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# DATA MANAGEMENT IN THE INTERNATIONAL PROTECTION PROCEDURE IN IRELAND

EMILY CUNNIFFE AND ANNE SHERIDAN



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## ABOUT THIS REPORT

This European Migration Network study maps data management in the international protection procedure in Ireland. It traces the various phases of the procedure to describe what data is collected, and how and by whom. It also looks at databases used, data sharing, cross-checking and data protection safeguards, as well as key challenges faced in data management. It consists of information gathered by way of a common template, for an EU-level synthesis report published by the EMN: *Accurate, timely, interoperable? Data management in the asylum procedure*. Available at: [www.emn.ie](http://www.emn.ie)

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## ABBREVIATIONS, EU AND IRISH TERMS

AFIS	Automated Fingerprint Identification System
AISIP	Asylum and Immigration Strategic Integration Programme
AkiDwA	Akina Dada wa Africa, a national network of migrant women living in Ireland
AVATS	Automated Visa Application Tracking System
BMU	Immigration Service Border Management Unit
CEAS	Common European Asylum System
CJEU	Court of Justice of the European Union
DPC	Data Protection Commission
DubliNet	Electronic communications network through which national authorities exchange information about a person to be transferred under the Dublin III Regulation (EU) No 604/2013
EASO	European Asylum Support Office
ECRIS-TCN	European Criminal Records Information System for Third-Country Nationals
EDPS	European Data Protection Supervisor
EEA	European Economic Area
EES	Entry/Exit System
EMN	European Migration Network
ESRI	Economic and Social Research Institute
ETIAS	European Travel Information and Authorisation System
EU	European Union
Eurodac	EU system for the comparison of fingerprints of asylum applicants to facilitate the application of the Dublin III Regulation (EU) No 604/2013
Frontex	European Agency for managing operational cooperation at the external borders of EU Member States
GDPR	General Data Protection Regulation
Garda Síochána	National police force
GNIB	Garda National Immigration Bureau
GNIB-IS	Garda National Immigration Bureau Information System
IP Live	Case management system of the International Protection Office

IPAS	International Protection Accommodation Service
IPAT	International Protection Appeals Tribunal
IPF1	Combined form for section 13(2) interview and section 15 application process conducted at the IPO
IPO	International Protection Office
IPO 2	Application for International Protection Questionnaire
IPS	Irish Prison Service
IRPP	Irish Refugee Protection Programme
ISD	Immigration Service Delivery
MASI	Movement for Asylum Seekers in Ireland
MDU	Ministerial Decisions Unit
NCP	National Contact Point
NGO	Non-governmental organisation
ORAC	Office of the Refugee Applications Commissioner
SIS II	Schengen Information System II
TFEU	Treaty on the Functioning of the European Union
UNHCR	Office of the United Nations High Commissioner for Refugees
VIS	Visa Information System

## EXECUTIVE SUMMARY

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This study maps how data are collected during the international protection procedure in Ireland. From biographical data such as name and date of birth, to biometric data such as fingerprints, to details on the grounds of the protection claim, data are collected throughout the various phases of the international protection procedure. This study examines what data are collected in each phase, the methods used, and the authorities involved. It also examines data sharing and cross-checking, along with data protection safeguards, quality checks and the ongoing challenges in data management.

This study is based on information gathered for the Irish contribution to the European Migration Network (EMN) synthesis report, *Accurate, timely, interoperable? Data management in the asylum procedure*, which was carried out by EMN National Contact Points during 2020. The EMN synthesis report details how data are collected, processed and protected during the making, registering, lodging and examining of an asylum claim across EU Member States and in Norway. The purpose of this national study is to provide a detailed picture of how data are managed in comparable phases of the international protection procedure in Ireland.

In the European Union, while the Common European Asylum System (CEAS) has sought to harmonise the international protection procedures of Member States, data management within the procedures remains an area of national competence and, as evidenced in the EMN synthesis report, of considerable variation. This variation is seen not only in the number and types of authorities involved in data management but in many other areas, such as the way data are stored and the use of digitalisation.

The European Asylum Support Office (EASO) distinguishes the phases of making, registering, lodging and examining an application for protection, based on the recast Asylum Procedures Directive 2013/32/EU. This distinction is applied by the EMN synthesis report. While Ireland does not participate in the recast Asylum Procedures Directive, this study identifies broadly comparable phases in the protection procedure in Ireland under the International Protection Act 2015.

The first phase of the international protection procedure in Ireland is where an applicant expresses an intention to seek protection in the State and this is equivalent to ‘making’ an application. This can be expressed either to the International Protection Office (IPO), an administrative section in the Department of Justice responsible for processing international protection

applications, or to a member of the Garda National Immigration Bureau (GNIB) in their capacity as an immigration officer. In these situations, it is combined with the registration of the application through a section 13(2) preliminary interview. An applicant can also express an intention to seek protection to a non-competent authority, which can then refer the applicant to either the IPO or a member of GNIB in their capacity as an immigration officer. The section 13(2) interview collects biometric and basic biographic data from an applicant and assesses the admissibility of the application to the protection procedure. The second phase is the section 15 application process through which a protection application is formally lodged. This phase is conducted solely at the IPO. In practice, at the IPO, the section 13(2) preliminary interview and the section 15 application process are interlinked. Lastly, the examination phase comprises an in-depth questionnaire and a personal interview conducted pursuant to section 35 of the International Protection Act 2015.

While most of the biographic and biometric data of applicants are collected in the initial phases of the protection process (the section 13(2) interview and section 15 application process), the questionnaire and the section 35 interview of the examination phase re-collect some of these data, along with, among other data, more in-depth biographical data and further detail on the grounds of the protection claim.

Applications for international protection are channelled into two main processing streams based on a prioritisation procedure introduced by the IPO in 2017 and revised in 2021. The first stream schedules cases on the basis of oldest case first, according to the date at which the person entered the international protection system. The second stream schedules cases depending on the applicant's age, health status and the likelihood that the application is well founded. The median overall processing time for applications in 2020 was 17.6 months, and for prioritised applications it was 12.6 months.

In EU Member States and Norway, data management systems implemented in international protection procedures differ. The EMN synthesis report highlights how some categories of data are collected by all EU Member States that participated in the study, as well as Norway. This includes data on current and/or birth names, birth date, citizenship, contact details, health status, a photograph and fingerprints, information on family members already in a Member State, vulnerabilities, and level of education. Some Member States – Estonia, Finland, Germany, Greece, Latvia and the Netherlands – highlighted the frontloading of data collection as a good practice. With regard to processing times, while there was a general trend of a reduction in processing times in Member States and Norway in 2018 and 2019, the processing times vary significantly. In Spain, the average time from lodging an application until a first-

instance decision was 504 days (approximately 16.5 months), in Belgium in 2019 it was 317 days (approximately 10.4 months), in Finland it was 282 days (approximately 9.3 months) and, in the Netherlands, it was 103 days (approximately 3.4 months).

The main databases used in the international protection procedure in Ireland are the AISIP database, which is the overarching database for immigration in Ireland, run by the Immigration Service (ISD), and IP Live, which is the IPO's case-management database. The latter database stores the details of the international protection application. In addition, the fingerprints of applicants are stored in the Automated Fingerprint Information System (AFIS), which connects to the EU-wide system of Eurodac. Where a section 13(2) preliminary interview is conducted by a member of GNIB in their capacity as an immigration officer, the reference number of the fingerprints and the results of the Eurodac search are stored on GNIB's Information System (GNIB-IS).

