



OKUDINGEKA UKWAZI NGOMTHETHO WOKUPHATHWA KWESIKHOSELO NOKUFUDUKA (ASYLUM & MIGRATION MANAGEMENT REGULATION)

Uhlobo B

IZAKHAMIZI ZAMANYE AMAZWE EZITHOLAKALE
ZIHLALA NGOKUNGEMTHETHO ELIZWENI LE-EU+



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KUNGANI UNIKWA LE BHUROSHA?

Kutholakale ukuthi uhlala kuleli lizwe ngaphandle kwemvumo. Ngenxa yalokho kuthathwe iminwe yakho (fingerprints) lesithombe sakho. Lolulwazi luthunyelwe ku-database ye-Eurodac, kwase kutholakala ukuthi wena:

- Wake wafaka isicelo sokuvikelwa kwamazwe ngamazwe (esaziwa njalo ngokuthi yi-asylum) kwelinye ilizwe le-EU+.
- Wake wadluliselwa kwelinye ilizwe le-EU+ elingesilo leli okulo khathesi.
- Wake wafakwa ngaphansi kohlelo lwaseYurophu loba lukazwelonke lokuhlaliswa kutsha (resettlement) kumbe uhlelo lokwamukelwa ngezizathu zobuntu (humanitarian admission) kwelinye ilizwe le-EU+ elingesilo leli okulo khathesi.

Njengoba kutholakale ukuthi kungadingeka ukuthi ube kwelinye ilizwe le-EU+, usufakwe enqubweni ezanquma ukuthi yiliphi ilizwe le-EU+ okufanele udluliselwe kulo.

Uzathola lonke ulwazi oludingekayo kule bhurosha.

Khathesi use-Ireland, elilizwe le-EU+.

Amazwe e-EU+ ngawala alandelayo:



Amazwe angama-27 angamalunga e-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,



kanye lamanye amazwe amane: Iceland, Liechtenstein, Norway, Switzerland.

UYINI UMTHETHO WOKUPHATHWA KWE-ASYLUM LOKUFUDUKA (ASYLUM AND MIGRATION MANAGEMENT REGULATION)?



Amazwe e-EU+ avumelene ngomthetho ofanayo obizwa ngokuthi **uMthetho Wokuphathwa Kwe-Asylum Lokufuduka (AMMR)**. Lo mthetho uncenda ukunquma ukuthi yiliphi ilizwe elilomthwalo wokuhlola isicelo sokuvikelwa kwamazwe ngamazwe. Uphinda ubeke imithetho yezimo lapho umuntu owadluliselwa kumbe owahlaliswa kutsha kwelinye ilizwe le-EU+ atholakala ehlala kwelinye ilizwe le-EU+ ngaphandle kwemvumo.

Uma uke wafaka isicelo sokuvikelwa kwamazwe ngamazwe ngaphambilini, uyaqinisekiswa ukuthi elinye lamazwe e-EU+ lizahlola isicelo sakho, kodwa awukwazi ukukhetha ukuthi yiliphi ilizwe le-EU+ elizakuba lomthwalo wokuhlola isicelo sakho. Ilizwe elizahlola isicelo sakho lizanqunywa yimithetho yoMthetho we-AMMR.

Uma kulolubhurosa kulolwazi ongaluzwisisiyo, ungabuza isiphathamandla sezokufuduka (immigration officer).

Okwamanje, amazwe e-EU+ akhetha kuphela ukuthi yiliphi elinye lawo elilomthwalo wokuhlola isicelo sakho kumbe ukuthi kuyadingeka yini ukuthi ube kwelinye ilizwe le-EU+.



Uma kunganqunywa ukuthi elinye ilizwe le-EU+ yilo elilomthwalo wokuhlola isicelo sakho, kumbe kudingeka ukuthi ube kwelinye ilizwe le-EU+, kungenzeka ukuthi uzadluliselwa kulelilizwe.



