

# KNOW YOUR RIGHTS

A guide for international  
protection applicants



Irish Council for  
**Civil Liberties**

### **Who wrote this guide?**

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### **Special thanks to protection applicants**

Special thanks are due to the international protection applicants who gave their time to take part in the feedback groups about this guide. Their thoughtful responses to questions and their discussions helped make this guide as useful as possible. Many thanks also to Zoe Phiri for her assistance in organising these feedback groups with international protection applicants.

### **Thanks to case-workers, advisors and others**

Many thanks also to the case-workers and advisors at the following non-governmental organisations who provided invaluable advice and assistance: Doras, Crosscare, Movement of Asylum Seekers in Ireland (MASI), Jesuit Refugee Service (JRC), New Communities Partnership (NCP) and Migrant Rights Centre Ireland (MRCI).

**Disclaimer:** This guide gives general information about your rights. We have tried to make sure that the information is accurate and up to date, but this guide does not contain legal advice.

**If you need legal advice, please contact a solicitor.**

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# Welcome to Ireland

**We understand that applying for international protection can be difficult. We hope this guide will help you know your rights – and how you can use them.**

You have many rights so this guide is long. We have to explain your rights in the context of the application process for international protection, which is also detailed.

To help make it easier to know your rights, we list your main rights on the next two pages.

As well as this, to help you learn and exercise your rights we have **divided this guide into parts so you only have to read the part you need at a particular time.**

We have organised it so that you only have to read the part or parts of the guide that apply to you at a particular point in time. Do keep this guide though as it is a useful resource. As a minimum, Part 4 is worth keeping as it includes information on organisations that can help you at all stages of your application. The staff and volunteers in these organisations are very helpful.

## **We have used a question and answer approach...**

We have written most of this guide using a question and answer approach. At times, we have to use legal and other technical language. We have tried to explain these in plain English. The questions came mainly from international protection applicants.

## **We have provided resources and tips as to where you can get more information...**

Please get help reading this guide if you need to. We recommend that you use free legal aid services to help you know what to do while you apply, while waiting to hear the result of your application and after the result.

We want to help make your experience applying for international protection in this state as easy as we can.



If you are an adult with a physical or mental disability, we have used this visual to help you find information addressed to you.



If you are a minor (a person under 18 and unmarried) and not with your parents or guardian, we have used this visual to help you find information addressed to you.

# Your rights at-a-glance

## These pages give you an overview of your main rights at different stages of being in Ireland

You can find more details in this guide about the rights we list and in the resources we mention. The rights below apply in most situations but can be limited in some circumstances, for example to protect the rights of others. If you have any questions, please contact [info@iccl.ie](mailto:info@iccl.ie) or [info@irishrefugeecouncil.ie](mailto:info@irishrefugeecouncil.ie)

### All readers

#### You have the right:

- To life
- To respect and dignity
- To equality and non-discrimination
- To fair treatment and to make a complaint about unfair treatment
- To free expression
- To private and family life
- To be free to meet with others (freedom of association)
- To protest with others in public spaces (freedom of assembly)
- To hold your religious or non-religious beliefs and to practice your religion

## YOUR MAIN RIGHTS

### What are my main rights as an international protection applicant?

#### You have the right:

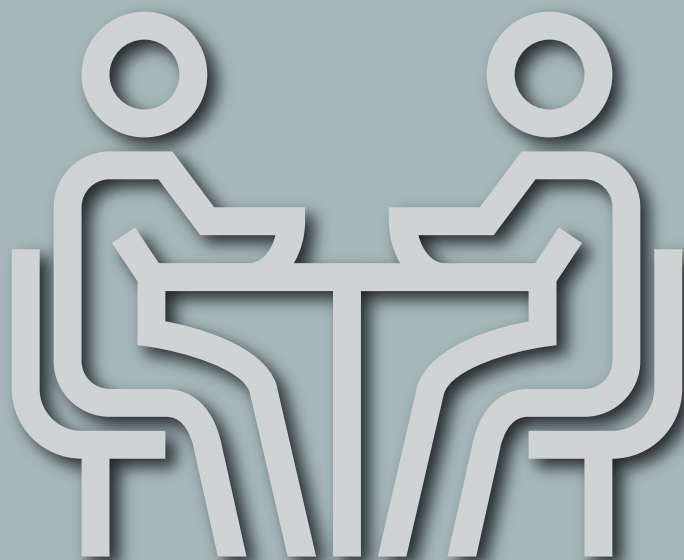
- To apply for international protection if you fear persecution or serious harm
- To apply for international protection for your children
- To apply to have an interpreter at every interview for international protection
- To have your personal information kept private and confidential
- To appeal (challenge) decisions about your case
- To complain if you think you have been treated unfairly
- To have help from a lawyer (legal aid) for a fee of €10, (which can be waived if you are experiencing hardship)
- To receive basic accommodation and some financial support if you cannot provide them for yourself
- To physical, mental, sexual, and reproductive healthcare
- To access education for children under 18 years of age
- To apply for permission to work five months after you have made your application for protection. This permission allows you to access further training and education too.
- Right to a bank account
- Right to an Irish driving licence

## **Rights if your application is accepted**

**You have more rights if your application is accepted and there is a decision to allow you to remain in Ireland**

### **These include:**

- Right to bring some family members to Ireland
- Right to social security (social welfare)
- Right to housing assistance
- Right to a travel document so you can leave and return to Ireland
- Right to apply for Irish citizenship after a period of time.



# About this guide



## **This guide tells you about:**

- your rights under Irish law,
- when your rights and freedoms may be limited,
- how you can exercise your rights during your stay in Ireland as a protection applicant, and
- the application process itself.

At the back of this guide, you can also read about the organisations that can help you at all stages of your application and how you can contact them if you need practical help with health, housing, education or other matters.

## **This guide will not tell you:**

- how long your application will take to make, process and get a recommendation on (expect several months or over a year);
- detailed legal information.

We start with a short introduction about human rights generally. This is on page 6. The guide has five main parts. You won't have to read all parts in one go. Instead, please read the description about each part in this guide and see which part you need to read now. The different parts in this guide relate to where you are at in terms of applying for international protection and your rights at that time.

## **PART 1**

### **My rights before and while I make an application for international protection**

This part of the guide explains what rights you have when applying for International Protection and how the State must help with your application. It gives you a detailed step-by-step approach to how to apply, your rights when applying, and where you can go for assistance if you feel your rights are not fully respected.

For instance, it explains how you can appeal the recommendation made on your application to remain in this state.

Please know that you have the right to free legal advice while you apply.

## **PART 2**

### **My rights as an international protection applicant**

This part of the guide explains the rights you have when you are an international protection applicant in Ireland and waiting for a decision on your application.

This section is divided into two other sections:

- Your economic, social and cultural rights
- Your civil and political rights

This part of the guide is the longest part and it includes limitations that may apply to your rights by law. It also explains what you can do if you think your rights are unfairly or unlawfully restricted.



### PART 3

#### My rights after being granted international protection

This part of the guide explains what rights you will be entitled to when you are a refugee or holder of 'subsidiary protection' or 'permission to remain status' in Ireland. It explains the different stages involved.

### PART 4

#### Organisations and resources that can help me

This part of the guide lists government organisations and independent organisations that can help you with the range of issues discussed in this guide. It also refers to resources such as websites that are also useful to find out the latest information. It will help you at all stages of your application.

### PART 5

#### Key laws and regulations underpinning your rights

This part of the guide describes the legal bits you need to know about very briefly. This covers the main laws and regulations you need to know about.

## Using the guide...

### Use of colour-coding in this guide

We have colour-coded each part of this guide to help you find the relevant section easier.

### Use of icons in this guide

Throughout the guide, near the top of the left-hand page, we have added in a little graphic (icon) which lets you know that certain themes or issues are mentioned at this point.

 *internet link on this page*

 *housing rights issue*

 *disability rights issue*

 *children's rights issue*

Online users of this guide (reading it as a PDF) should be able to click on the web addresses (URLs) if they have internet access. Otherwise, type the addresses into your web browser.

# Introduction



## What are human rights?

Human rights are the basic freedoms and entitlements that all of us have. These rights should be available to everyone, no matter who they are, where they are from or their sex, gender, nationality, language, race, ethnicity, disability, religion, marital or family status, sexual orientation, age, class, political opinion, or other opinions. Ireland has made commitments under European, national, and international law to make sure that the rights of everyone living in the State are respected, protected, and fulfilled.

## Who makes sure my rights are respected?

The State must make sure that your rights are respected. Government agencies such as those listed below all have a duty to respect, protect and fulfil your rights:

- An Garda Síochána (the Irish police)
- The Legal Aid Board
- The International Protection Office (IPO)
- The International Protection Accommodation Service (IPAS)
- The International Protection Appeals Tribunal (IPAT)
- Public services such as schools, health services, and all other government agencies.

Here is a little more detail about most of the above organisations. Read carefully as these are the main organisations you need to know about to understand this guide.

## An Garda Síochána (the Irish police)

This is the name of the Irish police force. It is also known as the Gardaí.

## Legal Aid Board (LAB)

You can use the services of the Legal Aid Board (LAB) which is a government body that will provide legal assistance and advice in support of your application. Its services are confidential and independent. If your application is refused, they can also help you apply for an appeal of the decision.

If you need legal advice on your application or case from the Legal Aid Board there is generally a charge of €10, though the Legal Aid Board can decide not to charge you if you show you cannot afford it.

It is very useful to have legal people help with your application. And, if you do not want to use the Legal Aid Board, you can get legal advice privately and at your own expense. If you choose to do this, **make sure they are registered as a practicing solicitor in Ireland.** See <https://www.lawsociety.ie/Find-a-Solicitor>

## International Protection Office (IPO)

The IPO is the government office responsible for examining and processing applications for international protection.

## **International Protection Accommodation Service (IPAS)**

IPAS is responsible for co-ordinating accommodation and related services provided to international protection applicants. These services include provision of:

- accommodation,
- health care,
- education,
- social welfare to protection applicants.

## **Immigration Service Delivery (ISD)**

This is the government department responsible for immigration issues.

<https://www.irishimmigration.ie/>

This department used to be called the Irish Naturalisation and Immigration Service – INIS so you might hear people refer to it that way.

## **The International Protection Appeals Tribunal (IPAT)**

IPAT decides on appeals where the IPO has rejected applications for international protection. IPAT also decides on appeals where the IPO says cases don't meet legal requirements (are inadmissible), cases where the IPO says another country has to deal with your case (known as Dublin III Convention cases), where someone has been refused when they wanted to make a second application, as well as certain decisions around what you are entitled to on arrival in Ireland, (known as Reception Conditions).

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

The United Nations High Commissioner for Refugees (UNHCR) is an international organisation to aid and protect protection applicants, refugees, forcibly displaced communities and stateless people. It helps with voluntary return, local integration, and resettlement to a third country. You can find out more about its Irish branch here: <https://help.unhcr.org/ireland/>

# Key terms and abbreviations

The following pages list key terms, definitions and abbreviations (short ways of writing or describing words or phrases) that are helpful to know. Look at the main ones you think you are interested in now and then **come back** to them if you need more detail as you read the guide.

## Family Member (as understood in relation to family reunification under the International Protection Act 2015)

Once you have been granted international protection, your family members may be able to apply to join you in Ireland. A family member for this purpose is:

- The spouse of the person, provided that the marriage was in force on the date of the application for international protection in the State (Ireland),
- The civil partner of the person, provided that the civil partnership was in force on the date of the application for international protection in the State (Ireland),
- A child of the person who, on the date of the application for family reunification, is under the age of 18 years and unmarried, or
- If the person is under 18 years of age and unmarried, their parents and their siblings who are under 18 years and unmarried.

(See also the Information Booklet for Applicants for International Protection (IPO 1), Section 14.3.1)

## Family reunification

Family reunification means that if you are declared a refugee or granted subsidiary protection you may apply within 12 months to the Minister for Justice for permission for certain members of your family to:

- enter and live in Ireland, if they are living somewhere else or
- remain and live in Ireland, if they are already here.

## First instance recommendation

The decision on your international protection application taken by the International Protection Office is sometimes called a first instance recommendation. The recommendation is affirmed by the Minister, and successful applicants receive a letter from the Ministerial Decisions Unit (first instance decision). A subsequent decision, taken by the International Protection Appeals Tribunal, is known as an appeal decision.

## International Protection

The term 'international protection' means the protection given by the State (Ireland) to someone who meets the legal definition of a:

- refugee, or
- person in need of subsidiary protection.

## Refugee

To be recognised as a refugee, you must be a person who has a well-founded fear of being persecuted because of one or more of the following reasons: race, religion, nationality, political opinion, or membership of a particular social group.

You must also be:

- outside your country of nationality and be unable or, because of fear, be unwilling to accept the protection of that country or
- be a stateless person, who, being outside of your country of former habitual residence is unable or, because of fear, unwilling to return to it. ('Former habitual residence' means any country you lived in for a significant amount of time.)

## Stateless

If you are not a citizen of any country, you are stateless. If you are stateless, 'former habitual residence' means any country you lived in before for a long time.

## Subsidiary protection

Subsidiary Protection is granted where a person does not qualify as a refugee but where the person faces a real risk of suffering 'serious harm' in their country of origin. **Serious harm** can mean three different things.

### Serious harm – death penalty or execution

– Serious harm means being at risk of the death penalty or execution.

### Serious harm – serious ill treatment

– Serious harm can also mean that in their country of origin or country of former habitual residence (explained under 'stateless'), the person may be at risk of: torture, inhuman or degrading treatment or punishment.

### Serious harm – international or internal armed conflict

– Serious harm can also mean that there is a serious and individual threat to a civilian's life or person due to indiscriminate violence in a situation of international or internal armed conflict. [Indiscriminate violence is violence that is random and is not targeted at any group of people in particular.]

The list below probably looks scary but don't worry as they will make sense when you read them in the guide. The list here is a list of:

- abbreviations (short ways of referring to a longer name or description), and
- acronyms (abbreviations you say can and they sound like words).

You will see these abbreviations and acronyms in the guide. Check back here to see what they mean. They will make more sense then. Trust us. They are listed in A – Z order.

**CDETB . . . City of Dublin Education and Training Board**  
**ECCE . . . . Early Childhood Care Scheme**  
**EROC . . . . Emergency Reception and Orientation Centre**  
**ETB. . . . . Education and Training Board**  
**HAP . . . . . Housing Assistance Payment**  
**HSE . . . . . Health Service Executive**  
**INIS . . . . Irish Immigration Service**  
**IPA. . . . . International Protection Act**  
**IPAS . . . . International Protection Accommodation Service**  
**IPAT. . . . . International Protection Appeals Tribunal**  
**IPO. . . . . International Protection Office**  
**IPO 1 . . . . Information Booklet for Applicants for International Protection**  
**IPO 2 . . . . International Protection Questionnaire**  
**NGO . . . . . Non-governmental organisation**  
**RAP . . . . . Refugee Access Programme**  
**RIA. . . . . Reception and Integration Agency**  
**SCSA . . . . Separated Children Seeking Asylum**  
**S.I. No . . . Statutory Instrument Number**  
**TRC . . . . . Temporary Residence Certificate**  
**UNHCR .. United Nations High Commissioner for Refugees**



# **Know your rights**

**Part 1: My rights before and  
while making an international  
protection application**

**(and getting to know  
the application system)**

# Part 1: My rights before and while making my international protection application

## **This part explains:**

- how you apply for international protection (the main stages);
- help you can get to do this;
- your rights during this procedure; and
- how you can appeal a decision if your application is rejected and you believe that you were unfairly deprived of your rights.

## **How you apply for international protection (the main stages):**

Applying to the International Protection Office in Dublin, Ireland, involves a:

1. First interview (called the preliminary interview and sometimes a Section 35 Interview);
2. Filling in and sending a questionnaire to an office called the 'International Protection Office';
3. Second interview (called the personal interview). At this interview you will be asked questions about your personal history, why you left your country, why you are afraid to return there, and how you came to Ireland. This interview can last several hours.



(See the visual on page 14 to understand the main stages and some key steps within each stage.)

## **Legal assistance**

You have the right to free legal assistance through the whole application procedure. We recommend you use this right to help you understand all your rights.



## How you apply for international protection (the main stages)

### Before you apply

By law, everyone has the right to apply for international protection. International protection refers to both refugee and subsidiary protection statuses. A person who claims asylum in Ireland is seeking international protection from persecution or serious harm in their home country. A person will be recognised as a refugee where they have a well-founded fear of persecution in their home country for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Examples of acts of persecution include: acts of physical, mental, or sexual violence;

- discriminatory legal, administrative, police or judicial (Court) measures against you such as targeted arrests;
- unfair or discriminatory prosecutions or punishment in your country of origin;
- no way of appealing unfair or discriminatory prosecution or punishment through independent courts;
- prosecution or punishment for refusing to take part in military service in a conflict, which would have meant you would have been involved in crimes or war crimes, crimes against the peace, or crimes against humanity;
- acts of a gender-specific nature such as sexual violence, genital mutilation, forced abortion or forced sterilisation, or the death penalty for homosexuality;

- acts that relate to children such as underage recruitment for armed forces, child trafficking, or child prostitution.

### Subsidiary Protection

A person will be granted subsidiary protection where they cannot return to their country of origin because they face a real risk of serious harm there.

### Permission to Remain

If a person is not successful in their application for refugee status or subsidiary protection, the State will consider whether there are other reasons to grant permission to reside in Ireland, such as a person's family or personal circumstances.

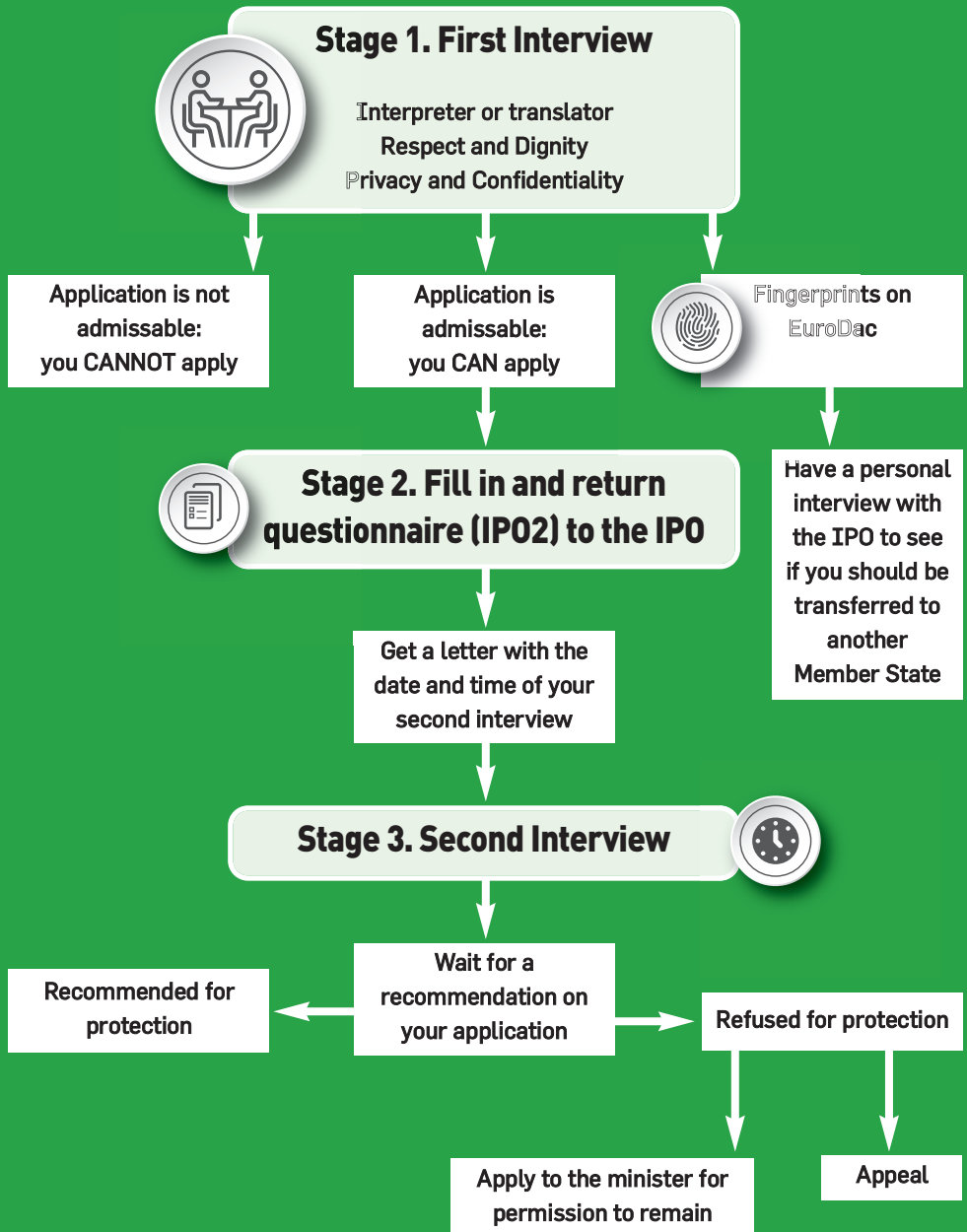
### These include:

- a. the nature of your connection with Ireland,
- b. humanitarian considerations;
- c. your character and conduct both within Ireland and elsewhere, including any criminal convictions;
- d. considerations of the common good.

### What is the relevant Irish law?

The International Protection Act 2015

# The application process



## What can I expect from the International Protection Office (IPO) during my application process?

**An interpreter / translator:** You have the right to an interpreter in a language that you can easily communicate. Your interviews will, where necessary and possible, be done with the help of an interpreter. Documents which you submit in your own language will be translated into English.

**Respect and dignity:** You have the right to be treated with respect, dignity, and fairness regardless of your age, disability, nationality, ethnicity, race, gender, sexual orientation, religion or belief or any other personal characteristic.

You should be respected and understood. IPO staff know that this process may be new to you. They understand that you may have been through traumatic experiences and that you may find it difficult to talk about sensitive information about yourself.

You can request to talk with a man or a woman.

**Privacy and confidentiality:** You have the right to privacy and confidentiality for your personal information. You should expect to feel safe when you share any sensitive information, for example, about sexual violence, physical violence, torture, any ill-treatment, your sexuality. Any information you give as part of your application should be treated in confidence in line with the law. It will not be shared with (disclosed

to) the authorities in your country of origin or to representatives of your country in Ireland.

## Who has the right to apply for international protection (to seek asylum) in Ireland?

Anyone in Ireland or at an entry point to Ireland, who is not a citizen of Ireland of any EU country, can apply for international protection. Entry points include airports, and ports. Applications should be made as early as possible.

If you are applying for international protection and have a child, you have the right to apply on behalf of your child who is not an Irish citizen and:

- at the time of applying is physically in Ireland and is under 18 years of age, or
- is born in Ireland while you are an applicant, or
- who is under 18 years of age and enters Ireland while you are an applicant.

## How do I apply for international protection for my children?

You have the right to apply for international protection on behalf of your children but you must bring them with you to the IPO when you make your application.

**Important:** If your child is born after you apply for international protection, or any of your children under the age of 18 arrive in Ireland after you apply:

- you should consult your solicitor.
- If your child is not an Irish citizen from



birth or does not have another form of immigration status in Ireland, it is important to register them at the IPO as your dependent child so their needs will be considered as part of your application.

A child is considered anyone under 18 and who is not married.

