

Asylum Application

When a person applies for asylum in Ireland, s/he is asking the Minister for Justice, Equality and Law Reform to recognise him/her as a refugee. A refugee is defined in the Refugee Act, 1996 (as amended).

To apply for asylum, the applicant must apply at the port or airport where they enter Ireland or at the Office of the Refugee Applications Commissioner (ORAC) www.orac.ie. If the person applies at the port of entry, s/he will be referred to the ORAC to complete the application process.

This process can take some time, as there are several stages to go through. The applicant can make a separate application on behalf of their minor children (a separate application form for a declaration as a refugee must be completed for each minor child (or dependant)). If not, the accompanying minor children (or dependant(s)) will be included in the application and all decisions taken in relation to the asylum application will apply to them.

Documentation for Application

When an applicant applies for asylum in Ireland it must be accompanied by:

- Any original travel documents in the applicants possession and, if appropriate, those of their children under eighteen years.
- Originals of all identity documents, birth and marriage certificates in their possession.
- Any other relevant documents relating to the applicant and their children's asylum claim.
- The applicants photograph and fingerprints will be taken when the application is lodged.

It is important to submit all documentation on arrival.

Applicants are advised to be truthful at all times in the information they provide in connection with their application. As an asylum seeker, it is very important to cooperate at all times in the investigation of the application. Failure to do so will result in their application being 'deemed withdrawn' and a recommendation will be made that they should not be declared a refugee.

After applying for asylum, applicants are housed in a Reception Centre in Dublin for an initial period of ten to fourteen days. They are given a detailed questionnaire to complete. It is essential to give as much information as possible in the questionnaire, where possible to give precise information such as dates, places, names etc.

The information supplied in the questionnaire will be considered in assessing the application. It is advisable that all questions are answered fully and truthfully. Applicants can register with the Refugee Legal Service (an independent and free service for asylum seekers). It is important to receive legal advice at all stages of the asylum process. It is best to register with the Refugee Legal Service before completing the questionnaire.

Note:

If applicants fail to return the questionnaire by the specified date, they may be found to have failed in their duty to co-operate in the investigation of the application and the application may be deemed withdrawn in which case the Minister may refuse to give the applicant a declaration as a refugee. When the questionnaire has been completed and returned to ORAC, applicants will be dispersed outside Dublin under the Direct Provision system. This is administered by the Reception and Integration Agency (RIA).

They will be housed in an accommodation centre where all meals are provided. Applicants are not given any choice with regard to the location of the centre to which they are dispersed. They may have to share a bedroom with other asylum seekers. If there is a special reason, e.g. extreme medical condition, why an applicant feels they should not be moved they should talk to their Community Welfare Officer. If they do move then they must inform the ORAC of any change of address as soon as possible. Failure to do so may result in their application being 'deemed withdrawn'.

Asylum seekers in Direct Provision accommodation receive €19.10 per adult and €9.60 per child Direct Provision Allowance as well as full board (three meals per day). Further payments can be applied for if items such as warm clothes are required. Important: Asylum seekers from the following countries: Nigeria, South Africa and Croatia are subject to prioritisation orders for the purposes of asylum processing. If the applicant is from any of these prioritised countries the application will be fast-tracked and will be processed faster than other applications. They will also be accommodated in dedicated accommodation centres and they may have daily reporting requirements. Failure to comply with the residency and daily reporting requirements may result in penalties.

The Interview

The next stage in the asylum process is the interview. The purpose of the interview is to establish the full details of their claim for a declaration as a refugee. Applicants can be called to interview immediately on completing the questionnaire or they may have to wait for several months.

At the interview, the applicant should explain clearly and precisely why they are seeking a declaration as a refugee and provide all the information and details relevant to their particular circumstances. It is advisable to seek legal advice before the interview.

This is the opportunity for the applicant to tell their story about why they left the country in which they were living and why they feel they cannot return. The interview is carried out by an ORAC caseworker. Applicants can request an interpreter (this provided for on the interview application letter, and every reasonable effort will be made to provide one. They should indicate the language in which they require when they are confirming their attendance for interview. An applicant is also entitled to have a legal representative present during the interview.

