

INTERNATIONAL PROTECTION LEGAL SERVICES

Leaflet No. 22



LEGAL AID BOARD

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LEAFLET No. 22 - INTERNATIONAL PROTECTION LEGAL SERVICES

You can apply for international protection in Ireland if you have come to Ireland to escape persecution in your own country.

You can also apply for international protection if you cannot return to your country because you have a well-founded fear for your safety.

Most people apply for international protection when they enter Ireland. This is also called claiming asylum. You can also apply if you are already in Ireland.

Some people come to Ireland as *programme refugees*. This means that the Irish Government has decided to allow them to live in Ireland following a request by the United Nations High Commissioner for Refugees.

The International Protection System in Ireland

As of the 31st of December 2016, a person can make an application for international protection which includes refugee status, subsidiary protection and permission to remain at The international Protection Offices in Dublin, from hereof referred to as IPO.

If you are applying for international protection in Ireland, the Legal Aid Board can help you with your application. You can apply for legal services at any time, but it is important to do so as soon as possible.

Who can apply for international protection?

You can apply for international protection in Ireland for two separate reasons:

- If you have a 'well-founded fear of being persecuted for reasons of race religion, nationality, membership of a particular social group or political opinion' and you cannot avail of protection in your country you may be eligible for refugee status.

If you cannot return to your own country because you are at risk of serious harm but you do not qualify as a refugee, you may be eligible for subsidiary protection. If you are seeking international protection, your application must be assessed by the IPO and you will be allowed to stay in Ireland while the IPO assess your application.

If you have children, they are included in your application unless your children arrive after your application has been determined by the IPO.

Claiming asylum in another country

You may have claimed asylum in another country and if you have done so, you should inform the IPO. If the IPO is aware you have done so, you could be returned to the country you previously applied for asylum in. You could also be returned to another country which you entered prior to your arrival in Ireland if the IPO believes that the other country should process your application. The decision to transfer you to another country is made under the EU Dublin Regulations. You can appeal a decision to transfer you from Ireland under these Regulations.

How do I apply for International Protection?

Normally, there are six steps you need to take to apply for international protection. It can take a long time to go through these steps because there can be delays and you may have to appeal points along the way.

- Tell the authorities you want to apply (IPO or Port of entry in Ireland)
- Do a preliminary interview (section 13(2) interview)
- Complete a questionnaire (IPQ)
- Do a personal interview (also called a second interview)
- Get a recommendation from the IPO (Section 40 recommendation)
- Get a decision from the Ministerial Decisions Unit

Step 1: Tell the authorities you want to apply

You can apply at the port of entry to Ireland (an airport or ferry port) or later at the International Protection Office (IPO) in Dublin.

Step 2: Take part in a preliminary interview

When you say you claim international protection or asylum, an IPO officer will interview you. This is called the preliminary interview. During this interview, you will be asked about:

- Your identity
- Your country of origin
- How you came to Ireland
- The reasons you cannot return to your country of origin
- Your immigration history in Ireland if you have any

The IPO takes your photograph and fingerprints. The IPO then shares this information with EURODAC – this is a computer database that compares fingerprints. If you have already claimed asylum in another country in the EU, the IPO may decide to return you to that country.

If after the interview the IPO decides that they can't accept your application because it is inadmissible, it will write to you to tell you why. You could have been granted international protection in another EU country or you could be from a country which is deemed to be a safe country of origin.

You can appeal this decision in writing to the International Protection Appeals Tribunal (IPAT) in Dublin. You need to do this within 10 working days of the date of notification of the refusal. An extension to the 10 day limit can be granted if there is good reason for the delay. The Legal Aid Board can assist you with the appeal.

Step 3: Complete questionnaire

If the IPO accepts your application, you can stay in Ireland while it is being processed. The International Protection Accommodation Service (IPAS) will offer you somewhere to live. This is called direct provision. You cannot work or open a business at that moment, however if the IPO has not made a decision on your application within 5 months, you can apply for permission to work.

The IPO will give you a Questionnaire to fill in when you apply which you have to fill out on their premises. The questionnaire is in the English language, if you cannot speak English an interpreter will assist you to complete the questionnaire in the IPO.