### **An unaccompanied child (separated child that is an unmarried person under 18 years)**

#### **I am a child under 18. I am on my own (unaccompanied). How do I apply to make an International Protection application?**

You can present to the International Protection Office to make an application for international protection.

If you are a child (under the age of 18), and not accompanied by an adult who is taking responsibility for your care and protection, the International Protection Office will refer you to Túsla – The Child and Family Agency (IP Act 2015, Section 14). Túsla will do an assessment of your needs. This will include asking you about your age to determine whether you should be taken into the care of the State as a child.

Túsla inform the IPO whether they will take someone into their care. If they decide not to, the IPO usually follows that decision, and assesses the person as an adult.

If you do not agree with IPO's assessment that you are not a child, it is important to:

- get legal advice,
- ask for a review of that assessment, and

- gather any additional information to show your age if you can.

A child who is already in Túsla care will be supported by social workers to apply for international protection, where this is appropriate. They will seek legal advice before doing so. When a decision is made that you should apply for international protection, a social worker will attend the International Protection Office to support you in submitting your application. Your social worker will also support you throughout the international protection process, including coming with you to your interview. You will also have a right to legal advice throughout the process.

A separate helpful information leaflet specifically for unaccompanied children is also available. For access to these information leaflets, please see: **IPO 03 - Information Booklet for Unaccompanied Minors Separated Children Final 25.05.2017.pdf**

#### **Can I apply for international protection in Ireland if I am stateless?**

Yes, you can apply for international protection (refugee status and subsidiary protection) in Ireland if you are:

- stateless (explained on page 9), or
- cannot return to your country because you fear persecution, (explained on page 9).

The IPO will examine your application in relation to the country you lived in before. (<https://help.unhcr.org/ireland/frequently-asked-questions/>)

Being stateless does not, of itself, mean you will qualify for refugee or subsidiary protection status. You will still have to demonstrate a well-founded fear of persecution in the country you used to live in and meet the conditions of international protection.

**Do I have the right to apply for international protection if I am in custody, prison or detention?**

Yes, if you are in custody, prison or detention you can apply for protection but you must do so by immediately informing the Governor of the institution you are in. The Governor's Office will then arrange with the IPO to have your application processed.

**Does an international protection applicant have the right to live in Ireland?**

Yes, you have the right to stay in Ireland until a final decision is made on your application.

**Do I have a right to travel internationally while I am in the international protection process?**

No. You are not allowed to leave or attempt to leave Ireland without the consent (agreement) of the Minister of Justice while your application is being processed. The IPO / IPAT will hold your passport while your application is being processed.

If you already have permission to remain in the State (for example if you have a student visa), then this limitation on leaving the State does not apply to you. (IP Act 2015, Section 16 (6) (b)).

**Do I have the right to have a Residence Certificate?**

Once you are registered with the International Protection Office, you have the right to get a Temporary Residence Certificate (TRC) from the IPO. Dependent children are not given an individual TRC. Children's residence is evidenced by the permission of their parents. (Dependent children are defined on page 15)

It is important to keep your Temporary Residence Certificate up-to-date during your application for international protection. The IPO will tell you more about this.

**Can I apply for a Personal Public Service (PPS) number?**

Yes, when you get your Temporary Residence Certificate (TRC), you can apply for a PPS number for yourself and for your children or anyone you are accompanying. You will need a PPS number to access certain health services and education and to register for employment.

For more information, please see:

- <https://www.gov.ie/en/service/12e6de-get-a-personal-public-service-pps-number/>
- <https://help.unhcr.org/ireland/where-to-look-for-accommodation-for-asylum-seekers/>

**Do I need to make separate applications for the different statuses?**

No. There is a 'single procedure' for assessing international protection applications. Once you apply for



international protection, your application will be assessed at the same time for:

- refugee status,
- subsidiary protection, and
- permission to remain.

If your refugee or subsidiary protection decision is declined (refused), you can appeal to the International Protection Appeals Tribunal. The Tribunal will then consider your application again.

**Where can I get more information about the application process and my rights and duties during the process?**

You can get more information about the application process and your rights from different sources.

**Are there additional supports during the application procedure for protection applicants with disabilities?**

If you protection applicant with a disability, you should tell the IPO of any accessibility requirements on the day you make an application. Where possible, the IPO **must**

Resource:	To know:
The information booklet for applicants for international protection (IPO1)	This booklet gives detailed information about the application process, protection applicants' rights and duties during this process, and the possible consequences of not co-operating with the IPO. It is available in different languages at <a href="http://www.ipo.gov.ie/en/IPO/Pages/IPO1">http://www.ipo.gov.ie/en/IPO/Pages/IPO1</a>
<b>Note: This booklet requires understanding legal language, so you will likely need legal help to understand parts of it.</b>	
Information leaflet about the EU [Dublin System] Regulations 2018 in general. The EU Dublin Regulation is explained in Part 5.	The IPO will give an information leaflet about the EU Dublin Regulation to people who may be impacted by the Regulation. The EU Dublin Regulation is explained in Part 5. <a href="http://www.ipo.gov.ie/">http://www.ipo.gov.ie/</a>
Information leaflet for unaccompanied minors	How you can apply <a href="http://www.ipo.gov.ie/">http://www.ipo.gov.ie/</a>

provide any reasonable measures to accommodate you. For example, you may require a sign language interpreter.

You should be assessed for any vulnerabilities or risks within 30 days of making your IP application at the IPO to establish if you need additional supports in relation to your accommodation and reception needs. Under the Reception Conditions Directive, a “vulnerable” person includes a minor, an unaccompanied minor, a person with a disability, an elderly person, a pregnant woman, a single parent of a minor, a victim of human trafficking, a person with a serious illness, a person with a mental disorder, and a person who has been subjected to torture, rape or other form of serious psychological, physical or sexual violence. Based on the result of this assessment, you should receive necessary supports. Supports are arranged through the International Protection Accommodation Service. The assessment should show if you need additional reception supports (such as a walk-in shower, wheelchair-accessible room, single room or to be accommodated close to certain services you require). This assessment is made by the Department of Children, Equality, Disability, Integration and Youth.

In September 2022, a change was made to the vulnerability assessment process. The government announced that ‘Vulnerability Assessment questionnaires’ will now be available to all persons who make an application for international protection in their accommodation centres. A Referral

Form for service providers and third parties working with International Protection applicants is also available and can be completed by a third party or service provider on behalf of an applicant with their consent. Questionnaires and referrals can be returned by email to **[residentwelfareteam@equality.gov.ie](mailto:residentwelfareteam@equality.gov.ie)** or by freepost to: Resident Welfare Team, International Protection Accommodation Services PO Box 11487 Dublin 2.

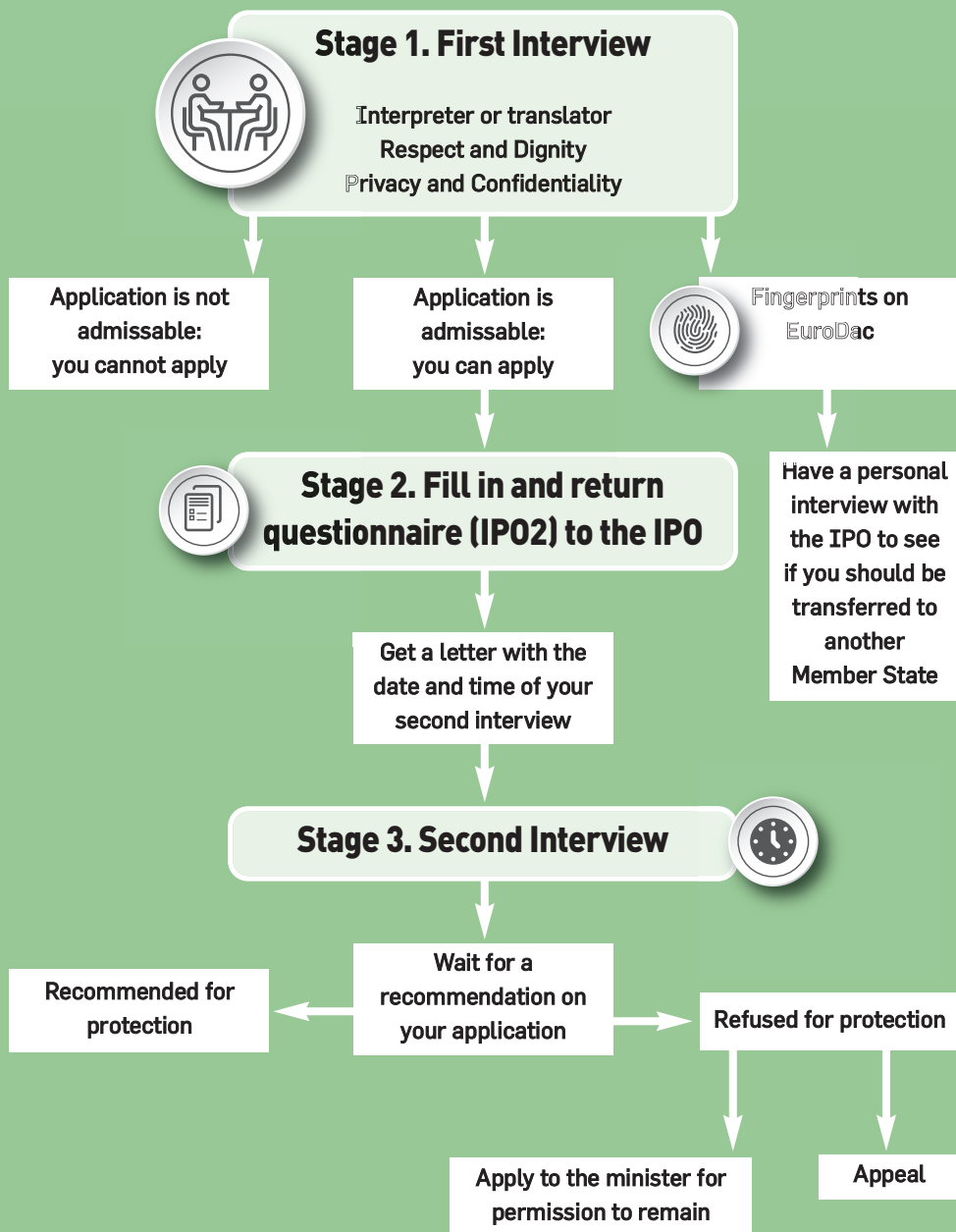
The Government’s announcement stated that Assessment Officers from the Resident Welfare Team will review all returned questionnaires and referral forms in order to make a determination of the person’s vulnerability status. Where the assessment indicates that the person has one or more vulnerabilities within the meaning of the law governing vulnerability assessments, the Assessment Officer will follow up as appropriate. In some cases, where an assessment indicates high levels of vulnerabilities, the Assessment Officer may refer the person for further assessment(s) with an IPAS Social Worker.

The effect of this change is that a person will have to complete a questionnaire themselves, and return it, in order to have a vulnerability identified.

**More information:**

<https://www.gov.ie/en/publication/58397-resident-welfare/#>

# The application process





### **Can my application be prioritised through the international protection application process?**

Yes. In some cases, the International Protection Office will prioritise your application, which means that you do not have to wait as long for your interview. The points below tell you when your application may be prioritised. If any of these points apply to you, you need to highlight the relevant point or points in your questionnaire and during the interviews. While this will help your case, it does not guarantee that your application will be prioritised.

Your case may be prioritised if:

- You are under 18, are not accompanied by an adult, and are in the care of Túsla;
- You were under 18 years when you applied for international protection as an “unaccompanied minor”, and you are now over 18 years;
- You are over 70 years old, and are not part of a family group;
- You have sent in a report – called a medico-legal report – that confirms that you were tortured or received ill-treatment in your country. Your legal aid solicitor can arrange for you to see a doctor to get this medical report if you need one;
- You have a severe or life-threatening health condition, which is certified by a medical consultant;
- You are from Syria, Eritrea, Afghanistan, Libya, Somalia, Sudan or Yemen (as of August 2021).

None of these will guarantee your application will be successful, but they

should make the process quicker for you. For more information about prioritisation, please see:  
[http://www.ipo.gov.ie/en/ipo/pages/prioritisation\\_applicants](http://www.ipo.gov.ie/en/ipo/pages/prioritisation_applicants)

## **Stage 1: Preliminary Interview**

### **What happens at the first interview?**

At the first interview, you meet with an IPO officer and they will ask you questions about your application.

### **Format of first interview**

- This first interview is usually short (less than one hour), but it may be necessary to wait for some time before being called for this interview.
- The interviewer will ask you basic information such as:
  - (a) the general grounds on which your application for international protection is based,
  - (b) your name and whether you have any identity documents,
  - (c) your nationality,
  - (d) your country of origin,
  - (e) the route you travelled to Ireland, the means of transport used and details of any person who assisted you in travelling to Ireland,
  - (f) the reason why you came to Ireland,
  - (g) how you entered Ireland (for example with a visa or by illegal entry),
  - (h) whether you already have a protection permission in another country in Europe.
- Your interview should be done in a language that you can understand and



communicate in. Otherwise you should have an interpreter.

- The person interviewing you will keep a record of the interview, and will provide you with a copy of that record.
- Your fingerprints and photo will be taken. Importantly, the IPO will take your passport and other identity documents you have from your country of origin. They will keep them. They will be returned to you if you are granted permission to remain or subsidiary protection. They will not be returned if you are recognised as a refugee.

This first interview is also called a preliminary interview.

In November 2022 the government announced a significant change of procedure for protection applications. From Tuesday 08 November 2022 any applicant for International Protection attending at the reception of the IPO will complete a preliminary interview and will also be required to complete the International Protection Questionnaire (IPO2) regarding their application and the reasons they are looking for protection. The IPO have stated that they will have interpretation services and cultural mediators available to support applicants in understanding and completing their International Protection application on the day.

Applicants from a safe country of origin (Albania, Bosnia and Herzegovina, Georgia, Kosovo, North Macedonia, Montenegro, Serbia and South Africa) will also receive their interview date on the day they apply

for international protection which will reduce their waiting time for an interview to a matter of weeks.

The application process remains the same for all international protection applicants and applicants under the new procedure will still have the right to appeal a negative recommendation by the IPO to the International Protection Appeals Tribunal. More information:  
<http://ipo.gov.ie/en/ipo/pages/whatsnew>

Applications from prioritised countries may be considered on a paper application only, and a positive decision may be made without the need for an interview if the person's identity has been established, and if there is enough information on the file to make a decision.

Most applicants will require a Personal Interview. The IPO will write to you with the date, time, and place of your second interview. There are typically long delays before these interviews take place and notice is provided as late as two weeks in advance.

### **Inadmissibility**

After your first interview, an international protection officer may recommend to the Minister for Justice that your application is inadmissible. This could happen if you already have refugee status or subsidiary protection status in another EU country. It could also happen if you have refugee status in another country which is outside the EU, and could return there to claim that protection.

- Based on the IPO's report and recommendation, the Minister will write to you, and to your solicitor, explaining the recommendation and providing details of the appeal process.

**Appealing a recommendation:** To appeal a recommendation, you need to make an appeal to:

- The International Protection Appeals Tribunal (IPAT).
- Within **10 working days of receiving the recommendation stating that your application is inadmissible.**
- The Tribunal will either affirm or set aside the recommendation of the IPO.

You have a right to access legal advice for this appeal.  
IPAT will make its decision without talking directly to you.

**What would happen if I have already applied for international protection in another EU country, or have a visa or work permit for another country?**

If your details are flagged on the Eurodac database (computer list of finger prints), this suggests that you have applied for international protection elsewhere or you have crossed a border without the proper papers/documents.

If your details are on this database, you may be called for a personal interview to assess whether you can be transferred to another responsible Member State. (EU [Dublin System] Regulations 2018, 4) The IPO will examine your case to consider

whether your application for international protection should be considered in another country.

You have a right to make written submissions to the IPO explaining why you believe your case should be processed in Ireland. You have a right to legal aid for this process. The IPO will take into account any relevant matters including your representations when deciding whether your case will be transferred. Some people are called for an interview under the Dublin procedure. Read more about the EU Dublin Regulation on page 18.

## **Stage 2: Filling in and returning the IPO2 questionnaire**

**Do I have the right to ask the IPO for more time if I cannot complete the questionnaire (IPO2) on time?**

Yes, you can ask for more time (an extension) to give you more time to complete the questionnaire (IPO2) and to collect other documents. You are asked to contact the International Protection Office before the date you are supposed to send in the questionnaire (deadline), and ask them for an extension, if possible.

Email: [info@ipo.gov.ie](mailto:info@ipo.gov.ie) or telephone: (01) 602 8008. An extension will not always be granted, so you should contact your solicitor at the earliest opportunity for advice around completing it.

**Important:** If you do not return your questionnaire by the date set by the IPO,

this may be considered non-cooperation. This is serious as it can impact on your status and your rights as a protection applicant during the process, such as your right to work.

### **Do I have the right to get legal advice before completing my questionnaire?**

Yes, you have the right to get legal advice about your application for international protection. There is a €10 charge to register with the Legal Aid Board (see page 84 for its contact details). It is strongly recommended that you do this. You can use the services of the Legal Aid Board (LAB) which will:

- provide legal assistance and advice in support of your application,
- advise you about completing your International Protection Questionnaire, including any grounds (reasons) that you may wish to write about to ask the Minister for Justice for permission to remain in Ireland,
- assist you to prepare for your international protection interview and any written points you want to make to the Minister for Justice,
- If your application is refused, they can represent you (help you prepare and explain your point of view at the Tribunal in any appeal you may take to the International Protection Appeals Tribunal (IPAT). (IPO 1, Section 3.14.1)

If you do not want to use the Legal Aid Board, you can get legal advice privately and at your own expense. If you choose to do this, **make sure they are registered as a practising solicitor in Ireland.**

### **Early legal advice**

For more information about early legal advice, have a look at Irish Refugee Council's Guide, available here: <https://www.irishrefugeecouncil.ie/early-legal-advice->

### **How can I get a medico-legal report if I have experienced torture?**

Your solicitor can request a medico-legal report (report that confirms you were tortured or ill-treated in your own country). Your solicitor will request this report from an organisation called Spirasi. This organisation assesses and treats trauma for survivors of torture. They will assess you first to see if they can help you.

If you are represented by the Legal Aid Board, you won't have to pay for the medico-legal report as it will be paid through legal aid. If a private lawyer is making the request, you must pay for the report.

To contact Spirasi or the Legal Aid Board, please see Part 4 at the end of this booklet.

### **Can I complete my questionnaire in my own language?**

Yes. You can complete the questionnaire (IPO2) in any language and the IPO will organise for your questionnaire to be translated into English.

Currently, the questionnaire is available in English, French, Arabic, Amharic, Russian, Somali, Spanish, Swahili, Turkish, and Urdu.

### What is the next step after you have sent the IPO your questionnaire (IPO 2)?

When the IPO receives your completed questionnaire and other documents, an IPO officer will work on your application, and then send you a letter about the date, time, and place of your second interview.

## Stage 3: The second interview

The process normally includes:

1. a second interview (also called a personal interview),
2. an examination of your application including all information you submitted in writing or at interview, and
3. an IPO report including its findings and a **recommendation** as to whether you are eligible for any form of international protection. (A recommendation is not a final decision.)

The questions and answers in this part tell you what you can expect from the second interview, the person interviewing you and the questions. It also tells you how to prepare for it and help you can get with this and during your interview. Finally, it tells you why it is important to go to this interview.

### What is the second interview about?

Here we tell you about the second interview in terms of what is expected of you, the questions you can expect to be asked as well as how the decision is arrived at.

## ***IT IS VERY IMPORTANT THAT YOU GO TO THIS INTERVIEW.***

### What should I do if I need to postpone my interview?

You have a duty to actively cooperate with the process. Interviews can only be delayed if you are unwell or for other exceptional reasons. You should inform the IPO as soon as possible if you think you may have a problem coming to your interview. The IPO will expect you to provide medical evidence of any illness from your doctor (GP or consultant) to the IPO before the interview.

### What happens if I don't go to the interview?

If you do not go to your personal interview on the date and at the time fixed, and do not, **within 3 working days from that date**, provide the IPO with a reasonable explanation, the IPO will examine your application based on the information you have provided up to that point. In other words, **you lose the opportunity** to explain matters at an interview and your application will be examined based on the questionnaire and any documents that you sent before the interview.

If you have requested either a male or female interviewing officer and/or interpreter, the IPO should arrange this, where possible.

### Legal Advice

You should meet your solicitor for a consultation in advance of your interview. Your solicitor will explain the interview

process to you, and the requirements that you will need to meet to be recognised as a refugee or granted subsidiary protection.

### **Format of the Second Interview**

The second interview will take place at the office of the IPO in Dublin or the designated office in Cork. Sometimes they will take place remotely where health restrictions require.

The interview will take about three to four hours. You can request a break if you need one. There will be water available to drink, but you should bring your own water as well.

When you arrive at the IPO you will hand over your mobile phone and any laptop or other device for safe-keeping until after the interview.

You will wait in the waiting room. You will register at the desk by presenting your TRC card (blue card) and your letter of invitation to the interview. You will be asked to read and sign an information leaflet about the interview. Your interviewer will come to the waiting room and show you the way to the interview room.

If you have requested an interpreter, the interpreter will join either by phone or in person. You will have an opportunity at the beginning of the interview to introduce yourselves to make sure that you can understand each other well.

### **At the interview**

#### **Start of the interview:**

- The interviewer will explain how the interview will proceed. The interviewer will ask you to confirm your name, date of birth and that you completed your questionnaire yourself and whether you're happy that it is correct. They will ask you if you have any further documents.

#### **Main part of the interview:**

The interview will cover 3 broad areas:

1. Your background (who you are and where you're from).
  - This will include questions about your family, your last address in your country of origin and details about your country.
2. Your claim for protection.
  - You will be given the opportunity to present your claim for protection in your own words. The interviewer will ask you questions about why you are seeking protection in Ireland and about why you cannot return home safely. He/she will also ask you questions about what you said in your first interview, your Questionnaire and your Personal Statement.
3. Your travel to Ireland and any travel you have done previously.
  - If the interviewer has any concerns about whether your account is truthful, he/she should also put those concerns to you. He/ She will also ask you whether you could be safe in a different part of your country of origin.
  - The interviewer may refer to

country information research (eg reports of international organisations, governments or news reports from your country) during the interview. For example, some research or reports might appear to contradict something you have said. You might be asked to comment or clarify.

Throughout the interview what you say and what the interviewers ask will be written down.

**Part 3: Finishing the interview** – At the end of the interview, the interviewer will ask if there are any other reasons that you have not already explained why you cannot return to your home country.

The person who interviews you will keep a written record of the interview. They should it read back to you at regular intervals throughout your interview and you will have the opportunity to correct the record if information was incorrect, or add information which is important, and which you did not have an opportunity to say.

- The interviewer will ask you to read and sign a declaration to confirm that the information you have given is correct, and that any necessary corrections have been made.

#### **Additional details about interviews:**

- Spouses (wife or husband) /partners or civil partners are interviewed separately. They are usually interviewed by the same person on the same day.

- If an interviewer believes they need to, they will interview dependants (children) mentioned in your application.
- Your interview should be done in a language that you can understand and communicate in. Otherwise, you should have an interpreter.
- You need to give a full, truthful explanation of what happened to you and whom or what you are afraid of if you return to your country of origin or country of former habitual residence (any country you lived in for a significant amount of time).