Data protection safeguards are implemented throughout the procedure. The applicant receives a Privacy Notice as part of the section 15 application process, but they are informed of their data protection rights earlier, at the section 13(2) phase. This is through a note at the bottom of the section 13(2) form and verbally. There are also various checks for data quality, from an automated check for duplications to a requirement for the applicant to validate their information through signing the hard copies of the section 13(2) and the section 15 application, as well as the pages of their section 35 interview. Additionally, there is supervision of data protection compliance by the Data Protection Commission, which can conduct audits and inspections.

The IPO reported that two of the key challenges faced in data management in the international protection procedure include the lack of interoperability between various case-processing management systems and technical limitations in data processing. These challenges are a result of the current architecture of the data-processing systems in the international protection procedure.

A number of challenges and recommendations relating to data management have been highlighted by external actors and in reviews of the international protection system. These include, according to UNHCR, difficulties in the subsequent amendment of data and limited data collection in a format that is searchable that could subsequently be used to filter types of claims in order to further apply triaging or channelling methodologies. In 2019, the Joint Oireachtas Committee on Justice and Equality, echoing concerns raised in submissions to the Committee, also recommended the introduction of audio

recordings of the section 35 interview as a way to ensure data accuracy. Prior to this, the 2015 *Report to Government of the Working Group on the Protection Process on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers* (‘the McMahon Report’) had recommended the establishment of an expert group to consider the implications and costs of recording interviews and hearings.

The Information Technology Strategy of the Department of Justice was reviewed in a report published by the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process (‘Catherine Day Report’) in October 2020, with a specific focus on how it relates to the international protection process. The report commented that, if the strategy were implemented with sufficient resources, it could considerably improve service delivery, information analysis and user experience. The report also recommended allowing applicants and/or their representatives to track their application and improving data-sharing procedures between government departments. In February 2021, in the ‘Justice Plan 2021’, the Department of Justice sets as an objective the development of a fully digital, customer-centric immigration service, and aims to complete an end-to-end review of the international protection process.

## CHAPTER 1

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### Introduction

#### 1.1 STUDY OBJECTIVES AND BACKGROUND

This study maps the management of data in the international protection procedure in Ireland. It builds on material from the Irish contribution to the European Migration Network (EMN) report, *Accurate, timely, interoperable? Data management in the asylum procedure*, which was carried out by EMN National Contact Points during 2020.

While international protection procedures have become increasingly harmonised across most EU Member States, the management of personal data of applicants within these procedures is an area of national competence and subject to considerable variation across the EU (EMN, 2021). In recent years, the changing circumstances for international protection systems, from a significant increase in applications in 2015 and 2016 to the outbreak of the Covid-19 pandemic in 2020, brought operational challenges, such as backlogs and delays, to the fore in a number of Member States. In responding to such challenges, some Member States have begun to explore mechanisms for increased automation and digitalisation of protection procedures (EMN, 2021).

The EMN Synthesis Report details data management systems across 24 EU Member States and Norway, and examines national procedural developments in the processing, storage and sharing of personal data. The report also identifies broader trends and key challenges faced, and highlights good practices in several Member States (EMN, 2021). The purpose of this study is to map how data are collected during the international protection procedure in Ireland. It aims to support policymaking and inform the public in relation to this topic.

In Ireland, the international protection procedure changed with the introduction of the International Protection Act 2015, which came into force on 31 December 2016. It introduced the single application procedure whereby refugee status and subsidiary protection are examined as part of one procedure, along with the grounds for permission to remain on non-protection grounds. This replaced the previous sequential procedure under the Refugee Act 1996 and the Subsidiary Protection Regulations, made in 2013, 2015 and 2017.<sup>1</sup> Ireland participates in the

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<sup>1</sup> Refugee Act 1996, as amended; European Union (Subsidiary Protection) Regulations 2013, SI No. 426/2013; European Union (Subsidiary Protection) (Amendment) Regulations 2015 S.I. No. 137/2015; European Union (Subsidiary Protection) Regulations 2017 SI No. 409/2017.



Asylum Procedures Directive 2005/85/EC,<sup>2</sup> but it does not participate in the recast of this instrument, Directive 2013/32/EU.<sup>3</sup>

Through examining the various phases of the protection procedure, the main objective of this study is to detail the types of data collected from applicants in each phase, the methods used, and the authorities involved. It also examines how and to what extent data may be shared and cross-checked, as well as the key data protection safeguards and data quality checks that are currently in place. The study concludes by presenting some of the ongoing challenges in data management, including limited interoperability and technical constraints.

The European Asylum Support Office (EASO), building on the procedures for claiming protection set out in, *inter alia*, Articles 6 and 14 of the recast Asylum Procedures Directive, distinguishes four stages of an international protection application. These are: (1) ‘making’ an application, where the person expresses their intention to apply for international protection, (2) ‘registering’ an application, where the applicant’s intention to seek protection is registered, (3) ‘lodging’ an application, where the international protection application is formally lodged with the competent authority for the international protection procedure, and (4) ‘examination’ of the application, where the substantive application is assessed, typically as a first-instance interview (EASO, 2019). In this study the following broad equivalents are made in the Irish context:

- ‘Making’ and ‘registering’ – section 13, International Protection Act 2015. An applicant expresses an intention to seek protection either at the IPO, which is an administrative section within the Department of Justice responsible for processing international protection applications or, if at the frontiers of the State, by a member of GNIB in their capacity as an immigration officer.
- ‘Lodging’ – an application process under section 15, International Protection Act 2015 through which a protection application is formally lodged.
- ‘Examining’ – a questionnaire and a personal interview conducted pursuant to section 35 of the International Protection Act 2015.

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<sup>2</sup> Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, OJ L 326, 13.12.2005, p. 13–34

<sup>3</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, OJ L 180, 29.6.2013, p. 60–95. Ireland does not participate in the recast Asylum Procedures Directive 2013/32/EU pursuant to Protocol 21 to the Lisbon Treaty. Under Protocol 21, Ireland does not participate in the adoption of measures under Title V of Part Three of the Treaty on the Functioning of the European Union (TFEU) unless it notifies its intention to participate.

## 1.2 SCOPE AND METHODOLOGY

This study traces the collection and storage of data in the Irish international protection procedure from when an individual first expresses an intention to seek protection until the first-instance examination of their application. Data management after the completion of a first-instance examination and appeal procedures do not fall within the scope of the study.

The temporal scope of the study begins in 2014 and follows developments up to the start of 2021. However, as mentioned previously, this study is based on the procedure established under the International Protection Act 2015, which came into effect on 31 December 2016. Reference is made to the previous legislation, where relevant.

The study is organised according to EMN study specifications for a wider study, agreed by EMN NCPs. NCPs in participating Member States and in Norway completed a similar national report, in accordance with a common template developed by the EMN to facilitate comparability. The national contributions were then combined into an EU-level overview synthesis report.<sup>4</sup> For the Irish national study, five interviews were conducted with representatives of the International Protection Office (IPO) at the end of 2020 and in February 2021, and were followed up with correspondence. Other relevant stakeholders were consulted regarding specific aspects of the procedure: the Garda National Immigration Bureau (GNIB) as regards the section 13(2) interview, the Border Management Unit (BMU) of the Department of Justice regarding claims made at Dublin Airport, and the Irish Prison Service regarding requests to claim international protection made in prisons. Civil Justice Policy/Migration of the Department of Justice was also consulted. UNHCR was consulted, in particular in relation to the prioritisation procedure and challenges in relation to data management. Desk research was conducted in addition to the interviews and consultations with stakeholders. The figures used in this study are sourced from Eurostat and the International Protection Office.

