing is provided by the competent authorities;

(d) the applicant has, without justified cause, not attended a personal interview although he or she was required to do so pursuant to *head 47* or, without justified cause, refused to respond to questions during the interview to the extent that the outcome of the interview was not sufficient to take a decision on the merits of the application;

(e) the applicant has repeatedly not complied with reporting duties imposed on him or her in accordance with *heads 27*, *119* and *121* or does not remain available to the authorities as required under *head 111(1)*, unless he or she can demonstrate that that failure to remain available was owing to specific circumstances beyond his or her control;

(f) the applicant has lodged the application in the State, and

(i) the State is not the Member State of first entry, or

(ii) the applicant is in possession of a valid residence document or a valid visa issued by another Member State, and

the applicant does not remain present in the State pending the determination under head 37A or the implementation of the transfer procedure in accordance with the *Asylum and Migration Management Regulation*, where applicable.

(2)(a) Where a competent authority other than the Minister conducts an assessment under this head and deems that the application must be considered implicitly withdrawn, that authority shall inform the Minister accordingly.

(b) Subject to *subheads (3) and (4)*, the Minister shall adopt a decision declaring that the application has been implicitly withdrawn.

(3) Where the Minister is of the opinion that any of the grounds contained in *subhead (1)* apply in respect of the applicant, the Minister shall send to the applicant or his or her legal representative (if known) written notice of his or her opinion, and the reasons for it.

(4)(a) The Minister, in the notice under *subhead (3)*, shall invite the applicant, within 5 working days from the date of the notice, –

(i) in the case of *subhead 1(a)*, to lodge his or her application in accordance with *Head 28*,

(ii) in the case of *subhead 1(b)*, to provide the information referred to in *Head 28* or to present to an immigration officer, Minister or member of An Garda Síochána, as may be directed, to provide his or her biometric data in accordance with *Head 7*,

(iii) in the case of *subhead 1(c)*, to provide his or address,

(iv) in the case of *subhead 1(d)*, *(e)* or *(f)* to furnish his or her observations on the Minister's opinion referred to in *subhead (3)*,

(b) and shall—

(i) remind the applicant of his or her duty to cooperate in accordance with *Head 59*, and

(ii) include a statement outlining the consequences of a decision to implicitly withdraw an application.

(5) After the expiry of the period referred to in *subhead (4)*, or where *subhead (7)* has been applied, the Minister shall –

(a) decide whether or not to adopt a decision that the application has been implicitly withdrawn and, in making that decision, shall have regard to the representations, if any, or compliance with invitations made in accordance with *subheads 4(a)*, *(b)* or *(c)*,

(b) give the person concerned a notification in writing of its decision, and

(c) where the applicant is present in the State at the time of the withdrawal, inform the applicant in accordance with *Article 8(2)*, point *(c)* of the *Asylum Procedure Regulation*, of all procedural consequences of such a withdrawal in a language he or she understands or is reasonably supposed to understand.

(6) The Minister shall reject an application as unfounded or as manifestly unfounded where it has, at the stage that the application is implicitly withdrawn, already found that the applicant does not qualify for international protection pursuant to the *Qualification Regulation*.

(7) Without prejudice to *subhead (3)*, the Minister shall not be obliged to issue such a notice where a person has previously been issued with a notice in respect of *subhead (3)* and a second or subsequent ground for implicit withdrawal arises.

Head 76: Cessation of Refugee Status

Provide that:

(1) A person shall cease to be a refugee where one or more of the following apply:

(a) the person has voluntarily re-availed himself or herself of the protection of the country of nationality;

(b) having lost his or her nationality, the person has voluntarily re-acquired it;

(c) the person has acquired a new nationality and enjoys the protection of the country of that new nationality;

(d) the person has voluntarily re-established himself or herself in the country which he or she left or outside which he or she remained owing to a fear of being persecuted;

(e) the person can no longer, because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, continue to refuse to avail himself or herself of the protection of the country of nationality;

(f) if the person is stateless and he or she is able, because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, to return to the country of former habitual residence.

(2) *Subheads (1)(e)* and *(1)(f)* shall not apply to a refugee who is able, through representations under *subhead (6)*, to invoke compelling reasons arising out of previous persecution for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

(3) In order to assess whether *subheads (1)(e)* and *(1)(f)* apply, the Minister shall:

(a) take into account precise and up-to-date information obtained from relevant and available national, Union and international sources and, where available, the common analysis on the situation in specific countries of origin and the guidance notes as provided by the European Union Agency for Asylum;

(b) have regard to whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of being persecuted can no longer be regarded as well-founded.

(4)(a) The Minister shall notify in writing a person who is subject to *subhead (1)* of the intention to cease his or her refugee status and of the reasons for it.

(b) If the person is subject to *subheads (1)(e)* and *(1)(f)*, the notification referred to in *paragraph (a)* shall include a statement of the person's entitlement under *subhead (6)* to make representations in writing to the Minister in accordance with *subhead (2)*.

(5) Where the Minister sends a notice under *subhead (4)* to a person, he or she shall at the same time send a copy thereof to the person's legal representative (if known) and to the High Commissioner.

(6) A person who has been sent a notice of a proposal under *subsection (4)* may, within 15 working days of the sending of the notice, make representations in writing to the Minister in relation to the proposal.

Head 76A: Cessation of Subsidiary Protection

Provide that:

(1) A beneficiary of subsidiary protection status shall cease to be eligible for subsidiary protection when the circumstances which led to the granting of that status have ceased to exist or have changed to such a degree that protection is no longer required.

(2) In order to assess whether *subhead (1)* applies, the Minister shall:

> (a) take into account precise and up-to-date information obtained from relevant and available national, European Union and international sources and, where available, the common analysis on the situation in specific countries of origin and the Asylum Agency guidance notes;
>
> (b) have regard to whether the change in circumstances is of such a significant and non-temporary nature that the beneficiary of subsidiary protection status no longer faces a real risk of serious harm.

(3) *Subhead (1)* shall not apply to a beneficiary of subsidiary protection status who is able, through representations under *subhead (5),* to invoke compelling reasons arising out of previous serious harm for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

(4)(a) The Minister shall notify in writing a person subject to *subhead (1)* of the intention to cease his or her subsidiary protection and of the reasons for it.

(b) The notification referred to in *paragraph (a)* shall include a statement of the person's entitlement under *subhead (5)* to make representations in writing to the Minister in accordance with *subhead (3)*.

(5) A person who has been sent a notice of a proposal under *subhead (4)* may, within 15 working days of the sending of the notice, make representations in writing to the Minister in relation to the proposal.

Head 77: Withdrawal of international protection

Provide that:

(1) The Minister shall withdraw the refugee status or subsidiary protection status, as the case may be, of a person where:

(a) that person has ceased to be a refugee in accordance with head 76, or, ceased to be eligible for subsidiary protection in accordance with head 76A, as the case may be;

(b) that person should have been or is excluded from being a refugee in accordance with heads 55 and 57, or that person should have been or is excluded from being eligible for subsidiary protection in accordance with head 56, as the case may be ;

(c) that person's misrepresentation of facts, including the use of false documents, or omission of facts was decisive for the granting of refugee or subsidiary protection status, as the case may be;

(d) there are reasonable grounds for regarding that person as a danger to the security of the State;

(e) that person is convicted by a final judgment of a particularly serious crime and constitutes a danger to the community of the State.

(2) A withdrawal as referred to in subhead (1), other than that provided for in subhead(1)(a), which shall operate prospectively from the date of withdrawal, may operate –

(a) prospectively from the date of withdrawal or,

(b) retrospectively to the date the declaration was issued, or,

(c) to any date between dates (a) and (b), depending on the circumstances of the case and the matters referred to in subhead (3).

(3) Where the Minister withdraws a permission retrospectively, such withdrawal shall have regard, where applicable, to matters such as:

(a) the individual circumstances and conduct of the person, including for how long they held the status;

(b) the existence of derived rights, such as whether a child or dependent of the person has derived an autonomous right, entitlement or status from the person's right, entitlement or status;

(c) the extent to which any other person who has derived an autonomous right, entitlement or status within the meaning of subparagraph (b) has relied on that right, entitlement or status;

(d) whether the status holder failed to inform the Minister of a material fact which had, or was capable of having, an effect on the validity of the status;

(e) in respect of subhead (1)(e), the date of the conviction referred to in that paragraph; and

(e) any other information that the Minister deems relevant in the making of his or her decision.

(4)(a) The Minister shall, on an individual basis, demonstrate that the beneficiary of refugee status has ceased to be a refugee, or should have never been granted refugee status or should no longer be a beneficiary of refugee status for the reasons set out in *subhead (1)* or

(b) The Minister shall, on an individual basis, demonstrate that the beneficiary of the subsidiary protection status has ceased to be eligible for subsidiary protection, or should have never been granted subsidiary protection status, or should no longer be a beneficiary of subsidiary protection status for the reasons set out in *subhead (3).*

(5) Where subhead (1) applies, the Minister shall –

(a) inform the person concerned in writing that his or her qualification as a beneficiary of international protection is being reconsidered and the reasons for such reconsideration;

(b) inform the person concerned of the obligation to cooperate with the Minister and other competent authorities, in particular of the fact that he or she shall be required to make a written statement and appear for a personal interview and answer questions;

(c) inform the person concerned of the consequences of not cooperating with the Minister and other competent authorities and that failure to submit the written statement and to attend the personal interview without due justification shall not prevent the Minister from taking a decision to withdraw international protection; and

(d) inform the person concerned of the possibility to submit reasons as to why his or her international protection should not be withdrawn by means of a written statement within 10 working days from the date on which he or she receives the information referred to in *subhead (5)(a)* and in a personal interview or hearing at a date set by the Minister.

(6) For the purposes of *subhead (5)*, the Minister:

(a) shall obtain relevant, precise and up-to-date information from relevant and available national, European Union and international sources and, where available, take into account the common analysis on the situation in a specific country of origin and the Asylum Agency guidance notes; and

(b) shall not obtain any information from the alleged actors of persecution or serious harm in a manner that would result in such actors being informed of the fact that the person concerned is a beneficiary of international protection whose status is under reconsideration.

(7)(a)The applicant shall be notified in writing of the decision to withdraw international protection as soon as possible.

(b)The reasons for the withdrawal and the information on the option to appeal the decision in accordance with Head 67 and on the relevant time limits shall be included in the notification.

(8) Where international protection is withdrawn, the person shall have access to legal representation in accordance with head yy (*free legal assistance, representation and counselling*)

(9)(a) Where the person does not cooperate by not submitting a written statement, by not attending the personal interview, or by not answering questions without due justification, the absence of the written statement or the personal interview shall not prevent the Minister from taking a decision to withdraw international protection.

(b) Such a refusal to cooperate may only be considered to be a rebuttable presumption that the person no longer wishes to benefit from international protection.

(10)(a) The procedure set out in this head shall not apply where the person:

(i) unequivocally renounces his or her recognition as beneficiary of international protection;

(ii) has become a national of a Member State; or

(iii) has subsequently been granted international protection in another Member State.

(b) The Minister shall record the outcome of the cases covered by *subhead (10) (a)* in the person's file together with the indication of the legal ground for that conclusion.

Head 78: Refugee declaration and Subsidiary Protection Declaration

Provide that:

(1) Subject to subhead (2), where a decision was taken to grant refugee status to an applicant—

(a) under head 65, the Minister shall give a refugee declaration to an applicant at the same time as the notification of decision under head 66;

(b) under head 73, the Second Instance Body shall give a refugee declaration to an applicant in accordance with head 73(3)(a)(ii).

(2) The Minister or the Second Instance Body, as applicable, may refuse to give a refugee declaration to an applicant who is a refugee where—

(a) there are reasonable grounds for regarding him or her as a danger to the security of the State, or

(b) the person, having been by a final judgement convicted, whether in the State or not, of a particularly serious crime, constitutes a danger to the community of the State.

(3) Where a decision was taken to grant subsidiary protection to an applicant—

(a) under head 65(3)(b), the Minister shall give a subsidiary protection declaration to an applicant at the same time as the notification of decision under head 66.

(b) under head 73, the Second Instance Body, shall give a subsidiary protection declaration to an applicant in accordance with 73(3)(a)(iii).

(4) Where the Second Instance Body gives a refugee declaration in accordance with head 73(3)(a)(ii) to a person in relation to whom a subsidiary protection declaration is in force, the subsidiary protection declaration shall, on the giving of the refugee declaration, cease to be in force.

(5) The Minister or the Second Instance Body, as applicable, shall send to the applicant concerned (and his or her legal representative if known) a notice in writing of:

(a) the giving under subsection (1) of a refugee declaration;

(b) the giving under subsection (3) of a subsidiary protection declaration;

(6) The Minister or the Second Instance Body, as applicable, shall notify the High Commissioner of the giving of a refugee declaration or a subsidiary protection declaration.

(7) A refugee declaration or a subsidiary protection declaration given, or deemed to have been given, under this Act shall cease to be in force where the person to whom it has been given becomes an Irish citizen.

Head 79: Option to Voluntarily Return to Country of Origin

Provide that:

(1) (a) The Minister may, by notice in writing, inform an applicant who withdraws his or her application under *head 74* that he or she may, within such period as may be specified in the notice, comply with *subhead (4)*.

(b) Without prejudice to *subheads (1)(a)* and *(3)(a)*, the Minister may, at any stage during the administrative procedure, by notice in writing inform an applicant that he or she may opt to voluntarily return to his or her country of origin under the conditions specified in this head.

(2)(a) The notice issued with the return decision under *head 80* to an applicant who is subject to *head 65(4)* shall include information regarding voluntary return.

(b) An applicant subject to *paragraph (a)* shall have 5 days from the date on which the return decision is sent to comply with *subhead (4)*.

(3)(a) When the decision of the Second Instance Body is the one referred to in head 73(3)(a)(i), the Minister may, by notice in writing, inform the person subject to that decision that he or she may, within such period as may be specified in the notice, comply with *subhead (4)*.

(b) A person subject to paragraph (a) shall have 5 days from the date on which the notice in paragraph (a) is sent to comply with *subhead (4)*.

(4) A person complies with this subhead where he or she confirms to the Minister that he or she will voluntarily to the country set out in his or her return order.

(5) (a) When a person complies with *subhead (4)*, he or she shall have a period of up to thirty days from the date of the confirmation referred to in *subhead (4)* to voluntarily leave the State.

(b) During the period leading up to the voluntary return, the person shall make himself or herself available to the competent authorities as set out in *head 86*.

(c) The Minister may require a person subject to *subhead (4)* to commit in writing to undertake certain actions to facilitate his or her voluntary return.

(d) Where a person fails to comply with any provision in this subhead, the Minister may withdraw the option to return voluntarily.

(6) For the purpose of *subhead (5)(b)*, the person may be required to comply with one or more of the conditions referred to in *head 86*.

(7) When the person has returned to the country set out in his or her return order, he or she shall confirm the return to the Minister in a manner that may be directed by the Minister.

(8) The Minister shall not provide the option to return voluntarily in accordance with *subheads (1)* and *(3)*, where it is of the opinion that—

> (a) there are reasonable grounds for regarding the person concerned as a danger to the security of the State, or

(b) the person, having been by a final judgment convicted, whether in the State or not, of a serious crime, constitutes a danger to the community of the State.

(9) A confirmation under *subhead (4)* shall be in writing and in such form as published on a website maintained by or on behalf of the Minister or the Government, as soon as the Minister has approved the content of the form.

Head 80: Issuance of Return Decisions

Provide that:

(1) The Minister shall include a return decision, as defined by *Head 81*, as part of the decision under *Heads 33, 64 (3)* and *(4), 74*, and *75* unless the conditions under *subhead (3)* or *(5)* are met.

(2) The Minister may issue a return decision to an applicant in advance of a first-instance decision being adopted in respect of his or her application in accordance with *Head 66* where the applicant is excluded from the obligation to remain present in the State in accordance with *Head 32(1)(d)(i)* or *(iii)*, unless the conditions under *subhead (5)* are met.

(3) The Minister may derogate from the obligation set out in *subhead (1)*, where –

(a) a valid order requiring the person subject to *subhead (1)* to leave the State in accordance with section 3 of the Act of 1999 or *Head 84* of this General Scheme is already in existence,

(b) a person subject to *subhead (1)* is a member of a class of person that is prescribed under *subhead (4)*.

(4) (a) The Minister may, for the purposes of *subhead (3)(b)*, prescribe a class or classes of persons, being persons to whom such permission as may be specified has been given.

(b) The matters to which the Minister may have regard in specifying a permission under *paragraph (a)* include—

(i) the nature and purposes of the permission,

(ii) the period for which a person to whom the permission is granted may remain in the State, and

(iii) the conditions attached to the permission.

(c) In this subhead, a reference to a permission to remain in the State is a reference to a permission to remain in the State that has been given in accordance with the law of the State and is valid.

(5) The Minister shall not issue a return decision as provided for in *subhead (1)* or *(2)* to the frontier of a territory –

(a) where, in the opinion of the Minister—

(i) the life or freedom of the person would be threatened for reasons of race, religion, nationality, membership of a particular social group or political opinion, or

(ii) there is a [serious] risk that the person would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment, or a serious and individual threat to his or her life or person by reason of indiscriminate violence in situations of international or internal armed conflict, or

(b) where the Minister is of the opinion that such expulsion or return would be prohibited under any enactment or rule of law as a breach of the person's fundamental rights.

(6) In forming his or her opinion of the matters referred to in *subhead (5)*, the Minister shall have regard to—

(a) the information (if any) submitted by the person under *subhead (7)*, and

(b) any relevant information presented by the person, including any statement made by him or her at any interview conducted for the purposes of this General Scheme, where applicable.

(7) A person shall, where he or she becomes aware of a change of circumstances that would be relevant to the formation of an opinion by the Minister under this section, inform the Minister forthwith of that change.

(8) A person whose application for international protection has been determined to be inadmissible in accordance with *Head 33*, and who, but for the operation of *subhead (5)*, would be the subject of a return decision in accordance with *subhead (1)*, shall, notwithstanding that his or her application for international protection has been determined under *Head 33* to be inadmissible, be deemed to have made, on the date on which the Minister forms the opinion that *subhead (5)* applies to the person, an application for international protection in accordance with *Head 26*, and subject to this section, the provisions of this General Scheme shall, with any necessary modifications, apply accordingly.

(9) The Minister shall as soon as practicable after he or she forms the opinion that *subhead (8)* applies to a person –

(a) send the person, and his or her legal representative (if known), a notice in writing—

(i) informing him or her of the effect of *subhead (8)*, and

(ii) inviting the person to complete, where not already completed, in respect of his or her application referred to in *subhead (8)*, the form provided for in *Head 26*, and

(b) give or cause to be given to the person a statement under *Head 17*.

