



STATUTORY INSTRUMENTS.

S.I. No. 525 of 2014



EUROPEAN UNION (DUBLIN SYSTEM) REGULATIONS 2014

EUROPEAN UNION (DUBLIN SYSTEM) REGULATIONS 2014

I, FRANCES FITZGERALD, Minister for Justice and Equality, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Regulation (EU) No 604/2013¹, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Dublin System) Regulations 2014.

Interpretation

2. (1) In these Regulations:

“Act of 1996” means the Refugee Act 1996;

“Agency” means the Child and Family Agency;

“Commissioner” has the meaning it has in section 1 of the Act of 1996;

“EU Regulation” means Regulation (EU) No 604/2013¹;

“immigration officer” has the meaning it has in section 3 of the Immigration Act 2004;

“Member State” means a Member State of the European Union or a state that participates in the EU Regulation by virtue of an agreement with the European Union;

“Minister” means Minister for Justice and Equality;

“Order of 2003” means the Refugee Act 1996 (Section 22) Order 2003 (S.I. No. 423 of 2003);

“Regulations of 2006” means the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006);

“Regulations of 2013” means the European Union (Subsidiary Protection) Regulations 2013 (S.I. No. 426 of 2013);

“subsidiary protection application” means—

(a) an application for subsidiary protection made in accordance with Regulation 4(1)(a) of the Regulations of 2006, or

¹OJ L180, 29.06.2013, p.31.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 28th November, 2014.

- (b) an application for a subsidiary protection declaration made or deemed to have been made under the Regulations of 2013;

“transfer decision” means a decision made by the Commissioner to transfer, in accordance with the EU Regulation—

- (a) an applicant, or
- (b) a person, other than an applicant, referred to in Article 18(1)(c) or (d) of the EU Regulation,

where the State is the requesting Member State and the requested Member State has accepted to take charge of or to take back that applicant or person;

“transferrable applicant” means a person who may, under Regulation 8(1), be transferred in accordance with Regulation 8;

“Tribunal” means the Refugee Appeals Tribunal.

(2) A word or expression that is used in these Regulations and is also used in the EU Regulation shall have in these Regulations the same meaning as it has in the EU Regulation unless the contrary intention appears.

Performance of functions under the EU Regulation

3. (1) The following functions under the EU Regulation shall be performed by the Commissioner:

- (a) the functions of a determining Member State;
- (b) the functions of a requesting Member State;
- (c) the functions of a requested Member State;
- (d) the communication and requesting of personal data and information under Article 34.

(2) The functions of a transferring Member State under the EU Regulation shall be performed by the Minister.

(3) The Commissioner shall perform the functions of a Member State under Article 6 of the EU Regulation and, in doing so, shall consult as necessary with the Agency in relation to his or her functions under—

- (a) subparagraphs (b) and (d) of paragraph 3 of that Article, and
- (b) such other provisions of that Article as the Commissioner considers necessary.

Personal interview

4. (1) Where the Commissioner is performing the functions of a determining Member State, he or she shall, subject to paragraph (2) of that Article, conduct

a personal interview with the applicant concerned in accordance with the provisions of Article 5 of the EU Regulation.

(2) The personal interview under paragraph (1) shall be conducted at such time and place as the Commissioner may fix.

Notification of a transfer decision

5. (1) Where the Commissioner makes a transfer decision, he or she shall send the applicant concerned and the applicant's legal representative (if known) a notification under paragraph (2).

(2) A notification under this paragraph shall be in the form specified in Schedule 1 or a form to the like effect and shall inform the applicant—

(a) of the making of the transfer decision,

(b) where applicable, that his or her application for a declaration under section 8 of the Act of 1996 or, as the case may be, subsidiary protection application will not be examined,

and

(c) of the following:

(i) his or her entitlement to appeal under Regulation 6 against the transfer decision;

(ii) the manner in which such an appeal may be made;

(iii) the effect under Regulation 7 of such an appeal.