As with all EMN studies, the methodology involved secondary research supplemented with stakeholder interviews. The focus of this study is on policy and its implementation from the perspective of national administrations. The experience of international protection applicants falls outside the scope, and applicants were not directly consulted.

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<sup>4</sup> EMN National Contact Points from 24 EU Member States and Norway participated in this particular study. The EMN consists of the European Commission and EMN National Contact Points (EMN NCPs) which are established in each Member State (except Denmark). EMN NCPs have also been established in Norway (in 2011), as well as Georgia and Moldova (in 2021) with an observer status. For further information see EMN Information Leaflet 2021 at: [https://ec.europa.eu/home-affairs/sites/default/files/emn\\_information\\_leaflet\\_final\\_march2021\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/emn_information_leaflet_final_march2021_en.pdf)

With regard to terminology, at times in this study ‘asylum’ and ‘international protection’ may be used interchangeably in the EU context. However, in the Irish context it is strictly referred to as ‘international protection’, in line with the terminology of the International Protection Act 2015. Other key terms include:

- *Dublin transfer decision*: a decision issued to an applicant for international protection where another Member State is found to be responsible for their application for international protection and therefore the individual is to be transferred to that Member State.<sup>5</sup>
- *Third-country national*: Any person who is not a citizen of the European Union within the meaning of Art. 20(1) of TFEU and who is not a person enjoying the European Union right to free movement, as defined in Art. 2(5) of the Regulation (EU) 2016/399 (Schengen Borders Code).<sup>6</sup>
- *Stateless person*: a person who is not considered as a national by any state under the operation of its law.<sup>7</sup>

### 1.3 STRUCTURE OF THE STUDY

The second chapter of this study frames the research in the broader EU context, tracing both the legislative developments within the Common European Asylum System (CEAS), and the main findings from the EMN Synthesis Report.

The third chapter presents an overview of the international protection procedure in Ireland. It looks at the making, registering, lodging and examination phases as they correspond to the Irish context. This chapter also examines the current prioritisation procedure for specific categories of cases, and presents data on processing times for applications.

The fourth chapter builds on the previous chapter to look at the data collected in each phase, along with the method of collection and the authorities involved. The fifth chapter examines the various databases used, data sharing and data protection safeguards. The sixth chapter reflects on challenges faced in data management in the protection procedure in Ireland. The final chapter concludes the study with an overview of the main findings.

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<sup>5</sup> Pursuant to 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.

<sup>6</sup> European Migration Network. Glossary 6.0. Available at: [www.ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network](http://www.ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network)

<sup>7</sup> European Migration Network. Glossary 6.0. Available at: [www.ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network](http://www.ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network)

## CHAPTER 2

### EU law and policy context

Since 1999, through the various phases of legislation of the Common European Asylum System (CEAS), the EU has sought to develop a common approach to asylum procedures across Member States.<sup>8</sup> This legislation initially sought to establish minimum standards on asylum procedures,<sup>9</sup> and has gradually moved towards the harmonisation of procedures. At present, in most EU Member States, asylum procedures are governed by the recast Asylum Procedures Directive 2013/32/EU.<sup>10</sup> In September 2020, the European Commission launched the New Pact on Migration and Asylum, which, *inter alia*, pursues further harmonisation of asylum procedures in the form of a proposal for an Asylum Procedure Regulation.<sup>11</sup> It is important to note that, while Ireland does not participate in the recast Asylum Procedures Directive 2013/32/EU, it remains bound by its participation in the Asylum Procedures Directive 2005/85/EC.<sup>12</sup>

This chapter presents an overview of the EU law and policy context on asylum procedures and EU-wide information-sharing systems and data protection regulations, and locates Ireland within this context.

#### 2.1 EU LAW AND POLICY

The recast Asylum Procedures Directive 2013/32/EU sets as its main objective “to further develop the standards for procedures in Member States for granting and withdrawing international protection with a view to establishing a common asylum procedure in the Union”.<sup>13</sup> An approximation of rules and procedures is pursued in order to limit secondary movements between EU Member States caused by differences in legal frameworks.<sup>14</sup> Yet, despite the pursuit of common procedures, the management of data within these procedures differs across the EU. Indeed,

<sup>8</sup> European Council (1999), ‘Tampere European Council 15 and 16 October 1999 Presidency Conclusions’.

<sup>9</sup> Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, OJ L 326, 13.12.2005, p. 13–34.

<sup>10</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection OJ L 180, 29.6.2013, p. 60–95.

<sup>11</sup> Amended proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, COM/2020/611 final

<sup>12</sup> Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, OJ L 326, 13.12.2005, p. 13–34.

<sup>13</sup> Recital 12, Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection. Note that Ireland does not participate in Directive 2013/32/EU.

<sup>14</sup> Recital 13, Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

with the exception of the recast Eurodac Regulation 603/2013,<sup>15</sup> which establishes a system to store fingerprints for the purposes of the Dublin III Regulation 604/2013,<sup>16</sup> the collection and storage of personal data in asylum procedures is predominantly regulated by national law and policy.

Not long after the adoption of the recast Asylum Procedures Directive 2013/32/EU, and during the period for national transposition of the Directive, there was a sharp increase in the number of people seeking asylum in the EU, peaking in 2015.<sup>17</sup> This increase brought into sharp relief the gaps in international protection procedures (Beirens, 2018; Costello and Hancox, 2015). With increasing backlogs in application processing, some Member States began to explore the use of increased automation, digitalisation and innovation (EMN, 2018).

Parallel to, and to some extent in tandem with, changes in international protection procedures, was the reform and development of centralised information systems in the EU. In May 2015, the European Commission published the *European Agenda on Migration*. In this, the Commission identified a need to make better use of IT systems and technologies, including those already in operation: (1) Eurodac, (2) the Visa Information System (VIS) and (3) the Schengen Information System (SIS) (European Commission, 2015).

Today, there are six EU information systems that have been developed to store information on third-country nationals for migration-related purposes. The VIS contains data on short-stay Schengen visa holders;<sup>18</sup> the SIS II contains alerts on borders and security.<sup>19</sup> Ireland is not part of the Schengen area and therefore does not participate in VIS.<sup>20</sup> Nonetheless, since March 2021, Ireland participates in SIS II, but not in the aspects related to the issuance of or access to Schengen-wide

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<sup>15</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 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 and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice OJ L 180, 29.6.2013, p. 1–30.

<sup>16</sup> 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 OJ L 180, 29.6.2013, p. 31–59.

<sup>17</sup> Eurostat, 'Asylum Statistics'. Accessed on 18/05/2021. Available at: [www.ec.europa.eu/eurostat/](http://www.ec.europa.eu/eurostat/)

<sup>18</sup> Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation).

<sup>19</sup> Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II). New legislation, which will come into full operation by December 2021: Regulation (UE) 2018/1860 on the use of the Schengen Information System for the return of illegally staying third-country nationals; Regulation (UE) 2018/1861 on the establishment, operation and use of the Schengen Information System (SIS) border checks; Regulation (UE) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters.

