Ireland

An Roinn Dlí agus Cirt, Gnóthaí Baile agus Imirce
Department of Justice, Home Affairs and Migration

euaa
EUROPEAN UNION AGENCY FOR ASYLUM

# WHAT YOU NEED TO KNOW ABOUT THE EU ASYLUM BORDER PROCEDURE

ENGLISH

**You are now in Ireland, which is an EU+ country.**
**The EU+ countries are:**

- the 27 Member States of the European Union (EU): Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Republic of Ireland, Romania, Slovakia, Slovenia, Spain, Sweden and
- 4 other countries: Iceland, Liechtenstein, Norway and Switzerland.

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## WHAT IS INTERNATIONAL PROTECTION?

You may need international protection if you cannot go back to your country because you fear persecution or face a real risk of serious harm. This means, for example, that your life or freedom would be in danger and the authorities of your country won't protect you from the danger you face.

It is your right to apply for international protection.

In Europe, international protection can take different forms: **refugee status** or **subsidiary protection**.

International protection is also called asylum.

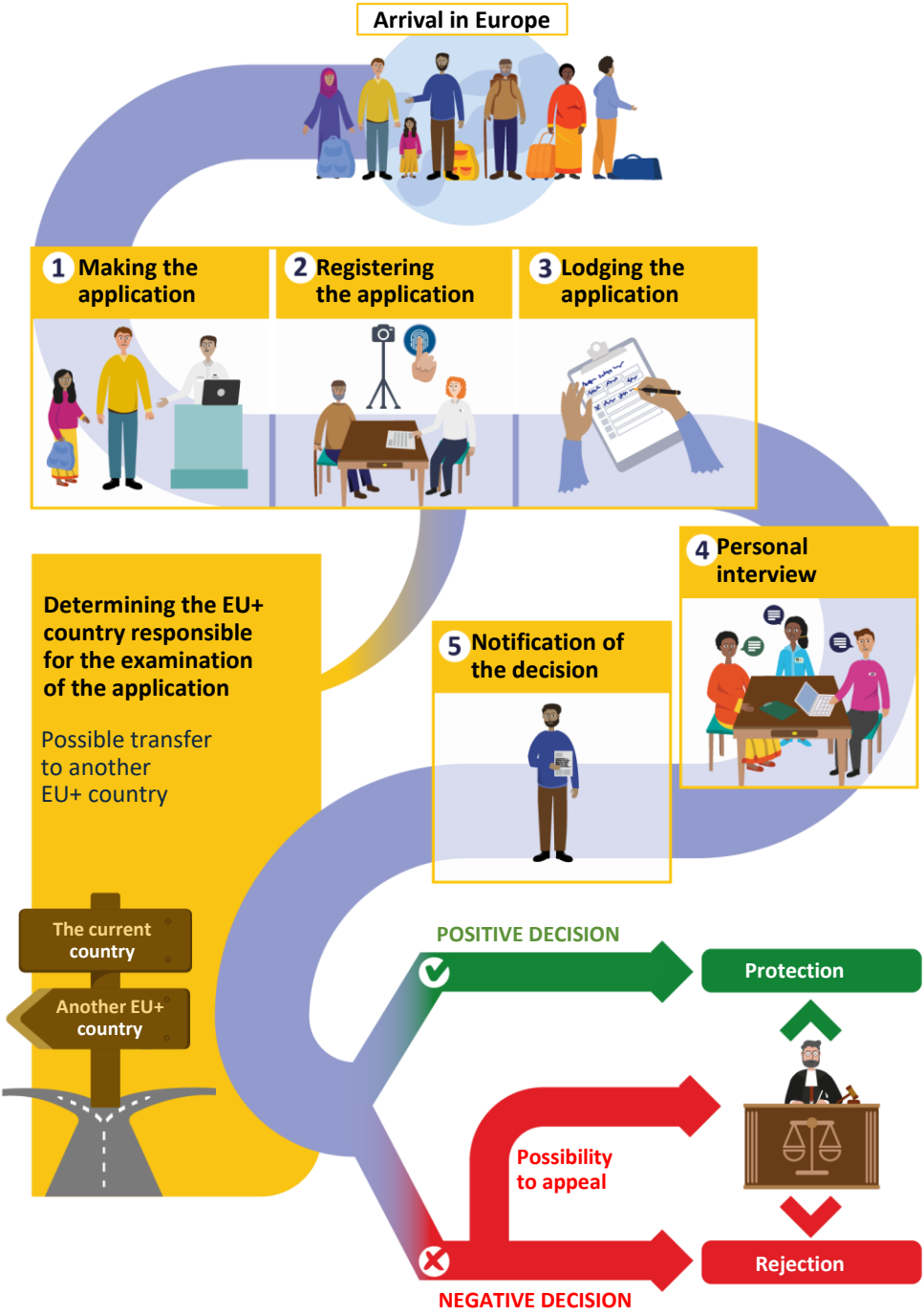
## WHAT IS THE ASYLUM PROCEDURE?