(3) The Commissioner shall send a copy of the transfer decision to the Minister.

(4) In this Regulation and Regulations 6 to 8, “applicant” includes a person, other than an applicant, referred to in Article 18(1)(c) or (d) of the EU Regulation.

Appeal against a transfer decision

6. (1) An applicant may appeal to the Tribunal, in fact and in law, against a transfer decision.

(2) An appeal under this Regulation shall be by notice in writing, in the form specified in Schedule 2 or a form to the like effect, and shall—

(a) be made within 15 working days of the sending to the applicant of the notification under Regulation 5(2), and

(b) specify the grounds of appeal and indicate whether the applicant wishes the Tribunal to—

(i) hold an oral hearing for the purpose of his or her appeal, and

(ii) if so, direct the attendance of a witness before the Tribunal.

(3) Subject to paragraph (4), an appeal may be determined without an oral hearing.

(4) The Tribunal shall hold an oral hearing for the purpose of an appeal under this Regulation where—

(a) the applicant has requested this in the notice under paragraph (2), or

(b) it is of the opinion that it is in the interests of justice to do so.

(5) On receipt of a notice of appeal the Tribunal shall transmit a copy of the notice to the Commissioner and notify the Minister of the making of the appeal.

(6) The Commissioner shall, following receipt under paragraph (5) of the copy of the notice of appeal, provide the Tribunal with copies of any documents, reports, or representations in writing submitted to him or her in relation to the transfer decision and shall provide an indication of the nature and source of any other information relating to the transfer decision that has come to the notice of the Commissioner in the course of the making of the transfer decision.

(7) The Tribunal may direct the Commissioner to make such inquiries from another Member State and to furnish the Tribunal with such further information as it considers necessary or expedient for the purpose of deciding an appeal under this Regulation.

(8) In conducting an oral hearing, the Tribunal shall enable the Commissioner to be present at the hearing and present his or her case to the Tribunal in person or through a member of his or her staff or other person.

(9) The Tribunal shall make a decision in writing in relation to the appeal, either affirming or setting aside the transfer decision, and shall send a copy of its decision, including the reasons for the decision, to the applicant and his or her legal representative (if known), the Commissioner and the Minister.

Right to remain in the State

7. (1) An applicant who appeals under Regulation 6 shall, subject to paragraph (2), be entitled to remain in the State pending the outcome of the appeal.

(2) The following provisions of the Act of 1996 shall apply to the entitlement of the applicant under paragraph (1) to remain in the State, as if the references to an applicant in those provisions was a reference to an applicant referred to in paragraph (1):

(a) subsections (4), (4A)(a), (5), (6) and (7) of section 9;

(b) section 9A.

Transfer of an applicant to the Member State responsible

8. (1) Where Regulation 5 applies, the applicant concerned may be transferred in accordance with this Regulation where he or she—

- (a) informs the Commissioner that he or she does not wish to exercise his or her right under Regulation 6 to appeal against the transfer decision,
 - (b) does not appeal under Regulation 6 within the period specified in that Regulation,
- or
- (c) appeals under Regulation 6 and the outcome of the appeal is that the Tribunal affirms the transfer decision.

(2) An immigration officer or a member of the Garda Síochána may, for the purpose of facilitating the transfer of the transferrable applicant, by notice in writing require a transferrable applicant to comply with one or more than one of the following conditions:

- (a) that he or she present himself or herself to such immigration officer or member of the Garda Síochána at such date, time and place as may be specified in the notice;
- (b) where, and only for so long as, it is reasonably necessary to facilitate his or her transfer, that he or she surrender his or her passport and any other travel document that he or she holds;
- (c) that he or she co-operate in any way necessary to enable an immigration officer or a member of the Garda Síochána to obtain a passport or other travel document, travel ticket or other document required for the purpose of such transfer;
- (d) that he or she reside or remain in a particular place in the State pending his or her transfer.

(3) A transferrable applicant shall comply with a requirement under paragraph (2).