If they cannot attend the interview due to illness it is important to contact the ORAC to explain this and to provide a doctor's certificate. If they do not do this within three working days their application will be 'deemed withdrawn'.

Declaration of Status

Following the interview they will receive a decision on the application to be recognized as a refugee. This decision may take a considerable amount of time, when reached it may be either granted or refused. If recognized as a refugee they will have new rights in Ireland. Refugee Applicants who receive a negative recommendation following interview are entitled to appeal to the Refugee Appeals Tribunal.

If they have received a negative recommendation, the normal procedure is that an appeal must be made within 15 working days of the sending of the negative decision. Any appeal should be lodged with the assistance of a solicitor either through the Refugee Legal Service or a private solicitor.

In certain circumstances, which are set out in the Refugee Act 1996 (as amended), the period within which an appeal must be made is shorter and the appeal will be dealt with by the Refugee Appeals Tribunal without an oral hearing. It is the responsibility of the applicant to prove that the appeal was lodged within the permitted time limit. If posted, the Notice of Appeal must be sent by registered post and applicants must keep the certificate they receive at the Post Office. They must submit all supporting evidence and documentation with the Notice of Appeal because these are the documents on which the appeal will be considered.

Appeal

Applicants are entitled to request an oral hearing for this appeal. However they may only be granted a written appeal, depending on the reason for refusal. If they are granted an oral hearing they will be given a date for the hearing with the Refugee Appeals Tribunal. A member of the Refugee Appeals Tribunal will hear their case and usually their solicitor or barrister will be present to advocate on their behalf. Applicants may also request an interpreter. If the appeal is successful they will be recognised as a refugee.

Deportation

If unsuccessful, applicants will receive a letter stating that the Minister of Justice intends to make a deportation order against them. They will be given three options: to return voluntarily to their own country; to consent to the making of the deportation order or to make written representations as to why they should not be deported but granted leave to remain on humanitarian grounds. They have 15 working days to do this and should make this application with the assistance of their legal representative. If a deportation order is issued, the applicant: has 14 days (not working days) to challenge the order and seek a judicial review of the case. This will only be an option in a small number of cases and they should seek the advice of their legal representative it was to be an option. If however they agree to the deportation order within 15 days, deportation will then be arranged.

Leave to Remain

If Leave to Remain is granted on humanitarian grounds the applicant will be informed by letter of the duration of his/her permission to remain in the State and any obligations that attach to the grant of leave to remain. People who are granted leave to remain have lesser rights than refugees.

Safe Countries

The following countries are designated 'safe countries of origin': Croatia and South Africa. If an asylum seeker is a national of, or entitled to live in one of these countries, they are presumed not to be a refugee unless they can show reasonable grounds for the argument that they are a refugee. If they are from one of these countries the application will be prioritised and fast tracked. See Priority cases below.

Priority Cases

The Minister may give a direction in writing to the Commissioner and the Tribunal to 'prioritise' cases by reference to certain matters including the country of origin of the applicant, the age of the applicant, where there is national security and public policy issues and where there is a probability that the application is not well-founded. In such cases the application will be given priority and may be dealt with before other applications by the Commissioner and if necessary the Refugee Appeals Tribunal.

Regulations relating to Asylum Application

If applicants have previously made an asylum application or spent time in another European Union country they can be transferred back to that country under the Dublin II Regulation. For more information on the Dublin II Regulation, [click here](#).

Under the Dublin II Regulation, the EU, Iceland and Norway have agreed criteria according to which applications for asylum should be dealt with. This includes agreement that the country in which a person first arrives should be the country in which their case is decided except in some cases where for example, family unity takes precedence.

If they are informed that they are to be sent back to another EU country they have 15 days to appeal that decision. However they may be transferred to the other state pending the outcome of their appeal and returned to Ireland if the appeal is successful. If their appeal is successful they will re-enter the asylum process.

Please find below a list of useful contact organizations:

Refugee Information Service
The Irish Refugee Council
Legal Aid Board
The Citizens Information Board
The Department of Justice
Irish Naturalisation and Immigration Services
Integrating Ireland