AMALUNGELO AKHO NGESIKHATHI USESENQUBENI YE-AMMR



Ulemvumo lokucela ukwaziswa okuvuselelweyo mayelana lenqubo yokunquma ukuthi yiliphi ilizwe le-EU+ elizahlola isicelo sakho. Uma ufuna ukucela ukwaziswa okuvuselelweyo, ungaxhumana leziphatmandla ngokuthumela i-imeyili ku- contact@ipo.gov.ie



Ulemvumo wokuxhumana lokukhuluma le-**United Nations Refugee Agency (UNHCR)** kunoma yisiphi isigaba senqubo ye-asylum.

I-**UNHCR** ivikela izithakazelo lamalungelo abantu abafuna i-asylum kanye lababaleki.

Imininingwane yokuxhumana le-UNHCR kanye lolwazi ngenqubo ye-asylum ingatholakala kuwebhusayithi ye-UNHCR:

<https://help.unhcr.org/>

➤ KUFANELE UHLALAPHI NGESIKHATHI USESENQUBENI YE-AMMR



- Kumele uhlale kuleli lizwe okwakhathesi.
- Uma iziphathamandla zinquma ukuthi elinye ilizwe le-EU+ yilo okumele lihlolisise isicelo sakho, iziphathamandla zizahlale ukuhamba kwakho ukuya kulelizwe.

➤ KULINDELEKE UKUTHI WENZENI KULE NQUBO?

Kumele:

- ✓ Unikele ngawo wonke amadokhumenti akho kamazisi (ID) olawo ukuze uqinisekise ukuthi ungubani. Uma wake waba ledokhumenti kamazisi kodwa khathesi kawuselayo, kumele utshele iziphathamandla ukuthi wake wanikezwa yona nguhulumende welizwe lakho kudala..
- ✓ Tshela iziphathamandla nganoma yisiphi isikhathi owake wahamba ngaso waya kwelinye ilizwe le-EU+.
- ✓ Yazisa iziphathamandla uma wake wahlala kwelinye ilizwe le-EU+ ngaphandle kwemvumo.
- ✓ Yazisa iziphathamandla mayelana lamalunga emuli yakho aseduze olawo kuleli lizwe kumbe kwelinye ilizwe le-EU+.
- ⚠ **OKUBALULEKILE!** Kumele ngokomthetho unikeze iminwe yakho (fingerprints) njalo kuthathwe isithombe sakho.



KUNGANI KUMELE UNIKEZE IMINWE YAKHO (FINGERPRINTS) LESITHOMBE SAKHO?



Iziphathamandla zakuleli lizwe zizathatha iminwe yakho (fingerprints) lesithombe sakho. Lolu lwazi, kanye lemininingwane ephathelane lobuwena kanye lolunye ulwazi olufaneleyo, luzathunyelwa ku-database yaseYurophu esetshenziswa ngamazwe wonke ebizwa ngokuthi yi-Eurodac.

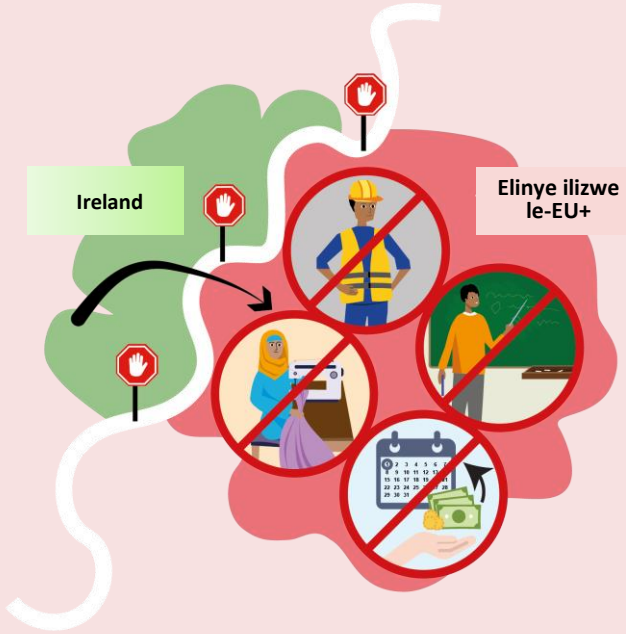
Le database isetshenziswa yiwo wonke amazwe angu-31 e-EU+ angakwazi ukusebenzisa imininingwane yakho ukuze athole ulwazi olumayelana lawe. Uma ungahamba uye kwelinye ilizwe le-EU+ ngaphandle kwemvumo njalo kuthathwe iminwe yakho futhi, lonke ulwazi lwakho olugcinwe ku-Eurodac luzabonwa yiziphathamandla zalelizwe.