(4) An immigration officer or a member of the Garda Síochána may, for the purpose of facilitating the transfer of a transferrable applicant, without warrant arrest and detain the transferrable applicant where that officer or member considers that there is a significant risk of the transferrable applicant absconding, and a transferrable applicant detained in accordance with this paragraph shall be in lawful custody.

(5) The matters to which an officer or member referred to in paragraph (4) may have regard, in considering for the purposes of that paragraph whether there is a significant risk of a transferrable applicant absconding, include any failure by the transferrable applicant to—

(a) comply with a requirement under paragraph (2), or

(b) where he or she has been informed of arrangements for his or her transfer, co-operate with those arrangements.

(6) (a) Subject to paragraph (b), paragraph (4) shall not apply to a transferrable applicant who is under the age of 18 years.

(b) If and for so long as an immigration officer or member of the Garda Síochána concerned has reasonable grounds for believing that the transferrable applicant is not under the age of 18 years, the provisions of paragraphs (4) and (5) shall apply as if he or she had attained the age of 18 years.

(7) The Minister may, in order to facilitate the transfer of a transferrable applicant, issue to the transferrable applicant a *laissez passer* or such other travel document as the Minister considers appropriate.

(8) An immigration officer or member of the Garda Síochána may, for the purpose of the transfer, place a transferrable applicant on a vehicle that is about to leave the State and the transferrable applicant shall be deemed to be in lawful custody while so detained and until the vehicle leaves the State.

(9) The master or person in charge of a vehicle that is about to leave the State shall, if so directed by an immigration officer or member of the Garda Síochána, receive a transferrable applicant on board the vehicle and afford the person so received proper accommodation and maintenance during the journey concerned.

Applicant under section 8 of Act of 1996 to whom Article 18(1)(a) of EU Regulation applies

9. (1) This Regulation applies to a person—

(a) to whom Article 18(1)(a) of the EU Regulation applies,

(b) who is present in the State, and

(c) who is the subject of a decision by the Commissioner, made under Article 18(1)(a) of the EU Regulation, that the State is the Member State responsible under the EU Regulation for examining the person's application for international protection.

(2) A person to whom this Regulation applies shall be deemed to have applied, on the date on which this Regulation applies to him or her, for a declaration under section 8 of the Act of 1996, and the provisions of that Act shall, with any necessary modifications, apply accordingly.

(3) The Commissioner shall send a person to whom this Regulation applies, and his or her legal representative (if known), a notice in writing informing him or her of the effect of paragraph (2).

(4) Notwithstanding anything contained in those Regulations, Regulations 10, 11, 12, 13, 14 and 15 shall not apply to a person to whom this Regulation applies.

Applicant under section 8 of Act of 1996 to whom Article 18(1)(c) of EU Regulation applies

10. (1) This Regulation applies to a person—

- (a) to whom Article 18(1)(c) of the EU Regulation applies,
- (b) who has made an application under section 8 of the Act of 1996, which application was, under that Act, withdrawn or deemed to have been withdrawn,
- (c) who is present in the State, and
- (d) whom the Commissioner has agreed to take back on the grounds that the State is the Member State responsible under the EU Regulation for examining the person's application for international protection.

(2) A person to whom this Regulation applies may, in accordance with this Regulation, make an application for the completion of the investigation under section 11 of the Act of 1996 of his or her application under section 8 of that Act.

(3) The Commissioner shall send a person to whom this Regulation applies, and his or her legal representative (if known), a notice in writing informing him or her of—

- (a) his or her entitlement to make an application under paragraph (2), and
- (b) the requirements under paragraph (4) for the making of such an application.

(4) An application under paragraph (2)—

- (a) may be made only by a person to whom this Regulation applies to whom a notice under paragraph (3) has been sent, and
- (b) shall be—
 - (i) made within 15 working days of the sending to the person of a notice under paragraph (3),
 - (ii) addressed to the Commissioner, and
 - (iii) made in writing, in the form set out in Schedule 3 or a form to the like effect.