#### **What will I be asked at my interview?**

Your interview is your opportunity to speak to an IPO officer face-to-face to clearly explain:

- why you are seeking international protection,
- why you are seeking international protection for your dependants, (often children), if relevant,
- why you and your dependants left your country of origin/usual residence and why you cannot return there.

You **must** provide any evidence or information you have to support your account at the time of your interview (or earlier if possible). If you have further evidence that you wish to submit after the interview, you should do so within the time stated by the IPO.

The IPO should take account of any gender-specific information and any vulnerability that you mention in your application or during the examination



process. For example, if you have experienced sexual assault or been trafficked.

### What can I expect from the interviewer?

Your interviewer should have been trained on how to interview international protection applicants. They should have detailed information available on your country of origin/country of former habitual residence. They may use this country information to ask you questions about it (for example about its geography, population, and so on).

As mentioned above, your interviewer should keep a written/typed record of the interview and read it back to you.

Your interviewer may stop the interview at a point where an international protection officer is of the opinion that:

- the evidence they have is enough for a refugee status,
- an applicant under 18 years old is of such a young age and low level of maturity that an interview is not helpful, or
- the applicant is unfit or unable to be interviewed because of a long-lasting condition that is beyond their control (for example serious physical or, mental illness or emotional condition). (IPO1, 4.5)

The interpreter **must** respect your confidentiality, and is not permitted to share (disclose), discuss, use, or pass on any information gathered while doing their work.

### Who can assist me with my interview?

You can write to the IPO to ask any questions or make any points that are relevant to your application. Any other person concerned with the application, such as the United Nations High Commissioner for Refugees, (UNHCR), or your solicitor, may also do so. It is better that any such questions are asked before your interview. The IPO will consider all such points made before or during an interview with you. They may also consider points made after the interview if they are submitted before the report on your application is completed.

Your **legal representative** may come to the interview with you. If you are receiving legal advice from the Legal Aid Board, you should check with your legal representative to see if they can come with you or not. They do not usually attend interviews, but meet clients in advance to explain the process to them. If your legal representative comes with you, they will be allowed to:

- observe the interview and take notes
- make any points which they consider necessary at the start and end of the interview.

They will not be allowed to:

- answer any questions for you.

Generally, no one else will be able to go to the interview with you, unless you are under 18 years. In that case either your guardian or a representative from Túsla **must** go with you.



## Stage 3: After the second interview

The questions and answers in this part tell you what you can expect after the interview in terms of how long you have to wait to hear the recommendation on your application, how you will learn about the decision, and what to do if you are refused.

### How long does it take to receive a recommendation on my application for international protection?

There are currently **long delays** in making a recommendation.

If you have not received a recommendation on your application within 6 months, you can ask for information from the International Protection Office on when you might hear about your application.

### Who can contact the IPO on my behalf to ask for this information?

You can contact Customer Service at IPO directly yourself. Your legal representative or the UNHCR in Ireland can contact the IPO on your behalf to follow up on your case.

### How will I know the IPO decision on my protection application?

At the end of the process, you and your legal representative will receive a copy of a written report with a recommendation. The recommendation will be one of the following:

- That you should be granted a refugee status, OR
- That you should not be granted a

refugee status but should be granted a subsidiary protection status, OR

- That you should not be granted refugee status or subsidiary protection status, but that you should be granted permission to remain.
- That you should not be granted any status or permission.

Remember: The recommendation is not a final decision.

If you are refused refugee status and/or subsidiary protection status, the IPO will send you:

- a statement of the reasons,
- a copy of the report, and
- information about how to appeal to International Protection Appeals Tribunal (IPAT).

### Do I have the right to appeal the recommendation if I am refused protection?

Yes, you can appeal the recommendation to the International Protection Appeals Tribunal (IPAT).

For more information, please see [http://www.protectionappeals.ie/website/rat/ratweb.nsf/page/How\\_To\\_Appeal-en](http://www.protectionappeals.ie/website/rat/ratweb.nsf/page/How_To_Appeal-en)

### Do I have the right to have legal representation for my appeal?

Yes. You should discuss your appeal with your legal representative. If you do not have a legal representative, you can contact the Legal Aid Board for free legal assistance. This free legal assistance covers both legal advice in advance of and

representation at the International Protection Appeals Tribunal. Alternatively, you can hire a private solicitor at your own expense to help you.

The International Protection Appeals Tribunal (IPAT) will contact you to let you know when your appeal will be heard. IPAT will notify you about its decision on your appeal and the reasons for it. They will also tell your legal representative (if known).

### **What is the process at the International Protection Appeals Tribunal?**

You will be represented at the Tribunal hearing by your legal representative (solicitor or barrister). There will be a representative from the IPO present. Your legal representative will take you through your evidence. The Tribunal member will listen to your evidence. The IPO will ask questions and present the IPO's view. The Tribunal Member may also ask questions about your claim for international protection. Your legal representative will make legal submissions about why you should be recognised as a refugee or granted subsidiary protection. The IPO officer will make submissions as to why you should not be granted such protection.

The Tribunal can take approximately 3 – 4 hours. A decision will not be issued on the day.

### **What will happen if IPAT reject my appeal and uphold an IPO recommendation not to grant me international protection?**

If your appeal is rejected, the Minister for Justice (through the IPO) can consider whether to give you permission to remain in

Ireland for humanitarian reasons. This could include your family or personal circumstance, your contribution to the country through your work or volunteering or health reasons.

It is important to submit new information about any change of your circumstances if relevant to the decision. Write to the IPO within 5 working days of the IPAT decision with any documents which support your application for permission to remain. This would include documents relating to your family, your work in Ireland, your voluntary work, your involvement in the community and letters from people you know supporting your claim.

### **Judicial Review (request to review how your application was processed)**

You also have the right to ask the High Court to review the process behind your international protection decisions in a process called judicial review. This means the High Court will review how the decision was made.

You can request a Judicial Review if you think IPO or IPAT:

- Interpreted the law incorrectly
- Did not apply the correct law
- Did not follow correct procedures (rules)
- Did not have enough evidence to support its decision to reject your appeal

You will need legal advice and representation if you want to seek a Judicial Review. If you want to do this, you will have to access legal representation **privately** – and you will have to pay for the

cost of the representation. Unfortunately, the Legal Aid Board can't support you at this point.

If the High Court Judge finds the International Protection Office or International Protection Appeals Tribunal made a mistake on your case, the Judge returns your case to the IPO / Tribunal for it to re-consider. The High Court does not issue a new decision.

### **Do I have the right to apply again if my application for international protection is rejected?**

No, you do not have a right to apply for international protection again. However, it may be possible to make a second or further application for international protection if the Minister for Justice first agrees to you doing this. That means you need to apply in writing for the Minister's consent to do so. Your solicitor can help.

The Minister will **only** grant their consent to allow an international protection officer to consider a further application if you present **new** elements or findings which help your case for international protection. This must be information you were unable to provide for your previous application. You can also apply if you were not able to complete your first application through no fault of your own and your application was withdrawn or considered to be withdrawn.

If the international protection officer recommends that you should be allowed to make another application, then you may apply again.

But, if the international protection officer recommends that you should not be allowed to apply again, they will send you a written report with reasons. You are entitled to appeal this recommendation to the IPAT **within 10 days** from the date that the notification is sent to you. The decision of the IPAT will be made without meeting you. For more information about appeal and related forms, please see:  
<https://www.protectionappeals.ie/how-to-appeal/>

### **Can I withdraw my application for international protection?**

Yes, you can withdraw your application for international protection at any time before the report on your application is prepared. You must notify the IPO that you are withdrawing your application in writing. The notification should include your:

- current address,
- your reference number (this is the number on your TRC card and on any letters you have received from the IPO / IPAT),
- your signature, and
- details of dependent children – if any included in your application.

If you withdraw your application, you will **not**:

- be able to make an appeal to the IPAT,
- get a declaration of refugee status or of subsidiary protection status, nor
- be granted permission to remain.

Unless you have another basis on which to remain in Ireland, you are likely to be deported (required to leave the country).

Before withdrawing your application for international protection, get legal advice to make sure you fully understand the consequences of your decision.

**Is the IPO recommendation or the IPAT decision on granting me refugee status final?**

No, the IPO recommendation or the IPAT decision on granting you refugee status is not final or definite. Even if the IPO recommends or the IPAT decides on appeal that you are a refugee, the Minister for Justice may refuse to give you a declaration where:

- there are reasonable grounds (reasons) for regarding you as a danger to the security of Ireland, OR
- you create a danger to the community of the State (Ireland), having been convicted by a final judgment of a particularly serious crime (inside or outside Ireland).

A person can stop being considered as a refugee if any of the following happens:

- you voluntarily accept the protection of your country of nationality,
- you voluntarily re-acquire your nationality,
- you acquire a new nationality (other than Irish) and are protected in that country,
- you voluntarily re-establish yourself in the country which you left (usually your home country) or have stayed outside of owing to fear of persecution, or
- you continue to refuse the protection of your country of nationality despite a change in the circumstances of that country to the extent that you would no

longer be recognised as a refugee. (International Protection Act 2015, Sections 9-12)

**How long does a refugee declaration or a subsidiary protection declaration last?**

A refugee declaration or a subsidiary protection declaration lasts until you become an Irish citizen. Your card showing your permission to remain in Ireland will need to be renewed after three years. See Part 3 on page 79 to learn more about becoming an Irish citizen.



# **Know your rights**

## **Part 2: My rights as an international protection applicant in Ireland**

# Part 2: My rights as an International Protection Applicant

This part is about what rights you have in Ireland. It also explains what you can do if you think your rights are unfairly or unlawfully restricted.

You do not have the exact same rights as everyone in Ireland, but you are entitled to many of the same fundamental human rights like:

- freedom of expression,
- the right to protest, and
- the right to privacy.

Human rights are enshrined in the Irish Constitution and Irish legislation. They are also set out in human rights treaties that Ireland has agreed to uphold, including the European Convention on Human Rights and the International Covenant on Civil and Political Rights. See Part 5 for a note on the key legislation, including a full list of relevant treaties that Ireland has ratified.

Some fundamental rights and freedoms are not absolute. They can be limited or restricted by the law for certain reasons, for example, to protect the rights of others, for the common good or for public order. Because of the way law has developed, rights are sometimes divided into 'economic, social and cultural rights' and 'civil and political rights'. These are addressed separately below.

**Your economic, social, and cultural rights –** these include:

- Right to Social Security
- Right to Work
- Employment and Work Conditions
- Right to a Bank Account

- Right to an Irish Driving Licence
- Right to Health: Physical, Mental, Sexual, and Reproductive Healthcare
- Right to Education
- Cultural Rights
- Housing Rights and Rights in Direct Provision and Emergency Accommodation

**Your civil and political rights –** these include:

- The Right to Equality and Non-discrimination
- The right to life, bodily integrity and the prohibition on torture and ill treatment
- Justice: Fair Trial rights and Access to Justice, Rights on Arrest and Detention
- Right to Private and Family Life: The right to privacy and family related rights
- Expression, Protest and Political Participation: Freedom of Assembly, Freedom of Association, Freedom of Expression, Freedom of Thought, Conscience and Religion
- The Right to Protest, Political Participation

This part also addresses:

- Children's Rights
- Issues relating to entering and exiting Ireland: Voluntary Return, Deportation Order

## Economic, Social and Cultural Rights

**Your economic, social, and cultural rights** – these include:

- Right to social security
- Right to work
- Employment and work conditions
- Right to a bank account
- Right to an Irish Driving Licence
- Right to health: physical, mental, sexual, and reproductive healthcare
- Right to education
- Cultural rights
- Housing rights and rights in Direct Provision and Emergency Accommodation

### Right to Social Security

**Do I have the right to any kind of social welfare (social security) payment?**

Yes. While you are waiting for your application to be processed, you have the right to these social welfare payments.

■ **Weekly social welfare payment:**

Protection applicants who do not have the means to live independently are entitled to a weekly payment. This is called a Daily Expenses Allowance. It is €38.80 for each adult and €29.80 for each child (as of November 2022).

■ **Exceptional Needs Payments and Urgent Needs Payments:**

As an habitual (regular) resident, you can also apply for 'Exceptional Needs

Payments' to cover one-off needs. These needs include, for example, a buggy for a new baby or assistance for children doing out-of-school activities, such as sports or school trips. ([citizensinformation.ie](http://citizensinformation.ie))

You may be entitled to Urgent Needs Payments if you have essential needs that you cannot afford to pay for from your weekly payment.

■ **Working Family Payment:**

If you have permission to work and you are working, you may qualify for Working Family Payment through your local Intreo Centre. This is a weekly tax-free payment available to employees with children.

■ **Back-to-school Clothing and Footwear Allowance:**

The Back-to-school Clothing and Footwear Allowance is available once a year to children in full-time education.

■ **Medical Card:**

Applicants for international protection receive a medical card. This gives you and your family free doctor (GP) appointments, free hospital care in public hospitals and prescriptions for a low cost.

If you are granted protection, you have the right to these social welfare payments.

- Disability Allowance
- One-Parent Family Payment
- Jobseeker's Allowance
- Housing Assistance Payment (HAP)
- Child Benefit

If you have a child under 18 years, you will have the right to Child Benefit from the



date you are granted protection. 16 and 17 year olds must be in full-time education or full-time training or have a disability and not be in a position to support themselves in order to avail of child benefit.

### **Free period products:**

Women and people who menstruate in Direct Provision are also entitled to free period products such as sanitary towels or tampons. If you are being asked to pay for period products, you should notify IPAS (International Protection Accommodation Service). You can contact them directly or contact the confidential helpline provided by the Jesuit Refugee Service (JRS). You can find the contact details of the JRS in Part 4.

## **Right to Work**

### **Do I have the right to work in Ireland?**

Yes, but only if you meet certain conditions. You can apply for permission to work from 5 months after applying for international protection. Once you have received your work permit (known as a Labour Market Access Permission), you can begin working from 6 months after applying for protection. The work permission will allow you to work or to set up your own business. It will be valid for 12 months.

You can apply for permission to work:

- if you have not received your first decision from the IPO within 5 months of applying for international protection, and
  - if you have fully cooperated with the IPO.
- The delays in receiving your first recommendation must not be due to any action you took.

You may be refused a work permit if you do not meet the above requirements.

If your permission to work is granted, you will get a letter stating that you can now start applying for jobs.

If you are still waiting for your final decision after 12 months, you can renew the permission. For more information, please see:  
<https://www.irishimmigration.ie/my-situation-has-changed-since-i-arrived-in-ireland/labour-market-access-permission/>

### **What can I do if my application for a work permit is refused?**

You have the right to ask the IPO for an internal review within 21 days of being notified of a refusal. If the internal review is unsuccessful, you can appeal to IPAT.

### **Do I have the right to work in all sectors?**

No. As an international protection applicant, you cannot be employed in public bodies such as the Civil Service, Local Authorities, or companies/entities that are majority owned by the Government or established by way of legislation.

### **Should I pay tax?**

Yes. Tax on income you earn from employment is deducted directly from your pay. You should register with Revenue Online Services (ROS). Your employer will also have information for you. More information about your income tax is available at:

[https://www.citizensinformation.ie/en/money\\_and\\_tax/tax/income\\_tax/](https://www.citizensinformation.ie/en/money_and_tax/tax/income_tax/)



### **Do I have the right to use public employment services?**

Yes, the Department of Social Protection provides a range of employment services through its local Intreo Centres or Social Welfare Branch Offices. You can use these services.

If you have a Personal Public Services (PPS) number (unique number to you) you can register for these employment services:

- Training Support Grant (TSG)
- A Jobseeker information booklet
- Job Clubs

For more information, please see:

[https://www.citizensinformation.ie/en/social\\_welfare/social\\_welfare\\_payments/unemployed\\_people/employment\\_supports.html](https://www.citizensinformation.ie/en/social_welfare/social_welfare_payments/unemployed_people/employment_supports.html)

If you have permission to work, you may also access all Irish Local Development Network (ILDN) and Local Employment Services (LES) free-of-charge. A map of all Local Employment Offices in Ireland is available at:

[http://www.localemploymentservices.ie/ildn\\_lesn\\_office\\_location\\_map/](http://www.localemploymentservices.ie/ildn_lesn_office_location_map/)

## **Employment and Work Conditions**

As well as the right to work, you have the right to:

- equal treatment in work in pay and conditions,
- a written statement of terms and conditions of employment,

- a pay slip, and
- the national minimum wage (€10.50 per hour for adult employees [as of January 2022]). Lower minimum hourly rates may apply if you are younger.

More information about national minimum wage, hours of work, leave from work, and other employment rights and conditions are available at:

[https://www.citizensinformation.ie/en/employment/employment\\_rights\\_and\\_conditions](https://www.citizensinformation.ie/en/employment/employment_rights_and_conditions)

### **What are my rights in case of abuse or exploitation at work in Ireland?**

You have the right to access courts and other justice mechanisms to report abuse and to claim unpaid wages and benefits without fear of being deported. You may qualify for legal aid in some cases.

It is illegal for an employer to deduct money (take it) from your wages or to keep your personal documents. They can be fined or even imprisoned for doing this. (Employment Permits Act 2006, as amended).

If you are discriminated against, exploited, or abused in the workplace you have the right to bring a claim to the Workplace Relations Commission (WRC). This means you can take a case against your employer in a special court. You can contact the Free Legal Advice Centres (FLAC) or Irish Human Rights and Equality (IHREC) for advice. [contact details can be found in Part 5]. Legal aid is not currently available for the WRC. You can represent yourself at the WRC Hearings or hire your own



solicitor. You may have to pay costs if you lose the case against your employer.

If you raise concerns about possible wrongdoing in the workplace, you are protected by the law under whistle-blower legislation, (Protected Disclosures Act 2014).

Transparency International Ireland's guide for workers who speak up about wrongdoing in the workplace can provide more information. For still more information please see:

<https://transparency.ie/resources/whistleblowing/speak-safely-guide>

### **Can my employer hold my identity documents and information?**

No. You have the right to have full access to your identity documents. You can report illegal withholding of your personal documents to the Gardaí (Irish police).

As an employee, you also have the right to know what data (information) your employer has on file about you, and you also have the right to correct this data.

If you have a complaint about how your personal data has been processed, you should contact the Data Protection Commission. For contact details, see Part 4.

### **What are my rights if my employer ends my employment contract?**

If your employment ends, you must also be paid for all work you have done. You are also entitled to statutory minimum notice and pay:

- 1 weeks' notice and pay if you have been working for at least 13 weeks.
- 2 weeks' notice and pay if you have been working for between 2 and 5 years. ('Notice' here means advance warning.)

If your employer ends your employment because of allegations about your conduct or performance, you have the right to respond to those allegations. (An allegation is an unproven statement and this instance the allegation is negative.) Your employer should usually give you warnings about conduct before ending your employment.

You are entitled to question the fairness of termination of your contract and appeal against it at the Workplace Relations Commission (WRC). If the appeal shows the termination to be unfair, the termination may become invalid or you may receive compensation for the loss of earnings caused by it.

### **Do I have a right to compensation if I am made redundant?**

If your role is being made redundant, this means you are being dismissed from your job. In this situation, you may be entitled to a statutory redundancy payment. However, if the selection criteria for redundancy were applied unfairly or there was no genuine redundancy, you may have grounds (reasons) to claim unfair dismissal. This means you might be able to get your job back.

If you make a claim for unfair dismissal, you cannot also claim redundancy. More information available at:

[https://www.citizensinformation.ie/en/employment/unemployment\\_and\\_redundancy/dismissal/unfair\\_dismissal.html](https://www.citizensinformation.ie/en/employment/unemployment_and_redundancy/dismissal/unfair_dismissal.html)

### **What happens if I work illegally?**

Illegal working includes when you forge a permit or use someone else's work permit. If you do so, you may be:

- fined, or
- imprisoned, (Employment Permits Act 2006, as amended, Section 32(1)).

If you are found to be working illegally and/or without permission, you can be prosecuted. This is a serious crime which can affect your application for international protection. Your residence permissions will be cancelled and you could be deported. Deportation means you will be banned from re-entry to Ireland. (Immigration Act 1999, Section 6(g))

### **Will I or my employer be punished if I work without valid work permission?**

Yes. Both you and your employer may be punished if you are found guilty.

**A protection applicant who works without a valid work permit** is guilty of a criminal offence which is punishable by:

- a fine of €1,000, and/or
  - a prison term of one month.
- (A valid work permit is one that is your own and in date.)

**An employer** who employs someone without a permit will have to pay a fine of:

- €5,000 and/or
  - serve a prison term of 12 months.
- (S.I. No. 230/2018 - European

Communities (Reception Conditions) Regulations 2018, Regulation 15(1-2))

The following activities are against the law and can lead to a fine or a term of imprisonment:

- fake, deceitful alteration, or deceitful use of an employment permit;
- the use of a work permit for a different employment;
- knowingly or recklessly give misleading information to the Minister for Justice.

## **Right to a Bank Account**

You are entitled to open a basic bank account.

A "basic payment account" is a current account that covers standard financial transactions that you use in daily life. It will help you to:

- receive money (like social welfare benefits or salary)
- make deposits
- withdraw cash
- make payments (for example direct debits and card purchases)
- use online or mobile banking

It should also include a payment card that you can use to withdraw cash and make purchases - both online and in shops. The bank should include access to online banking services with your account. They do not have to include an overdraft or credit facility. They may charge you an annual fee.



### Opening your account

You can approach the following banks as they will accept documents you have received from the State:

- AIB
- Bank of Ireland
- Permanent TSB

You will need to prove your identity. You can provide any of these:

- Irish Residence Permit
- Temporary Residence Certificate (TRC)
- Irish Government Travel Document (UN issued)

For proof of address, you can provide any one of the following so long as they are less than 6 months old:

- Labour Market Access Permission Letter
- Letter from a Government Department or the International Protection Office on headed paper and sent directly to the bank, confirming your status as an international protection applicant and your full residential address
- Letter from the Direct Provision Centre or Emergency Reception and Orientation Centre (EROC) in which you are living - on headed paper

Your names on these documents must match. This change is recent, and not all staff may know this yet.

There is a helpful guidebook you can read to help with this. It is available in 6 languages (Arabic, French, Somali, Georgian, Albanian and English). For more information, please see: [https://bpfi.ie/wp-](https://bpfi.ie/wp-content/uploads/2021/05/Final-BPFI-Guide-to-Opening-Bank-Accounts-in-Ireland-for-Protection-Applicants-Final.pdf)

[content/uploads/2021/05/Final-BPFI-Guide-to-Opening-Bank-Accounts-in-Ireland-for-Protection-Applicants-Final.pdf](https://bpfi.ie/wp-content/uploads/2021/05/Final-BPFI-Guide-to-Opening-Bank-Accounts-in-Ireland-for-Protection-Applicants-Final.pdf)

## Right to an Irish Driving Licence

### How do I get a driving licence?

International protection applicants can now use their temporary residence certificates as proof of normal residence in Ireland when applying for a driving licence or learner permit. All other requirements for a driving licence or learner permit application must also be met. For a full list of these requirements, please visit the National Driver Licence Service (NDLS) website - [www.ndls.ie](http://www.ndls.ie)

## Right to Health: Physical, Mental, Sexual, and Reproductive Healthcare

### What are my healthcare rights in Ireland?

The Government has duties under international law to ensure access to affordable healthcare. You have a right to:

- the same standard of healthcare as everyone else in Ireland, and
- right to healthcare information that is easy to understand, alongside interpretation and translation services. (The Health Service Executive (HSE's) National Intercultural Health Strategy 2007-2012)

### What health services are available?

**General Practitioners (GPs)** are doctors who deal with general practice. They are

**If you live in Direct Provision, [state provided accommodation] you have a right to:**

- access healthcare services such as GPs (doctors), and
- a medical card.

