



## **International Protection Act 2015**

[Statement to be provided under section 70 (10) (a) of the International Protection, Act 2015]

### **Information Note - Transitional Arrangements**

#### **Introduction of a SINGLE APPLICATION PROCEDURE for the investigation and determination of applications for International Protection (Refugee Status and Subsidiary Protection) and Permission to Remain**

**This statement is for information and guidance only. It is not legal advice and does not purport to give a legal interpretation of the International Protection Act, 2015. This Note only addresses the principal categories of cases which are affected by the transitional provisions of the International Protection Act, 2015. It does not address all possible situations where the transitional provisions may apply. If you require more detailed information on the 2015 Act and its provisions as they apply in your case, you should seek legal advice.**

**This Information Note should be read in conjunction with the separate Information Booklet for Applicants for International Protection (IPO 1) and the Application for International Protection Questionnaire (IPO 2) which are enclosed.**

#### **1. Introduction**

- 1.1 The International Protection Act, 2015 (the 2015 Act) was commenced by the Minister for Justice and Equality (“the Minister”) on **31 December 2016**. In this Note, this is referred to as the “commencement date”.
- 1.2 This Information Note provides you with details of the transitional arrangements governing the investigation and determination of applications (at certain stages of the process) for international protection (refugee status and subsidiary protection) under

the International Protection Act, 2015 which were made in the State (Ireland) before the commencement date. It also provides certain details in relation to permission to remain.

- 1.3 It is intended to help you understand the arrangements to apply in transferring
- certain applications for refugee status and subsidiary protection from the Office of the Refugee Applications Commissioner (ORAC) and
  - certain refugee appeals from the Refugee Appeals Tribunal (RAT)

which were made before 31 December 2016, to the International Protection Office of the Irish Naturalisation and Immigration Service for the completion of processing under the 2015 Act.

- 1.4 More detailed information on the grounds on which a person is entitled to a declaration of refugee or subsidiary protection status and the procedures to apply in the International Protection Office (IPO) are outlined in the enclosed Information Booklet for Applicants for International Protection (IPO 1). The Booklet also explains what your rights and obligations are as an applicant for international protection and who you will be dealing with during the application process. The Booklet also outlines the procedures that apply to the consideration of permission to remain by the Minister on grounds other than a need for international protection.

- 1.5 We also enclose the Application for International Protection Questionnaire (IPO 2).

- 1.6 It is important and in your interest to read this Information Note and the enclosed Information Booklet and Questionnaire carefully and seek legal advice as required so that you are in a position to support your application and **to ensure that you understand how the transitional arrangements of the 2015 Act apply to you.**

## 2. **Purpose of the International Protection Act 2015**

- 2.1 The 2015 Act provides for the introduction of a single application procedure which enables all grounds for seeking international protection (refugee status and subsidiary

protection) and permission to remain in the State for other reasons to be examined and determined in one consecutive process.

- 2.2 The 2015 Act contains transitional arrangements which apply to certain applications for refugee status and subsidiary protection which were made before the commencement date (see section 4).

### **3. Who will determine applications and appeals under the 2015 Act?**

- 3.1 Under the 2015 Act, the ORAC has been abolished. Responsibility for the investigation and determination of applications for international protection and related permission to remain matters covered by this Information Note has, since the commencement date and subject to the provisions of the 2015 Act, transferred to the International Protection Office (IPO) of the Irish Naturalisation and Immigration Service (INIS).

- 3.2 Under the 2015 Act, the RAT has also been abolished. Responsibility for the determination of appeals in respect of applications for international protection has since the commencement date and subject to the provisions of the 2015 Act, transferred to the International Protection Appeals Tribunal (IPAT).

### **4. Transitional arrangements for existing applications for refugee status and subsidiary protection not finalised before the commencement date**

- 4.1 Unless the application is to be dealt with under the EU Dublin Regulation, in which case certain alternative arrangements apply (see [section 10](#) of the Information Booklet for Applicants for International Protection), the following transitional arrangements will apply to applications for refugee status and subsidiary protection made before the commencement date and which were not finalised at that date.

#### **Category 1 - Refugee applications in ORAC**

If you made an application for refugee status before the commencement date but a report had not been prepared by ORAC under section 13 of the Refugee Act, 1996 by that date (in other words, a recommendation was not made), your application will be deemed to be an application for international protection (both refugee status and

subsidiary protection) under the 2015 Act. Your file has been transferred to the International Protection Office for consideration of whether or not you are entitled to a refugee status or a subsidiary protection declaration.