During the asylum procedure, the authorities will assess if you need international protection and, if so, which type of protection is relevant to you. In the procedure you will have the opportunity to state all the reasons why you have left your home and your country of origin. Inform the officers truthfully of all the reasons why you left your country.

Once you have asked for international protection, you are considered an applicant for international protection.

Any information you share with the authorities will stay confidential. This information will never be shared with those from whom you are seeking protection.

The asylum procedure includes the following steps.



## WHAT IS THE ASYLUM BORDER PROCEDURE?

Asylum border procedure means that during the examination of your application:

- you have not been granted legal permission to enter the State
- you must stay at an IPAS Accommodation Centre.

If you arrived with your family, you may be accommodated together with your close family members (spouse, partner, minor children and adult dependent children).

**The asylum border procedure may be applied in one of the following circumstances:**

- you arrived irregularly and asked for international protection at a border crossing point or in a transit zone

- you irregularly crossed the border

- you were rescued at sea

- you were relocated here from another EU+ country.

The asylum border procedure is applied for several reasons, for example, if:

- you intentionally presented false information or documents, or you withheld relevant information or documents regarding your identity or nationality, or you destroyed an identity or travel document; or
- you pose a security risk; or
- people from your country who apply for international protection are usually not at risk of persecution or serious harm.

You can ask the authorities why the asylum border procedure was applied in your case.

## HOW LONG WILL IT TAKE?

The asylum border procedure takes up to 12 weeks from the day your application is registered. If you are transferred to another EU+ country, the procedure may take up to 16 weeks.

If you do not receive a decision within this period, you will be allowed to enter the territory of the country where your application is being examined.

In exceptional cases, you may still not be allowed to enter the territory and move freely, even though you did not receive a decision within 12 or 16 weeks. The authorities will inform you and provide further explanations if this exception applies to you.

## WHEN AND WHERE WILL THE REGISTRATION AND LODGING OF YOUR APPLICATION TAKE PLACE?

Your application for international protection will be registered at the Citywest Screening Centre. This has to take place at the latest within 10 days of the making of your application for international protection.

Once your application has been registered, you will have to lodge it at the Citywest Screening Centre on the date and at the time that will be communicated to you during the registration.

The lodging of your application must take place at the latest within 5 days of the date of the registration of your application.

It is very important that you lodge your application. If you fail to lodge your application, it will be considered withdrawn, unless the reason for this failure is beyond your control. This means that you will lose your status as an applicant, your right to support and services and the right to stay in this country.

## WHAT WILL HAPPEN DURING THE REGISTRATION AND LODGING?

Your fingerprints will be taken.

Your photograph will be taken.

You will be asked to present all your identity, travel and any other relevant documents.

You will be asked to provide your personal details. You will also be asked about any of your family members that are residing in this country or another EU+ country.

You will be asked to provide your contact details (address, a telephone number and an email address).

You and your belongings may be searched. Your personal belongings remain your property and will be returned to you, except for any belongings that are considered dangerous.

You will be asked some questions about your health and any vulnerabilities to see if you require any special supports

You will be asked to submit all the information and documents available to support your application. This includes information and documents regarding:

- your home country and every country you have lived in
- the reasons you left your country and why you do not want to return
- your background and that of your family
- details of your journey to and through Europe
- any previous applications for international protection.

The order of these steps can differ, but all applicants are treated in the same way. The collected data will be safely stored in national and European databases.

It is your obligation and in your best interests to tell the truth and cooperate with the authorities.

After registration, you will receive an official document stating that your application was made and registered. Once you have lodged your application, you will receive an official digital document stating that you are an applicant for international protection. This document is called an International Protection Applicant Certificate and can be stored on your phone. You must carry it with you all the time.

## WHAT IS THE PROCEDURE IF YOU HAVE ARRIVED WITH CHILDREN OR A DEPENDENT ADULT?

If you arrived with:

- your children under the age of 18, or
- children under the age of 18 for whom you are legally responsible

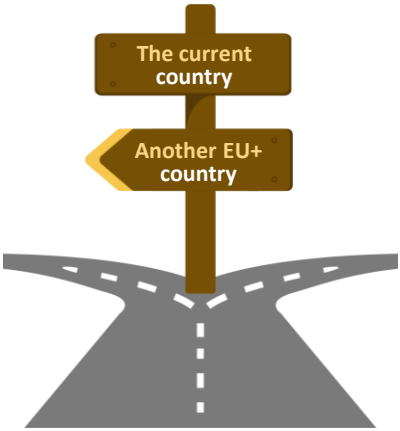
they need to apply for international protection too. The children need to go with you to the authorities.

