



Office of the
Refugee Applications Commissioner

Annual Report 2006



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Foreword by Refugee Applications Commissioner



I am pleased to introduce the sixth Annual Report of the Office of the Refugee Applications Commissioner.

This Annual Report reports on the delivery during 2006 on the goals and objectives contained in our *Strategy Statement 2004 - 2006*. It is the final report under this Strategy Statement.

During 2006 we continued to make significant progress in achieving the challenging goals and objectives set out in our Strategy Statement. Cases which are subject to a Ministerial Prioritisation Directive continued to be finalised within 17 to 20 days of application and all other cases, except approximately 10%, which are held up for medical or other compelling reasons are processed within approximately 8 to 10 weeks of initial application. However, due to a decrease in the number of case workers, the timeframe for processing these cases was slightly extended during the last quarter.

The application rate for 2006 was just 9 less than that for 2005. With reduced resources we kept pace with this intake and further reduced the cases on hand from 1,169 at the beginning of the year to 924 at year end. This represents just a little more than twice the monthly average application rate.

New regulations giving effect to the provisions of the EU Directive on minimum qualification standards were introduced in October. This however did not impact on the operations of the Office as the standards applied in the processing of applications already exceeded the minimum standards set out in the Regulations.

In accordance with the Government's Modernisation agenda we continued to make progress with commitments in our HR, Training and IT Strategies. The PMDS system is now integrated with HR policies and processes and a revised integrated model has been introduced incorporating upward feedback and the new rating system on staff performance. We have also introduced a pilot e-Working scheme and nine staff are participating.

During the year two developments took place to further the Strategic Management Initiative (SMI) process in the context of the full implementation of PMDS and the preparation for the introduction of our Modernisation and Action Plan under the *Towards 2016* agreement. All staff participated in off-site workshops which

concentrated on promoting a performance culture as well as embedding partnership in the workplace. Topics such as Team Working, Communications, Staff Morale, Use of IT and Work Practices and Procedures were analysed and discussed. We also examined ways to improve performance, encourage new ways of working and improve flexibility through partnership.

We have also been heavily involved with the development of the new Asylum and Immigration Strategic Integration Programme (AISIP). This aims to create a single IT infrastructure between the various agencies and divisions involved in the asylum and immigration process. As well as this we were involved with the development of the Automated Fingerprint Identification System (AFIS). This system when fully operational will provide a new digital process for the taking of fingerprints and will, *inter alia*, enhance their automatic transmission to EURODAC.

Quality customer service continued to be a focus of the Office during the year. New systems and procedures to help us deliver on commitments in our Customer Charter and Customer Service Action Plan were developed. Revised systems were put in place to ensure that all correspondence received was tracked and responded to within 6 to 10 working days in line with targets whilst a working group was set up to review the efficiency of operations of the Customer Services Centre (CSC). Our CSC commitments are now included in the Business Plans for all units and are subject to regular surveys and reports.

The Organisation continued to provide quality training and development opportunities for staff during 2006. Whilst the main focus was on Refugee Status Determination a wide variety of other developmental courses was also provided. A Learning Centre, which so far is generating lively interest, was also established as a self-learning training resource for staff.

Throughout the year, staff worked in a partnership way to deliver on a challenging agenda and ensure our targets were met. Their commitment and enthusiasm has enabled us to achieve current status in processing applications and maintain that status throughout the year. I want to especially acknowledge their efforts and the contribution they made to delivering on our objectives and to further progressing the Government's Modernisation Agenda.

I look forward to working together with the staff in continuing to deliver on our goals and objectives and to provide a quality service to our customers.

Berenice O'Neill
Commissioner

The mission statement of the Office of the Refugee Applications Commissioner in accordance with the Refugee Act, 1996 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,*

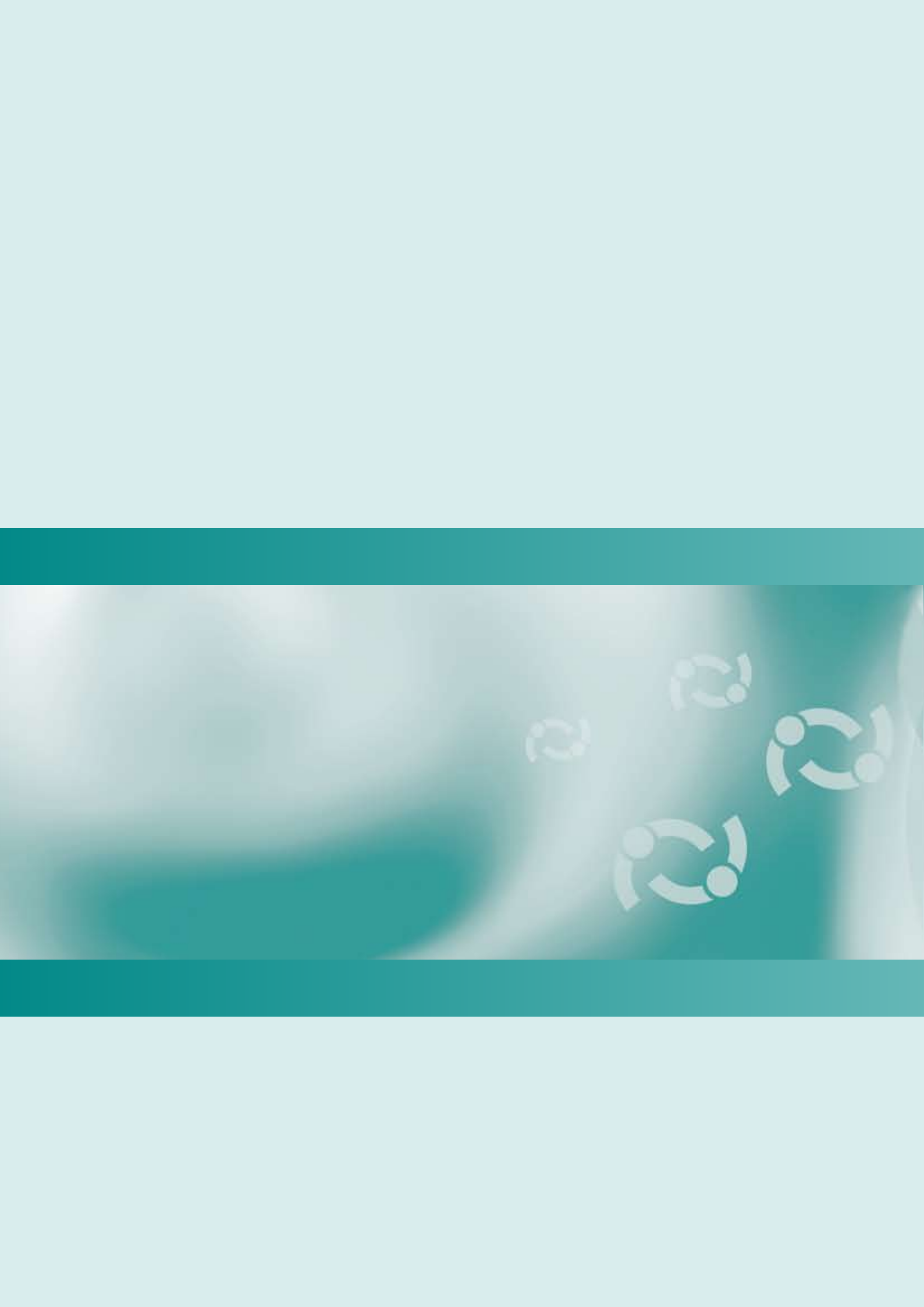
and in so doing, to provide a high quality service to our customers through the implementation of policies and procedures which are fair and open, treating all applicants with courtesy and sensitivity.

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 provides the foundation for the international system of protection of refugees.

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...".



1

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 which considers applications for a declaration at appeal stage.¹

The statutory functions of the Refugee Applications Commissioner are set out in the Refugee Act, 1996 (as amended) by the Immigration Act, 1999, the Illegal Immigrants (Trafficking) Act, 2000 and the Immigration Act, 2003. Throughout this report, the term "Refugee Act, 1996" means the "Refugee Act, 1996 (as amended)".

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. 415 of 2003 - Immigration Act, 2003 (Section 7) (Commencement) Order, 2003.
- S.I. No. 422 of 2003 - Refugee Act, 1996 (Safe Countries of Origin) Order, 2003.
- S.I. No. 423 of 2003 - Refugee Act, 1996 (Section 22) Order, 2003.
- S.I. No. 714 of 2004 - Refugee Act, 1996 (Safe Countries of Origin) Order, 2004.
- S.I. No. 518 of 2006 - European Communities (Eligibility for Protection) Regulations 2006.

Functions 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 which are of a statutory and non-statutory nature. The key statutory responsibilities are:

- to investigate applications from those who seek a declaration for 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.

Under the Act it is also the Commissioner's responsibility to:

- issue Temporary Residence Certificates to asylum seekers
- comply with any Ministerial directives concerning the prioritisation of certain categories of applicant
- direct the presentation of the Commissioner's case to the Refugee Appeals Tribunal where recommendations made by the Commissioner are appealed to the Tribunal
- furnish to the UNHCR, as well as relevant Government agencies, information as provided for in legislation
- refer unaccompanied minors to the Health Service Executive in line with section 8(5) of the Refugee Act.

While ultimately responsible for fulfilling these statutory functions under the Act, the Commissioner may delegate these functions to any member of her staff.

The 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 and on procedures and standards of work

¹ A detailed description of the asylum process is available on ORAC's website (www.orac.ie).

- ensuring that adequate information on countries of origin of asylum seekers and international jurisprudence and practice in the area of asylum is available to staff
- participating in international fora on asylum related matters
- management of staff performance and training and development
- dealing with press queries
- preparation and management of the budget and Business Plan for the organisation.

Key Values of the Office

The key values that guide the work of the Office are:

- **Independence** - Independence of process and decision-making.
- **Fairness** - Fair procedures which are notified to asylum seekers.
- **Firmness** - Firmness in implementing statutory obligations.
- **Serving the key stakeholders** - Commitment to service to applicants 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.
- **Commitment to excellence** - Performing work to a standard that will ensure high quality and timely outputs.
- **Openness** - Communicating with asylum seekers, the Minister for Justice, Equality and Law Reform, UNHCR, Non-Governmental Organisations and the public in a way which will instil confidence in the operation of the Office.
- **Efficiency in use of resources** - Ensuring efficiency in the use of available resources without compromising quality.

Funding and Staffing for the Office

Funding for the Office of the Refugee Applications Commissioner is provided by the State through the Department of Justice, Equality and Law Reform.

The Act provides that "members of the staff of the Commissioner shall be Civil Servants within the meaning of the Civil Service Regulation Act, 1956."

The Act also provides that "The Commissioner may delegate to any members of the staff of the Commissioner any of his or her functions under this Act save those conferred by Section 7".

All staff other than Services staff are designated authorised officers on appointment.

Organisational Management Structure

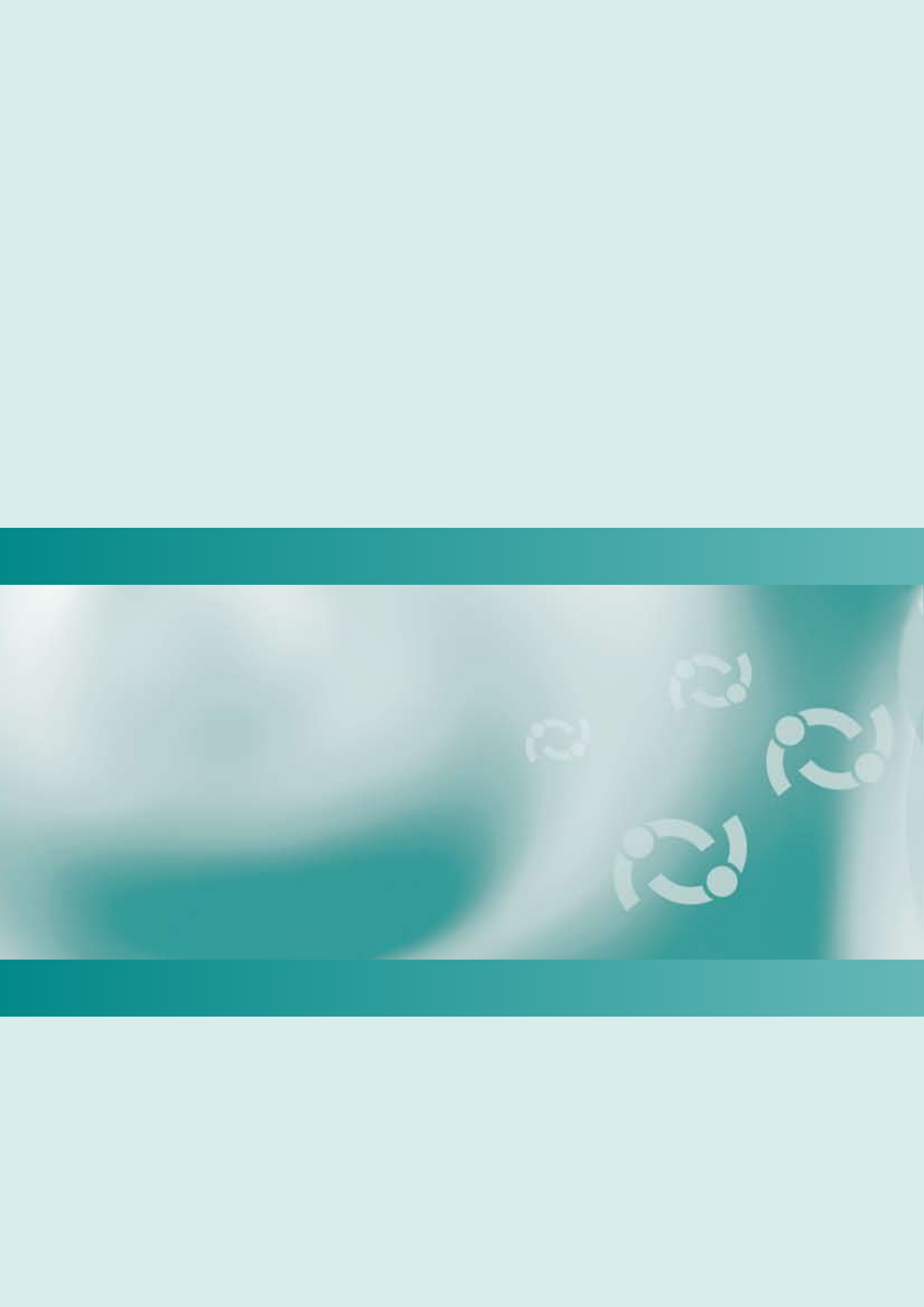
At the end of 2006 there were 212 staff in the Office. Taking worksharing arrangements into consideration this represents 196 posts. An organisation chart is attached at Appendix 1.