(10) Where, but for the operation of *subhead (5)*, a person would be issued a return decision in accordance with *subhead (2)*, the Minister shall continue its assessment of facts and circumstances and issue a decision on the case in accordance with *Head 66*.

(11) Following the decision referred to in *subhead (10)*, the Minister shall consider the facts and circumstances again in accordance with *subhead (1)* where the nature of the decision referred to in *Head 66* mandates such a consideration.

Head 81: Substance of Return Decision

Provide that:

(1) Where an application is deemed manifestly unfounded or unfounded in accordance with *Head 64(3)* or *(4)*, explicitly withdrawn following the lodging and registration in accordance with *Head 74*, implicitly withdrawn in accordance with *Head 75*, or inadmissible in accordance with *Head 33(4)(a)(f)*, that return decision shall be construed as a return order in accordance with *Head 84*.

(2) Where an application is deemed inadmissible in accordance with *Heads 149* or *150*, the return decision shall be construed as a non-EU inadmissibility return order in accordance with *Head 85*.

(3) An order referred to in *subhead (1)* or *(2)* shall not come into effect –

(a) where an applicant has a right to suspensive appeal in accordance with Head 68 –

(i) until such a time as the Second Instance Body may affirm the order in accordance with *Head 68*, or
(ii) the period provided for in *Head 68* to appeal a first-instance decision has elapsed, and no such appeal has been made.

(b) where an applicant does not have a right to suspensive appeal in accordance with *Head 68* –

(i) until such a time as the Second Instance Body may refuse the request made in accordance with *Head 68*, or
(ii)the period provided to request a suspension of the order in accordance with *Head 68* has elapsed, and no such request was made.

Head 82: Restricted permission to remain

(placeholder)

Head 83: Contents of restricted permission to remain

(placeholder)

Head 84: Return Order

Provide that:

(1) Subject to *Head 80*, the Minister shall by order (in this General Scheme referred to as a "return order") require a person, whose application for international protection has been determined under Head 64(4) to be manifestly unfounded or unfounded in accordance with Head 64(3), explicitly withdrawn following the lodging and registration in accordance with Head 74, implicitly withdrawn in accordance with Head 75, or inadmissible in accordance with Head 33(4)(a)(f) or Head 33(4)(a)(a), to leave the State.

(2) Where *subhead (1)* applies, the person specified in the return order may be returned to—

(a) his or her country of origin,
(b) his or her country of former habitual residence, or
(c) where the circumstances referred to Head 33(4)(a)(a) apply in relation to him or her, to the Member State that has granted refugee status or subsidiary protection to the person.

(3) Where the Minister makes a return order, he or she shall notify the person specified in the order and his or her legal representative (if known) of the making of the order in accordance with *Head 80*.

(4) A return order issued in accordance with *subhead (1)* –

(a) shall be valid for the period specified in the order, not exceeding [5][10] years from the date on which it comes into effect in accordance with Head 81(3), in addition to the conditions set out in subhead (5)(b), or

(b) where the Minister has reasonable grounds to believe that a person to whom subhead (1) applies poses a risk to public policy, public order or national security, shall be valid [for the period specified in the order, [not exceeding] [10][20] years] [indefinitely] from the date on which it comes into effect in accordance with Head 81(3), in addition to the conditions set out in subhead (5)(b).

(5) (a) The person to whom the order applies shall remain outside the State once that order has come into effect in accordance with Head 81(3).

(b) For the purpose of reckoning the period for which the person to whom the order applies must remain outside the State, the period shall consist of the period of validity set out in respect of that order in *subhead (4)*, in addition to the number of days that it took for the person to be returned, or to return, as the case may be, to the country specified in the order. (6) Following the issuance of a return order in accordance with *subhead (1)* with a period of validity provided for in *subhead (4)(a)*, where the Minister has reasonable grounds to believe that *subhead(4)(b)* now applies, or ought to have been applied, in respect of the person to whom the order is issued, the Minister may vary the period of validity of such an order to that of the period provided for in *subhead (4)(b)*.

(7) The Minister shall revoke a return order issued in accordance with *subhead (1)* with a period of validity provided for in *subhead (4)(a)*, except where *subhead (6)* applies, where –

(a) the person opts to return voluntarily to the country specified in the order in accordance with Head 79,

(b) returns voluntarily in accordance with the timeline provided for in Head 79, and

(c) notifies the Minister of his or her arrival in that country in line with the notification procedure set out in Head 79.

(8) The Minister may revoke, or vary, a return order issued under this *Head*, expect where *subhead 4(b)* or *(6)* applies, where, having not returned through voluntary return procedures as set out in *subhead (7)*, the person to whom the order was issued can demonstrate that he or she has left the State in full compliance with the order.

(9) Where a person the subject of a return order brings an application for judicial review under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986) of the return order and the High Court suspends the operation of the order pending the determination of the application, the relevant period of validity as provided for in *subhead (4)* shall be paused until the date of the final determination (including where notice of appeal is given, the final determination of the appeal or any further appeal therefrom or the withdrawal of the appeal) of the application concerned.

(10) Persons subject to subhead (6) have the right to an effective remedy before the SIB.

(11) A notice of appeal under subhead (1) shall be submitted in writing to the SIB within two weeks from the date of the notification of the decision under subhead (6).

(12) Where an appeal is made in accordance with subhead (11), the SIB, on receipt of the notice of appeal, shall—

(a) transmit a copy of the notice to the Minister, and
(b) notify the Minister of the making of the appeal.

(13) The scope of an appeal under subhead (11) shall be limited to an assessment of the lawfulness of the variation of the order.

(14) A notice of appeal, submitted under subhead (11) shall specify, in writing, the grounds for the appeal in accordance with subhead (13).

(15) An appeal under this head shall not have suspensive effect and the person who whom the return order applies shall remain outside of the State, in accordance with subhead (5).

(16) The Minister shall without delay, following receipt under subhead (3) of the copy of the notice of appeal, cause the SIB to be provided with originals of any documents, reports, or representations in writing submitted to an Minister in relation to the variation of the order and shall cause the SIB to be provided with an indication of the nature and source of any other information relating to the variation of the order that has come to the notice of the Minister in the course of the making of the variation of the order.

(17) The Minister may, in consultation with the Chief Appeals Officer, having regard to the need to observe fair procedures, prescribe procedures for and in relation to appeals under this head.

(18) In relation to an appeal under this head, the SIB may decide to—

(c) affirm the variation of the order, or
(d) set aside the variation of the order.

(19) The SIB's decision under subhead (18) shall be in writing and the SIB shall send a copy of the decision, which shall include the reasons for the decision, to the applicant and his or her legal representative, if applicable, and to the Minister.

Head 85: Non-EU Inadmissibility Return Order

Provide that:

(1) Subject to *Head 80*, the Minister shall by order (in this General Scheme referred to as a "Non-EU inadmissibility return order") require a person whose application for international protection has been determined under *Head 33* to be inadmissible to leave the State.

(2) Where *subhead (1)* applies, the person specified in the inadmissibility return order may be returned:

(a) where the circumstances referred to in *Head 33(4)(a)(b)* apply in relation to him or her, to the first country of asylum for the person, or

(b) where the circumstances referred to in *Head 33(4)(a)(c)* apply in relation to him or her, to the safe third country that is a safe country for the person.

(3) Where the Minister makes an inadmissibility return order, he or she shall notify the person specified in the order and his or her legal representative (if known) of the making of the order in accordance with *Head 80*.

(4) A person the subject of an inadmissibility return order may, while the order is in effect, be returned in accordance with *subhead (2)*.

(5) Where the third country in question does not admit or readmit the applicant to its territory, other than where *subheads* (6) or (7) apply, the order shall cease to be in effect 12 months after the date on which the order came into effect in accordance with *Head 81(3)*.

(6) Where a person the subject of the inadmissibility return order absconds in the period referred to in *subhead (5)*, the order shall remain in effect for a period of 3 years from the date on which the order comes into effect in accordance with *Head 81(3).*

(7) Where a person the subject of an inadmissibility return order brings an application for judicial review under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986) of the inadmissibility return order and the High Court suspends the operation of the order pending the determination of the application, the order shall remain in effect for a period of 12 months from the date of the final determination (including where notice of appeal is given, the final determination of the appeal or any further appeal therefrom or the withdrawal of the appeal) of the application concerned, and may be extended further where *subhead (6)* becomes applicable in respect of the person.

(8) Where –

(a) an inadmissibility return order ceases in accordance with this *Head* to have effect on a particular date (in this section referred to as the "relevant date"), and

(b) by the relevant date the person the subject of the order has not been returned, he or she shall, notwithstanding that his or her application for international protection has been determined under *Head 33* to be inadmissible, be deemed to have made, on the date immediately following the relevant date, an application for international protection in

accordance with *Head 26*, and subject to this Head, the provisions of this General Scheme shall, with any necessary modifications, apply accordingly.

(9) The Minister shall as soon as practicable on or after the date immediately following the relevant date—

(a) send the person, and his or her legal representative (if known), a notice in writing—

(i) informing him or her of the effect of *subhead (9)*, and

(ii) inviting the person to complete, where not already completed, in respect of his or her application referred to in *subhead (9)*, the form provided for in *Head 26* and

(b) give or cause to be given to the person a statement under *Head 17.*

Head 86: Return of person subject of return order

Provide that:

(1) An immigration officer or a member of An Garda Síochána may, for the purpose of facilitating the return of a person the subject of a return order, by notice in writing require the person to comply with one or more of the following conditions:

(a) that he or she present himself or herself, in-person or electronically, as may be directed, to such immigration officer or member of An Garda Síochána at such date, time and place as may be specified in the notice;
(b) where, and only for so long as, it is reasonably necessary to facilitate his or her return, that he or she surrender his or her passport and any other travel document that he or she holds;
(c) that he or she co-operate in any way necessary to enable an immigration officer or a member of An Garda Síochána to obtain a passport or other travel document, travel ticket or other document required for the purpose of such return;
(d) that he or she reside or remain in a particular place in the State pending his or her return

(2) A notice under subhead (1) shall be in a language that the person concerned may reasonably be supposed to understand.

(3) A person the subject of a return order shall comply with a requirement under subhead (1).

(4) (a) An immigration officer or a member of An Garda Síochána ("arresting officer or member") may arrest without warrant a person the subject of a return order for the purpose of facilitating the return of the person—

(i) where the arresting officer or member considers that there is a risk of a person the subject of a return order absconding,

(ii) where the person avoids or hampers the preparation of the return or removal process,

(iii) where the arresting officer or member considers that the person poses a threat to national security or public policy,

(iv) where the person fails to comply with any of the measures required of him or her under subhead (1), or

(v) where the person was previously detained under the asylum border procedure in accordance with *head 115*.

(b) A person arrested under paragraph (a) may be taken by an immigration officer or a member of An Garda Síochána to a prescribed place (in this section referred to as a "place of detention") and detained—

(i) in the place of detention 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, and

(ii) for a period not exceeding 12 weeks.

(5) For the purpose of arresting a person under subhead (4) or (11), an immigration officer or member of An Garda Síochána may enter (if necessary by use of reasonable force) and search any premises (including a dwelling) where the person is or where the immigration officer or member, with reasonable cause, suspects the person to be and, where the premises is a dwelling, the immigration officer or member shall not, unless acting with the consent of an occupier of the dwelling or other person who appears to the immigration officer or member to be in charge of the dwelling, enter that dwelling unless—

(a) the person ordinarily resides at the dwelling, or

(b) he or she believes on reasonable grounds that the person is within the dwelling.

(6) The matters to which an officer or member referred to in subhead (4) may have regard, in considering for the purposes of that subsection whether there is a significant risk of a person the subject of a return order absconding, include the following:

(a) whether the person, in the purported discharge of his or her duty to establish his or her identity, has misrepresented or omitted facts, whether or not by the use of false documents be that in international protection or returns procedure;

(b) whether the person has failed to comply with a requirement under *subhead (1)*;

(c) whether the person, having been informed of arrangements for his or her return, has failed to co-operate with those arrangements;

(d) whether the person has explicitly expressed an intention not to comply with arrangements for his or her return;

(e) whether 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 in the State or, as the case may be, that state.

(7) Subject to *subhead (8)*, *subheads (4)* and *(5)* shall not apply to a person the subject of a return order who is under the age of 18 years.

(8) If and for so long as an immigration officer or member of An Garda Síochána concerned has reasonable grounds for believing that the person the subject of a return order is not under the age of 18 years, the provisions of *subheads (4)* and *(5)* shall apply as if the person had attained the age of 18 years.

(9) The Minister may, in order to facilitate the return of a person the subject of a return order, issue to the person *a laissez-passer* or such other travel document as the Minister considers appropriate.

(10) An immigration officer or member of An Garda Síochána may, for the purpose of the return, detain a person the subject of a return order in accordance with *subhead (11)* and place him or her on a vehicle that is soon to leave the State, and to make the necessary arrangements to place the person on that vehicle, and the person shall be deemed to be in lawful custody while so detained and until the vehicle leaves the State.

(11) A person who is detained under *subhead (10)* may, for the purposes of that subhead, be detained—

(a) for a period not exceeding 8 weeks in a place of detention,

(b) for a period or periods each not exceeding 12 hours, in a vehicle, for the purpose of bringing the person to the port from which the vehicle referred to in *subhead* (10) is due to leave the State, or

(c) for a period or periods each not exceeding 12 hours, within the port referred to in paragraph (b).

(12) The master or person in charge of a vehicle that is about to leave the State shall, if so directed by an immigration officer or member of An Garda Síochána, receive a person the subject of a return order on board the vehicle and afford the person so received proper accommodation and maintenance during the journey concerned.

(13) Where a person against whom a return order is in force is serving a term of imprisonment in a prison or place of detention, an immigration officer or a member of An Garda Síochána may, immediately on completion by the person of the term of imprisonment, arrest the person without warrant and detain him or her in accordance with *subhead (4)* or *(10).*

(14) (a) Subject to subheads (15) and (16), a person shall not be detained under this head for a period or periods exceeding 12 weeks in aggregate.

(b) The following periods shall be excluded in reckoning a period for the purpose of paragraph (a):

(i) any period during which the person is remanded in custody pending a criminal trial or serving a sentence of imprisonment;

(ii) any period spent by the person in a vehicle referred to in subhead (11)(b) or on board a ship, railway train, road vehicle or aircraft pursuant to this section; and

(iii) if the person has instituted court proceedings challenging the validity of the return order concerned, any period spent by the person in a place of detention between the date of the institution of the proceedings and the date of their final determination including, where notice of appeal is given, the period between the giving thereof and the final determination of the appeal or any further appeal therefrom or the withdrawal of the appeal or, as appropriate, the expiry of the ordinary time for instituting any such appeal.

(c) Periods of detention of a person under this head may be aggregated for the purposes of paragraph (a) only where the person concerned has, between the expiry of the earliest occurring period and the commencement of the latest occurring period, not left the State.

(15) (a) This paragraph applies to a person against whom a return order is in force who—

(i) has previously been detained under this head, and

(ii) not having left the State since the expiry of the latest period of his or her detention referred to in subparagraph (i), is arrested and detained under subhead (4), (10) or (13).

(b) Where the aggregate of the period or periods of his or her detention referred to in paragraph (a)(i) and the period of his or her detention referred to in paragraph (a)(ii) is X weeks, a person to whom paragraph (a) applies shall continue to be detained under this head only with the leave of a judge of the District Court.

(c) Where the detention of a person is authorised under paragraph (b), the period of his or her detention referred to in paragraph (a)(i) shall be excluded in reckoning, for the purposes of subhead (14)(a), the period of his or her detention referred to in paragraph (a)(ii).

(16) (a) Paragraph (b) shall apply to the arrest and detention under this section of a person who has previously been detained under this head, where the period, or the aggregate of the periods, of the previous detention is X weeks or more.

(b) Where a person to whom paragraph (a) applies is arrested and detained under subhead (4), (10) or (3) —

(i) he or she shall, as soon as practicable, be brought before a judge of the District Court, and

(ii) he or she shall continue to be detained under this section only with the leave of a judge of the District Court.

(17) In this *Head*, "return order" means a return order in accordance with *Head 84* or *Head 85*.

(18) In this *head*, "person" means an applicant for international protection or a person who has received a final decision in accordance with head xx against whom a return order is in effect in accordance with *head 81*.

Head 87: Return of persons in possession of a valid return order who make subsequent applications

Provide that:

(1) An applicant who –

(a) makes a first subsequent application within the meaning of *Head 32*–

(i) which following a preliminary assessment, is determined to fall within the provisions of *Head 32(4)(b)* and

(ii) where the intention of that application is to delay or frustrate the enforcement of an order, within the meaning of section 3 of the Act of 1999, section 51A of the Act of 2015, Regulation 20 of the Free Movement of Persons Regulations, or *Head 84* of this General Scheme, or

(a) has a valid return order in the State and makes a second or subsequent application in accordance with *Head 32* following a decision, taken in the State or another Member State, rejecting a previous subsequent application as inadmissible, manifestly unfounded or unfounded in accordance with article 56 of the Asylum Procedure Regulation,

may be removed from the State in advance of a first-instance decision being taken in respect of his or her application, subject to a review in accordance with *subhead (2)*.

(2) The Minister shall review the order referred to in *subhead (1)(a)(ii)* or *(b)* where the applicant meets the criteria set out in *Head 27* to ensure that its enforcement would not result in the person being returned to the frontier of a territory where –

(a) in the opinion of the Minister —

(i) the life or freedom of the person would be threatened for reasons of race, religion, nationality, membership of a particular social group or political opinion, or

(ii) there is a [serious] risk that the person would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment, or a serious and individual threat to his or her life or person by reason of indiscriminate violence in situations of international or internal armed conflict, or

(b) where the Minister is of the opinion that such expulsion or return would be prohibited under any enactment or rule of law as a breach of the person's fundamental rights.

(3) In forming an opinion in respect of the matters referred to in *subhead (2)*, the Minister shall have regard to—

(a) any representations that may be made by the person in accordance with this subhead, and

(b) any relevant changes in the person's personal circumstances or the circumstances in the country referred to in the order referenced subhead (1)(a)(ii) or (b) since that order was originally issued.

(4) A person shall, where he or she becomes aware of a change of circumstances that would be relevant to the formation of an opinion by the Minister under this head, inform the Minister forthwith of that change.