(5) On receipt of an application under paragraph (2) that is made in accordance with paragraph (4), the Commissioner shall proceed to complete his or her investigation under section 11 of the Act of 1996 of the person's application under section 8 of that Act and, for the purposes of such an investigation—

- (a) the provisions of the Act of 1996 shall, subject to paragraph (b) and any other necessary modifications, apply, and
- (b) where the Commissioner had, under section 13(1) of the Act of 1996 and before the sending of the notice under paragraph (3), sent the person a copy of a report to which section 13(2) of the Act of 1996 applies, section 13 of the Act of 1996 shall apply to that investigation as if that report had not been prepared.

(6) Notwithstanding anything contained in those Regulations, Regulations 11, 12, 13, 14 and 15 shall not apply to a person to whom this Regulation applies.

Applicant under section 8 of Act of 1996 to whom Article 18(1)(d) of EU Regulation applies

11. (1) This Regulation applies to a person—

- (a) to whom Article 18(1)(d) of the EU Regulation applies,
- (b) to whom the Minister has sent a notice under section 17(5) of the Act of 1996 and who has not appealed,
- (c) who is present in the State, and
- (d) whom the Commissioner has agreed to take back on the grounds that the State is the Member State responsible under the EU Regulation for examining the person's application for international protection.

(2) A person to whom this Regulation applies may, in accordance with this Regulation, appeal.

(3) The Commissioner shall send a person to whom this Regulation applies, and his or her legal representative (if known), a notice in writing informing the person of-

- (a) his or her entitlement under paragraph (2) to appeal, and
- (b) the requirements under paragraph (4) for the making of such an appeal.

(4) An appeal referred to in paragraph (2)—

- (a) may be made only by a person to whom this Regulation applies to whom a notice under paragraph (3) has been sent,
- (b) subject to subparagraph (c), shall be made in the manner prescribed under section 16(1) of the Act of 1996, and
- (c) shall be made within 15 working days of the sending to the person of a notice under paragraph (3).

(5) Where a person to whom this Regulation applies appeals in accordance with this Regulation, the provisions of the Act of 1996 shall, with any necessary

modifications, apply to that appeal, as if the notice sent by the Minister under section 17(5) of the Act of 1996 had not been sent.

(6) Notwithstanding anything contained in those Regulations, Regulations 12, 13, 14 and 15 shall not apply to a person to whom this Regulation applies.

(7) In this Regulation—

“appeal” means appeal under section 16 of the Act of 1996 against the recommendation of the Commissioner, and

“recommendation of the Commissioner” means the recommendation of the Commissioner under section 13 of the Act of 1996, made following the Commissioner’s investigation of the application that was the subject of the notice sent under section 17(5) of that Act, that the applicant concerned should not be declared to be a refugee.

Certain persons taken back under EU Regulation

12. (1) This Regulation applies to a person—

- (a) who, having being entitled, under the Regulations of 2006 or the Regulations of 2013, to make a subsidiary protection application in accordance with the Regulations concerned, did not do so,
- (b) who is present in the State, and
- (c) whom the Commissioner has agreed to take back for the purpose of the examination of the person’s application for international protection, on the grounds that the State is the Member State responsible under the EU Regulation.

(2) A person to whom this Regulation applies may apply to the Commissioner for permission under paragraph (5) to make an application for a subsidiary protection declaration under the Regulations of 2013.

(3) The Commissioner shall send a person to whom this Regulation applies, and his or her legal representative (if known), a notice in writing informing him or her of—

- (a) his or her entitlement under paragraph (2) to make an application for the permission referred to in that paragraph, and
- (b) the requirements under paragraph (4) for the making of such an application.