**If you do not live in Direct Provision:**

Current practice is that an international protection applicant not living in Direct Provision can receive a medical card. A means test may be undertaken.

usually the first doctor you will see about non-emergency illness and health issues. They refer people to hospitals and medical services for urgent and specialist treatment. You should register with a local GP.

**The medical card** gives you free access to medical care such as GP services, hospital services (whether you stay overnight or not), women's health clinics, adult dental treatments, and treatment for children. The medical card also covers hearing tests, hearing aids, eye tests, and glasses. Other services available to you are a medical screening, maternity services, and immunisation services.

You should apply for a medical card. Normally, people's total incomes are considered to assess if they are entitled to the medical card (this is known as a means test). However, people who live in Direct Provision accommodation will generally qualify for a medical card without a means test.

Your Local Health Office is your entry point to community health and personal social services. You should be able to get an application form for a medical card at the local Health Centre for your area. The Community Welfare Officer (CWO) or the

local Citizens Information Centre will also be able to provide information about where you can get this form.

To find your local healthcare office, please see Part 4: (under Healthcare Help).

**A free health screening** is available to protection applicants in Baleskin Reception Centre on a voluntary and strictly confidential basis. Screening covers Hepatitis, TB, HIV, immunisation status, and any other illnesses or conditions that might require further investigation and/or treatment. Screening staff also check residents' vaccination needs.

**The results of any medical tests will not affect your international protection application in any way.**

There are psychological services available to you if you have suffered sexual violence, torture, or other traumatising and critical life experiences. These mental healthcare services are:

**1. Mental healthcare for victims of torture**

A non-governmental organisation (NGO) called Spirasi offers rehabilitation to victims of torture. You can be referred to Spirasi by your medical practitioner, for



medico-legal reasons. If you are a victim of torture, Spirasi can make a report to support your IP application. For more information, please see: <https://spirasi.ie/>

## 2. Mental Healthcare for children and young people

There are a range of supports available free of charge as below. You can find their contact details in Part 4 of this guide:

- ChildLine is a listening service for children up to the age of 18.  
<https://www.childline.ie/>
- Jigsaw is a national centre for youth mental health. They focus on intervening early to support the mental health of those aged 12 to 25 years of age.  
[www.jigsaw.ie](http://www.jigsaw.ie)
- BeLonG To youth services is the national organisation supporting lesbian, gay, bisexual, transgender, and intersex (LGBTI+) young people between 14 and 23 years in Ireland. [belongto.org](http://belongto.org)
- Free mental healthcare for children provided by CAHMS (Child and Adolescent Mental Health Services). To avail of these services, you have to be referred by your GP or another professional.
- Other support services are outlined here: <https://spunout.ie/>

## 3. Support Services for victims of Domestic, Sexual and Gender Based Violence (DSGBV):

- Rape Crisis Network Ireland (RCNI), for those who need to access crisis counselling and support about sexual violence, 24-Hour helpline 1800 778 888
- Women's Aid, for domestic violence,

24-Hour helpline is 1800 341 900

- Safe Ireland, for domestic abuse, 24-Hour helpline 1800 341 900
- Men's Aid Ireland, for supporting men and their families experiencing Domestic Violence including coercive control in Ireland, National Confidential Helpline 01 554 3811

## For more information and contact details for services, see Part 4 of this guide (starts on page 82).

You have the right to reproductive and sexual healthcare services. All couples and individuals have the basic right to decide freely the number and spacing of their children and to have the information, education and means to do so. This includes your right to:

- plan a family,
- terminate (end) a pregnancy,
- use contraceptives,
- learn about sex education in public schools, and
- gain access to reproductive health services (for example where you are having difficulty getting pregnant).

If you live in Direct Provision you should have access to the reproductive healthcare services you may need. You can make an appointment with your GP (doctor) to access these services.

## Right to Education

### This section sets out:

- A - Right to education for children (pages 43 to 45)
- B – Right to education for adults (pages 46 to 47)

### Section A – Right to education for children Do my children have the right to education in Ireland?

Yes. All children living in Ireland have the right to free education. Education in Ireland is compulsory from age 6 to 16 or until students have completed three years of second level (post-primary) education. This includes your children. Most children start school at age 4 and continue until age 18 when they complete the Leaving Certificate exam.

### Do I have the right to childcare services for my child?

Yes. Children can start in free childcare in the September of the year that they turn 3 years old but you need to apply for the Early Childhood Care Scheme (ECCE) first. For more information, please see <https://myccc.ie/i-am-a-parent-information-on-programmes>

### At what age can my child go to school in Ireland?

Primary schools (also called national schools) generally accept children on or after the 1st of September after a child's 4th birthday.  
([http://www.ria.gov.ie/en/RIA/Pages/Education\\_While\\_In\\_RIA\\_Accommodation](http://www.ria.gov.ie/en/RIA/Pages/Education_While_In_RIA_Accommodation))

### Financial help with going to school

Your children have a right to free pre-school, primary and secondary education, but you will need to pay for their uniform, books, notebooks and pens and for any school trips. Schools charge different amounts for books and school resources, and will tell you how much it costs each year.

If you are parents of children living in International Protection Accommodation Service (IPAS) centres (known as direct provision centres), you can apply for financial assistance to buy school uniforms under the Back to School Clothing and Footwear Allowance Scheme (BTSCFA). Talk to your local Community Welfare Officer (CWO). You can contact your local CWO through your local Intreo centre. For a list of all Intreo centres, please see: <https://www.gov.ie/en/directory/category/e1f4b5-intreo-offices/>

If you have a medical card, you will not have to pay for State Examinations (the Junior Certificate and the Leaving Certificate) for your children. For more information, please see: [http://www.ria.gov.ie/en/RIA/Pages/Education\\_FAQs](http://www.ria.gov.ie/en/RIA/Pages/Education_FAQs)

### How do I secure a school place for my children?

The National Educational Welfare Board (NEWB) is the national agency with responsibility for encouraging and supporting regular school attendance. It can help you secure a school place for their child if you cannot find a place in the local area.



Managers of Direct Provision Centres, including staff in IPAS, can also help you enrol (register) your child in a local school. For more information, please see: <https://www.nbss.ie/links/national-educational-welfare-board-ireland>

### Can my child go to any school?

It depends. Schools have admissions policies, which may restrict access to some students. However, schools should not refuse any student because of nationality or legal status. You should check the costs of schools when you are applying. Private schools charge yearly fees. Schools also charge varying amounts for books each year.

### Do my children have the same rights as Irish citizens have at school?

Yes. Schools must treat all students equally regarding:

- the terms or conditions of admission,
- access to a course, facility or benefits the school provides,
- any other terms or conditions of taking part in the school.

The same applies if a student is dismissed or any other sanction is being applied.

### Does my child have the right to use school transport?

Yes. Transport is provided to eligible children based on distance from school, in keeping with the terms of the School Transport Scheme.

If you have a medical card, you won't have to pay the fee for transportation.

### Do disabled children have the right to extra support in Irish schools?

Yes. Any child who is in the protection process should be provided with such support services and language supports that are necessary to facilitate the child's access to school and education. (S.I. No. 230/2018 - European Communities (Reception Conditions) Regulations 2018, Regulation 17)

If your child has additional educational needs, then they have the right to have their needs assessed. You should speak to the school if you think your child needs to be assessed. Assessments can take up to 2 years because of waiting lists. While waiting, you should make the school aware of your child's situation.

Disabled children with additional educational needs should get extra support in their mainstream school or in special schools. Students with specific learning disabilities may be able to get an exemption from some of the usual educational requirements. For example, if you have dyslexia, you may be exempt from the general requirement to study Irish and/or a modern language.

Disabled children are educated in mainstream education unless it is not in the best interests of the disabled child or if it would affect the provision of education for other children.



### **What educational supports are available for Separated Children Seeking Asylum (SCSA)?**

Túsła's social work assessment includes an educational assessment. Children will be linked in with appropriate educational settings, including with additional language supports where required.

### **What are my rights in relation to my children's education?**

The right of parents to be the **main and natural educators** of their children is protected under the Irish constitution (rules of this State). The State must respect the right of parents to provide for the religious, moral, intellectual, physical, and social education of their children.

Children do not have to take part in religious instruction in school that is not in line with their parents' religious or moral values. However, if your children need to attend external religious instruction in their own faith during school hours, you will need to get your child's school to agree to this. Schools may provide religious instruction in accordance with their ethos, (often in Ireland primary schools may have a Catholic ethos) but they do not have to provide religious instruction for other faiths. (Irish Constitution, Article 42, 4.3.2)

### **Do I have the right to take my child out of school during term?**

Yes, but parents must tell the school if their children will be absent from school on a school day and the reason for the absence, for example illness. (Education Welfare Act 2000). It is best to do this in writing.

Túsła, the Child and Family Agency, strongly advise you against taking children out of school to go on holiday during term-time. Parents and guardians have a legal obligation to make sure that their child goes to school or receives an education. If they do not, Túsła may contact the parents, and then send the parent a School Attendance Notice. This is a warning and it outlines that legal action will follow if the child does not attend school regularly. Túsła must make reasonable efforts to consult with the parents and the child, before sending a warning. If the parent does not pay attention to a warning, they may be prosecuted. If convicted, the parent may be fined and/or imprisoned for a month and also fined for each subsequent day that they fail to send the child to school. If the parent claims that suitable alternative education is being provided, they must prove this. They can defend themselves and show that they have made all reasonable efforts to send the child to school - in this case, Túsła must be informed.

Túsła has a leaflet for parents called Don't let your child miss out.  
(<https://www.tusla.ie/services/educational-welfare-services/publications/parents-information/>)

### **Can my teenager leave school to start work?**

Yes. Young people aged 16 and 17 years may legally leave school early to take up employment, but they must register with Túsła first and Túsła may then assist in providing ongoing training.



## B - Right to Education for Adults

### Do I have the right to access free English language classes?

Yes. You can have free access to adult literacy and English language tuition. This tuition is provided by Education and Training Boards (ETBs). The local ETBs provide English language classes using local tutors. The ETB adult literacy service also provides free literacy and numeracy classes nationwide. The ETB adult literacy service involves literacy tutors providing tuition to adult students and focuses on the needs of the individual learner. Classes are open to all. The Adult Literacy Organiser (ALO) of the ETB is responsible for managing the delivery of the adult literacy service.

Spirasi offers 4 Levels of English to Speakers of Other Languages (ESOL). For more information, please see: <https://spirasi.ie/what-we-do/education/> Ballybough Community Centre Intercultural Language Centre also offer free classes 3 days a week. For more information, please see Home ([interculturallanguageservice.com](http://interculturallanguageservice.com))

Fáilte Isteach offers nationwide conversation classes. For more information, please see: <https://www.thirdageireland.ie/failte-isteach>

### Do I have the right to access further education and training programmes?

Yes, if you have a Labour Market Access Permission

Eligible International Protection applicants (those with a Labour Market Access Permission) will have access to all further education and training programmes which will now include access to:

- Apprenticeships (these are state recognised training for people training to work in a craft trade or profession like plumber or electrician), and
- Vocational Training Opportunities Scheme (VTOS) – this is a scheme for education and training unemployed people over the age of 21.
- For more information see: <https://www.gov.ie/en/service/78754-vocational-training-opportunities-scheme-vtos/>

### Do I have the right to access higher (third level) education?

Yes. International protection applicants have the right to access higher (third level) education.

You can apply for:

- undergraduate degrees using the Central Application Office (CAO), or
- postgraduate degrees (directly to the University).

**Fees warning:** However, you will generally be quoted international fees until you are in Ireland for three years. These fees are higher than those quoted to Irish citizens. If you wish to study certain courses in further education and to avoid paying the higher international fees, you will need:

- a work permit, or
- to get a Sanctuary Scholarship. You can check individual university websites for information on their Sanctuary

Scholarships or please see the Irish Refugee Council Website on Education at:  
<https://www.irishrefugeecouncil.ie/Listing/Category/education>

### **Is there any student support grant for protection applicants?**

Yes, the state provides the Student Support Scheme specifically for people seeking international protection, where you satisfy the following conditions:

- you are applying for protection or permission to remain;
- you have been in Ireland for 3 years or more on the 31 August before your first year of university and you have not had a deportation order issued against you;
- you have been accepted on an approved Post Leaving Certificate (PLC) or an approved undergraduate course; and
- you want to do a course of higher education, and you have secured a course place on the course through the Central Applications Office application process - CAO.

Since September 2021, the €3,600 PLC course fee will no longer apply to international protection applicants who have permission to work. However, applicants who do not have permission to work will have to pay this charge.

## **Cultural Rights**

You have the right to enjoy your own culture, acknowledge and practice your own religion, and use your own language both individually and as part of your community.

You have the right to equal access to cultural centres without discrimination and unjustified restriction. Cultural centres are places such as libraries, museums and theatres. You also have the right to pursue your cultural life, such as songs, music, stories, mythologies, ritual practices and other expressions of your community identity.

## **Housing Rights and Rights in Direct Provision and Emergency Accommodation**

Note: The information in this section may change in the coming years. A new system of accommodation for international protection applicants is due to be in place by 2024. For more information, see the White Paper on Ending Direct Provision, Published February 2021, <https://www.gov.ie/en/publication/7aad0-minister-ogorman-publishes-the-white-paper-on-ending-direct-provision/> accessed 05 May 2021



### Do I have the right to housing during the protection process?

When you apply for international protection at the IPO, you will be referred to the International Protection Accommodation Service (IPAS). This Service manages all matters related to State-provided accommodation and full board for those in the international protection process. If you need accommodation, your details will be noted, and an offer of accommodation may be made to you. If you accept this offer, you will be brought to a Reception Centre. Due to constraints on the accommodation system, many people are initially placed in Emergency Accommodation centres, such as hotels.

After this stay, you may then be transferred to an accommodation centre. You will not be able to pick what centre to transfer to. The IPAS will designate a specific centre for you to stay at. When deciding on an accommodation centre, the IPAS will keep families together, and take into account gender and age-specific concerns. If you are considered a “vulnerable” person under the relevant law, your special reception needs will also be taken into account. ((S.I. No. 230/2018 - European Communities (Reception Conditions) Regulations 2018, Regulation 7

You may stay in that accommodation centre until your application for international protection has been fully processed (including any appeal, if applicable). Your accommodation at the Reception Centre or an Emergency Accommodation Centre depends on you following the House Rules of that centre at all times.

### Don't risk losing your accommodation

You should tell the accommodation centre manager if you or your family are away overnight. If you are away from the accommodation centre for more than three nights in a row, the accommodation centre manager will write to you to ask you for the reason why you were away. You could lose your accommodation if they don't accept your explanation. You could also lose your Daily Expenses Allowance.

### Write to the IPO when moving out of accommodation centre

If you move out of your accommodation centre, you should write to tell the International Protection Office where you are staying so they can keep in contact you about updates in your application process. For more information about the IPAS house rules, please see:

<https://www.gov.ie/en/publication/3b0e9-house-rules-and-procedures/>

Reception conditions can be reduced or withdrawn if the protection applicant: has not cooperated with the protection application process, and as a result of their failure, they have not received a first instance decision,

- has not acted in accordance with some aspect of the asylum procedure (IP application),
- has seriously broken the house rules of accommodation, and
- has engaged in seriously violent behaviour.

However, even when reception conditions are reduced or withdrawn, such as when

someone is excluded from accommodation, you still have the right to healthcare and a dignified standard of living.

### **Do I have the right to have visitors in the accommodation centre?**

Yes. The accommodation centre should facilitate visits from relatives, family members, legal advisers, representatives of the UNHCR and other relevant non-governmental organisations. They should have access to the accommodation centre so they can assist you. ((S.I. No. 230/2018 - European Communities (Reception Conditions) Regulations 2018, Regulation 7 (6))

### **Do I have the right to live outside Direct Provision?**

Yes, you don't have to live in Direct Provision while your international claim is being processed. However, you will not be able to avail of any payment if you choose to live outside direct provision. You will not be able to access:

- Daily Expense Allowance payments
- Housing allowances, such as the Housing Assistance Payment (HAP) or Supplementary Welfare Allowance, before being granted refugee status or subsidiary protection declaration.

You may be able to access a medical card. This will depend on a means test.

You must also update the IPO with your address if you move so that they can contact you.

### **Can I ask to transfer from officially provided accommodation?**

If you wish to continue receiving your

Direct Provision allowance from the Community Welfare Service, you are expected to stay at your centre until a decision has been made on your International Protection application. You can ask for a transfer from an officially provided accommodation setting to meet your special reception needs, if you are a vulnerable applicant, but you have **no right** to be moved to another centre of your choice. A transfer can be possible through the IPAS, but only in rare and exceptional circumstances, and where the IPAS is in a position to offer you alternative accommodation.

If you ask for a transfer due to medical reasons, an independent medical referee may be asked to study and decide on your request. If you decide to request a transfer to another centre, your centre can give you an application form that you must fill in and send to:

IPAS  
PO Box 11487  
Dublin 2.

You can email IPAS at:  
**[ipasinbox@equality.gov.ie](mailto:ipasinbox@equality.gov.ie)**

The IPAS does not deal with personal callers so all communication should be through post. The decision is final. If your application for a transfer is refused, you cannot appeal the decision but you can complain to the Ombudsman, as explained below.

### **Do I have a right to disability-adapted accommodation?**

Yes. A person with a disability falls within



the definition of a 'vulnerable person' within the law. This means that special reception needs must be provided. (EC Reception Conditions Regulation 2018) A GP (family doctor) or public health nurse can write to IPAS describing the adaptations needed.

### **Do I have the right to complain if I am not satisfied with the situation in my accommodation?**

Yes. If you are living in Direct Provision and you have a complaint, you can first make your complaint to the manager of the centre where you are living. You can talk to the manager first to see if they can resolve your complaint. You can make a complaint in writing if you are not satisfied. You should receive a response within 14 days, according to the IPAS House Rules.

If you are not satisfied with the outcome of your complaint to the manager of the centre, you can complain to the International Protection Accommodation Service (IPAS).

### **If I am treated badly at the residential centre (for example, by the manager of the centre or anybody else), do I have the right to make a complaint?**

Yes, if you are treated badly at the residential centre, for example, by the manager of the centre or anybody else, you have the right to complain. The accommodation centre must treat you with respect.

Inappropriate behaviour such as direct or indirect abuse, whether verbal, physical or

otherwise, conducted by one or more persons against another or others is not accepted. Intimidation of any kind that could reasonably be regarded as undermining the individual's dignity is also not accepted.

If you suffer abuse that could amount to a criminal offence such as harassment, physical abuse or threats to your person, you should make a complaint to the Gardaí (Irish police).

For mistreatment that does not amount to a criminal offence including, for example name calling, you can complain to the Ombudsman.

### **Complaining to the Ombudsman**

You can contact the Office of the Ombudsman to make a complaint about certain actions of accommodation centres, and the International Protection Accommodation Service (IPAS). The Ombudsman is an independent complaints mechanism.

The Ombudsman **can examine complaints** about:

- decisions in your Direct Provision centre that you consider to be unfair and that affect you in a negative way,
- failure to give you clear reasons for decisions,
- failure to answer or delay in answering your correspondence such as letters and emails,
- providing you with incorrect, inaccurate, or misleading information,
- failure to deal properly with your

- complaints, and
- certain services – for example, the Ombudsman can examine complaints about services set out in the IPAS's House Rules such as: standard of accommodation, meals, cleaning, and facilities.

The Ombudsman cannot investigate decisions about your international protection application.

You should send your complaint within 12 months of the action or decision that you want to complain about. Even if more than 12 months has passed, the Ombudsman may still be able to help if there is a good reason for the delay.

More information available at:  
<https://www.ombudsman.ie/publications/information-leaflets/the-ombudsman-and-direct>

If the complaint relates to a child, you should complain to the Ombudsman for Children's Office (OCO). More information is available at [www.oco.ie](http://www.oco.ie)

### **Does making a complaint have any effect on my status?**

You should not be afraid to complain when you need to. Making a complaint should not affect the processing or outcome of your international protection application, your protection status, or the speed at which your application will be considered.

## **Civil and Political Rights**

**Your civil and political rights** – these include:

- The right to equality and non-discrimination
- The right to life, bodily integrity and the prohibition on torture and ill treatment
- Justice: fair trial rights and access to justice, rights if you are arrested and detained
- Right to private and family life: the right to privacy, family rights
- Expression, protest and political participation: freedom of assembly, freedom of association, freedom of expression, freedom of thought, conscience and religion
- The right to protest, political participation
- Children's rights
- Issues relating to entering and exiting Ireland: voluntary return, deportation order.

### **The Right to Equality and Non-discrimination**

You have the right to enjoy your fundamental rights on an equal basis as everyone else in Ireland, free from discrimination. The right to be treated equally before the law is set out in the Irish Constitution and the right to non-discrimination is set out in human rights law. The Equal Status Acts 2000-2018 ('the Equality Acts') protect your right to access goods and services on an equal basis as other people. The Employment Equality Acts 1998–2015 protect your right to



access work on an equal basis.

Different types of discrimination include:

- **Direct discrimination** – when you are treated less favourably than another person on the grounds of your gender, marital status, family status, age, disability, sexual orientation, race, religion, and membership of the Traveller community.
- **Discrimination by association** – when you are treated less favourably because of your connection with a person, based on the same grounds as direct discrimination.
- **Indirect discrimination** – when you experience unequal outcomes because of a practice or rule which discriminates on the above grounds (even if it looks like it applies to everyone in the same way).

Legally, it is not discrimination if:

1. There is a legitimate aim in the different treatment.
2. The rule or practice is appropriate, for example certain religious services may only be provided for members of that religion.
3. The rule or practice is necessary.

It is illegal to ask someone else to discriminate against another on your behalf, or to harass them. For example, an employer, shop-owner, landlord or teacher cannot ask someone else to discriminate against you or harass you by, for example, excluding you from a place or gathering.

### **Do I have the right to receive the same services as other citizens in Ireland?**

Yes. The Equality Acts prohibit

discrimination in the provision of goods and services, accommodation, and education. You should not experience unequal treatment because of who you are or where you come from.

The Equality Acts do not just cover services which may cost money. It also covers services which are free to access, for example a public playground, social welfare services and other public services, such as the health service or local authorities.

If a service fails to provide interpreting facilities for a service, when it knows that there is a language barrier, this may be racial discrimination.

There are times when these laws do not apply, and you may be treated differently.

### **3.1. If Irish or EU law requires different treatment**

Examples:

- Social welfare payments can be refused to certain groups of people, based on nationality or residence if the law states it clearly.
- International protection applicants are not entitled to Housing Assistance Payment (HAP) or Jobseekers' Allowance.

### **3.2. There are specific exemptions (exceptions) based on gender and religious grounds**

Examples:

You can ask for a person of your own gender to provide services which require



physical contact, such as beauty services, or health services.  
If goods or services are provided for religious purpose, different treatment may be legal.

**3.3 There are specific exemptions based on risk:**

It is not illegal to refuse to provide goods or services if they create a risk of crime, disorder or damage.

