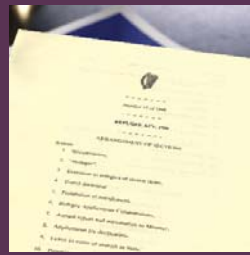




Office of the Refugee Applications Commissioner



Annual Report 2002

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Office of the Refugee Applications Commissioner

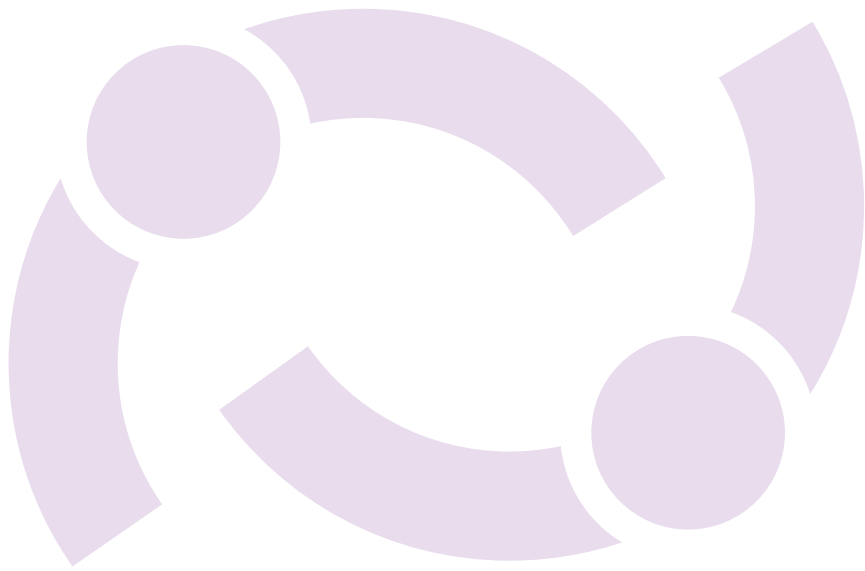


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Foreword by Refugee Applications Commissioner



I am pleased to present to the Minister for Justice, Equality and Law Reform the second report produced by this Office

under the terms of Section 7 of the Refugee Act 1996.

The report furnishes an overview of the organisation's performance and development during the year 2002. It includes a general overview of the operations of the Office and the many significant measures which I have initiated to develop and strengthen the reception process and the investigation of applications, drawing on the requirements of the Refugee Act 1996, experience gained since its commencement and comparative international practice. The principal elements outlined are the developments in the Reception area to strengthen interaction with applicants at initial point of application; streamlining and improvement of the scheduling process; review and development of statutory reports required under the Act; development of a new Questionnaire for applicants to provide greater structure in information and enhancement of case investigation and the commencement of a legal consultancy to strengthen the model of reports required under Section 11 and 13 of the Refugee Act 1996.

To ensure that the organisational structure of the Office is suited to our needs and to the priorities of the Business Plan and to ensure that resources are effectively and efficiently employed, a number of restructuring changes were effected in

tandem with the relocation of staff and refurbishment of additional office accommodation.

This has been another busy and challenging year for the Office which has seen an increase of 12.7% on 2001 in the number of asylum applicants arriving in this country. I am very pleased that the level of recommendations made to the Minister on whether to grant a declaration, has more than surpassed the 2001 total and at the end of the year was 8362 compared to 6959 in 2001 and 6493 in 2000. This increased output of the Office has significantly reduced the time that applicants are awaiting an interview.

I want to sincerely thank all my staff for their continued commitment and dedication. I would also like to take this opportunity to make special mention of the 14 Part-Time employees who retired from this Office in June 2002. These employees were part of the Asylum Task Force formed on foot of a Government decision in 1998 to deal with the increasing number of arrivals at that time. Their dedication and hard work is recognised by all and we wish them health and happiness in their retirement.

Finally, I would like to acknowledge the support of the Department of Justice, Equality and Law Reform, the Refugee Appeals Tribunal and other state agencies and organisations involved in the asylum process. I would also like to thank the Dublin Office of the United Nations High Commissioner for Refugees (UNHCR) for their ongoing support and advice.

A handwritten signature in dark ink, reading 'Berenice O'Neill'.

Berenice O'Neill, Commissioner

Corporate Identity

On the implementation of the Refugee Act 1996, the Office of the Refugee Applications Commissioner adopted a corporate logo. This logo is shown on all of our official documents and letters as well as on any publications of the Office.



Mission Statement

The mission of the Office of the Refugee Applications Commissioner is

- (i) to investigate applications from persons seeking a declaration for refugee status and to issue appropriate recommendations to the Minister for Justice, Equality and Law Reform

and

- (ii) to investigate applications by refugees to allow family members to enter and reside in the State and report to the Minister for Justice, Equality and Law Reform on such applications

and in so doing, to provide a high quality service to our customers through the implementation of policies and procedures which are fair and open, treating all applicants with courtesy and sensitivity.

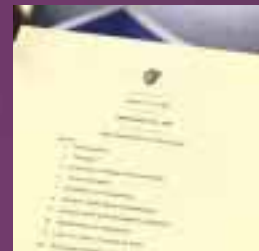
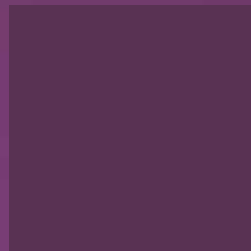
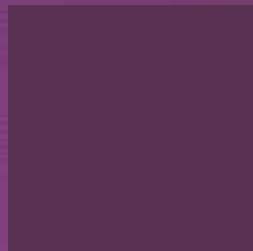
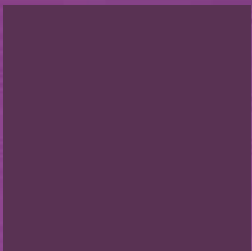
Who is an Asylum Seeker?

An asylum seeker is a person who seeks to be recognised as a refugee in accordance with the terms of the 1951 Geneva Convention relating to the status of refugees and the related 1967 Protocol, which provide the foundation for the system of protection of refugees generally.

Definition of a Refugee

The definition of a refugee in Irish law is “a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it...”

Introduction



Introduction

Legal Framework

Under the Refugee Act 1996 two independent statutory offices were established in November, 2000 to consider applications/appeals for refugee status and to make recommendations to the Minister on whether such status should be granted. These two offices are the Office of the Refugee Applications Commissioner (ORAC), which considers applications for a declaration as a refugee at first instance and the Refugee Appeals Tribunal (RAT) which considers applications for a declaration at appeal stage. The statutory functions of the Refugee Applications Commissioner are set out in the Refugee Act 1996, by the Immigration Act 1999 and the Illegal Immigrants (Trafficking) Act 2000.

The Office also has regard to the following Statutory Instruments (S.I.) in the discharge of its business

- S.I. No. 342 of 2000 - Refugee Act, 1996 (Appeals) Regulations, 2000
- S.I. No. 343 of 2000 - Dublin Convention (Implementation) Order 2000
- S.I. No. 344 of 2000 - Refugee Act, 1996 (Places and Conditions of Detention) Regulations, 2000
- S.I. No. 345 of 2000 - Refugee Act 1996 (Application Form) Regulations, 2000
- S.I. No. 346 of 2000 - Refugee Act, 1996 (Temporary Residence Certificate) Regulations, 2000



- S.I. No. 426 of 2002 - Refugee Act, 1996 (Temporary Residence Certificate) Regulations, 2002
- S.I. No. 571 of 2002 - Refugee Act, 1996 (Appeals) Regulations, 2002.

Core Functions of the Office of the Refugee Applications Commissioner

The Refugee Act 1996 states that the Refugee Applications Commissioner shall be independent in the exercise of his or her functions. The functions of the Refugee Applications Commissioner as required by the Refugee Act 1996 are of a statutory and non-statutory nature. The key statutory responsibilities are:

- to investigate applications from those who seek a declaration of refugee status and to issue appropriate recommendations to the Minister for Justice, Equality and Law Reform on such applications, and

- to investigate applications by refugees to allow family members to enter and reside in the State and report to the Minister for Justice, Equality and Law Reform on such applications.

It is also the Commissioner's responsibility to issue Temporary Residence Certificates to asylum seekers; to direct the presentation of the Commissioner's case to the Refugee Appeals Tribunal where recommendations made by the Commissioner are appealed to the Tribunal; and to furnish to the Refugee Appeals Tribunal, the Refugee Advisory Board, the Minister for Justice, Equality & Law Reform and the UNHCR such information as they consider necessary for the purpose of their functions under the Act. While ultimately responsible for fulfilling these statutory functions under the Act, the Commissioner may delegate these functions to any member of his/her staff.

The Refugee Applications Commissioner also has non-statutory functions. These include ensuring that all applications for asylum at first stage are treated and processed in a fair, courteous and efficient manner; issuing directives on the practical application of the Refugee Act 1996 and procedures and standards of work; ensuring that adequate information on countries of origin of asylum seekers and international jurisprudence and practice in the area of asylum is available to fulfil the remit of the Office; participating in international fora on asylum related matters; staff performance, training and development; dealing with press queries; preparation and management of the budget and business plan.

Key Values of the Office

As an initial step in developing the strategic and business planning process of the office, a Framework Document was produced early in 2001. This was developed further in 2002 by way of a strategy statement covering the years 2003-2005. The strategy statement forms part of the strategic management for the office during the three year period and describes the strategies to be put in place in order to achieve those objectives.

The key values of the Office are as follows:

- **Independence** – Independence of its process and decision making.
- **Fairness** – Fair procedures which are notified to asylum seekers.
- **Firmness** – Firmness in implementing statutory obligations.
- **Commitment to excellence** – Performing work to a standard that will ensure the production of high quality and timely outputs.
- **Openness** – Communicating with asylum seekers, the Minister for Justice, Equality and Law Reform, UNHCR, Non Governmental Organisations and the general public in a way which will instil confidence in the operation of the Office.
- **Serving the key stakeholders** – Commitment to service of asylum seekers and other stakeholders.
- **Commitment to Staff** – Recognising that staff are the most valuable resource of the Office and fostering an environment in which they can work effectively and develop their potential for the benefit of the Office specifically, and their career generally.



Commissioner speaking with the Minister for Justice, Equality & Law Reform, Mr. Michael McDowell T.D. at the launch of the 2001 Annual Report

- **Efficiency in use of resources** – Ensuring efficiency in the use of available resources without compromising quality.

Funding and Staffing for the Office

The funding for the Office of the Refugee Applications Commissioner is provided by the State through the Department of Justice, Equality & Law Reform. The Refugee Act 1996 provides that members of the staff of the Commissioner shall be Civil Servants within the meaning of the Civil Service Act 1956. The Refugee Act 1996 allows the Refugee Applications Commissioner to appoint authorised officers to carry out the majority of her statutory functions. All staff (with the exception of the Service Officers

and Service Attendants) working in the Office have been appointed authorised officers. New staff are designated authorised officers on appointment.

Organisational Management Structure

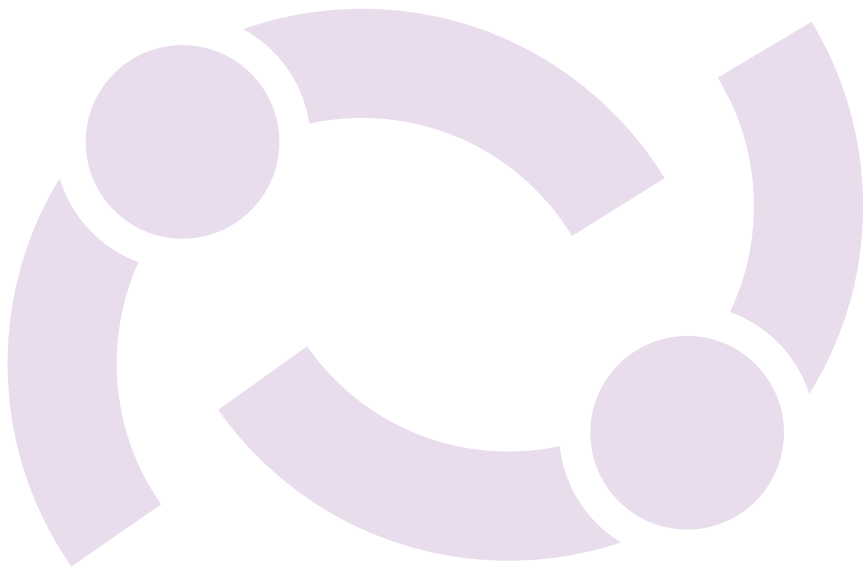
An additional Principal Officer was sanctioned during 2002 and for part of the year, the senior management structure was comprised of the Commissioner and three Principal Officers. The sanctioned staffing complement for the Office is 313 plus 1 supernumerary post. However, 14 posts were diverted elsewhere by the Department of Justice, Equality & Law Reform leaving a revised staffing complement of 299 posts plus 1 supernumerary.

Reporting Requirements

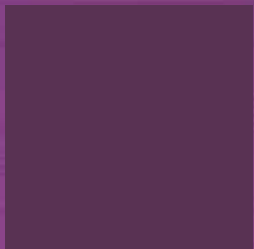
The reporting requirements for the Commissioner as set out in the Refugee Act 1996 are as follows:

- to submit a report to the Minister for Justice, Equality and Law Reform on his/her activities not later than 3 months after the end of each year. The Minister will lay a copy of the Annual Report before each House of the Oireachtas
- to provide to the Minister, on an ongoing basis, all necessary information to enable him/her to discharge his/her ministerial accountability and responsibility in relation to the Office
- to keep all proper and usual accounts of all monies received or expended and all such special accounts (if any) as the Minister may direct
- to submit these accounts to the Comptroller and Auditor General for audit on a date specified by the Minister. A copy or extracts from these accounts, together with the report of the Comptroller and Auditor General will be furnished to the Minister who will bring both before each House of the Oireachtas.

An Organisation Chart is attached at Appendix 1.



Review of the Operations of the Office



Review of the Operations of the Office

Development of Systems and Procedures

While the focus of the Office in 2001 was on growing the organisation and establishing the necessary procedures arising from the commencement of the Refugee Act, the emphasis during 2002 was on strengthening and deepening those procedures in order to improve quality and efficiency at all levels and to take account of the experience gained since our establishment. Each stage of the process, from reception through to the investigation of applications, received attention during the course of the year and the range and contribution of our support services was also greatly enhanced. In addition, our case processing function was restructured in order to complement the return of all case processing staff to Timberlay House from Hanover Street. The Office's Policy and Procedures unit played a key role in many of these developments and an internal Training Unit was established to facilitate

our developing an in-house training capacity with a view to supporting, and in some cases supplanting the training currently provided using external expertise.

Progress on Processing of Applications

During 2002 the number of applications for a declaration for refugee status increased by nearly 13% over 2001. This increase was particularly notable towards the latter half of the year with monthly applications exceeding 1000 on a number of occasions and the September figure of 1199 being the highest received in any month since the commencement of the Refugee Act in November, 2000.