(4) An application referred to in paragraph (2)—

- (a) may be made only by a person to whom this Regulation applies to whom a notice under paragraph (3) has been sent,
- (b) shall be made within 15 working days of the sending to the person of a notice under paragraph (3),

(c) shall be made in writing in the form set out in Schedule 4 or a form to the like effect and shall set out the reasons why the person did not make a subsidiary protection application—

(i) within the period for making such an application specified in the Regulations of 2006 or 2013, as the case may be, and

(ii) at any time following the expiry of the period referred to in subparagraph (i),

and

(d) may be accompanied by such additional information or documentation in support of his or her application as the person may wish to submit.

(5) The Commissioner, having considered an application made in accordance with paragraph (4), may, at his or her discretion, grant the person concerned permission to make a subsidiary protection application under the Regulations of 2013.

(6) The Commissioner shall send a person who has made an application under paragraph (4) a notice in writing informing him or her of the Commissioner's decision under paragraph (5) and, where the Commissioner has decided not to grant the permission concerned, of the reasons for his or her decision.

(7) Notwithstanding Regulation 4(1)(a) of the Regulations of 2006 and Regulation 3(1)(b) of the Regulations of 2013, a person to whom a permission under paragraph (5) has been granted may, within 15 days of the sending to him or her of a notice under paragraph (6), make an application for a subsidiary protection declaration under the Regulations of 2013.

(8) Where a person to whom paragraph (7) applies makes, in accordance with that paragraph, an application for a subsidiary protection declaration under the Regulations of 2013, that application shall be deemed to be an application for a subsidiary protection declaration made in accordance with Regulation 3(1) of those Regulations, and those Regulations shall, with any necessary modifications, apply accordingly.

(9) Notwithstanding anything contained in those Regulations, Regulations 13, 14 and 15 shall not apply to a person to whom this Regulation applies.

Subsidiary protection applicant to whom Article 18(1)(c) of EU Regulation applies

13. (1) This Regulation applies to a person—

(a) to whom Article 18(1)(c) of the EU Regulation applies,

(b) who has made a subsidiary protection application which application was, under the Regulations of 2006 or the Regulations of 2013, as the case may be, withdrawn or deemed to have been withdrawn,

- (c) who is present in the State, and
 - (d) whom the Commissioner has agreed to take back on the grounds that the State is the Member State responsible under the EU Regulation for examining the person's application for international protection.
- (2) A person to whom paragraph (1) applies may, in accordance with this Regulation, make an application for the completion of the investigation of his or her subsidiary protection application.
- (3) The Commissioner shall send a person to whom paragraph (1) applies, and his or her legal representative (if known), a notice in writing informing him or her of-
- (a) his or her entitlement to make an application under paragraph (2), and
 - (b) the requirements under paragraph (4) for the making of such an application.
- (4) An application under paragraph (2)—
- (a) may be made only by a person to whom this Regulation applies to whom a notice under paragraph (3) has been sent, and
 - (b) shall be—
 - (i) made within 15 working days of the sending to the person of a notice under paragraph (3),
 - (ii) addressed to the Commissioner, and
 - (iii) made in writing, in the form set out in Schedule 5 or a form to the like effect.
- (5) On receipt of an application under paragraph (2) that is made in accordance with paragraph (4), the Commissioner shall—
- (a) where the subsidiary protection application concerned was made under the Regulations of 2013, proceed to complete his or her investigation under Regulation 5 of those Regulations of the application, and
 - (b) where the subsidiary protection application was made under the Regulations of 2006, proceed to investigate, under Regulation 5 of the Regulations of 2013, the application and, for the purposes of this subparagraph, the application shall be deemed to be an application for a subsidiary protection declaration made in accordance with Regulation 3(1) of the Regulations of 2013,
- and the Regulations of 2013 shall, with any necessary modifications, apply accordingly.

(6) Notwithstanding anything contained in those Regulations, Regulations 14 and 15 shall not apply to a person to whom this Regulation applies.