For more information, please see:  
<https://www.ihrec.ie/guides-and-tools/human-rights-and-equality-in-the-provision-of-good-and-services/what-does-the-law-say/equal-status-acts/>

**How can I complain about discrimination?**

Where and how discrimination occurs affects how you can complain about it. In the table below, you can see complaints and then what you need to do. For example, if you are getting paid less for the same work as Irish workers in the workforce and it appears that this is because of your nationality, then you are being discriminated against. You then complain to the Workplace Relations Commission as described below.

It is a good idea to keep records of your correspondence and make a copy of any related documents.

To complain about:	You need to:
Discrimination at work, under the Employment Equality Acts	You must bring a complaint within <b>6 months to the Workplace Relations Commission</b> . Use their online form to make your complaint. You may be allowed up to 1 year to complain if there are special circumstances. (You can find contact details for the Commission in Part 4.)
Discrimination in the provision of goods and services, accommodation, and education, under the Equal Status Acts	You must first contact the person or organisation you are making the complaint against within <b>2 months</b> of the last act of discrimination.
A restaurant, bar, hotel, or sports club which has a licence to serve alcohol	You will take a case at the District Court. For more information, please see: <a href="https://www.courts.ie/">https://www.courts.ie/</a>
Shop or other place that does not serve alcohol	You can bring a complaint to the <b>Workplace Relations Commission</b> . Use their online form to make your complaint. (You can find contact details for the Commission in Part 4.)



You can find more information about how to complain about discrimination in different settings in the '**Responding to Racism Guide**' by the Irish Network Against Racism. Please see: <https://inar.ie/reporting-racism-in-ireland/>

### Reporting racist incidents

If you have experienced racial discrimination, you have the right to make a report and complaint. You can make a report if you experienced, witnessed (saw) or heard of a racist incident. You can also do so for someone else, such as a service user or a friend.

If the incident is a criminal offence, report it to the police (Gardaí) at your local Garda station or online at <https://www.garda.ie/en/crime/hate-crime/>

You can report racist incidents including crime, discrimination in access to goods and services, racism and hate speech online in confidence to iReport.ie. This does not create a police report, and all reports are confidential. <https://www.ireport.ie/>

### If you witness or experience domestic abuse

Domestic abuse or violence is the use of physical or emotional force or threat of physical force, including sexual violence, in an intimate relationship.

You can call the Gardaí on 999/112 or your local station and you can supply the following details if you see abuse or you are being abused:

- Full details of name, address and contact

numbers

- Any court orders that are in place
- Who is experiencing the domestic abuse?
- Are there children present?
- Have alcohol or drugs been taken?
- Does the person have access to any weapons?
- Is there a history of abuse?
- What is the situation now?

A court can impose an order to protect you such as a safety order, protection order or barring order, which prevent a person from coming near you for a specified period of time. If they break the order they can be prosecuted.

You can read about these orders here: [https://www.citizensinformation.ie/en/birth\\_family\\_relationships/problems\\_in\\_marriages\\_and\\_other\\_relationships/barring\\_safety\\_and\\_protection\\_orders.html](https://www.citizensinformation.ie/en/birth_family_relationships/problems_in_marriages_and_other_relationships/barring_safety_and_protection_orders.html)

### The right to life, bodily integrity and the prohibition on torture and ill treatment

- You have the right to life. This includes a specific duty on the State to protect your life and to ensure that any death that occurs while a person is in the care of the State is independently investigated.
- You have a constitutional right not to have your body unjustifiably interfered with. This includes having a choice about your medical care.
- You have a right not to be subjected to torture, cruel, inhuman or degrading treatment or punishment in any setting.

## Justice

### Fair Trial rights and access to justice

Everyone in Ireland, including protection applicants, has the right to access justice and to a fair trial. This right is protected by the Irish Constitution and under human rights law.

'Access to justice' means making sure people can make full use of legal processes designed to protect their rights in a fair and just manner. This applies at every stage of a legal process, including taking a case (or having a case taken against you) and getting an effective remedy. An effective remedy is a way of using the legal system to make sure your rights are not taken away from you. If your case is successful in Court, it could be that the 'effective remedy' is a payment or a specific direction to a state body to provide you with support or to end unfair actions against you.

You are entitled to not be discriminated against **and** to equal recognition as everyone else as a person entitled to the same rights as others.

You are entitled to fair proceedings **and** for the rules to be followed clearly (due process).

(For more information see IOM, Information Note on Access to Justice: A Migrant's Right, June 2019 [https://www.iom.int/sites/default/files/our\\_work/ICP/IML/iml-infonote-access-to-justice.pdf](https://www.iom.int/sites/default/files/our_work/ICP/IML/iml-infonote-access-to-justice.pdf))

### How can I access legal information and advice?

You can access legal information through the 'Legal Aid Board' (LAB) and the 'Free Legal Advice Centres' (FLAC). The Irish Refugee Council Information and Referral Service provides information and support to people seeking international protection and to people granted international protection and permission to remain.

The Irish Refugee Council Independent Law Centre takes on a small number of cases for legal representation every year. In cases that concern unfair laws, the Irish Human Rights and Equality Commission (IHREC) may help with legal proceedings. The IHREC website is a useful source of information about the law. You can find the contact information in Part 4 of this guide.

### Do I have the right to compensation if my rights are violated?

You do have a right to different forms of compensation in the courts. Compensation is typically money, awarded to someone in recognition of loss, suffering, or injury. But it can be difficult to take a case for compensation for most cases unless you can afford a lawyer. Legal aid is not usually available for this type of case. Victims of crime, however, can more easily get compensation. (See Victims of Crimes section below)



### Access to justice for children

All children have the right to equal access to a child-friendly justice system. All children also have the right to information, counselling, and legal representation as well as arrangements in their best interests.

The 'best interests of the child' does not apply in relation to every part of the International Protection Act 2015. It applies to:

- Determining a child's age
- How personal interviews are conducted

When a child has been recognised as a refugee or granted subsidiary protection, they are entitled to have their best interests considered in respect of the following:

- Accessing medical care and social welfare benefits
- Having the right to travel to or from Ireland
- Having permission to reside in Ireland
- Applying for a Travel document
- Family Reunification applications

### Access to justice for women and LGBTI+ people

Women have the right to equal access to a gender-sensitive justice system considering their gender-specific needs.

Lesbian, gay, bisexual, transgender, and intersex (LGBTI+) people have the right to gender-sensitive access to justice which treats individuals fairly, regardless of sex or gender, and considers their gender-specific needs.

### Victims of crimes

Irish law defines a victim of crime as anyone who has suffered physical, mental, or emotional harm or economic loss which was directly caused by a criminal offence. Family relations are also victims if the death of a family member was directly caused by a criminal offence.

You have the right to have access to justice if you have been the victim of:

- crime,
- violence,
- racist abuse,
- hate speech,
- human trafficking,
- forced labour, or
- other criminal exploitation.

You are entitled to equal treatment in the process of investigation, prosecution of crimes, as well as in any procedures for compensation or other remedies (such as requiring the State to provide a service or requiring someone to end unfair treatment.) The Victims of Crime Act 2017 sets out minimum rights, supports, and protections, including:

- Your right to detailed information about the criminal justice system
- Your right to information on victim support services
- Your right to be kept informed of the progress of the investigation and court proceedings
- Your right to have your protection needs assessed and have measures put in place to stop further victimisation and intimidation
- Your right to be told of a decision not to prosecute and the right to ask for a

- review of that decision
- Your right to be given information in clear language and to have access to interpretation and translation services if you need them

### Victim support services

If you are a victim of crime, you may communicate with:

- The Garda Síochána (the Irish police)
- The Courts

- The Probation Service
- The Director of Public Prosecutions.

You have the right to receive information in simple, **accessible language** that you can understand. They should accommodate any special communication needs you have. If you speak a language other than English, you should be provided with an interpreter. You can also ask for written information to be translated so that you can understand it.

## Two main ways to seek compensation (you may get one of these ways)

### Option 1: Court order

In some criminal cases, the court may decide that an offender must pay compensation to you. A court sometimes allows an offender to pay compensation so that they can avoid a prison sentence.

The Probation Service prepares reports for the courts to assist judges in deciding penalties. The court may ask the Probation Service to supervise the payment of the compensation.

You can also bring a civil case against the offender seeking a court order for damages for any injury and loss caused. Civil cases usually involve private disputes between people or organisations because of accidents or breaches of contract. Before taking a civil case, you should get legal advice.

### Option 2: Scheme of Compensation for Personal Injuries Criminally Inflicted

If you have experienced personal injuries because of a crime, you may be entitled to compensation under this scheme.

In fatal cases, where the victim has died, their dependants can claim compensation.

Compensation can be paid for expenses and losses suffered:

- as a direct result of a violent crime, OR
- while helping (or trying to help) to prevent a crime or save a human life.

Your claim for compensation is considered if you are the injured person (the victim) or by people claiming for you and who are responsible for your maintenance and have had expenses (or lost income) because of your injuries.

The Scheme is funded by the Department of Justice and administered by the Criminal Injuries Compensation Tribunal. This Tribunal considers claims.



More information available at:  
[https://www.citizensinformation.ie/en/justice/victims\\_of\\_crime/your\\_rights\\_as\\_a\\_victim\\_of\\_crime.html](https://www.citizensinformation.ie/en/justice/victims_of_crime/your_rights_as_a_victim_of_crime.html)

### Compensation for victims of crime

Victims of crime may be entitled to compensation for what has happened to them. There are 2 main ways to get compensation for a crime that takes place in Ireland, or on an Irish ship/aircraft. [as of January 2022].

You can seek compensation under both of the above, but you cannot be doubly compensated for any losses you have suffered.

([https://www.citizensinformation.ie/en/justice/victims\\_of\\_crime](https://www.citizensinformation.ie/en/justice/victims_of_crime))

### Victims of sexual crimes or child abuse

If you are a victim or a witness to a sexual crime or child abuse, you should report this to An Garda Síochána at the earliest opportunity. You can do this by the following methods.

- Call 999 or 112 if it is an emergency. An emergency is any incident which requires an immediate Garda response. Examples of emergencies are:
  - A danger to life
  - Risk of serious injury
  - Crime in progress or about to happen
  - Offender still at scene or has just left
- Rape Crisis Centres throughout the country offer confidential advice and support services to victims of rape and sexual assault. You may contact the

National 24-Hour Helpline at 1800 77 88 88. Contacting them will not affect your application for international protection. All calls are confidential.

- If you have been the victim of rape or sexual assault in the last 7 days, you can, if you wish, go to a Sexual Assault Treatment Unit (SATU) on your own or with a Garda. This will allow you to access treatment and give evidence for police to investigate the crime.

### Victims of Hate Crime and Victims of Hate Incidents

Ireland is currently in the process of legislating for hate crimes. Until that new legislation is passed, hate motivation can only be recognised in sentencing for another offence such as assault or criminal damage.

**Hate Incidents (Non-Crime)** are any non-crime incident which is perceived by any person to, in whole or in part, be motivated by:

- hostility or prejudice
- actual or perceived age
- disability
- race
- colour
- nationality
- ethnicity
- religion
- sexual orientation, or
- gender

You should always report any incident you think was motivated by hate to An Garda Síochána.

In an emergency, call 999/112.

A Garda should take your report. Garda Diversity Officers throughout the country can assist you during the investigation if you wish. If you do not wish to go to your local Garda station, you can seek the services of the Garda National Diversity & Integration Unit, who will act as liaison with your local Garda station or Garda Diversity Officer.

If you require further information about hate crime, you can contact the staff at the Garda National Diversity & Integration Unit, who will deal with any query on this. (<https://www.garda.ie/en/crime/hate-crime/how-do-i-report-it.html>) See Part 4 of this guide for contact details.

**Victims of human trafficking** will get help Human trafficking is the use of deception, threats, abduction, force or abuse of power or of vulnerability to recruit, transport, transfer, keep or receive a victim in order to exploit them. Exploitation includes prostitution or other forms of sexual exploitation, forced labour, forced criminality or the removal of organs. In the case of children, no force is required - the very act of transporting a child into exploitative conditions constitutes trafficking.

If you consider yourself or somebody else to be a victim of human trafficking, you should report your concerns to the Garda Síochána (Irish police force). In an emergency, you should call **999 or 112**.

You can also get help from the Health Service Executive's (HSE) Anti-Human Trafficking Team.  
<https://www.hse.ie/eng/services/list/5/sex-health/whp/>

You could seek early legal advice from the Immigrant Council of Ireland – [www.immigrantcouncil.ie](http://www.immigrantcouncil.ie) or the Irish Refugee Council.

You could seek help from Ruhama (if you experienced sexual exploitation in prostitution)– [www.ruhama.ie](http://www.ruhama.ie) or the Migrant Rights Centre Ireland if you experienced labour exploitation ([www.mrci.ie](http://www.mrci.ie)).

### **What rights do I have as a victim of trafficking?**

You have a right to a recovery and reflection period of 60 days after you report your situation to the Gardaí. During this time, you can think about whether you wish to cooperate with an investigation into your situation of trafficking. You will be provided with a Stamp 3 residence permission during this time. You should access legal advice during this time.

After the initial 60 day period, you can decide whether you wish to be recognised as a victim of trafficking, and co-operate with a Garda investigation. If you decide that you wish to do this, you can apply for a Temporary Residence Permission, which can be renewed.

You can get free legal advice from the Legal Aid Board about the Immigration



## Arrangements for the Protection of Victims of Human Trafficking.

You can read more about the immigration rules that apply to victims of human trafficking in Ireland. (Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking available at:

<http://www.inis.gov.ie/en/INIS/>)

The Department of Justice has also published detailed guidance (PDF) on the steps involved in applying for immigration permission as a non-EEA citizen or a protection applicant who is a victim of human trafficking. (<https://www.blueblindfold.ie/wp-content/uploads/2020/09/Guide-to-Procedures-June-2015.pdf>)

## What are my rights if I am a victim of harassment in Direct Provision?

International protection applicants have the right to be protected from physical violence, sexual abuse, harassment, and discrimination.

When your accommodation centre is decided, gender and age-specific matters should be considered.

Female protection applicants have the right to ask for female staff/female interpreters to assist them with sensitive problems or provide counselling on their rights during their entire international protection application.

LGBTI+ protection applicants have the right to ask for staff/interpreters who are

familiar with gender-sensitive issues and can provide gender sensitive supports.

## Rights on Arrest and Detention

### Can officials arrest an International Protection applicant?

Yes. An immigration officer or a member of the Garda Síochána may arrest an applicant who is over 18 years old without warrant if that officer or member suspects, with reasonable cause, that the applicant:

- poses a threat to public security or public order in Ireland,
- has committed a serious non-political crime outside the State,
- has not made reasonable efforts to establish their identity,
- plans to leave Ireland and without lawful authority enter another state,
- has acted or plans to act in a manner that would undermine:
  - the system for granting people international protection in Ireland, OR
  - any arrangement relating to the Common Travel Area (the United Kingdom and Ireland), OR
- without reasonable excuse:
  - Has destroyed their identity or travel document, OR
  - Is or has been in possession of a fake, changed or exchanged identity document, and an applicant so arrested may be taken to and detained in a place of detention. (IP Act 2015, Section 20)

An applicant arrested on one of these grounds may be brought to, and detained in, a place of detention. When an applicant



is detained, they must be brought before a District Court judge as soon as practicable. The District Court judge may commit the person to a place of detention for a period of not more than 21 days. Where a person has been committed to a place of detention, they can be recommitted for periods of a further 21 days by a District Court judge. There is no maximum number of days set out. Applicants could also be released, subject to certain conditions such as reporting to Gardaí regularly.

### **Your Rights if Arrested**

A Garda can arrest you if they have a reasonable suspicion that you have committed an offence. You can also be arrested if there is a warrant against you, or if you do not produce ID as a foreign national, or if a Garda reasonably suspects that you have acted against the law.

**Right to know why you are being arrested:** If you are arrested, you must be told you are under arrest and the reason for that arrest. It is extremely unwise to resist arrest as you may then be charged for an additional offence of obstructing a Garda. A Garda may physically restrain you if you are under arrest but must use the least amount of force possible to make the arrest.

**Right to information given in a language you can understand:** You are entitled to information about your rights after arrest in a language you understand.

**Right to talk to a solicitor:** You have the right to consult with a solicitor before you are questioned by a Garda. You should contact a solicitor as soon as possible. If you do not have contact details for a solicitor, the Garda station should provide contact details for the duty solicitor.

Minor offences should not affect your application or permission to remain.

### **When can I be held in garda custody?**

The criminal law gives the Gardaí certain powers to detain you in their custody after you have been arrested. This will usually be in a garda station.

### **What happens if I am charged with a criminal offence?**

- If you are charged with a criminal offence you have the right to a fair and prompt trial with legal assistance at very stage.
- You also have a right to free legal assistance to assist with your case if you cannot afford assistance, and this will be arranged through the legal aid board. See more here: <https://www.legallaidboard.ie/en/>

### **What are my rights if I am detained in custody?**

- Right to remain silent (though there may be some consequences for staying silent. Ask your solicitor about these)
- Right to be informed of reasons for detention and related rights in a language you understand
- Right to access a lawyer before and



during questioning by Gardaí

- Right to inform family members or others of detention
- Right of access to external bodies, including UNHCR, ombudsman offices, the Irish Human Rights and Equality Commission, non-governmental organisations and International Organisations. (See part 4 for contacts for these organisations.)
- Right to legal assistance
- Right to healthcare
- Right to humane conditions of detention
- Right to effective judicial review by a Court if you think you are being detained illegally and possible compensation.

### **Do I have the right to access any data being held about me by the Gardaí?**

Yes. You have the right to access such data, and you can make a written request to the Garda Síochána for a copy of any personal data that it has about you. You are entitled to:

- Get a copy of the personal data being kept about you
- Know why the data is being kept
- Know the identity of anyone that the Gardaí share the data with
- Know how the Gardaí found the data (unless it would be against public interest).

However, there are some limits on the data you can access, and in some circumstances the Gardaí can refuse access. For more information, please see:

[https://www.citizensinformation.ie/en/justice/law\\_and\\_rights/access\\_to\\_garda\\_recors.html](https://www.citizensinformation.ie/en/justice/law_and_rights/access_to_garda_records.html)

### **What rights do I enjoy under the International Protection Act if I am detained?**

- You shall be kept separately from any prisoner detained in the place of detention
- You have a right to be kept separately from other third country nationals who have not applied for international protection, where this is possible
- You shall have access to open air spaces
- You are entitled to communicate and have visits from representatives of UNHCR, family members, legal representatives and representatives of relevant NGOs
- You shall have access to information on your rights in a language you can understand.

### **What is the maximum detention period set in the law?**

There is no maximum time you can be detained in prison under the International Protection Act and the Reception Conditions Regulations 2018, but you can be committed to a place of detention for up to 21 days only, after which your case must come before a District Court judge.

For most criminal offences, you cannot be detained without charge for more than 24 hours. There are exceptions for the most serious offences.

If you are charged with a criminal offence, you will be entitled to apply for bail through your legal representative in court. Bail is where you are released from custody because you or someone else has promised

that you will appear in court for your trial. Bail is based on the principle that the accused is presumed innocent until proved guilty. If you enter into a bail bond, you are agreeing to appear in court to answer the charges made against you. If your application for bail is rejected you may be held in custody until your trial.

### **What are my rights if I am detained and do not wish to continue with my IP application?**

If at any time during your detention, you indicate a desire to leave Ireland, you should be brought before the relevant District Court. Arrangements will be made for your removal from the State. In this situation, you shall be considered to have withdrawn your application for international protection.

You are entitled to:

**An interpreter** – you are entitled to get an interpreter who can help you talk to your legal representative.

**A legal representative** – you have a right to consult with a legal representative.

**To name a person to be told about your situation** – you have a right to name a person you ‘reasonably’ nominate to be told about:

- your detention,
- where you are being detained.

The person you ‘reasonably’ nominate can be considered a person who can be identified and contacted who may have an interest in your detention.

A right to appear before the court – you have a right to appear before the court and to have a legal representative (lawyer) with you.

### **Is there any support for vulnerable detainees?**

Yes, if you are a detained applicant and you are in a vulnerable situation, your particular situation (for example your health) is considered. That means:

- you should be monitored regularly, and
- you should be provided with adequate support.

(Regulation 19(9), Reception Conditions Regulations)

If a dependent child is with their parent and that parent is detained [under Section 20 International Protection Act], the immigration officer or member of the Garda Síochána should immediately notify Túsla – The Child and Family Agency. Túsla needs to know about this situation and the circumstances around it.

### **Consequences of committing ‘Serious Offences’**

Involvement in a riot or serious disorder, or a serious assault on a Garda, are counted as serious offences (carrying a prison sentence of 5 years or more). You have the right to have a lawyer with you during any questioning if you are charged with a serious crime.

You are only obliged to give a DNA sample if you are arrested for a serious crime. You can be held for up to 24 hours. It is important to get legal advice. The Government may remove permission to remain from people who commit serious offences, or reduce the protection granted.



## Right to Private and Family Life

### The right to privacy

What are my rights to privacy during my stay in Ireland as a protection applicant? Your personal information remains strictly confidential. Information that may lead other people to identify you as a protection applicant should not be published in a written publication available to the public or broadcast, without your consent. (IP Act 2015, Section 26). Your independence, personal safety, integrity, dignity, and independence must be ensured by organisations you come into contact with throughout the entire international protection procedure. You should be provided with information about all of your possible choices and available options.

Furthermore, your right to privacy, or the right 'to be let alone' in private settings, should be fully respected. For example, the confidentiality of medical details, your private written communications and telephone conversations cannot be deliberately and unreasonably interfered with. However, your right to privacy may be limited in certain circumstances, for example to protect the rights of others or for security reasons.

### Data protection

Data protection laws mean that your personal data should generally only be stored where there is a lawful basis, such as your consent or a legal obligation. You have a number of rights under data protection laws, like the right to access the personal data held, and the right to have it

corrected or erased in certain circumstances. You are entitled to have your personal information:

- Protected
- Used in a fair and legal way
- Made available to you when you ask for a copy
- Corrected if you ask for the information to be corrected

For further detailed information about the General Data Protection Regulation (GDPR), please see: [www.dataprotection.ie](http://www.dataprotection.ie)

### Family rights

The right to family life and marital privacy are respected as constitutional rights in Ireland. Everyone over the age of 18, including protection applicants, has the right to marry and to start a family with their full and free consent. Your marital privacy is respected, and you have the right to live in a Family Unit within IPAS accommodation. In Ireland, you have the right to marry a person of the same sex. This is guaranteed under the Irish constitution.

### Do child protection applicants have the right to stay with their family?

A child will be designated accommodation with his or her parents, unmarried siblings who are children or responsible adult, provided it is in the child's best interests. When considering Reception Conditions for children, the best interests of the child will be a primary consideration. When considering a child's best interests, account will be taken of the possibility of family unity. Yes. All children have the right to family relations. A child should not be

separated from their parents against their will. An exception to this occurs if competent authorities believe this is in the best interests of the child.

The best interest principle applies to all children without discrimination, including:

- unaccompanied, and
- separated children at risk outside their country of origin.

The best interests of the child must be a “primary” or one of the most important factors in decisions about reception conditions made by the State about a child.