<sup>20</sup> The Schengen area entails the lifting of internal borders between participating Member States. The Schengen acquis was incorporated into the Treaty on the Functioning of the European Union in Protocol 19 to the TFEU. Ireland is not part of the Schengen area and only participates in certain aspects of the Schengen acquis. Ireland requested to participate in certain aspects of the Schengen acquis via Council Decision 2002/192/EC of 28 February 2002.

alerts for refusing entry and stay in the Schengen area.<sup>21</sup> The third information system, Eurodac,<sup>22</sup> contains the fingerprints of international protection applicants and irregular migrants in EU Member States, and is used for the purposes of determining Member State responsibility for international protection applications under the Dublin III Regulation 604/2013.<sup>23</sup> The other three databases, which are not yet operational, are (4) the Entry/Exit System (EES),<sup>24</sup> (5) the European Travel Information and Authorisation System (ETIAS),<sup>25</sup> and (6) the European Criminal Record Information System for Third-Country Nationals (ECRIS-TCN).<sup>26</sup> In 2019, in seeking to better connect the information held in each information system and to streamline access to this information, two Interoperability Regulations, 2019/817 and 2019/818, were adopted.<sup>27</sup>

The EU also recently reformed data protection legislation with the adoption of the General Data Protection Regulation (GDPR) 2016/679.<sup>28</sup> This Regulation applies to the collection and processing of personal data of international protection applicants. It lays down relevant safeguards and regulations, including *inter alia* the principles of lawfulness, purpose limitation, storage limitation, data accuracy and confidentiality. In addition, data protection safeguards and supervisory mechanisms are embedded in the VIS, SIS and Eurodac regulations.

Despite these advancements, scholars have raised concerns about obfuscation of the boundaries between security, criminal law and migration, noting in particular

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<sup>21</sup> Ireland does not participate in VIS. Ireland is not part of the Schengen area but participates in some non-border-related aspects of SIS II, in accordance with Council Decision 2002/192/EC and Council Implementing Decision (EU) 2020/1745 of 18 November 2020 on the putting into effect of the provisions of the Schengen acquis on data protection and on the provisional putting into effect of certain provisions of the Schengen acquis in Ireland.

<sup>22</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 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 and on requests for the comparison with Eurodac data by Member States’ law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice OJ L 180, 29.6.2013, p. 1–30.

<sup>23</sup> 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 OJ L 180, 29.6.2013, p. 31–59.

<sup>24</sup> Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011, OJ L 327, 9.12.2017.

<sup>25</sup> Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226, OJ L 236, 19.9.2018.

<sup>26</sup> Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726, OJ L 135, 22.5.2019.

<sup>27</sup> Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA; Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816.

<sup>28</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), OJ L 119, 4.5.2016, p. 1–88.

the wide-ranging types of data that can be collected and shared through the interoperable systems and the authorities that have access to this data (Galli, 2019; Menezes Queiroz, 2019). Scholars have also highlighted concerns with fundamental rights protections, including *inter alia* the right to privacy, access to legal remedies, and the limits on automated decision-making (Vavoula, 2020; Eliantonio, 2016; Brouwer 2008).

## 2.2 INTERNATIONAL PROTECTION PROCEDURES IN MEMBER STATES AND NORWAY

Building on the recast Asylum Procedures Directive 2013/32/EU, EASO's practical guidance (2019) outlines four procedural phases: 'making', 'registering', 'lodging' and 'examining' a protection application. However, not all legal frameworks in EU Member States and Norway echo this distinction (Table 2.1). Fifteen Member States distinguish between the three phases of 'making', 'registering' and 'lodging' in their legislation, while eight Member States and Norway do not make such a distinction. The majority of the latter group of countries conduct the first three phases simultaneously, both in legislation and in practice (EMN, 2021). In Ireland, which, as mentioned above, participates in the Asylum Procedures Directive 2005/85/EC but not the recast Asylum Procedures Directive 2013/32/EU, the first two phases, 'making' and 'registering', are covered together under section 13 of the International Protection Act 2015. There is a clear distinction in Irish legislation between 'registering' and 'lodging'.<sup>29</sup> In practice, these two phases can be quite interlinked.<sup>30</sup>

With regard to the types of data collected, while not all Member States collect the same types of data, some categories of data are collected by all Member States. This includes data on current and/or birth names, date of birth, citizenship, contact details, health status, photograph and fingerprints, information on family members already in a Member State, vulnerabilities, and level of education (EMN, 2021).

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<sup>29</sup> Section 13(2) of the International Protection Act 2015 is equivalent to 'registering' and section 15 of the International Protection Act 2015 is equivalent to 'lodging'.

<sup>30</sup> Interview with the International Protection Office, December 2020.

**TABLE 2.1 OVERVIEW OF PHASES OF PROTECTION PROCEDURE IN MEMBER STATES AND NORWAY**

Type	Member States and Norway
<b>Clear distinction between the first three phases (making, registering, lodging) in legislation</b>	Austria, Belgium, Cyprus, Czechia, Germany, Greece, Spain, France, Croatia, Hungary, Italy, Luxembourg, Malta, Netherlands, Portugal, Slovenia
<b>No clear distinction between the first three phases in legislation</b>	Estonia, Finland, Ireland, Latvia, Lithuania, Poland, Slovak Republic, Sweden, Norway
<ul style="list-style-type: none"> <li>• First three phases conducted concurrently in legislation and practice</li> </ul>	Finland, Latvia, Lithuania, Poland, Slovak Republic, Sweden, Norway
Registering and lodging conducted concurrently in legislation and practice	Estonia
<ul style="list-style-type: none"> <li>• First two phases combined in legislation. Distinction between registering and lodging phases in legislation. These phases can be interlinked in practice.</li> </ul>	Ireland
<b>Clear distinction between phases in legislation, but not in practice (the first phases are conducted concurrently)</b>	Belgium, Cyprus, Luxembourg, Netherlands
<b>Clear distinction between phases in legislation and practice</b>	Austria, Czechia, Germany, Greece, Spain, France, Croatia, Hungary, Italy, Malta, Portugal, Slovenia

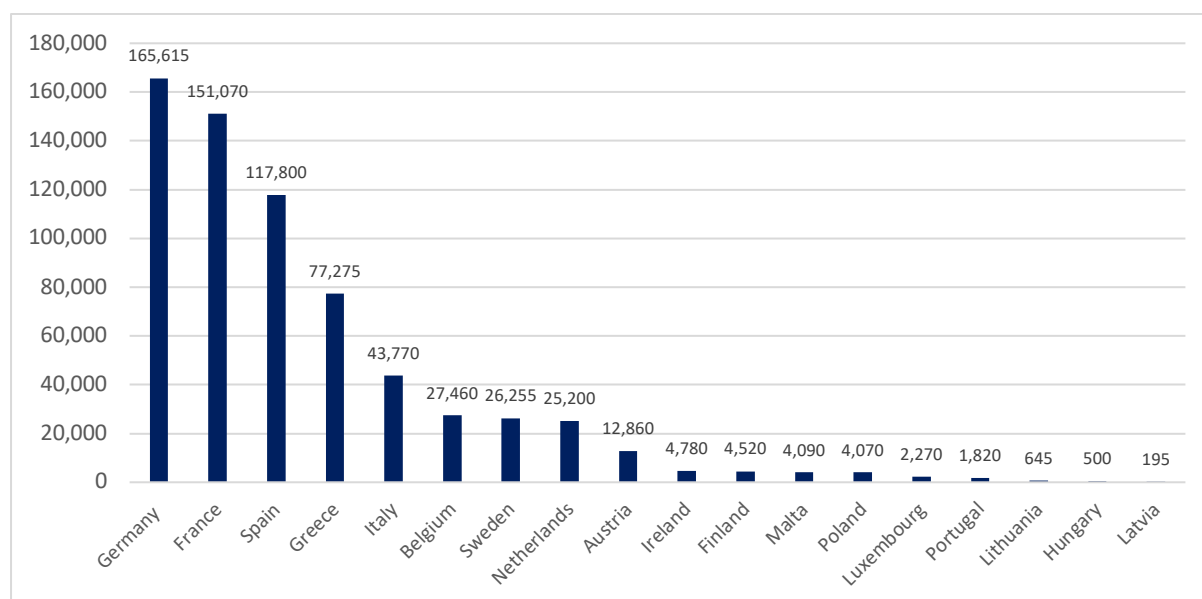
Source: European Migration Network (June 2021), 'Accurate, timely, interoperable? Data management in the asylum procedure'.