Applicant for subsidiary protection under Regulations of 2006 to whom Article 18(1)(d) of EU Regulation applies

14. (1) This Regulation applies to a person—

- (a) to whom Article 18(1)(d) of the EU Regulation applies,
- (b) who has made an application for a subsidiary protection declaration under the Regulations of 2006 and whom the Minister has determined, under Regulation 4(5) of those Regulations, is not a person eligible for subsidiary protection,
- (c) who is present in the State, and
- (d) whom the Commissioner has agreed to take back on the grounds that the State is the Member State responsible under the EU Regulation for examining the person's application for international protection.

(2) Notwithstanding the Regulations of 2006, a person to whom paragraph (1) applies may, in accordance with this Regulation, appeal under Regulation 8 of the Regulations of 2013 to the Tribunal against the determination of the Minister referred to in paragraph (1)(b).

(3) The Commissioner shall send a person to whom this Regulation applies, and his or her legal representative (if known), a notice in writing informing him or her of-

- (a) his or her entitlement under paragraph (2) to make the appeal referred to in that paragraph, and
- (b) the requirements under paragraph (4) for the making of such an appeal.

(4) An appeal referred to in paragraph (2)—

- (a) may be made only by a person to whom this Regulation applies to whom a notice under paragraph (3) has been sent, and
- (b) shall be made within 15 working days of the sending to the person of a notice under paragraph (3).

(5) Where a person to whom this Regulation applies makes an appeal referred to in paragraph (2), the determination of the Minister under Regulation 4(5) of the Regulations of 2006 shall be deemed to be a recommendation of the Commissioner referred to in Regulation 6(2)(b) of the Regulations of 2013, and the Regulations of 2013 shall, with any necessary modifications, apply to that appeal.

(6) Notwithstanding anything contained in that Regulation, Regulation 15 shall not apply to a person to whom this Regulation applies.

Applicant for subsidiary protection under Regulations of 2013 to whom Article 18(1)(d) of EU Regulation applies

15. (1) This Regulation applies to a person—

- (a) to whom Article 18(1)(d) of the EU Regulation applies,
- (b) who has made an application for a subsidiary protection declaration under the Regulations of 2013—
 - (i) in respect of which the Commissioner has made a recommendation under Regulation 6(2)(b) of those Regulations, and
 - (ii) who has not appealed under Regulation 8 of those Regulations against that recommendation,
- (c) who is present in the State, and
- (d) whom the Commissioner has agreed to take back on the grounds that the State is the Member State responsible under the EU Regulation for examining the person's application for international protection.

(2) Notwithstanding Regulation 8(2)(a) of the Regulations of 2013, a person to whom paragraph (1) applies may, in accordance with this Regulation, appeal under Regulation 8 of those Regulations to the Tribunal against the recommendation of the Commissioner referred to in paragraph (1)(b)(i).

(3) The Commissioner shall send a person to whom this Regulation applies, and his or her legal representative (if known), a notice in writing informing him or her of-

- (a) his or her entitlement under paragraph (2) to make the appeal referred to in that paragraph, and
- (b) the requirements under paragraph (4) for the making of such an appeal.

(4) An appeal referred to in paragraph (2)—

- (a) may be made only by a person to whom this Regulation applies to whom a notice under paragraph (3) has been sent, and
- (b) shall be made within 15 working days of the sending to the person of a notice under paragraph (3).

(5) The Regulations of 2013 shall apply, with any necessary modifications, to an appeal referred to in paragraph (2) made in accordance with this Regulation.

Provisions in relation to the Commissioner

16. (1) The Commissioner shall be independent in the exercise of his or her functions under these Regulations.

(2) A reference in section 7 of the Act of 1996 to the activities of the Commissioner shall include a reference to the activities of the Commissioner under these Regulations.

(3) A reference in the First Schedule to the Act of 1996 to the functions of the Commissioner (including a reference to the functions of the Commissioner conferred by that Act) shall be deemed to include a reference to the functions conferred on the Commissioner by these Regulations.

Provisions in relation to the Tribunal

17. (1) The Tribunal shall be independent in the performance of its functions under these Regulations.

