

# **THE ASYLUM PROCESS**

## **Seeking Recognition as a Refugee (Asylum Seeking)**

*CONSTRUCTIVE AND REALISTIC AWARENESS*

## **Who is an Asylum Seeker?**

*A Refugee is a person who, owing to a fear of persecution in their country of origin, has traveled to seek refuge elsewhere.*

*Those who seek recognition as refugees are termed 'asylum seekers', whilst their claim for asylum is processed.*

## **How does an Asylum Seeker make a claim and how long does this process take?**

*To apply for asylum, you make an application at the Refugee Applications Centre, at the port where you enter Ireland or at a Garda station.*

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

## **What documents will I need to submit with the application?**

*When you apply for asylum in Ireland your application must be accompanied by:*

- *any original travel documents in your possession*
- *and, if appropriate, those of your children aged under eighteen years,*
- *Originals of all identity documents, birth and marriage certificates in your possession relating to you and/or your minor children.*
- *Your photograph and fingerprints will be taken when you lodge your application*

*You must be truthful at all times in the information you provide in connection with your application. As an asylum seeker it is your duty to cooperate at all times in the investigation of your application. Failure to do so will result in your application being 'deemed withdrawn' and a recommendation will be made that you should not be declared a refugee.*

***There is no appeal against this recommendation.***

### **What is the next step after applying for asylum?**

- 1. You will be housed in a Reception Centre in Dublin for an initial period of ten to fourteen days. You will be given a detailed questionnaire to complete. It is important to give as much information as possible in your questionnaire, where possible to include dates, place names etc. The information you supply in the questionnaire will be considered in assessing your application. It is important, therefore, that you answer all questions fully and truthfully.*
- 2. You can register with the **Refugee Legal Service** (an independent and largely 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 you complete your questionnaire.*

#### **Note:**

*If you fail to return your questionnaire by the specified date, you may be found to have failed in your duty to co-operate in the investigation of your application and your application may be deemed withdrawn, in which case the Minister shall refuse to give you a declaration.*

## **What happens when I complete the questionnaire?**

*When you complete the questionnaire you will be dispersed outside Dublin under the Direct Provision system. You will be accommodated in an accommodation centre where all your meals will be provided. There are currently fifty eight such accommodation centres throughout Ireland and you will not be given any choice with regard to the location of the centre to which you are dispersed. You may have to share your bedroom with other asylum seeker. If there is a special reason, e.g. extreme medical condition, why you feel you should not be moved you should talk to your Community Welfare Officer. If you do move you must inform the Commissioner of any change of address as soon as possible. Failure to do so may result in your application being 'deemed withdrawn'.*

### **Important:**

*Asylum seekers from the following countries: Nigeria, South Africa and Croatia are subject to prioritisation orders for the purposes of asylum processing. If you are from any of these prioritised countries your asylum application will be prioritised and will be processed faster than other applications. You will also be accommodated in dedicated accommodation centres and you will have daily reporting requirements. Failure to comply with the residency and daily reporting requirements may result in penalties.*

## **Will I get any allowance?**

*Yes, as your accommodation will be full board, you will receive €19.10 per adult and, if you have children and they are accompanying you, €9.60 per week for each child, Direct*

*Provision Allowance. Further payments can be applied for if items such as warm clothes are required.*

### **What will I do after that?**

- 1. You will be called for interview in the Refugee Applications Centre after completing the questionnaire. The purpose of the interview is to establish the full details of your claim for a declaration as a refugee.*
- 2. If you cannot attend the interview due to illness it is important to contact the Refugee Applications Commission to explain this and to show a doctor's certificate. If you do not do this within three working days your application will be 'deemed withdrawn'. **It is important to seek legal advice before your interview.***
- 3. If you require an interpreter, every reasonable effort will be made to provide one. You should indicate the language you require when you are confirming your attendance for interview.*
- 4. You should explain clearly and precisely why you are seeking a declaration as a refugee and provide all the information and details relevant to your particular circumstances.*

***Remember that this is your opportunity to tell your story about why you left the country in which you were living and why you feel you cannot return.***

### **What will happen after the interview?**

*Following the interview you will receive a recommendation on your claim to be recognised as a refugee. This claim will either be accepted or denied.*

## **What happens if my application receives a positive recommendation?**

*Where your application for a declaration as a refugee receives a positive recommendation from the Refugee Applications Commissioner you will be notified by registered post and the recommendation will be submitted to the Minister who will make a declaration that you be recognised as a refugee and you will have [rights in Ireland](#).*

## **What happens if my claim is denied?**

*If your claim is denied, you can appeal that decision to the Refugee Appeals Tribunal within 15 working days.*

*In some cases you may be given only 10 working days to appeal against a negative recommendation. In other cases you may only be given 4 days. Any such decision will be determined without an oral hearing. This is only in specific cases.*

## **How will I lodge my appeal?**

*Any appeal should be lodged with the assistance of a solicitor either through the Refugee Legal Service or a private solicitor.*

## **What happens when I lodge an appeal?**

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

- *If unsuccessful you will receive a letter from the Minister giving you 15 working days to make representations.*

### **What should I do if I receive this letter (a section 3 letter)?**

*You will receive a letter stating that the Minister of Justice intends making a deportation order against you. You will be given the options of voluntarily repatriating to your own country or of making written representations as to why you should not be deported but granted leave to remain on humanitarian grounds. You should make this application with the assistance of your legal representative. You can also choose to leave the country voluntarily or agree to be deported.*

### **What will happen if a deportation order is issued?**

- *If a deportation order is issued you have 14 days (not working days) to challenge the order and seek a judicial review of your case. This will only be an option in a small number of cases and you should seek the advice of your legal representative.*
- *Or you can agree to the deportation order within 15 days. Deportation will then be arranged.*

***If Leave to Remain is granted on humanitarian grounds the applicant will be granted rights generally in line with those who receive residence in Ireland.***

### **What is meant by “Safe countries”?**

*The following countries are designated 'safe countries of origin': Croatia and South Africa. If you are a national of, or entitled to live in one of these countries then you are presumed **not** to be a*

*refugee unless you can show reasonable grounds for the argument that you are a refugee. If you are from one of these countries your application will be given priority and will be fast tracked.*

### **What are 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 well-founded. In such cases your application will be given priority and may be dealt with before other applications by the Commissioner and if necessary the Refugee Appeals Tribunal.*

### **IMPORTANT**

*If you have previously made an asylum application or spent time in another European Union country you can be deported back to that country under the Dublin II Regulation. The EU, Iceland and Norway have agreed that usually 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 you are informed that you are to be sent back to another EU country you have 15 days to appeal that decision. However you may be transferred to the other state pending the outcome of your appeal and returned to Ireland if the appeal is successful. If your appeal is successful you will re-enter the main asylum process.*

## **Useful Addresses**

### **The Irish Refugee Council**

Second Floor

Ballast House

Aston Quay

Dublin 2

Phone: 00 353 1 764 5854

E-mail [@refugeecouncil.ie](mailto:@refugeecouncil.ie)

### **Refugee Legal Service**

**RIA**

**ORAC**

**RAT**

**Repatriation Unit**

**Integrating Ireland**

**UNHCR**