Other differences between Member States include the number of applications lodged each year (Figure 2.1), as well as average processing times. While there is a general trend of a reduction in processing times in Member States and Norway in 2018 and 2019, the processing times in each Member State vary. In Spain in 2019, for example, the average time from lodging an application until a first-instance decision was 504 days (approximately 16.5 months), in Belgium 317 days (approx. 10.4 months), in Finland 282 days (approx. 9.3 months), in Germany 187 days (approx. 6.1 months), in the Netherlands 103 days (approx. 3.4 months), and in Estonia 73 days (approx. 2.4 months) (EMN, 2021). In Ireland, as is detailed in Chapter 3, the median processing time in 2019, from registering to a first-instance decision,<sup>31</sup> was 17.5 months.<sup>32</sup>

<sup>31</sup> In Ireland, the registering phase – the section 13(2) preliminary interview – and the section 15 application process, which constitutes the lodging phase, typically take place on the same day if a translator is available (further detail in Chapter 3).

<sup>32</sup> Correspondence with the International Protection Office, March 2021.

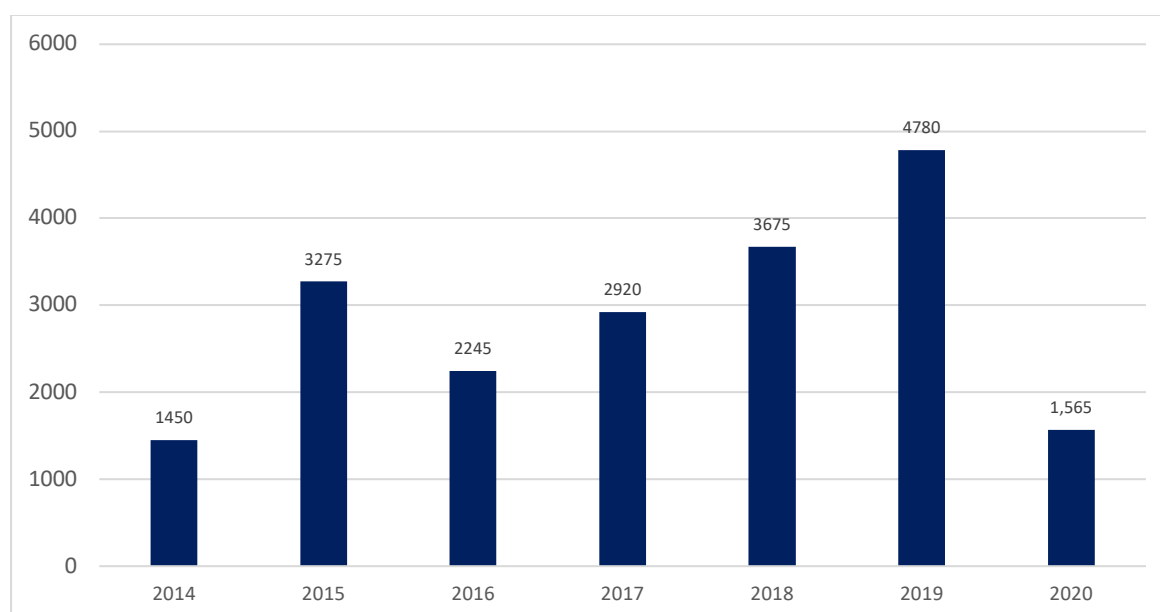


**FIGURE 2.1 INTERNATIONAL PROTECTION APPLICATIONS IN THE EU IN 2019**

**Source:** Eurostat, Asylum and first time asylum applicants by citizenship, age and sex – annual aggregated data (rounded). Available at: [www.ec.europa.eu/eurostat/databrowser/view/migr\\_asyappctza/default/table?lang=en](http://www.ec.europa.eu/eurostat/databrowser/view/migr_asyappctza/default/table?lang=en) (accessed 8 April 2021) and International Protection Office (for Ireland).

**Note:** The above countries are a selection of the 25 countries included in the EMN Synthesis Report.

While Ireland did not experience the same increase in applications as other Member States between 2014 and 2016 (Arnold, Ryan and Quinn, 2018), in recent years the number of international protection applications has gradually increased (Eurostat, 2021). In 2014, there were 1,450 applications for protection, increasing to 4,780 in 2019. In 2020, however, in the context of the Covid-19 pandemic and the ensuing restrictions, the number of applications fell to 1,565 (Figure 2.2).

**FIGURE 2.2 INTERNATIONAL PROTECTION APPLICATIONS IN IRELAND (2014–2020)**

**Source:** Eurostat, Asylum and first time asylum applicants by citizenship, age and sex – annual aggregated data (rounded). Available at: [www.ec.europa.eu/eurostat/databrowser/view/migr\\_asyappctza/default/table?lang=en](http://www.ec.europa.eu/eurostat/databrowser/view/migr_asyappctza/default/table?lang=en) (accessed 8 April 2021) and International Protection Office, February 2021.

Another source of difference between Member States is the type and number of authorities involved in the international protection procedure. In almost all Member States and Norway, border guards and local police are involved in the making, registering and/or lodging phases of the procedure. For the examining phase, in most Member States, this is conducted by a different authority, such as a ministry or an immigration office (EMN, 2021). In Ireland, members of GNIB in their capacity as immigration officers are involved at the registering phase through conducting section 13(2) preliminary interviews at ports of entry. Responsibility for processing international protection applications rests with the International Protection Office (IPO), which is an administrative section of the Department of Justice.

With regard to the data collected from applicants, most Member States frontload the amount of data collected. In the EMN Synthesis Report, a number of Member States – namely Estonia, Finland, Germany, Greece, Latvia and the Netherlands – identified the frontloading of data collection as a good practice. They highlighted how, among other things, it saves on administrative capacity, allows for other authorities involved in the international protection system to access the data, and enables the early categorisation and prioritisation of certain applications. In Germany, the frontloading of data collection allows for the employment agency to access applicants' data on education, profession, training and language skills, and record specific data on applicants' previous professional experience and qualifications. In Croatia, health authorities collect data on an applicant's health status prior to the lodging of an application (EMN 2021).

In all, while it is possible to identify general trends in the structures and functioning of asylum procedures across the EU, divergences remain between Member States. In Ireland, there are commonalities with these general trends, but, due in part to Ireland's non-participation in the recast Asylum Procedures Directive 2013/32/EU, there is a distinct approach to the international protection procedure and data collection therein, as is set out in the chapters that follow.

## CHAPTER 3

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# Overview of the international protection procedure in Ireland

The international protection procedure in Ireland is examined in this study in four main phases. The first and second phases – ‘making’, where an applicant expresses an intention to seek protection, and ‘registering’, where their claim is registered – are provided for under section 13 of the International Protection Act 2015. The subsequent phase is the section 15 application process, where the application is formally ‘lodged’. The last phase is the ‘examination’ phase, comprising an in-depth questionnaire and a section 35 personal interview.

This chapter traces these phases, describes the channelling procedures in place for case management, and presents the processing times for applications between 2014 and 2020.