(S.I. No. 230/2018 - European Communities (Reception Conditions) Regulations 2018, Regulation 7(2-3) and 9)

## Expression, Protest and Political Participation

### Freedom of Assembly

You have the right to assemble (gather) with others and meet peacefully. This right can be limited to protect public order but only if the limitation is necessary and as minimal as possible. The law prevents or controls meetings that are designed to cause a riot or breach of the peace or which may be a danger to the general public. There are other limitations on your freedom of assembly. You cannot meet on private property without the consent of the owner – that is trespassing.

### Freedom of Association

The Constitution guarantees your right to form associations and unions. You may form any type of association for whatever purpose you choose whether it is sporting, social, charitable, commercial, or political. This right can be limited too. For example, associations formed for the purpose of treason, or some anti-constitutional or illegal purpose cannot rely on this right to freedom of association.

Similarly, you cannot force someone to join any particular association or union or force a union, nor can you force a union or association to accept you.

### Freedom of Expression

You have the right to freely express your beliefs and opinions, share ideas and publish your beliefs, opinions and ideas. This includes messaging that is critical of government. However, this right may be limited to protect the rights of others, such as privacy or the right to a good name. You cannot encourage violence against another person or advocate the overthrow of the government.

### Freedom of Thought, Conscience and Religion

You have the right to **hold** any belief (whether religious or not) and to change your religion or belief. This right is absolute and unconditional; the State cannot interfere with it, for instance by dictating what a person believes or taking coercive steps to make you change your beliefs. You are generally free to practise your religion. However, the right to practice your religion can be limited in certain



circumstances, for example if it interferes with the rights of others.

The State cannot discriminate on the grounds of religion. State aid for schools cannot discriminate between schools of different religious denominations. Every child has the right to attend a denominational school receiving State funding without having to participate in religious instruction in the school.

### The Right to Protest

The right to protest is protected through the right to freedom of expression, assembly and association, as well as other rights such as the right to freedom of thought and the right not to be discriminated against. The right to protest is a fundamental part of Ireland's democracy and much positive change has emerged from protest.

The State is obliged to protect your right to protest, no matter what you protest about as long as it is peaceful and you are not advocating violence, stirring up hatred or causing a breach of the peace. You can generally protest in any public space. ICCL has published a guide to the right to protest – you can read it at: <https://www.iccl.ie/wp-content/uploads/2020/01/Know-Your-Right-s-Protest.pdf>

### Political Participation

#### Can I vote in elections in Ireland?

People from any non-EU country can vote in local elections to elect politicians to each local authority (the County or City Council) if you are over 18, you live in Ireland and

you have registered to vote. However, as a non-EU citizen you may not vote in General elections, European elections, Presidential elections or Referendums. If you are an EU citizen you can vote in European elections as well as local elections.

Local elections are held every five years. Voters can vote in private at their local polling station. Voters number the list of candidates 1, 2, 3, and so on, in the order of their preference. If your number one candidate is eliminated, your vote will transfer to your number two candidate and so on.

You must register to vote at least three weeks before an election. Check the deadline and download the registration form at [checktheregister.ie](https://www.checktheregister.ie) or at your local authority office. Find out more about registering to vote at

[https://www.citizensinformation.ie/en/government\\_in\\_ireland/elections\\_and\\_referenda/voting/registering\\_to\\_vote.html](https://www.citizensinformation.ie/en/government_in_ireland/elections_and_referenda/voting/registering_to_vote.html)  
<http://www.checktheregister.ie/PublicPages/Default.aspx?uiLang>

#### Can I stand for election?

You have the right to stand for election as a local councillor. You may do so through a political party of which you are a member, or as an independent. You should be aware that the media will take an interest in your application for protection, and you may wish to seek legal advice on how it might affect your IP application.

[https://www.citizensinformation.ie/en/government\\_in\\_ireland/elections\\_and\\_referenda/local\\_elections/nomination\\_of\\_candidates\\_in\\_local\\_authority\\_elections.html](https://www.citizensinformation.ie/en/government_in_ireland/elections_and_referenda/local_elections/nomination_of_candidates_in_local_authority_elections.html)

## Children's Rights

Children's rights include the right to:

- health,
- education,
- family life,
- play and recreation,
- an adequate standard of living, and
- be protected from abuse and harm.

Children's rights cover their developmental and age-appropriate needs that change over time as a child grows up.

There are four general principles that underpin all children's rights:

- **Non-discrimination** means that all children have the same right to develop their potential in all situations and at all times. For example, every child should have equal access to education regardless of the child's gender, race, ethnicity, nationality, religion, disability, parentage, sexual orientation, or other status.
- **The best interests of the child** must be "a primary consideration" (main factor) in all actions and decisions concerning a child, and must be used to resolve conflicts between different rights. For example, when making national budgetary decisions affecting children, Government must consider how cuts will impact on the best interests of the child.
- **The right to survival and development** concerns the vital importance of ensuring access to basic services and to equality of opportunity for children to achieve their full development. For example, a child with a disability should have effective access to

education and health care to achieve their full potential.

- The views of the child mean that the voice of the child must be heard and respected in all matters concerning their rights. For example, those in power should consult with children before making decisions that will affect them.

(See more from the Children's Rights Alliance,

<https://childrensrights.ie/childrens-rights-ireland/childrens-rights-ireland>)

The Irish Refugee Council and UNICEF Ireland have produced a child-friendly guide to Ireland's asylum process (IP application) for young people and separated children. You can access that here:

<https://www.irishrefugeecouncil.ie/welcome-to-irelands-asylum-process>

## Unaccompanied minors / Separated children

A child under 18 years of age who is travelling on their own and not with an adult who is taking responsibility for their care and protection is considered to be an 'unaccompanied minor'. This is also known as a "separated child".

If the International Protection Office thinks you are an unaccompanied minor, you will be referred to the Child and Family Agency (Túsla). The Separated Children's Team in Túsla will meet with you. You will work with one of its social workers. They will develop a care plan for you, and Túsla will take responsibility for looking after



your general welfare. This includes considering, with legal advice, whether it is in your best interests to apply for international protection.

The International Protection Office has prepared an Information note for children seeking international protection. You can access it online here: [http://www.ipo.gov.ie/en/ipo/pages/unaccompanied\\_minors](http://www.ipo.gov.ie/en/ipo/pages/unaccompanied_minors)

Unaccompanied minors are placed either in:

- foster care (where the child lives with a family) or
- residential care (where a child lives in an institution with other children).

All unaccompanied minors are entitled to free access to medical care and free medication, are given a medical card application form, and are assigned to a GP (doctor). Read about medical cards on page 35.

You can go to school until you complete the Leaving Certificate (the final exam for second-level). Unaccompanied minors in full-time education are entitled to Child Benefit, and may be granted travel subsidies (such as help with bus or train fare) and the Back-to-School Clothing and Footwear Allowance. You are entitled to work after seeking international protection for 6 months, for the number of hours in accordance with your age.

You are not entitled to free State education beyond secondary school, but you can

apply for scholarships [grants] and some support schemes are available.

Unaccompanied minors who arrived in Ireland less than one year before they turned 18 years do not automatically receive aftercare services when they turn 18 years. Many young people in that position are moved from residential care or foster care to direct provision accommodation once they turn 18.

Section 9 of the IPO Information Booklet on International Protection applies to Unaccompanied Minors/ Separated Children and is available in different languages. (<http://www.ipo.gov.ie/en/IPO/Pages/IPO>)

The IPO has published an Information Booklet for Unaccompanied Minors/Separated Children who are Applicants for International Protection. For more information, please see IPO3 available at: [http://www.ipo.gov.ie/en/ipo/pages/unaccompanied\\_minors](http://www.ipo.gov.ie/en/ipo/pages/unaccompanied_minors)

### Crimes against Children

An Garda Síochána have statutory responsibilities to protect children. No child should be left in a situation which exposes them to harm. Where there is immediate or serious risk, and Túsla is not available, somebody should contact An Garda Síochána.

There is a legal obligation to report underage sexual activity to An Garda Síochána. Underage sexual activity is



generally the sexual activity of a child under 17 years of age.

If you are going to report a concern of underage sexual activity, you should tell the child that you plan to report this to An Garda Síochána and/or Túsla – the Child and Family Agency. Reassure the child that you have their best interests at heart and the authorities will do their best to help them.

Anyone who wishes to report such activity may wish to informally consult with their local Garda Station before making a report. It is an offence to engage or attempt to engage in a sexual act with a child under the age of 17, (Criminal Law (Sexual Offences) Act 2006). Consent by that child is not a defence. However, a person charged with an offence of engaging in a sexual act with a person between the ages of 15 and 17 years can use consent as a defence if the person charged is:

- younger, or
- less than two years older than the other person,

**but** they must not be in authority over the child or be intimidatory or exploitative.

It is an offence for a **person in authority** to engage or attempt to engage in a sexual act with a child under 18 years of age.

### **Legal requirement to report a crime against a child**

Do you know or believe that a serious offence (crime) has been committed against a child? If you do know and you think your information will assist with the

arrest, prosecution or conviction of a person for the offence you **must** report this to An Garda Síochána. If you don't report this information, your non-action may be considered an offence. You can't use a defence to say you didn't report it because you expected that Túsla would make any necessary report to An Garda Síochána. For more information see: <https://www.hse.ie/eng/services/list/2/pri marycare/childrenfirst/faqs/#Q3.5>

## **Issues relating to entering and leaving Ireland**

### **Is there any punishment if I enter Ireland illegally?**

Yes, except if you are applying for international protection. Illegal entry is a crime in Ireland, and the punishment could be:

- a fine,
- imprisonment for up to 12 months, or
- both.

An immigration officer can refuse you permission to enter the State under the grounds (reasons) set out in law – section 4(3) of the Immigration Act 2004.

Some of the reasons for refusing you to enter or leave Ireland include:

- when the person cannot support themselves and any accompanying dependants (such as children)
- when a person plans to take up employment in the State without a valid employment permit

- the person has been convicted (whether in the State or elsewhere) of an offence punishable by imprisonment for a period of one year or by a more severe penalty
- the person is not the holder of an Irish visa
- the person is subject of a deportation order
- the person does not have a valid passport or any other equivalent document
- entry into, or presence in, the State could pose a threat to national security or be contrary to public policy
- the person's entry into, or presence in, the State could pose a threat to national security or be contrary to public policy
- the person plans to enter the State for reasons other than those they have said.

However, undocumented entrants may not have to pay penalties (like a fine) when they are:

- seeking asylum, or
- are otherwise entitled to international protection.

There will not be any penalties if:

- you are coming from a country where your life or freedom was threatened, and
- you go without delay to authorities to apply for international protection.

**Do I have the right to make a claim against a border official if I was mistreated – or directly affected by mistreatment – in when entering or exiting the country?**

Yes. You have the right to report any mistreatment by a border official, and it should be thoroughly investigated.

If you believe a member of An Garda Síochána has committed a crime, you must:

- report details of the incident to the Garda Síochána Ombudsman Commission (GSOC) and
- co-operate fully with the investigation into the criminal incident.

Anyone can make a complaint to the Garda Ombudsman about the behaviour of a Garda. You must, however, have either:

- witnessed the incident in question, **or**
- been directly affected by it.

You can make a complaint on behalf of someone else provided you have the person's consent, by speaking or in writing. You can also make a complaint on behalf of someone else who is unable to give consent due to their age or incapacity. Generally, a complaint from a child or young person would be made by a parent, guardian, or responsible adult. That said a child can make a complaint on their own too.

**How do I make a complaint?**

To make a complaint you must fill in the complaint form:

- online through Garda Ombudsman's website, or
- by downloading the form and posting it to the Garda Ombudsman's offices. (You should get an acknowledgement that your form was received.), or
- by calling to any Garda station and completing it or taking it home to complete.

For the contact details of the organisations named above, see Part 4 of this guide.

## Voluntary Return

If you want to return voluntarily to your country of origin, the International Organisation for Migration Ireland (IOM Ireland) can assist you in getting the travel documentation you need. If they have enough resources, they may be able to assist you with the financial costs of the travel from Ireland to the country of origin.

All people who are returning voluntarily to their country of origin can get a **small reintegration grant**. This grant helps to cover the costs of such as:

- education,
- professional training and/or
- business set-up.

You can call IOM Ireland's telephone helpline confidentially. They will give you further information. [www.ireland.iom.int](http://www.ireland.iom.int)

## Deportation Order

If you are refused international protection status, you will get a letter which is a "notification of intention to deport". (Section 3 (3) of the Immigration Act 1999 (as amended)) This means the State intends to tell you that you must leave Ireland by a certain date.

## If you want to appeal a Deportation order:

Act as a matter of urgency.

- 1) You (or your solicitor) must respond in 15 working days (about 3 weeks) to the notice.
- 2) Make sure that your solicitor is aware of this time limit.
- 3) Use this time to write and send a letter to the Minister for Justice setting out why you should not be deported.

If you do not wish to appeal the order or do not appeal within the 15-day time limit: you can leave the State voluntarily or agree (consent) to be deported by the State.

When you receive the Deportation Order, or any Transfer or Removal order, you will receive a letter. This letter will require you to 'present' yourself at the Offices of the Garda National Immigration Bureau on a set date and time to arrange for your deportation. This is **not** the date of your deportation.

You may receive several appointments before you are deported (banned from re-entering the State). At each date, you must come to the Offices. If you do not, your absence will be recorded, and you will be thought of a person trying to avoid being deported. In this case, the police may arrest and detain you.

## Principle of Non-refoulement (non-return)

The principle of non-refoulement or non-return means that the Minister for Justice shall not expel or return a person from Ireland to another country where:

- the life or freedom of the person would



be threatened because of their race, religion, nationality, membership of a particular social group or political opinion, **OR**

- there is a serious risk that the person would be subjected to the death penalty, torture, or other inhuman or degrading treatment or punishment.  
(<http://www.ipso.gov.ie/en/ipso/pages/assessment>)



# **Know your rights**

## **Part 3: Know your rights after being granted international protection**

# Part 3: Know your rights after being granted international protection

## Changes that happen when you achieve status

This part explains what rights you will be entitled to when you have achieved the status you applied for. The rights can vary depending on which status you have been granted.

It concentrates only on areas that you should know about as you transfer from being a protection applicant to being a holder of international protection. This includes if you now have:

- refugee status
- subsidiary protection
- permission to remain.

## Time limit for family

You should note the time limit for applying for family to join you in Ireland.

## What are my rights after being granted international protection?

International protection includes:

- refugee status
- subsidiary protection

Your rights will depend on whether you have been given refugee status or subsidiary protection or permission to remain.

## For people with a refugee declaration, subsidiary protection or permission to remain

When you receive a refugee declaration, subsidiary protection or permission to remain you are entitled to the following.

## Employment rights

In the same way as an Irish citizen, you can:

- look for and enter employment
- engage in any business, trade or profession
- have access to education and training in Ireland.

## Health care and social welfare rights

You have the right to receive the same medical care and the same social welfare benefits as Irish citizens. You must meet the same criteria as Irish citizens to qualify for these benefits.

## Travel document

A travel document is not a passport but it is similar in that it entitles you to leave and return to Ireland. It is also useful as an identity document. If you have refugee status, you have the right to a travel document, but you will need to apply for visas to travel to another state. People with subsidiary protection and permission to remain may be able to obtain a travel document, but they must first show they cannot get one from their country of origin. Information on how to apply for a travel document is on page 77.

## **For people with refugee protection**

### **Length of time you may stay in Ireland can vary**

If you have been granted refugee protection, you have permission to continue to live in Ireland indefinitely unless the protection stops. Your protection may stop if you travel back to the country you are seeking protection from. It may also stop if it is found that you intentionally gave false information in your IP application.

## **For people with subsidiary protection**

If you have been granted subsidiary protection, you are entitled to live in Ireland for a certain number of years. This can be renewed subject to certain conditions.

### **Right to reunite with specific members of your family in Ireland (family reunification)**

Refugees and people granted subsidiary protection will have the right to apply to bring specific members of your family to Ireland or ensure that certain family members can stay with you in Ireland. These are listed below. People granted permission to remain do not enjoy a right to family reunification, but could apply for a discretionary visa for certain family members.

## **How can I apply to bring my family members to Ireland?**

### **For people with refugee status or subsidiary protection:**

#### **You have 12 months from date of declaration**

If you have refugee status or subsidiary protection, you may, within 12 months from

the date of the declaration (Ministerial Decisions Unit letter), apply for permission for specific members of your family to: come to and live in Ireland, if they are outside Ireland on the date of application, or stay and live in the State (Ireland), if already in Ireland on the date of application.

For more information, please see:

**<https://www.irishimmigration.ie/family-reunification-of-international-protection-holders/>**

## **For people with permission to remain in Ireland**

### **Permission to remain does not entitle you to family reunification**

If you have permission to remain in Ireland, you do not have a right to bring family to Ireland or ensure certain family members can stay in Ireland with you (family reunification). See below section on permission to remain for more details.

### **If I have refugee status or subsidiary protection which members of my family can join me through family reunification?**

- Your spouse, provided that the marriage was in force on the date of **your application for international protection in Ireland.**
- Your civil partner, provided that the civil partnership was in force on the date of the application for international protection in Ireland.
- Your child, if they are under the age of 18 years and unmarried on the date of **the application for family reunification.**
- If you are under 18 years of age and



unmarried, your parents and their children who are under 18 years and unmarried.

### **Is there any other way (except for a Family Reunification Application) to bring my family to Ireland?**

There may be. You can apply for a 'Join Family' visa (permission to enter Ireland) for members of your family for whom you do not have a right to family reunification. The Department of Justice considers these applications in line with the Family Reunification Policy Document. These are considered on a discretionary basis. There is no obligation on the Minister for Justice to grant a visa in these circumstances, but you should set out the reasons as to why it is important, and how you could support your family member financially or how they could support themselves. You should seek legal advice or support from an NGO about a visa application. Details are available at [www.irishimmigration.ie/coming-to-join-family-in-ireland/](http://www.irishimmigration.ie/coming-to-join-family-in-ireland/)

### **For each category: refugee status, subsidiary protection, permission to remain** **Who can help me move from direct provision or with reuniting with my family?**

Organisations which support protection applicants and their integration in society include:

- CrossCare
- Doras
- Irish Refugee Council
- Jesuit Refugee Service (JRS)
- Nasc
- New Communities Partnership (NCP)
- St Stephen's Green Trust

- St Vincent De Paul
- The Peter McVerry Trust

There are also other organisations that can help you and your family.

The Irish Refugee Council also provides integration supports, including:

- a housing programme
- an education programme
- an employment programme
- resettlement work
- youth work
- a community sponsorship programme.

You can find out more details about each of the organisations and how to contact them in Part 4 of this guide.

For independent living, see:

<https://www.gov.ie/en/publication/f6f7d-guides-to-living-independently/>

Get in touch with IRC's housing team, see:

<https://www.irishrefugeecouncil.ie/listing/category/housing>

You can also find helpful information for independent living in Ireland at Citizens Information Centres websites:

<https://www.citizensinformation.ie/en/>

### **Install Swift Integration App**

You can install the 'SWIFT Integration' App on your phone to access information and services, in both English and Arabic. This is designed to help refugees integrate more easily into Irish society.



## **For those with international protection or permission to remain**

### **How can I get a travel document (to allow me to leave and return to Ireland)?**

Refugees cannot contact their country of origin to renew their passport due to the risk of persecution if they were to do so. Refugees can apply for Travel Documents to use in place of a national passport. Some people granted subsidiary protection or permission to remain, including Stateless people, will similarly not be able to renew their national passports.

You may apply for a travel document to allow you to travel outside Ireland if you are living in Ireland and you:

- Are a refugee under the International Protection Act 2015
- Have been granted Subsidiary Protection under the International Protection Act 2015. (Please note a Travel Document will only be available where a person is unable to obtain a national passport)
- Have been declared a Programme Refugee under the International Protection Act 2015
- Have been declared stateless in accordance with the New York Convention of 1954
- Are a family member of a person who has been granted refugee status
- Are a family member of people with subsidiary protection
- Are a family member of programme refugees
- Are a person with permission to remain in the state
- You can make an application by completing the form available here

(<https://www.irishimmigration.ie/wp-content/uploads/2021/09/Travel-Documents-Application-Form.pdf>) and posting it to the Travel Document Section of Immigration Service Delivery, Department of Justice, with the appropriate fee and application documents. Further details are available at: <https://www.irishimmigration.ie/coming-to-join-family-in-ireland/applying-for-a-travel-document/>

**Note:** It is Government policy to issue a travel document to a person granted subsidiary protection or permission to remain only if the person is unable to obtain a national passport. You must explain why it was not possible for you to renew or obtain your national passport. More information available at: <https://www.irishimmigration.ie/coming-to-join-family-in-ireland/applying-for-a-travel-document/>

## **Do I have the right to all available social security or social welfare benefits in Ireland?**

### **Those who have refugee status, subsidiary protection and permission to remain**

If you have been granted refugee status, subsidiary protection, or permission to remain you have the same rights as Irish citizens to receive:

- medical care and services
- social welfare benefits

More information at:

[https://www.citizensinformation.ie/en/moving\\_country/asylum\\_seekers\\_and\\_refugees/refugee\\_status\\_and\\_leave\\_to\\_remain/copy\\_of\\_medical\\_services\\_and\\_entitlements\\_for\\_refugees\\_and\\_asylum\\_seekers.html](https://www.citizensinformation.ie/en/moving_country/asylum_seekers_and_refugees/refugee_status_and_leave_to_remain/copy_of_medical_services_and_entitlements_for_refugees_and_asylum_seekers.html)



These social welfare benefits include:

- Jobseekers' Allowance
- Disability Allowance
- Child Benefit
- One-Parent Family Payment.

The Equality Acts prohibit discrimination when it comes to providing accommodation services against people who are receiving:

- rent supplement
- housing assistance
- social welfare payments.

### **What are my rights if I have been granted permission to remain?**

If you have been given permission to remain in Ireland, you get a Stamp 4, and you can:

- work in Ireland, and
- benefit from social welfare.

However, you do not have all the same rights as people who are granted refugee or subsidiary protection status.

### **What are my housing rights when I can move out of a Direct Provision Centre?**

**When you leave direct provision, you have a right to:**

social housing support (housing provided by a local authority or an approved housing body to people who are assessed as being unable to afford housing from their own resources). Find out more at

<http://www.housingagency.ie/housing-information/social-housing-support-overview> and

the Housing Assistance Payment (HAP). The HAP (Housing Assistance Payment) gives additional supports like:

- access to a deposit
- advance rent
- a possible 20% reduction on the existing HAP rent.

When your application for HAP is accepted, you should ask for the form for social housing as well. More information available at:

<http://hap.ie/homeless-hap/>

The Irish Refugee Council's Housing Programme may be able to help you. It provides direct housing support and accommodation. For contact details, please see Part 4 of this guide.

### **For people with refugee status or subsidiary protection**

#### **When can I apply for Irish citizenship?**

Naturalisation is the process where a foreign national living in Ireland may apply to become an Irish citizen. You are not automatically an Irish citizen if you were born on the island of Ireland. The conditions to become an Irish citizen are that one or more of your parents:

- was an Irish citizen at the time of your birth, or
- was a British citizen at the time of your birth, or
- had refugee status in Ireland at the time of your birth, or
- was legally resident (except as a student or as a protection applicant) for three of the four years before your birth.

If you are an adult living in Ireland and want to apply to naturalise as an Irish citizen, you must meet certain residency

conditions (length of time in Ireland).  
When calculating your time in Ireland, the authorities **will not** consider time spent in Ireland as:

- an international student, or
- a protection applicant (unless you are now a refugee).