If you are deemed not to be entitled to either refugee status or subsidiary protection, the Minister will immediately consider if you should be granted permission to remain for other reasons. This decision will be based on all of the papers you have already submitted and you will not be asked to make a new application for permission to remain.

### **Category 2 - Refugee appeals**

If your application for refugee status was on appeal to the RAT before the commencement date but had not been decided by the RAT by that date, you will be deemed to have applied for international protection under the 2015 Act. Your file has been transferred to the IPO for consideration of your entitlement to subsidiary protection only. In such cases, the recommendation on your refugee status application made by ORAC will be preserved and will remain in place. If the IPO recommends that you should not be granted subsidiary protection, the Minister will immediately consider if you should be granted permission to remain for other reasons. The previous appeal to the RAT will be preserved and transferred to the new IPAT. If you are refused subsidiary protection, you may also appeal the IPO's subsidiary protection recommendation to the IPAT and the two appeals will be treated as one and heard together. If you are also refused permission to remain by the IPO, you should note that under the 2015 Act you may not appeal the decision on permission to remain to the IPAT.

### **Category 3 - Subsidiary Protection**

If you applied for subsidiary protection prior to the commencement date and ORAC had not started its investigation by that date, your application will be deemed to be an application for international protection under the 2015 Act. Your file has been transferred to the IPO for consideration of any subsidiary protection matters only. In such case, the recommendation on your refugee status application made by ORAC (or

the decision of the RAT on appeal, if applicable) will be preserved and will remain in place.

### **Other information**

- (i) If you applied for subsidiary protection prior to the commencement date and ORAC had started the investigation of the application by that date, the application is not affected by the 2015 Act, apart from the fact that the IPO takes over the functions of the ORAC. The pre-existing legislation continues to apply and the IPO will examine your application under the old procedures.
- (ii) If you have made an application for subsidiary protection and this application is on appeal to the RAT before the commencement date, the appeal will be transferred to the IPAT which will decide it under the pre-existing law.

## **5. Permission to Remain**

- 5.1 Should the IPO recommend that your application for international protection under the 2015 Act be refused (whether in respect of refugee status and subsidiary protection or subsidiary protection alone), a decision will then be made as to whether you should be given permission to remain in the State on another basis.
- 5.2 It is important to note that the procedures have changed where the 2015 Act applies insofar as the Minister will no longer write to you inviting you to make representations as to why you should be granted permission to remain in the State. Instead, this will be considered by the IPO should it recommend that your application for international protection be refused. The decision will be made based on the information and papers already provided in your case.
- 5.3 Therefore, if your case is one which is transferred to the IPO for consideration as an application for international protection under the 2015 Act, you must set out in writing any reasons why you consider that you should be granted permission to remain in the appropriate part of the Application for International Protection Questionnaire (IPO 2). For example, your family and domestic circumstances, the nature of your connection to the State, your character and conduct both within and

outside the State and humanitarian considerations are all potentially relevant matters. For a full explanation of the relevant matters, please see the Information Booklet for Applicants for International Protection (IPO 1).

5.4 You must also keep the IPO (on behalf of the Minister) informed of any change in your circumstances that might be relevant (e.g. your family or domestic circumstances or the situation in your country of origin).

**6. If I am covered by the transitional arrangements do I need to make another application for international protection?**

6.1 If your application for international protection is among one of the categories mentioned at section 4 above, you do **not** need to make a new application for international protection to the Minister but you should follow the instructions in section 7 below in relation to the completion of the relevant parts of the Application for International Protection Questionnaire (IPO 2).

**7. Completion of the Application for International Protection Questionnaire**

7.1 If your application is deemed to be an application for international protection under Categories 1, 2 or 3 set out at section 4 above, you should complete the Application for International Protection Questionnaire as follows:

**Category 1 cases (refugee status, subsidiary protection and permission to remain)**

Please complete the Questionnaire **in full**.

**Category 2 cases (subsidiary protection and permission to remain)**

Please complete the Questionnaire but do not complete the section relating to refugee status (**Questions 63a and 63b**).

**Category 3 cases (subsidiary protection and permission to remain)**

Please complete the Questionnaire but do not complete the section relating to refugee status (**Questions 63a and 63b**).

7.2 You are also entitled to provide any additional information **in writing** in support of your application for international protection that you consider appropriate. You do not need to resubmit any documents already submitted in relation to your application as these will all remain on your file.