### 3.1 OVERVIEW OF THE INTERNATIONAL PROTECTION PROCEDURE AND THE AUTHORITIES INVOLVED

The initial phase of the protection procedure is where a person first expresses their intention to seek protection in the State. This is equivalent to EASO’s ‘making’ stage (EASO, 2019). Most applications for protection are made at ports of entry, at the offices of the IPO, or from prisons.<sup>33</sup> Where a person expresses an intention to seek protection at the IPO, which is an administrative section in the Department of Justice responsible for processing international protection applications, or at the frontiers of the State,<sup>34</sup> this initial phase is combined with a section 13(2) preliminary interview. The preliminary interview is equivalent to EASO’s ‘registering’ stage (EASO, 2019).

Where the intention to seek protection is expressed to an authority that is not competent to register the international protection applicant, the applicant can be referred to or advised to present at the responsible authorities to start the procedure. The main non-competent authorities include the Border Management Unit (BMU), the Irish Prison Service (IPS), and Tusla, the Child and Family Agency. Immigration controls at almost all ports of entry in the State are run by GNIB; however, at Dublin Airport, BMU is the main border control authority. BMU is a civilianised border control unit under the remit of the Department of Justice. BMU

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<sup>33</sup> Interview with the International Protection Office, December 2020.

<sup>34</sup> Section 13(1), International Protection Act 2015

does not register protection applications and will refer the person to GNIB at Dublin Airport, which also carries out certain immigration-related functions at Dublin Airport.<sup>35</sup> In prisons, the prison governor will contact the IPO where an intention to seek protection is expressed, and the IPO can visit the prison.<sup>36</sup> During Covid-19, the section 13(2) interview and the section 15 application process take place via video conference.<sup>37</sup> Where the case involves an unaccompanied minor, Tusla, the Child and Family Agency is contacted. Tusla, the statutory body responsible for child protection in Ireland, can represent unaccompanied minors in its care in the protection procedure where a decision is made by Tusla to do so.<sup>38</sup> It is also possible that applicants express an intention to make a protection application to an NGO or UNHCR; the applicant would receive information on the international protection process and informed of the location of the IPO.<sup>39</sup>

The application is registered during the section 13(2) preliminary interview. This interview can be conducted either at the IPO or at the frontiers of the State by a member of GNIB in their capacity as an immigration officer. There is an approximate 50/50 split between referrals from airports/ports of entry and direct presentations to the IPO offices.<sup>40</sup> The preliminary interview collects basic biographical data and biometric data, and assesses the admissibility of the application.<sup>41</sup>

Applications can be deemed inadmissible under section 21(2) of the International Protection Act 2015 where another Member State has granted refugee status or subsidiary protection status to the person; if a country other than a Member State is a first country of asylum for the person, or the person has arrived in the State from a safe third country.<sup>42</sup> If an application is deemed inadmissible, it does not move forward to the next stage.<sup>43</sup> A finding of inadmissibility may be appealed to the International Protection Appeals Tribunal (IPAT) under section 21(6), International Protection Act 2015. The appeal is conducted without an oral hearing.<sup>44</sup> If the inadmissibility finding is overturned on appeal, the person will be invited back to complete the section 15 application process.<sup>45</sup>

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<sup>35</sup> Correspondence with the BMU, May 2021.

<sup>36</sup> Correspondence with the International Protection Office, February 2021.

<sup>37</sup> Correspondence with the International Protection Office, February 2021.

<sup>38</sup> Section 15(4), International Protection Act 2015.

<sup>39</sup> Correspondence with UNHCR, February 2021. See also: UNHCR Ireland, 'Applying for Asylum'. Available at: [www.help.unhcr.org/ireland/applying-for-asylum/](http://www.help.unhcr.org/ireland/applying-for-asylum/) (accessed 19/04/2021); See also: Nasc, the Migrant and Refugee Rights Centre, 'Know Your Rights', available at: [www.nascireland.org/know-your-rights/asylum-ireland](http://www.nascireland.org/know-your-rights/asylum-ireland) (accessed 19/04/2021).

<sup>40</sup> Interviews with International Protection Office, December 2020.

<sup>41</sup> Section 13(2), International Protection Act 2015.

<sup>42</sup> The Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020 Act No. 23 of 2020 transposes the concept of a 'safe third country' into Irish law and adds coming from a safe third country to the grounds for deeming an application to be inadmissible. The United Kingdom was designated as a safe third country via the International Protection Act 2015 (Safe Third Country) Order 2020 from 31 December 2020. S.I. No. 725 of 2020.

<sup>43</sup> Interviews with International Protection Office, December 2020.

<sup>44</sup> Section 21(7)(a), International Protection Act 2015.

<sup>45</sup> Correspondence with International Protection Office, February 2021.

As part of the section 13(2) preliminary interview phase, the fingerprints of applicants over the age of 14 are taken pursuant to section 19 of the International Protection Act 2015. These fingerprints are used to establish identity and are also inputted to the Eurodac system, for the purpose of determining the Member State responsible for examining an application for international protection pursuant to the Dublin III Regulation 604/2013.<sup>46</sup>

Where a person completes the preliminary interview at a port of entry with a member of the GNIB in their capacity as an immigration officer, they are advised to present at the IPO on the next working day.<sup>47</sup> Before Covid-19, the applicant was referred directly to the IPO, but during the pandemic the person is advised to undergo a 14-day quarantine before presenting.<sup>48</sup> A second section 13(2) interview is conducted at the IPO to ensure it is the same person who conducted a section 13(2) preliminary interview at a port of entry and because not all persons who complete an interview at a port of entry subsequently present at the IPO to continue with their application. Fingerprints are collected again, and a photograph is taken.<sup>49</sup>

The person will be offered accommodation at a reception centre, prior to being allocated accommodation elsewhere in the reception system.<sup>50</sup> They are under no obligation to accept the offer of accommodation in the reception system (Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, 2021). During the Covid-19 pandemic, applicants quarantine at specific locations prior to being allocated accommodation elsewhere in the reception system.<sup>51</sup>

The IPO is solely responsible for the last two phases of the protection procedure: the lodging and examining phases. An application is formally lodged once the section 15 application process has been completed. This will typically take place on the same day as the section 13(2) preliminary interview if an interpreter is available.<sup>52</sup> In addition to the information gathered at the section 13(2) stage, the section 15 application process gathers further information on the grounds of the claim.<sup>53</sup> While the section 13(2) interview and section 15 application process are

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<sup>46</sup> Section 19, International Protection Act 2015. 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, OJ L 180, 29.6.2013, p. 31–59.

<sup>47</sup> Interviews with the International Protection Office, December 2020.

<sup>48</sup> *Ibid.*

<sup>49</sup> Correspondence with the International Protection Office, February 2021.

<sup>50</sup> Reg. 7, European Communities (Reception Conditions) Regulations 2018, SI No. 230/2018.

<sup>51</sup> Correspondence with International Protection Office, February 2021.

<sup>52</sup> Interviews with International Protection Office, December 2020.

<sup>53</sup> Interviews with International Protection Office, December 2020.

legally separate, they are quite interlinked in practice.<sup>54</sup>

The final phase of the protection procedure, the ‘examining’ phase, comprises an in-depth International Protection Questionnaire, which the applicant is requested to return to the IPO within a non-statutory deadline of 15 working days from the date the section 15 application process was completed (deadline can be extended upon request and by giving a reason), as well as a personal interview, defined under section 35 of the International Protection Act 2015.

