

Information Note for Applicants

(Please note that this note is for information and guidance purposes only.

It does not purport to give a legal interpretation of the Regulations.)

European Communities (Asylum Procedures) Regulations 2011 (SI No 51 of 2011) and the Refugee Act 1996 (Asylum Procedures) Regulations 2011 (SI No 52 of 2011)

1. Introduction

The purpose of this note is to inform you about the Regulations which the Minister for Justice and Law Reform (“the Minister”) has made.

This note should be read with the Information Leaflet for Applicants for Refugee Status in Ireland.

2. Purpose of Regulations

These Regulations give further effect in Irish law to the EU Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (Council Directive 2005/85/EC “The Asylum Procedures Directive”).

The Regulations come into operation on 1st March 2011.

3. What do the Regulations cover?

These Regulations, inter alia, amend the Refugee Act, 1996 to provide

- that the Minister may, by order made after consultation with the Minister for Foreign Affairs, designate a country as a safe country of origin.
- that the Minister may, by order made after consultation with the Minister for Foreign Affairs, designate a country as a safe third country.
- an arrangement for facilitating the transfer of an application for asylum to a safe third country.
- that if a recommendation cannot be made within 6 months of the date of the application for a declaration, the Refugee Applications Commissioner shall, upon request from the applicant, provide information on the estimated time within which a recommendation may be made.
- that, the Refugee Appeals Tribunal shall, where necessary for the purpose of ensuring appropriate communication during an appeal hearing, provide an appellant with the services of an interpreter.
- that the Refugee Applications Commissioner shall, where necessary for the purpose of ensuring appropriate communication during an interview, provide an applicant with the services of an interpreter.
- that the Refugee Applications Commissioner shall ensure an interview is conducted without the presence of family members save in certain circumstances where the Commissioner considers it necessary for an appropriate investigation.
- for a procedure for obtaining the consent of the Minister to the making of a subsequent application for refugee status.

- conditions for the conduct of an interview under section 11 of the Refugee Act 1996.
- procedures applicable when the applicant is an unaccompanied minor.
- that the recommendation of the Refugee Applications Commissioner when sent to the applicant shall be in a language that he or she may reasonably be supposed to understand, where the applicant is not assisted or represented by a legal adviser or other counsellor, and free legal assistance is not available to the applicant.
- that where the Minister sends a notification to a person, either granting or refusing consent to the making of a subsequent application, it shall be in a language that he or she may reasonably be supposed to understand, where the person is not assisted or represented by a legal adviser or other counsellor, and free legal assistance is not available to the person.

4. Do the Regulations affect the way applications for refugee status are investigated and determined?

4.1 Current practice in relation to the processing of asylum applications is in line with these Regulations.

4.2 The Regulations can be accessed in full on the Irish Naturalisation and Immigration Service website at www.inis.gov.ie.

21 February 2011

ENDS