Part 9: Content of International Protection

Head 88: Extension of Certain Rights to Beneficiaries of International Protection

Provide that:

(1) A beneficiary of international protection 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 the same social welfare benefits as those to which Irish citizens are entitled,

(c) subject to *head 89* , to reside in the State,

(d) subject to *head 90,* to the same rights of travel in or to or from the State as those to which Irish citizens are entitled, and

(e) to the rights laid out in articles 25 to 32, 34 and 35 of the *Qualification Regulation*.

Head 89: Permission to Reside in the State

Provide that:

(1) Without prejudice to *head 77*, a beneficiary of international protection shall be given a permission to reside in the State for a specified period of at least 3 years for beneficiaries of refugee status and at least one year for beneficiaries of subsidiary protection status.

(2) A permission given under *subhead (1)* —

(a) shall be renewable unless compelling reasons of national security or public order otherwise require;

(b) shall cease to be valid where the person to whom it was given ceases to be a beneficiary of international protection, and

(c) shall, on expiry, be renewed for at least three years for beneficiaries of refugee status and for at least two years for beneficiaries of subsidiary protection status.

(3) The renewal of a permission shall be organised in such a way as to ensure continuity of the period of permitted residence, with no interruption between the period covered by the lapsing of the permission and the renewed permission, provided that the beneficiary of international protection acts in accordance with the obligation to register under *section (9)* of the *Act of 2004*.

Head 90: Travel Document

Provide that:

(1) Subject to *subhead (2)*, the Minister, on application by the person concerned, shall issue a travel document to a—

(a) beneficiary of international protection, and

(b) family member.

(2) The Minister need not issue a travel document to a person referred to in *subsection (1)* if—

(a) the Minister has required that person to provide such information as the Minister reasonably requires for the purposes of his or her functions under this section and the person has not done so,

(b) the person is a person in respect of whom a subsidiary protection declaration is in force and who is able to obtain a national passport, or

(c) the Minister considers that to issue it would not be in the interests of national security, public security, public health or public order or would be contrary to public policy ("ordre public").

(3) An application under *subhead (1)* shall be in writing and—

(a) in such form as published on a website maintained by or on behalf of the Minister or the Government, as soon as the Minister has approved the content of the form,

(b) shall be accompanied by such information and by such fee (if any) as may be required on the website

(c) accompanied by such fee (if any) as may be prescribed.

(4) A travel document shall be in such form as laid out in *Article 25(3)* of the *Qualification Regulation*.

(5) In this head, "family member" means a person in relation to whom—

(a) a permission to enter and to reside in the State given under *head 91* is in force, or

(b) a permission to reside in the State given under *head 92* is in force.

Head 91: Permission to Enter and Reside for Member of Family of Beneficiary of International Protection

Provide that:

(1) A beneficiary of international protection (in this section referred to as the "sponsor") may, subject to *subhead (11)*, make an application to the Minister for permission to be given to a member of the family of the sponsor, where that family member does not qualify for international protection, to enter and reside in the State.

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

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

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

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

(3) It shall be the duty of the sponsor and the person who is the subject of the application to co-operate fully in the investigation under *subhead (2)*, including by providing all information in his or her possession, control or procurement relevant to the application.

(4) Subject to *subheads (6)* and *(7)*, if the Minister is satisfied that the person who is the subject of an application under this section is a member of the family of the sponsor, he or she shall give permission in writing to the person to enter and reside in the State and the person shall, while the permission is in force and the sponsor is entitled to remain in the State, be entitled to the rights and privileges specified in *head 88* in relation to a beneficiary of international protection.

(5)(a) A permission to reside issued pursuant to *subhead (4)* shall have the same date of expiry as the permission to reside issued to the beneficiary of international protection and shall, subject to *subheads (6) and (7)*, be renewable for as long as the permission to reside issued to the beneficiary of international protection is renewed.

(b) The period of validity of the permission to reside issued to the family member shall not extend beyond the date of expiry of the permission to reside held by the beneficiary of international protection.

(6) The Minister shall refuse to give permission to enter and reside in the State to a person referred to in *subhead (4)* or revoke any permission given to such a person—

(a) in the interest of national security or public policy ("ordre public"), where the Minister considers it necessary,

(b) where the person would be or is excluded from being a refugee in accordance with *head 55*,

(c) where the person would be or is excluded from being eligible for subsidiary protection in accordance with *head 56,*

(d) where the entitlement of the sponsor to remain in the State ceases, or

(e) where misrepresentation or omission of facts, whether or not including the use of false documents, by the person was decisive in the decision to give the person the permission.

(7) The Minister shall refuse to give permission to enter and reside in the State to a spouse or civil partner where there are strong indications that the marriage or partnership was contracted for the sole purpose of enabling the person concerned to enter or reside in the State.

(8) Family members who have been issued a permission to reside pursuant to *subhead (4)* shall be entitled to the rights laid down in articles 25 to 32, 34 and 35 of the Qualification Regulation.

(9) A permission given under *subhead (4)* shall cease to be in force if the person to whom it is given does not enter and reside in the State by a date specified by the Minister when giving the permission.

(10) A permission given under *subhead (4)* to the spouse or civil partner of a sponsor shall cease to be in force where the marriage or the civil partnership concerned ceases to subsist.

(11) An application under *subsection (1)* shall be made within 12 months of the giving under *head 78* of the refugee declaration or, as the case may be, subsidiary protection declaration to the sponsor concerned.

(12)(a) In this head and *head 92,* family member means, insofar as the family already existed before the sponsor arrived on the territory of the State, the following members of the family of the beneficiary of international protection:

(i) the spouse of the sponsor or his or her civil partner;

(ii) the minor children of the sponsor or of his or her spouse or civil partner and the adult dependent children of the sponsor or of his or her spouse or civil partner, provided that they are unmarried and regardless of whether they were born in or out of wedlock or adopted;

(iii) where the sponsor is, on the date of the application under *subhead (1),* a minor, the father, mother, and their children who, on the date of the application under *subhead (1)*, are under the age of 18 years, or another adult responsible for that beneficiary, including an adult sibling.

(b)For the purpose of paragraph (1)(a)(ii), an adult child should be considered dependent, on the basis of an individual assessment, only in circumstances where that child is unable to support him or herself due to a physical or mental condition linked to a serious non-temporary illness or severe disability.

Head 92: Permission to Reside for Member of Family of Beneficiary of International Protection

Provide that:

(1) A beneficiary of international protection (in this section referred to as the "sponsor") may, subject to *head 91(2), (3), and (5) to (8)*, make an application to the Minister for permission to reside in the State to be given to a member of the family of the sponsor who, on the date of the application, is in the State (whether lawfully or unlawfully) and who does not himself or herself qualify for international protection.

(2) Subject to *head 91(6)*, if the Minister is satisfied that the person who is the subject of an application under this head is a member of the family of the sponsor, the Minister shall give permission in writing to the person to reside in the State and the person shall, while the permission is in force and the sponsor is entitled to remain in the State, be entitled to the rights and privileges specified in *head 88* in relation to a beneficiary of international protection.

Head 93: Situation of Vulnerable Persons

Provide that:

(1) In the application of *heads 88 to 92* due regard shall be had to the specific situation of vulnerable persons such as persons under the age of 18 years (whether or not accompanied), disabled persons, elderly persons, pregnant women, single parents with children under the age of 18 years, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape, or other serious forms of psychological, physical or sexual violence.

(2) In the application of *heads 88 to 92* in relation to a person who has not attained the age of 18 years, the best interests of the child shall be a primary consideration.

Part 10: Humanitarian Admission Framework, Programme Refugees and Temporary Protection

Head 94: Programme Refugees

Provide that:

(1) In this head, and subject to *subhead (4)*, a "programme refugee" means—

(a) a person to whom permission to enter and remain in the State for resettlement, or

(b) a person to whom permission to enter and remain in the State under the Humanitarian Admission Framework in accordance with the *Union Resettlement and Humanitarian Admission Framework Regulation*

has been given by the Government or the Minister and whose name is entered in a register established and maintained by the Minister, whether or not such person is a refugee within the meaning of the definition of "refugee" in *head 2.*

(2) During such period as he or she is entitled to remain in the State pursuant to permission given by the Government or the Minister referred to in *subhead (1)*, *heads 88 to 92* shall apply to a programme refugee as if the programme refugee is a beneficiary of international protection.

(3) (a) The Minister may, after consultation with the Minister for Foreign Affairs, enter into agreements with the High Commissioner for the reception and resettlement in the State of programme refugees.

(b) For the reception and resettlement in the State of programme refugees to whom *subhead (1)(b)* applies, the Minister—

(i) shall follow the Admission Procedure as set out in Article 9 of the *Union Resettlement and Humanitarian Admission Framework Regulation*, and

(ii) may enter into agreements or request assistance from relevant organisations as set out in Article 9 of the *Union Resettlement and Humanitarian Admission Framework Regulation*.

(4) (a) A person who, on the date on which this section enters into operation, is a programme refugee within the meaning of section 24 of the Act of 1996 and section 59 of the Act of 2015, shall be deemed to be a programme refugee for the purposes of this head.

(b) An entry in the register referred to in section 24(1) of the Act of 1996 and in section 59(1) of the Act of 2015 in respect of a person to whom *paragraph (a)* applies shall be deemed to be an entry in respect of him or her in the register referred to in *subhead (1)*.

Head 95: Temporary Protection
Provide that:

(1) In this *head* —

"designated accommodation centre" means a premises designated under subhead (15)(a);

“temporary protection” means a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons who are unable to return to their country of origin, immediate and temporary protection; “Council Directive” means Council Directive 2001/55/EC of 20 July 20016 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;

“displaced persons” has the same meaning as in the Council Directive.

(2) Subject to *subhead (3)* and *(6)*, this head applies to a displaced person to whom, following a Council Decision under Article 5 of the Council Directive establishing the existence of a mass influx of displaced persons, permission to enter and remain in the State for temporary protection as part of a group of persons has been given by the Government or the Minister and whose personal data (that is to say, name, nationality, date and place of birth, marital status, family relationship) are entered in a register established and maintained for the purposes of this section by the Minister.

(3) The Minister may exclude a displaced person from temporary protection 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,

(b) there are reasonable grounds for regarding him or her as a danger to the security of the State,

(c) the Minister is of 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) 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 subhead (3), the Minister shall weigh the reasons underlying the Council Decision concerned as they relate to the displaced person against the nature of the crime of which the displaced person concerned is suspected.

(5) Subheads (3)(d) and (4) apply both to the participants in and the persons who have instigated a crime referred to in those provisions.

(6) A person shall not be eligible for temporary protection where he or she –

(a) is a Union citizen in accordance with Regulation 2 of the European Communities (Free Movement of Persons) Regulations 2015,

(b) holds a valid registration certificate as provided for by section 9(4A) of the Act of 2004,

(c) has an application for international protection under consideration by the Minister within the meaning of the Act of 2015, or

(d) has an application for international protection under consideration by the Minister within the meaning of this General Scheme.

(7) The Minister shall give to a displaced person to whom subhead (2) applies, a permission to reside in the State and shall—

(a) issue him or her with—

(i) if required, an Irish visa or an Irish transit visa free of charge, or

(ii) a permission to remain in the State, and

(b) provide him or her with information, in a language that he or she may reasonably be supposed to understand, setting out the provisions of this section relating to temporary protection in the State.

(8) Subject to Head 96, a permission to reside in the State given under subhead (7) shall be valid for one year and may be renewed.

(9) Where, during the validity of a permission to reside in the State given under subhead (7), a displaced person to whom subhead (2) applies seeks to enter another Member State or has entered it without authorisation, the Minister may, in co-operation with the competent authority of that Member State, make arrangements for the return of the person to the State.

(10) Without prejudice to head 96, a person who has been given a permission to reside in the State under subhead (7), which 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 accommodation centre, 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.

(11) The Minister shall co-operate with the competent authorities of another Member State in relation to—

(a) the transfer to another Member State of a displaced person to whom subhead (2) applies,

(b) the transfer from another Member State to the State of a displaced person to whom subhead (2) applies, and

(c) the reunification, either in the State or in another Member State, of family members of a displaced person to whom subhead (2) applies.

(12) The Minister may prescribe documentation to be used for the purpose of enabling and facilitating transfers and reunifications referred to in subhead (11).

(13) For the purposes of subhead (11), the Minister may provide to another Member State, insofar as they are available—

(a) personal data relating to a displaced person (that is to say, name, nationality, date and place of birth, marital status and family relationship),

(b) travel documents relating to the person concerned,

(c) documents concerning evidence of family ties relating to the person concerned (such as marriage certificates, birth certificates and certificates of adoption),

(d) other information required to establish the identity of the person concerned or his or her family relationships,

(e) residence permits and decisions concerning the giving or refusal of visas or residence permissions to the person concerned by the Minister, and documents forming the basis of those decisions,

(f) applications for visas or entry or residence permissions submitted by the person concerned and pending in the State, and the stage reached in the processing of these, and

(g) any corrected information within paragraphs (a) to (f) which becomes available.

(14) *Subhead (2)* shall not apply to a person who is, for the time being, an applicant and a permission to reside in the State given under subhead (7) shall not be in force in relation to such a person.

(15) The Minister for Children, Equality, Disability, Integration and Youth –

(a) 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 subhead (6), which permission is valid, and

(b) shall, as soon as practicable after a designation is made under paragraph (a), ensure that the fact of such designation is published on a website maintained by or on behalf of him or her or the Government.

(16) In this section, "Irish transit visa" and "Irish visa" have the meaning they have under the Immigration Act 2003.

(17) For the purposes of this head, the following shall be an offence –

(i) the giving or making of a statement, declaration or information by a person which to the person's knowledge is false or misleading in a material particular,

(ii) the destruction or concealment of documents by a person with intent to deceive, or

(iii) the forgery or fraudulent alteration of any document that is used in connection with seeking such a right, entitlement or status.

(18) A person who is found guilty of an offence under subhead 17 (i), (ii) or (iii) is liable to a penalty in accordance with head 142(2).

Head 96: Revocation of Temporary Protection

Provide that:

(1) A permission to reside in the State given under head 95(7) may be revoked—

(a) when temporary protection has ended in accordance with the Council Decision concerned,

(b) upon the transfer of residence of the holder of the permission to another Member State,

(c) where the Minister decides that the holder should have been, or should be, excluded from temporary protection under section 95(3) or (4),

(d) where the Minister that has reasonable grounds to believe that the holder did not meet the conditions of head 95(2) at the time of the permission being issued,

(e) where the holder spends in excess of 90 days in aggregate of his or her permission period outside of the State, or

(f) where head 95(6) applies in respect of the holder.

(2) A revocation as referred to in subhead (1), other than that provided for in subhead(1)(a),(b) or (f), which shall operate prospectively from the date of revocation, may operate –

(a) prospectively from the date of revocation or,

(b) retrospectively to the date the permission was granted, or,

(c) to any date between dates (a) and (b), depending on the circumstances of the case and the matters referred to at paragraph (3).

(3) Where the Minister revokes a permission retrospectively, such revocation shall have regard, where applicable, to matters such as:

(a) the individual circumstances and conduct of the person, including for how long they held the permission;

(b) the existence of derived rights, such as whether a child or dependent of the person has derived an autonomous right, entitlement or status from the person's right, entitlement or status;

(c) the extent to which any other person who has derived an autonomous right, entitlement or status within the meaning of subparagraph (b) has relied on that right, entitlement or status;

(d) 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;

(e) whether the permission holder obtained the permission through fraud or misrepresentation; and

(f) any other information that the Minister deems relevant in the making of his or her decision.

(4) Where the Minister is satisfied that one or more of the grounds specified in subhead (1), other than paragraph (a),(b) or (f), exists, the Minister shall, prior to revoking the permission under this section, give the holder such notice as may be prescribed of the Minister's intention to revoke the permission (in this head referred to as a 'notice of intention to revoke')

(5) A notice of intention to revoke shall inform the holder of –

(a) the Minister's intention to revoke the permission,

(b) the reasons for the Minister's opinion, subject to subhead (11), that one or more of the grounds in subhead (1) exists,

(c) include a statement of the effect of subhead (6), and

(d) include a statement informing the holder of the effect of subheads (2) and (3).

(6) A person to whom a notice of intention to revoke is given may, within the period of 28 days beginning on the date the notice of intention to revoke is given to the person, make representations in writing to the Minister regarding the intended revocation.

(7) After the expiry of the period referred to in subhead (6), or where subhead(1)(a),(b) or (f) applies, the Minister shall –

(a) decide whether to revoke the permission and in making that decision shall have regard to the representations, if any, or, if applicable, made by the person under that subsection, and

(b) give the person concerned a notification in writing of his or her decision.

(8) Where the Minister decides under subhead (7) to revoke the permission, the notification under paragraph (b) of that subhead shall include a statement informing the person of –

(a) the Minister's decision to revoke the permission, including, where applicable, whether *subhead (2)(a), (b) or (c)* shall apply in respect of that revocation,

(b) the reasons for the decision, subject to subhead (11),

(c) the right under subhead (9) of the person to appeal that decision, where applicable, and

(d) the effect of subhead (10).

(9) A person who is the subject of a notification to which subhead (8) applies, except where that notification comes on foot of a revocation pursued in respect of subhead(1)(a),(b) or (f), may in the manner which may be directed by the Minister, and within the period of 15 days beginning on the date on which the notice is given to the person, appeal that decision to the Second Instance Body in accordance with Head 67.

(10) Where a person does not, within the period specified in subhead (9), appeal the Minister's decision to revoke the permission, the revocation of that permission shall take effect.

(11) Subheads (5)(b) and (8)(b) shall not apply where the Minister considers that specifying the reasons for the decision would be contrary to the interests of national security.

Part 11: Appeals and the Second Instance Body

Head 97: Interpretation

Provide that:

In this Part –

"business" means the determination of appeals and any additional tasks assigned to an appeals officer under this Part, in order to fulfil any other functions conferred on the SIB by or under this Act or any other enactment.

Head 98: International Protection Second Instance Body (SIB)

Provide that:

(1) On the establishment day, there shall stand established a Tribunal to be known as (Second Instance Body name as Gaeilge) or, in the English language, the (Second Instance Body name in English), which shall determine appeals and perform such other functions as may be conferred on it by or under this Act or any other enactment.

(2) The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

(3) The SIB shall be—

(a) inquisitorial in nature, and
(b) independent in the performance of its functions.

(4) The power of appointing a person to be an officer or servant of the SIB shall be vested in the Minister.

(5) In accordance with subhead (4) the Minister may appoint such and so many persons to be members of the staff of the SIB as he or she considers necessary to assist the SIB in the performance of its functions and such members of the staff of the SIB shall receive such remuneration and be subject to such other terms and conditions of service as the Minister may, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determine.