You should also submit any documents and evidence you have to support your application for international protection with your questionnaire. You can also send anything that you think will support your application at a later date.

If you are not sure what to send, you should get legal advice.

You will also get a Temporary Registration Certificate (TRC). This is proof that you have made an application for international protection in Ireland.

Step 4: Take part in a personal interview

The personal interview, also called the second interview or substantive interview is very important part of your asylum application. You will be interviewed by a case worker who works for the IPO. You should get legal advice before your interview. You may have to wait some time before you are called for your personal interview. In some cases, your application can be prioritised, which means that you do not have to wait as long for your interview. Your case can be prioritised if:

- You are under 18, or were under 18 when you applied and you are not accompanied by an adult.
- You are over 70 and not part of a family group.
- You have sent in a report, called a medico-legal report, that confirms that you were tortured or ill-treated in your country. Your legal aid solicitor can arrange for you to see a doctor to get a medical report if you need one.
- You are from Syria, Eritrea, Afghanistan, , Libya, Syria, Somalia, Sudan and Yemen.
- You have a severe or life-threatening health condition.

Before your interview you can:

- Ask for an interpreter to assist you during your interview. This is often helpful even if you speak English well as the interpreter can help you if you find it harder to speak in English if you become upset or you are anxious.
- Ask to be interviewed by a male or female officer. You will need to explain why you want a female or male interviewer.
- Get legal advice.

The interview is your chance to tell the IPO about why you left your country, the things you have experienced or seen and why you are afraid to return to your country.

The IPO caseworker will write down the information you give at this interview. It's important that you make sure they read it back to you so you can check that it is accurate. You can ask for the document to be corrected if you think you have been misunderstood, or you wish to give more details about something.

You might have to talk about things that have happened to you or your family that are upsetting for you to talk about.

If you can't go to your interview on the set date, you should inform the IPO as soon as possible after you receive your interview date. You also need to tell them why you cannot go to the interview and send proof of this reason.

Example: If you are ill, you have to send a letter from your doctor on headed paper to IPO to say that you would not be fit enough to be interviewed on that date.

Step 5: Get a recommendation from the IPO

The IPO may take a long time to process your application. You can read about your rights while you are waiting for your decision in the IPO information leaflet for international protection applicants or on the UNCHR Ireland website.

The decision on your application is called a first instance decision and it is a recommendation to the Minister.

If you are granted a Refugee declaration, the IPO sends the recommendation to you and to the Ministerial Decisions Unit of the Department of Justice.

If you are not declared as a refugee the recommendation can be one of the following:

- That you should be not be declared a refugee, but you should get a subsidiary protection declaration
- That you should be given neither a refugee or subsidiary protection declaration but you are given permission to remain
- That you should be given neither a refugee or subsidiary protection declaration nor permission to remain

You can appeal any of these decisions to refuse to give you a refugee and/or subsidiary protection declaration to the International Protection Appeals Tribunal (IPAT).

Step 6: Get a decision from the Ministerial Decision Unit

If you are granted Refugee Status or Subsidiary Protection, the IPO's recommendation is sent to the Ministerial Decisions Unit (MDU) of the Department of Justice.

If the IPO has recommended that you should be granted refugee status or a subsidiary protection declaration, they will write to you to inform you of this and they will send you the declaration which is known as the MDU letter.

If the IPO has recommended that you should be granted permission to remain you can appeal the negative refugee status/subsidiary protection decision. If you decide not to appeal, the MDU letter will be sent to you once the deadline to appeal passes.

If the MDU letter tells you that you have been declared a refugee or given subsidiary protection, or you have been given 'leave to remain', you must register with your local immigration office.

What services does the Legal Aid Board offer to International Protection applicants?

The Legal Aid Board provides confidential and independent legal services to persons applying for international protection including permission to remain in Ireland. Legal aid and advice is also provided in appropriate cases on immigration and deportation matters.

How do I apply for civil legal aid and advice to help with an international protection application?

You need to make an application to one of our Law Centres that deals with applications for international protection to the International Protection Office (IPO) and appeals to the International Protection Appeals Tribunal (IPAT).

