

Summary:

An individual qualifies for asylum if they establish a well-founded fear of persecution for a reason set out in the 1951 Convention, and where they are unable to access protection in their country of origin or internally relocate safely.

The procedure(s) for asylum applications in Ireland are set out in the Refugee Act 1996 and applicants are processed and determined by the Office of the Refugee Applications Commissioner, with appeals determined by the Refugee Appeals Tribunal. Ireland currently has the dubious honour of being the State with the lowest recognition rate of asylum applicants in European Union.

The 1951 Geneva Convention Relating to the Status of Refugees sets out that a refugee is a person who is outside his or her country of nationality or habitual residence; has a well-founded fear of persecution because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail himself or herself of the protection of that country, or to return there, for fear of persecution.

Ireland is a signatory to the 1951 Refugee Convention and The Refugee Act 1996 incorporates the Refugee Convention into domestic law. The procedures for applications for asylum are set out in the Refugee Act 1996.

In practical terms, an applicant will make an application for asylum to the Office of the Refugee Applications Commissioner (ORAC) which is located at 79-83 Lower Mount Street, Dublin 2 where there will be a preliminary interview. The applicant will be issued with an initial questionnaire (called an ASY1 form) that they must complete providing personal details and the basic details of the reasons for claiming asylum. They will then be interviewed by an ORAC caseworker. The caseworker then prepares a report on the application for asylum that will include a recommendation on whether or not refugee status should be granted. Where it is recommended that the applicant be granted refugee status, ORAC notifies the Minister for Justice and Equality, who is bound by the recommendation except where questions of national security or public policy arise. Where a recommendation is negative, ORAC notifies the applicant accordingly. The applicant can appeal a negative decision to the Refugee Appeals Tribunal. If the application is ultimately unsuccessful, the applicant will be issued with a Notification of Intention to Deport pursuant to Section 3 of the Immigration Act 1999 or a "Section 3" letter.

The Refugee Legal Service provides free legal advice to any individual who has already claimed asylum with the Office of the Refugee Applications Commissioner. The Irish Refugee Council also provides advice and assistance to asylum applicants.