(6) (a) Members of the staff of the SIB shall be civil servants within the meaning of the Civil Service Regulation Acts 1956 to 2005, except where the member of staff is a Case Worker under subparagraph (b).

(b) A Case Worker of the SIB under subparagraph (a) shall be a civil servant (within the meaning of the Civil Service Regulation Acts 1956 to 2005) in the Civil Service of the State.

Head 99: Appeals officers of the SIB

Provide that:

(1) The SIB shall consist of the following appeals officers—

(a) a Chief Appeals Officer, who shall be appointed in a whole-time capacity,
(b) such a number of Deputy Chief Appeals Officer, who shall be appointed in a whole-time capacity, as the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, considers necessary for the expeditious performance of the functions of the SIB and
(c) such number of other appeals officers, appointed either in a whole-time or a part-time capacity, as the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, considers necessary for the expeditious performance of the functions of the SIB,

each of whom shall have had before his or her appointment the appropriate experience specified in subhead (2).

(2) The experience referred to in subhead (1) is—

(a) in the case of a member referred to in paragraph (a) or (b) of that subhead, not less than 5 years' experience as a practising solicitor, practising barrister or member referred to in paragraph (c) of that subhead, and
(b) in the case of a member referred to in paragraph (c) of that subhead, not less than 2 years' experience—
    (i) as a practising solicitor or practising barrister,
    (ii) pursuing his or her professional activities as a lawyer in a Member State under the relevant home professional title,
    (iii) practising, in a jurisdiction other than a Member State and in accordance with the law of that jurisdiction, in a profession that corresponds substantially to the profession of solicitor or barrister, or
    (iv) as a legal academic, where the person is, at the time of his or her appointment, a solicitor or qualified barrister.

(3) Subject to subhead (4), the Minister shall appoint the appeals officers of the SIB.

(4) Subject to subheads (8) and (15), the Minister shall not appoint an appeals officer of the SIB unless the Public Appointments Service, after holding a competition under section 47 of the Public Service Management (Recruitment and Appointments) Act 2004, has selected him or her for appointment to the position.

(5) Subhead (4) shall not apply to the reappointment of an appeals officer, in accordance with subhead (7), for a second term.

(6) (a) Each appeals officer of the SIB appointed in a part-time capacity shall hold office under a contract for services in writing, containing such terms and conditions (including terms and conditions relating to remuneration, allowances, expenses and superannuation) as the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, may determine.
(b) The Chief Appeals Officer and each appeals officers of the SIB appointed in a whole-time capacity, shall hold office under a contract of service in writing, containing such terms and conditions (including terms and conditions relating to remuneration, allowances, expenses and superannuation) as the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, may determine.

(7) The term of office of the appeals officers of the SIB shall be as follows:

(a) the term of office of the Chief Appeals Officer shall be 5 years and a Chief Appeals Officer may be reappointed to the office for a second term not exceeding 5 years;
(b) the term of office of a Deputy Chief Appeals Officer shall be 5 years and a Deputy Chief Appeals Officer may be reappointed to the office for a second term not exceeding 5 years;
(c) the term of office of an appeals officer appointed in a whole-time capacity, other than the Chief Appeals Officer, shall be 5 years and such an appeals officer may be reappointed to the office for a second term not exceeding 5 years;
(d) the term of office of an appeals officer appointed in a part-time capacity shall be 5 years and such an appeals officer may be reappointed to the office for a second term not exceeding 5 years.

(8) Notwithstanding subhead (7), an appeals officer who has been reappointed for a second term is otherwise eligible for appointment by way of competition in accordance with subhead (4).

(9) An appeals officer may resign from office by letter addressed to the Minister and the resignation shall take effect on the date the Minister receives the notice.

(10) Where an appeals officer is—

(a) nominated as a member of Seanad Éireann,
(b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament,
(c) regarded pursuant to section 19 of the European Parliament Elections Act 1997 as having been elected to that Parliament,
(d) elected or co-opted as a member of a local authority,
(e) appointed to judicial office, or
(f) appointed Attorney General,

he or she shall thereupon cease to be an appeals officer.

(11) A person who is for the time being—

(a) entitled under the Standing Orders of either House of the Oireachtas to sit therein,
(b) a member of the European Parliament, or
(c) entitled under the standing orders of a local authority to sit as a member thereof,
shall, while he or she is so entitled under paragraph (a) or (c) or is such a member under paragraph (b), be disqualified from being an appeals officer.

(12)Without prejudice to the generality of subhead (11), that subhead shall be construed as prohibiting the reckoning of a period referred to therein as service with the SIB for the purposes of any superannuation benefits payable under this Act or otherwise.

(13)An appeals officer may be removed from office by the Minister for a failure to fulfil contractual obligations in respect of the performance of their functions or for other stated reasons.

(14)If an appeals officer appointed in a part-time capacity—

(a) dies, resigns, becomes disqualified or is removed from office, or
(b) is for any reason temporarily unable to continue to perform his or her functions,
the Minister may appoint another person to be an appeals officer in a part-time capacity to fill the casual vacancy so occasioned until an appointment is made in accordance with subhead (4).

(15)If an appeals officer appointed in a whole-time capacity—
(a) dies, resigns, becomes disqualified or is removed from office, or
(b) is for any reason temporarily unable to continue to perform his or her functions,
the Minister may appoint another person to be an appeals officer in a whole-time or part-time capacity until an appointment is made in accordance with subhead (4).

(16)In subhead (2)—
"home professional title", "lawyer", "member state" and "professional activities" have the same meanings as they have in the European Communities (Lawyers' Establishment) Regulations 2003 (S.I. No. 732 of 2003);

"legal academic" shall be construed in accordance with section 45A (2) (inserted by section 63 of the Judicial Appointments Commission Act 2023) of the Courts (Supplemental Provisions) Act 1961;

"practising solicitor", "practising barrister" and "qualified barrister" have the same meanings as they have in the Legal Services Regulation Act 2015;

"solicitor" means a person who has been admitted as a solicitor whose name is on the roll of solicitors (within the meaning of section 9 of the Solicitors Act 1954).]

Head 100: Functions of Chief Appeals Officer

Provide that:

(1) The Chief Appeals Officer shall ensure that the decision making functions of the SIB are performed efficiently and that the business assigned to each appeals officer is disposed of as expeditiously as may be consistent with fairness and natural justice.

(2) The Chief Appeals Officer shall issue to the members of the SIB guidelines on the practical application and operation of the provisions in relation to the decision making process under Part 7 and on developments in the law relating to international protection.

(3) The Chief Appeals Officer may —

(a) request the Director under Head 104 (3) to re-assign business from one appeals officer to a different appeals officer if, in the opinion of the Chief Appeals Officer, such re-assignment is warranted by the inability or unwillingness to transact that business of the appeals officer to whom the business was originally assigned,

(b) require an appeals officer to prepare a report of his or her determination of each appeal within a period specified in the guidelines referred to at subhead (2), and

(c) require an appeals officer to prepare a report on any aspect of the transaction of the business assigned to the appeals officer.

(4) The Chief Appeals Officer may accord priority to an appeal when he or she is of the opinion that it is in the interests of justice to do so.

(5) The Chief Appeals Officer may from time to time convene a meeting with an appeals or appeals officers for the purpose of discussing matters relating to the transaction of the business assigned to the appeals officer or appeals officers, including, in particular, such matters as the avoidance of undue divergences in the transaction of business by the appeals officers.

(6) The Chief Appeals Officer shall convene a meeting of the appeals officer as necessary to review the transaction of business by appeals officer and, where necessary, to make provision for training programmes for appeals officer.

(7) The Chief Appeals Officer may make a written report to the Minister in relation to any function that the Chief Appeals Officer performs under this Act, if requested to do so by the Minister or if the Chief Appeals Officer considers it appropriate to do so.

(8) The Minister may request the Chief Appeals Officer to consider certain matters in relation to their functions under this Act, as the Minister may specify in the request.

(9) Where an appeals officer fails to comply with a provision of subhead (3) the Chief Appeals Officer may make a written report to the Minister of this failure.

(10) Where the Chief Appeals Officer is for any reason temporarily unable to act as the Chief Appeals Officer, or the position of the Chief Appeals Officer is vacant, the Minister shall appoint a Deputy Chief Appeals Officer to be the Chief Appeals Officer for the duration of the inability or until an appointment is made under Head 102 (4), as appropriate, and the person so appointed may perform all the functions conferred on the Chief Appeals Officer by this Act.

Head 101: Functions of the Deputy Chief Appeals Officer

Provide that:

(1) Without prejudice to Head 100, a Deputy Chief Appeals Officer shall perform such of the functions of the Chief Appeals Officer under this Part as the Chief Appeals Officer may assign to him or her.

(2) Where a Deputy Chief Appeals Officer is for any reason

(a) temporarily unable to perform his or her functions under subhead (1), or
(b) a position of Deputy Appeals Officer is vacant,

the functions of the Deputy may be performed, for the duration of the inability or until an appointment is made under subhead (1) by –

(i) such member of the staff of the SIB as may, from time to time, be designated for that purpose by the Director, or
(ii) in the absence of a designation under subparagraph (i), by the Minister,

and references in this Act to the Director shall be read as including references to a person designated under this subhead.

Head 102: Role of Appeals officers

Provide that:

(1) An appeals officer shall, on behalf of the SIB, transact the business assigned to him or her under this Act.

(2) An appeals officer shall, in the performance of his or her functions under this Act—

(a) ensure that the business assigned to him or her is managed efficiently and disposed of as expeditiously as is consistent with fairness and natural justice,

(b) conduct oral hearings in accordance with head 69 and relevant regulations made,

(c) accord priority to an appeal to which head 100 (4) applies that is assigned to him or her,

(d) have regard to any guidelines issued by the Chief Appeals Officer under Head 100 (2),

(e) prepare the report referred to in paragraph (b) or (c) of Head 100 (3) and provide it to the Chief Appeals Officer when requested to do so,

(f) attend any meetings convened by the Chief Appeals Officer under subhead (5) or (6) of Head 100 unless it is impracticable to do so,

(g) provide such assistance to the Chief Appeals Officer in the performance by the Chief Appeals Officer of his or her functions under this Act as the Chief Appeals Officer may reasonably request, and

(h) comply with any direction given by the Chief Appeals Officer relating to training and the continued professional development of appeals officers.

Head 103: Director of the SIB

Provide that:

(1) The Minister shall appoint a person to be Director of the SIB.

(2) A person appointed under subhead (1) shall perform the functions assigned to him or her by or under this Act.

(3) The Director shall be responsible to the Minister for the performance of his or her functions.

(4) The Director shall hold office under a contract of service in writing (which contract may be renewed) for such period as is specified in the contract and subject to such terms and conditions (including terms and conditions relating to remuneration) as are determined by the Minister with the consent of the Minister and the Minister for Public Expenditure, National Development Plan Delivery and Reform.

(5) The Director shall provide the Minister with such information, including financial information, in respect of the performance of his or her functions as the Minister may require.

(6) The Director shall not hold any other office or occupy any position in respect of which remuneration is payable, or carry on any business, trade or profession, without the consent of the Minister.

(7) Where the Director is for any reason

(a) temporarily unable to perform his or her functions under Head 104, or
(b) the position of Director is vacant,

the functions of the Director may be performed, for the duration of the inability or until an appointment is made under subhead (1) by –

(i) such member of the staff of the SIB as may, from time to time, be designated for that purpose by the Director, or
(ii) in the absence of a designation under subparagraph (i), by the Minister,

and references in this Act to the Director shall be read as including references to a person designated under this subhead.

Head 104: Functions of the Director

Provide that:

(1) The Director shall—

(a) manage and control generally the staff and administration of the SIB,
(b) perform such other functions (if any) as may be required by the Minister or as may be authorised under this Act, and
(c) ensure the efficient management of the work of, and the expeditious performance of its functions by, the SIB, consistent with fairness and natural justice.

(2) The Director shall assign to each appeals officer the appeals to be determined by him or her.

(3) In accordance with a request made under Head 100 (3) (a) the Director may re-assign an appeal.

(4) In assigning or re-assigning an appeal to an appeals officer the Director shall have regard to any guidelines issued by the Chief Appeals officer under Head 100 (2).

(5) The Director shall bring to the attention of the Chief Appeals officer any matter relevant to the Chief Appeals officer's functions under Head 100.

(6) The Director may, where he or she deems appropriate, assign the Chief Appeals officer –

(a) appeals, or
(b) a particular appeal

to be determined by the Chief Appeals officer under this Act.

(7) In accordance with subhead (6) the Director shall have regard to his or her functions under subhead (4).

(8) The Director shall make a report to the Minister –

(a) in relation to any function that the Director performs under this Act, if requested to do so by the Minister or if the Director considers it appropriate to do so; and

(b) an annual report to the Minister not later than 3 months after the end of each year, which the Minister shall cause to be laid before each House of the Oireachtas not more than 30 days after he or she receives it.

(9) The Minister may request the Director to consider certain matters in relation to their functions under this Act, as the Minister may specify in the request.

Part 12: Asylum Border Procedure

Head 105: Conditions for Applying the Asylum Border Procedure

Provide that:

(1) Following the screening carried out in accordance with head 13, where applicable and provided that the applicant has not yet been authorised to enter the State, the Minister may, without prejudice to head 110, examine an application in the asylum border procedure where that application has been made by an applicant who does not fulfil the conditions for entry to the State and to whom any of the paragraphs of section 4(3) of the Act of 2004 applies.

(2) The asylum border procedure may take place:

(a) following an application made at an external border crossing point or in a transit zone;

(b) following apprehension in connection with an unauthorised crossing of the external border;

(c) following disembarkation in the State after a search and rescue operation;

(d) following relocation in accordance with Article 67(11) of the Asylum and Migration Management Regulation.

(3)(a) Applicants subject to the asylum border procedure shall not be authorised to enter the State, subject to head 68(4) and without prejudice to head 110(2).

(b) Any measure taken to prevent unauthorised entry to their territory shall be in accordance with heads 121 and 122.

(4) An applicant who has no right to remain in the State pursuant to head 27 and in respect of whom a return decision under head 80 is issued, or who has been refused entry to the State in accordance with section 4 of the Act of 2004, shall be subject to head 112.

(5) In this head, "external border crossing point" means a port within the meaning of the Act of 2004 or a Screening Centre as designated in accordance with *head 10*.

Head 106: Mandatory Application of the Asylum Border Procedure

Provide that:

(1)(a) Subject to head 108(1), (2) and (6) an application shall be examined in the asylum border procedure in the cases referred to in *head 105(1) and (2)* where any of the circumstances referred to in *head 63(1)(a)(iii), (vi), and (x)* apply, and without prejudice to *head 110*.

(b) At any point during the administrative procedure, an applicant who is deemed a national security risk shall be placed in the asylum border procedure regardless of whether his or her application was being examined under a different procedure in accordance with head 29.

(2) Where the circumstances referred to in head 63(1)(a)(vi) apply and without prejudice to head 111, the competent authority shall take appropriate measures to maintain as far as possible family unity in the asylum border procedure.

(3) In this head, and for the purpose of subhead (2), 'members of that applicant's family' means, in so far as the family already existed before the applicant arrived in the State, the following members of the applicant's family who have also made an application in the State:

(a) the spouse of the applicant or his or her civil partner;

(b) the minor children of the applicant or of his or her spouse or civil partner regardless of whether they were born in or out of wedlock or adopted;

(c) where the applicant is a minor, the father, mother or another adult responsible for the applicant in accordance with head 26(1)(b);

(d) where the applicant is a minor, the sibling or siblings of the applicant, provided they are minors.

Head 107: Decisions in the framework of the Asylum Border Procedure

Provide that:

(1) Where a border procedure under head 105 is applied, decisions may be taken on the following:

(a) the inadmissibility of an application in accordance with head 33;

(b) the merits of an application where any of the circumstances referred to in head 63(1)(a) paragraphs (i) to (vii) and (x), and head 63(3)(a)(ii) apply.

(2) Where the number of applicants exceeds the number referred to in head 108 and for the purpose of determining whom to subject to the asylum border procedure pursuant to head 63 (1)(a) points (iii), (vi) and (x) or head 63 (3)(a) point (ii), the Minister shall prioritise the following categories of applications:

(a) applications of certain applicants who, in the event of a negative decision, have a higher prospect of being returned, as applicable, to their country of origin, to their country of former habitual residence, to a safe third country or to a first country of asylum, within the meaning of *this Act;*

(b) applications of certain applicants who are considered, on serious grounds, to pose a danger to the national security or public order of the State;

(c) without prejudice to *paragraph (b)*, applications of persons over the age of 18 and their adult family members.

(3) Where the border procedure is applied to minors and their family members pursuant to head 106, priority shall be given to the examination of their applications.

(4) The Minister may also give priority to the examination of applications under *subhead (2)(a)* when the conditions for applying head 108 have not been met.

Head 108: Adequate Capacity in the Border Procedure

Provide that:

(1) When adequate capacity in the border procedure as defined in head 2 is reached, the competent authority may notify the Commission of the fact.

(2) (a) Where a notification under *subhead (1)* has been sent that adequate capacity was reached, by way of derogation from head 105(1), the Minister is not required to examine in the asylum border procedure applications made by applicants as referred to in head 63 (1)(a)(x) .

(b) Without prejudice to paragraph (a), applicants subject to head 106(1)(b) shall remain in the asylum border procedure for the duration of the examination of their application.

(3) As soon as the number of applicants that are subject to the border procedure in the State is lower than the adequate capacity number, the Minister shall cease to apply *subhead (2)(a).*

(4) The measure provided for in *subhead (2)(a)* may be applied for the remainder of the same calendar year starting from the day following the date of the notification under *subhead (1).*

(5) When sending the notification under *subhead (1)*, the Minister shall include all information as listed in Article 49 of the Asylum Procedures Regulation.

(6) Notwithstanding *subheads (1)* and *(2)(a)*, applicants who are deemed a national security risk shall continue to be placed in the asylum border procedure.

Head 109: Determination of Member State Responsible and Relocation

Provide that:

(1) Where the conditions for the asylum border procedure apply in accordance with Head 105, the Minister shall determine the Member State responsible for the application in accordance with head 109 as part of the Asylum Border Procedure, without prejudice to the deadlines established in Article 51(2) of the Asylum Procedures Regulation.

(2) Where an applicant is transferred to the State in accordance with Article 67(11) of the Asylum and Migration Management Regulation, the Minister may apply the asylum border procedure in accordance with Head 105, taking into account that the time that an applicant has spent in the asylum border procedure in another Member State shall count towards the deadline set out in Article 51(2) of the Asylum Procedures Regulation.