Reporting Requirements

The reporting requirements for the Commissioner - as set out in the Act - 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.

(The Office of the Refugee Applications Commissioner (ORAC) receives an annual allocation of funds for which the Secretary General of the Department of Justice, Equality and Law Reform is the Accounting Officer and the accounts of ORAC are included in the annual Departmental accounts.)



2

Key Developments in 2006



Processing of Applications

- In 2006, a total of 4,314 applications for refugee status was received. The monthly average was 360, peaking in March at 438. The total number of applications received, although broadly in line with 2005, reflects a continuing decrease in the annual totals from a peak of 11,634 in 2002.
- Significant progress was made in the processing of applications and we reached a current status early in the year with the elimination of all backlog cases. This status was maintained throughout the year.
- Applications that were the subject of a Ministerial Prioritisation Directive were processed in the main within 17 to 20 working days from the date of application. This was the same timeline as that achieved during 2005 despite a fall of 21 in the number of posts filled (217 at the end of 2005; 196 at the end of 2006). Almost 32% of all applications received in 2006 were from prioritised countries as designated by Ministerial Directive.
- The number of determinations under the Dublin II Regulation continued to rise during 2006. There were 540 determinations, an increase of just over 23% on the 2005 determination level of 439. However, despite the upward trend in determinations, processing times for routine cases has been reduced from an average of 75 working days at the start of the year to 27 working days by the year end.
- 483 applications for Family Reunification were received in 2006. A review of the Family Reunification Unit procedures was undertaken in midyear. The processing times from receipt of the file from the Department of Justice, Equality and Law Reform to the issue of the Section 18 report were reduced from 9 months in early 2006 to 2.5 months by the end of the year. Much of the current delay is attributed to awaiting the return of questionnaires from applicants.
- There was a notable increase in the number of Judicial Review (JR) applications received compared to previous years. 233 JRs were received - an increase of 73% on the 2005 level of 135 with almost half coming from one firm of solicitors. Despite the increased workload the unit is working on a current basis.
- To facilitate focused and effective substantive interviews a pre-interview research system was

consolidated in the Case Processing area during 2006. Cases are profiled and relevant Country of Origin information identified as part of the pre-interview preparation process. The system involves the careful analysis of applicants' claims, profiling their country of origin and examining their stated grounds for claiming refugee status in advance of their interview. A COI Monthly Monitoring Report provides an ongoing profile of current case types which are identified from applicants' initial applications.

- Two pilot projects - one on the use of Laptops and the other on the use of Digimemos - commenced during 2006 to determine their suitability for notetaking at substantive interviews of asylum applicants. Laptops proved to be the most successful and a number of staff now use them to take interview notes. It is envisaged that their use will be extended to most caseworkers in 2007.

Human Resources/Training Developments

- The next phase of the Performance Management and Development System (PMDS) which incorporates upward feedback was put in place during the year. The PMDS system is also now integrated with HR policies and processes and this revised integrated model was introduced in 2006.
- The range of Worklife Balance schemes available to staff was further expanded by the introduction of a pilot E-Working Scheme. A number of staff availed of this opportunity and the operation of the scheme will be reviewed in 2007.
- A comprehensive *Staff Guide to HR related matters* was finalised and issued to all staff. The guide was produced by the HR Unit and provides staff with general information on, *inter alia*, conditions of service, opportunities for development and support services.
- There was international recognition of the quality of training in ORAC when a member of the ORAC training team was asked to facilitate some modules of the General Directors' Immigrations Services Conference (GDISC) in Madrid in June dealing with the development of a European Asylum Curriculum for refugee status determination training throughout Member States.

- At the end of December there were 31 posts vacant within the Organisation. During 2006 we diverted a total of 30 other posts to the Department of Justice, Equality and Law Reform bringing the total number of posts diverted since ORAC was established to 87.

Customer Service Developments

- A review was carried out of the Customer Charter and Customer Service Action Plan. An analysis of the results will be carried out in 2007.
- A Customer Survey was also carried out in the Reception Unit during 2006 to assess the quality of information and services provided to applicants. The result was very positive including the response that 98% of those surveyed stated that they found staff very helpful or helpful. These surveys enable the ORAC to evaluate and review the quality of its customer service and to inform the development of policies and procedures in the area.
- Revised systems were put in place to ensure that all correspondence received was tracked and acknowledged within 3 working days in line with targets in the Customer Service Action Plan. On average, a full reply issued within 6 to 10 working days.
- A working group was set up to review the efficiency of operations of the Customer Services Centre (CSC) and how it interacted with other units of ORAC. Following the review, enhanced procedures were adopted in relation to its liaising with other units. Roles and responsibilities of staff in the area were changed as a result of this and other business plan objectives.
- The Customer Services Centre developed FAQs to facilitate the provision of information to customers who contact the ORAC by telephone.
- A review of the ORAC's Customer Complaints Procedures was commenced at the end of the year. An analysis of the results will feed into the revision of the procedures.
- ORAC's Customer Service Liaison Panel provides a forum for consulting with non-governmental organisations (NGOs) on a wide range of issues and for providing information to the NGOs. As well as formal plenary meetings they were also consulted on a number of occasions on various issues throughout the year.

- All applicants who are the subject of a fingerprint match on EURODAC receive a notice of the result on the date of their application in ORAC.

Partnership

- Partnership continued to play an important role in the Organisation and the fourth annual partnership committee was formed in September.
- Our *Towards 2016 Modernisation and Action Plan* was prepared. This action plan covers the period up to September 2008 and sets out our agenda - in the form of agreed actions, timelines and performance indicators - for modernisation, flexibility and co-operation with ongoing change in the Organisation over that period.
- During the year two developments took place to further the Strategic Management Initiative (SMI) process in the context of the full implementation of PMDS and preparation for *Towards 2016*. All staff participated in off-site workshops dealing with promoting a performance culture and embedding partnership in the workplace.
- A staff suggestion scheme was organised which gave staff the opportunity to put forward ideas which would be of benefit to the Organisation. Two awards were made under this initiative during the year and these suggestions are currently being implemented. The scheme will be reviewed in 2007.

Information Technology

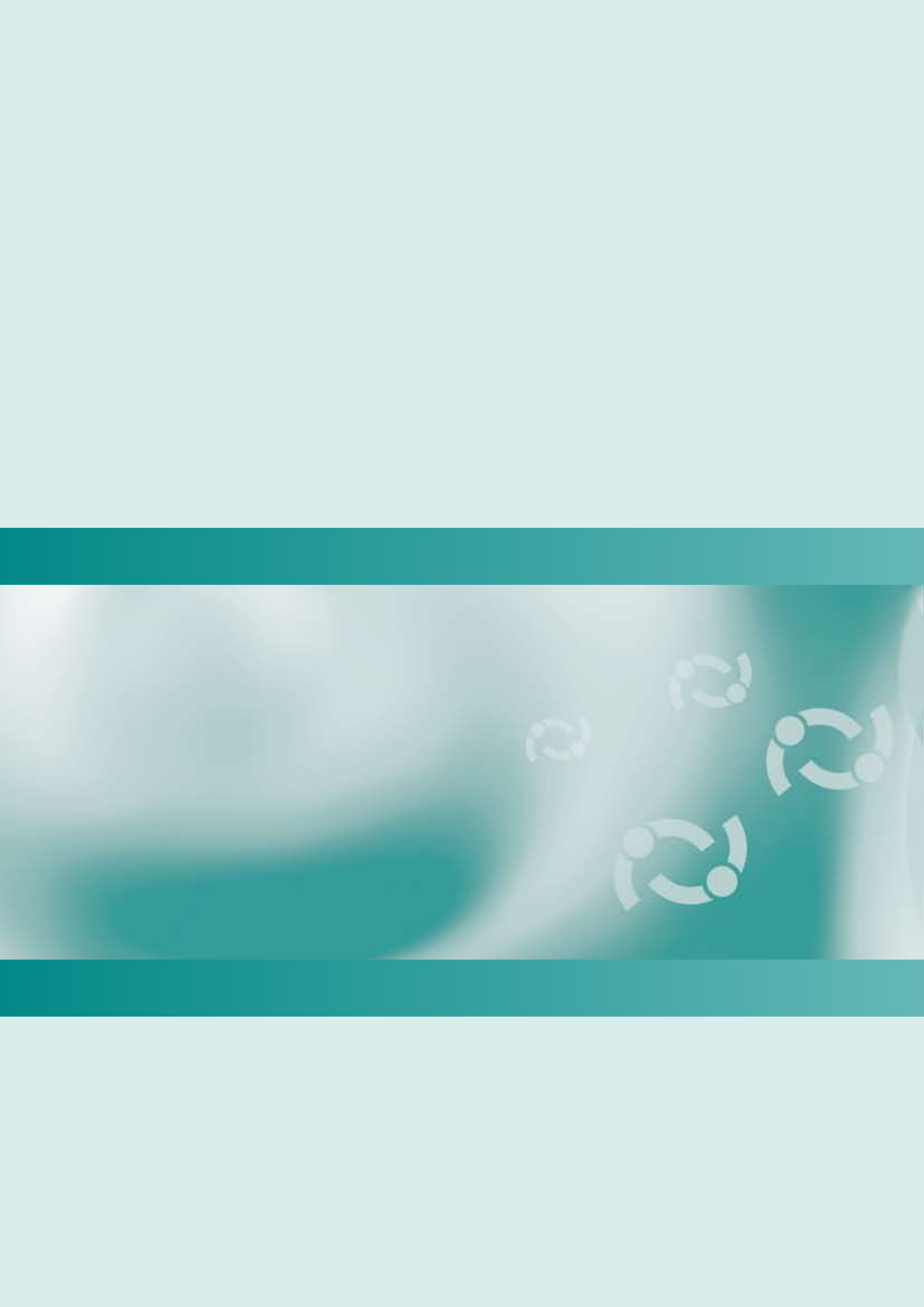
- ORAC played a key role in developing the Asylum and Immigration Strategic Integration Programme (AISIP). The culmination of our involvement was the signing of the contract in December to implement the final phase. This project aims to create a single IT infrastructure between the various agencies and divisions involved in the asylum and immigration process. This will facilitate an integrated approach to Case Management, Accommodation Management, Country of Origin Information and File Tracking.

- ORAC continued to be represented on the Project Board and Evaluation Team as well as providing other necessary support for the Automated Fingerprint Identification System (AFIS). It is due to change from a manual to an electronic system and the contract to develop it was signed during the year. This system will be enhanced by the automated transmission of fingerprints to the central Garda fingerprint database and to EURODAC.
- A new Helpdesk was developed specifically for statistical queries during 2006. This facilitates easy logging, tracking and responses to requests and queries which can be emailed directly to the database.
- The ORAC website was completely redesigned and updated during the year. This user-friendly website provides comprehensive up-to-date information to customers on the Organisation and on the asylum process.

Corporate Developments

- Work commenced on the preparation of ORACs next Strategy Statement for the period 2007 - 2009.
- Risk Management and Risk Assessment were a key feature in our business planning in 2006. The Risk Register was continually monitored and kept under review throughout the year.
- To ensure we are fully compliant with the provisions of the Disability Act 2005, ORAC, in consultation with the National Disability Authority
 - prepared a Report and Action Plan in relation to access to its services and information and also
 - prepared a plan to implement the recommendations contained in the access audit of our buildings conducted in 2005.