Ulwazi olunengi mayelana le-database ye-Eurodac lutholakala kwelinye ibhurosha elihlukileyo.





YIMIPHI IMIPHUMELA UMA UNGENZANGA IZIBOPHO ZAKHO?



Uma ungahamba uye kwelinye ilizwe le-EU+ ngaphandle kwemvumo kumbe ufake isicelo sokuvikelwa kwamazwe ngamazwe kwelinye ilizwe le-EU+, kungenzeka ukuthi uzabuyiselwa kulelo lizwe le-EU+ elilomthwalo wokuhlola isicelo sakho.

Uma ukwelinye ilizwe le-EU+ elingayisilo lelo okumele ube kulo, inkululeko yakho ingakhawulwa njalo ungathola ukuncediswa okuncane.

KUTSHONI UKUBOTSHWA (DETENTION)?

Ukubotshwa (detention) kutsho ukuthi ubekwa endaweni ethile ongavunyelwa ukuphuma kuyo ngokukhululeka. Iziphathamandla kumele zibe lesizathu esisemthethweni sokukubopha. Kumele zibe lesiqiniseko sokuthi ayikho enye indlela engasetshenziswa esimweni sakho. Iziphathamandla zizahlola isimo sakho ngokwakho ngaphambi kokwenza isinqumo.

Izizathu zokubotshwa zingaba, ngokwesibonelo:



- Awuzange uhloniphe isibopho sokuhlala endaweni ethile ebekiwe, kumbe kulengozi yokuthi ungabaleka futhi njalo iziphathamandla zingahluleka ukukuthola.
- Uthola kumbe usuthole isinqumo sokudluliselwa elizweni le-EU+ elilomthwalo wokuhlola isicelo sakho se-asylum, njalo kulengozi yokuthi ungabaleka kungakabi lokudluliselwa.
- Uyingozi kwezokuphepha.

Uma ubotshiwe, ungaphikisa isinqumo leso njalo ungacela uncdo lwezomthetho lwamahala kanye lokumelwa ngummeli wezomthetho.

 **OKUBALULEKILE!** Uma ungahamba uye kwelinye ilizwe le-EU+ ngaphandle kwemvumo, lokhu kungandisa ingozi yokuthi ubotshwe esikhathini esizayo.



NGIZAKWAZI NJANI UKUTHI NGIZADLULISELWA KWELINYE ILIZWE LE-EU+?

Uma kuqinisekiswa ukuthi elinye ilizwe le-EU+ yilo elilomthwalo wokuhlola isicelo sakho kumbe kudingeka ukuthi ube kulelilizwe, uzanikezwa isinqumo sokudluliselwa esizachaza ukuthi yiliphi ilizwe le-EU+ ozadluliselwa kulo.

Uma lesi kungesikho okokuqala ufaka isicelo sokuvikelwa kwamazwe ngamazwe, kumbe sekuvele kunqunyiwe ukuthi elinye ilizwe le-EU+ yilo elilomthwalo wokuhlola isicelo sakho, iziphathamandla zingahle zingabi lenhlolokhono yakho siqu.

Lanxa kunjalo, uzathola ithuba lokuchaza ukuthi kungani kungamelanga udluliselwe kulelilizwe kumbe kungani kumele uvunyelwe ukuthi uhlale kuleli lizwe.

Unganikela ngalolwazi usebenzisa i-akhawunti yakho ye-elektronikhi ku-International Protection Portal kumbe ngokuthumela i-imeyili ku-contact@ipo.gov.ie



INQUBO LE IZATHATHA ISIKHATHI ESINGAKANANI?



Ukuxhumana phakathi kwamazwe kuvame ukuthatha isikhathi esifika enyangeni eyodwa.



Uma elinye ilizwe le-EU+ liqinisekisa ukuthi lizahlola isicelo sakho, uzadluliselwa phakathi kwezinyanga eziyisi-6 kusukela ngelanga elamukela ngalo isicelo sokudluliselwa kwakho.