(3) Where subhead (2) applies, the Minister may extend the deadline established in Article 51(2) of the Asylum Procedures Regulation by a period of up to four weeks.

(4) Without prejudice to subhead (2), the Minister shall apply the border procedure where such a person is deemed to be a national security risk.

Head 110: Exceptions to the Asylum Border Procedure

Provide that:

(1)(a) The asylum border procedure shall be applied to unaccompanied minors only in the circumstances referred to in head 63(3)(a)(ii).

(b) Where there is doubt as to the applicant's age, the competent authorities shall promptly carry out an age assessment in accordance with *head yy (age assessment).*

(2)(a) The Minister shall not apply or shall cease to apply the asylum border procedure at any stage of the procedure where:

(i) it considers that the grounds for rejecting an application as inadmissible in accordance with head 33(4)(a) or for applying the accelerated examination procedure in accordance with head 63 are not applicable or no longer applicable;

(ii) the necessary support cannot be provided to applicants with special reception needs, including minors, in accordance with, at the locations referred to in head 111;

(iii) the necessary support cannot be provided to applicants in need of special procedural guarantees in accordance with head 31 at the locations referred to in head 111;

(iv) there are relevant medical reasons for not applying the asylum border procedure, including mental health reasons;

(v) the guarantees and conditions for detention laid down in head YY (*head on guarantees for detained applicants*) and head YY (*conditions of detention*) are not met or are no longer met and the asylum border procedure cannot be applied to the applicant without the use of detention.

(b) Where the conditions in *paragraph (a)* are met, the competent authority shall authorise the applicant to enter the territory of the State in accordance with *section 4* of the Act of 2004 and apply the appropriate procedure provided for in Parts 3 and 5 of this Act.

Head 111: Locations for Carrying Out the Border Procedure

Provide that:

(1) Applicants subject to the asylum border procedure shall, pursuant to head 121 and without prejudice to head 122, be required to reside at locations as designated under *subhead (2).*

(2) The Minister may—

(a) where he or she is satisfied that the premises concerned are suitable for the purpose of *subhead (1)* designate in writing such and so many premises as he or she considers appropriate as asylum border procedure centres, and

(b) shall, as soon as practicable after a designation is made under paragraph (a), ensure that the fact of such designation is published on a website maintained by or on behalf of him or her or the Government.

(3) The requirement to reside at a particular place in accordance with *subhead(1)* shall not be regarded as authorisation to enter and be in the State in accordance with section 4 of the Immigration Act 2004.

(4) Where an applicant subject to the asylum border procedure needs to be transferred to another location for the purposes of such a procedure, or transferred for the purpose of receiving medical treatment, such travel shall not in itself constitute an entry to the State.

Part 13: Return Border Procedure

Head 112: Return Border Procedure

Provide that:

(1) (a)An applicant whose application has been rejected under the asylum border procedure in accordance with head 107 shall be subject to the return border procedure.

(b) Without prejudice to *paragraph (a)*, the Minister shall not apply or shall cease to apply the return border procedure at any stage of the procedure where:

(i) the necessary support cannot be provided to applicants with special reception needs, including minors, in accordance with Regulation X of S.I. no. XX, at the locations referred to in *subhead (3)*;

(ii) the necessary support cannot be provided to applicants in need of special procedural guarantees in accordance with head 31 at the locations referred to in *subhead (3)*;

(iii) there are relevant medical reasons for not applying the return border procedure, including mental health reasons.

(2)(a) A person subject to the return border procedure as prescribed in *subhead (1)* shall reside in a location as designated under *subhead (3)* for a period not exceeding 12 weeks.

(b)The requirement to reside at a particular location in accordance with *paragraph (a)* shall not be regarded as authorisation to enter into or stay in the State.

(3) The Minister may—

(a) where he or she is satisfied that the premises concerned are suitable for the purpose of *subhead (2)(a)* designate in writing such and so many premises as he or she considers appropriate as return border procedure centres, and

(a) shall, as soon as practicable after a designation is made under *paragraph (a)*, ensure that the fact of such designation is published on a website maintained by or on behalf of him or her or the Government.

(4) The 12-week period under *subhead (2)(a)* shall start from the date on which the person no longer has a right to remain and is not allowed to remain pursuant to *head 80*.

(5) A person subject to the return border procedure, as prescribed in *subhead (1),* shall be subject to one or more of the alternatives to detention under *head YY (alternatives to detention).*

Head 113: Refusing Leave to Land

Provide that:

(1) A person whose application has been rejected under asylum border procedure in *head 107* shall not be authorised to enter the territory of the State in accordance with section 4 of the Act of 2004.

Head 114: Voluntary Return in the Border Procedure

Provide that:

(1) A person subject to the return border procedure under *head 112* shall have the possibility to return voluntarily to his or her country of origin at any time whilst in the return border procedure in accordance with *head 79,* provided that he or she surrenders any valid travel document in his or her possession to the competent authorities for as long as necessary to prevent absconding.

Head 115: Detention under the Border Procedure

Provide that:

(1) Detention may be imposed only as a measure of last resort if it proves necessary on the basis of an individual assessment of the person's case and if other less coercive measures under *head yy (alternatives to detention)* cannot be applied effectively.

(2) A person—

(a) subject to *head 113*,

(b)who was detained during the asylum border procedure in accordance with *head yy (detention in the asylum border procedure)*,

(c) who no longer has a right to remain and who is not allowed to remain pursuant to *head 80*,

may continue to be detained for the purpose of preventing his or her entry to the State, of carrying out his or her return under *head 86*.

(3) A person subject to *head 113* who was not detained during the asylum border procedure under *head yy (detention during the asylum border procedure)*, who no longer has a right to remain and who is not allowed to remain pursuant to *head 80*, may be detained under *head 122*.

Head 116: Ending the Return Border Procedure

Provide that:

(1) The return border procedure under *head 112* ceases when—

(a) the period referred to in *head 112(2)* ends, or

(b) the person subject to the procedure has been removed from the State in accordance with *head 86*.

Part 14: Allocation of Accommodation, Restrictions of Movement, and Detention

Head 117: Interpretation

Provide that:

(1) In this Part—

"applicant" means an applicant for international protection against whom there is no return order in effect in accordance with head 84

"accommodation centre" means a premises designated by the Minister in accordance with SI No 230 of 2018 or Head 10.

"substituted identity document" means an identity document that does not relate to the person who is or has been in possession of the document and which the person in possession of the document has used or intends or intended to use for the purposes of establishing identity.

A word or expression which is used in this Part and is also used in the Reception Conditions Directive has, unless the context otherwise requires, the same meaning in this Part as it has in the Directive.

Head 118: Allocation of Applicants to Accommodation

Provide that:

(1) The Minister may allocate an accommodation centre to be the location at which the material reception conditions shall be made available to an applicant.

(2) Other than where required under Head 121 and Head 122 an applicant may choose to reside at the allocated accommodation centre or elsewhere in the State.

(3) Where the applicant chooses to reside at the accommodation centre allocated under subhead (1), the Minister may, to ensure the efficient operation of the accommodation system, put in place mechanisms to verify that he or she is residing at the accommodation so allocated.

(4) Verification mechanisms under subhead (3) may include that he or she is required to report at specified intervals, as may be notified in writing to him or her by an immigration officer:

(a) to an immigration officer or,

(b) using an electronic reporting system.

Head 119: Allocation of Applicants to a Geographical Area

Provide that:

(1) Where necessary for the swift, efficient and effective processing of an application under Head 29, the Minister may allocate and restrict an applicant to a geographical area within the State, in which he or she is permitted to move freely for the duration of the procedure for international protection.

(2) The Minister shall inform the applicant of his or her allocation to a geographical area, including of the geographical boundaries of that area.

(3) The Minister shall, upon the request of the applicant, grant that applicant permission to temporarily leave the geographical area where the Minister is satisfied that it is necessary to do so for duly justified urgent and serious family reasons, or necessary medical treatment which is not available within the geographical area.

(4) The applicant shall notify the competent authorities in advance of appointments to be attended by the applicant with authorities and courts outside the geographical area.

Head 120: Risk of Absconding

Provide that:

(1) For the purposes of assessing an applicant's risk of absconding for the purposes of any provision of this Part, regard may be had to:

(a) whether the applicant other than for the purposes of their international protection claim has permission to be in the State,

(b) the applicant's nationality and personal circumstances,

(c) whether the applicant, in the purported discharge of his or her duty to establish his or her identity, has misrepresented or omitted facts, whether or not by the use of false documents,

(d) whether the applicant has

(i) not complied with an obligation or procedure laid out in this Act,

(ii) explicitly expressed an intention not to comply with an obligation or procedure laid out in this Act,

(e) whether the applicant has previously failed to comply with the law of the State, or of another state, relating to the entry or presence of foreign nationals in the State or, as the case may be, that state,

(f) any criminal convictions of the applicant within and outside the State,

(g) the procedure under which the applicant's application will be considered, in particular--

(i) whether the applicant is required to be present in another Member State in accordance with Article 17(4) of the Asylum and Migration Management Regulation; or

(ii) whether the applicant has been transferred to the Member State where they are required to be present in accordance with Article 17(4) of the Asylum and Migration Management Regulation after having absconded to another Member State.

(2) The applicant's risk of absconding may be reassessed as required by a court, an immigration officer, or a member of An Garda Síochána.

Head 121: Restrictions on Freedom of Movement

Provide that:

(1) An immigration officer may require that the applicant reside only in the accommodation centre allocated to the applicant under Head 118 for one or more of the following purposes:

(a) for reasons of national security or public order, or

(b) to effectively prevent the applicant from absconding based on the risk of absconding undertaken under Head 120, or

(c) to effectively prevent an applicant from absconding where he or she is required to be present in another Member State in accordance with Article 17(4) of Regulation (EU) 2024/1351, or

(d) to effectively prevent an applicant from absconding where he or she has been transferred to the State where they are required to be present in accordance with Article 17(4) of Regulation (EU) 2024/1351 after having absconded to another Member State.

(2) An immigration officer may require that the applicant report, in a manner to be specified in accordance with subhead (4) for one or more of the following purposes:

(a) to effectively prevent the applicant from absconding based on the assessment of the risk of absconding undertaken under Head 120, or

(b) to ensure a decision in accordance with Article 17(4) of Regulation (EU) 2024/1351 that he or she is required to be present in another Member State is respected, or

(c) to ensure a decision in accordance with Article 17(4) of Regulation (EU) 2024/1351 that he or she is required to be present in the State after having absconded to another Member State is respected,

(3) Where an applicant has been required to reside only in the accommodation centre allocated to the applicant under subhead (1) or Head 118

(a) the provision of material reception conditions shall be subject to the actual residence by the applicant in that specific place,
(b) upon the request of the applicant, the competent authority may grant the applicant permission to reside temporarily outside the specific place designated in accordance with Head 118 and subhead (1),
(c) where it is necessary for the applicant to attend appointments with authorities and courts, the applicant shall notify the competent authority of such appointments as soon as practicable.

(4) (a) An applicant who has been required to report under subhead (2) may be required to report at a specified time or at reasonable intervals as may be specified in the notice; and

(b)an applicant who has been required to report under subhead (2) may be required to present himself or herself, in-person or electronically, as may be directed, to such immigration officer or member of An Garda Síochána as may be specified in the notice.

(5) The Minister may make such arrangements, including contractual arrangements, as he or she considers appropriate with such persons as he or she thinks fit for electronic systems in respect of reporting requirements for applicants under subhead (2) and subhead (4).

(6) The electronic system specified by the Minster under subhead (5), the Minister, and those with whom the Minister has entered contractual arrangements may process such personal data, including biometric data, in respect of an applicant as are required to identify the applicant on the occasion of their reporting.

(7) An immigration officer placing requirements on a person under subhead (1) or (2) shall, without delay and in writing, inform the person or cause him or her to be informed

(a) Of the reasons for his or her residence requirements, if any,

(b) Of the reasons for his or her reporting requirements, if any,

(c) Of the grounds in law for the requirements under subhead (1) or (2),
(d) Of his or her entitlement to appeal under this Act,
(e) Of the procedures to appeal under this Act,
(f) Of the consequences of failure to comply with the requirements imposed.

(8) The statement given under subhead (7) shall be

(a) In a language the applicant may be reasonably supposed to understand,
(b) Use clear and plain language,
(c) Be concise, transparent and intelligible,
(d) Be in an easily accessible form.

(9) A decision made under subhead (1) or (2) may be May be subject to review in accordance with Regulation YY of SI YY.

Head 122*:* Detention of applicants

Provide that:

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

(2) An immigration officer or a member of An Garda Síochána may arrest an applicant without warrant if that officer or member is of the opinion, with reasonable cause, that it is necessary to do so for one or more of the following reasons:

(a) to enable determination or verification of the applicant's identity or nationality;

(b) enable determination of 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 as assessed under Head 120;

(c) to ensure compliance with legal obligations imposed on the applicant through an individual decision in accordance with Head 121(1) in cases where the applicant has not complied with such obligations and there continues to be a risk of absconding as assessed under Head 120;

(d) to enable a decision to be made, in the context of a border procedure in accordance with Article 43 of Regulation (EU) 2024/1348, on the applicant's right to enter the territory;

(e) when the applicant is detained subject to a return procedure under this Act under Head 86 in order to prepare the return, or carry out the removal process, and the competent authorities concerned 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 the return decision;

(f) when protection of national security or public order so requires;

(g) in accordance with Article 44 of Regulation (EU) 2024/1351.

(3) Subject to subhead (4) and subhead (5), an applicant arrested under subhead (2) may be taken to and detained in a prescribed place (in this section referred to as a "place of detention")

(4) When detaining an applicant under subhead (3) the immigration officer, the member of An Garda Síochána, or the governor or other person performing such functions in a place of detention, as the case may be--

(a) shall consider:

(i) any visible signs, statements or behaviour indicating that the applicant has special reception needs,

(ii) any assessment completed under Article 25 of the Reception Conditions Directive, and

(b) may consider:

(i) the individual's risk of absconding assessed in accordance with Head 120.

(5) An applicant shall not be detained under subhead (3) unless the immigration officer or as the case may be, member of An Garda Síochána who arrested the applicant is satisfied that, in the circumstances of the applicant's individual case—

(a) a ground for detention as specified in subhead (2) applies to the applicant, and

(b) alternative measures in accordance with Head 121 cannot be applied effectively to the applicant.

(6) Where an applicant is arrested under Subhead (2) and the assessment provided for in Article 25 of the Reception Conditions Directive has not yet been completed, it shall be completed without undue delay and its results shall be taken into account when deciding whether to continue detention or whether the detention conditions need to be adjusted.

(7) For the purposes of considering whether the ground specified in subhead (2)(a) applies to an applicant, the immigration officer or, as the case may be, member of An Garda Síochána may take consideration of whether --

(a) the applicant has not made reasonable efforts to establish his or her identity, or

(b) the applicant has without reasonable excuse destroyed his or her identity or travel document, or

(c) the applicant is or has been, without reasonable excuse, in possession of a forged, altered or substituted identity document, or

(d) the immigration officer or, as the case may be, the member of the Garda Siochána is not satisfied as to the applicant's identity or nationality.

(8) If, at any time during the detention of a person under this head, an immigration officer or a member of An Garda Síochána is of the opinion that none of the paragraphs of subhead (2) 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 subhead (2) applies in relation to the person, the judge shall release the person.

(9) 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 paragraph (b) of subhead (5) no longer applies 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 paragraph (b) of subhead (5) no longer applies to the person, the judge may

(a) release the person, or

(b) apply restrictions to freedom of movement in accordance with Head 121.

(10) The Minister or, as the case may be, the Second Instance Body, shall ensure that the examination of an application for international protection or the consideration of an appeal under Head 67 of a person detained under this Head shall be dealt with as soon as may be and, if necessary, before any such application or appeal of a person not so detained.

(11) (a) If, at any time during the detention of a person under this section, he or she is of the opinion that that administrative procedures relevant to the grounds for detention set out in subhead (2) have not been executed with due diligence, and that the delay in an administrative procedure cannot be attributed to himself or herself, he or she may apply to the District Court for an order under paragraph (b).

(b) A person who makes an application under paragraph (a) 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 administrative procedures relevant to the grounds for detention set out in subhead (2) have not been executed with due diligence and the delay cannot be attributed to the applicant, the judge may

(i) release the person, or

(ii) apply restrictions to freedom of movement in accordance with Head 121, or

(12) An immigration officer or, as the case may be a member of An Garda Síochána detaining a person under subhead (3) shall, without delay, inform the person or cause him or her to be informed, in a language that he or she may reasonably be supposed to understand 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

(a) committed to a place of detention, or

(b) placed under restrictions in accordance with Head 121, or

(c) released pending the determination of his or her application for international protection.

(13) A person detained under this Head shall, without delay, be given a copy of any warrant under which he or she is being detained and informed, in a language that he or she may reasonably be supposed to understand—

(a) of the reasons for his or her detention under this head, including the reasons why alternative measures in accordance with Head YY (alternatives to detention) cannot be applied,

(b) in writing that he or she is entitled to—

(i) consult a legal representative,

(ii) seek legal assistance and legal representation,

(c) of his or her right to make a complaint under Article 40.4.2 of the Constitution and the procedures for doing so.

(14) A person detained under this Head is entitled to—

(a) consult a legal representative in accordance with Head YY (head on legal representation),

(b) seek legal assistance and legal representation,

(c) 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

(d) 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 under this Head.

(15) (a) Subject to paragraph (b), a person detained under subhead (3) 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.

(b) A person detained under subhead (3) shall be brought before a judge of the District Court assigned to the District Court district in which the person is being detained within 15 days of the beginning of the detention under subhead (3).

(c) Where the procedure in the District Court referred to in subhead (a) and subhead (b) has not been concluded within 21 days of the beginning of the detention under subhead (3), the person detained shall be released immediately.

(16) Where a person is brought before a judge of the District Court under subhead (15), the judge may—

(a) if not satisfied that one or more of the paragraphs of subhead (2) apply, release the person immediately,

(b) subject to subhead (5) and subhead (6), and if satisfied that one or more of the paragraphs of subhead (2) apply in relation to the person, commit the person concerned to a place of detention for a period not exceeding 21 days from the time of his or her detention, or

(c) without prejudice to subhead (8), release the person and make such release subject to conditions, including conditions in accordance with Head 121.

(17) A person detained under subhead (16)(b) shall, be brought before a judge of the District Court assigned to the District Court district in which the person is being detained at the conclusion of their period of detention

(18) (a) Where a person is brought before a judge of the District Court under subhead (17), the judge may apply the conditions specified in subheads (16)(a), (b) and (c) as appropriate

(b) A decision made under this subhead may be considered as a decision made under subhead (16).