3

Progress on 2004-2006

Strategy Statement High Level Goals



High Level Goal 1

To investigate applications for refugee status and for family reunification within minimum time frames.

Strategy Statement 2004-2006 Objectives

- *To achieve optimum productivity in processing applications for a declaration for refugee status and for family reunification, within minimum time frames and in the order of priority designated by the Minister for Justice, Equality and Law Reform.*
- *Address fully and effectively amendments to the Refugee Act.*

Progress on goal and objectives in 2006

- There were 1,169 cases on hand at the beginning of 2006. The processing of applications reached a current status early in the year. 4,314 applications were received during 2006 which was a marginal decrease on the 4,323 received in 2005. By the end of 2006 there were 924 cases on hands. Except for cases that could not be processed for medical or other compelling reasons all other cases were scheduled for interview or awaiting decision. 79% of applications received during 2006 were completed by the end of the year.
- In 2006, almost 32% of all applications were processed under the Ministerial Prioritisation Directive which was introduced by legislation in September 2003. Virtually all prioritised applications (except for cases that cannot be processed for medical and/or other compelling reasons) were scheduled for interview within 9 to 12 working days from the date of application and completed within a further 5 to 8 working days, thus making a total processing time of 17 to 20 working days.
- All other cases are allocated interview dates on the date of their application (except for cases that cannot be processed for medical and/or other

compelling reasons). Interview dates were generally scheduled 25 working days from the date of their application and completed within a further 20 to 25 working days making a total processing time of 8 to 10 weeks. However, due to a decrease in the number of case workers, the timeframe for processing these cases was expanded slightly for the last three months of the year.

- ORAC also prioritises asylum applications received from people in detention. These applications are generally scheduled for interview within 9 to 12 working days from the date of application and completed within a further 5 to 8 working days, giving a total processing time of between 17 to 20 working days. During 2006, some 243 applications were received from detainees constituting over 5% of all applications. ORAC continually liaised with the Irish Prison Service (IPS) and the Garda National Immigration Bureau (GNIB) to ensure the efficient processing of these applications.
- ORAC provided interpretation and translation services in almost 80 different languages as requested by applicants. During 2006, more effective and efficient systems and procedures were further developed with the service providers to ensure interpreter attendance at the required times. Lack of interpreter availability in some languages can be a difficulty. This affects the timely processing of some cases as it can lead to the adjournment of substantive interviews.
- The diversity of the caseload continued to be a challenge with applicants coming from over 90 different countries. Cases continued to be more complex with some requiring more than one substantive interview. Multiple grounds were frequently claimed. The profile of applicants showed that, in the main, there continued to be a small number applying from each country. Whilst applications were received from 91 countries overall only 44 countries had more than 10 applicants each. Of the applications outstanding at the end of the year there were only 22 countries with more than 10 applicants each. The top five applicant countries for 2006 were Nigeria, Sudan, Romania, Iraq and Iran.
- Refugee Status Determination Training continued to be adapted and rolled out to staff during the year to take account of the diversity of the caseload. Work

practices were further developed at the outset of 2006 to make for more effective and focused interviews as well as providing more case worker support.

- Due to the diversity of our caseload, it is not now possible for caseworkers to specialise in a small number of countries as before. As a consequence, there was a need to put greater emphasis on providing more central support to interviewers and decision makers. Emphasis was placed on pre-interview preparation, up to date Country of Origin information (COI) and Refugee Status Determination (RSD) information relevant to the case type of individual applicants. This assists caseworkers in conducting focused interviews particularly where application questionnaires are returned incomplete and/or provide limited information.
- New Regulations were introduced in October 2006 to give effect in Irish law to the EU Directive governing minimum standards for determining refugee status and also subsidiary protection. The legislation had little impact on the business of ORAC as its determination processes already exceed the minimum standards prescribed by these Regulations. Applications for subsidiary protection are not a matter for this Office. They are currently being processed, at a later stage, by the Irish Naturalisation and Immigration Service (INIS). ORAC modified information leaflets and notified applicants in relation to the legislative changes. In addition, briefings were provided to staff to ensure that they were fully aware of the provisions of the new legislation.
- In 2006 the number of cases dealt with under the Dublin II Regulation - an EU wide system for determining which country is responsible for processing applications - continued to rise, increasing by 23% on the 2005 figure.

A total of 540 determinations were made under the Dublin II Regulation in 2006. This is a 128% increase since the introduction of EURODAC and the Dublin II Regulation in 2003.

Simultaneously, Ireland received a total of 137 Dublin II Regulation requests from other Member States to process asylum claims in this country. The introduction of EURODAC and the Dublin II Regulation has had little or no impact on incoming requests.

- The Dublin Unit reviewed its procedures and realigned resources to ensure the speedy processing of cases. By the end of the year the time taken to process a routine case under the Dublin II Regulation had fallen to 27 working days from 75 working days earlier in the year. However, more complicated cases take longer particularly when a number of countries are involved.
- Since July 2006, in a further development of ORACs Dublin II procedures, all applicants who are the subject of a fingerprint match on EURODAC receive a notice in writing to this effect and, where possible, in their own language. This Notice is given to applicants following the completion of their initial application (Section 8 interview). In addition, applicants legal representatives are given a copy of the applicants file, including EURODAC details, in advance of any final Dublin II Regulation determination being made in the case.
- Procedures continued to be developed within the Family Reunification Unit to ensure applications were investigated in a timely manner in line with the provisions of the Refugee Act. All files received in the Unit in 2005 were completed and by the end of 2006 processing reached a current status with all backlogs eliminated. ORAC received 483 applications for Family Reunification in 2006, a decrease of 13% on the 2005 total. During the year 679 applications were processed to completion - a 77% increase on the 2005 total.
- The maintenance of tight deadlines for the movement and copying of files is a significant part of the processing of applications. During the year, work procedures were enhanced and streamlined through quality assurance proofing systems to ensure a consistently high quality file copying and registry service.
- Two pilot projects commenced during 2006 to determine the suitability of Laptops and Digimemos for use at the substantive interviews of asylum applicants. Following a comparison of the two different technologies laptops were found to be the most efficient and resource saving option. They have already been introduced for a number of staff. Further preparations will be made (by upskilling staff on keyboard skills) to extend their use throughout the case processing units during 2007.

High Level Goal 2

To develop the highest standard of investigation and decision-making.

Strategy Statement 2004-2006 Objectives

- *To achieve a consistently high quality in the investigation of applications.*
- *To achieve a consistently high quality of decision-making.*
- *To have in place procedures which are fair and open.*

Progress on goal and objectives in 2006

- During 2006, ORAC further developed existing Quality Assurance systems in all units to ensure the highest standards in investigation and decision making in relation to the determination of refugee status. In this regard, existing practices and procedures were reviewed and updated. New quality assurance systems were introduced in a number of areas. These systems involve individual checks being conducted at various stages of the asylum process to ensure consistency and quality in decision making. A feedback mechanism also ensures that ORAC decision and policy makers are made aware of the issues arising in Judicial Review challenges and also the outcomes of such cases when heard.
- A pre-interview research system was further developed and consolidated during 2006. Cases are profiled as part of the pre-interview preparation process. The system involves the careful analysis of applicants claims, profiling their country of origin, preparing appropriate COI material relevant to their case and examining their stated grounds in advance of the substantive interview. One of the objectives of this system is to ensure transparency and fairness in the interviewing process. This means that interviewers are well prepared to carry

out a more focused and robust interview and are in a better position to elicit relevant information from applicants. This system allows the applicants every opportunity to comment and make their observations in relation to conclusions that may be made in the refugee determination process.

- ORAC regularly liaised with the UNHCR during the year with the objective of continually improving practices and procedures to lead to fair, robust and quality decision making. In addition, a framework in relation to medico-legal reports was developed by UNHCR in conjunction with ORAC, RAT, RLS and SPIRASI. These reports will facilitate the refugee status determination process in relation to applicants who claim to be victims of torture and abuse as well as provide a uniform approach and common understanding between the different agencies.
- The provision of a quality interpretation service as well as the translation of documents is a key feature of an open and fair system. It allows applicants to explain their case fully at all stages of the asylum process. The contracts for both these services were renewed during the year.

There were almost 100 countries in our caseload and translations and interpretations were provided in 76 languages. In addition, it was necessary in a number of cases to bring interpreters from abroad and/or to use telephonic interpretation.
- A Quality Assurance Review Group made up of representatives from Case Processing and Case Processing support units met to review case processing procedures. The group's findings and recommendations were fed back to case processing management and into the ORACs refugee status determination training programmes which, together with inter unit feedback mechanisms, helped identify case processing training needs. ORAC also examined High Court and Refugee Appeals Tribunal decisions to determine and inform any necessary modifications to our policies and procedures.
- To ensure ongoing quality decisions we developed a training strategy document setting out short and long term training objectives. The training programme delivered during the year to staff involved in the investigation and determination of claims included:

- Refugee Status Determination (RSD) Training, Casework Specific Induction and Country of Origin Research Training for new caseworkers and decision-makers;
 - Interagency unaccompanied minor and separated children training facilitated by the UNHCR;
 - Briefings in relation to the new regulations governing minimum standards for determining refugee status and subsidiary protection.
- In recognition of certain vulnerable groups with special needs in the asylum process, measures and systems were further developed to deal with applications from such groups. Specialised inter agency training was provided by the UNHCR to a number of caseworkers. This helped them deal with and process unaccompanied and separated children claiming asylum in an effective and fair manner. All of the agencies involved with unaccompanied minors and separated children participated in this training.
 - Quality up-to-date and accurate Country of Origin information (COI) is a central tenet of investigation and decision making and contributes to quality decision making. During 2006, ORAC continued to develop, modify and update its COI data in order to ensure that up to date and reputable information was available to address issues with applicants at their substantive interview and afterwards in the decision making process.

All ORAC decision makers have ready access to up-to-date COI sources such as the Refugee Documentation Centre (RDC) database and library, UNHCR Protection Information Section's *Refworld* package, the European Country of Origin Network at ECOI.net and to other reputable COI sources. The RDC also conducts COI research for ORAC.
 - A COI Monthly Monitoring Report was compiled to provide ongoing profiling of current case types which are identified from applicants' application forms. This provides effective current management information on the types of claims, trends and refugee generating countries. These reports also facilitate the pre-interview research process, the questions that need to be addressed with the applicants at their substantive interviews and identify any further research required.
- During 2006, ORAC kept abreast of international best practice by participating in working groups of the InterGovernmental Consultations on Asylum and Immigration matters (IGC) and the European Union Network for asylum practitioners (Eurasil). ORAC also participated actively at meetings of the Dublin II Committee which meets under the auspices of the European Commission.
 - There was close liaison with the Refugee Documentation Centre (RDC) in 2006 and, to ensure our needs were met in full, we were represented on the RDC Steering Committee. The COI and Query databases of the RDC are now available to all ORAC case workers.
 - At the beginning of 2006 there were 79 unresolved judicial review applications challenging ORAC processes and procedures. A further 233 were initiated during the year - an increase of 73% on the 135 taken in 2005. Almost half of the 2006 total was submitted by one firm of solicitors. The increase reflects a general increase in applications for judicial review in the asylum and immigration areas. In spite of the 'substantial grounds' requirement for leave to take a judicial review under Section 5.2 of the Illegal Immigrants (Trafficking) Act 2000, leave was rarely refused.
 - 63 judicial review (JR) applications were finalised in 2006. A total of 249 cases were awaiting judgments of the High Court at the end of the year. The main JR challenges during the year centred on claims that:
 - Children's applications should be treated separately from those of their parents;
 - Children born in Ireland should not be treated as nationals of parents' country of origin for the purpose of their asylum claim;
 - Country of Origin Information and credibility issues were not put to applicants during S.11 interview.
 - Where we are satisfied that there has been an error or omission which might in fact have had a bearing on the outcome of an investigation a judicial review application will not be contested in the interests of fairness and speed. In such cases, the policy of the Office is to reach a mutually agreeable settlement without delay.

- There were some notable judgments in relation to Judicial Reviews affecting ORAC in 2006.
 - The B Judgment decided that the Refugee Applications Commissioner did not have the power to suspend the investigation of Iraqi applications during the Iraq war until the situation stabilised.
 - The R Judgment decided that any recommendation of the Refugee Applications Commissioner was superseded by a decision of the Refugee Appeals Tribunal (RAT). Consequently, it is not possible to judicially review an ORAC recommendation after the RAT has made a decision on the application.
 - The H Judgment decided that the method used by ORAC to record a substantive interview complied with fair procedures. It also found that an applicant does not have an automatic right to electronically record their Section 11 interview.

High Level Goal 3

To contribute to the preservation of the integrity of the asylum process.