Uma ubotshiwe khathesi kumbe ungabotshwa esikhathini esizayo, udaba lwakho luzaphathwa ngokuphuthuma. Ukudluliselwa kwakho kumele kuhlelwe phakathi kwamaviki angu-5. Uma ukudluliselwa kungenziwa phakathi kwamaviki angu-5, uzakhululwa ekubotshweni.

Lanxa kunjalo, ukudluliselwa kwakho kuzasahlelwa phakathi kwezinyanga eziyisi-6 kusukela ngelanga ilizwe le-EU+ elilomthwalo wokuhlola isicelo sakho elamukela ngalo isicelo sokudluliselwa.

Uma usejele ngenxa yokwenza icala lobugebengu, isikhathi sokudluliselwa singanwetshwa sifike okungenani kunyaka owodwa.



OKUBALULEKILE! Uma ubaleka, uzifihla kumbe ungabambisani leziphathamandla ekuhloleni ukudluliselwa kwakho, isikhathi sokudluliselwa singanwetshwa sifike esiphelweni seminyaka emi-3.



KWENZAKALANI UMA UNGAVUMELANI LESINQUMO SOKUDLULISELWA?



Uma kunganqunywa ukuthi elinye ilizwe le-EU+ yilo elilomthwalo wokuhlola isicelo sakho, uzathola isinqumo sokudluliselwa. Lesi sinqumo sizakutshela ukuthi yiliphi ilizwe ozadluliselwa kulo.

Uma ungavumelani lesinqumo sokudluliselwa, ungafaka isikhalazo. Lapho uphikisa isinqumo, i-Tribunal for Asylum and Returns Appeals izakwenza isinqumo sokucina.

Kulezizathu ezintathu kuphela zokufaka isikhalazo ngesinqumo sokudluliselwa:

- Uthi ukudluliselwa kwakho kulelo lizwe le-EU+ elithile kungabe kuphambene lamalungelo akho abantu (human rights).
- Kukhona ulwazi olutsha olwalungatholakali ngesikhathi kuthathwa isinqumo sokudluliselwa, njalo lolo lwazi lwalungaphazamisa leso sinqumo.
- Ulemuli kwelinye ilizwe le-EU+ okumele ubuyiselwe kubo (ukuhlanganiswa kwemuli) esikhundleni sokudluliselwa kulelo lizwe.

Uma ungenelisi ukubhadala umeluleki wakho wezomthetho, uzaphiwa umeluleki wezomthetho ozakuncedisa ngesikhalazo mahala.

Uzancediswa ngumhumushi okhuluma ulimi oluzwisisayo kuwe phakathi kwale nqubo yonke.





OKUMELE UKWAZI MAYELANA LESIKHALAZO LAPHO ISIKHALAZO SOKUMISA UKUDLULISELWA LESIKHALAZO ESIQONDENE LODABA LWESINQUMO KUHLUKANISIWE

Isikhathi sokufaka isikhalazo, indawo kanye lendlela yokusifaka kuzakuchazwa esinqumweni sokudluliselwa ozasinikwa.

Okokuqala, uzacelwa ukuthi unikeze isizathu kumbe izizathu zokuthi kungani kumele uvunyelwe ukuhlala kuleli lizwe ngesikhathi kusenziwa isinqumo ngesikhalazo sakho. Lokhu kwaziwa ngokuthi yisikhalazo sokumisa ukudluliselwa (appeal on suspensive effect).

I-tribunal izakwenza isinqumo phakathi kwenyanga eyodwa mayelana lokuthi kumele uvunyelwe yini ukuhlala kuleli lizwe ngesikhathi kusenziwa isinqumo ngesikhalazo sakho.

Uma i-tribunal inquma ukuthi akumelanga uvunyelwe ukuhlala kuleli lizwe ngesikhathi kusenziwa isinqumo ngesikhalazo sakho, uzadluliselwa elizweni le-EU+ elinqunywe ukuthi yilo elilomthwalo wokuhlola isicelo sakho, ngesikhathi isikhalazo sakho sisalindele isinqumo.