(19) (a) If, at any time during the detention of a person under this section, the person indicates a desire to leave the State, he or she 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.

(b) The judge referred to in paragraph (a) shall, if satisfied that—

(i) the person does not wish to proceed with his or her application for international protection and wishes to leave the State, and

(ii) the person has obtained, or has been given the opportunity of obtaining or being provided with, professional legal advice on the consequences of his or her decision not to proceed with his or her application for international protection, order the Minister to arrange for the removal of the person from the State, and may include in the order such ancillary or consequential provisions as he or she may determine.

(c) On the making of the order referred to in paragraph (b), the person shall be deemed to have withdrawn his or her application for international protection or, as the case may be, appeal under section.

(20) Where a person is released from a place of detention subject to one or more of the conditions referred to in subsection (16)(c), a judge of the District Court assigned to the District Court district in which the person's dwelling place 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 (16)(c)* shall be construed as including a reference to such a condition as varied or added to under this subsection.

(21) The Minister shall make regulations providing for the treatment of persons detained pursuant to this section.

Part 15: Chief Inspector of Asylum Border Procedures

Head 123: Interpretation

Provide that:

In this Part, unless the context otherwise requires –

"Advisory Board" means the Advisory Board to the Chief Inspector of Asylum Border Procedure, established under head 128;

"Applicant" means an applicant who is located at a designated border facility as described in this head;

"Chief Inspector" means the person appointed to the role of Chief Inspector of Asylum Border Procedures under head 124;

"Designated asylum border facility" means—

(a) a location designated by the Minister for the carrying out of the Screening Procedure, as defined in head 10, the Asylum Border Procedure, as defined in head 111, or the Return Border Procedure as defined under head 112, or

(b) any place whether on a land or sea frontier where a person lands in or embarks from the State and includes an airport where an Immigration Officer is deployed by the Minister;

"Fundamental Rights" means the

(a) the rights, liberties and freedoms conferred on, or guaranteed to, persons by the Constitution,

(b) the rights, liberties or freedoms conferred on, or guaranteed to, persons by any agreement, treaty or convention to which the State is a party, including the Charter of Fundamental Rights of the European Union and the Convention provisions within the meaning of the European Convention on Human Rights Act 2003, and

(c) without prejudice to the generality of paragraphs (a) and (b), the rights, liberties and freedoms that may reasonably be inferred as being—

(i) inherent in persons as human beings, and

(ii) necessary to enable a person to live with dignity.

Head 124: The Chief Inspector of Asylum Border Procedures

Provide that:

(1) The Minister shall appoint a person to be known as the Chief Inspector of Asylum Border Procedures to perform the functions conferred on the Chief Inspector of Asylum Border Procedures by this Part.

(2) Subject to subheads (3) and (5), the Minister shall appoint the Chief Inspector on the recommendation of the Public Appointments Service after a competition for that purpose under section 47 of the Public Service Management (Recruitment and Appointments) Act 2004 has been held.

(3) A person is not eligible for appointment as the Chief Inspector if he or she–

(a) is a member of either House of the Oireachtas,
(b) is entitled under the rules of procedure of the European Parliament to sit in that Parliament,
(c) is a member of a local authority within the meaning of the Local Government Act, 2001, or
(d) has any commercial relationship or interest with any designated asylum border facility as defined in this Act.

(4) The Chief Inspector of Asylum Border Procedures —

(a) shall hold office on such terms and conditions, including remuneration, as the Minister may determine with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform;
(b) may at any time resign the office by letter addressed to the Minister, the resignation to take effect on and from a date agreed with the Minister, and
(c) may at any time be removed by the Minister from office for stated misbehaviour or if, in the Minister's opinion, he or she has become incapable through ill health of effectively performing his or her functions.

(5) The term of office of a person appointed as Chief Inspector of Places of shall not exceed 5 years.

(6) A person appointed as the Chief Inspector is eligible for reappointment for a second term but shall not be appointed as Inspector for more than two consecutive terms of office.

(7) Subject to this Act, the Chief Inspector is independent in the performance of all his or her functions.

(8) A person appointed as Chief Inspector shall not hold any other office or employment in respect of which emoluments are payable.

Head 125: Functions of the Chief Inspector of Asylum Border Procedures

Provide that:

(1) The Chief Inspector shall carry out regular inspections under head 131 of all designated asylum border facilities in the State.

(2) The Chief Inspector may conduct a formal investigation under head 133 into any potential breach of fundamental rights arising out of an inspection, or where a complaint has been found to be admissible under head 132(4).

(3) The Chief Inspector shall have all such powers as are necessary or expedient for the performance of his or her functions under this head including but without prejudice to the generality of the foregoing, the following powers:

(a) to enter at any time any designated asylum border facility or any part of a designated asylum border facility, and to be accompanied on such visit by such staff as he or she may consider necessary or expedient for the performance of his or her functions,

(b) to require any person employed in a designated asylum border facility or in the administration of a designated asylum border facility-

(i) to furnish the Chief Inspector with such information in possession of the person as he or she may reasonably require for the purposes of his or her functions and

(ii) to make available to the Chief Inspector any record or other document held in a designated asylum border facilities in his or her power or control that in the opinion of the Chief Inspector, is relevant to his or her functions, and

(iii) where appropriate, require the person to attend before the Chief Inspector for the purposes of subparagraphs (i) or (ii), and

(c) to examine and take copies in any form of, or of extracts from any record held in a designated asylum border facilities, that in the opinion of the Chief Inspector, is relevant to the inspection or investigation and for those purposes take possession of any such record, remove it from the premises and retain it in his or her possession for a reasonable period.

(4) The Chief Inspector shall furnish to the Minister such information regarding the performance of his or her functions as the Minister may from time to time request.

(5) The Chief Inspector shall inform the Minister of matters relevant to the accountability of the Government to the Houses of the Oireachtas.

Head 126: Funding of the Chief Inspector

Provide that:

(1) Such funds, as may be necessary for the proper functioning of the Chief Inspector, shall be provided to it by the Minister.

Head 127: Staff of the Chief Inspector of Asylum Border Procedures

Provide that:

(1) With the consent of the Minister, the Chief Inspector may appoint persons to be staff of the Chief Inspector, as he or she may determine is necessary to assist in the performance of his or her functions under this Act.

(2) The terms and conditions of service of a member of the staff of the Chief Inspector and the grade at which he or she serves shall be such as may be determined by the Chief Inspector with the consent of the Minister.

(3) Staff appointed under this section shall be recruited in accordance with the Public Service Management (Recruitment and Appointments) Act 2004.

(4) A member of staff of the Chief Inspector shall be a civil servant in the Civil Service of the State.

(5) The Chief Inspector shall be the appropriate authority (within the meaning of the Public Service Management (Recruitment and Appointments) Act 2004 and the Civil Service Regulations Acts 1956 to 2005) in relation to its officers.

(6) A person is not eligible for appointment to the staff of the Chief Inspector, if he or she –

(a) is a member of either House of the Oireachtas,
(b) is entitled under the rules of procedure of the European Parliament to sit in that Parliament,
(c) is a member of a local authority within the meaning of the Local Government Act, 2001, or
(d) has any commercial relationship or interest in with any asylum process as defined in this Act.

Head 128: Establishment and role of Advisory Board

Provide that:

(1) The Chief Inspector shall have an Advisory Board (in this Part referred to as the "Advisory Board").

(2) The Advisory Board shall—

(a) consult with, guide and advise the Chief Inspector in relation to his or her strategic direction, and,
(b) when requested to do so by the Chief Inspector, in accordance with subhead (3) , consult with, guide and advise the Chief Inspector as so requested, in relation to the performance of his or her functions.

(3) The Advisory Board shall, on request and, if appropriate, by its own motion, provide advice to the Chief Inspector on—

(a) the effective functioning and independence of the Chief Inspector, and
(b) where practicable, on the use by the Chief Inspector of his or her powers under this Part.

(4) The Advisory Board may do anything which it considers necessary or expedient to enable it to perform its functions.

(5) Nothing in this section shall be construed as enabling the Advisory Board to exercise any power or control in relation to the performance, in a particular case or in particular circumstances, of functions conferred on the Chief Inspector by or under this Part.

Head 129: Appointment and terms and conditions of members of Advisory Board

Provide that:

(1) The Advisory Board shall comprise of a chairperson and ex officio members specified in subhead (2).

(2) Each of the following shall , ex officio, be a member of the Board (in this Part referred to as an "ex officio member of the Board"):
   (a) the Ombudsman,
   (b) the Ombudsman for Children;
   (c) the Chief Executive of the Child and Family Agency;
   (d) the Director of the Irish Human Rights and Equality Commission;
   (e) a person who operates as an independent National Preventive Mechanism under OPCAT;
   (f) the High Commissioner;
   (g) the Chief Inspector of the Health Information and Quality Authority.

(3) An ex officio member, as specified under subhead (2) may nominate, in writing, another official from their organisation to perform the functions of such ex officio member.

(4) The Minister shall appoint a chairperson to the Advisory Board.

(5) The Minister shall, in so far as is practicable, endeavour to ensure that among the members of the Advisory Board there is an equitable balance between men and women.

(6) The Minister may, prior to the date of the commencement of head XX, designate a person to be the first chairperson of the Advisory Board.

(7) A member of the Advisory Board appointed under subhead (3) shall hold office for the period of 5 years from the date of his or her appointment.

(8) A member of the Advisory Board, appointed under subhead (3) whose term of office expires shall be eligible for reappointment to the Advisory Board.

(9) A person who is reappointed to the Advisory Board in accordance with subsection (8) shall not hold office for periods the aggregate of which exceeds 10 years.

(10) The Minister may, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determine the remuneration and expenses, if any, payable to a member of the Advisory Board under this head.

(11) The remuneration and allowances for expenses, if any, determined in accordance with subsection (10) shall be payable by the Chief Inspector out of funds at his or her disposal to a member of the Advisory Board.

(12)

(a) A member of the Advisory Board, other than a member referred to in paragraph (b), may resign his or her office by notice in writing addressed to the Minister and the resignation shall take effect on the date the Minister receives the notice or if a date is specified in the notice and the Minister agrees, that date.

(b) Where an ex officio member of the Advisory Board ceases to hold the office by virtue of which he or she became such ex officio member, that ex officio member shall cease to be a member of the Advisory Board.

(c) Where a person nominated under subhead (2) ceases to be an official in the organisation concerned, that person shall cease to be a member of the Advisory Board.

(d) Where a member of the Advisory Board dies, resigns, or is removed from office in accordance with Subhead (13), the Minister may appoint a person in accordance with this procedure set out in this head in respect of the member who occasioned the vacancy to fill the casual vacancy for that period of the term of office of the member who occasioned that vacancy that remains unexpired at the date of that person's appointment.

(13) A member of the Advisory Board may be removed from office by the Minister if—

(a) he or she has become incapable through ill-health of effectively performing his or her functions,
(b) he or she has committed stated misbehaviour, or
(c) his or her removal appears to the Minister to be necessary for the effective performance by the Advisory Board of its functions.

Head 130: Meetings of Advisory Board

Provide that:

(1) The Advisory Board shall hold such and so many meetings as may be necessary for the due performance of its functions, but in each year shall hold not less than one meeting in each period of 6 months.

(2) The Advisory Board may hold or continue a meeting by the use of any means of communication by which all the participants can hear and be heard at the same time.

(3) The quorum for a meeting of the Advisory Board shall be 3.

(4) At a meeting of the Advisory Board—

(a) the chairperson of the Advisory Board shall, if present, be the chairperson of the meeting, and

(b) if and so long as the chairperson of the Advisory Board is not present or if the office of the chairperson is vacant, the members of the Advisory Board who are present shall choose one of their number to act as the chairperson of the meeting.

(5) Subject to this Part, the Advisory Board may determine its own procedures.

(6) The Advisory Board may act notwithstanding one or more vacancies among its members.

Head 131: Inspections of designated asylum border facilities

Provide that:

(1) Any designated asylum border facility may be visited and inspected by the Chief Inspector.

(2) An inspection carried out under subhead (1) shall have due regard to the fundamental rights of applicants and to existing laws, regulations, policies and procedures relating to the management and operation of a designated asylum border facility.

(3) The Chief Inspector in accordance with subsection (1) may be accompanied by such staff as they may consider necessary or expedient for the performance of their functions under this head.

(4) The competent authority responsible for the management of each designated asylum border facility to be visited shall facilitate unrestricted access to designated asylum border facilities by the Chief Inspector.

(5) The Minister and the competent authority for a designated asylum border facility to which the Chief Inspector requests access shall ensure that the Chief Inspector is provided with all reasonable assistance to interview, without witnesses, either personally or through an interpreter, any applicant the Chief Inspector chooses to interview and any other person at the designated asylum border facility who the Chief Inspector chooses to interview.

(6) If a potential breach of fundamental rights is identified in the course of an inspection under this head the Chief Inspector may conduct a formal investigation under head 133.

Head 132: Recording and handling of complaints

Provide that:

(1) In this head "complainant" means an applicant, located at a designated border facility who lodges a complaint or, as the case may be, a legal representative, who lodges a complaint on behalf of an applicant, located at a designated border facility.

(2) In this head "complaint" means a complaint lodged by or on behalf of an applicant, located at a designated border facility where—

(a) the applicant, located at a designated border facility considers that there has been an infringement of their fundamental rights, and
(b) the Chief Inspector is the competent supervisory authority in respect of the complaint.

(3) The Chief Inspector shall ensure that appropriate arrangements are in place for recording and acknowledging a complaint.

(4) On receipt of a complaint under subhead (2) the Chief Inspector shall determine whether the complaint is admissible or inadmissible.

(5) Where the Chief Inspector has determined that a complaint is an admissible complaint the Chief Inspector shall determine whether the complaint warrants a formal investigation under head 133.

(6) For the purposes of making a determination under subhead (4) the Chief Inspector may make such enquiries as he or she thinks fit.

(7) On determining that a complaint is admissible and warrants a formal investigation under head 133, the Chief Inspector shall notify the complainant and the competent authority responsible for the management of the designated asylum border facility of his or her determination.

(8) On determining that a complaint is inadmissible, the Chief Inspector shall—

(a) notify the complainant and include in the notification the reason for the determination, and
(b) notify the competent authority responsible for the management of the designated asylum border facility, including in the notification a copy of the complaint, and the reason for the determination.

Head 133: Formal Investigation

Provide that:

(1) Where a formal investigation is required under head 132(5), or head 125(2) the Chief Inspector shall undertake the investigation in accordance with this Part.

(2) For the purposes of subsection (1), a Chief Inspector may—

(a) at all reasonable times enter (if necessary by the use of reasonable force), search and investigate any designated asylum border facility, or locations that books, documents or records (including records stored in non-legible form) in relation to a designated border facility are kept,

(b) inspect, examine and make copies of or take extracts from any such books, documents or records referred to in paragraph (a) including in the case of information in a non-legible form, copies of or extracts from such information in a permanent legible form or require that such a copy of or extracts therefrom be provided,

(c) without prejudice to any other power conferred by this section, require the competent authority in charge of the designated asylum border facility, any employee or any person carrying out services for or on behalf of designated asylum border facility to give to the Chief Inspector such assistance and information and to produce to the Chief Inspector any books, documents or records referred to in paragraph (a) that are in that person's power, possession or procurement, as the Chief Inspector may reasonably require for the purposes of his or her functions under this Part,

(d) remove and retain any books, documents or records for such period as the Chief Inspector reasonably considers necessary for the purposes of the performance of his or her functions under this Act, or require any person referred to in paragraph (c) to retain and maintain such records for such period as the Chief Inspector reasonably considers necessary for those purposes,

(e) require a person referred to in paragraph (c) to answer such questions as the Chief Inspector may ask relative to any matter under this Part and to make a declaration of the truth of the answers to those questions, and

(f) require any person by or on whose behalf data equipment is or has been used or any person having charge of, or otherwise concerned with the operation of, the data equipment or any associated apparatus or material, to afford the Chief Inspector all reasonable assistance in relation to it and assist in the retrieval of information from such data equipment, apparatus or material.

(3) When performing a function under this head, a Chief Inspector may be accompanied by such number of other staff as he or she considers appropriate.

(4) The Chief Inspector may direct that the investigation concerned be suspended where:

(a) the subject matter of the investigation is already under investigation by another body; and

(b) the Chief Inspector is of the opinion that to continue with an investigation under subhead (1) would—

(i) interfere, or conflict, with the functions of the other body, or

(ii) in all the circumstances the investigation under subhead (1) should await the conclusion of the investigation by the other body and any subsequent proceedings.

(7) A report shall be submitted to the Minister on the completion of a formal investigation under subhead (1) and shall contain any findings and recommendations arising from the investigation.

(8) Subject to this Part, the Chief Inspector may make rules governing the procedure to be followed for formal investigations under this head.

(9) Notwithstanding any other provision of this Act, the Chief Inspector may direct that a formal investigation of a complaint be discontinued if the Chief Inspector is:

(a) of the opinion that –

(i) the complainant has withdrawn the complaint,

(ii) the complaint is found to be vexatious,

(iii) the complaint was made in the knowledge that it was false or misleading,

(iv) further investigation is not necessary or reasonably practicable, or

(v) continuing with the investigation would interfere with, or conflict with the functions of another statutory body, or

(b) is satisfied that the complaint has been resolved.

(10) Notwithstanding any other provision of this Part, the Chief Inspector may direct that a formal investigation of any other matter under this Part (other than a complaint) be discontinued if the Chief Inspector is of the opinion that –

(a) further investigation is not necessary or reasonably practicable, or

(b) continuing with the investigation would interfere with, or conflict with the functions of another statutory body.

(11) Where a direction is made under subhead (6) or (7) the Chief Inspector shall notify such of the following as are appropriate of his or her decision and the reason:

(a) the complainant;

(b) the Minister and/or the competent authority for a designated asylum border facility;

(c) any other person the Chief Inspector considers appropriate.

Head 134: Other actions by the Chief Inspector following formal investigation

Provide that:

(1) If the Chief Inspector is of the opinion that a report under head 133(7) discloses a concern in relation to the fundamental rights of applicants in designated border facilities the Chief Inspector shall provide a copy of the report to the Minister with such recommendations as he or she sees fit.

(2) The Minister shall, after being provided with a report under subhead (1) shall notify the Chief Inspector as soon as practicable of the action (if any) that will be taken on foot of the report and the rationale for same.