Strategy Statement 2004-2006 objectives

- *To identify as quickly as possible, in a firm and fair manner, those applicants who come within the definition of refugee contained in section 2 of the Refugee Act, 1996.*
- *To detect and minimise abuse of the asylum process.*
- *To represent the Commissioner at appeal hearings at the Refugee Appeals Tribunal.*

Progress on goal and objectives in 2006

- During 2006 ORAC maintained the accelerated processing times achieved in 2005 in relation to applications which came under the prioritised directive. All other cases were processed within minimum time frames. However towards the end of the year due to a decrease in the number of caseworkers the timeframe for processing these cases was extended.
- Applicants who failed to co-operate or failed to attend their substantive interview and/or failed to provide information relevant to their asylum application were deemed to have their application withdrawn within 4 working days from the date of their substantive interview (except where reasonable cause was shown for not attending for interview and/or not co-operating with the asylum process). In 2006, there were 490 such cases out of a total of 4,244 asylum recommendations made during the year.

- A number of applicants who did not merit international protection and/or refugee status were identified in accordance with the provisions of the Refugee Act. These included cases where there were serious grounds to suspect that applicants may have been guilty of serious crimes such as crimes against humanity, war crimes and/or serious non political crimes prior to their arrival in this State. These provisions are regarded as “exclusion clause” cases.

Case workers and Presenting officers have received guidance on the procedures to be followed in identifying these cases and how to apply the exclusion clause in the recommendations in their reports to the Minister for Justice, Equality and Law Reform and at oral hearings at the Refugee Appeals Tribunal.

- A pilot language analysis project was initiated in 2005. The aim of the project was to assess the effectiveness of language analysis in corroborating an applicant’s claimed nationality and language community. The value of a language analysis tool in the refugee status determination process was evaluated in 2006. It was decided that language analysis can occasionally assist caseworkers with applications where uncertainty about the nationality of an applicant is central to the decision and when the analysis is combined with the other elements of the investigation.
- The use of the EURODAC system to make comparisons of applicants’ fingerprints with those stored centrally in Luxembourg has greatly assisted in detecting abuse of the asylum process by identifying applicants who have previously applied in other countries. The year on year increase in the level of determinations under the Dublin II Regulation from 2003 to 2006 - as set out in the report of progress under High Level Goal 1 - is a clear demonstration of the benefits of the EURODAC system.
- With effect from 1 January 2006 in line with the Refugee Act, 1996, responsibility for maintaining a record of fingerprints passed from the Refugee Applications Commissioner to the Commissioner of An Garda Síochána.

- Where ORAC had concerns about the authenticity of identity documents submitted by an applicant they were referred to the Garda Technical Bureau for examination. In a number of cases the Bureau was able to confirm that documents did not have the required security features and/or confirmed suspicions regarding tampering.
- The Refugee Applications Commissioner was represented by Presenting Officers at 1,833 hearings of the Refugee Appeals Tribunal.
- The Refugee Appeals Tribunal made a number of requests for further information under section 16(6) of the Refugee Act and also observations on grounds of appeal under section 16(7). Generally, such requests were dealt with within 10 working days.

High Level Goal 4

To efficiently and effectively manage our organisation and its resources having particular regard to the development of our staff and the delivery of excellent customer services.

Strategy Statement 2004-2006 Objectives

- *Develop our strategic, business planning and individual performance planning frameworks to support optimum performance by the organisation.*
- *Manage human resources to meet the business needs of the organisation and the development needs of staff.*
- *Achieve high quality customer service delivery.*
- *Maximise use of information technology.*
- *Maximise efficient use of financial resources.*

Progress on goals and objectives in 2006

Business Planning

- In 2006, Business Plans were prepared by all units at the beginning of the year. These Business Plans placed a strong emphasis on maintaining a current status and the prompt and efficient processing of asylum applications, Dublin II Regulation Cases and applications in relation to family reunification. Another feature of the business planning process is the risk management assessment and putting in place the necessary mitigations and contingency plans to lessen the impact of risks should they occur. The early identification of potential organisational risks is now a well established feature of ORAC's Business Planning.

- The Quality Assurance Risk Assessment Management Group which was established in 2004, continues to meet twice yearly in May and October. The role of this group is to conduct a detailed review of our Quality Assurance practices and systems, as well as issues in relation to the internal customer service and Organisational Risks. Following these reviews, action is promptly taken in relation to the recommendations made by the Group. This can result in the modification of practices and procedures and mitigations being put in place to limit and avert the full impact of the identified risks should they occur. As a result of the meetings in 2006 a permanent Quality Assurance unit was established. The remit is to further develop and perfect the QA systems in the Organisation. In addition, measures were put in place to limit the impact of identified organisational risks.
- Performance Management Development Systems (PMDS) and the full integration of PMDS with the HR policies and processes was fully implemented in 2006. PMDS training was rolled out to all staff during the year. In this regard, significant focus was placed on the links between ORACs strategic plans, Business Plans and individual Role Profile Forms.

Partnership

- The Partnership process which was established in ORAC in 2003 is now well embedded in the Organisation and continues to play a pivotal role in delivering the changes and modernisation envisaged in the *Sustaining Progress* and *Towards 2016* frameworks. A new Partnership committee is set up each year with representatives of staff, unions and management. This year saw the establishment of the fourth such committee in September. During the year work was progressed on a number of issues including:
 - Mainstreaming Partnership as a means of doing business.
 - Review of Internal Communications Strategy and development of an External Communications Strategy.
 - Review and agree Organisation Climate Survey Action Plan.
 - Establishment of an Equality Committee arising from the recommendations of the Equality Working Group.

- Setup of an ORAC Restructuring Committee to evaluate staff proposals as to how ORAC should develop in the light of processing cases on a current basis.
 - Development of a Code of Practice to implement the Disability Act.
 - Set up a working group to run fundraising projects in aid of local communities.
 - The committee also provided observations on ORAC corporate documents.
- A number of initiatives were developed and progressed during 2006 to further embed Partnership in ORAC. These initiatives included workplace learning, promoting diversity and work life balance and managing change in a partnership way by building the capabilities of managers, staff and trade unions to proactively introduce and manage change as well as tackling challenges.

Human Resources/Training

- The implementation of the Human Resource and the Training & Development Strategies (2005-2008) continued and a wide range of commitments were finalised or progressed. The main points are outlined below. Progress on implementation under the Strategies is monitored and reported on in monthly reports on the Business Plan and also in the Annual Report. In addition, the first progress report on the HR Strategy was completed and circulated to the Partnership Committee and all staff in early 2006.
 - The staffing resources of the Office were kept under continuous review at both Unit and organisational level and reallocation and reorganisation of resources took place internally on a number of occasions to meet changing business needs. In addition, the Organisation diverted a total of thirty posts to the Department of Justice, Equality and Law Reform during the year bringing the overall number of posts diverted since ORAC was established to 87.
 - The staffing complement in the Presenting Unit was reduced in line with the number of Appeal hearings which were scheduled by the Refugee Appeals Tribunal during 2006. Some Presenting Officers were engaged, on a temporary basis, to assist in tackling backlogs in relation to Section 13 Reports and Judicial reviews.
- ORAC hosted a work placement student from University College, Cork as an intern for 14 weeks between April and September.
 - A pilot scheme for E-Working was drawn up and, following consultation with the Partnership Committee, it was advertised to staff in the first quarter of 2006. Eleven applications were approved and training was provided to participants. Nine staff are currently E-Working in the Organisation. The pilot scheme will be reviewed after nine months of operation.
 - A comprehensive *Staff Guide on HR related matters* was finalised and issued to all staff. This guide was produced in-house by the HR Unit and provides staff with general information on conditions of service, opportunities for development, support services etc. The Guide was well received by staff.
 - A Learning Centre was established as a self-learning training resource for staff. This contains a range of books on relevant topics which are mainly linked to the PMDS competencies, some material on life skills and also a variety of language training CDs. This resource has been advertised to staff and the uptake is very positive.
 - As a follow up to the Climate Survey of the Organisation conducted in 2005, an Organisational Action Plan was completed and approved by the Partnership Committee. This was circulated to all staff and work is continuing in implementing the commitments contained in the Plan.
 - The provision of lunch and learn sessions for staff continued in 2006 with talks on topics such as Parliamentary Questions (PQs), the Affordable Housing Scheme, Depression, Coping with Bereavement/Grief, Wills and Money Management. Lunchtime talks were also arranged to mark "Intercultural Week" in March. These included talks from Akidwa (Sisters from Africa) and the Catherine McAuley Centre. Anti-Racist Workplace Week in November was also marked with a lunchtime talk given by a representative from Pavee Point Travellers Centre. In addition, information talks for staff on topics relating to pensions and health (i.e. Additional Voluntary Contributions and VHI) were also organised.

Progress on goal and objectives in 2006

- As a further support for staff, regular on-site visits by the Employee Assistance Officer continued to be arranged throughout the year. In addition, Personnel Clinics were held throughout the three ORAC buildings on a regular basis where members of the HR Unit were available to answer any queries from staff.
- A staff suggestion scheme was organised which gave staff the opportunity to put forward ideas which would be of benefit to the Organisation. Two awards were made under this initiative during the year and these suggestions are currently being implemented. The remaining suggestions have also been examined and will be implemented where appropriate. The scheme will be reviewed in 2007.
- As part of the ongoing commitment to Quality Assurance, HR Unit carried out an Internal Customer Survey of staff with the aim of identifying the satisfaction level of our service. The results of the survey were extremely positive and showed that
 - 88.6% of queries were dealt with within a 3 hour period and
 - over 93% of respondents rated the services provided by HR Unit as being excellent/very good.
- During the year, ORAC continued to implement its Equality Policy and Programme and a progress report was prepared and circulated to all staff. Equality Posters which highlight our Equality policies were prepared and mounted in various locations throughout the three buildings. The E-Working policy was equality proofed by the Equality Committee and the roll out of Anti-Harassment, Sexual Harassment and Bullying Awareness training to all staff was completed. This training will be provided as part of the induction process to new staff on an on-going basis.
- Worklife Balance Day was promoted and the range of Worklife Balance Schemes available to staff was expanded by the introduction of the pilot E-Working scheme.
- The integration of PMDS (Performance Management and Development System) and HR Policies and Processes continued with the introduction of Upward Feedback/Integrated HR model. An information booklet issued to all staff containing full information on the new system, the Code of Practice and Generic Templates. Training in the system was rolled out to all staff during the year. The PMDS Implementation Group, which was established in 2005, continued to operate and was involved in all aspects of planning for this next stage in PMDS.
- The Organisation continued to provide quality training and development opportunities for staff during 2006. An Annual Training Plan for 2006 was drawn up and issued to all staff. The Plan took account of both organisational training priorities and individual training needs identified on PMDS forms. Over 910 units of training were provided to staff during the year. Along with the delivery of operational training such as Refugee Status Determination, the focus in 2006 was on the development and roll out of training on Upward Feedback/Integrated HR Model and the design and delivery of a Managing Performance and Outputs course to all managers. A wide variety of other training courses was also delivered including IT, Communication Skills, Courtroom Skills, Assertiveness Training, Customer Service Skills, Supervisory Management, Train the Trainer, Manual Handling, First Aid, Time Management, Writing Skills, Induction, PMDS, Language Training and Interculturalism Awareness.
- A member of the ORAC training team was asked to facilitate some modules of the General Directors' Immigrations Services Conference (GDISC) in Madrid in June dealing with the development of a European Asylum Curriculum for refugee status determination training throughout Member States.
- A new training programme was developed to allow caseworkers view a "mock" appeal hearing. This course was designed and developed over the course of the year. It gives the caseworkers an understanding and awareness of the challenges in presenting a case at an oral appeal and the impact their Section 13 report has on that process. It has been successfully rolled out to a number of staff in Case Processing and it is planned to deliver it in 2007 to all remaining caseworkers.

- A new PMDS database was developed with templates of the various forms to make it easier for staff to create and store their Role Profile, Interim Review and Annual Review Forms. This is being tested by the PMDS Implementation Group before it is rolled out to the Organisation early in 2007.
- A training materials database was also put in place to enable a central storage facility for all training material.
- Interviews were held in the latter part of 2006 to select members of staff who were interested in joining the in-house training team. A panel of 6 people was set up with the first 3 people joining the team immediately.

Customer Service

The Organisation continued to ensure that the commitments outlined in our Customer Charter and our Customer Service Action Plan 2005 - 2008 were achieved.

A number of commitments in the Customer Service Action Plan were progressed during 2006 including the following:

- The principles and commitments outlined in the Customer Service Action Plan are included in the Business Plans for all units and are subject to regular review.
- Correspondence tracking systems were introduced during 2006 and established in all units. As a result all correspondence received from applicants, customers and stakeholders is now tracked and acknowledged within 3 working days in line with targets in the Customer Service Action Plan. A full reply issued, on average, within 6 to 10 working days.
- Our Customer Service Centre (CSC) processed over 35,000 enquiries from customers in 2006. Table A at Appendix 5 gives a breakdown of the categories of these queries.
- A Customer Survey was carried out in Reception Unit in July 2006. The survey focused on measuring the quality of service provided to applicants, the helpfulness of staff, the quality of interpretation provided, the quality of information

provided to applicants as well as the physical facilities in the Reception area.