## **Applying to become an Irish citizen by naturalisation**

### **Refugee Status**

You can apply for naturalisation 3 years after the date you made your application for international protection.

### **People with subsidiary protection status or permission to remain**

You can apply for naturalisation 5 years after receiving your subsidiary protection or permission to remain decision.

Additionally, you must:

- have lived in Ireland legally for the 12-month period before your application
- be over 18.

For information see:

<https://www.irishimmigration.ie/registering-your-immigration-permission/information-on-registering/immigration-permission-stamps/>

Children can apply for naturalisation after their parents have naturalised first.





# **Know your rights**

## **Part 4: Organisations and resources that can help me**

# Part 4: Organisations and resources that can help me

This part tells you about organisations and areas you may need help with. The organisations are both state and non-state.

- 1. State organisations
- 2. International Non-Governmental Organisations (NGOs) in Ireland
- 3. Non-Governmental Organisations (NGOs) in Ireland
- 4. Regional and local non-governmental organisations
- 5. Employment help
- 6. Health help
- 7. Housing help
- 8. Help if discriminated against or if a victim of crime

## 1. State organisations

Organisation	What they do / how they help	Contact details
Data Protection Commission	The Data Protection Commission (DPC) is the national independent authority responsible for upholding the fundamental right of individuals in the EU to have their personal data protected.	Address: 21 Fitzwilliam Square South, Dublin 2, D02 RD28, Ireland Tel: +353 57 868 4800 +353 0761 104800 Email: <a href="mailto:info@dataprotection.ie">info@dataprotection.ie</a> Web: <a href="http://www.dataprotection.ie">http://www.dataprotection.ie</a>
District Court	The District Court accepts complaints against restaurants, bars, hotels, or sports clubs who have a licence to serve alcohol.	Web: <a href="https://www.courts.ie/">https://www.courts.ie/</a>

More information about courts in Ireland available at:  
[https://www.citizensinformation.ie/en/justice/courts\\_system/courts.html](https://www.citizensinformation.ie/en/justice/courts_system/courts.html)

Organisation	What they do / how they help	Contact details
<b>International Protection Office (IPO)</b>	IPO accepts international protection applications and decides whether a person is entitled to international protection in Ireland.	Address: 79-83 Lower Mount Street, Dublin 2. D02 ND99 Tel: +353 1 602 8000 Fax: + 353 1 602 8122 Email: <a href="mailto:info@ipo.gov.ie">info@ipo.gov.ie</a> Web: <a href="http://www.ipo.gov.ie">www.ipo.gov.ie</a>
<b>International Protection Accommodation Service (IPAS)</b>	IPAS is responsible for co-ordinating accommodation and related services provided to protection applicants. These services include the provision of accommodation, health care, education, and social welfare to protect applicants.	Address: P.O. Box 11487, Dublin 2. Lo-Call: 1890 777727 Tel: + 353 1 418 3200 Fax: +353 1 4183271 Email: <a href="mailto:RIA_Inbox@justice.ie">RIA_Inbox@justice.ie</a> <a href="mailto:IPASinbox@justice.ie">IPASinbox@justice.ie</a> Web: <a href="http://www.accommodationcentres.ie/">www.accommodationcentres.ie/</a> OR <a href="http://www.ria.gov.ie">www.ria.gov.ie</a>
<b>International Protection Appeals Tribunal (IPAT)</b>	IPAT decides on appeals where the IPO has rejected applications for international protection.	Address: 6/7 Hanover Street, Dublin 2. D02 W320 Tel: +353 1 474 8400 Lo-Call: 1890 210 458 Fax: +353 1 474 8410 Email: <a href="mailto:info@protectionappeals.ie">info@protectionappeals.ie</a> Web: <a href="http://www.protectionappeals.ie">www.protectionappeals.ie</a>
<b>Irish Human Rights and Equality Commission (IHREC)</b>	IHREC helps with human rights and equality issues by assisting with legal proceedings, where you want to challenge the law.	Address: 16 – 22 Green Street Dublin 7, D07 CR20 Lo-Call: 1 890 245545 Tel: +353 1 8589601 Email: <a href="mailto:info@ihrec.ie">info@ihrec.ie</a> Web: <a href="https://www.ihrec.ie/">https://www.ihrec.ie/</a>

<b>Organisation</b>	<b>What they do / how they help</b>	<b>Contact details</b>
<b>Irish Immigration Service, Department of Justice and Equality</b>	The Irish Immigration Service is responsible for delivering the administrative functions of the Minister for Justice and Equality in relation to applications for protection, immigration (including visas), and citizenship matters.	Address: 13 – 14 Burgh Quay, Dublin 2. D02 XK70 Lo-Call: 1890 551 500 Tel: +353 1 616 7700 Web: <a href="http://www.irishimmigration.ie/">www.irishimmigration.ie/</a>
<b>Legal Aid Board (Smithfield, Dublin).</b>	The Legal Aid Board is an independent statutory body responsible for the provision of civil legal aid and advice.	Dublin: Legal Aid Board (Smithfield) Address: 48/49 North Brunswick Street, Georges Lane, Dublin 7 D07 PE0C Tel: (01) 646 9600 Fax: (01) 671 0200 <a href="mailto:lawcentresmithfield@legalaiddboard.ie">lawcentresmithfield@legalaiddboard.ie</a>
<b>Legal Aid Board (Cork)</b>		Cork: Legal Aid Board Address: Popes Quay Law Centre, North Quay House, Popes Quay, Cork T23 TV0C Tel: + 353 21 455 16 86 Fax: +353 21 455 1690 <a href="mailto:lawcentrecorknorth@legalaiddboard.ie">lawcentrecorknorth@legalaiddboard.ie</a>
<b>Galway Law Centre (Seville House)</b>		Galway: Galway Law Centre (Seville House) Address: Seville House, New Dock Road, Galway H91 CKVO Tel: +353 91 562 480 Fax: +353 91 562 599 <a href="mailto:lawcentresevillehouse@legalaiddboard.ie">lawcentresevillehouse@legalaiddboard.ie</a>



Organisation	What they do / how they help	Contact details
<b>Local Intreo (For Social Welfare)</b>	A single point of contact for all employment and income supports. Intreo offices offer employment services and supports for jobseekers and employers.	<p>Web: <a href="https://www.gov.ie/en/campaigns/fb84c0-intreo/">https://www.gov.ie/en/campaigns/fb84c0-intreo/</a></p> <p>Find your Local Intreo Centre for location, phone number, email address and opening hours: Web: <a href="https://www.gov.ie/en/news/21695-intreo-centre-notices/">https://www.gov.ie/en/news/21695-intreo-centre-notices/</a></p>
<b>Office of the Ombudsman</b>	The Ombudsman examines complaints from members of the public who believe they have been unfairly treated by certain public service providers.	<p>Address: 6 Earlsfort Terrace, Dublin 2, D02 W773</p> <p>Tel: +353 1 639 5600</p> <p>Web: <a href="https://www.ombudsman.ie/">https://www.ombudsman.ie/</a></p>
<b>Revenue</b>	Revenue manages your income tax.	<p>Tel: +353 1 858 9843</p> <p>Web: <a href="https://www.revenue.ie">https://www.revenue.ie</a></p>
<b>Túsla - Child and Family Agency</b>	<p>Túsla is responsible for the welfare and protection of children.</p> <p>The Túsla Team for Separated Children Seeking Asylum is responsible for assisting separated children seeking international protection. They help in areas such as accommodation, medical and social needs.</p>	<p>Address: Sir Patrick Dun's Hospital, Lower Grand Canal Street, Dublin 2. D02 P667</p> <p>Tel: +353 1 647 7000</p> <p>Fax: +353 1 647 7008</p> <p>Web: <a href="http://www.tusla.ie">www.tusla.ie</a></p>
<b>Workplace Relations Commission (WRC)</b>	The WRC should consider and investigate your claim if you were discriminated, exploited, or abused in your workplace.	<p>Lo-call: 1890808090</p> <p>Tel: +353 599178990</p> <p>Web: <a href="http://www.workplacerelations.ie/en">www.workplacerelations.ie/en</a></p>

## 2. International Non-Governmental Organisations (NGOs) in Ireland

Organisation	What they do / how they help	Contact details
<b>International Organisation for Migration (IOM)</b>	<p>The IOM offers confidential assistance to protection applicants and irregular migrants from the non-European Economic Area (EEA) who wish to voluntarily return to their home country and do not have the means and/or travel documents to do so.</p> <p>They also help with travel assistance for family reunification.</p>	<p>Address: 116 Lower Baggot Street, Dublin 2.D02 R252</p> <p>Tel (Freephone): 1800 406 406</p> <p>Tel: +353 1 676 0655</p> <p>Email: <a href="mailto:iomdublin@iom.int">iomdublin@iom.int</a></p> <p>Web: <a href="http://www.ireland.iom.int/">www.ireland.iom.int/</a></p>
<b>United Nations High Commissioner for Refugees (UNHCR)</b>	<p>The UNHCR helps protection applicants and refugees with solutions for their difficulties and can offer material assistance.</p> <p>The UNHCR may attend any interviews or appeal hearings with you or may write to support an application.</p>	<p>Address: 102 Pembroke Road, Ballsbridge, Dublin 4. D04 E7N6</p> <p>Tel: +353 1 631 4510</p> <p>Web: <a href="http://www.unhcr.org">www.unhcr.org</a></p>

### 3. National Non-Governmental Organisations (NGOs)

These organisations will help you get information and often provide advocacy support. Advocacy means support to a person to make sure the person has their views heard, their wishes respected, taken seriously and acted on. An advocate also helps to make sure that a person gets relevant information that the person can use to make their own decisions. In the guide we regularly mentioned a few of these organisations.

Organisation	What they do / how they help	Contact details
<b>Citizens Information Centres</b>	They provide information on rights for everyone living in Ireland.	Web: <a href="http://www.citizensinformation.ie/en/">www.citizensinformation.ie/en/</a> Local centres contacts listed at <a href="https://centres.citizensinformation.ie/">https://centres.citizensinformation.ie/</a>
<b>Crosscare</b>	Information and advocacy organisation for people refugees, and protection applicants.	Crosscare Information and Advocacy Services: Address: 1 Cathedral Street, Dublin 1 Tel: (01) 873 2844  Crosscare Refugee Service: Email: <a href="mailto:refugeeservice@crosscare.ie">refugeeservice@crosscare.ie</a>  Crosscare Housing & Welfare: <a href="mailto:housingandwelfare@crosscare.ie">housingandwelfare@crosscare.ie</a> Web: <a href="http://www.livinginireland.ie/refugee/">www.livinginireland.ie/refugee/</a>
<b>Doras (based in Limerick)</b>	Doras provides direct support and advocacy to people from a migrant and refugee background in Ireland. Its work includes free advice and legal information on immigration and international protection.	Address: Central Buildings, 51a O'Connell Street, Limerick, V94 W275 Tel: +353 83 08 02378 Email: <a href="mailto:info@doras.org">info@doras.org</a> Web: <a href="https://doras.org/">https://doras.org/</a>

<b>Organisation</b>	<b>What they do / how they help</b>	<b>Contact details</b>
<b>FLAC Free Legal Advice Centres</b>	Provides free legal advice.	Address: 85/86 Dorset Street Upper, Dublin 1 Administration & Policy Lo-Call: 1890 350 250 Tel: +353 1 874 5690 Tel: +353 1 887 3600 Fax: +353 1 8745320 Email: <a href="mailto:info@flac.ie">info@flac.ie</a> Web: <a href="https://www.flac.ie/">https://www.flac.ie/</a>
<b>Immigrant Council of Ireland</b>	Supports and advocates for the rights of immigrants and their families.	Address: 2 St Andrew Street, Dublin 2 Tel: 01 674 0202 Email: <a href="mailto:admin@immigrantcouncil.ie">admin@immigrantcouncil.ie</a>
<b>Irish Red Cross Society</b>	The provision of emergency and humanitarian relief through its network of volunteers.	Address: 16 Merrion Square North, Dublin 2. D02 XF85 Tel: +353 1 642 4600 Fax: +353 1 661 4461 Email: <a href="mailto:info@redcross.ie">info@redcross.ie</a> Web: <a href="http://www.redcross.ie">http://www.redcross.ie</a>
<b>Irish Refugee Council</b>	Irish Refugee Council supports protection applicants and refugees. It also and gives legal advice on protection applications, employment, family reunification, and so on.	Address: 37 Killarney Street, Dublin 1, D01 NX74 Tel: + 353 1 764 5854 Fax: +353 1 672 5927, Email: <a href="mailto:info@irishrefugeecouncil.ie">info@irishrefugeecouncil.ie</a> Web: <a href="https://www.irishrefugeecouncil.ie">https://www.irishrefugeecouncil.ie</a>
<b>Migrant Rights Centre Ireland (MRCI)</b>	MRCI provides support and information for migrant workers and empowers workers to campaign for rights.	Address: 13 Lower Dorset Street, Dublin 1 D01 Y893 Tel: +353- 83 075 5387 Email: <a href="mailto:info@mrci.ie">info@mrci.ie</a> Web: <a href="https://www.mrci.ie/">https://www.mrci.ie/</a>

Organisation	What they do / how they help	Contact details
<b>Movement of Asylum Seekers in Ireland (MASI)</b>	MASI helps asylum seekers (protection applicants) to join together and advocate for their rights.	Tel: +353-831713166 Email: <a href="mailto:info@masi.ie">info@masi.ie</a> Web: <a href="https://www.masi.ie/">https://www.masi.ie/</a>
<b>Nasc, the Migrant and Refugee Rights Centre</b>	Nasc helps all migrants in Ireland to know and achieve their rights.	Address: 34 Paul Street, Cork, T12 W14H Tel: +353 21 427 3594 Email: <a href="mailto:reception@nascireland.org">reception@nascireland.org</a>
<b>New Communities Partnership (NCP) (Migrant Family Support Service or MFSS)</b>	NCP supports new communities in Ireland through training, advocacy, and providing services.	Address: 53 Upper Dorset Street, Dublin 1 Tel: +353-1872 7842 Email: <a href="mailto:info@newcommunities.ie">info@newcommunities.ie</a> Web: <a href="http://www.newcommunities.ie/services">www.newcommunities.ie/services</a>
<b>Spirasi</b>	Spirasi offers care to victims of torture. It can make a report for victims of torture to support their International Protection application.	Address: 213 North Circular Road, Phibsborough, Phibsborough Road Tel: 01 838 9664 Fax: 01 8823547 Email: <a href="mailto:info@spirasi.ie">info@spirasi.ie</a> Web: <a href="https://spirasi.ie/">https://spirasi.ie/</a> For medico-Legal report: <a href="https://spirasi.ie/what-we-do/medico-legal-report/">https://spirasi.ie/what-we-do/medico-legal-report/</a>

## 4. Regional / Local Non-governmental organisations (NGOs)

Organisation	What they do / how they help	Contact details
<b>Clare:</b> <b>Clare Immigrant Support Centre</b>	Clare Immigrant Support Centre make sure immigrants have access to appropriate state and community services. It also protects the rights and entitlements of immigrants.	Address: Unit 6, Clonroad Business Park, Clonroad, Ennis, Co. Clare, V95CV06 Tel: 065 682 2026 Email: ciscennis@gmail.com
<b>Cork:</b> <b>Nasc, the Migrant and Refugee Rights Centre</b>	Nasc works with migrants and refugees to advocate for their rights and help them to know and achieve their rights through free legal services and campaigns.	Address: 34 Paul Street, Cork, T12 W14H Tel: 021 427 3594 Email: reception@nascireland.org Web: <a href="https://nascireland.org/">https://nascireland.org/</a>
<b>Dublin:</b> <b>Jesuit Refugee Service (JRS)</b>	The JRS supports refugees in detention centres and refugee camps. It provides this support through psychosocial support programmes. It also provides: <ul style="list-style-type: none"> <li>- humanitarian relief in emergency displacement situations, (where people are forced to leave their homes);</li> <li>- skill development and opportunities for integration through education and livelihoods programmes.</li> </ul>	JRS in Dublin: Address: 54-72 Gardiner Street Upper, Dublin 1, D01 TX23 Tel: +353-1814 8644 Email: <a href="mailto:info@jrs.ie">info@jrs.ie</a> Web: <a href="https://jrs.ie/">https://jrs.ie/</a>

**Dublin: You can find Dublin-based non-governmental organisations (NGOs) in the table above: National NGOs, page 87.**

Organisation	What they do / how they help	Contact details
<b>Galway:</b>  <b>The BRIDGE project Galway</b>	<p>Training and support, language training through technology (IT) skills, health and wellbeing, and psychological care. It includes integration activities, language skills and multi-media orientation programme.</p> <p>It also provides outreach support to people living in Direct Provision centres and offers information about assistance to make your case.</p>	<p>Suzanne McKane Project Co-ordinator (Mondays)  Address: Westside Resource Centre, Galway  Tel: 086 043 3376  Email: <a href="mailto:suzanne@gcp.ie">suzanne@gcp.ie</a></p> <p>Katya Okonkwo Information &amp; Advocacy Officer (Mondays)  Address: Galway City Partnership, The Plaza, Headford Road, Galway  Tel: 086 602 0580  Email: <a href="mailto:katya@galwaymigrantservice.ie">katya@galwaymigrantservice.ie</a></p> <p>Obert Makaza Direct Provision Support Worker  (Monday, Thursdays, Fridays)  Address: Galway City Partnership, The Plaza Headford Road, Galway  Tel: 086 0470120  Email: <a href="mailto:Obert@gcp.ie">Obert@gcp.ie</a></p>
<b>Kilkenny:</b> <b>Immigrant Support Clinic, Kilkenny</b>	<p>Free information and one-to-one support for immigrant communities in Kilkenny.</p>	<p>Address: Fr. McGrath Family Resource Centre, St. Joseph's Rd, Kilkenny  Tel: 086 1927033  Email: <a href="mailto:info@frmcgrathcentre.ie">info@frmcgrathcentre.ie</a>  Web: <a href="http://frmcgrathcentre.ie/immigrant-support-clinic/">http://frmcgrathcentre.ie/immigrant-support-clinic/</a></p>

## 4. Regional / Local Non-governmental organisations (NGOs)

Organisation	What they do / how they help	Contact details
<b>Killarney: Killarney Immigrant Support Centre (KASI)</b>	<p>This is a drop-in service (open 4 days a week, Monday to Thursday), so you can call in directly. It provides:</p> <ul style="list-style-type: none"> <li>- Free Information</li> <li>- Help with filling in forms</li> <li>- Advocacy</li> <li>- Support for people in Direct Provision Centres in Killarney including activities for children</li> <li>- Awareness raising in schools and local communities</li> <li>- English classes</li> <li>- Homework support</li> <li>- Information sessions</li> <li>- Training and workshops</li> <li>- Volunteering opportunities</li> <li>- Intercultural events</li> </ul>	<p>Address: KASI CLG, Unit 6, Old Credit Union Building, Beech Road/91 New Street Killarney, Co. Kerry V93 R96C Tel: (064) 662 0705 Email: <a href="mailto:info@kasi2000.com">info@kasi2000.com</a> Web: <a href="http://www.kasi.ie/">http://www.kasi.ie/</a></p>
<b>Limerick: Doras (National NGO based in Limerick)</b>	<p>Doras provides direct support and assistance to people from a migrant and refugee background in Ireland. Its work includes:</p> <ul style="list-style-type: none"> <li>- free advice and legal information on immigration and international protection</li> <li>- assistance to people in Direct Provision centres</li> <li>- Help if you want to apply for family reunification, travel documents, residency and citizenship</li> <li>- integration support such as applying for a driving license.</li> </ul>	<p>Address: Central Buildings, 51a O'Connell Street, Limerick, V94 W275 Tel: +353 83 0802378 Email: <a href="mailto:info@doras.org">info@doras.org</a> Web: <a href="https://doras.org/">https://doras.org/</a></p>



Organisation	What they do / how they help	Contact details
<b>Limerick: Jesuit Refugee Service (JRS)</b>	JRS supports refugees through support programmes in detention centres and refugee camps. It provides: <ul style="list-style-type: none"> <li>- humanitarian relief in emergency displacement situations,</li> <li>- skill development, and</li> <li>- opportunities for integration into host communities through education and livelihoods programmes.</li> </ul>	JRS in Limerick: Address: Della Strada, Dooradoyle Road, Limerick Tel: 061 48 0922 Email: info@jrs.ie
<b>Mayo: Mayo Intercultural Action (MIA)</b>	MIA provides support, information and advocacy to migrants, protection applicants, refugees and their families living in County Mayo	Address: Hill House, Mountain View, Mayo Tel: 94 904 4511 Email: miamayo@eircom.net
<b>Tralee: Tralee International Resource Centre (TIRC)</b>	TIRC supports services to protection applicants, refugees, and broader immigrant communities in Tralee.	Address: 13-14 St Patricks Bungalows, Boherbee, Tralee Tel: +353 66 712 7918 / +353 87 982 2983

## 5. Employment Help

Organisation	What they do / how they help	Contact details
<b>Business In the Community Ireland, Dublin</b>	Business In the Community Ireland provides employment training for protection applicants and refugees and helps them to match with employers. They also offer free training courses that may help with finding employment.	<p>Address: 3rd Floor Phibsborough Tower, Phibsborough Road Dublin 7 D07 XH2D Tel: +353 1 874 7232 Email: <a href="mailto:epic@bitc.ie">epic@bitc.ie</a> Web: <a href="https://www.bitc.ie/business-action-programmes/business-action-on-employment/are-you-a-jobseeker/">https://www.bitc.ie/business-action-programmes/business-action-on-employment/are-you-a-jobseeker/</a></p> <p>Guide For Migrant Jobseekers in Ireland: Web: <a href="https://www.bitc.ie/wp-content/uploads/2015/09/GuideforMigrantJobseekersinIreland1.pdf">https://www.bitc.ie/wp-content/uploads/2015/09/GuideforMigrantJobseekersinIreland1.pdf</a></p>
<b>Dignity Partnership (DiP)</b>	Dignity Partnership is a social enterprise that provides self-employment and internship support services to people who have lived or are living in a Direct Provision Centre.	<p>Address: 36 Castleway, Kilminchy, Portlaoise, Co. Laois R32 A4P1 Tel: +353 89 254 6155 Email: <a href="mailto:info@dignitypartners.company">info@dignitypartners.company</a> Web: <a href="https://dignitypartners.company/">https://dignitypartners.company/</a></p>
<b>Irish Refugee Council's Employment Programme</b>	The Irish Refugee Council's Employment Programme assists people seeking protection in Ireland to overcome barriers to access employment. This includes a Women's Employment Programme and a Project to support people who want to start their own business.	<p>Email: <a href="mailto:greta@irishrefugeecouncil.ie">greta@irishrefugeecouncil.ie</a> Web: <a href="http://www.irishrefugeecouncil.ie/Listing/Category/employment">www.irishrefugeecouncil.ie/Listing/Category/employment</a></p>

Organisation	What they do / how they help	Contact details
<b>Open Doors Initiative</b>	This initiative can help you get a placement in certain workplaces known as internships (where you work for free to get experience) and apprenticeships (where you are trained on the job) for international protection applicants.	Nationwide Email: <a href="mailto:info@opendoorsinitiative.ie">info@opendoorsinitiative.ie</a> Web: <a href="http://www.opendoorsinitiative.ie/">www.opendoorsinitiative.ie/</a>
<b>Recruit Refugees Ireland</b>	Recruit Refugees Ireland is a recruitment service for refugees, protection applicants, and migrants.	Nationwide Address: Currahee, Ballonspittle, Kinsale, Co. Cork Tel: +353 (0) 83 005 89 75 Email: <a href="mailto:hello@recruirefugees.ie">hello@recruirefugees.ie</a> Web: <a href="https://recruitrefugees.ie/">https://recruitrefugees.ie/</a>
<b>Workplace Relations Commission (WRC)</b>	WRC considers and investigates your claim in case of discrimination, exploitation and abuse in the workplace.	Lo-call: 1890808090 Tel: 059 917 8990 Web: <a href="http://www.workplacerelations.ie/en">www.workplacerelations.ie/en</a>

## 6. Healthcare help

The main organisation that you should know about for health matters is the HSE. This stands for the Health Service Executive. Many of the other organisations listed below are for children and young people.