Processing rates remained well ahead of the level of applications, however, and 35% more cases were completed than were received. This progress was driven by a higher number of decisions but also by an increase in the number of withdrawn cases. Continuing high rates of non-participation were also reflected in the number of persons failing to attend for interview and this phenomenon presents a considerable

Total cases finalised 01/01/02 - 31/12/02 (More detailed information is available at Appendix 2)	
Recommendations to Grant	893
Recommendations to Refuse	
• substantive, after interview	5,852
• manifestly unfounded, after interview	114
• Section 11 (9), failure to appear at interview	1,503
Withdrawals processed	6,073
Determinations for transfers to other countries under the Dublin Convention	191
Unprocessable	586
Total	15,212



challenge for the Office's management and deployment of interviewer resources.

The increase in cases completed has resulted in significant inroads being made into the backlog of applications. At end December 2001 the number of applications outstanding was 8484 - one year later this had been reduced to 5,094 with very few applications outstanding from before 2002. In tandem with this progress, there has also been a significant reduction in average processing time. An applicant who complies with the process will now typically receive a recommendation within 4 months of making an application.

Corporate Office

A Corporate Office was also established to lead the strategic and business planning function within the Office and it was

responsible for co-ordinating and producing our first strategy statement covering the years 2003-2005. This office also provides the secretariat function for the organisation, produces the Annual Report and Business Plan and provides support to the Commissioner on a daily basis.

Accommodation

A major programme of refurbishment was initiated in 2002 when the organisation took over two and a half floors of the previous Civil Service Commission building in Grand Canal Street and moved 61 staff to that location from Timberlay House. A major programme of alterations also took place in Timberlay House and 60 staff were relocated there from Hanover Street. The extra accommodation provided, together with the alterations to the existing

accommodation, has enabled the organisation to rationalise its operation, locating people in the best location suited to their work.

IT

As a result of our additional accommodation needs, the IT network was expanded across three buildings. Additionally the organisation developed its own domain with connections to the Department of Justice, Equality & Law Reform and other agencies through the Department's central network.

Temporary Residence Certificate

The Temporary Residence Certificate (TRC) is a very important document because it guarantees that an applicant may not be removed from the State before his/her asylum application is finally determined. The TRC was upgraded into a Smart Card in 2002 which now includes an additional security feature in the form of a computer chip where one of the applicant's fingerprints is stored. The fingerprint on the TRC is used to identify the applicant when they return to the office for their interview. This security device guarantees that the applicant is not impersonated by any person in the event of the card being lost or stolen. Traditionally, the TRC was issued to the applicants on the day they returned their Questionnaire in person to this Office. This practice ceased in 2002 and all applicants are now issued with a TRC on the date they make an asylum application. (See Chapter 4)



Temporary Residence Certificate

EURODAC

A system of electronic fingerprints known as EURODAC was developed and installed in July, 2002. The system underwent a number of tests over the final months of the year and the results to date indicate that Ireland will be ready to go live on 15 January 2003. (See Chapter 4)

Family Reunification

During 2002 the Office continued to process applications for Family Reunification made by refugees who wished to have family members enter and reside in the State. The increasing importance of this element of the work of the Office can be gauged by the fact that applications for Family Reunification rose to 358 in 2002 compared to 118 applications in 2001, an increase of 203%. Every indication is that they will continue to rise in 2003 and beyond as the number of persons granted refugee status in Ireland grows further. The Office also completed a review of Family Reunification procedures

during 2002 which resulted in some further fine-tuning of our procedures in this regard.

Unaccompanied Minors

As has been the case in previous years, the provision of an appropriate environment and procedure for the investigation of applications from minors was a priority for this Office. Further training courses were provided for caseworkers involved in the interviewing of unaccompanied minors and a special interagency course was organised to address particular issues arising in respect of very young minors (i.e. those 12 years and under). Guidelines and appropriate facilities were also put in place in late 2002 to provide an appropriate response for very young applicants.

Customer Service Centre

Our Customer Service Centre produced their first Customer Service Action Plan during 2002. This document defines the standards of service which we have set for ourselves and which our customers can expect from us. (See Chapter 3).

Training

In keeping with our commitment to staff and delivery of a quality service, a new Training Unit was established midway through 2002 and an ongoing programme of staff training and development is now in place.

This unit works in tandem with the Policy and Procedures Unit delivering specialised training to staff. Unlike many of the other actors in the refugee determination process, the staff of the Office will generally not have formal legal training, making the provision of training and briefing

particularly important. This ensures the highest level of professionalism and expertise in dealing with all our customers. UNHCR also hold training courses for our staff on asylum related issues, however, it is envisaged that we will be able to conduct our own training courses in this area by the end of 2003. (See Chapter 10).



Customer Service



3

Customer Service

Overview

In the past year our Customer Service focus has been the establishment and enhancement of communications with all of our customers. The basis of our approach is contained in the Customer Service Action Plan published in 2002 which defines the standards of service which we have set for ourselves and which our customers can expect from us. The customers of the Office range from our applicants, to the Department of Justice Equality & Law Reform, to other statutory bodies such as the Refugee Appeals Tribunal and includes the Irish Office of United Nations High Commissioner for Refugees, various Non-Governmental Organisations (NGOs) as well as our own staff.

A Customer Service Centre was established in November 2001 to act as a central contact point for enquiries to the office and to develop and co-ordinate Customer Service Policy. Work in 2002 was based around the following areas:

- consolidating and enhancing procedures to deal with postal, telephone and E-mail enquiries to the Office with the aim of giving prompt and accurate replies to queries and making best use of the resources available
- providing a liaison point for statutory and non-statutory organisations who interact with this Office
- consolidating file management systems and correspondence tracking systems within the Office

- re-evaluating systems for providing copy files to certain customers and initiating a change from paper copies to electronic format.

Customer Enquiries

The range of enquiries dealt with by the Customer Service Centre (CSC) is a useful indicator of the practical issues which the Office has to deal with. Enquires received include;

- applicant queries on the progress of their claim
- a large volume of Change of Address notifications both from applicants and the Reception and Integration Agency (RIA)
- correspondence from legal representatives (principally the Refugee Legal Service) seeking copy documents or raising legal or procedural issues about the processing of their clients' applications
- requests to withdraw asylum applications
- enquiries about other stages of the asylum or immigration process or welfare matters which are administered by other statutory bodies.

In most cases CSC deals directly with the queries received but it also acts as a link between customers and other units of the organisation as well as referring people to other Offices/Government Departments where appropriate. In 2002 CSC dealt with approximately 1,750 work items per week broken down into the following categories;



Written Correspondence	700 *
Phone Enquiries	400
File movement transactions	550
Copy files processed	100

* (Of these 35% are Change of Address Notifications and 20% are Refugee Legal Service document requests)

Liaison and Feedback Structures

CSC is the main contact point for a number of organisations such as;

- Immigration Division of the Department of Justice, Equality & Law Reform
- Reception and Integration Agency
- Refugee Appeals Tribunal

- Refugee Legal Service
- Garda National Immigration Bureau
- Department of Social and Family Affairs
- Health Boards
- Non-Governmental Organisations who represent the interests of refugees and asylum seekers

Part of CSC's liaison function is the development and monitoring of procedures for the appropriate transfer of files and exchange of information in accordance with the statutory responsibilities of the Office under the Refugee Act 1996 and the Data Protection Act.

Customer Liaison and feedback structures were initiated in 2001 and have been developed and consolidated in 2002. After wide consultation with customer groups the first Customer Service Action Plan was produced in 2002. The two principal areas for formal liaison and feedback are:

- **Statutory and Legal Bodies.** There is ongoing liaison with the bodies listed heretofore about all aspects of their interaction with this Office. These contacts are mainly on a bilateral basis.
- **Non-Governmental Organisations.** A Customer Liaison Panel of Non-Governmental Organisations provides an open forum for any issues which need to be aired. It is a very useful way for this organisation and for the NGOs to develop an understanding of each others operations and to highlight issues of concern to asylum applicants. The NGO Customer Liaison Panel had two formal meetings in 2002 and in addition the Customer Service Centre are in regular communication with NGO's concerning any new developments in this Office.

To assist the development of training and awareness programmes for staff, the Open Minds Consultancy was engaged during the year to carry out an evaluation of how the Office copes with issues of cultural diversity when engaging with our customers. Given the huge range of nationalities and cultures which feature in our client base it is important that we get some objective feedback as to how the Office deals with diversity issues. The consultants report will inform further developments in this area during 2003.

Copy files

Copies of applicants files are made available to the applicants themselves, their legal representative and, where appropriate, the Refugee Appeals Tribunal. CSC took over responsibility for this work in 2002 and is in the process of initiating a change from the provision of paper copies to electronic formats. It is anticipated that this will bring significant economies and increase efficiency during 2003.

Initial Application Stage



4

The Initial Stage of the Application Process

Reception

The core business of the Office begins when a person enters the State requesting to be recognised as a Refugee in accordance with the Refugee Act 1996.

While the initial application for declaration for refugee status was made at a port of entry in 17% of cases, almost 83% of applications were made in this Office. The Reception Unit deals with all of these applicants and it is this Unit's responsibility to accept applications and to complete their initial interview under Section 8 of the Refugee Act 1996.

In 2002, the application pattern of applicants seeking asylum in Ireland did not vary significantly from the previous year in so far as the bulk of asylum applications were made in Timberlay House rather than at a port of entry. For the second year in succession, the top 3 applicant countries were Nigeria, Romania and Moldova.

When applicants visit the Reception Unit to have their application accepted, a number of distinct processes are involved. These include the applicant being:

- interviewed
- fingerprinted
- photographed, and
- given a Temporary Residence Certificate.



The purpose of this initial interview is to try to establish the applicant's identity, nationality and country of origin, mode of transport and route travelled, reason for coming to Ireland, legal basis for entry into the State and other relevant details. Most applicants arrive undocumented and it is not always possible to verify the details they supply. Each applicant is given the opportunity to read all of the information that they have given at their interview under Section 8 of the Refugee Act 1996 to confirm its accuracy and to have any inaccuracies amended. As well as being given a copy of their application for a declaration as a refugee, applicants are also given the following documents: Information leaflet for applicants, Questionnaire in support of application, Notice under Art. 3 of the Dublin Convention (Implementation) Order, 2000, Change of address form and the Refugee Legal Service Information Leaflet. The applicant is also informed of his/her right to consult a solicitor and/or the UNHCR. The Refugee Legal Service (which is independent from this Office) has an office located in the Reception area.

Fingerprinting

Section 9(A)(1) of the Refugee Act provides for the fingerprinting of asylum applicants over the age of 14 years by an Authorised Officer or an Immigration Officer. The purpose of fingerprinting is to detect multiple applications in the State, and to facilitate in determining which Convention Country is responsible for examining an asylum application under the Dublin Convention (all EU Member States together with Norway and Iceland have acceded to the Dublin Convention).

Copies of fingerprints, with all personal details excluded, are sent daily to the

Fingerprinting Bureau in Garda HQ, where they are scanned on to a separate electronic asylum fingerprint database for comparison only with other asylum fingerprints, and for storage. A Code of Practice was signed by the Department of Justice, Equality and Law Reform, the Office of the Refugee Applications Commissioner and the Garda Síochána in this regard to ensure the integrity of the entire process.

In July a system for the electronic exchange of fingerprints between member states, Iceland and Norway was installed and testing of the equipment commenced in preparation for the introduction of EURODAC with effect from 15 January 2003 in accordance with EU Regulation 2725/2000. From that date all fingerprints will be transmitted to a central fingerprint data base in Luxembourg on a daily basis where comparisons will be carried out immediately and the result relayed back electronically within a very short time. Each EU Member State (except Denmark) has ratified this new Regulation. Norway and Iceland who are parties to the Dublin Convention have also signed up to the EURODAC Regulation. It is envisaged that this new system will enhance and facilitate the operation of the Dublin Convention.

Volume of Business

In 2002 there were 11,634 asylum applications lodged and approximately an additional 10,000 callers to the Office. These figures show an increase of 12.7% in the number of people claiming asylum in Ireland and a decrease of approximately 8,000 callers on last years figures. Concerned at the level of repeat callers to the office, a number of changes were initiated in the interests of better customer service and of overall efficiency. These

resulted in a reduction of over 27% in the number of callers to reception daily. The main initiatives were the postal return of the questionnaires together with the issue of the Temporary Residence Certificate (TRC) on the date of application – hitherto applicants had to return with the questionnaires and collect their TRC – and the relocation of both the Health Board and the main office of the RLS (Refugee Legal Service) to new accommodation.

A wide range of queries from asylum seekers are also dealt with by the Reception Unit, such as:

- Applicants seeking renewal/or replacement of Temporary Residence Certificates
- Applicants reporting loss/problem with Temporary Residence Certificates
- Withdrawal of application for a declaration as a refugee
- Enquiries about the right to work as an asylum seeker
- Notification of change of address
- Immigration enquiries
- Notification of residency applications
- Notification of voluntary repatriations
- Applicants requesting return of documents
- Applicants lodging papers
- Refugee Appeals Tribunal enquiries
- Reception and Integration Agency enquiries
- Parent or Guardian arriving with children who have arrived in the State

The quality of the service to applicants is a priority and during the year three extra reception booths were introduced to reduce waiting times. Given that the arrival

of applicants is entirely unpredictable and that many different issues can arise, the Office is a complex one to manage even with interpreters on duty in the Reception area and documentation currently produced in 24 languages.

Streamlining Asylum Applications

A pilot project was undertaken which led to the establishment of a screening unit. The purpose of this unit will be to identify at the preliminary stages of the asylum application the most appropriate asylum stream for a particular case, e.g. Substantive, Dublin Convention or Manifestly Unfounded Process.

Substantial progress was also made on a number of other projects during the year,

- An expanded first stage interview to facilitate the collection of information for the purpose of assessing applications for family re-unification.
- Preliminary research was conducted on:
 - the possible use of DNA testing in assisting in family re-unification cases and
 - on the use of language analysis in verifying the nationality of applicants.

Dublin Convention



5

Dublin Convention

What the Convention is

The Dublin Convention is so-called because it was signed in Dublin in 1990 during the Irish Presidency of the EU. The Convention was drawn up to prevent what was termed at the time 'refugees in orbit', a situation which pertained prior to the Dublin Convention when thousands of asylum seekers were moved around Europe with no particular EU State accepting responsibility for processing their asylum applications. In addition the Dublin Convention also provides an asylum applicant with a guarantee that one Country will accept responsibility for processing his/her asylum application.

The Convention provides a mechanism for determining the Convention country responsible for examining an application for asylum, in accordance with the relevant provisions of the Refugee Act 1996, the Dublin Convention and the Dublin Convention (Implementation) Order 2000. All EU Member States together with Norway and Iceland have acceded to the Dublin Convention.

Under the Dublin Convention, Ireland may request another Convention country to accept responsibility for an asylum application and have it processed in that country. In addition requests from other Convention Countries for the transfer of asylum applicants into this State are also processed. The Convention is, of course, a two way process and results in 'transfers in' and 'transfers out' of Convention countries.