The results showed that applicants were very satisfied with the quality of service provided. In particular

- 92.5% of those surveyed stated they were treated with courtesy and respect (6% of the remaining applicants surveyed did not respond to the question).
 - 98% of those surveyed stated that they found staff very helpful or helpful.
 - 98% of those surveyed stated that they were happy with the interpretation (the other 2% did not respond).
- A review of the Customer Charter and the Customer Service Action Plan took place in Q4 2006. An analysis of the results of the review will be carried out in 2007 and this will enable both documents to be revised, if considered necessary.
 - The ORAC's Customer Service Liaison Panel provides a key forum for consulting with non-governmental organisations (NGOs) on a wide range of issues and for providing information to the NGOs. As well as formal plenary meetings they were also consulted on a number of occasions on various issues throughout the year.
 - A special facility for the taking of applications from unaccompanied minors and separated children was provided in 2006. In consultation with the HSE, the specially dedicated interview rooms were also revamped to create a more child-friendly environment for their Section 11 interviews.
 - Since September 2006 applicants are given a form to indicate their preferred language in relation to their Section 11 interview. Every effort is made to accommodate their preferences.
 - Questionnaires in the Pushtu and Amharic languages were made available to applicants for the first time in 2006. This brings to 31 the number of languages in which questionnaires are now available.
 - In Q3 2006 procedures were further developed to ensure that applicants legal representatives are given a copy of their file in advance of any final determination being made in their particular case by the Dublin Unit.

- Information on the Dublin II Regulation process has been prepared in plain English format. This will be included on the ORAC website in early 2007.
- ORAC continued to regularly liaise with a number of other agencies involved in the asylum process such as the Health Service Executive, Refugee Legal Service, Garda National Immigration Bureau, Reception and Integration Agency and Dept of Health and Children. ORAC regularly participated in inter-governmental consultations on asylum, refugee and migrations policies to ensure effective and co-ordinated policies and strategies with Departments and agencies in Ireland as well as with asylum and immigration agencies in other EU Member States.
- A working group was set up during the year to review the efficiency of operations of the Customer Services Centre. The group also reviewed the way the Customer Services Centre interacts with other units. Following the review, the existing roles and responsibilities of the staff in the area were updated and procedures were revised to ensure that correspondence and data were dealt with in the most efficient manner possible.
- Although the Eligibility for Protection Regulations will not affect the way applications for refugee status are investigated and determined, the ORAC notified all applicants in the system regarding the provisions contained in the Regulations. In addition, the ORAC prepared an information leaflet regarding the provisions of the regulations which is provided to all new applicants.
- A review of the ORAC's Customer Complaints Procedures was commenced at the end of the year. The results of the review will be analysed in early 2007 and enable the revision of the procedures, where required.
- The Customer Services Centre developed Frequently Asked Questions (FAQs) in relation to the procedures of the Organisation. The FAQs will enable the Organisation to provide information to customers who contact us by telephone.
- A survey was carried out in relation to the ORAC questionnaire for Family Reunification at the beginning of 2006. Following an analysis of the results the questionnaire was revised to make it more user-friendly.
- A document containing FAQs on the Family Reunification Process was devised during 2006 and will be put on the ORAC website early in 2007.

Information Technology

A number of commitments contained in the IT Strategy covering the period 2005-2007 have been progressed during the year, including the following:

- The contract was signed for the introduction of the Automated Fingerprint Identification System (AFIS) project which will move from a manual to an electronic system. This system will be enhanced by the automated transmission of fingerprints to the central Garda fingerprint database and to EURODAC. ORAC continued to be represented on the Project Board and Evaluation Team, in addition to providing other necessary support for the project. The first phase, which entailed installing the electronic fingerprint capture hardware in ORAC and configuring the links to the central Garda database and to EURODAC, commenced in Q4 2006.
- The Asylum and Immigration Strategic Integration Programme (AISIP) aims to create a single IT infrastructure between the various agencies and divisions involved in the asylum and immigration process. This will facilitate an integrated approach to Case Management, Accommodation Management, Country of Origin Information and File Tracking. In time, AISIP will lead to the replacement of the current Asylum Management Live system. The contract was signed in December to implement the final phase of this project. ORAC played a key role in developing this project throughout the year. It was represented on the Project Board, Evaluation Team and on the File Tracking and Data Migration working groups. The IT Unit supported the ORAC representatives in addition to organising meetings between consultants and other stakeholders to discuss key issues for the success of the Project. The Unit also co-ordinated responses on behalf of ORAC.

- The development of a Records Management Policy for manual and electronic records for the Office was initiated. A draft policy was drawn up for manual records and preliminary work commenced on a complementary policy for electronic records.
- A new Helpdesk was developed specifically for statistical queries during 2006. This facilitates easy logging and tracking of requests and queries, which can be emailed directly to the database. The number of requests for statistical information during the year was 419.
- The IT Unit continued to maintain a Helpdesk database to record and track IT support requests and queries. Internal customers can email their requests directly to the Helpdesk for attention, where they can be monitored and progressed. The number of requests sent to the Helpdesk in 2006 was 3,754. In addition, there was a significant number of mail monitoring requests processed.
- A revised telephone, email and internet policy document was developed and circulated to all users in the final quarter of the year.
- During the year, several drop-in sessions or clinics were held by staff from the IT Unit whereby system users could discuss IT problems informally. This provided valuable feedback and helped identify areas where additional training was required.
- The ORAC website was completely redesigned and updated during the year. This user-friendly website provides comprehensive up-to-date information to customers on the Organisation and on the asylum process. ORAC statistical information is also uploaded to the website on a monthly basis. Accessibility for those with special needs was an important factor in the redesign and staff from the IT Unit attended seminars and met with the National Disability Authority. The Unit has worked to ensure that the website meets recognised international standards and best practice on accessibility with cascading style sheets used in the design of the site to assist in accessibility.
- In addition there were a number of medium to large scale projects undertaken for the ongoing development and maintenance of ORACs IT systems.

Financial Resources

- ORAC applied appropriate internal and external financial controls to ensure expenditure was within budget and in compliance with Financial Policy Procedures and Public Procurement Guidelines. Expenditure was also monitored to ensure value for money.
- ORAC's expenditure outturn for 2006 is set out in Appendix 6 of this report.

Corporate Developments

- Work commenced on the development of a new Strategy Statement for the Office covering the years 2007 to 2009.
- The remaining provisions of the Official Languages Act 2003, came fully into force in July 2006. Measures were put in place to ensure that ORAC is fully compliant with the Act.

- Under the Strategic Management Initiative (SMI) staff met off-site on two occasions during the year. The theme of the days was "to promote a performance culture whilst maintaining a good workplace environment".

A number of speakers were engaged to give presentations on topics such as Stress Awareness and Management, Partnership and the Workplace of the Future and an update on Partnership achievements in ORAC. Staff were also broken into working groups to discuss various topics of interest to the Organisation such as Team working, Communications, Staff Morale, Use of IT and Work Practices and Procedures.

A followup SMI half day was organised in November mainly dealing with partnership issues. Staff got a presentation on the *Towards 2016* Agreement and its implications. In working groups they were asked to discuss and come up with ideas on how we can improve performance through partnership, how can we encourage new ways of working through partnership and how can we improve flexibility through partnership.

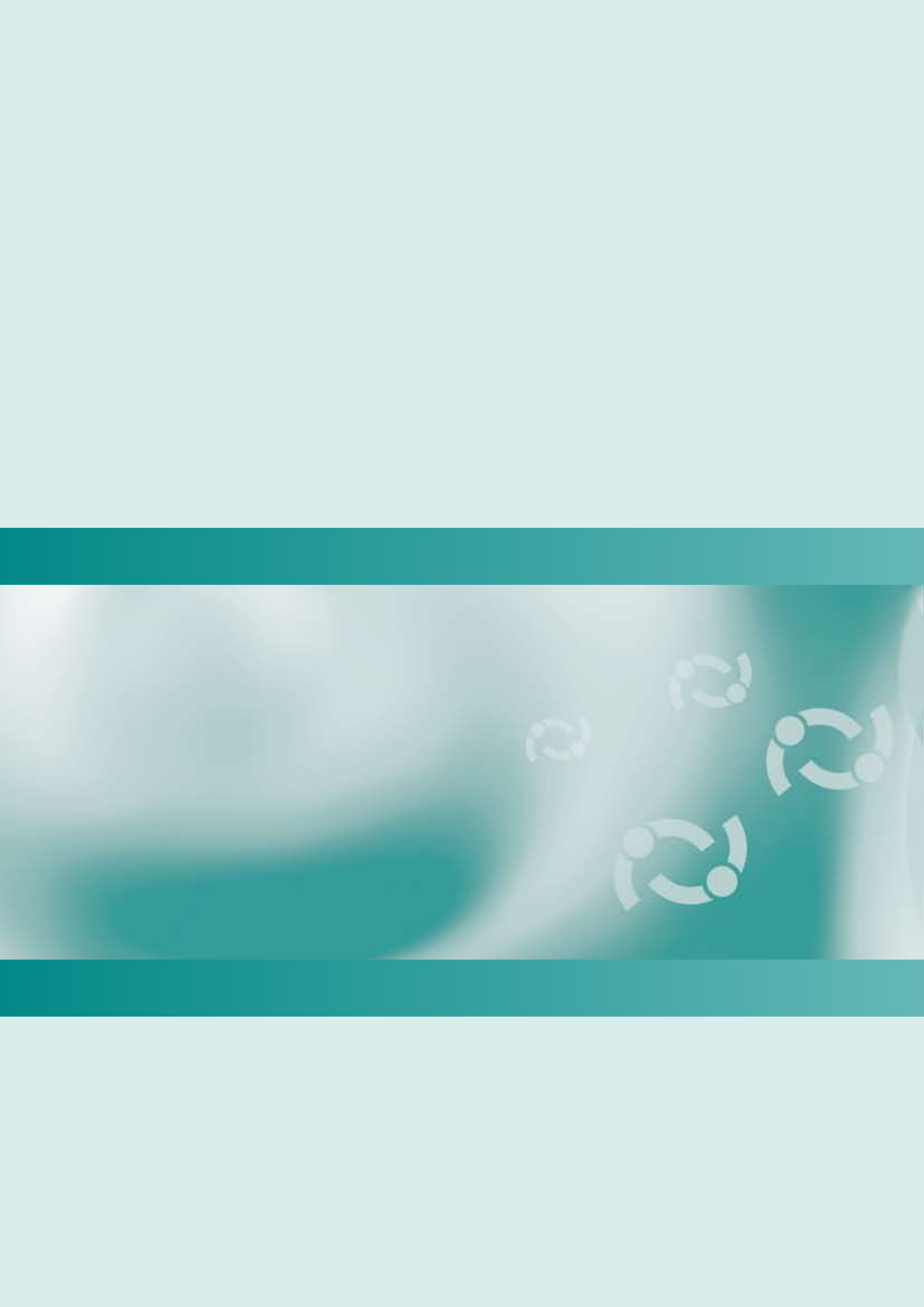
Feedback from both days was collated and Action Plans created to address the various issues raised. Staff also got a presentation on the forthcoming Immigration, Residence and Protection Bill.

- ORAC's Health & Safety procedures and Health & Safety statement were updated to take account of the new Health & Safety Act which was enacted in 2006.
- The Disability Act 2005 - designed to improve access to public services for persons with disabilities - places obligations on public bodies to make their services and information accessible to people with disabilities as well as containing provisions on accessibility in relation to buildings. To ensure we are fully compliant with the provisions of the Act, ORAC, in consultation with the National Disability Authority
 - prepared a Report and Action Plan in relation to access to its services and information and also
 - developed a plan to implement over the coming years the recommendations of the access audit of our buildings conducted in 2005.

A number of the recommendations contained in these plans were either implemented or commenced during the year.

- *Towards 2016* Modernisation and Action Plan was prepared in accordance with our commitments under the Public Service Modernisation programme. This Action Plan covers the period up to September 2008 and sets out our agenda
 - in the form of agreed actions, timelines and performance indicators - for modernisation, flexibility and co-operation with ongoing change in the Organisation over that period.
- In preparation for the proposed enactment of the Immigration, Residence and Protection Bill a working group was established in Q4 2006 to assess the implications for this Office. If and when the Bill is enacted this Office will be abolished and the work will be done by the Irish Naturalisation and Immigration Service (INIS). It will then be responsible for determining subsidiary protection and humanitarian leave to remain as well as refugee status as part of a "single procedure". There is also a proposal for shared services on the corporate side.