(3) Subhead (1) is not to be taken to limit the power of the Chief Inspector to forward at any time to the Minister for any action that he or she sees fit a report on a complaint, or other matter, that, in the opinion of the Chief Inspector, discloses a concern in relation to the fundamental rights of applicants in designated border facilities.

Head 135: Offences under this Part

Provide that:

(1) A person shall be guilty of an offence if he or she—

(a) obstructs or impedes the Chief Inspector or a member of staff of the Chief Inspector in the course of exercising a power conferred on him or her by this Part,
(b) fails or refuses to comply with a requirement of the Chief Inspector or a member of staff of the Chief Inspector under this this Part,
(c) alters, suppresses or destroys any documents, records, statements or other information which the person concerned has been required by the Chief Inspector or a member of staff of the Chief Inspector to produce, or may reasonably expect to be so required to produce,
(d) in purported compliance with a requirement under this section, gives to the Chief Inspector or a member of staff of the Chief Inspector information, documents or records which the person knows to be false or misleading in a material respect,
(e) falsely represents himself or herself to be the Chief Inspector or a member of staff of the Chief Inspector or
(f) procures or attempts to procure any action referred to in paragraphs (a) to (e).

Head 136: Prohibition on unauthorised disclosure of confidential information

Provide that:

(1) Subject to subsection (2), a person shall not disclose confidential information obtained by him or her in his or her capacity, or while performing duties as—
   (a) a member of the Advisory Board,
   (b) a member of the staff of the Chief Inspector,
   (c) the Chief Inspector, or
   (d) a person engaged by the Chief Inspector in any other capacity.

(2) Subsection (1) shall not operate to prevent the disclosure of confidential information by a person referred to in that subsection where –
   (a) the disclosure is made to the Chief Inspector ,or a member of the staff of the Chief Inspector in the performance of functions of the Chief Inspector,
   (b) the disclosure is made in the performance of the functions of the Chief Inspector,
   (c) the disclosure is made by or on behalf of the Chief Inspector to the Minister,
   (d) the disclosure is made in compliance with a requirement of this Act or is otherwise required by law,
   (e) the disclosure is made by a person in the circumstances referred to in section 35(2) of the Ethics in Public Office Act 1995,
   (f) the disclosure is a protected disclosure (within the meaning of the Protected Disclosures Act 2014), or
   (g) the disclosure is made to a member of An Garda Síochána and, in the opinion of the person making the disclosure, the information may relate to the commission of an offence.

(3) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable to a penalty in accordance with head 142(1).

(4) In this section, "confidential information" includes—

   (a) information that is expressed by the Commission to be confidential either as regards particular information or as regards information of a particular class or description, and
   (b) proposals of a commercial nature or tenders submitted to the Commission by contractors, consultants or any other person

Head 137: Protection from sanctions

Provide that:

(1) (a) Subject to paragraph (b) where information, whether true or false, is provided to the Chief Inspector in relation to an inspection of a designated asylum border facility, the person who provides the information shall not be subject to a sanction or other disciplinary procedure including prosecution for an offence under head 135.

(b) Paragraph (a) shall not apply to a person who is employed in a designated asylum border facility who, in the course of his or her official duties and in response to a request from the Chief Inspector, supplies false information deliberately and with intent to delay, obstruct or undermine the work of the Chief Inspector.

(2)For the purpose of this head, sanction or disciplinary procedures include—

(a) an alteration in designated asylum border facility conditions which adversely affects an applicant;
(b) sanction or disciplinary procedures including an alteration which adversely affects an employee; or
(c) prejudice of any kind towards an applicant, an employee or an organisation.

Head 138: Publication of Annual Report

Provide that:

(1) The Chief Inspector shall, not later than 30 May in any year, or before a date as may be specified by the Minister, submit to the Minister a report on the performance of the Chief Inspector's functions and on such other related matters during the previous year.

(2) The Chief Inspector, shall, subject to the submission under subhead (1) and subheads (3) and (4), then cause a copy of a report to be laid before each House of the Oireachtas.

(3) Any part of a report to be laid by the Chief Inspector before each House of the Oireachtas pursuant to this Act that would—

(a) prejudice the security of a designated border facility;
(b) be prejudicial to the interests of national security, the Chief Inspector having consulted with the Minister in this regard;
(c) purport to assign criminal or civil liability, not determined by a court, tribunal or commission of investigation, to an individual identifiable to the public; or
(d) prejudice the rights of an individual identifiable to the public to vindicate their good name

shall be omitted, amended or redacted by the Chief Inspector so as not to do so.

(4) In any report of the Chief Inspector where matters are so omitted, amended or redacted under subhead (3), a statement to that effect shall be attached to the report concerned, when it is being laid before each House of the Oireachtas.

Head 139: Accountability to Oireachtas Committees

Provide that:

(1) In this head "committee" means—

(a) a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Committee of Public Accounts, the Committee on Members' Interests of Dáil Éireann or the Committee on Members' Interests of Seanad Éireann), or

(b) a sub-committee of a committee as defined in paragraph (a).

(2) Subject to subhead (3), the Chief Inspector shall, at the written request of a committee, attend before it to give account for the general administration of his or her office.

(3) The Chief Inspector shall not be required to give account before a committee for any matter that is or is likely to be, the subject of proceedings before a court or tribunal in the State.

(4) The Chief Inspector shall, if of the opinion that subhead (3) applies to a matter about which he or she is requested to give an account before a committee, inform the committee of that opinion and the reasons for the opinion.

(5) The information required under subhead (4) must be given to the committee in writing unless it is given when the Chief Inspector is before the committee.

(6) If, on being informed of the Chief Inspector's opinion about the matter, the committee decides not to withdraw its request relating to the matter, the High Court may, on application under subhead (7), determine whether subhead (3) applies to the matter.

(7) Either the Chief Inspector or the committee may apply in a summary manner to the High Court for a determination under subhead (6), but only if the application is made within 21 days after the date on which the Chief Inspector is informed of the committee's decision not to withdraw its request.

(8) Pending the determination of an application under subhead (7), the Chief Inspector shall not attend before the committee to give account for the matter that is the subject of the application.

(9) If the High Court determines that subhead (3) applies to the matter, the committee shall withdraw its request in so far as it relates to the matter, but if the Court determines that subhead (3) does not apply, the Chief Inspector shall attend before the committee to give account for the matter.

(10) In carrying out duties under this head, the Chief inspector shall not —

(a) question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such policy, or
(b) provide information that might facilitate the commission of an offence, prejudice a criminal investigation or prosecution or jeopardise the safety of a person.

Part 16: Unaccompanied Minors

Head 140: Definitions

Provide that:

In this Part—

"*representative"* means a natural person appointed to assist, represent, and act on behalf of an unaccompanied minor in procedures provided for in this Act. The representative must have the necessary skills and expertise, including expertise in the specific needs and treatment of minors. The representative is responsible for safeguarding the best interests and general well-being of the minor, exercising legal capacity where necessary, and ensuring that the minor can benefit from their rights and fulfil their obligations under the relevant provisions;

"representative organisation" means an organisation designated by the Child and Family Agency to appoint representatives under Head 141(2);

'*unaccompanied minor'* means a minor who arrives in the State unaccompanied by an adult responsible for him or her, and for as long as that minor is not effectively taken into the care of such an adult, including a minor who is left unaccompanied after he or she has entered the State;

Head 141: Appointment of Representatives and Provisional Representatives

Provide that:

(1) The Child and Family Agency may designate one or more organisations to be representative organisations.

(2) The Child and Family Agency may designate itself to be a representative organisation.

(3) Where it appears to an officer of the Minister that a person seeking to make an application for international protection, has not attained the age of 18 years and is not accompanied by an adult who is taking responsibility for the care and protection of the person, the officer shall, as soon as practicable, notify the Child and Family Agency and, where separate, a representative organisation.

(4) When the competent authority is notified that an unaccompanied minor will be relocated to the State under EU Regulation 2024/1351, the competent authorities shall immediately notify the Child and Family Agency and, where separate, a representative organisation.

(5) On receipt of a notification under subhead (3) or subhead (4), the representative organisation shall appoint:

a) as soon as practicable, a natural person suitable to provisionally act as a representative under this Act until a representative has been appointed, and
b) as soon as possible and no later than 15 working days from the date on which the application is made, a natural person to act as a representative.

(6) After the notification referred to in subhead (3) or subhead (4), it shall be presumed that the person concerned is a child and the Child Care Acts 1991 to 2024, the Child and Family Agency Act 2013 and other enactments relating to the care and welfare of persons who have not attained the age of 18 years shall apply accordingly.

(7) The Child and Family Agency may provide child care services to an unaccompanied minor the subject of a notification under subhead (3) or (4) whether or not the minor is in the care of the Agency pursuant to an order of a court under the Child Care Acts 1991 to 2024.

(8) When an appointment is made under subhead (5),
(a) the unaccompanied minor shall be immediately informed by the competent authority that a representative or provisional representative has been appointed for him or her
(b) the unaccompanied minor shall be immediately informed about how to lodge a complaint against that representative in confidence and safety in an age-appropriate manner and in a manner that ensures that the minor understands that information;

(c) the competent authority shall be immediately informed that a representative or provisional representative has been appointed;
(d) the representative or provisional representative shall be immediately informed by the competent authorities of any relevant facts pertaining to the minor;
(e) the Child and Family Agency and Accommodation Authority shall be immediately informed that a representative or provisional representative has been appointed.

(9) Any person appointed under subhead (5) may request information regarding the progress of the procedure and the competent authorities shall inform the representative about that progress.

(10) Any person appointed under subhead (5) shall carry out the following tasks:
(a) safeguard the minor's best interests and general well-being to enable the minor to benefit from his or her rights under this Act;
(b) meet with the unaccompanied minor and take into account the minor's own views about his or her needs;
(c) assist the unaccompanied minor in providing information relevant to the assessment of the best interests of the child;
(d) where applicable, provide the unaccompanied minor with relevant information in relation to the procedures provided for in this Act, in particular the information specified in Head 35;
(e) where applicable, assist the unaccompanied minor in understanding the relevant information in relation to the procedures provided for in this act, in particular the information specified in Head 35;
(f) where applicable, assist with the age-assessment procedure referred to in Head YY (head on age assessment);
(g) where applicable, assist with the registration and lodging of the application, or register and lodge the application on behalf of the unaccompanied minor in accordance with Head 28;
(h) where applicable, assist with the preparation of, and be present for, the personal interview and inform the unaccompanied minor about the purpose and possible consequences of the personal interview and about how to prepare for that interview;
(i) where applicable, provide the unaccompanied minor with the relevant information and assist the unaccompanied minor in relation to the procedures provided for in the Eurodac Regulation and Head 7;
(j) where applicable, provide the unaccompanied minor with the relevant information and assist the unaccompanied minor in relation to the procedures provided for in the Asylum and Migration Management Regulation;
(k) where applicable, support the engagement of the unaccompanied minor with elements of the family tracing procedure including with engagement with international and other relevant organisations.

(11) Persons appointed under subhead (5) shall:

(a) not have a record of child-related crimes or offences, or of crimes or offences that lead to serious doubts about their ability to assume a role of responsibility with regard to minors;
(b) not have interests that conflict or could potentially conflict with those of the unaccompanied minor;
(c) receive initial and continuous appropriate training concerning the rights and needs of minors, including those relating to any applicable child safeguarding standards;
(d) be bound by the confidentiality rules provided for in national law in relation to any information they obtain in the course of their work;
(e) be changed only where necessary, in particular when the competent authorities consider that that representative or person has not performed his or her tasks adequately.

(12) Persons appointed under subhead(5) shall:
(a) be suitably qualified;
(b) have the independence to ensure the best interests of the child are taken into consideration during the procedures carried out under this act;
(c) have the resources.

(13) Save where a declaration has been made under Regulation X of SI no. XX, a person appointed under subhead (4) shall act as a representative of provisional representative for no more than 30 unaccompanied minors at the same time.

(14) The duties of any person appointed under subhead(5) in relation to an unaccompanied minor shall cease when:
(a) if a provisional representative – on the appointment of a representative or where one of the other criteria below apply;
(b) the age assessment concludes the applicant is over 18;
(c) the minor claims to be over 18 and that is accepted by the competent authority;
(d) a guardian is appointed following the granting of International Protection;
(e) the applicant absconds;
(f) the applicant departs from the State;
(g) the applicant acquires other status in the State or ceases to be an applicant;
(h) an accompanying family member takes over duties of representative;
(i) the minor reaches the age of 18 years.

Part 17: Offences

Head 142: Offences

Provide that:

(1) A person guilty of an offence under heads 12, 23 and 136 shall be liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months or to both.

(2) A person guilty of an offence under heads 30, 49, 69, 95 and 135 shall be liable—
(a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months or to 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.

Head 143: Offence Relating to the Disclosure of the identity of an Applicant

Provide that:

(1) A person shall not, without the consent of the applicant, publish or broadcast, or cause to be so published or broadcast, information likely to lead members of the public to identify a person as an applicant.

(2) If any matter is published or broadcast in contravention of *subhead (1)*, each of the following persons, namely:

(a) in the case of publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;

(b) in the case of any other publication, the person who publishes it;

(c) in the case of a broadcast, any person who transmits or provides the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of an editor of a newspaper,

shall be guilty of an offence and shall be liable—

(i) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months or both, or

(ii) on conviction on indictment, to a fine not exceeding €50,000 or to imprisonment for a term not exceeding 3 years or both.

(3)(a) Where an offence under this head 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.

(b) Where the affairs of a body corporate are managed by its members, *subhead (2)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

(4) Where a person is charged with an offence under *subhead (2)*, it shall be a defence to prove that at the time of the alleged offence he or she was not aware, and neither suspected nor had reason to suspect, that the publication or broadcast in question was of such matter as is referred to in *subhead (3)*.

(5) In this head,—

"applicant" means a person who is or has been an applicant—

(e) under this Act,

(f) within the meaning of the Act of 2015,
(g) within the meaning of the Act of 1996,
(h) Regulation 4 of the Regulations of 2006, or
(i) the Regulations of 2013.

"broadcast" has the same meaning as it has in section 2 of the Broadcasting Act 2009;

"publish" means publish, other than by way of broadcast, to the public or a portion of the public.

Part 18: Transitional Provisions

Head 144: Transitional Provisions relating to detention

Provide that:

(1) Where, immediately before the coming into operation of this subhead, a person was detained in a place of detention pursuant to section 20 of the Act of 2015, he or she shall be deemed to be detained in that place pursuant to Head 122, this General Scheme shall apply accordingly, and the period during which the person was so detained shall be included in reckoning a period for the purpose of Head 122.

(2) A person who is detained in accordance with subhead (1) may, where he or she is of the opinion that his or her detention is inconsistent with Head 122(2), request to 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 his or her detention is inconsistent with Head 122(2), the judge shall release the person.

(3) Where a request is made pursuant to subhead (2), a member of An Garda Síochána or an immigration offer shall bring the person making that request before a judge of the district court as soon as practicable.

(4) Pending the making of regulations under Head 122(21), rules or regulations made under section 20 of the Act of 2015 relating to the treatment of persons detained under that section shall, except where they may be inconsistent with this General Scheme, continue in force and shall apply and have effect, with any necessary modifications, in relation to a person detained under this General Scheme.

Head 145: Transitional provisions relating to declarations and permissions under repealed enactments

Provide that:

(1) A declaration given to a person under section 47 of the Act of 2015 that is in force immediately before the date on which this subhead comes into operation, or that is given after the date on which this subhead comes into operation in accordance with Head 146(1), shall be deemed to be a refugee declaration, or, a subsidiary protection declaration, as the case may be, given to the person under this General Scheme and the provisions of this Act shall apply accordingly.

(2) A permission to reside in the State granted under section 54(1) of the Act of 2015 to a person, that is in force immediately before the date on which this subhead comes into operation, or that is given after the date on which this subhead comes into operation in accordance with Head 146(1), shall, for the duration of its unexpired term, be deemed to be a permission given to the person under Head 89 and the provisions of this General Scheme shall apply accordingly.

(3) A permission to enter and reside in the State granted to a person under section 56 of the Act of 2015 that is in force immediately before the date on which this subhead comes into operation, or that is given after the date on which this subhead comes into operation in accordance with Head 146(1), shall be deemed to be a permission given to the person under Head 92 and the provisions of this Act shall apply accordingly.

(4) A permission given to a person under section 49 of the Act of 2015 that is in force immediately before the date on which this subhead comes into operation, or that is given after the date on which this subhead comes into operation in accordance with Head 146(1), shall continue to be deemed a permission given under section 4 of the Act of 2004 as provided for in section 49(11) of the Act of 2015, and provisions of section 4 of the Act of 2004 shall continue to apply accordingly in respect of such permissions.

(5) A permission to reside in the State granted under section 60(6) of the Act of 2015 to a person, that is in force immediately before the date on which this subhead comes into operation, shall, for the duration of its unexpired term, be deemed to be a permission given to the person under Head 95(7) and the provisions of this General Scheme shall apply accordingly.

(6) A return order, issued in accordance with section 51A of the Act of 2015, that is in force immediately before the date on which this subhead comes into operation, or that is issued after the date on which this subhead comes into operation in accordance with Head 146(1), shall remain in effect, along with the provisions set out in section 51B of the Act of 2015, in accordance with the relevant timelines as provided for in section 51C.

(7) Where a return order to which subhead (6) applies, ceases to have effect in accordance with section 51C of Act of 2015, and where, as a consequence, subsection 5 of that section applies in respect of a person, that person shall be deemed to have made an application for international protection in accordance with this General Scheme on the relevant date referred to in that subsection, and the provisions of this General Scheme shall apply accordingly.

(8) A deportation order issued in accordance with section 51 of the Act of 2015 to a person, that is in force immediately before the date on which this subhead comes into operation, or that is issued after the date on which this subhead comes into operation in accordance with Head 146(1), shall continue to be deemed to be a deportation order issued in accordance with section 3(1) of the Act of 1999, and the provisions of that Act, as set out in section 51(4) of the Act of 2015, shall continue to apply accordingly.

Head 146: Transitional provisions relating to caseloads under repealed enactments

Provide that:

(1) Where before the date on which this subhead comes into operation, a person has lodged an application for international protection under section 15 of the Act of 2015, the provisions of the Act of 2015 shall continue to apply in respect of that application.

(2) Notwithstanding subhead (1), section 20 of the Act of 2015 shall no longer apply in respect of applicants under the Act of 2015, Head 144 of this General Scheme shall instead apply accordingly.

(3) Where before the date on which this subhead comes into operation, a person has made an appeal, under section 41 of the Act of 2015, against a recommendation issued in accordance with section 39 of that Act, the provisions of the Act of 2015 shall continue to apply in respect of that application and appeal.