How the Convention Operates

Following the completion of the initial Section 8 interview, applicants are advised in writing in their own language that they

may be transferred under the Dublin Convention to another Convention Country, for the purposes of having their asylum application processed (this notice is provided for under Article 3.3 of the Dublin Convention (Implementation) Order 2000). Applicants have five days to make written representations about a possible decision to transfer their application.

Ireland also makes enquiries with other Convention Countries pursuant to Article 15 of the Dublin Convention using fingerprint and photographic evidence to establish whether or not applicants:

- (i) have made an asylum application in another Convention Country or
- (ii) entered Ireland through another Convention Country or
- (iii) have a valid residence permit or valid visa for another Convention Country or
- (iv) have a family member recognised as having refugee status in another Convention Country and that family member is legally resident in that particular country.

If a positive identification is established during the Article 15 enquiry, a formal request is made by us to that country asking them to admit the applicant for the purpose of processing the asylum claim. Where sufficient evidence is available to us initially, we may go directly to making a formal request without the need to make an Article 15 enquiry of other States. Once the claim is lodged, we have six months from the date of application to ask another Convention Country to take charge of the application. Convention Countries have up to three months to respond to these requests.

Requests for Humanitarian reasons [Articles 3 (4) and 9] are also considered by Ireland



and other Convention Countries. These requests are based in particular on family and cultural grounds.

Following acceptance of responsibility for dealing with the application by another Convention Country the asylum seeker is notified by registered post of the decision to have them transferred and they have five working days to appeal the decision. If no appeal is lodged, the file is sent to the Immigration and Repatriation Unit in the Department of Justice, Equality & Law Reform to effect the transfer.

If an appeal is lodged, the applicant's file is sent to the Refugee Appeals Tribunal to process the appeal. If the appeal is successful, the application is admitted to the substantive process for determination. If the appeal is unsuccessful, the Tribunal

refers the applicant's file to the Immigration and Repatriation Unit of the Department of Justice, Equality & Law Reform to effect the transfer to the Convention Country.

This Office also receives and processes direct formal requests to transfer applicants from other States to Ireland where there is sufficient evidence available. In other cases, Article 15 requests under the Dublin Convention from other Convention Countries are also processed. If positive identifications are established under these requests and Ireland is deemed responsible for the asylum applications, we then process the formal request from the Convention Countries and admit asylum applicants to this State for the purpose of having their asylum applications examined here.

In 2002, there were 11 Judicial Reviews initiated against decisions of the Commissioner to transfer applications under the Dublin Convention. 8 such cases were outstanding at the start of the year. Of these 19 cases, only 8 were resolved during 2002 leaving 11 cases outstanding going into 2003. These Judicial Reviews, in the main, consisted of challenges to:

- the Dublin Convention
- the Dublin Convention (Implementation) Order 2000
- the practices and procedures governing the Dublin Convention
- challenges to the manner in which the Humanitarian clauses [Article 3(4) and 9 of the Dublin Convention] are operated/interpreted by this Office
- this Office's interpretation of the Dublin Convention and or the Dublin Convention (Implementation) Order 2000
- asylum applicants having a right to have their asylum claim examined fully in this State
- the applicant's rights under the Irish Constitution
- the rights of parents of children born in Ireland to remain in this country with their children and to have their asylum application fully considered in this State.

Staff Development and Training

In relation to staff development and training, a structured formal training course on all aspects of the Dublin Convention was put in place in 2002. Ongoing formal training and coaching in relation to complex Dublin Convention cases was also provided to staff.

At the request of the Attorney General's Office and the Chief State Solicitor's Office,

the Dublin Convention Unit made a formal presentation to them on the operation of the Dublin Convention.

Development of Relations with other European Dublin Convention Offices

The Dublin Convention Unit continued to maintain and develop relations with other Convention states. As most Dublin Convention business is conducted with the U.K., representatives from the Unit liaised regularly with the U.K. on issues of mutual interest throughout the year. In 2002 the Unit hosted a meeting with representatives of the Dutch Dublin Convention office and attended a meeting with the Nordic countries in Helsinki which focused on Dublin Convention operational issues. These meetings contributed to a common understanding of the operation of the Convention amongst Dublin Convention states and were designed to promote a consistent approach to cases in which the Convention applied.

Dublin II Regulation

In 2003, the Dublin II Regulation will replace the Dublin Convention following the conclusion of negotiations between Member States for a replacement of the Convention with a Regulation. Similar to the Dublin Convention, the Regulation establishes the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third country national. The Dublin Convention Unit participated in meetings with the European Union and the Department of Justice, Equality & Law Reform in relation to the Regulation. The new Regulation comes into effect from 1 September, 2003.

Statistics relating to the Dublin Convention process are included in Appendix 3.

Investigation of Applications



6

Investigation of Applications

Background & Structure of Case Processing Unit

Processing applications is the core function of this Office and the statutory requirements are set out in some detail at Sections 11, 12 and 13 of the Refugee Act 1996. Every application processed involves the scheduling of an individual interview for the applicant, the objective research of the claims made and the making of a recommendation to the Minister for Justice, Equality and Law Reform as to whether an application should be granted or refused.

The number of applications lodged in Ireland at 11,634 was the highest yearly total to date and one of the highest in the EU per capita. This is an increase of 13% on the corresponding figure for 2001 and compares, for example, with 424 applications lodged in 1995 - underlining the enormous increase in the scale of operations which has had to be managed.

In order to manage the constituent elements of the determination process and to provide essential support services to caseworkers, a number of separate units exist within Case Processing as follows:

Scheduling Unit

Case Processing Units

Country of Origin Information (COI)

Research Unit

Policy and Procedures Unit

Judicial Review Unit

Scheduling Unit

The investigation of the substantive application for asylum begins with the scheduling of an interview. Scheduling Unit arranges the scheduling of interviews for asylum seekers from approx. 130 countries as well as attendance by interpreters, where requested by applicants, and translation of all non English application forms/questionnaires.

Setting up interviews on such a large scale is a complicated process. The applicant must be matched with a date and time, an interview room, an interpreter and a caseworker who is familiar with the Country of Origin. In setting up interviews for unaccompanied minors, the availability of social workers and legal representatives can also be an issue. Consideration is also given to the distance applicants must travel when the interview time is decided.

In 2002, the Unit set up 12,681 asylum interviews which is a 4.8% increase on 2001. Most applicants are now interviewed within three months of arrival in the State. At the end of 2002 there were practically no applicants from before July 2002 who had yet to be offered an interview. The backlog of unaccompanied minors awaiting interview has also effectively been eliminated.

A continuing problem for the Scheduling Unit and for the efficient investigation of applications generally is the large number of applicants who do not attend for interview. Approximately 4,500 applicants did not attend scheduled interviews in 2002. This is a drain on already scarce resources. A top priority for this organisation, therefore, is the management of the interview schedule in such a manner as to make the greatest possible use of staff resources. Continuing to improve on efficiency in this regard will be a focus in 2003.

Case Processing Units

Once an interview has been scheduled, the case is referred to one of the case processing units, each of which deals with a particular range of applicant countries. The function of the case processing units is then to fairly and efficiently investigate the application and to make a recommendation on the application to the Minister for Justice, Equality and Law Reform in accordance with the Refugee Act 1996, having regard to relevant country of origin information.

The basis of the asylum process is the 1951 United Nations Geneva Convention and the 1967 New York Protocol relating to the status of refugees, both of which are given statutory effect in Ireland by the Refugee Act 1996. Prior to the implementation of the Act, administrative procedures were in place for dealing with applications for asylum based upon Ireland being a signatory to the Geneva Convention.

The Investigation

As part of the substantive process, applicants for asylum are interviewed in accordance with the statutory procedure set out at Section 11 of the Refugee Act 1996. Interviews are conducted by authorised officers, all of whom are trained for this purpose, and currently take place in specially designed interview rooms based in Timberlay House, Lower Mount Street.

When applicants make a claim for asylum status they are given a detailed information leaflet setting out the procedures by which their application will be processed. They are also provided with details of available legal services (including the Refugee Legal Service which is



available at a nominal fee to applicants) and are encouraged to avail of legal advice.

To gather information on an applicant's claim for protection and to enable authorised officers prepare for interview, every applicant is given a detailed questionnaire (currently available in 14 languages) to complete. The main purpose of the questionnaire is to gather important information in relation to a claim for asylum and it is an opportunity for applicants to provide as much detail as possible in advance of the interview. During the year, a new format questionnaire was introduced which allows the interviewer to focus better on the key aspects of the claim at interview stage (see subsequent section on this and other initiatives introduced by the Office's Policy and Procedures Unit during 2002).

The completed questionnaire is, where necessary, translated into English and the issues raised are researched before interview. If necessary, the interview is conducted with the aid of an interpreter and the applicant may be accompanied by a solicitor. In practice, about 65% of applicants require the use of translators/interpreters. It is the practice of the Office, where possible, to respect gender sensitivities where gender specific issues are relevant to the application.

Interviewers are fully trained to conduct focused interviews (conducted under Section 11 of the Act) which affords applicants the opportunity to fully explain why they fear returning to their country of origin. As part of the investigation process, the interviewer researches objective country of origin information (COI) that will inform the analysis of the application. COI research is essential for researching the political and human rights situations in an applicant's country of origin. Throughout the interview - which can take several hours - every effort is made to obtain as much information as possible in relation to the claim and the applicant is given every opportunity to present their case. In essence, the interview is an interactive process where the applicant is helped to explain their fear of persecution.

The majority of applicants lack documentary evidence to support their claim, but this does not, of course, mean that their claims are not valid. In accordance with guidelines from the United Nations High Commissioner for Refugees (UNHCR) the applicant is given the benefit of the doubt, where the applicant has made a genuine effort to substantiate their claim and all possible evidence has been obtained and checked or the applicant has fully explained the lack of evidence. Applicants are also given the opportunity, if the need arises, to clarify any apparent inconsistencies in their statements.

Detailed written records of the main issues stated at interview are kept and the applicant is given a copy of these at the conclusion of the interview. During the interview, applicants are afforded an opportunity to review what has been recorded and are requested to sign each page of interview notes as confirmation

that they agree with the accuracy of the recorded account. The Act provides that applicants, or their solicitors, can make further written representations to the Commissioner in the seven working days following interview. These representations are, of course, taken into consideration as part of the determination process.

Reports

Following interview, there is a statutory requirement for two reports to be completed in every case. The content required has been set out in the Act and this has been interpreted in the High Court through a series of Judicial Review proceedings. These reports are, by their nature, very comprehensive.

- The first report, known as the Section 11 report, essentially details the basis of the application and gives a summary of the applicant's account as provided during the investigation.
- The second report, known as the Section 13 report, essentially analyses the core elements relating to the case and is carried out in conjunction with relevant country of origin research and the criteria for recognition as a refugee. It also contains a recommendation as to whether refugee status should be granted or refused.

The Section 13 report compares the applicant's account with objective, up to date information on the applicant's country or place of origin, examines the critical elements of the applicant's claim and assesses the credibility of their account. Information sources used include, inter alia, reports from the UNHCR, Amnesty International, UK Home Office, US State Department, Internet News and Archive News Reports, International Asylum

Authorities websites as well as geographical information and general reference books (see subsequent section on the work of the Country of Origin Information Research Unit).

The criteria by which the substance of the claim is to be determined is set out in the Act and is in turn taken from the 1951 Convention. Essentially this involves determining if the applicant has a well founded fear of persecution, that there is a Convention reason, that the applicant is unable or unwilling to return to their own country, what internal protection alternative (if any) might be available within his/her own country, as well as credibility issues. Under the requirements of the Act and Convention, the well founded fear must be connected to the Convention grounds (race, religion, nationality, political opinion or membership of a particular social group) and consideration has also to be given to whether any exclusion clause may apply. In formulating reports, reference where appropriate, is also made to domestic and international refugee caselaw. Overall, this leads authorised officers to make fair, reasonable and well researched recommendations on all applications.

The Outcome

Where it is found that an applicant has established a case such as to qualify them for refugee status, they are notified in writing under Section 13(3)(d) of the Refugee Act 1996. The Commissioner then furnishes the report to the Minister for Justice, Equality and Law Reform.

Where it is found that an applicant has not established a case such as to qualify for refugee status they are notified in writing under Section 13(3)(b) of the Act. They

are also notified of a right of appeal to the Refugee Appeals Tribunal within 15 working days of the date from the sending of the letter and provided with details of how to make an appeal. Once again, they are advised of the desirability of availing of legal advice. If the recommendation is not appealed within the required timeframe the Commissioner then furnishes the report to the Minister for Justice, Equality and Law Reform.

Manifestly Unfounded Cases

In cases where it appears that the claim is fraudulent, fundamentally improbable or on the face of it does not fall within the terms of the Convention, a report is completed which recommends that the application be deemed “manifestly unfounded”. The reasons for this recommendation are set out within the report. Applicants are notified in writing under Section 12(1)(b) of the Act. They are also notified of a right of appeal to the Refugee Appeals Tribunal within 10 working days of the date from the sending of the letter and provided with details of the process and the desirability of obtaining legal advice. If the recommendation is not appealed within the required timeframe, a report is then furnished to the Minister.

As is the case with all applications that are refused, the applicant, their solicitor (if any) and the UNHCR (if requested) are sent a copy of the report and a full copy of the file, including all material relied upon in reaching the recommendation.

The number of cases processed as manifestly unfounded in 2002 was 115.

The Office also commenced a pilot project late in 2002, where applications were

screened in advance of interview to consider whether the Commissioner should form an opinion that the application is manifestly unfounded (see section on work of Policy and Procedures Unit). This project will continue in 2003.

Cases Completed & Processing Times for 2002

There was a significant increase in the number of recommendations made during 2002. The total reached almost 8,500 - the highest number of applications determined in any single year - and exceeded those for the previous year by 17%. The year also saw a high level of applicants withdraw their claim for refugee status. More than 6,000 cases were withdrawn during 2002, an increase of 33% over 2001 and more than double the figure recorded during 2000.

Taken together, these factors have resulted in 35% more cases being completed than were received during 2002 and as a consequence the average time taken to process an application to completion has dropped considerably. At the present time, most applicants will be advised of their interview date within 2 months of application and interviewed within 3 months. Most recommendations now issue in under 6 weeks of the interview taking place.

In summary then, a recommendation will typically issue to an applicant (who has complied with the process as well as attended for interview on first notice) within or around 4 months of application.

The Office has therefore moved very close to operating on a 'current' basis and what had once been a sizeable backlog of cases has been virtually eliminated. There are now very few cases outstanding from before 2002.

Psychological Support Project

The Office is committed to providing appropriate supports for staff, in particular staff who meet applicants face to face and who, in the course of their work, deal on a day to day basis with harrowing accounts of what applicants and others have experienced. In consultation with the Department's psychologist and Employee Assistance Officer a review of staff needs in this regard was carried out during 2002 and on foot of this review of arrangements, a comprehensive programme is being put in place in 2003. This programme will involve the Department's Employee Assistance Officer as well as other experts and will be designed to take account of the specific needs of our staff. The programme will also seek to develop internal and peer-based support mechanisms to assist staff in this regard.