The personal interview is scheduled at a time and place determined by an international protection officer.<sup>55</sup> It is conducted with the assistance of an interpreter where necessary,<sup>56</sup> without the presence of family members of the applicant unless the international protection officer considers this to be necessary for an appropriate examination,<sup>57</sup> and in conditions of appropriate confidentiality.<sup>58</sup> These interviews are typically held in the International Protection Office in Dublin. In 2019, the IPO commenced a scheme to conduct some substantive interviews by video conference.<sup>59</sup> The locations where this has been used include Cork, Tipperary and Sligo (Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, 2020).

UNHCR and the applicant’s legal representative may be present at the interview.<sup>60</sup> The applicant, UNHCR or any other person concerned may “make representations in writing to the Minister in relation to any matter relevant to an examination of an application for international protection and the international protection officer shall take account of any such representations made before or during a personal interview”.<sup>61</sup> After the interview, the international protection officer prepares a report in writing.<sup>62</sup> The officer can also consider representations made after the personal interview, provided they are made before the report is prepared.<sup>63</sup>

### 3.1.1 Dublin III Regulation cases

The fingerprints of all applicants over the age of 14 are collected during registration in the section 13(2) preliminary interview.<sup>64</sup> These fingerprints are used to establish identity and to ascertain whether the person has previously lodged an application for international protection in another Member State, pursuant to the Dublin III

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<sup>54</sup> Interviews with International Protection Office, December 2020.

<sup>55</sup> Section 35(1), International Protection Act 2015.

<sup>56</sup> Section 35(3), International Protection Act 2015.

<sup>57</sup> Section 35(5)(a), International Protection Act 2015.

<sup>58</sup> Section 35(5)(c), International Protection Act 2015.

<sup>59</sup> Department of Justice (5 March 2020), Response to Parliamentary Question 3126/20. Available at: [www.oireachtas.ie](http://www.oireachtas.ie)

<sup>60</sup> Section 35(5)(b), International Protection Act 2015.

<sup>61</sup> Section 35(10), International Protection Act 2015.

<sup>62</sup> Section 35(12), International Protection Act 2015.

<sup>63</sup> Section 35(11), International Protection Act 2015.

<sup>64</sup> Section 19, International Protection Act 2015.

Regulation.<sup>65</sup> Further effect is given to the Regulation in Irish law in the *European Union (Dublin System) Regulations 2018*.<sup>66</sup> If there is a ‘hit’ on the Eurodac system, or if indications arise in the section 13(2) interview or the section 15 application process that a person may have a connection to another EU Member State, such as visas held or family connections, a personal interview is conducted with the applicant in accordance with Article 5 of the Dublin III Regulation.<sup>67</sup> This interview takes place as part of the separate Dublin procedure. In practice, the section 15 application process includes the interview under Article 5 of the Dublin III Regulation for applicants with Eurodac hit(s).<sup>68</sup>

Where another Member State is found to be responsible for the international protection application, a Dublin transfer decision can be issued. The applicant is informed of the decision, that their application made under section 15, International Protection Act 2015 will not be examined, and of their right to appeal the transfer decision to IPAT in the form set out under Schedule 1 of the *European Union (Dublin System) Regulations 2018*.<sup>69</sup>

### 3.1.2 Unaccompanied minors

Unaccompanied minors are referred directly to Tusla, the Child and Family Agency on entry to the State or upon presenting at the IPO.<sup>70</sup> Tusla is notified in accordance with section 14 of the International Protection Act 2015, and the provisions of the Child Care Acts 1991 to 2015 and the Child and Family Agency Act 2013 and other enactments relating to the care and welfare of minors apply accordingly.<sup>71</sup>

When a decision is made by Tusla to progress a protection application on behalf of an unaccompanied minor, pursuant to section 15(4) of the International Protection Act 2015, Tusla assists the unaccompanied minor in making the application.<sup>72</sup> A Tusla representative is appointed to the child and accompanies them at all stages of the international protection procedure.<sup>73</sup>

The number of applications from unaccompanied minors has remained generally stable. In 2016, there were 34 applications from unaccompanied minors (Sheridan, 2017), in 2017 there were 30 (Sheridan, 2018), decreasing to 17 in 2018 (Sheridan, 2019), and increasing again to 49 applications in 2019 (Sheridan, 2020). In 2020,

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<sup>65</sup> Section 19, International Protection Act 2015.

<sup>66</sup> European Union (Dublin System) Regulations 2018, SI No. 62 of 2018.

<sup>67</sup> Article 5, 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, *OJ L 180, 29.6.2013, p. 31–59*.

<sup>68</sup> Correspondence with International Protection Office, February 2021.

<sup>69</sup> Schedule 1, European Union (Dublin System) Regulations 2018, SI No. 62 of 2018. The right to appeal is established under Reg. 6 of the same instrument.

<sup>70</sup> Interviews with International Protection Office, December 2020.

<sup>71</sup> Section 14, International Protection Act; Child Care (Amendment) Act 2015; Child and Family Agency Act, 2013.

<sup>72</sup> Section 15(4), International Protection Act 2015.

<sup>73</sup> International Protection Office. Information booklet for Unaccompanied Minors/Separated Children who are applicants for international protection IPO 03. Available at: [www.ipo.gov.ie](http://www.ipo.gov.ie)

there were 30 applications for international protection from unaccompanied minors.<sup>74</sup>

### 3.1.3 Relocation cases

Where international protection applicants are relocated to Ireland from other EU Member States, they follow the same procedure as other protection applicants. This includes the section 13(2) preliminary interview and the phases that follow, all of which are conducted at the IPO in Dublin.<sup>75</sup>

## 3.2 CHANNELLING PROTECTION APPLICATIONS

In managing the caseload of applications for international protection, certain categories of applications can be accorded priority. The legal basis for the prioritisation of applications is section 73 of the International Protection Act 2015, which provides that:

“(1) Subject to the need for fairness and efficiency in dealing with applications for international protection under this Act, the Minister may, where he or she considers it necessary or expedient to do so—

- (a) accord priority to any application or,
- (b) having consulted with the chairperson of the Tribunal, request the chairperson to accord priority to any appeal.”<sup>76</sup>

The prioritisation procedure was introduced in 2017 by the IPO, with advice from and the support of the UNHCR, and was revised with effect from 14 June 2021. The prioritisation procedure and other grounds for prioritisation are described below.

### 3.2.1 The prioritisation procedure

With the transition from the previous legislative framework of the Refugee Act 1996, as amended, and the Subsidiary Protection Regulations of 2013 and 2015,<sup>77</sup> to the streamlined single procedure under the International Protection Act 2015, a backlog of cases was carried over. Foreseeing this backlog and the potential for ensuing delays, the *Final Report of the Working Group to Report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers* (McMahon Report), recommended a prioritisation procedure to address the backlog of cases and delays in processing (2015). In the transition to the new framework, in 2015 and 2016, the average processing times began to

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<sup>74</sup> Eurostat. Asylum applicants considered to be unaccompanied minors by citizenship, age and sex - annual data (rounded) (online data code: MIGR\_ASYUNAA )

<sup>75</sup> Interviews with International Protection Office, December 2020.

<sup>76</sup> Section 73, International Protection Act 2015.

<sup>77</sup> Refugee Act 1996, as amended; European Union (Subsidiary Protection) Regulations 2013, SI No. 426/2013; European Union (Subsidiary Protection) (Amendment) Regulations 2015, SI No. 137/2015.



increase (Arnold, Ryan and Quinn, 2018).