Please see the list of the relevant centres on the next page. You must complete a registration/ application form which is available at our offices and our website www.legalaidboard.ie. You can submit the form to your chosen Law Centre.

How much will it cost?

You have to pay a contribution of €10 that covers legal advice and, if you need it, legal aid. You can request that the Board waive this contribution on hardship grounds. Please ask a member of staff when making your application.

How can the Legal Aid Board help?

A person who makes an application for legal services will be provided with assistance as soon as possible. Help can be provided in the following ways:

- We help generally in applications for international protection by providing advice and information to you before you attend your interview at the International Protection Office (IPO).
- We provide interpreters for appointments with your solicitor or caseworker where necessary.
- We make written submissions in support of your application/appeal/Dublin III/PTR case where appropriate.
- We lodge appeals and provide representation before the International Protection Appeals Tribunal.
- We help with requests for a review to the Minister for Justice for negative Permission to Remain Decisions.
- We help in relation to cases failing to be considered under the Dublin III procedures

What does the Legal Aid Board require of you?

If you become a client of the Legal Aid Board you must:

- Pay your contribution (unless it is waived). €10
- Keep us informed at all times of your current address.
- Come to all appointments made for you with your caseworker or solicitor. Strict time limits apply at all stages of the international protection process and failure to attend appointments in a timely and fashion may result in the Legal Aid Board being unable to provide a service to you.
- Please keep us updated at all times regarding any changes in your circumstances or any new information relating to your Applications for Protection/Permission to Remain.

International Protection Law Centre Contact details

Dublin: Smithfield Law Centre (International Protection and Human Trafficking)
48/49 North Brunswick Street, Georges Lane, Dublin 7, D07 PE0C
Tel: 01 646 9600
Email: lawcentresmithfield@legalaiddboard.ie

Cork: Popes Quay Law Centre, North Quay House, Popes Quay, Cork, T23 HV26
Tel: 021 4551 686 • Mob: 087 945 1131
Email: lawcentrecorknorth@legalaiddboard.ie

Galway: Law Centre Galway Seville House, New Dock Road, Galway, H91 CKV0
Tel: 091 562480 • Mob: 087 121 2025
Email: lawcentresevillehouse@legalaiddboard.ie

Complaints

The Board is committed to the provision of quality, professional service in all cases and has formal arrangements in place to handle any complaints from clients. A copy of the complaints procedure is available on www.legalaiddboard.ie or from your Law Centre. If your application is with a private practitioner please email ppcomplaints@legalaiddboard.ie

NGOS and Organisations Operating in this sector which could help you:

Irish Refugee Council

37 Killarney Street, Mountjoy, Dublin 1, Ireland
Tel: 01 764 5854 | Email: info@irishrefugeecouncil.ie
www.irishrefugeecouncil.ie

Nasc Migrant and Refugee Rights

34 Paul Street, Cork, T12 W14H
Tel: 021 427 3594 • Email: reception@nascireland.org
www.nascireland.org/

Doras

Central Buildings, 51A O'Connell Street, Limerick, V94 V275
Tel: 061 310 328 / 083 0802378 • Email: info@doras.org
www.doras.org

Immigrant Council of Ireland

2 St Andrew Street, Dublin 2, Ireland
Tel: 353 01 674 0200
www.immigrantcouncil.ie
Opening Hours: Information and Referral: Mon, Tues, Thurs, Fri 10am-1pm

United Nations High Commissioner for Refugees (UNHCR)

102 Pembroke Road, Dublin 4, Ireland
Tel: 353 01 631 4510 • Email: ireduprt@unhcr.org
www.unhcr.org/en-ie

International Protection Office

Irish Naturalisation and Immigration Service
79-83 Lower Mount Street, Dublin, D02 ND99, Ireland
Tel: 353 01 602 8000 • Email: info@ipo.gov.ie
Opening Hours: Mon-Fri 9.30am-1pm, 2-4.30pm

Immigration Protection Appeals Tribunal

6-7 Hanover St East, Dublin 2, D02 W320, Ireland
Tel: 353 1 474 8400 • Email: info@protectionappeals.ie
www.protectionappeals.ie

The above is provided for information purposes only. It does not purport to be either a statement of the law or legal advice.

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