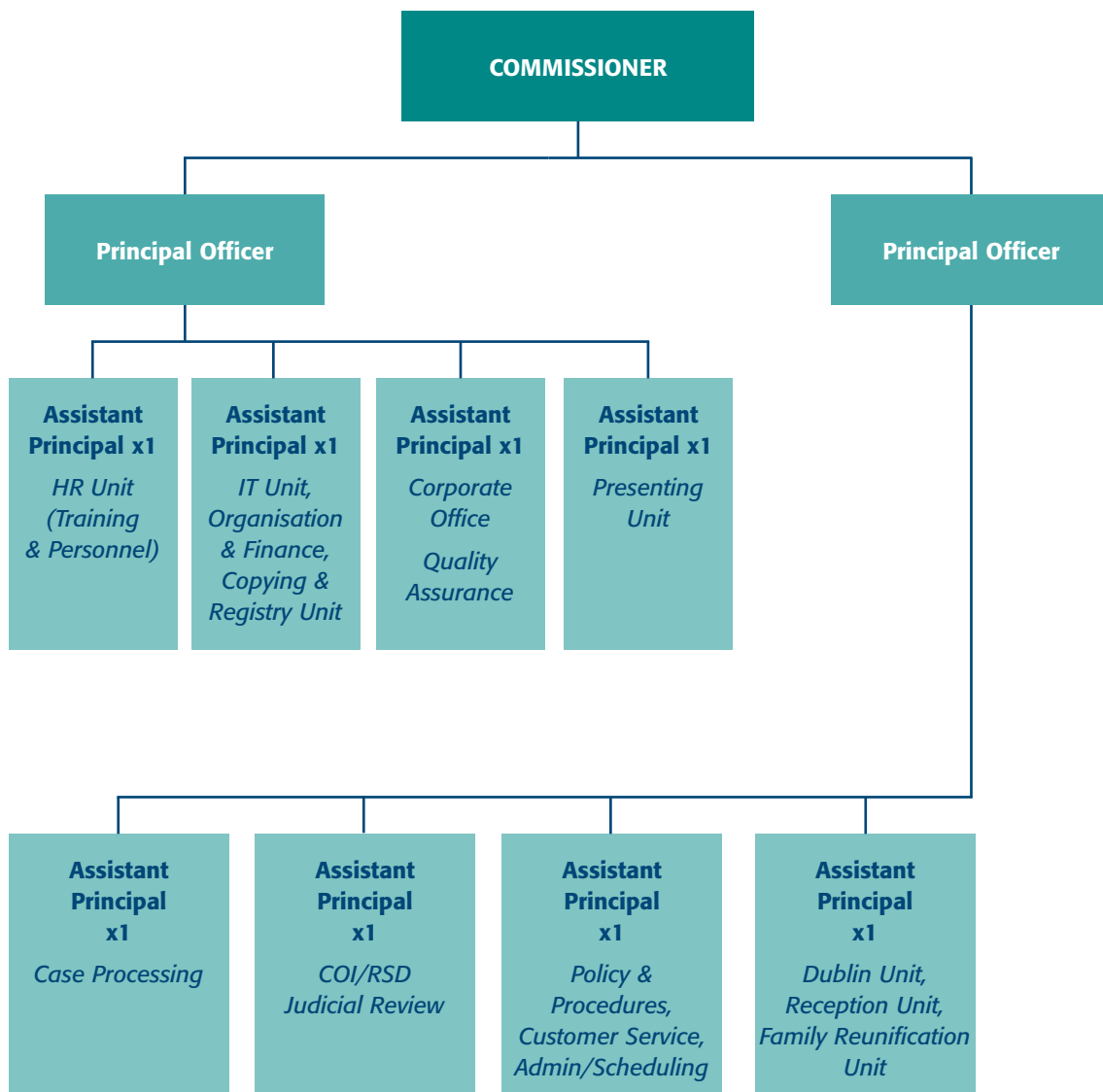


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Appendices



Appendix 1 - Organisation Chart for the ORAC



Reception Unit

The Reception Unit is an integral part of the asylum process governing the acceptance and processing of asylum applications at first instance.

Case Processing Administration Unit

The Scheduling Unit and Administration Unit were amalgamated in November 2005. These units now operate as one entity known as "Case Processing Administration Unit".

The functions of the CP Administration Unit are:

- to arrange the scheduling of interviews for asylum applicants
- to arrange for interpretation and translation services
- to manage the interview waiting area
- to issue decision notifications to asylum applicants and relevant parties following the investigations of asylum applications
- to process deemed withdrawn cases
- to provide administrative support to the case processing units
- to process correspondence in relation to the case processing units
- to maintain and update statistical register

Dublin Unit

The Dublin Unit is responsible for the implementation in Ireland of the Dublin Convention and Council Regulation (EC) 343 of 2003. The Unit, in general, deals with requests to transfer applications for examination of asylum claims to other Dublin Convention States and deals with requests from other States to transfer applicants for asylum to this State.

Case Processing Units

Case Processing is the core function of ORAC and involves the investigation of claims for refugee status, on a case by case basis. The primary objective of the Case Processing Units is the fair, timely and efficient investigation of applications for

declaration as a refugee and the making of legally robust recommendations on such applications. The investigation includes the individual interviewing of applicants, the objective research of the claims made and the making of recommendations as to whether an application should be 'granted' or 'refused'.

Family Reunification Unit

Family Reunification Unit examines applications made by refugees for permission for certain members of their family to be allowed to enter and reside in the State.

Judicial Review

The Judicial Review Unit prepares the ORAC response to applications for judicial review and to applications for leave to apply for judicial review of first instance recommendations and/or procedures. The Unit examines the application and prepares briefing material for counsel and, where our legal advisors consider it appropriate, swear responding affidavits. If a judicial review application discloses an error or omission which is material to the first instance recommendation the Unit will seek to reach a mutually agreeable settlement without delay.

Presenting Unit

The role of the Presenting Unit is to represent the Refugee Applications Commissioner at appeal hearings before the Refugee Appeals Tribunal, to respond at appeal hearings to the issues raised in the appellant's appeal and to assist the Member of Tribunal in reaching a fair and just recommendation. The Unit provides statutory responses under sections 16(6) and 16(7) of the Refugee Act, 1996.

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 ORAC policy and procedures in relation to the management and investigation of claims and to co-ordinate and provide the appropriate training for staff in this regard.

COI/RSD Support Unit

The role of this Unit is to provide effective support to Case Processing and Presenting Units through developing ORACs Country of Origin Information (COI), Quality Assurance and RSD guidance resources in line with developments in legislation, jurisprudence and international best practice.

Customer Service Centre

The Customer Service Centre is responsible for the development and monitoring of customer service structures, the management of customer service enquiries and liaising with other Organisations (governmental and non-governmental).

Corporate Office

The role of the Corporate Office is to oversee the provision of quality administrative and secretarial support to the Refugee Applications Commissioner and her Senior Management Team to enable her to discharge her statutory and non-statutory functions. The Office co-ordinates material in response to requests from, *inter alia*, Government Departments/agencies and the media; prepares all corporate documents and is responsible for their circulation.

Human Resources Unit

The role of the Human Resources Unit is to focus on developing and implementing a strategic approach to HR Management. The Unit develops relevant HR policies and procedures for the organisation and has a locally appointed Equality and Disability Officer to ensure that all staff are aware of existing policies in relation to equal opportunities, disability and bullying and harassment. It also processes applications for family friendly schemes, transfer requests, special leave etc. and liaises with the Department in relation to staffing matters. It is also responsible for managing the Human Resources functions which have been devolved to ORAC from the Department of Justice, Equality and Law Reform (i.e. flexi-time, annual leave and special leave with pay).

HR Training Unit

HR Training has responsibility for co-ordinating, facilitating and delivering training to staff. The Unit works closely with other Units and in-house trainers to ensure that the training needs are identified and that the training delivered meets organisational requirements by being relevant and job specific. It also has responsibility for operating the refund of fees scheme and maintains the PMDS and Training Databases.

Organisation/Finance

The Organisation/Finance Unit is primarily responsible for financial management and control, health and safety and the provision of essential support services (e.g. accommodation, equipment, supplies) to other ORAC units.

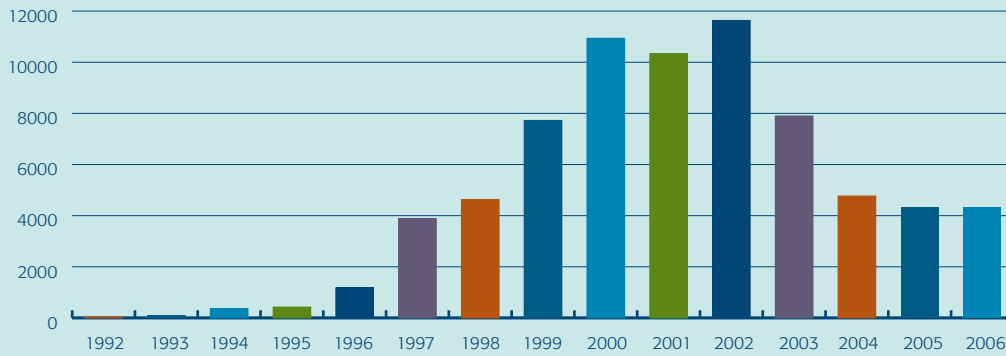
IT/Management Information Unit

The IT and Management Information Unit is responsible for the procurement, maintenance and development of all IT and fixed line telecommunications equipment and systems, software and infrastructure for ORAC. The Unit is also responsible for the compilation and circulation of statistics and management information and provides technical support and training on a range of issues.

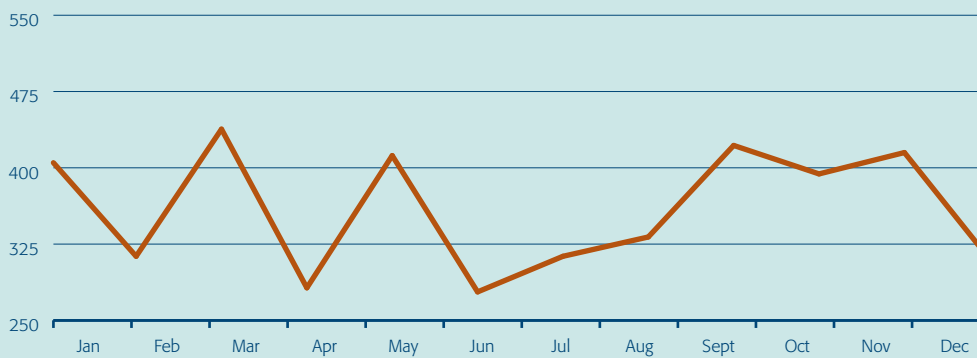
Copying/Registry Unit

The Copying/Registry Unit is responsible for file management and file copying in the ORAC.

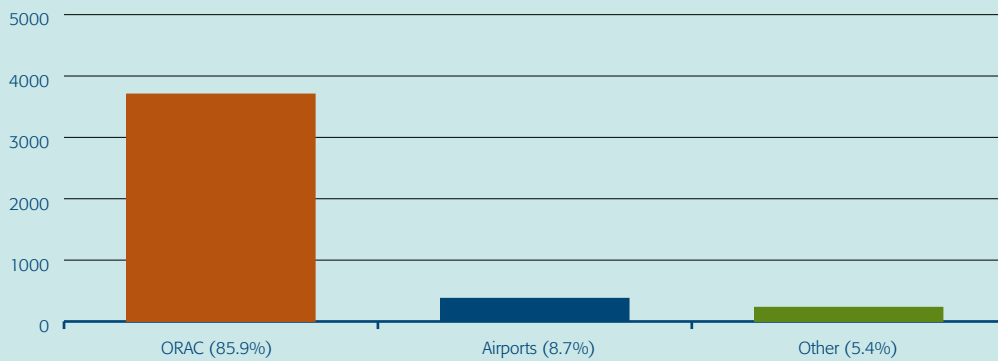
Number of applications per year from 1992 to 2006



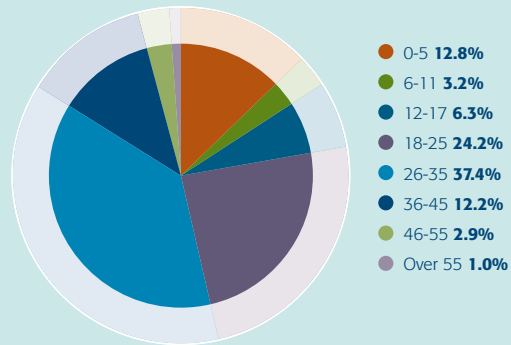
Applications received by month from 01/01/06 to 31/12/06



