

Office of the Refugee Applications Commissioner

PRIORITISATION OF APPLICATIONS FOR SUBSIDIARY PROTECTION IN LINE WITH THE EUROPEAN UNION (SUBSIDIARY PROTECTION) REGULATIONS 2013

1. The Refugee Applications Commissioner is according priority to certain classes of applications for subsidiary protection under the European Union (Subsidiary Protection) Regulations 2013. UNHCR as part of its mandate in relation to international protection has provided advice in relation to the prioritisation of applications and supports the approach taken by the Commissioner. UNHCR has also supported the Office of the Refugee Applications Commissioner (ORAC) in providing training programmes to its Subsidiary Protection Panel and ORAC staff for the new Subsidiary Protection process.
2. The legal basis for the prioritisation of applications is set out in Regulation 27(5) of the European Union (Subsidiary Protection) Regulations, 2013 which states:

“ Subject to the need for fairness and efficiency in dealing with applications under these Regulations, the Commissioner may, where he or she considers it necessary or expedient to do so, accord priority to certain classes of applications determined by reference to one or more of the following matters:

 - (a) the grounds of applications;
 - (b) the country of origin or habitual residence of applicants;
 - (c) any family relationship between applicants;
 - (d) the ages of applicants and, in particular, of persons under the age of 18 years in respect of whom applications are made;
 - (e) the dates on which applications were made;
 - (f) the likelihood that the applications are well-founded”.
3. UNHCR supports the prioritisation of applications for international protection as a means to enable the early identification of, for example, likely well-founded cases, cases involving children and the elderly.
4. Prioritisation under Regulation 27(5) of the European Union (Subsidiary Protection) Regulations 2013 is subject to the need for fairness and efficiency in dealing with applications. Accordingly, the prioritisation of cases mainly on the basis of the date of application (oldest cases first) which has commenced in ORAC on an initial basis will be maintained.

5. Prioritisation relates solely to the scheduling of interviews and will not pre-determine any recommendation to be made. Applications which are prioritised will be scheduled for interview at the earliest possible date having regard to available resources. All applications, whether prioritised or not will receive the same full and individual assessment under the procedure.
6. Priority will be accorded to a number of classes of applications under two processing streams which will run concurrently. In stream one, applications will be prioritised for interview scheduling mainly on the basis of oldest applications first.
7. In stream two, the following classes of cases will be prioritised for interview scheduling. The classes of cases are grouped below under the relevant legal provision in the 2013 Regulation. Within each of these classes of cases, priority will be mainly accorded on the basis of the oldest cases first.

7.1 The age of applicants.

Under this provision, the following cases will be prioritised:

- Unaccompanied minors in the care of the HSE
- Applicants who applied as unaccompanied minors, but who have now aged out
- Applicants over 70 years of age, who are not part of a family group.

7.2 The likelihood applications are well-founded.

Under this provision, applications which include a Medico-Legal report indicating likely well - foundedness will be prioritised.

7.3 The likelihood applications are well-founded due to the country of origin or habitual residence of applicants.

UNHCR recommends the prioritisation of applications relating to the following countries on the basis of country of origin information, protection determination rates in EU member states and UNHCR position papers indicating the likely well-foundedness of applications from such countries.

- Afghanistan
- Chad
- Eritrea
- Iraq
- Mali
- Somalia
- South Sudan
- Sudan
- Syria.

Non-inclusion on this list is not in any way to be read as an indication of the security or human rights situation in a country.

8. As a general rule, applications from family members will be processed together. This will apply for prioritised and non-prioritised applications.

9. Further prioritisation on the basis of risk profiles in certain countries additional to those listed at 7.3 above is being considered by ORAC. UNHCR is providing advice to the Refugee Applications Commissioner on this matter.



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19 March 2014.