Organisation	What they do / how they help	Contact details
<b>HSE (Health Service Executive)</b>	Your Local Health Office is your entry point to community health and personal social services including Medical Card.	Web: <a href="https://www.hse.ie/eng/">https://www.hse.ie/eng/</a>  To find your local healthcare office: Web: <a href="http://www.hse.ie/eng/services/list/1/lho/">www.hse.ie/eng/services/list/1/lho/</a>
<b>BeLonG To</b>	BeLonG To <b>youth services</b> is the national organisation supporting lesbian, gay, bisexual, transgender, and intersex (LGBTI+) young people between 14 and 23 years in Ireland.	Address: Parliament House, 13 Parliament Street, Dublin 2 D02 P658 Tel: +353 1 670 6223 Email: <a href="mailto:info@belongto.org">info@belongto.org</a> Web: <a href="http://www.belongto.org">www.belongto.org</a>
<b>CAHMS (Child and Adolescent Mental Health Services)</b>	Free mental healthcare for children.	To use these services you should be referred by your GP (doctor) or another health care professional.
<b>ChildLine</b>	ChildLine is a listening service for children up to the age of 18.	Tel: 1800 666 666 Free Text: 50101 Web: <a href="https://www.childline.ie/">https://www.childline.ie/</a>
<b>Jigsaw</b>	Jigsaw is a national centre for youth mental health. They focus on intervening early to support the mental health of those aged 12 to 25 years of age.	Web: <a href="http://www.jigsaw.ie">www.jigsaw.ie</a>

Organisation	What they do / how they help	Contact details
<b>Peter McVerry Trust</b>	<p>The Peter McVerry Trust offers practical, dignified responses to the needs of people engaging in drug misuse.</p> <p>Peter McVerry Trust's Drug Treatment Services include: a Drug Stabilisation and Recovery Service, a Residential Community Detox Service, and a Residential Drug-Free Aftercare Accommodation Service.</p> <p>All services are based in Dublin, however, the Residential Community Detox is a national centre and works with people from across Ireland.</p>	<p>National Head office: Address: 29 Mountjoy Square, Dublin 1 D01 C2N4 Tel: +353 823 0776 Office hours: 9:00 am – 5:30 pm Email: <a href="mailto:info@pmvtrust.ie">info@pmvtrust.ie</a></p> <p>Mid West Office: Address: 50 O'Connell St, Limerick city Co Limerick, V94 C6XR Tel: +353 61 214 882 Office hours: 10:00 am – 2:00 pm</p> <p>North East Office: Address: 20 St Laurence St, Drogheda Co. Louth, A92 FP2N Tel: +353 41 9834274 Drop in service 10am – 12noon/ Monday- Friday Web: <a href="https://pmvtrust.ie">https://pmvtrust.ie</a></p>
<b>SpunOut.ie</b>	Information about health and wellbeing; sex and relationships; LGBTI+, and mental health for young people	Web: <a href="https://spunout.ie">https://spunout.ie</a>

## 7. Housing Help

Organisation	What they do / how they help	Contact details
<b>De Paul</b>	DePaul supports people who use their services to move out of homeless accommodation into suitable long-term accommodation. The service is focused on people whose resettlement needs require a higher level of support than their key workers or support workers can provide.	Email: <a href="mailto:resettlement@depaulcharity.net">resettlement@depaulcharity.net</a> Web: <a href="https://ie.depaulcharity.org/">https://ie.depaulcharity.org/</a>
<b>Irish Refugee Council's Housing Programme</b>	The Irish Refugee Council's Housing Programme assists people by providing direct housing support and accommodation.	Email: <a href="mailto:aoife.coleman@irishrefugeecouncil.ie">aoife.coleman@irishrefugeecouncil.ie</a> <a href="http://www.irishrefugeecouncil.ie/listing/category/housing">www.irishrefugeecouncil.ie/listing/category/housing</a>
<b>Peter McVerry Trust</b>	<p>Peter McVerry Trust is a national housing and homeless charity. It is committed to reducing homelessness and the harm caused by substance misuse and social disadvantage.</p> <p>This Service provides housing support across 31 accommodation centres in the following counties in Ireland: Clare, Cork, Dublin, Kerry, Kildare, Laois, Limerick, Tipperary, Waterford, Wicklow, Westmeath</p>	<p>National Head office: Address: 29 Mountjoy Square, Dublin 1 D01 C2N4 Tel: +353 823 0776 Helpline: +353 87 9123989 Office hours: 9:00 am – 5:30 pm Email: <a href="mailto:info@pmvtrust.ie">info@pmvtrust.ie</a></p> <p>Mid West Office: Address: 50 O'Connell St, Limerick City Co Limerick, V94 C6XR Tel: +353 61 214 882 Office hours: 10:00 am – 2:00 pm</p> <p>North East Office: Address: 20 St Laurence St, Drogheda Co. Louth, A92 FP2N Tel: +353 41 983 4274 Drop in service 10am – 12noon/ Monday- Friday Web: <a href="https://pmvtrust.ie">https://pmvtrust.ie</a></p>

Organisation	What they do / how they help	Contact details
<b>Simon</b> (Cork, Dublin, Dundalk, Galway, the Midlands, the Mid West, the North West and the South East)	Simon provides support and services to people who are experiencing or at risk of homelessness.	Tel: +353 1 671 1606 Tel: +353 85 806 5141 Email: <a href="mailto:communications@simoncommunity.com">communications@simoncommunity.com</a> Web: <a href="https://www.simon.ie/Home.aspx">https://www.simon.ie/Home.aspx</a>
<b>Threshold</b>	Threshold provides independent advice and assistance to vulnerable people. It delivers housing and supports for people with housing needs.	Web: <a href="https://www.threshold.ie/">https://www.threshold.ie/</a>
<b>Trust</b>	Social and health services for people who are homeless.	Address: Bride Road, Dublin 8, Ireland (Access: End wall of Iveagh Hostel building, down steps – blue door facing Patrick Street) Open to the public: Weekday mornings only.  Tel: +353 1 454 3799 Fax: +353 1 454 3799 Email: <a href="mailto:info@aliceleahytrust.ie">info@aliceleahytrust.ie</a> Web: <a href="https://aliceleahytrust.ie/">https://aliceleahytrust.ie/</a>

More information about Agencies providing services for homeless people available at: [https://www.citizensinformation.ie/en/housing/losing\\_your\\_home/agencies\\_for\\_homeless\\_people.html](https://www.citizensinformation.ie/en/housing/losing_your_home/agencies_for_homeless_people.html)

More information about Housing Assistance Payment (HAP) available at: Web: <http://hap.ie/>  
Find your local authority: <http://hap.ie/localauthorities/>

(HAP provides housing assistance for households who qualify for social housing support, including many long-term Rent Supplement recipients. HAP is only available to those who are granted international protection.)

## 8. Help if discriminated against or if you are a victim of crime

You can report all racist incidents, including crime, discrimination in access to goods and services, racism and hate speech online, in confidence to iReport.ie

'Responding to Racism Guide' supports the iReport.ie system of recording and monitoring racist incidents in Ireland. It provides information about how and where to report and respond to various racist incidents. <https://inar.ie/reporting-racism-in-ireland/>

Organisation	What they do / how they help	Contact details
<b>Irish Network Against Racism (INAR)</b>	National network of anti-racism civil society organisations.	<p>Address: 28 North Great George's Street, Dublin 1            Tel: +353 1 8897110            Email: <a href="mailto:info@inar.ie">info@inar.ie</a>            Web: <a href="https://inar.ie/">https://inar.ie/</a></p> <p>Responding to Racism Guide:  <a href="https://inar.ie/reporting-racism-in-ireland/">https://inar.ie/reporting-racism-in-ireland/</a></p> <p>Report racism: <a href="http://www.iReport.ie">www.iReport.ie</a></p>
<b>Courts Service</b>	Support services available to victims of crime include a Victim Support Service at the Court service. This gives the victim or witness to a crime support, encouragement, and companionship of trained volunteers when you are going court.	<p>Customer Service            Address: Phoenix House            15/24 Phoenix Street North            Dublin 7            Ireland            Tel: +353 (0)1 888 6000            Email: <a href="mailto:qcs@courts.ie">qcs@courts.ie</a>            Web: <a href="https://www.courts.ie/">https://www.courts.ie/</a></p>
<b>Coroner</b>	A coroner is an independent official with legal responsibility to investigate sudden and unexplained deaths.	<p>Address: Department of Justice            94 St. Stephen's Green            Dublin 2, Ireland            Tel: (01) 602 8202            Locall: 1890 221 227            Fax: (01) 661 5461            Email: <a href="mailto:info@justice.ie">info@justice.ie</a>            Web: <a href="http://www.justice.ie">http://www.justice.ie</a></p>



Organisation	What they do / how they help	Contact details
<b>Garda National Diversity &amp; Integration Unit</b>	<p>The Garda National Diversity &amp; Integration Unit monitors:</p> <ul style="list-style-type: none"> <li>- hate crime,</li> <li>- hate-related incidents</li> <li>- social and written media,</li> <li>- complaints by victims and others who may have witnessed hate crime.</li> </ul>	<p>Tel: +353-1-6663150 Email: <a href="mailto:diversity@garda.ie">diversity@garda.ie</a></p>
<b>Garda Victims' unit</b>	<p>The 28 Victim Service Offices aim to ensure victims of crime are kept informed about the progress of their case and the supports available to them. In addition, supporting all victims of crime is now part of every anti-crime strategy.</p>	<p>Garda Victim Liaison Office Address: Garda National Protective Services Bureau, Harcourt Square, Dublin 2, Ireland Tel: +353 1 666 3453 Email: <a href="mailto:crimevictims@garda.ie">crimevictims@garda.ie</a> Web: <a href="https://www.garda.ie/en/about-us/organised-serious-crime/garda-national-protective-services-bureau-gnpsb-/garda-victim-liaison-office-gvlo-/">https://www.garda.ie/en/about-us/organised-serious-crime/garda-national-protective-services-bureau-gnpsb-/garda-victim-liaison-office-gvlo-/</a></p> <p>Find your local Victim Service Office</p> <p>Web: <a href="http://www.garda.ie/en/victim-services/find-my-local-victim-service-office/">www.garda.ie/en/victim-services/find-my-local-victim-service-office/</a></p>
<b>Garda Síochána Ombudsman Commission</b>	<p>The Garda Síochána Ombudsman Commission (GSOC) or Garda Ombudsman is the independent, statutory agency. It deals with complaints from the public about members of the Garda Síochána (the Irish police force).</p>	<p>Address: 150 Upper Abbey Street Dublin 1, Ireland Locall: 1890 600 800 Fax: (01) 814 7023 Email: <a href="mailto:info@gsoc.ie">info@gsoc.ie</a> Web: <a href="http://www.gardaombudsman.ie/">http://www.gardaombudsman.ie/</a></p>

## 8. Help if discriminated against or if you are a victim of crime

Organisation	What they do / how they help	Contact details
<b>Men's Aid Ireland</b>	Men's Aid Ireland supports men and their families experiencing domestic violence in Ireland.	Address: St. Anne's Resource Centre CLG, Railway Street, Navan, Co. Meath Confidential Helpline +353 1 554 3811 Email: <a href="mailto:hello@mensaid.ie">hello@mensaid.ie</a> Web: <a href="http://www.mensaid.ie">www.mensaid.ie</a>
<b>Prisons Victim Liaison Officer at Irish Prison Service</b>	If you have any questions or complaints about the Prison Service or if you wish to request a notification of release, you should contact the Prisons Victim Liaison Officer.	Prisons Victim Liaison Officer at Irish Prison Service Address: IDA Business Park, Ballinalee Road Longford, Co. Longford, Ireland Tel: (043) 333 5100 Fax: (043) 333 5371 Email: <a href="mailto:info@irishprisons.ie">info@irishprisons.ie</a> Web: <a href="http://www.irishprisons.ie">http://www.irishprisons.ie</a>
<b>Probation Service</b>	The Probation Service prepares reports for the Courts to assist judges in determining appropriate sentences (length of time in prison or other punishment such as fines). It also prepares reports for the Parole Board – this is the Board that decides whether you can be let out of prison earlier than expected because of good behaviour for example. Probation Officers also work in Prisons as well as the Children Detentions Schools and Centres to address offending and related issues, and to help with the settlement of prisoners on release.	Address: Haymarket, Smithfield Dublin 7, D07 WT27, Ireland Tel: +353 (0)1 817 3600 Email: <a href="mailto:psinfo@probation.ie">psinfo@probation.ie</a> Fax: +353 (0)1 872 2737  Web: <a href="http://www.pprobation.ie/">http://www.pprobation.ie/</a>  Contact Form <a href="http://www.pprobation.ie/en/PB/officecontactpage?readform">http://www.pprobation.ie/en/PB/officecontactpage?readform</a>

Organisation	What they do / how they help	Contact details
<b>Rape Crisis Network Ireland (RCNI)</b>	Professional support for survivors of sexual violence.	Tel: (24 Hour Helpline) 1800 778888 Web: <a href="https://www.rapecrisishelp.ie/">https://www.rapecrisishelp.ie/</a> You can find a local service: <a href="https://www.rapecrisishelp.ie/find-a-service/">https://www.rapecrisishelp.ie/find-a-service/</a>
<b>Safe Ireland</b>	Safe Ireland provides direct specialist domestic violence services for women and children. This includes 38 abuse services in towns across Ireland.	Address: Ormond Building 31-36 Ormond Quay Upper Dublin 7, D07 EE37 Tel: 24-Hour helpline 1800 341 900 Tel: +353 90 6479078 Fax: +353 90 6479090 Email: <a href="mailto:info@safeireland.ie">info@safeireland.ie</a> To find your local helpline: Web: <a href="https://www.safeireland.ie/get-help/where-to-find-help/">https://www.safeireland.ie/get-help/where-to-find-help/</a>
<b>Sexual Assault Treatment Unit (SATU)</b>	A Sexual Assault Treatment Unit (SATU) is a place that offers safety if you have been raped or sexually assaulted. (On call 24 hours a day, 7 days a week, 365 days a year)	Find your nearest SATU Web: <a href="https://www2.hse.ie/services/sexual-assault-treatment-units/where-to-find.html">https://www2.hse.ie/services/sexual-assault-treatment-units/where-to-find.html</a>
<b>State Prosecution Service</b>	The State Prosecution Service is a service to ensure that crimes will be prosecuted and the perpetrators brought to justice. This service is provided by the Office of the Director of Public Prosecutions (DPP). Prosecutors are the people who bring cases to court on behalf of victims of crime and put forward the evidence to a court that may prove a person is guilty of a crime.	Address: Director of Public Prosecutions, Infirmary Road Dublin 7, Ireland Tel: +353 (0)1 858 8500 Web: <a href="http://www.dppireland.ie/">http://www.dppireland.ie/</a>

## 8. Help if discriminated against or if you are a victim of crime

Organisation	What they do / how they help	Contact details
<b>Women's Aid</b>	Women's Aid supports women and children who are experiencing domestic violence.	Tel: (24 Hour/7days Freephone Helpline) 1800 341 900 Email: <a href="mailto:helpline@womensaid.ie">helpline@womensaid.ie</a> Web: <a href="https://www.womensaid.ie">https://www.womensaid.ie</a>
<b>The Women's Health Service (WHS) and Anti-Human Trafficking Team (AHTT)</b>	The WHS operates sexual health clinic services and supports women/trans women involved in the sex industry. The AHTT has responsibility for care planning for both female and male victims of trafficking.	Address: The Meath Primary Care Centre, 1-9 Heytesbury Street, Dublin 8 Tel: +353 1 795 8280 +353 87 3302584 Web: <a href="https://www.hse.ie/eng/services/list/5/sexhealth/whp">https://www.hse.ie/eng/services/list/5/sexhealth/whp</a>

**More information about sexual harassment available at:**  
<https://www2.hse.ie/wellbeing/mental-health/dealing-with-sexual-harassment-at-work.html>

**More information about bullying at work available at:**  
[https://www.citizensinformation.ie/en/employment/equality\\_in\\_work/bullying\\_in\\_the\\_work\\_place.html](https://www.citizensinformation.ie/en/employment/equality_in_work/bullying_in_the_work_place.html)

**‘SWIFT Integration’ is a multilingual mobile app, available in both English and Arabic. It provides clear and concise information on a range of areas of Irish life. It aims to help make resettling in Ireland as easy as possible. Download it directly from the App Store.**





# **Know your rights**

## **Part 5: Key laws and regulations underpinning your rights**

# Part 5: Key laws and regulations underpinning your rights

This part tells you about the main legal acts, regulations and other legal rules that impact on each stage of your application. Do not worry as we explain each of these here in plain legal language. Again you can always seek legal help from the Legal Aid Board (see page 88).

The International Protection Act 2015 covers two forms of international protection:

- refugee status, and
- subsidiary protection status.

We defined these in the introduction on page 9.

The main laws, regulations and statutes you need to know about are:

1. Dublin Regulation
2. The International Protection Act 2015
3. European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230)
4. National, Regional and International Human Rights Laws
5. Statutory Instruments (these are a secondary type of law made by the Minister that are used to explain in more detail what the primary (main) laws mean that are passed by Parliament).

Let's look at each of these in more detail and what they mean for you.

## 1. Dublin Regulation

The Dublin Regulation (Dublin III) sets out the legal and procedural rules that establish which EU country is responsible for examining an application for international protection. (EU countries covered by this regulation include all EU countries, as well as Iceland, Norway, Switzerland and Liechtenstein – known as “Dublin” countries.) They will consider a number of factors:

- If you have family living in the EU.
  - If you have or were recently granted a visa for another “Dublin” country. Or
  - If you have or had a residence permit or work permit in another “Dublin” country.
  - If you have travelled to, or through, another “Dublin” country.
- (EU Dublin III Regulation [Regulation (EU) No 604/2013])

For example, if an international protection applicant enters the EU through France and has their fingerprints taken and then travels to Ireland, they may be returned to France to have their application for protection considered there.

The transfer will be arranged by the Department of Justice and Equality.

If a decision is made to transfer you to another country, you have a right to appeal



that decision. You must do so within 10 days of the date of the decision. If your appeal is successful, you will not be transferred and your application will be considered in Ireland.

**Can I be reunited with my spouse or children who are applying for international protection in another “Dublin” country?**

Yes. You should inform the IPO as early as possible if your spouse or minor child has sought international protection or been granted status in another “Dublin” country. Ireland can then request that other country to accept to process your application as well. You could also ask Ireland to “take charge” of your family members.

The Dublin Regulation and the United Kingdom – up until the UK’s exit from the European Union, the Dublin Regulation applied, and applicants could be transferred to the UK. Since 1 January 2021, Ireland is now responsible for examining applications of anyone who first arrived into the UK and then travelled to Ireland. However, Ireland passed a new law which refuses international protection to anyone travelling from the UK or any other ‘safe third country’.

This new law is called Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020.

**2. The International Protection Act 2015 (the Act)**

The International Protection Act sets out the law about the entry into and presence in Ireland of people in need of international protection. It explains who qualifies for recognition as a refugee, and when someone should be granted subsidiary protection or permission to remain. It sets out the procedures around the international protection process including the preliminary interview, taking of fingerprints, granting of temporary residence certificate, substantive interview and the appeals process. It explains how applications for international protection must be assessed, and the roles of the International Protection Office and International Protection Appeals Tribunal. The Act also has provisions on Travel Documents, vulnerable persons including children and Temporary Protection. The Act explains how safe countries of origin are designated, how cases are prioritised and has provisions around detention.

**3. European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230)**

The Reception Conditions Regulations provide minimum standards for accommodation and rights while people are in the international protection process.

**Access rights:** These Regulations make sure you have access to housing, food, clothing, healthcare and education, while you are seeking international protection.

**Assesses vulnerability:** These Regulations also require the State to assess people

seeking international protection within 30 days of their applications to determine if they have any vulnerability. A vulnerable person includes:

“a minor, an unaccompanied minor, a person with a disability, an elderly person, a pregnant woman, a single parent of a minor, a victim of human trafficking, a person with a serious illness, a person with a mental disorder, and a person who has been subjected to torture, rape or other form of serious psychological, physical or sexual violence”.

If a person falls within one of these categories, the State must determine whether they have any special reception needs. The vulnerability assessment is done using a separate interview. These Regulations also set out:

- your right to work,
- your right to access education and training, and
- the right to healthcare.
- How to appeal a decision around accommodation.

They also deal with detention, appeals, and other decisions. These other decisions include data protection and house rules in Direct Provision.

These Regulations give effect in Irish law to an EU wide law called the The Reception Conditions Directive [Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013.] This EU law established standards for the treatment of applicants for international protection

when they arrive into a country and make an application for protection.

### 4. National, Regional and International Human Rights Laws – the focus of this guide

This guide focuses on rights in the following legal documents:

National:

- Constitution of Ireland (also known as Bunreacht na hÉireann), Articles 40 to 44

Regional (European)

- European Convention on Human Rights Act 2003
- European Convention on Human Rights (ECHR-1953)
- European Charter of Fundamental Rights and Freedoms (2012)

The Irish Government also has obligations under international law, including the following treaties:

- International Covenant on Civil and Political Rights (ICCPR-1966)
- International Covenant on Economic, Social and Cultural Rights (ICESCR-1966)
- UN Convention on the Elimination of all forms of Discrimination against Women
- UN Convention on the Rights of the Child
- UN Convention on the elimination all forms of Racial Discrimination
- UN Convention against Torture
- UN Convention on the Rights of Persons with Disabilities.

The United Nations is an international non-governmental organisation that sets out standards for human rights.

## Legal Aid Board (LAB)

The Legal Aid Board provides an independent and confidential legal service to protection applicants at all stages of the IP application. We recommend you use this service.

If you need advice on your case from the Legal Aid Board there is a charge of €10 (as of August 2021). Protection applicants who live in Direct Provision may apply not to pay this fee, and the Legal Aid Board may or may not decide to allow this.

The Legal Aid Board can provide advice to protection applicants before you send your questionnaire to the IPO, or before an interview. They can also write to the IPO in support of an application.

Provides legal assistance – it does this at the IPAT and in some cases it can assist with judicial review proceedings (where a court reviews a government decision) and with immigration and deportation issues. (<https://www.legalaidboard.ie/en/our-services/legal-aid-services/services-for-international-protection-applicants/services/general-information/legal-services.html>)

If you do not want to use the Legal Aid Board, you can get legal advice privately and at your own expense. If you choose to do this, **make sure they are registered as a practising solicitor in Ireland.**

# Know your rights

## A guide for international protection applicants

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Published by the  
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Statement of the law as of November 2022

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