Country of Origin Information (COI) Research Unit

Country of Origin Information (COI) comprises any information pertaining to the country of origin of an asylum applicant. It includes personal, political, social, geographical, legal and cultural information and can range from country reports by international human rights agencies to newspaper reports and street maps. The sources of COI are innumerable and include journals, web sites, maps and, of course, asylum applicants. Appropriate information on all countries of origin of asylum seekers is essential for the evaluation of applications for asylum status.

In order to have the capacity for informed determination of applicants claims, it is therefore important to have in place an effective Country of Origin Information support and Research function.



Commissioner at the opening of the Inter-Governmental Consultations on Asylum Country of Origin Information Working Group in Dublin Castle, June 2002.

2002 has been a strong developmental year for the Unit in this regard. The COI Research Unit now has eight staff members with a wide variety of experience and qualifications. This includes two legal researchers who were recruited in Summer 2002, who are qualified Barristers-at-law and have additional postgraduate degrees in International Law. Another researcher was seconded to UNHCR on a six-month Protection Internship and we will benefit from this experience in the coming year. This Office was also fortunate to secure the services of a senior Australian Researcher for two months in 2002. This exposed our organisation to best practice in COI research and we are grateful to the Australian Refugee Review Tribunal for agreeing to this exchange.

The Unit is the central knowledge point for all COI used in this Office and consults all

of its internal customers in Case Processing and Presenting Unit on the development and operation of all its services to ensure their relevance and effectiveness.

As the Unit expanded in 2002, it was a good time to define the research methods that were appropriate and the standards to be achieved by all. A considerable amount of time was spent developing a research methodology manual which will be of benefit to the Unit for years to come. Time was also spent on developing a short project plan for the production of research and guidance papers, which sets out the steps that must be gone through before a paper will be produced and issued to caseworkers. The appointment of the two legal researchers has facilitated the organisations long term ambition of producing its own research papers to the highest international standards. In this

regard, the first four COI research papers were produced in 2002 and will be available for use by caseworkers early in 2003.

This development work was made possible by the out-sourcing of most case-specific queries to the Refugee Documentation Centre (RDC) which operates under the aegis of the Legal Aid Board. This system was set up in the Summer 2002 and since then, approximately 400 queries were transferred out. Both sensitive and urgent queries continue to be processed in-house.

In 2001, the system of storing COI reports on paper was replaced by the development of an interim database which allows the section's customers to access COI reports directly from their network PC. This interim database was maintained and updated throughout 2002 and there are now over 1,700 documents stored on it. We will continue to work with the RDC to progress the development of a COI documentary intranet for use by all asylum agencies in Ireland.

Training continues to be a key function for the COI Research Unit. In 2002, training was provided for 18 new caseworkers on the theory and practice of COI. In conjunction with IT Unit, a basic internet introduction course has also been developed and this was rolled out in November. In partnership with UNHCR, three Country seminars have taken place this year dealing with issues particular to Moldova, the Russian Federation and Ukraine respectively. These seminars were attended by a wide range of participants in the asylum process including the Refugee Legal Service and non-governmental organisations as well as research and case processing staff from this Office.

On the international front, it has also been a particularly busy year. The Research Unit hosted the first meeting of Inter-Governmental Consultations on Asylum (IGC) to be held in Ireland in June 2002 - the directors of COI Units from fifteen Governments as well as UNHCR and the EU Commission attended the COI Working Group in Dublin Castle in June.

Research Unit has also represented Ireland at all EU CIREA and EURASIL meetings held this year (the EU forum for exchange of information in relation to trends in asylum applications and related developments). Researchers also attended and reported on various conferences, seminars and public meetings related to COI and visits took place to both the Belgian and the UK documentation centres.

The Unit issues a daily news update by e-mail to all Case Processing and Presenting Staff, focussing particularly on news from the main countries of origin. It also participates in various country-specific projects whereby it profiles cases received, provides information packs, gives talks, and attends case conferences on key issues relating to the countries in question.

Policy and Procedures Unit

The role of this Unit is to act as a central knowledge resource to lead the development and ongoing review of this Office's policy and procedures in relation to the management and investigation of claims and to provide appropriate training for staff in this regard.

A new questionnaire

The Unit completed a review of the asylum questionnaire early in the year and a new format questionnaire for asylum applicants



was introduced in July 2002. The Questionnaire is divided into 2 parts. Part 1 requests biographical detail and Part 2 seeks comprehensive detail in respect of the substantive asylum claim.

The focus in developing a new questionnaire was to attempt to gather as much information as possible prior to the formal interview thereby enabling the caseworker to concentrate on the core issues of the claim at the interview itself. This information enables the caseworker to be better prepared and to be able to conduct a more focused interview. The new format questionnaire also facilitates the applicant by giving him or her every opportunity to carefully respond to key questions in advance of the actual interview. Early indications are that applicants are responding positively to the level of information requested and caseworkers have found this to be

beneficial. Other participants in the asylum process have welcomed the introduction of this new form.

Preliminary training has been given to caseworkers towards adapting the structure and focus of the interview in order to make the best possible use of the time available as well as of the additional information provided in the new questionnaire. Further training on interviewing will be developed after a period of monitoring and feedback from caseworkers has been completed.

Interview Review

As outlined in last year's report a review of the interview process and its components was initiated in 2001 and this review was completed in June 2002. The review led to a series of new practices being introduced in relation to the various elements of the interview, with a view to achieving timely, well focused interviews.

All of case processing staff received training in the new practices introduced on foot of the review.

In addition, arising from the review of the interview process, a dedicated Interview Waiting Area was opened for applicants attending for interview and complementary 'meet and greet' arrangements were put in place resulting in a more relaxed experience for applicants as well as improving the efficiency of the interview process generally.

Legal Consultancy

During the year the Unit was involved in the management and the implementation of a legal consultancy project.

The project has three elements:

1. examination of the structure and composition of the reports which assess the asylum claim in order to develop a report which provides a high level of legal rigour
2. the development of guideline positions on certain aspects and jurisprudence of refugee determination
3. the provision of training towards the development of skills required to complete the new type reports.

A contract was awarded to external legal advisors, following a tender process, to act as consultants to the Office in order to carry out this project.

The first element of the project has been completed and arising from this a new report format is currently being piloted with the assistance of a number of caseworkers. In addition, the guideline position papers have been completed and will be ready for dissemination to caseworkers during 2003.

The Unit has also worked closely with the external legal consultants in order to develop the training module for staff on the completion on the new format reports and the interpretation of the guideline positions. Implementation of this training programme will commence early in 2003.

Other Projects

The Policy and Procedures Unit has also been involved in the following projects during the course of 2002:

- preliminary work towards improving the management information available in relation to profile of claims received.
- developing and fine-tuning on an ongoing basis the internal policies and procedures which the Office has in place and incorporating changes as necessary into the Policy and Procedures electronic database which is now available to all staff in this Office.
- co-ordinating a pilot project in respect of the application of Manifestly Unfounded procedures under Section 12 (1) (a) of the Refugee Act which deals with situations where the Commissioner forms the opinion before interview that an application is Manifestly Unfounded. This has involved the development of screening procedures and guidelines for interviewing applicants in these cases.
- the co-ordination of observations on behalf of the Office on legislation in preparation, when requested by the Minister for Justice, Equality and Law Reform.
- the Policy and Procedures Unit also inputs into projects being led by other sections of the Office as appropriate, such as Country of Origin Information research papers and case conferencing within the Case Processing Units.

In addition, during the year the Unit has worked closely with the Refugee Legal Service to develop good liaison and information exchange on issues affecting both offices. This has proven to be a very useful forum for exchange of views.

Review Function & Introduction of Structured Quality Assurance Mechanisms

The Policy and Procedures Unit has begun the process of monitoring changes made by conducting sample surveys on the various projects which have been completed since the establishment of the Office. The initial surveys reveal positive results. The changes made during the year have improved consistency in all aspects of the determination process.

This new monitoring and review function will be developed further during the course of 2003 as part of a project to put in place a structured Quality Assurance scheme. This scheme will initially focus on functions and outputs in the case processing area but will ultimately be extended to every aspect of the organisations operations.

Judicial Review Unit

Judicial Review is a process, available in its current form since 1979, whereby a remedy is sought from the High Court against the decisions of lower courts, tribunals and administrative authorities.

Recommendations on applications for a declaration as a refugee are liable to be judicially reviewed in accordance with Section 5 of the Illegal Immigrants (Trafficking) Act 2000. Most frequently, the remedy which is sought are writs of Certiorari (the quashing of the decision) or Mandamus (instructing the body against

which it is brought to do something specific, e.g. to grant a licence). Essentially, a Judicial Review involves the Court considering the technicalities of the process which led to the first instance recommendation. Most Judicial Reviews are therefore concerned with how the recommendation was reached, not what was actually decided; in other words, the focus is on whether the stated procedures are carried out in accordance with law and constitutional and natural justice.

On the commencement of the Refugee Act, a Judicial Review Unit was established in this Office. When leave to bring Judicial Review proceedings is sought by an Applicant, the notice, the grounding statement and any supporting affidavits as well as the Commissioner's case file are all thoroughly examined. If it emerges that a procedural error was made at first instance, the case may be conceded; this has the effect of readmitting the applicant to our process. If satisfied that the Office has discharged its functions correctly and fairly, the application will be vigorously contested. If it is decided to contest the application, detailed briefing material is prepared and, where our legal advisors consider it appropriate, replying affidavits will be sworn.

When new legislation is commenced, especially legislation which affects individuals, experience shows that it will be frequently tested in the courts, until a sufficient body of precedent is built up. Some Departments and Offices have legislative codes stretching back a hundred years or more, have been subject to repeated tests in the courts, and have had the benefit of regular amending and consolidation legislation. This Office is operating with relatively new legislation

and is often dealing with issues not previously considered in an Irish administrative system. Many Judicial Review applications alleged that first instance procedures are unjust, unfair, unconstitutional and unreasonable; allegations of this nature have always been contested.

Some applications, it could be argued, are made for the purpose of delaying action on a particular issue. The Illegal Immigrants (Trafficking) Act sought to remedy this by providing that Judicial Review proceedings must be initiated within 14 days of the recommendation which is being challenged, and the person bringing the proceedings must have *"substantial grounds for contending that the recommendation is invalid or ought to be quashed"*.

In 2002, many Judicial Review applications in respect of the first instance procedure were outside the statutory time-limit; in some cases, applications were made only after the Applicant was notified of his/her unsuccessful appeal to the Refugee Appeals Tribunal. The High Court, following consideration of the main issues grounding the application, has tended to refuse an extension of the time-limit in accordance with the aforementioned Section 5 of the Illegal Immigrants (Trafficking) Act.

In contrast to 2001, Judicial Review applications in 2002 tended to be aimed less at the constitutionality of the statutory scheme or the legality and fairness of our procedures. There has instead been a growing tendency in recent applications to seek to challenge alleged mistakes or shortcomings in the investigation of the individual applicant's asylum claim. In all cases where we have decided to contest the applications made, our procedures have been upheld and the applications have

been unsuccessful. It should, perhaps, be explained here that if any Judicial Review application identifies an error or omission which might in fact have had a bearing on the outcome of an investigation, that application will not be contested. In such cases, the policy of the Judicial Review Unit is to reach a mutually agreeable settlement without delay.

At the beginning of 2002, there were 21 unresolved Judicial Review applications relating to first instance or case processing areas (i.e. excluding Dublin Convention - related cases). During the year, 37 applications were instituted. 35 of these 58 applications were finalised in 2002, leaving a total of 23 outstanding cases at the end of the year. Several applications did not comply with the statutory time limit provision and were, accordingly, denied leave to apply for Judicial Review. Irrespective of whether applications are received within the statutory time-limit, observations are provided to Counsel in all cases and affidavits have been sworn whenever Counsel has deemed it appropriate to do so (please note that Judicial Reviews in relation to Dublin Convention cases are discussed at the end of Chapter 5 of this report).

Unaccompanied Minors



7

Unaccompanied Minors

Applications from Unaccompanied Minors

Section 8(5)(a) of the Refugee Act provides that where it appears that an applicant is under the age of 18 years, s/he should be referred to the relevant Health Board which must then decide whether to make an application on behalf of the unaccompanied minor.

In 2002 a total of 912 persons claiming to be unaccompanied minors attended the Office either seeking to make an application for refugee status or to be reunited with their families. Of these, 852 were referred to the Health Boards. In the case of 60, it was considered that they were not minors and were not referred to the Health Board and were dealt with as adults. Of those referred to the Health Boards, the vast majority were reunited with family members and 285 applied for a declaration for refugee status. This represented a significant decrease in the number of such applications, from the 600 received in 2001.

The Office has put in place guidelines relating to the determination of applications from unaccompanied minors. In developing these guidelines, account was taken of past experience, UNHCR guidelines and advice, as well as the EU Children First Programme. These guidelines have kept under review and while they have been found to be working well generally, a number of minor revisions are likely to be made early in 2003.

In order to ensure that the special needs of this group of applicants are properly taken into account, specialised training is

provided for all staff who will be handling these cases. During 2002, two additional specialised training sessions were organised for authorised officers dealing with unaccompanied minors in conjunction with the UNHCR. These sessions involved presentations from a number of child care experts, with a focus on issues such as psychological needs, child specific aspects of the refugee process, the role of the social worker and all other issues relating to refugee determination for unaccompanied minors.

Developments

During 2002, 1135 interviews were scheduled and 781 recommendations issued under Section 13 of the Refugee Act 1996 in respect of unaccompanied minor applications (a number of factors account for the difference between interviews scheduled and recommendations, including repeat scheduling due to failure to attend, complex cases requiring more than one interview and cases where interviews were adjourned or cancelled due to circumstances relating to the child's welfare). This compared to 226 interviews and 119 recommendations made during 2001 (an increase of 402% and 556% respectively). This progress has effectively removed any backlog of cases involving unaccompanied minors.

As well as implementing the procedures and guidelines in relation to minors, this Office has continued during 2002 to liaise with the other agencies involved with unaccompanied minors, with a view to ensuring that the best interests of the minors are considered at all times. In this regard, an official from the Office attended and contributed to the Final Session of the 'Separated Children in Europe' Project.

Age Testing

The position regarding persons who presents themselves at the Office and claim to be under 18 but appear older continues to be a cause for concern, not least in relation to child protection issues. A number of medical techniques are applied internationally in order to assess age in these circumstances. One such method involves analysis of the person's bone density. This test was introduced on a pilot basis at the end of 2001 and was made available to applicants on a voluntary basis.

Accordingly, in cases where it appeared that the applicant could be an adult and had no supporting documentation to verify their claimed minor status, applicants were offered such a test in order to establish age. Under these arrangements the applicant is referred to a General Practitioner who in turn can refer them to a hospital specialist in order to carry out a radiology examination (an X-ray of the hand and forearm). So far, indications are that our concerns are justified in that the majority of applicants who have been so tested were found to be over the age of 18. 142 applicants were referred for this test during the period from November 2001 to March 2002.