If your children are 18 years of age or older, they have to lodge their own application.

If you are responsible for a person who is 18 years of age or older and has a disability that prevents them from making decisions, you may apply for international protection and lodge an application on their behalf.

That person needs to be present with you during the lodging of their application.

## WHICH COUNTRY WILL EXAMINE YOUR APPLICATION?




You are guaranteed that an EU+ country will examine your application for international protection. You cannot choose the country.

The authorities will follow a procedure to decide which EU+ country is responsible for your application for international protection. This is called the responsibility determination procedure.

To this end, you will need to tell the authorities the following things.

- If you have a family member in another EU+ country.
- If another EU+ country has issued you a visa or a residence document in the past. (A visa gives you permission to visit a country. This can be a stamp in your passport. A residence document is a document allowing you to stay in the country.)
- If you have previously entered another EU+ country.
- If you have already applied for international protection in another EU+ country.
- If another EU+ country has issued you with an educational diploma or qualification.

If the authorities believe that another EU+ country may be responsible for examining your application, you will receive more detailed information on this procedure and your rights and obligations.

You can find more information in a separate brochure.

## HOW WILL YOUR APPLICATION BE EXAMINED?

### ADMISSIBILITY EXAMINATION

In some situations, there will be a pre-examination of your application.

This pre-examination is called an admissibility examination and it takes up to 2 months.

This means that the authorities will first examine the six following questions.

- Have you already received international protection in another EU+ country?
- Have you already received international protection in a non-EU country, where you will be safe and to which you can return?
- Can you be readmitted to a country where you are safe and where your application for international protection can be examined?
- Did you ask for international protection more than 7 days after receiving a return decision?
- Has an international criminal court or tribunal provided you with safe relocation to another country or is an international criminal court or tribunal in the process of doing so?
- Have you applied again for international protection after your application was rejected without providing new elements? New elements can be new facts or evidence suggesting that you need international protection.

You may be invited to the interview covering these questions. This is called an **admissibility interview**. During this interview, you may also be asked about the reasons why you applied for international protection and why you do not want to return to your country.

Depending on your circumstances in relation to the questions above:

- your application may be rejected, or
- the procedure will continue and the authorities will examine whether you need international protection.

Staff of the International Protection Office will will inform you if the admissibility examination applies to you and will provide further explanations.

## EXAMINATION OF YOUR APPLICATION

The authorities will examine whether you need international protection.

You will be invited to a **personal interview**.

You will receive the invitation via your electronic account on the International Protection Portal, or by post or email, after the lodging of your application.

The interview will take place in person or, in exceptional cases, remotely.

The interview will be audio recorded.

The interview is the opportunity for you to present in detail the reasons you are asking for international protection and why you do not want to return to your home country.

You must attend the personal interview and arrive on time. If you do not attend the personal interview without a serious and justified reason, your application will be considered withdrawn and your case will no longer be examined. If you refuse to respond to questions during the interview without a serious reason, your application will also be considered withdrawn.

Each adult applicant will be interviewed separately.

After the personal interview, your application will be assessed. The authorities will decide whether you will receive international protection or not.

In exceptional situations, the personal interview may not take place. The authorities will inform you if this applies to you.

## MEDICAL EXAMINATION

The authorities may ask you to undergo a medical examination concerning signs of past persecution or serious harm. The examination is free of charge and you will be asked to give your consent to it.

You will be informed about the results of the examination, which will be taken into account in the assessment of your application. If no examination is requested by the authorities, you may request the examination at your own expense.

An examination at your own request does not prevent the authority from proceeding with its decision.

## YOU WILL RECEIVE SPECIAL SUPPORT IF YOU NEED IT

You should inform the authorities as soon as possible if you need any special support. These needs can arise from a wide variety of situations such as pregnancy, illness or experiences of psychological, physical or sexual violence.

The authorities will assess your situation and may provide additional support to facilitate your participation in the asylum procedure. For example, they may assign specialised staff to your case.

## HOW WILL YOU RECEIVE THE DECISION ON YOUR APPLICATION FOR INTERNATIONAL PROTECTION?

A written decision will be sent via your electronic account on the International Protection Portal, or by post or email to you or to your legal adviser, if you have one. You will be informed about the outcome of the decision in a language that you understand.