(2) A reference in the Second Schedule of the Act of 1996 to—

- (a) a function of the Tribunal or the chairperson or a member of the Tribunal (including a reference to a function conferred by that Act) shall be deemed to include a reference to the functions conferred upon the Tribunal, chairperson or member, as the case may be, by these Regulations.
- (b) the work or business of the Tribunal shall include a reference to the work or business of the Tribunal by virtue of these Regulations, and
- (c) an applicant and an appeal shall include a reference to an applicant or an appeal, as the case may be under these Regulations.

Notices

18. (1) Notices, representations in writing or documents required or authorised by these Regulations to be sent or given to the Tribunal shall be deemed to have been duly sent or given if directed to the Chairperson, Refugee Appeals Tribunal, and

- (a) sent by prepaid registered post, or
- (b) sent by facsimile where confirmed by a successful transmission report, or
- (c) delivered to the Refugee Appeals Tribunal, where the applicant has a receipt for the delivery, issued by the Tribunal.

(2) Where a notice is required or authorised by these Regulations to be served on or given to a person, it shall be addressed to him or her and shall be served on or given to him or her in one of the following ways:

- (a) by delivering it to him or her, or

- (b) by sending it by prepaid registered post addressed to him or her at the address most recently furnished by him or her to the Commissioner or, in the case of his or her legal representative, if any, at his or her address, or, in a case in which an address for service has been furnished, at that address.

(3) Where a notice under these Regulations has been sent to a person in accordance with paragraph (2)(b), the notice is deemed to have been duly served on or given to the person on the third working day after the day on which it was so sent.

Revocation

19. Subject to Regulation 20, the Order of 2003 is revoked.

Transitional

20. Notwithstanding the revocation of the Order of 2003—

- (a) a transfer order made under that Order, that is in force immediately before the date on which these Regulations come into operation, shall continue in force, and
- (b) the Order of 2003 shall continue to apply in respect of—
 - (i) such a transfer order, and
 - (ii) a notice under Article 7 of that Order that is issued to a person the subject of such a transfer order.

SCHEDULE 1

European Union (Dublin System) Regulations 2014

Notice of decision to transfer application to another Member State

To:

Dear

The Refugee Applications Commissioner has decided that _____ is responsible, pursuant to the provisions of Article _____ of Regulation (EU) No. 604/2013*, for dealing with your application for international protection.

The reason(s) for this decision is/are as follows:

The appropriate authorities in _____ have agreed to readmit you to that country pursuant to the above EU Regulation.

The Minister for Justice and Equality has been notified of this decision with a view to making arrangements for your transfer to _____.

You may appeal this decision within 15 working days of the date of this notice to the Refugee Appeals Tribunal. If you wish to appeal, you must do so by completing the attached notice of appeal. The notice of appeal shall specify the grounds of appeal on which you rely for the purposes of your appeal. Your appeal should be sent by registered post, facsimile or delivered to the Refugee Appeals Tribunal, 6/7 Hanover Street East, Dublin 2.

An appeal of this decision confers the right to remain in this State pending the outcome of that appeal. You will be notified of the outcome of your appeal at the address provided by you.

In accordance with the provisions of Regulation (EU) No. 604/2013, your transfer to _____ will take place as soon as practically possible and at the latest within six months from the date of acceptance by the other Member State. In the event that you appeal this decision and your appeal is unsuccessful, your transfer to _____ will take place within six months of a final decision by the Refugee Appeals Tribunal to this effect. The time limit can be extended in certain circumstances provided for in Regulation (EU) No. 604/2013.

Yours sincerely,

Signed: _____

Rank of Officer:

Date:

*Regulation (EU) No. 604/2013 of the European Parliament and the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

SCHEDULE 2

European Union (Dublin System) Regulations 2014

Refugee Appeals Tribunal

NOTICE OF APPEAL

against the transfer decision of the Refugee Applications Commissioner made under Regulation (EU) No. 604/2013.