The position on those referred is as follows:

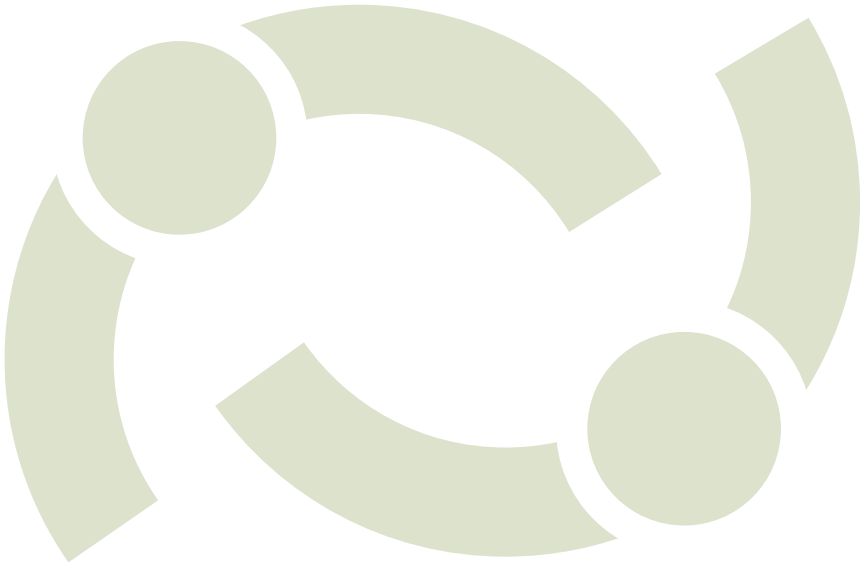
- 49 were shown to be over 18
- 12 admitted to be over 18
- 66 did not avail of the test
- 15 were shown to be 18 (plus or minus one year) and were given the benefit of the doubt and were accepted as minors.

Having evaluated the results of the pilot project, we are researching medical age testing systems in other European

jurisdictions with the objective of establishing a medical age testing system on a permanent basis which will offer a range of medical opinion and diagnosis.

Applications from very young minors

A number of applications are now being received from very young children (12 years of age and under), whereas most applications received by ORAC from unaccompanied minors are in respect of children of 16 or over. The statutory framework for the investigation of applications for a declaration of refugee status affords all applicants the opportunity of an interview before any recommendation is made. As a result, guidelines and appropriate facilities were put in place during 2002 so as to provide a suitable response to the receipt of applications from very young children, including where the child is accompanied by an adult but has an independent or separate claim for asylum. Special interagency training was organised by ORAC in conjunction with UNHCR for officials from the Refugee Appeals Tribunal, Refugee Legal Service, East Coast Area Health Board, and officials from this Office who would be involved in interviewing very young children and determining their status.



Presenting at Appeal Hearings



8

Presenting at Appeal Hearing

Interaction with the Refugee Appeals Tribunal

Presenting is the term applied to the participation by the Refugee Applications Commissioner (normally her representative) in the appeal process. Section 16(11)(c) of the Refugee Act 1996 states "The Tribunal shall enable the ... Commissioner or an authorised officer to be present at the hearing and present their case...".

Responsibility for the recommendation from the appeals process rests with the Member of the Refugee Appeals Tribunal (MOT) who conducts the hearing. The role of the Presenting Officer is:

- to assist the Member of the Tribunal in reaching a fair and just decision
- to respond at the appeal hearing to the issues raised in the appellant's appeal
- to represent the Commissioner at the hearing.

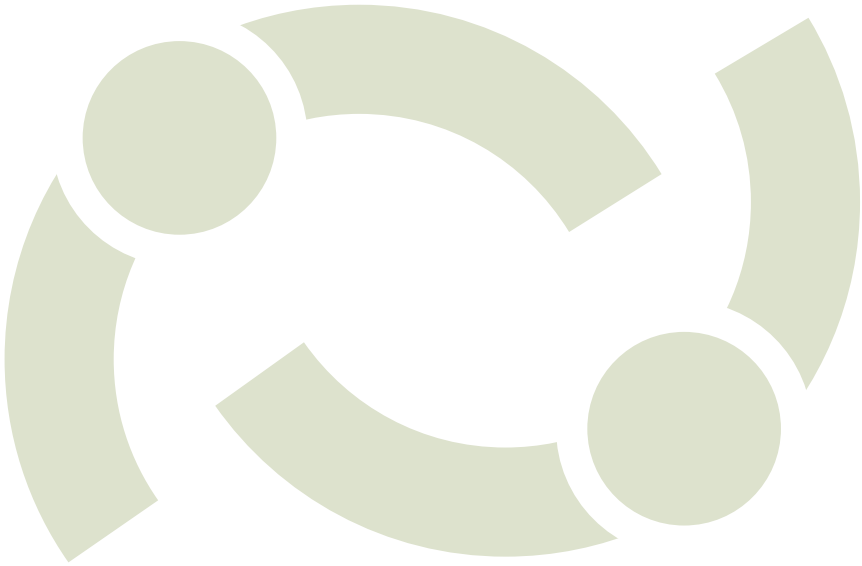
The Presenting Officer starts by gaining a thorough knowledge of the file, why the appellant claims a fear of persecution, the detail of the investigation at first instance, the recommendation of the Commissioner, etc. Added to this is any information that the appellant provides in the grounds of appeal (there is a legal requirement for all appellants to provide such grounds including identifying any claimed errors on the part of the Commissioner), the available up to date country of origin



information and any relevant caselaw. At the hearing, the Presenting Officer may ask questions of the applicant and witnesses (if any) to clarify the issues central to the applicant's appeal. These may include issues relating to any new information disclosed at the appeal hearing and issues relating to the credibility of the applicant's claim. The Presenting Officer also summarises the Commissioner's case at the end of the hearing.

In 2002 the Office continued to be represented in the appeal process in accordance with Section 16(11)(c) of the Refugee Act 1996. During the year the Refugee Appeals Tribunal scheduled an average of 113 appeal hearings per week (47 weeks of hearings). Presenting Officers participated at 4316 (including Adjournments and No Shows) appeal hearings over the course of the year. New members were appointed to the Tribunal thereby enabling the Tribunal to process a greater number of appeal hearings. In order to cope with the increasing number of appeal hearings per week, the staffing of the Presenting Unit was increased during the year. However, the shortage of Presenting Officers in the last quarter of the year created some difficulties in relation to this Office's capacity to be represented at appeal hearings.

Sections 16(6) and 16(7) of the Act provide that the Tribunal may request further enquiries/observations in relation to particular issues concerning cases and these are processed in the Presenting Unit. In 2002 the Unit dealt with 40 requests for further information under Section 16(6) and with 17 requests for observations on grounds of appeal under Section 16(7).



Family Reunification



9

Family Reunification

Focus on the Family

The final act of the conference that adopted the 1951 Geneva Convention included a recommendation in relation to the principle of family unity. In Irish law, the principle that a refugee is entitled to be reunited with his or her family is enshrined in the Refugee Act, 1996.

Respective roles of the Commissioner and the Minister

Under the Refugee Act, this Office is also responsible for the investigation and preparation of reports to the Minister for Justice, Equality and Law Reform on applications from those persons granted refugee status who subsequently seek permission for a family member to enter and reside in the State (Section 18 of the Refugee Act 1996).

The Act, defines “family members” for this purpose as:

- If the refugee is married, the spouse of the refugee (providing that the marriage is subsisting on the date of the application).
- If the refugee is, on the date of the application for family reunification, under 18 years of age and is not married, his or her parents.
- The child of a refugee, who on the date of the application is under 18 years of age and is not married.

The Act also specifies that the Minister may also at his or her discretion, grant permission to a dependent member of the family of a refugee to enter and reside in the State. A “dependent member of the family” is defined as: any grandparent,



parent, brother, sister, child, grandchild, ward or guardian of the refugee, who is dependent on the refugee or who is suffering from a mental or physical disability to such an extent that it is not reasonable to maintain himself or herself fully.

Any refugee may apply to the Minister for permission for a family member to enter and reside in the State. The application is generally made to the Immigration Division of the Department of Justice, Equality and Law Reform although some applicants contact this Office directly. All applications are subsequently referred to us for investigation. To collect information in regard to the application, a questionnaire is issued to the applicant and this is sometimes supplemented by requests for specific information. To date it has not been deemed necessary to interview the applicant, although such a need could conceivably arise depending on the circumstances of the case.

A report is compiled based on the available information, including information provided in the questionnaire. The report essentially seeks to set out the relationship between the refugee and the family member, and if applicable, the domestic

circumstances of the family member. The report is then sent to the Minister to consider and make a decision on the application. The decision is subsequently notified to the applicant.

Statistics for 2002 compared with 2001

By 31 December 2002, 358 applications had been referred to this Office, which was an increase of 203% on the 118 referred to this office in 2001. The total number of family members/ dependants referred to in these applications is in excess of 800 which again is a significant increase on the number of dependants applied for in 2001. Of the 358 applications, 72% were received from male refugees, and 28% from female refugees.

The main countries of origin in regard to applications for Family Reunification are Democratic Republic of Congo, Iraq, Nigeria, Somalia, Romania, Cameroon, Angola and Algeria. However, it is notable that applications for family reunification were received from refugees from over forty different countries of origin. By the end of the year 218 files had been finalised and returned to the Minister for Justice, Equality and Law Reform for decision, which is again an increase over 2001. The number of family members/dependants referred to in these 218 files is 535 (compared to 195 in 2001).

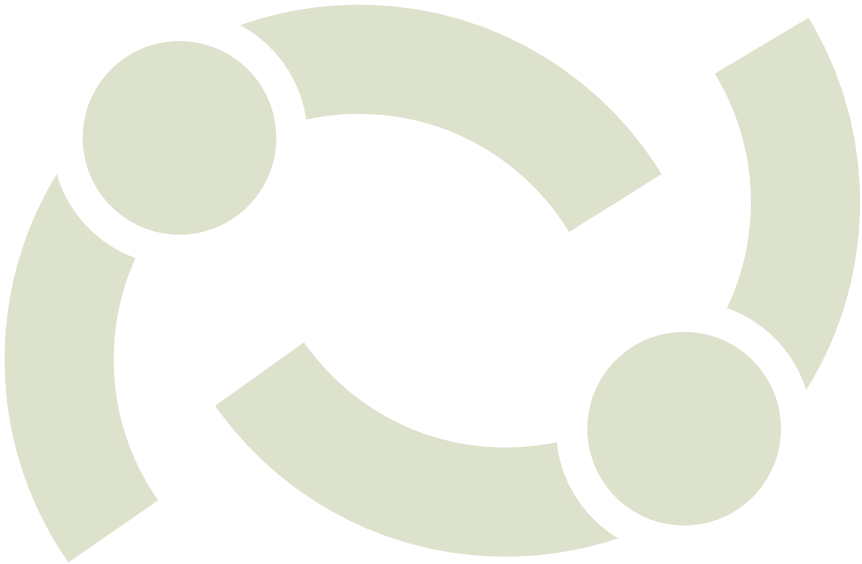
Review of Processes

As this Office has gained considerable and valuable experience in the investigation of family reunification applications, a review of the procedures for the investigation of family reunification requests commenced in late 2001 and was completed in 2002. As part of the review, processes in operation in

other countries were examined, and officials from this Office visited the headquarters of the Swedish Migration Board in Norrköping to look at the methods and policies followed there. A number of procedural changes are being introduced on foot of this review.

Future Developments

As the number of persons declared as refugees increases, it is envisaged that there will be a corresponding increase in the number of applications received for the reunification of family members, and also an increase in the number of family members permitted to enter and remain in Ireland.



Corporate Administration



10

Corporate Administration

Corporate Office

During 2002, the Secretariat/Corporate Office continued to provide administrative and secretarial support to the Commissioner and her senior management team. The scope of this remit is broad and includes the following functions:

- the co-ordination of timely and accurate briefing material from all units in this organisation for the Commissioner, the Department of Justice, Equality and Law Reform, the Government and national and international fora.
- the co ordination and preparation of the Business Plan, and the Annual Report for this organisation
- the co-ordination of material for inclusion in responses to Parliamentary Questions and other briefing material as required by the Minister for Justice, Equality and Law Reform
- the publication of the official staff newsletter – "The ORACle" – which was first published in December 2001 and continues to be published on a quarterly basis. The ORACle contains articles from staff and from other organisations in the asylum area and also includes information on changes and developments within the Office, staffing and training, and other items of interest to staff of a less formal nature
- Responses to Media Queries.

The Corporate Office was set up in August 2002 to develop the medium and longer term plan for the functional and organisational development of the Office.

In 2002 this involved drafting the Strategy Statement for 2003–2005. This is the first Strategy Statement for the Office of the Refugee Applications Commissioner and follows on from the Strategy Framework Document of 2001. The Statement sets out the framework within which the Office will operate for the years 2003 to 2005. It sets out the goals and objectives of the Office and describes the strategies to be employed to achieve those objectives. The performance indicators by which the strategies will be measured against the stated objectives of the Office are also set out in the Strategy Statement.

The Corporate Office commenced the development of a long term (3–5) year plan for the organisation with a focus on management and staff development.

Due to the overlapping functions of the Corporate Office and Secretariat the two units merged in December 2002.

Finance Unit

Payment in respect of all monies expended by this Office is made by the Finance Division of the Department of Justice Equality and Law Reform (DJELR), Killarney on our behalf.

Meetings were held in 2002 with officials from the Office of the Comptroller and Auditor General (C&AGs); the Internal Audit Section, DJELR and the Finance Division, DJELR, as part of the organisation's ongoing commitment to ensuring best financial practices, value for money in all its areas of expenditure and the development of its financial reporting systems.

Developments in 2002 saw, inter alia, the introduction of reporting in the form of a detailed analysis and breakdown of monthly expenditure, extracted from the



accounts supplied by the Finance Division, DJELR. This monthly report was fundamental in monitoring and planning expenditure throughout 2002.

The organisation's expenditure outturn for 2002 is set out at Appendix 4.

Organisation Unit

The Organisation Unit is responsible for the upkeep, maintenance and security, together with all aspects of health and safety relative to the staff and buildings of the Office of the Refugee Applications Commissioner. This responsibility now extends to two buildings - Timberlay House, 79/83 Lr. Mount Street and 1 Lr. Grand Canal Street and a more limited responsibility for the Commissioner's staff that share accommodation with the Refugee Appeals Tribunal in Hanover Street.

2002 saw extensive refurbishment work in Timberlay House and 1 Lr. Grand Canal Street and our corporate functions are now

housed in the latter building. While the work associated with the planning and organising of the refurbishment and the staff moves was extremely challenging, it was achieved with minimal disruption to the day to day work of the organisation. Strategically, it will prove worthwhile as it will streamline the workflow and, accordingly, further improve its quality service to its customers.