If the decision is negative, the reasons will be explained in the decision and you will be issued a decision to return to your country.

### POSSIBILITY TO APPEAL

If you do not agree with the decision, you can appeal it. This means that the Tribunal for Asylum and Returns Appeals (TARA) will review the decision. You can ask for a legal adviser free of charge to help you appeal.

**In the asylum border procedure, you are not allowed to stay in the country during the appeal procedure unless the authorities allow it.**

You can request to be allowed to remain during the appeal procedure.

You need to present your appeal and the request to remain within a specific time period provided in the decision. You will receive more detailed information about this if you receive a negative decision.

If you do not have the right to remain for other reasons, you will have to leave Ireland by the date indicated. If you do not leave voluntarily, you may be forced to return.

## WHAT ARE YOUR RIGHTS?

### YOU HAVE THE RIGHT TO RECEIVE RECEPTION SUPPORT AND SERVICES WHILE WAITING FOR THE DECISION ON YOUR APPLICATION FOR INTERNATIONAL PROTECTION

As an applicant, in principle you have the right to:

- remain in the country responsible for the examination of your application, at a designated place at the border, until the examination is concluded, and
- to receive reception support and services.

You can find information about the reception support and services you will receive in a separate brochure.

## YOU HAVE THE RIGHT TO RECEIVE INTERPRETATION

If you do not speak English, an interpreter will help you communicate with the authorities during the registration and the lodging of your application as well as during your personal interview. The interpreter is free of charge.

The interpreter is neutral, meaning they do not favour anyone. They respect confidentiality and will not share anything you say with anyone outside of the competent authorities.

The interpreter has no influence on the decision on your application.

Inform the authorities immediately if you do not understand the interpreter or you think that the interpreter is not neutral.

## YOU CAN ASK FOR A MALE OR FEMALE INTERPRETER AND INTERVIEWER FOR YOUR PERSONAL INTERVIEW, IF THIS HELPS YOU TO FULLY EXPRESS YOURSELF

Depending on your reasons and if there is availability, your request will be met.

## YOU CAN CONSULT A LEGAL ADVISER (LAWYER)

A legal representative is a person who provides legal advice and/or representation to you in dealing with the authorities during your application for international protection. A legal representative is independent from the authorities and represents your interests. A legal representative can assist you with your application for international protection, with the asylum procedure, with official communication and they may attend with you during the personal interview.

It is your right to consult a legal advisor at any stage of the asylum procedure at your own expense.

**Legal Aid Board – Legal Advice and Representation**

You can request a legal representative from the Legal Aid Board. A legal representative will be appointed to you free of charge, may provide you with legal advice before your interviews, with advice on any issue arising during the process.

If you receive a negative decision and wish to appeal, the legal representative will assist you with lodging your appeal, preparing for your appeal and will attend the appeal hearing on your behalf where there is an oral hearing.

If you prefer to choose your own legal representative, share their contact details with the authorities as soon as possible so that they can keep them informed about your application.

## YOU HAVE THE RIGHT TO BE INFORMED AND REQUEST FREE LEGAL COUNSELLING

You can ask for legal counselling, free of charge, during the asylum procedure. This includes legal counselling to assist you in lodging your application.

Legal counselling means that you can receive explanations on:

- your rights and obligations
- the different procedures
- legal issues.

You can request information and legal counselling at the Citywest Convention Centre at the Legal Aid Board Citywest Counselling Service.

## YOU CAN COMMUNICATE WITH THE UNITED NATIONS REFUGEE AGENCY (UNHCR) OR OTHER ORGANISATIONS

You can contact and communicate with UNHCR or their partner organisations in any step of the asylum procedure.

UNHCR protects the interests and the rights of asylum seekers and refugees. UNHCR or their partner organisations also provide information and assistance to asylum seekers.

UNHCR contact details and information on the asylum procedure can be found on the UNHCR webpage https://help.unhcr.org/.

You can also contact any other organisation providing legal advice or other counselling to applicants.

## WHAT ARE YOUR OBLIGATIONS?

### FOLLOW THE LAWS OF THIS COUNTRY

### STAY IN THE COUNTRY WHERE YOU APPLIED FOR INTERNATIONAL PROTECTION

Do not attempt to go to another EU+ country or the United Kingdom (including Northern Ireland).
Do not leave the specific place where you were told to reside.
You are only allowed to travel to another EU+ country if you are given permission to do so by the authorities.

### MAKE SURE THE AUTHORITIES CAN REACH YOU AND THAT YOU KEEP YOUR APPOINTMENTS

You must attend all appointments in person whenever you are requested so by the authorities. You must be there on time. If you are unable to attend an appointment for a serious reason, inform the authorities immediately and explain the reason.