Uma i-tribunal inquma ukuthi kumele uvunyelwe ukuhlala kuleli lizwe ngesikhathi kusenziwa isinqumo ngesikhalazo sakho, izakucela ukuthi unikeze izizathu zokuthi kungani ungavumelani lesinqumo sokudluliselwa. I-tribunal izazama ukukunika isinqumo phakathi kwenyanga eyodwa kusukela ngelanga lokuthathwa kwesinqumo ngesikhalazo sokumisa ukudluliselwa.

Uma isikhalazo sakho singamukelwa, uzadluliselwa elizweni le-EU+ elinqunywe ukuthi yilo elilomthwalo wokuhlola isicelo sakho. Ukudluliselwa kumele kwenzeke phakathi kwezinyanga eziyisi-6 kusukela ngelanga i-tribunal eyenza ngalo isinqumo sayo sokucina.

Uma ubotshiwe khathesi kumbe ungabotshwa esikhathini esizayo, udaba lwakho luzaphathwa ngokuphuthuma. Ukudluliselwa kwakho kumele kuhlalewe phakathi kwamaviki angu-5. Uma ukudluliselwa kungenziwa phakathi kwamaviki angu-5, uzakhlulwa ekubotshweni. Lanxa kunjalo, ukudluliselwa kwakho kuzasahlelwa phakathi kwezinyanga eziyisi-6 kusukela ngelanga ilizwe le-EU+ elilomthwalo wokuhlola isicelo sakho elamukela ngalo isicelo sokudluliselwa.

OKUBALULEKILE!! Kumele ubambisane leziphathamandla uma elinye ilizwe le-EU+ yilo elilomthwalo wokuhlola isicelo sakho.

➤ YILUPHI ULWAZI LWAKHO OLUMAYELANA LAWE (PERSONAL DATA) OLUZAQOQWA?



Iziphathamandla eze-EU+ elizweni ohlezi kulo zizaqoqa ulwazi oluthile, oluhlanganisa okulandelayo:

- Imininingwane yakho kanye leyamalunga emuli ahamba lawe (ibizo, ubuzwe, usuku lendawo yokuzalwa). Uma uke wasebenzisa amanye amabizo kumbe eminye imininingwane ngaphambilini, bazakubuza ngalokho.
- Ulwazi olumayelana lobuwena kanye lamadokhumenti akho okuhamba.
- Olunye ulwazi olungaqinisekisa ubuwena, njengeminwe yakho (fingerprints).
- Imininingwane emayelana lamalunga emuli ahlala kwelinye ilizwe le-EU+, njengemininingwane yabo, isikhathi sokucina oxhumane labo, indawo abahlala kuyo kanye lesimo sabo esisemthethweni.
- Imininingwane emayelana lamadokhumenti olawo akuvumele ukuthi uhlale kwelinye ilizwe le-EU+, uma lokhu kusebenza esimweni sakho.
- Ulwazi olumayelana lamadokhumenti atshengisa ukuthi wafunda kwelinye ilizwe le-EU+ okwesikhathi esedlula unyaka owodwa.
- Ulwazi olumayelana lamazwe owadlula kuwo ukuze ufike kuleli lizwe.
- Izimo zakho zomuntu siqu.
- Usuku lwanoma yiziphi izicelo zangaphambilini zokuvikelwa kwamazwe ngamazwe kanye lomphumela walezo zicelo.

➤ YILAWO MAPHI AMALUNGELO AKHO MAYELANA LOLWAZI LWAKHO LOMUNTU?

Ulemvumo wokubona loba yiluphi ulwazi lwakho owalunikeza iziphathamandla.

Uma ukholwa ukuthi olunye ulwazi lwakho lomuntu lungaqondanga kumbe alusetshenziswa ngokusemthethweni, ungacela ukuthola ulwazi lwakho ngokuxhumana lomphathi wedatha (data controller) ukuze ucele ukuthi ulwazi olungaqondanga lulungiswe kumbe ulwazi olusetshenziswe ngendlela engekho emthethweni lususwe.

Ungaxhumana lomphathi wedatha kuleli lizwe kuleli kheli:

International Protection Office, Immigration Service Delivery, 79-83 Lower Mount Street, Dublin 2, D02 ND99 kumbe nge-imeyili: contact@ipo.gov.ie



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

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