In compliance with Health and Safety Regulations, the Office's Health and Safety Committee met on a regular basis in 2002 to address and consider all health and safety issues, in the widest context. The Health and Safety Statement was one item, in particular, which the Committee addressed and it is hoped that a revised Statement, which will incorporate all the changes necessitated by the various staff moves, will be finalised in early 2003.

As part of our ongoing commitment to health, safety and security for staff and

customers, a private security company was contracted to provide a security service in all public areas of Timberlay House during normal working hours. This service commenced in October, 2002.

Personnel and Training Unit

The sanctioned staffing complement for the Office is 313 plus 1 supernumerary post. However, 14 posts were diverted elsewhere by the Department of Justice, Equality & Law Reform leaving a revised staffing complement of 299 posts plus one supernumerary.

At the end of December 2002, there were 290 officers (including one supernumerary) serving in this Office. Vacancies arising from the worksharing scheme amounted to 10.3 so the total number of posts filled was 279.7. Therefore, there were 20.3 vacancies remaining to be filled at the end of 2002.

The worksharing scheme was introduced in the Office in March 2002. A policy document was issued in July 2002, which sets out this Office's policy in relation to the operation of the scheme and the procedure to be followed when applying for worksharing. As at 31 December 2002, 33 members of staff were availing of the scheme.

As part of the ongoing development of staff support systems, it was felt that it would be useful for staff to have guidelines to assist them in the event of a medical emergency/incident involving a staff member in one of our premises. Accordingly, a document was drawn up to include general information on options available, procedures to be followed, information on location of first aid boxes and contact numbers to help staff should

such a situation arise. The draft guidelines were issued for comments to the members of the Health and Safety Committee, Management, Union Representatives, the Employee Assistance Officer, the Chief Medical Officer and to the Psychologist in the Department of Justice, Equality and Law Reform. The final guidelines will be circulated to all staff early in 2003.

The services offered by the Employee Assistance Officer (EAO) were also highlighted to all staff throughout the year. Information was circulated by e-mail and included in the ORACle (the staff newsletter). Information talks on the services provided were also given to staff and on-site visits were arranged where the EAO was available for one-to-one consultations.

In keeping with our commitment to staff development and the strong emphasis that Management places on training, a new Training Unit was set up at the beginning of June 2002. The aim of the Unit is to ensure that the training needs of staff are met in a timely manner and that the training that staff receive is relevant and job specific. The Unit is currently staffed by a Training Officer (at Higher Executive Officer level) and a Clerical Officer.

A training policy document was drawn up and issued to all staff in August 2002.

There is a continuous training programme for all staff working in this Office and all frontline staff complete appropriate training courses. Policy and Procedures Unit work in liaison with the Training Unit to ensure that case processing staff receive and continue to receive on an ongoing basis "on the job" experience and training in respect of interviews, assessment, decision making, asylum procedures and

appeals. In addition to formal training, all staff are encouraged to broaden their knowledge through career and personal development training.

Training programmes specific to the refugee status determination function were devised in consultation with the UNHCR. We also had regard to and were guided by the experience and advice of asylum experts from other countries and other agencies with specialist skills in this area. A total of 82 staff received training from the UNHCR during 2002. This included training in interviewing Unaccompanied Minors and training in the determination of status of pre-adolescent minors.

During 2002 some training courses attended by staff included the following:

- UNHCR Refugee Law Training
- UNHCR Unaccompanied Minor Training
- UNHCR training in the determination of status for pre-adolescent children
- Occupational Health Talk
- Personal Safety when dealing with the Public
- Performance Management Development System
- Effective Communication Skills
- Time Management
- Supervisory Skills Course
- Bullying and Harassment
- French and Romanian Language Training
- Writing Skills (EO and CO).
- Managing and Developing People
- Smart Reading

- Train the Trainer
- Managing yourself and your career

In addition, two Assistant Principal Officers attended the International Institute of Humanitarian Law Diploma Course in Refugee Law which took place in San Remo, Italy.

A key objective of the Programme for Prosperity and Fairness (PPF) was the implementation of the Performance Management and Development System (PMDS) in each Government Department and Office. Performance Management is a broad term to describe the way a jobholder's work performance, career and development needs are managed. The goal is to contribute to continuous improvement in performance across the Civil Service by aligning individual and team performance with the goals of the organisation.

Training in PMDS continued in 2002 with the conclusion of training in Module Two (51 staff trained in 2002) and the delivery of training in Module 3 (163 staff trained by end 2002) for those staff who had already received Module 1 & 2 training.

In addition, the PMDS course was modified for delivery to staff who had been assigned to this Office and who had not received PMDS training elsewhere. 62 Staff members were invited to attend the modified course in November and December 2002. The courses were delivered by the in-house Training Officer with assistance from trainers from the Training & Development Unit of the Department of Justice, Equality & Law Reform.

Information Technology Unit

The focus of the IT Unit in 2002 was the consolidation of existing systems and the development of Information Technology resources to provide more integrated and effective support for the business processes of the Office. This involved a reorganisation and upgrade of the network, the replacement of older equipment and a number of development projects to improve the Case Management systems.

A particular project was the replacement of the Temporary Residence Certificate (TRC) in August 2002. The new TRC is a smartcard containing an image of the applicant's fingerprint to assist in the verification of the applicant's identity on subsequent visits to this Office.

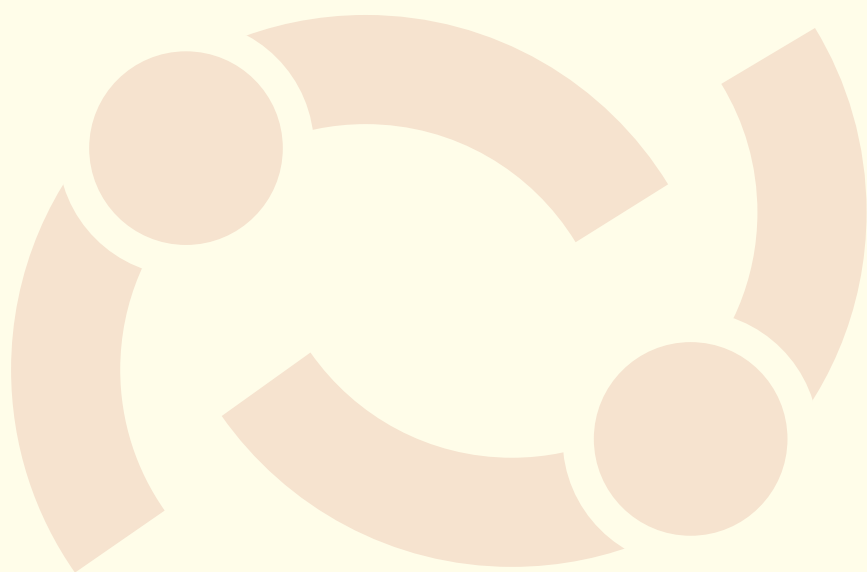
Investigations into the possible benefits of scanning technology for the Office were also undertaken during the year and a new scanning unit came into operation in December. The new scanning equipment and procedures will reduce the amount of copying necessary and allow files to be stored and shared, where appropriate, electronically.

During 2002, a high level information management and IT Strategy for the asylum area was undertaken by external consultants to assess the IT structures and systems across the asylum services as a whole. The strategy was completed in September and the implementation of the recommendations contained in the strategy will be addressed in 2003. This strategy will form the framework for the development of IT in the Office over the next two to three years.

Appendices



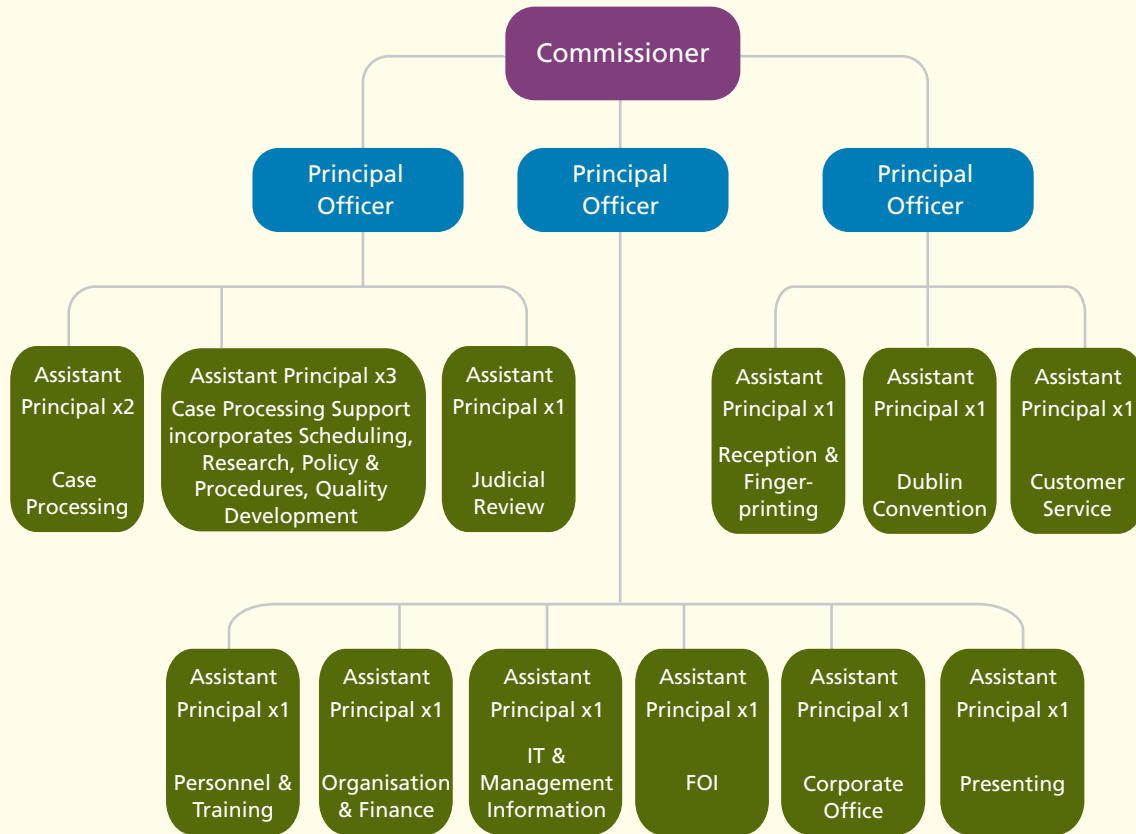
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Appendix 1

Organisation Chart for the Office of the
Refugee Applications Commissioner

Organisational Chart 2002



Appendix 2

Application/Processing Statistics

Applications by year from 1992 to 2002

Applications received by month

Places of application 2002

Age stated by applicant and gender breakdown 2002

Top 6 stated countries of origin

Comparison of applications received and cases finalised 2002

Cases finalised 2002

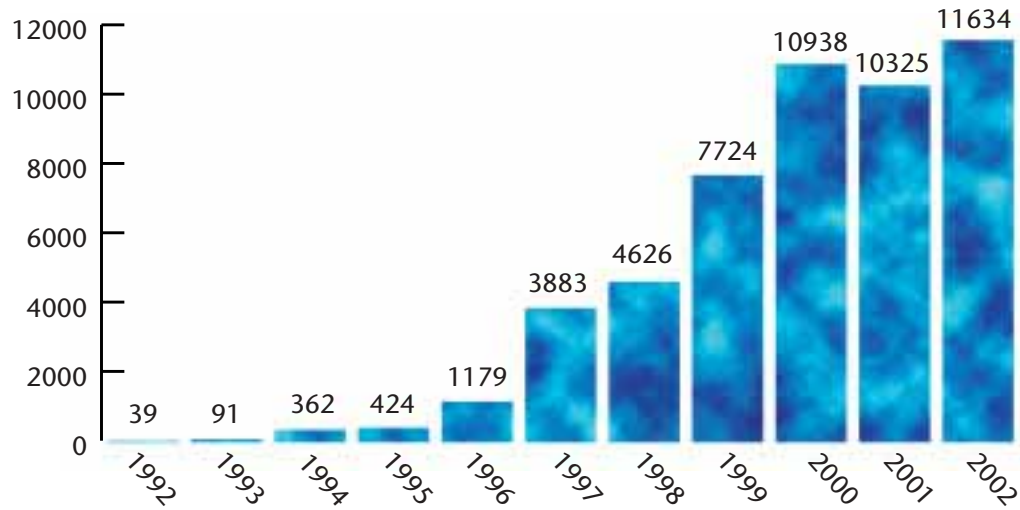
Recommendations issued 2002

Interviews scheduled and attended 2002

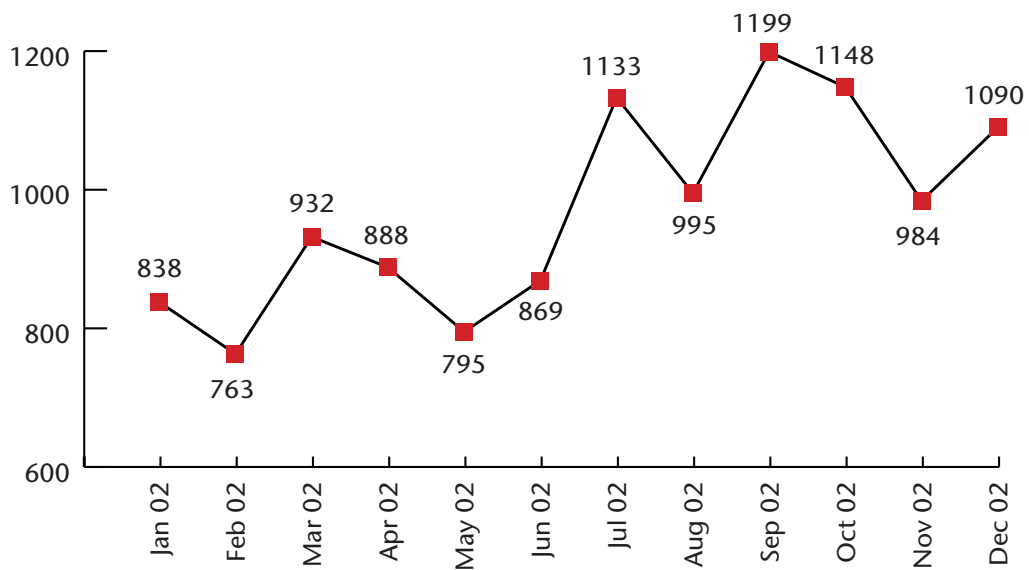
Applications outstanding

Application/Processing Statistics

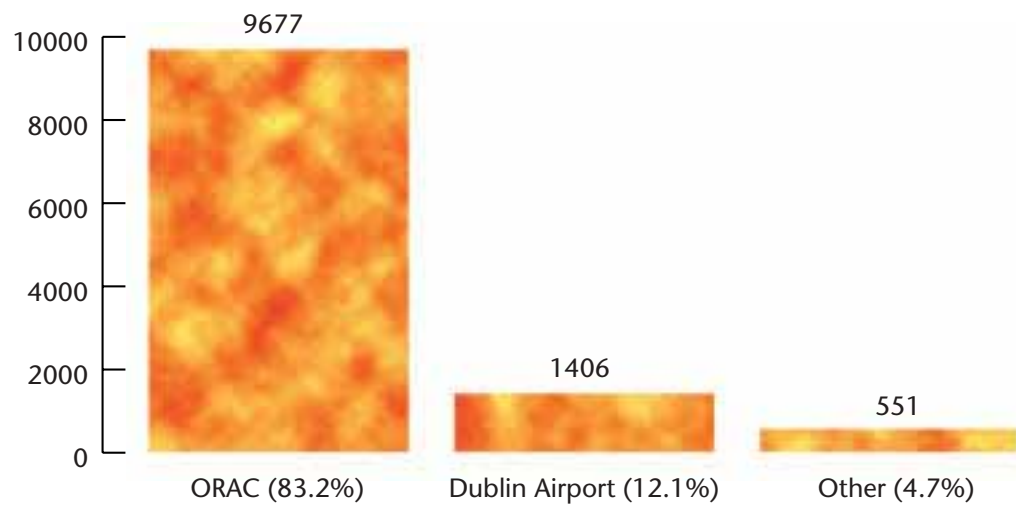
Number of applications per year from 1992 to 2002