## COOPERATE FULLY WITH THE AUTHORITIES

When requested, you must do the following.

- Provide your personal details.

- Provide identity documents. If you do not have them, explain why.

- Have your fingerprints and photograph taken.

- Lodge your application at a designated date and place.
- Attend the personal interview and respond to questions during the interview.

- Agree to be searched and to have your items searched, if the authorities request to do so. A search will only occur where necessary and justified. The authority will explain the reasons for the search. The search will be carried out by a person of the same sex as you and will be done in a way that respects your dignity.

## TELL THE TRUTH

What you say is very important for the credibility of your application. This is why you need to be honest and give full and correct information about your identity, family, country of origin, the reasons you have left your home country and why you do not want to return there.

You may not remember everything so you may not be able to answer all questions. In this case, do not invent answers but explain that you do not remember.

## PROVIDE CORRECT CONTACT DETAILS AND BE REACHABLE

The authorities must be able to reach you regarding your application for international protection.

If your address, email or telephone number change, inform the authorities immediately. You can inform the authorities of any changes by email to contact@ipo.gov.ie.

## SUBMIT ALL INFORMATION AND DOCUMENTS THAT SUPPORT YOUR APPLICATION TO THE INTERNATIONAL PROTECTION OFFICE

If you have identity documents, you must present them as soon as possible.

You must submit any other information and documents that may help the authorities to decide the country responsible for the examination of your application or to examine your application. These documents can be, for example, a passport, wedding certificate, family book, military ID card, evidence of employment, membership card of a political party, certificates, court and police reports, photographs and medical or psychological documentation.

You do not need to submit documents that only contain general information about your country. The asylum authorities are aware of the situation in your country.

You should submit all information and documents **as soon as possible** when lodging your application. If you don't have the documents immediately available, you must submit them as soon as you have them, via your electronic account on the International Protection Portal or by email to contact@ipo.gov.ie.

It is mandatory to present original documents, where possible. You must not destroy or dispose of any identity documents. You must not withhold any relevant documents. You must never submit a fake or forged document.

If possible, and to the extent that this does not create a risk, ask your friends or relatives to send your documents to you.

## WHAT ARE THE CONSEQUENCES IF YOU DO NOT MEET YOUR OBLIGATIONS?

### YOUR ASYLUM PROCEDURE WILL BE STOPPED

This will happen if you refuse to:

- provide information when requested to do so
- have your fingerprints or photograph taken
- provide your address
- respond to questions during the personal interview.

It will also happen if you:

- do not lodge your application within the set time limit without a serious reason
- do not attend the personal interview without a serious reason
- do not report to the authorities when requested to do so
- do not remain in the place you are obliged to stay
- cannot be reached by the authorities
- leave the country.

Your application will be considered **withdrawn or rejected**.

This means that you may lose your status as an applicant for international protection and all the related rights.

You can also decide to withdraw your application at any time during the asylum procedure, for example, because you decided to return to your country. In this case, you will lose your status as an applicant for international protection.

## SOME TYPES OF RECEPTION SUPPORT AND SOME SERVICES MAY BE REDUCED OR CANCELLED

In some circumstances, the authorities may decide to reduce or cancel some type of support or some services. The authorities will inform you about such a decision in writing after they evaluate your situation.

You can find more information in a separate brochure.

## YOUR APPLICATION MAY BE NEGATIVELY AFFECTED

If you provide misleading or false information related to your identity or your application, or if you destroy or forge documents, this may have a negative impact on your application. Your application may be rejected and you may not obtain international protection.

International protection could also be taken away from you if the authorities find out later that you did not tell the truth during the asylum procedure.

## WHAT IF YOU WANT TO RETURN TO YOUR COUNTRY?

At any time during the asylum procedure, you can decide to return voluntarily to:

- your country or
- a country of transit or another third country, if you have the right to do so.

You can get help with flights, travel documents and travel arrangements. You may also get some financial support, subject to eligibility.

If you decide to return voluntarily, your asylum procedure will be stopped or rejected and you will no longer have the right to stay in Ireland.

If you want to return voluntarily, contact the Voluntary Returns Unit at the Citywest Reception Centre by email to voluntaryreturns@justice.ie or by phone at +353 87 403 1651. You may receive information as well as assistance for your safe and legal return.

## CONFIRMATION OF RECEIVING THE INFORMATION

You will be requested to confirm that you have received the information in this brochure via your electronic account on the International Protection Portal.

If you did not understand something or if you have additional questions, you can always ask the staff at your Accommodation Centre.

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