7.3 You should return the Application for International Protection Questionnaire (IPO 2) along with any additional information that you are relying on in support of your application for international protection and for permission to remain (if any), if possible, **no later than 20 working days** from the date of the covering letter you received with this Information Note in the FREEPOST envelope enclosed to

**Transitional Cases Section,  
International Protection Office,  
Irish Naturalisation and Immigration Service,  
79 - 83 Lower Mount Street,  
Dublin 2,  
D02 ND99**

7.4 **If you and/or your legal adviser need to provide supplementary information to the IPO after you have submitted the information at paragraph 7.3 above, you should do so as soon as possible and, if you are in a position to do so, no later than two weeks prior to the date of your scheduled interview. This timescale will facilitate the translation of documents if required and ensure that the IPO interviewer has all your papers available and considered in advance of the interview date.**

## **8. When will I be interviewed under the International Protection Act 2015?**

8.1 When you have completed and returned your Application for International Protection Questionnaire (IPO 2) and any accompanying supplementary information in accordance with section 7, the International Protection Office will be in touch with you in due course about arrangements for your interview if required. Your interview may not be scheduled for a number of months due to the large number of applications to be processed by the IPO.

8.2 There is **no** need for you to contact the International Protection Office directly or indirectly to request an interview.

**9. When will my appeal be heard by the IPAT?**

9.1 If you have a pending refugee appeal that was not decided prior to the commencement date, your file will be transferred to the IPO as outlined in section 4 above.

9.2 If you have a pending subsidiary protection appeal, this will be heard by the IPAT and you will be informed of the hearing date by the IPAT.

**10. Further Information**

10.1 Any enquiries concerning the contents of this Information Note should be addressed **in writing** to the Customer Service Centre, International Protection Office, Irish Naturalisation and Immigration Service, 79-83 Lower Mount Street, Dublin 2 or to **info@ipo.gov.ie**

10.2 The International Protection Act 2015 and accompanying Statutory Instruments can be accessed in full at **www.ipo.gov.ie**

10.3 This Information Note is also available in a number of languages at the above e mail address.

10.4 You may avail of the services of the Legal Aid Board in connection with your application for international protection or permission to remain. Alternatively, you can consult a private solicitor at your own expense.

10.5 You are also entitled to consult the United Nations High Commissioner for Refugees in respect of your application for international protection.

10.6 Contact details for organisations mentioned in this Information Note are at **Annex 1**.

**International Protection Office  
Irish Naturalisation and Immigration Service  
January 2017**



**ANNEX 1**  
**SOME CONTACT DETAILS**

**International Protection Office**

Irish Naturalisation and Immigration Service,  
79-83 Lower Mount Street,  
Dublin 2. D02 ND99  
Telephone: 01 6028000  
Fax: 01 602 8122  
Website: [www.ipo.gov.ie](http://www.ipo.gov.ie)  
Email: [info@ipo.gov.ie](mailto:info@ipo.gov.ie)

**International Protection Appeals Tribunal**

6/7 Hanover Street,  
Dublin 2. D02 W320  
Telephone: 01 474 8400  
Lo-Call: 1890 210 458  
Fax: 01 474 8410  
Website: [www.protectionappeals.ie](http://www.protectionappeals.ie)  
Email: [info@protectionappeals.ie](mailto:info@protectionappeals.ie)

**Legal Aid Board**

Legal Aid Board Law Centre - Smithfield,  
48/49 North Brunswick Street,  
Georges Lane,  
Dublin 7. D07 PEOC  
Telephone: 01 646 9600.  
Website: [www.legalaidboard.ie](http://www.legalaidboard.ie)  
Email: [lawcentresmithfield@legalaidboard.ie](mailto:lawcentresmithfield@legalaidboard.ie)

**International Organisation for Migration.**

116 Lower Baggot Street,  
Dublin 2. D02 R252  
Freephone: 1800 406 406  
Telephone: +353 1 676 0655  
Website: [www.ireland.iom.int](http://www.ireland.iom.int)  
Email: [iomdublin@iom.int](mailto:iomdublin@iom.int)

**United Nations High Commissioner for Refugees (UNHCR)**

102 Pembroke Road,  
Ballsbridge,  
Dublin 4. D04 E7N6  
Telephone: 01 6314510  
Email: [iredu@unhcr.org](mailto:iredu@unhcr.org)