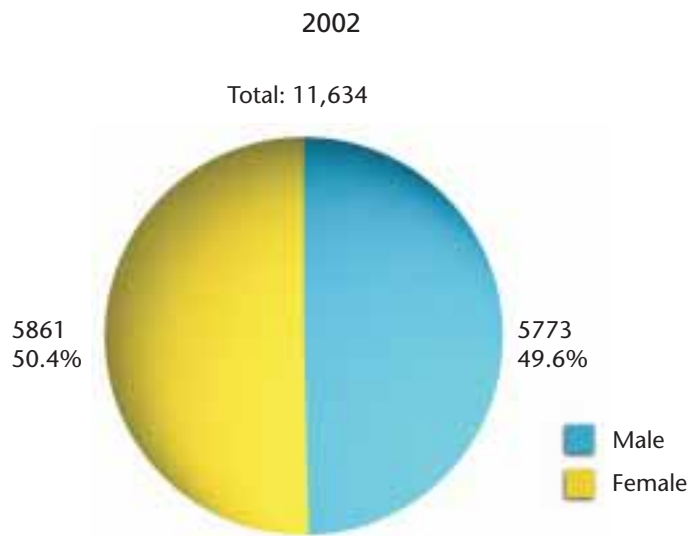
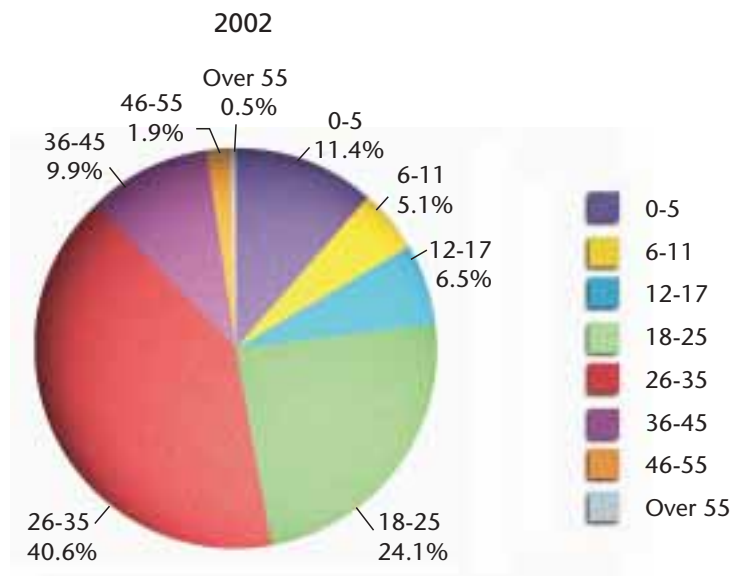
Applications received by month from 01/01/02 - 31/12/02



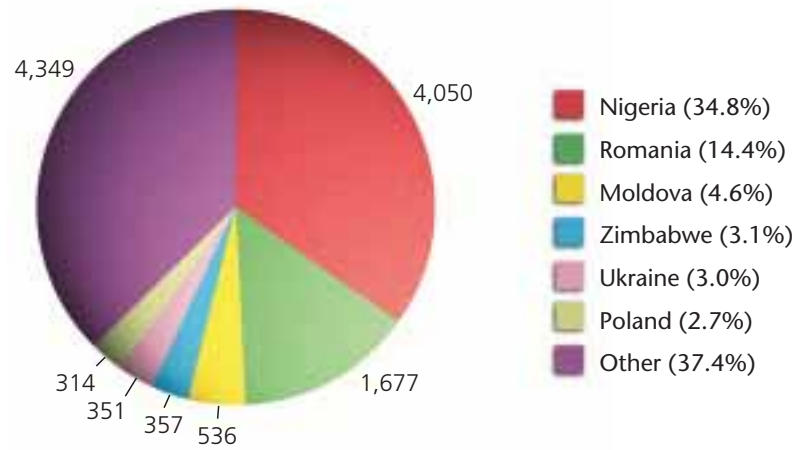
Places of applications 2002



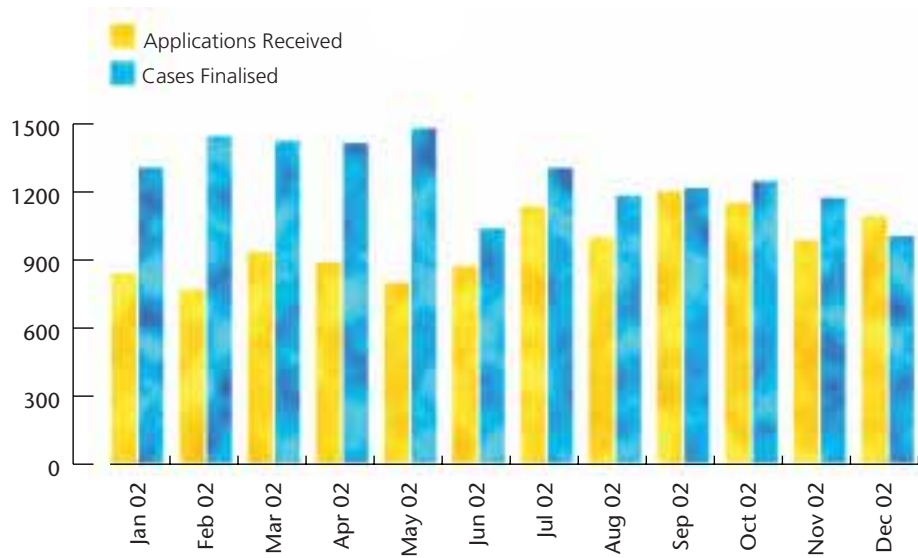
Age stated by applicant and gender breakdown 2002



Top 6 stated countries of origin 2002

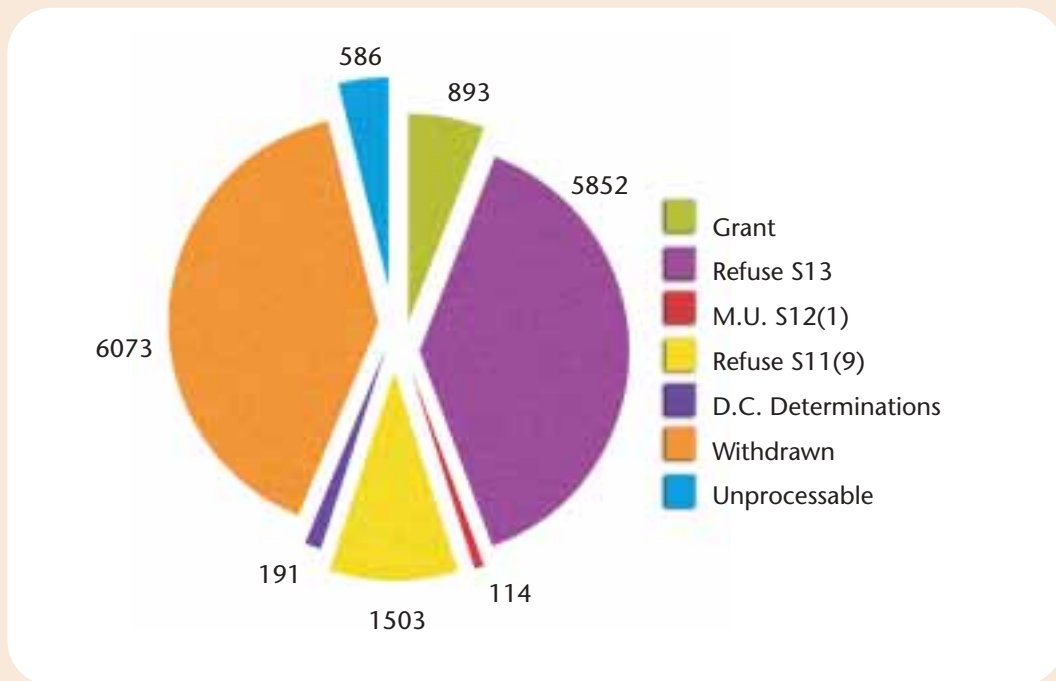


Comparison of applications received and cases finalised 2002



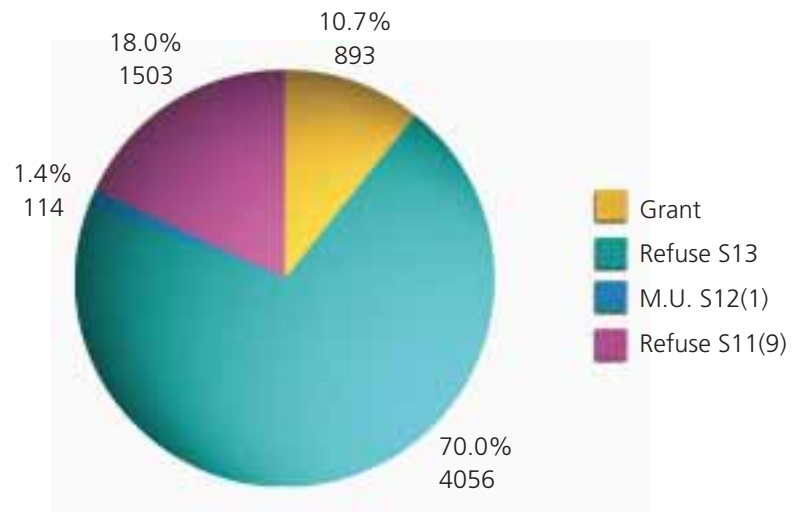
	2002											
Month	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec
Applications Received	838	763	932	888	795	869	1133	995	1199	1148	984	1090
Cases Finalised	1305	1443	1422	1412	1478	1036	1303	1181	1215	1244	1171	1002

Cases finalised 2002



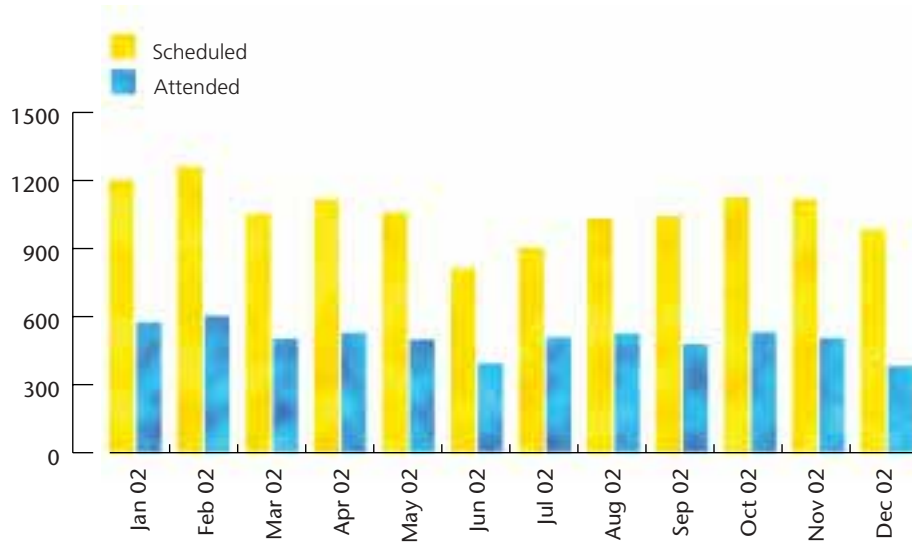
Grant:	The Commissioner has made a recommendation that the applicant be granted refugee status.
Refuse S13:	The Commissioner has made a recommendation that the applicant should not be granted refugee status.
M.U. S12(1):	The Commissioner has made a recommendation that the applicant does not meet the criteria set down in Section 12(4) of the Refugee Act 1996 and is deemed to be 'manifestly unfounded'.
Refuse S11(9):	Where the applicant fails to attend a second scheduled interview the Commissioner makes a recommendation that the applicant should not be declared a refugee.
D.C. Determination:	Where it is established that the applicant's claim for refugee status should be determined in another Dublin Convention country.
Withdrawn:	Where the applicant has withdrawn from the asylum process.
Unprocessable:	Where it has become apparent to the Commissioner that the application is unprocessable.

Recommendations issued 2002



Appendix 2

Interviews scheduled and attended 2002*

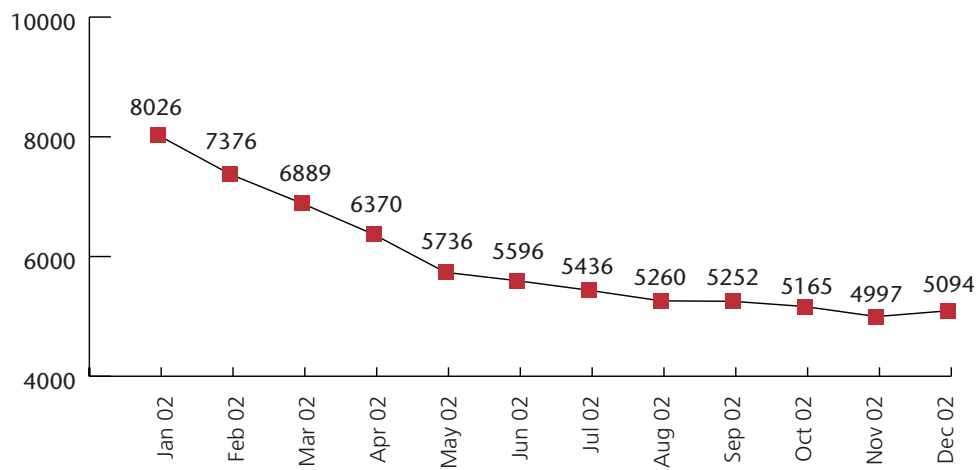


* It should be noted that in certain cases an applicant may have more than one interview scheduled.