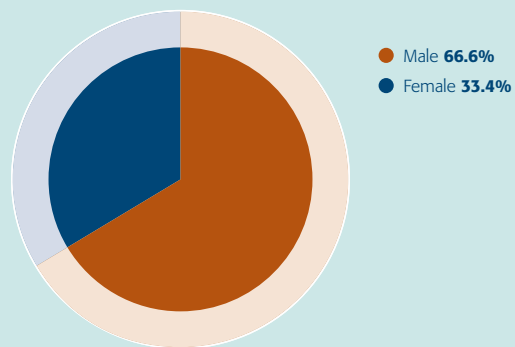
Places of Applications 2006



Age Stated by Applicants 2006

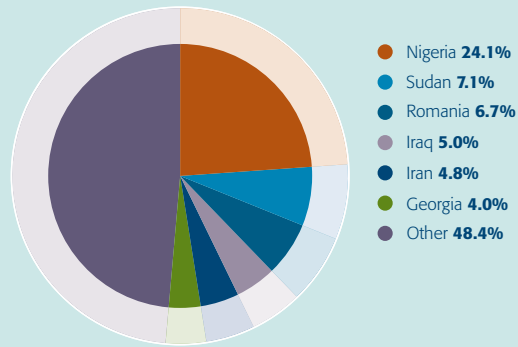


Gender Breakdown 2006

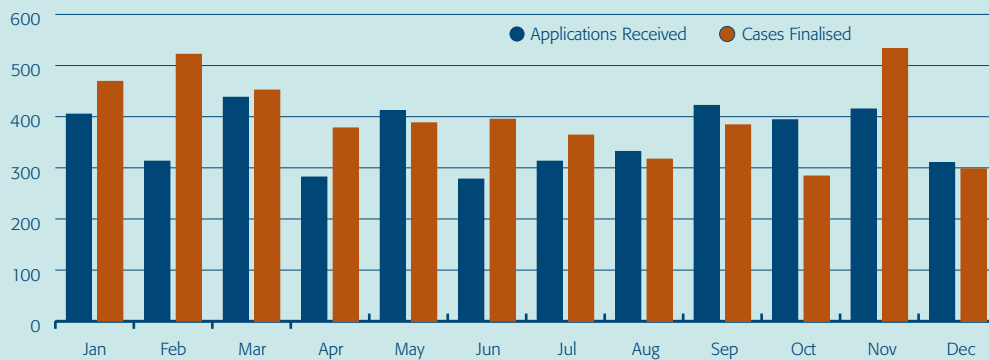


Appendix 3 - Applications/Processing Statistics

Top Six Stated Countries of Origin 2006

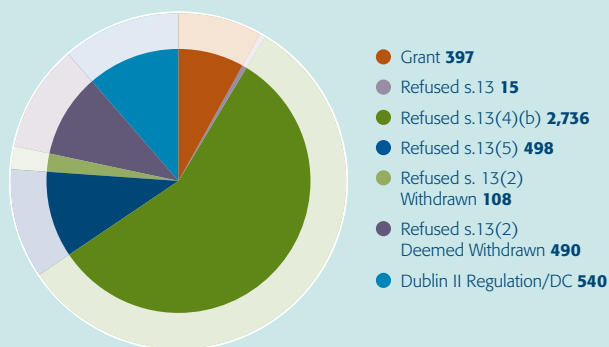


Comparison of Applications Received and Cases Finalised 2006



Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Total
Applications Received	405	313	438	282	412	278	313	332	422	394	415	310	4,314
Cases Finalised	469	522	452	378	388	395	364	317	384	284	533	298	4,784

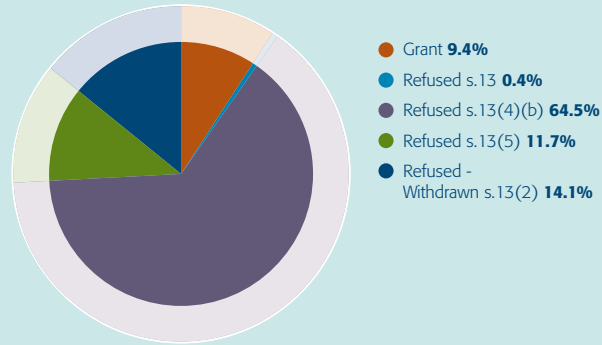
Cases Finalised 2006



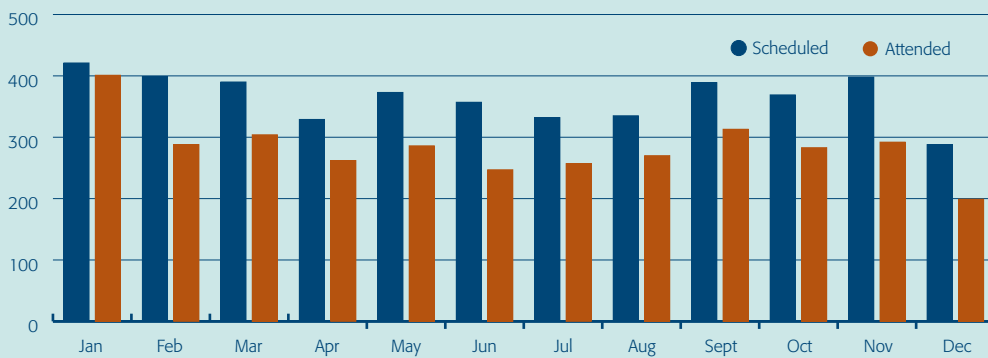
Grant:	<i>The Commissioner has made a recommendation that the applicant be granted refugee status.</i>
Refused s.13(4)(b):	<i>The Commissioner has made a recommendation that the applicant should not be granted refugee status (under the provisions of the Act applicable after 15th September, 2003). An appeal to the Tribunal must be taken within 15 days.</i>
Refused s.13(2):	<i>The Commissioner has made a recommendation that the applicant should not be granted refugee status where an application has been withdrawn or deemed to be withdrawn (under the provisions of the Act applicable after 15th September, 2003). No appeal to the Tribunal is possible.</i>
Refused s.13(5):	<i>The Commissioner has made a recommendation that the applicant should not be granted refugee status and has included in her report a finding under section 13(6) (under the provisions of the Act applicable after 15th September, 2003). An appeal to the Tribunal must be taken within 10 days.</i>
Dublin II Regulation/DC Determination:	<i>Where it is established that the applicant's claim for refugee status should be determined in another Dublin Regulation/Dublin Convention country.</i>
Refuse s.13:	<i>The Commissioner has made a recommendation that the applicant should not be granted refugee status (under the provisions of the Act which existed prior to 15th September, 2003).</i>

Appendix 3 - Applications/Processing Statistics

Recommendations Issued 2006



Interviews Scheduled and Attended 2006

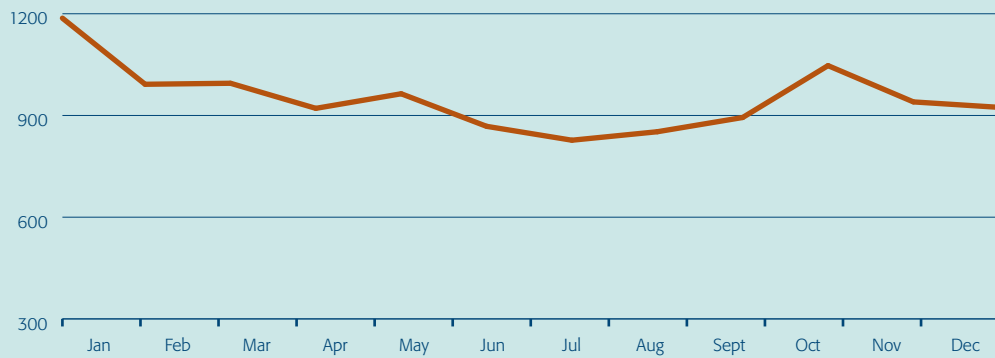


Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Total
Scheduled	421	399	390	329	373	357	332	335	389	369	398	288	4,380
Attended	401	288	304	262	286	247	257	270	313	283	292	199	3,402
* % Attended	85	88	88	87	86	82	89	92	92	88	84	87	87.33

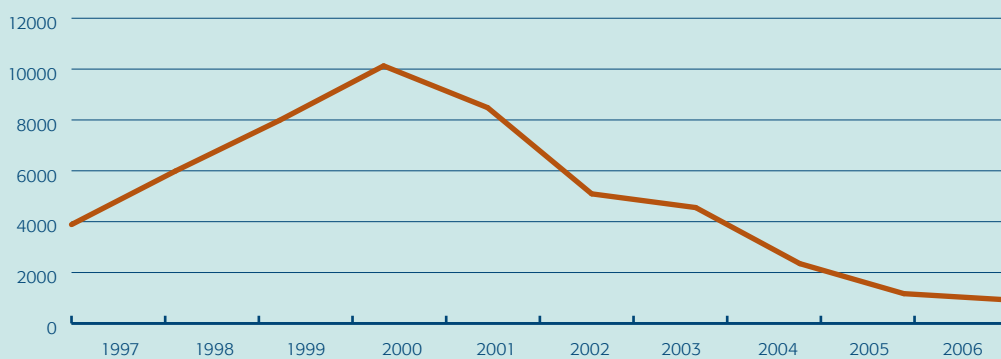
*Applicants' attendance rate excluding interviews postponed by ORAC.

Appendix 3 - Applications/Processing Statistics

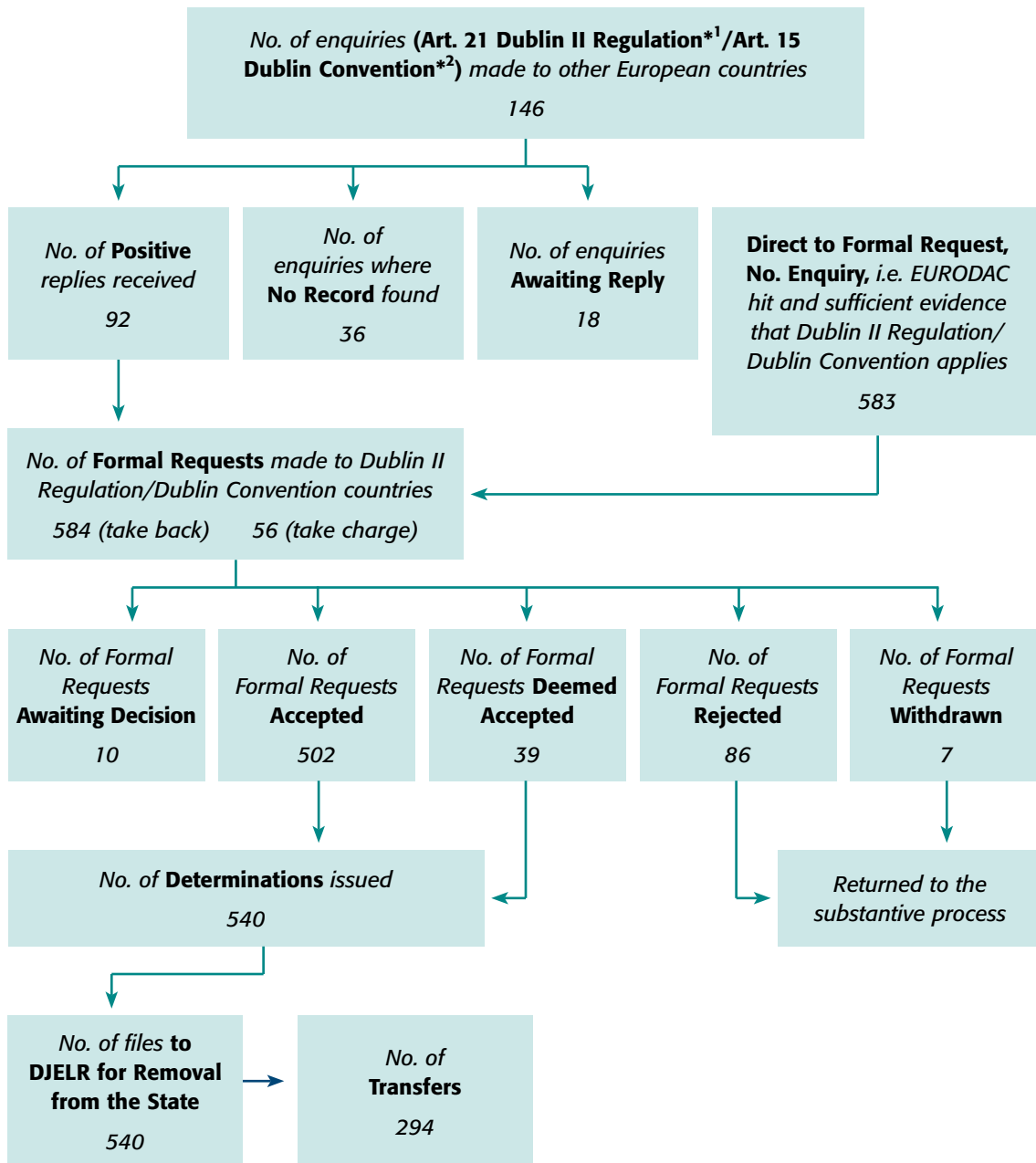
Applications Outstanding as at 01/01/06 to 31/12/06



Applications Outstanding as at end of year 1997 to 2006



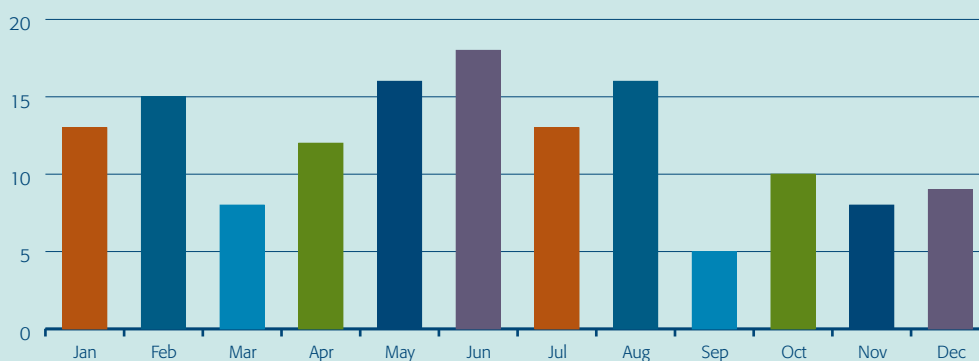
Statistics for the Dublin II Regulation/Dublin Convention for the period 01/01/2006 to 31/12/2006



*1 In some cases enquiries are made to other Convention countries under Article 21 of the Dublin II Regulation. The enquiries are made to ascertain if the requested State has any information on the Applicant, e.g. case where State 1 rejects Ireland's formal request but indicates that another State may be responsible.