1. Personal details:

1.1 Name: _____

1.2 Address: _____

1.3 Nationality: _____

1.4 Your temporary residence certificate number: _____

2. Legal Representation:

2.1 Do you have legal representation? YES/NO (delete as appropriate)

2.2 Name of your legal representative: _____

2.3 His or her address: _____

2.4 His or her telephone number: _____

3. Grounds of Appeal:

Please state clearly and concisely the grounds of your appeal. You may use additional pages, if necessary.

Ground 1 _____

Ground 2 _____

Ground 3 _____

4. Communications to the Tribunal:

All communications to the Tribunal should be sent by registered post, or faxed to fax No. 01-4748410 (and confirmed by a successful transmission report), or delivered to the Refugee Appeals Tribunal, 6/7 Hanover Street East, Dublin 2. The Tribunal will issue you with a receipt which you should retain as proof of such delivery.

Signed: _____
Applicant
Date

Signed: _____
Legal Representative
Date

SCHEDULE 3**European Union (Dublin System) Regulations 2014****Application for completion of an investigation under Section 11 of the
Refugee Act 1996 as provided for under Regulation 10(2) of the
European Union (Dublin System) Regulations, 2014**

Name:	
Address in Ireland:	
Phone number:	
Fax number:	
e-mail address:	
Person ID Number:	
Details of legal representative: (if applicable)	

Under the provisions of Regulation 10(2) of the European Union (Dublin System) Regulations 2014, I wish to apply to the Refugee Applications Commissioner for the completion of the investigation of my application for refugee status under Section 11 of the Refugee Act 1996.

I confirm that the information I have given above is correct and I undertake to fulfil my obligations as an applicant for asylum under the Refugee Act 1996.

Signed:

Date:

SCHEDULE 4**European Union (Dublin System) Regulations 2014****Application for permission to apply for Subsidiary Protection under the European Union (Subsidiary Protection) Regulations 2013 as provided for under Regulation 12 of the European Union (Dublin System) Regulations 2014**

Name:	
Address in Ireland:	
Phone number:	
Fax number:	
e-mail address:	
Person ID Number:	
Details of legal representative: (if applicable)	

Under the provisions of Regulation 12 of the European Union (Dublin System) Regulations 2014, I wish to apply to the Refugee Applications Commissioner for permission to make an application for subsidiary protection under the European Union (Subsidiary Protection) Regulations 2013.

I confirm that I have not previously applied for Subsidiary Protection.

The reasons I did not apply for Subsidiary Protection within the period specified in the European Communities (Eligibility for Protection) Regulations 2006 or the European Union (Subsidiary Protection) Regulations 2013 or at any time thereafter are as follows:

I confirm that the information I have given above is correct and I undertake to fulfil my obligations as an applicant for subsidiary protection under the European Union (Subsidiary Protection) Regulations 2013.

Signed:

Date:

SCHEDULE 5**European Union (Dublin System) Regulations 2014****Application for completion of an investigation under the European Union (Subsidiary Protection) Regulations 2013 as provided for under Regulation 13(2) of the European Union (Dublin System) Regulations 2014**

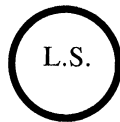
Name:	
Address in Ireland:	
Phone number:	
Fax number:	
e-mail address:	
Person ID Number:	
Details of legal representative: (if applicable)	

Under the provisions of Regulation 13(2) of the European Union (Dublin System) Regulations 2014, I wish to apply to the Refugee Applications Commissioner for the completion of the investigation of my application for subsidiary protection under the European Union (Subsidiary Protection) Regulations 2013.

I confirm that the information I have given above is correct and I undertake to fulfil my obligations as an applicant for subsidiary protection under the European Union (Subsidiary Protection) Regulations 2013.

Signed:

Date:



GIVEN under my Official Seal,
25 November 2014.

FRANCES FITZGERALD,
Minister for Justice and Equality.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These regulations are made for the purpose of supporting the operation in the State of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

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(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€4.57



Wt. (B30959). 315. 11/14. Clondalkin. Gr 30-15.