Interview scheduled and attended from 01/01/02 to 31/12/02

	2002											
Month	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec
Scheduled	1199	1257	1050	1113	1057	810	900	1029	1041	1124	1114	983
Attended	572	600	500	525	496	391	506	522	476	528	502	379
% Attended	48%	48%	48%	47%	47%	48%	56%	51%	46%	47%	45%	39%

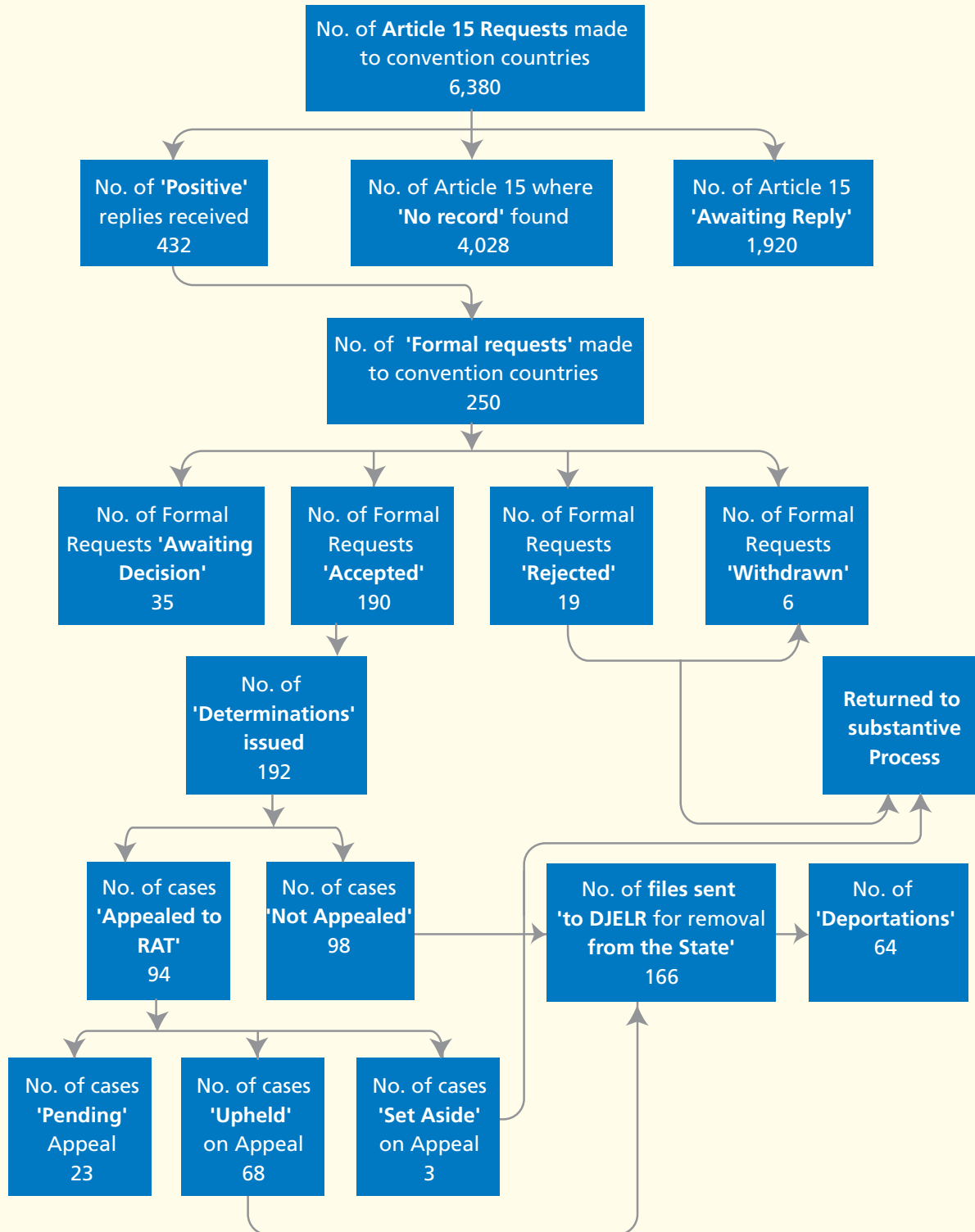
Applications outstanding as at 01/01/02 to 31/12/02



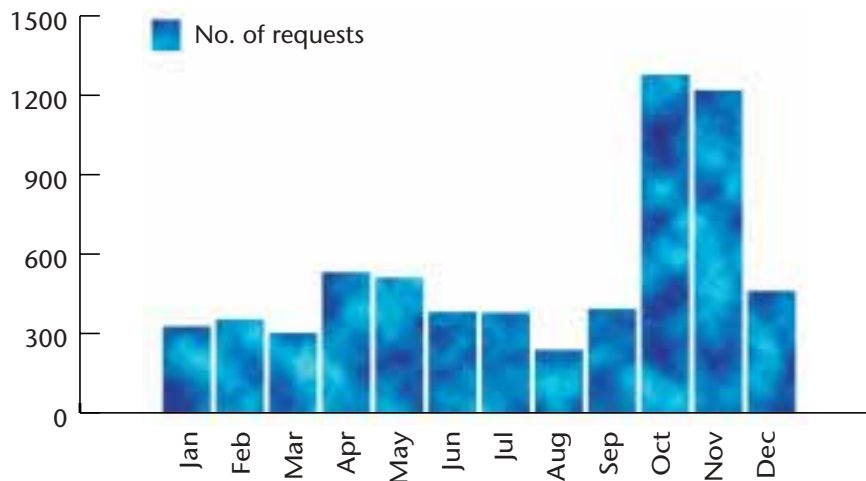
Appendix 3

Dublin Convention Statistics for 2002

Statistics for the Dublin Convention for the period 01/01/2002 to 31/12/2002



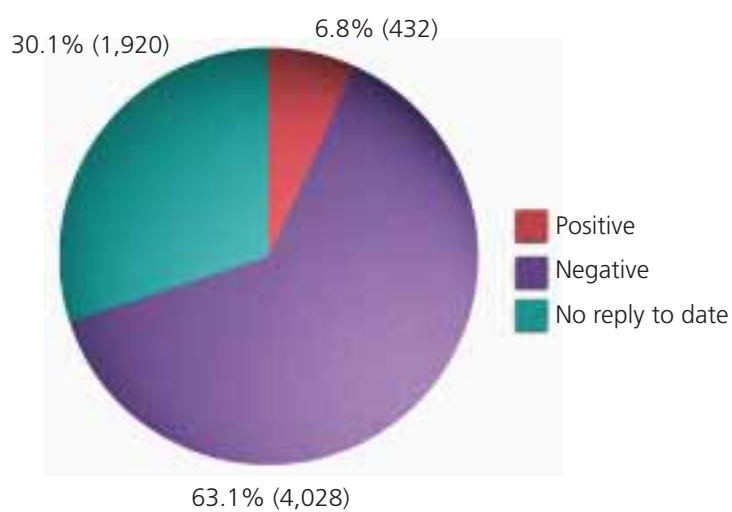
Art. 15 Requests to Convention Countries - 2002

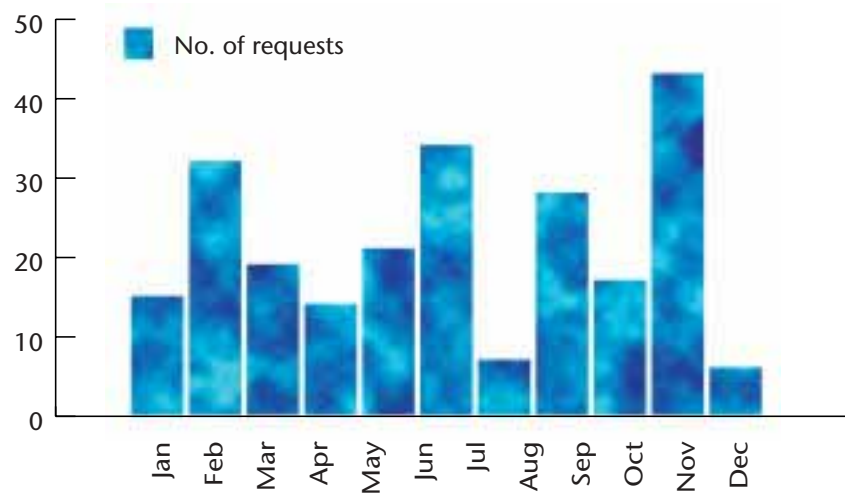


Art. 15 Requests to Convention Countries 2002

Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
Requests	327	353	302	532	512	382	379	238	393	1280	1221	461	6380

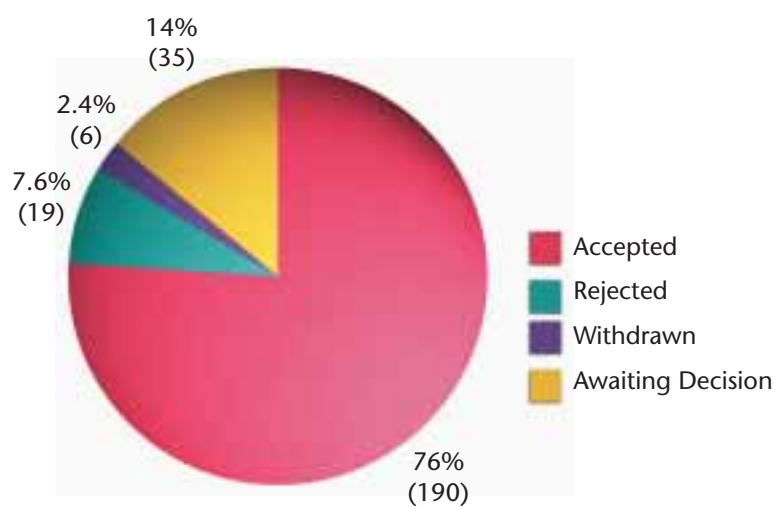
Replies to Art. 15's issued - 2002



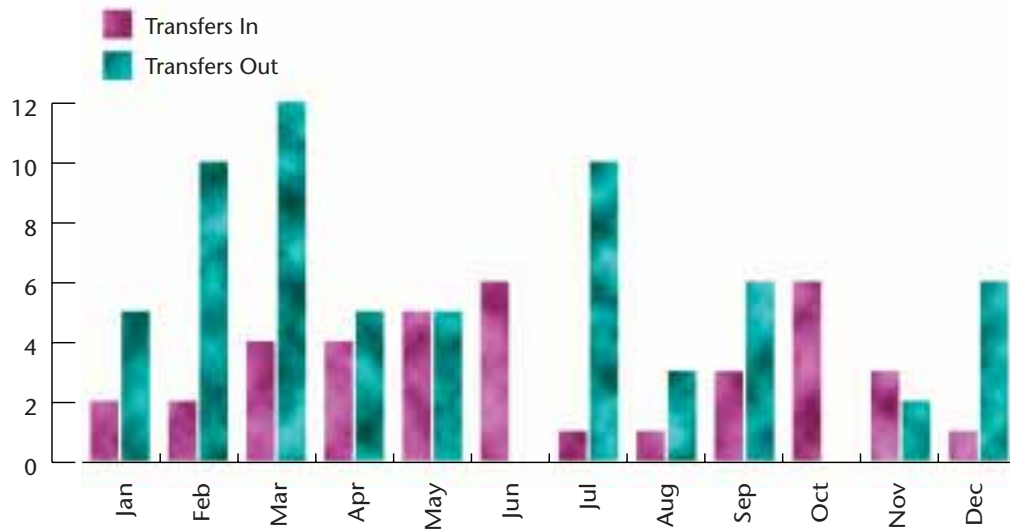
Formal Requests to Convention Countries - 2002

Formal Requests to Convention Countries - 2002

Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
Requests	15	32	19	14	21	14	34	7	28	17	43	6	250

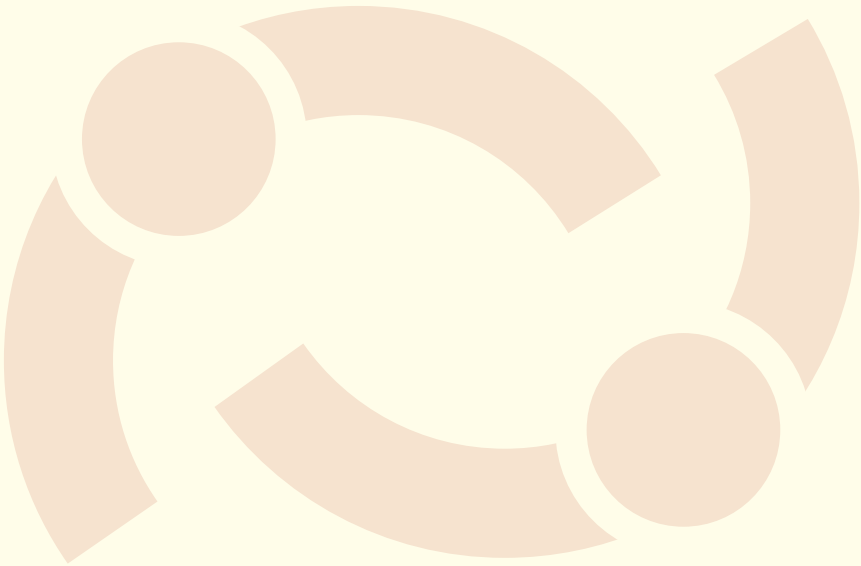
Replies to Formal Requests issued - 2002

Transfers under the Dublin Convention 2002



Transfers under the Dublin Convention 2002

Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
Transfers In	2	2	4	4	5	6	1	1	3	6	3	1	38
Transfers Out	5	10	12	5	5	–	10	3	6	–	2	6	64



Appendix 4

Financial Data

Profile of Non-Pay Expenditure for 1 January 2002 - 31 December 2002

Profile of Pay Expenditure for the Office of the Refugee Applications Commissioner: 1st January - 31st December 2002

The pay figure for the Office of the Refugee Applications Commissioner is amalgamated with the Refugee Integration Agency, the Refugee Appeals Tribunal, Ministerial Decisions, Immigration and Asylum Policy Units of the Department of Justice, Equality and Law Reform, under Subhead G of Justice Vote 19.

The outturn for pay for Subhead G for Department of Justice, Equality and Law Reform was €18,055,610.70*

Profile of Non-Pay Expenditure for the Office of the Refugee Applications Commissioner 1st January - 31st December 2002

Breakdown of Non Pay Expenditure: 1st January 2002 - 31st December 2002

Description	Amount
Exceptional Performance Award**	€200.00
Translation/Interpretation	€1,521,156.44
Legal Costs**	€26,500.43
Travel & Subsistence	€101,249.90
Training	€93,753.36
Office & Computer Equipment - Assets	€293,997.47
Equipment Supplies & Maintenance	€320,349.54
Office Premises Expenses	€1,221,853.73
Furniture & Fittings - Assets	€65,714.17
Miscellaneous	€80,242.59
Conference Expenses**	€8,286.68
Library & Legal Research**	€185.50
Total	€3,733,489.81*

*as provided by Finance Branch, Department of Justice, Equality and Law Reform

**These values are too small to represent on the pie chart below