*2 Note, not all positive Art 21 enquiries automatically resulted in a formal request and cases were forwarded to Scheduling for substantive interview, reasons include humanitarian, family reasons, age of applicant.

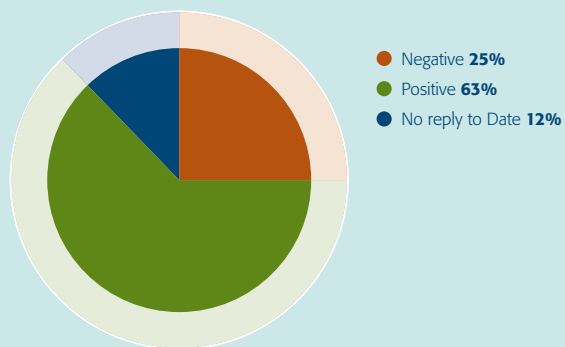
Article 21 Enquiries to Member States 2006



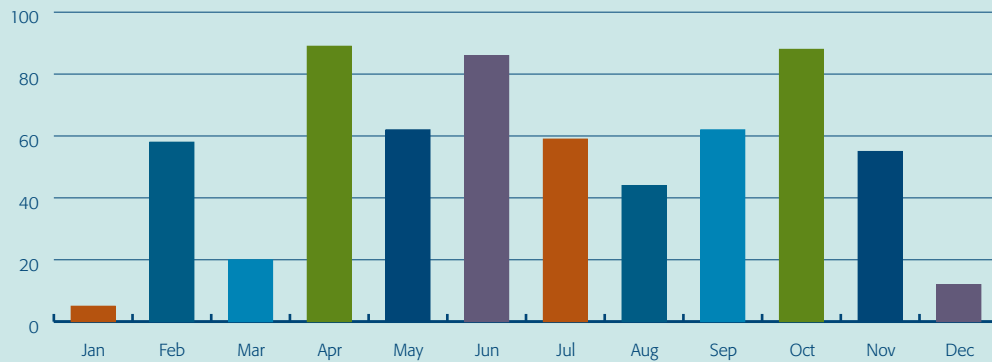
Article 21 Dublin II Regulation to other Dublin II Regulation states in 2005

Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
<i>Requests</i>													
2006	12	15	8	12	16	18	13	16	5	10	8	9	142

Replies to Article 21s issued in 2006



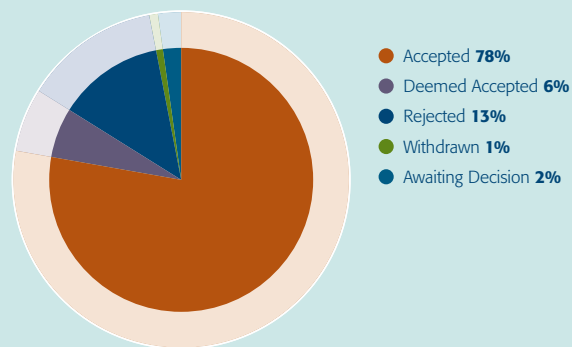
Formal Requests to Member States 2006



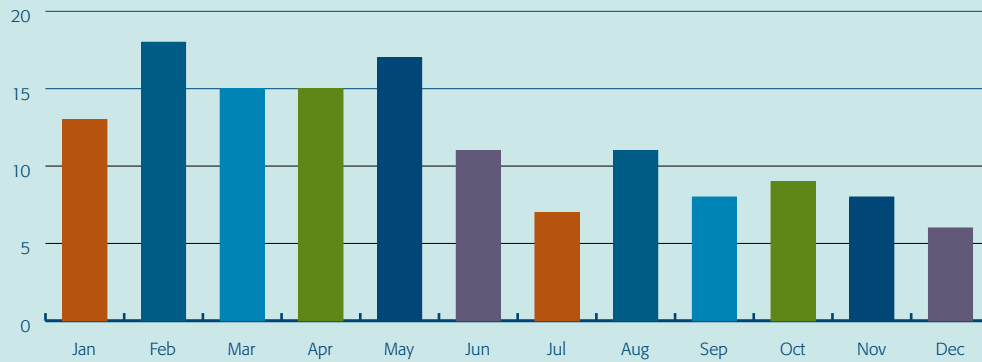
Formal Requests, 2006 to other Member States

Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
Requests													
2006	5	58	20	89	62	86	59	44	62	88	55	12	640

Replies to Formal Requests Issued – 2006



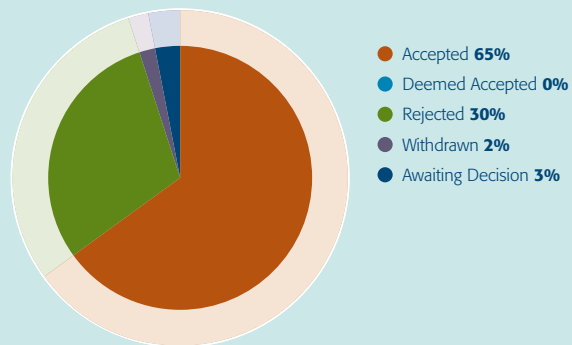
Formal Requests from other Member States to Ireland – 2006



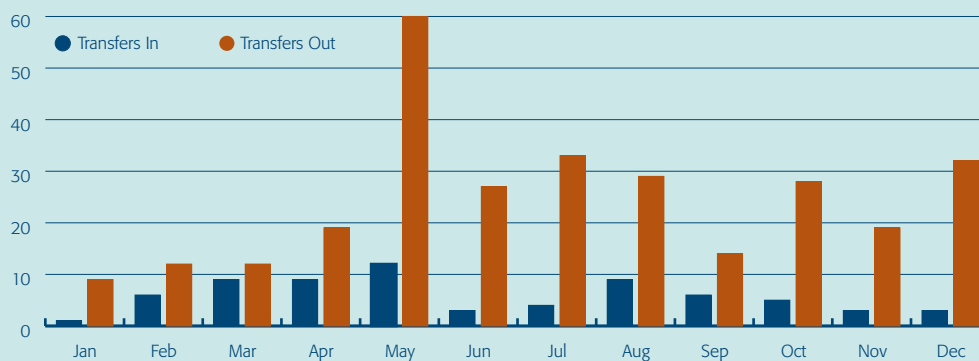
Formal Requests from other Member States to Ireland – 2006

Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
<i>Requests</i>													
2006	13	18	15	15	17	11	7	11	8	9	8	6	138

Replies to Formal Requests from other Member States to Ireland – 2006



Transfers under the Dublin II Regulation/Dublin Convention in 2006



Transfers under the Dublin Convention/Dublin II Regulation in 2006*

Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
<i>Transfers In</i>	1	6	9	9	12	3	4	9	6	5	3	3	70
<i>Transfers Out</i>	9	12	12	19	60	27	33	29	14	28	19	32	294

Appendix 5 - Information on requests handled by Customer Service Centre and Copying/Registry Unit in 2006

Table A

Category	No. Processed
<i>Letters and Faxes</i>	14,203
<i>Phone Enquiries</i>	4,149
<i>E-Mail Enquiries*</i>	17,111
Total	35,463

**E-mail enquiries received includes 9,833 requests received via ORAC mail and 7,278 emails re information sharing with other Government organisations.*

Table B

Category	No. Processed
<i>Files Copied</i>	4,628
<i>File movement transactions</i>	29,050
Total	33,678

Note: The total number in relation to files copied refers to the number of actual files photocopied but does not reflect the fact that in the majority of cases four copies of each file are produced.

Profile of Non-Pay Expenditure for the Office of the Refugee Applications Commissioner: 1st January - 31st December 2006

Breakdown of Non-Pay Expenditure

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 D.1 of Justice Vote 19. The outturn for pay for Subhead D.1 of the Department of Justice, Equality and Law reform was * €25,007,021.01.

Description	Amount
Travel Total (Home and Foreign)	€30,696.00
Uniforms	€4,122.00
Staff Training & Development	€173,760.00
Advertising	€9,363.00
Publications	€23,244.00
Travel Agent Costs	€8,978.00
Miscellaneous	€87,997.00
Translation & Interpretation	€1,372,460.00
Medical Expenses	€72.00
Stationery	€72,327.00
Legal Expenses	€66.00
Postage	€88,731.00
Telecommunications	€100,680.00
IT Hardware- Assets Total	€159,707.00
IT Maintenance	€101,741.00
Heat Light & Fuel	€137,523.00
Consultancy	€4,572.00
Library & Legal Research	€2,517.00
Office Equipment	€7,915.00
Legal Costs	€827,963.00
General Premises Expenses	€326,489.00
Photocopying & Related Total	€51,613.00
Total	€3,592,536.00

*As confirmed by Finance Branch, Department of Justice, Equality & Law Reform 4/Jan/2007

*Please note that this figure is subject to change until the 2006 Appropriation Account has been published for the Justice Vote

The 1996 Refugee Act

The principal piece of domestic legislation dealing with refugees and asylum seekers is the 1996 Refugee Act, which entered into force in 2000. The Act incorporates the 1951 Geneva Convention into domestic law. It provides for the establishment of ORAC as well as the Refugee Appeals Tribunal and sets out a framework for the determination of asylum applications. (The 1996 Act has been amended by the Immigration Act 1999, the Illegal Immigrants (Trafficking) Act 2000 and the Immigration Act 2003)

Declaration of Refugee Status

As referred to in section 17 of the Act, where the Minister gives to the applicant concerned, following a recommendation by the Refugee Applications Commissioner, or following a decision of the Refugee Appeals Tribunal to set aside the recommendation of the Commissioner, a statement in writing that he/she is a refugee.

Dublin Convention

The Dublin Convention provides a mechanism for determining the Convention country responsible for considering an application for asylum. The Convention was signed in Dublin on 15 June, 1990 by the member states of the European Community. All fifteen member states of the European Union have ratified the Dublin Convention. In addition, Iceland and Norway ratified the Dublin Convention in April 2001.

Dublin II Regulation

Dublin II Regulation which came into operation on 1 September, 2003 replaces the Dublin Convention. This Regulation provides a mechanism for determining which Dublin II Regulation country is responsible for examining an application for refugee status. All EU member states are bound by the Regulation. Iceland and Norway also operate the Regulation.

EURODAC

A system for the electronic exchange of fingerprints between EU member states together with Iceland and Norway. Fingerprints are transmitted daily to a central database in Luxembourg.

Temporary Residence Certificate

The Temporary Residence Certificate, provided for under section 9(3)(a) of the Refugee Act 1996, is a card given to applicants which holds their photo, name, fingerprint and other identification data.

Country of Origin Information (COI)

Country of Origin Information (COI) consists of many types of information such as legislation, news reports, maps, official documents, e.g. passports, work permits. It is used as an aid to determining the substance of applications for declarations of refugee status.

EURASIL (European Union Network for asylum practitioners/Réseau de l'UE pour les praticiens de l'asile)

A forum for asylum practitioners in the EU to exchange information on asylum issues such as refugee status determination systems and country of origin information systems.

Refugee Legal Service

The Refugee Legal Service is a service offered by the Legal Aid Board which provides legal services to applicants seeking declarations of refugee status.

UN Convention

The UN Convention signed in 1951 is an international instrument to define the legal status of refugees. The Convention relating to the Status of Refugees was adopted by a Conference of Plenipotentiaries of the UN on 28 July, 1951, and entered into force on 21 April, 1954. The principles contained in the 1951 Convention formed the basis of Irish refugee legislation.

United Nations High Commissioner for Refugees (UNHCR)

The Office of the United Nations High Commissioner for Refugees (UNHCR) was established as of 1 January 1951. The 1951 Convention specifically notes that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees, and ensuring the effective co-ordination of measures taken to deal with this problem in co-operation with the various states.

Spiritan Refugee and Asylum Seekers Initiative (SPIRASI)

A non-governmental organisation which provides a range of services for asylum seekers, refugees and other migrants. Currently comprises three services - The Centre for the Integration and Education of Migrants (CÉIM), The Centre for the Care of Survivors of Torture (CCST) and The Centre for Health Information and Promotion (HIP).



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