(4) Notwithstanding Head 145(1) where a person is given a subsidiary protection declaration in accordance with section 47 of the Act of 2015 that is in force immediately before the date on which this subhead comes into operation, or that is given after the date on which this subhead comes into operation, and where that person appeals that declaration in accordance with section 39 of the Act of 2015, the provisions of that Act shall continue to apply in respect of that application and appeal.

(5) Fingerprints taken under section 19 of the Act of 2015 shall, from the date on which this subhead comes into operation, be deemed to be fingerprints taken (on the date on which they were taken under the Act of 2015) under Head 7, and this General Scheme shall apply accordingly.

(6) Information provided to the Minister under the Act of 2015 and the Dublin System Regulations 2018 shall, on and from the date on which this subhead comes into operation, be deemed, in addition to being information provided to the Minister, to be information provided to the Minister under this General Scheme.

(7) Each record held by the Minister under the Act of 2015 and the Dublin System Regulations 2018 shall, on and from the date on which this subhead comes into operation, be deemed, in addition to being information provided to the Minister, to be information provided to the Minister under this General Scheme.

Head 147: Transitional provisions relating to the International Protection Appeals Tribunal
Provide that:

(1) The Minister may, after consultation with the Chairperson of the International Protection Appeals Tribunal, designate such members of the Tribunal for membership of the Second Instance Body.
(2) The Minister may, after consultation with the Chairperson of the International Protection Appeals Tribunal, designate such Deputy Chairpersons of the Tribunal as Deputy Chairpersons of the Second Instance Body.

(3) The Minister may, after consultation with the Chairperson of the International Protection Appeals Tribunal, designate that the Chairperson of the Tribunal is the Chairperson of the Second Instance Body.

(4) *Subhead (1), (2)* and *(3)* shall operate notwithstanding any contract for service and with the person's consent.

(5) A person appointed to the Second Instance Body on foot *subheads (1), (2)* or *(3)* shall hold office for the unexpired term of his or her appointment as a member of the former Tribunal.

Head 148: Transitional provisions relating to certain enactments

Provide that:

(1) The International Protection Act 2015 (Safe Country of Origin) Order 2018 (S.I. No. 121 of 2018) –

(a) shall be deemed a designation made under *head 149,* and

(b) shall continue to operate in respect of applications for international protection which come within the scope of *head 146(1),* and

(c) may be revoked or amended by the Minister, if so required.

(2) The making of a further order under *head 149* shall not invalidate the International Protection Act 2015 (Safe Country of Origin) Order 2018 (S.I. No. 121 of 2018).

(3) The International Protection Act 2015 (Safe Third Country) Order 2025 (S.I. No. 73 of 2025) –

(a) shall be deemed to be an order made under *head 150*, and

(b) shall continue to operate in respect of applications for international protection which come within the scope of *head 146(1),* and

(c) may be revoked or amended by the Minister, if so required.

(4) The making of a further order under *head 150* shall not invalidate the International Protection Act 2015 (Safe Third Country) Order 2025 (S.I. No. 73 of 2025).

Part 19: Miscellaneous Provisions

Head 149: Designation and Partial Designation of Safe Countries of Origin

Provide that:

(1) The Minister may by order designate a country as a safe country of origin.

(2)(a) The Minister may make an order under *subhead (1)* only if he or she is satisfied that, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in *article 9* of the *Qualification Regulation*, and no real risk of serious harm as defined in *article 15* of the *Qualification Regulation*.

(b) When designating a country as a safe country of origin, the Minister may by order allow exceptions for certain parts of the territory of a country of origin, or clearly identifiable categories of persons.

(3) In making the assessment referred to in *subhead (2)*, the Minister shall take account of, among other things, the extent to which protection is provided against persecution or serious harm by—

(a) the relevant laws and regulations of the country and the manner in which they are applied,

(b) observance of the rights and freedoms laid down in the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention on Human Rights,

(c) the absence of expulsion, removal or extradition of the country's own citizens to third countries where, inter alia, there is a serious risk that they would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where their lives or freedom would be threatened on account of their race, religion, nationality, sexual orientation, membership of a particular social group or political opinion, or from which there is a serious risk of an expulsion, removal or extradition to another third country, and

(d) provision for a system of effective remedies against violations of those rights and freedoms.

(4) The Minister shall base his or her assessment referred to in *subhead (2)* on a range of sources of information, including in particular information from—

(a) other Member States,

(b) the European Union Agency for Asylum,

(c) the High Commissioner,

(d) the Council of Europe, and

(e) such other international organisations as the Minister considers appropriate.

(5) The Minister shall, in accordance with *subheads (2)* to *(4)* and on a regular basis, review the situation in a country designated under *subhead (1)*.

(6) The Minister shall notify the European Commission of the making, amendment or revocation of an order under *subheads (1) and (2)(b)*.

(7) In this section—

"Convention against Torture" means the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted by Resolution 39/46 of the General Assembly of the United Nations on 10 December 1984;

"country" means a country other than an EU Member State;

"European Convention on Human Rights" means the Convention for the Protection of Human Rights and Fundamental Freedoms done at Rome on the 4th day of November, 1950;

"International Covenant on Civil and Political Rights" means the International Covenant on Civil and Political Rights adopted by Resolution 2200A (XXI) of the General Assembly of the United Nations on 16 December 1966.

Head 150: Designation and Partial Designation of Safe Third Countries

Provide that:

(1) The Minister may by order designate a country as a safe third country.

(2) (a)The Minister may make an order under *subhead (1)* only if he or she is satisfied that a person seeking to be recognised in the country concerned as a refugee will be treated in accordance with the following principles in that country—

(i) non-nationals' life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion,

(ii) non-nationals face no real risk of serious harm as defined in *Article 15* of the *Qualification Regulation*,

(iii) non-nationals are protected against refoulement in accordance with the Geneva Convention and against removal in violation of the right to protection from torture and cruel, inhuman or degrading treatment or punishment as laid down in international law,

(iv) the possibility exists to request and, where conditions are fulfilled, receive effective protection as defined in Article 57 of the Asylum Procedures Regulation.

(b) When designating a third country as a safe country, the Minister may by order allow exceptions for certain parts of the territory of a third country, or clearly identifiable categories of persons.

(3) The Minister shall base his or her assessment referred to in *subhead (2)* on a range of sources of information, including in particular information from—

(a) other Member States of the European Union,

(b) the European Union Agency for Asylum,

(c) the High Commissioner,

(d) the Council of Europe, and

(e) such other international organisations as the Minister considers appropriate.

(4) The Minister shall, in accordance with *subheads (2) and (3)* and on a regular basis, review the situation in a country designated under *subhead (1)*.

(5) The Minister shall notify the European Commission of the making, amendment or revocation of an order under *subhead (1) and (2)(b)*.

(6) In this section—

"country" means a country other than an EU Member State;

"refugee status" means the recognition by the country concerned of a third country national or stateless person as a refugee.

Head 151: The concept of first country of asylum

Provide that:

(1) A third country may only be considered to be a first country of asylum for an applicant where in that country:

(a) the applicant enjoyed effective protection in accordance with the Geneva Convention, as referred to in Article 57(1) of the Asylum Procedure Regulation, or enjoyed effective protection as referred to in Article 57(2) of the Asylum Procedure Regulation, before travelling to the State, and he or she can still avail himself or herself of that protection;

(b) the applicant's life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;

(c) the applicant faces no real risk of serious harm as defined in Article 15 of the Qualification Regulation;

(d) the applicant is protected against refoulement in accordance with the Geneva Convention and against removal in violation of the right to protection from torture and cruel, inhuman or degrading treatment or punishment as laid down in international law.

Head 152: Designation of Safe Country of Origin and Safe Third Country at EU Level
Provide that:

(1) Where a country has been designated or partially designated as a safe country of origin or a safe third country at European Union level under Article *60* or *62* of the *Asylum Procedures Regulation,* the Minister and the Second Instance Body, as applicable, shall apply the designation as if the country had been designated in accordance with head 150 or head 151.

Head 153: Annual Maximum Number of Applicants in the Border Procedure

Provide that:

(1) The Minister shall notify the Commission should the maximum number of applications under the border procedure, as determined by an implementing act of the Commission under article *47(1)* of the *Asylum Procedures Regulation*, be reached in a calendar year.

Head 154: Contracts for Services

Provide that:

(1) The Minister may enter into contracts for services with such and so many persons as he or she considers necessary to assist him or her in the performance of his or her functions under this Act and such contracts with such persons shall contain such terms and conditions as the Minister may, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determine.

(2) The Minister may authorise a person with whom the Minister has entered into a contract for services in accordance with *subsection (1)* to perform any of the functions of the Minister under this Act.

Head 155: Data Sharing

Provide that:

(1)(a) For the purposes of this Act, the competent authorities may enter into a data-sharing agreement with other public bodies as deemed necessary for the provision of services, …

(b) The agreement under paragraph (a) may include all data collected for the administration of this Act.

(2) For the purposes of this Act, an addition or change to the information held on an information system under the control of a public body that results automatically from an addition or change to information held on an information system under the control of another public body, is deemed to be a disclosure by the second mentioned public body to the first mentioned public body of the information so added or changed on the information system under the control of the first mentioned public body.

(3) Without prejudice to the processing of personal data for a purpose other than the purpose for which the data has been collected which is lawful under the Data Protection Regulation, the processing of personal data and special categories of personal data for a purpose other than the purpose for which the data has been collected shall be lawful to the extent that such processing is necessary and proportionate for the purposes—

(a) of preventing a threat to national security, defence or public security, or

(b) of preventing, detecting, investigating or prosecuting criminal offences.

(4) In this head,—

"data-sharing agreement" means an agreement between two or more public bodies which provides for the disclosure of information by one or more of the parties to the agreement to one or more of the other parties to the agreement;

"data-sharing" means the disclosure of information, including personal data, by a public body to another public body;

"public body" has the same meaning as it has in the Data Sharing and Governance Act 2019.

Part 20: Crisis and Force Majeure Regulation

Head 156: Performance of functions under Crisis and Force Majeure Regulation

Provide that:

(1) In this head, "Crisis and Force Majeure Regulation" means Regulation (EU) 2024/1359 of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147.

(2) A word or expression that is used in this head and is also used in the Crisis and Force Majeure Regulation shall have in this head the same meaning as it has in the Crisis and Force Majeure Regulation unless the contrary intention appears.

(3) A reference in this head to a numbered Article is a reference to the Article so numbered of the Crisis and Force Majeure Regulation.

(4) Subject to subhead (5), where the Government are of opinion that the State is in a situation of crisis or force majeure, within the meaning of the Crisis and Force Majeure Regulation, the Government may by order so declare and authorise the Minister to perform the functions of a Member State under Article 2(1).

[(5) Where an order under subhead (4) is proposed to be made, a draft of the order and a draft of the reasoned request shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.]

OR

[(5) An order under subhead (4) and the reasoned request shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, without prejudice to the validity of anything previously done thereunder.]

(6) The following functions under the Crisis and Force Majeure Regulation shall be performed by the Minister:

(a) subject to subhead (5), the functions of a Member State under Article 2(1);

(b) the functions of a Member State under the other Articles of the Regulation.

Part 21: Miscellaneous Amendments

Head 157: Amendment of the Data Protection Act 2018

Provide that:

The Data Protection Act 2018 is amended –

1. in section 12(2) –

1. by the substitution of the following for paragraph (a)–

"(a) Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council,",

2. in paragraph (b), by the substitution of ", and" for "." following "in one of the Member States by a third-country national or a stateless person (recast)", and

3. by the insertion of the following paragraph after paragraph (b) –

"(c) Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013."

Head 158: Amendment of the Prisons Act 2015

Provide that:

The Prisons Act 2015 is amended –

(a) In section 24(1)(b), by the insertion of ",or" following "European Communities (Free Movement of Persons) (No. 2) Regulations 2006 (S.I. No. 656 of 2006)", and

(b) By the insertion of the following paragraph after paragraph (b) in section 24(1) –

"(c) a return order under Head 84 or 85 of the International Protection Act 2026."

Head 159: Amendment of the Act of 2004

Provide that:

The Act of 2004 is amended –

(a) In section 1, by the insertion of the following definitions–

" 'Act of 2026' means the International Protection Act 2026;

'Common Travel Area territory' means the State, the United Kingdom, the Channel Islands or the Isle of Man. ",

(b) in section 4(l)(i), by the deletion of "(within the meaning of the International Protection Act 2015)" following "the Common Travel Area",

(c) In section 5, by the substitution of the following for subsection (3) –

"(3) This section does not apply to –

(a) a person whose application for international protection under the Act of 2015 is under consideration by the Minister,
(b) a person whose application for international protection under the Act of 2026 is under consideration by the Minister except where, in accordance with Head 27(3) or (4) of that Act, the applicant does not have a right to remain in the State,
(c) a refugee who is the holder of a declaration (within the meaning of Act of 2026) which is in force,
(d) a member of the family of a refugee to whom head 91 or 92 of the Act of 2026 applies, or
(e) a programme refugee within the meaning of head 94 of the Act of 2026.",

(d) In section 7(3), by the substitution of the following for paragraph (b) –

"(b) Where it is reasonably necessary for the purpose of the enforcement of this Act or where any criminal offence is reasonably suspected, the officer or member may search any such non-national and any luggage belonging to him or her or under his or her control with a view to ascertaining whether the non-national is carrying or conveying any documents.

(bb) The officer or member may examine and detain any document produced under paragraph (a) or found on a search under paragraph (b) for as long as an officer or member considers it reasonably necessary to provide evidence of the grounds for a refusal of permission to land or for as long as an officer or member reasonably believes it to be evidence of or relating to any criminal offence, as the case may be.

(bbb) A person who is subject to this subsection, shall, if so required by an immigration officer or a member of An Garda Síochána, provide all reasonable assistance in relation to the operation of devices in which the relevant documents are stored or access to the relevant documents stored in those devices, including—

(i) providing the relevant documents to an immigration officer or a member of An Garda Síochána, as the case may be, in a form in which the documents can be taken away from the place and in which the documents are, or can be made, legible and comprehensible,

(ii) giving to the immigration officer, an officer of the Minister, or a member of An Garda Síochána, as the case may be, any password necessary to make the relevant documents concerned legible and comprehensible, or

(iii) otherwise enabling the immigration officer, an officer of the Minister, or a member of An Garda Síochána, as the case may be, to examine the relevant documents in a form in which the document is legible and comprehensible.",

(e) In section 9 –

(i) in subsection (2)(a), by the substitution of "as may be prescribed" for "set out in the *Second Schedule*" following "registration officer the particulars",

(ii) in subsection (6) –

(i) in paragraph (a), by the substitution of "6" for "16" following "under the age of",

(ii) by the deletion of paragraph (b), and

(iii) by the insertion of the following subsections after subsection (7A):

"(7B) (a) Fingerprints shall not be taken for the purposes of registration under this section from a person who has not attained the age of 18, other than in the presence of –

(a) a parent or guardian, or

(b) an employee or other person appointed by the Child and Family Agency.

(b) An immigration officer, or member of An Garda Síochána, who is taking the fingerprints of a person to whom paragraph (a) applies, shall –

(a) take that child's fingerprints in a child-friendly and child-sensitive manner,

(b) have completed appropriate training in relation to the taking of fingerprints from children, and

(c) explain the fingerprinting procedure to the child.

(7C) In this subsection –

'guardian', in relation to a child, includes a person exercising parental responsibility in respect of the child, within the meaning of paragraph 2 of Article 1 of the Hague Convention as set out in the Schedule to the Protection of Children (Hague Convention) Act, 2000.",

(f) in section 11(1) by the deletion of "(other than a person under the age of 16 years)" following "Every person",

(g) in section 12(1) by the substitution of "6" for "16" following "other than a non-national under the age of",

(h) in section 17A(3) by the substitution of ""arrangement relating to the Common Travel Area" means an arrangement between the Government and the government of the United Kingdom of Great Britain and Northern Ireland relating to the lawful movement of persons between Common Travel Area territories" for ""arrangement relating to the Common Travel Area" has the meaning assigned to it by section 20 of the International Protection Act 2015.",

(i) the revocation of the Second Schedule.

Head 160: Amendment of the Act of 2003

Provide that:

The Act of 2003 is amended –

(X) By the insertion of the following paragraph after paragraph (h) in section 5(1) –

> "(i) a non-national who has explicitly withdrawn his or her application for international protection in accordance with Head 74 for as long as Head 25 of the International Protection Act 2026 does not yet apply in respect of that person".

Head 161: Amendment of the Illegal Immigrants (Trafficking) Act 2000

Provide that:

Section 5(1) of the Illegal Immigrants (Trafficking) Act 2000 is amended by the insertion of the following paragraphs after paragraph (ok) –

"(ol) a decision of the Minister under Head 41 and 64 of the International Protection Act 2026,

(om) a decision of the Second Instance Body under Head 73 of the International Protection Act 2026,

(on) a return order under Head 84 or 85 of the International Protection Act 2026.".

Head 162: Amendment of the Act of 1999

Provide that:

The Act of 1999 is amended in section 3(4A) 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, if committed in the State, would constitute a serious offence, or"

Head 163: Amendment of the Act of 1956

Provide that:

The Act of 1956 is amended –

(a) in section 6B(4)(c) by the insertion of ",or" following "in accordance only with said subsection",

(b) By the insertion of the following paragraphs after section 6B(4)(c) –

> "(d) it consists of a period during which a person (other than a person who was, during that period, a national of a Member State, an EEA state or the Swiss Confederation) referred to in subhead 27(1) of the International Protection Act 2026 is entitled to remain in the State in accordance only with the said subsection,
>
> (e) it consists of a period during which a person (other than a person who was, during that period, a national of a Member State, an EEA state or the Swiss Confederation) referred to in subhead 27(3) or (4) of the International Protection Act 2026 does not have a right to remain in the State during his or her application, or
>
> (f) it is in accordance with a permission given to a person under Head 82 of the International Protection Act 2026."

(c) in section 16A(1)(c) by the insertion of ",or" following "in accordance only with said subsection",

(d) By the insertion of the following paragraphs after section 16A(1)(c) –

> "(d) it consists of a period during which a person (other than a person who was, during that period, a national of a Member State, an EEA state or the Swiss Confederation) referred to in subhead 27(1) of the International Protection Act 2026 is entitled to remain in the State in accordance only with the said subsection,
>
> "(e) it consists of a period during which a person (other than a person who was, during that period, a national of a Member State, an EEA state or the Swiss Confederation) referred to in subhead 27(3) or (4) of the International Protection Act 2026 does not have a right to remain in the State during his or her application.