As a means to manage both the transitional caseload and new cases, and to ensure that certain categories of applications could be prioritised, a two-stream processing procedure was implemented in February 2017. The procedure related to scheduling and did not predetermine the form of decision issued; all applications were to receive the same full and individual assessment (Sheridan, 2017). UNHCR provided advice to the IPO in the creation of the prioritisation procedure and supported its introduction as a way “to enable the early identification of, for example, likely well-founded cases and cases involving children or the elderly”.<sup>78</sup> The prioritisation procedure was revised in June 2021.<sup>79</sup>

### 3.2.2 Processing streams

Under the prioritisation procedure, the two processing streams are: a normal non-prioritised caseload and a prioritised caseload.

In the first processing stream, interviews are scheduled on the basis of oldest case first.<sup>80</sup> This includes applicants who had not cooperated previously and are now re-engaging, as well as applicants who have come back into the procedure following Judicial Review proceedings, or where Dublin III cases have re-entered the procedure. These cases are prioritised.<sup>81</sup>

In the second processing stream as set out in the 2021 priority procedure, priority cases are selected in accordance with the criteria listed below. In each of these classes of cases, priority will be mainly accorded on the basis of oldest case first.<sup>82</sup> following criteria:

- The age of applicants.
  - Under this provision, the following cases will be prioritised:
    - Unaccompanied Minors in the care of Tusla, the Child and Family Agency.
    - Applicants who applied as Unaccompanied Minors, but who have now aged out.

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<sup>78</sup>International Protection Office (June 2021). Prioritisation of applications for international protection under the International Protection Act 2015 (amended). Available at: [www.ipo.gov.ie](http://www.ipo.gov.ie);

<sup>79</sup>International Protection Office (June 2021). Prioritisation of applications for international protection under the International Protection Act 2015 (amended). Available at: [www.ipo.gov.ie](http://www.ipo.gov.ie); Correspondence with the International Protection Office and UNHCR, June 2021.

<sup>80</sup>International Protection Office (June 2021). Prioritisation of applications for international protection under the International Protection Act 2015 (amended). Available at: [www.ipo.gov.ie](http://www.ipo.gov.ie); Correspondence with the International Protection Office and UNHCR, June 2021.

<sup>81</sup> Correspondence with the International Protection Office, February 2021.

<sup>82</sup> Correspondence with the International Protection Office, July 2021.

- Applicants over 70 years of age, who are not part of a family group.
- The likelihood that applications are well-founded. Applicants who notify the IPO after the commencement date that a medico-legal report, indicating likely well-foundedness, has been submitted, will be prioritised.
- The likelihood that applications are well-founded due to the country of origin or habitual residence of applicants. The countries included in the 2021 notice are: Syria, Eritrea, Afghanistan, Libya, Somalia, Sudan and Yemen.<sup>83</sup>
- Health grounds.
  - Applicants who notify the IPO after the commencement date that evidence has been submitted, certified by a medical consultant, of an ongoing severe/life-threatening medical condition will be prioritised.<sup>84</sup>

While this prioritisation procedure is the overarching system in place for scheduling, other grounds for prioritising an application include relocation cases under the Irish Refugee Protection Programme (IRPP) and applications from persons in detention. For applicants in detention, section 20(18) of the International Protection Act 2015 provides that the Chief International Protection Officer, or, in the case of an appeal, the Tribunal, shall ensure that the examination of the case “be dealt with as soon as may be and, if necessary, before any such application or appeal of a person not so detained”.<sup>85</sup> Personal interviews under section 35 of the International Protection Act 2015 have, on occasion, been conducted in prison locations, as required.<sup>86</sup>

### 3.3 PROCESSING TIMES

In the EU, the recast Asylum Procedures Directive 2013/32/EU sets time limits for the various phases of the asylum procedure. Ireland does not participate in this Directive and the International Protection Act 2015 does not have set processing time limits.

Under the recast Asylum Procedures Directive 2013/32/EU, the time-frame between the ‘making’ and the ‘registering’ phases is stipulated under Article 6. Article 6 (1) states that the registration of the application should be made no later than three working days after an intention to seek asylum is expressed to an authority that is competent for registering the asylum application. Where the

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<sup>83</sup> International Protection Office (June 2021). Prioritisation of applications for international protection under the International Protection Act 2015 (amended). Available at: [www.ipa.gov.ie](http://www.ipa.gov.ie)

<sup>84</sup> International Protection Office (June 2021). Prioritisation of applications for international protection under the International Protection Act 2015 (amended). Available at: [www.ipa.gov.ie](http://www.ipa.gov.ie)

<sup>85</sup> section 20(16), International Protection Act 2015.

<sup>86</sup> Correspondence with International Protection Office, February 2021.

application is made to a non-competent authority, the time limit is six days.<sup>87</sup> Article 6(2) provides that the application must then be lodged as soon as possible.<sup>88</sup>

In Ireland, while there are no statutory time limits, where the application is made (i.e. an intention to seek protection is expressed) at the IPO, the application is combined with the registering phase and a section 13(2) preliminary interview, and therefore typically occurs on the same day.<sup>89</sup> For applications made to a member of GNIB in their capacity as an immigration officer at the frontiers of the State, where GNIB conducts an initial section 13(2) interview, a second section 13(2) interview is conducted when the applicant presents at the IPO at a later stage. For all applicants, at the IPO the section 13(2) preliminary interview and the section 15 application process can take place on the same day, depending on the availability of an interpreter.<sup>90</sup>

Concerning the time between lodging an application and the conclusion of the examination phase, Article 31(3) of the recast Asylum Procedures Directive provides that this period must not exceed six months.<sup>91</sup> Member States can extend the six-month time limit for a period not exceeding a further nine months, where complex issues of fact and/or law are involved, a large number of third-country nationals or stateless persons simultaneously apply for international protection, and/or where the delay can clearly be attributed to the failure of the applicant to comply with obligations set out under Article 13 of the Directive.<sup>92</sup> Member States, by way of exception, can further exceed the time limits set out under Article 31 in order to ensure “an adequate and complete examination of the application for international protection”.<sup>93</sup>

In Ireland, the time between the section 15 application process and the personal interview under section 35 is not regulated by the International Protection Act 2015. In the first quarter of 2020, the median processing time between registering an application and a personal interview was 5.4 months for prioritised cases and 10–12 months for non-prioritised cases (Department of Children, Equality, Disability, Integration and Youth, 2021).<sup>94</sup>

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<sup>87</sup> Article 6(1), Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection OJ L 180, 29.6.2013, p. 60–95.

<sup>88</sup> Article 6(2), Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection OJ L 180, 29.6.2013, p. 60–95.

<sup>89</sup> Interviews with International Protection Office, December 2020.

<sup>90</sup> Interviews with International Protection Office, December 2020.

<sup>91</sup> Article 31(3), Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection OJ L 180, 29.6.2013, p. 60–95.

<sup>92</sup> Article 31(3), Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection OJ L 180, 29.6.2013, p. 60–95.

<sup>93</sup> Article 31(3), Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection OJ L 180, 29.6.2013, p. 60–95.

<sup>94</sup> Correspondence with the International Protection Office, July 2021.

The median overall processing time for international protection applications is measured from the date of registration in a section 13(2) preliminary interview to the date when a first-instance decision is issued. For 2018, the median processing time was 19.7 months; this reduced to 17.5 months in 2019.<sup>95</sup> For 2020, the median processing time was 17.6 months.<sup>96</sup> The Minister for Justice has stated that the restrictions implemented in the Covid-19 pandemic have resulted in delays and have meant the IPO was unable to meet its previous aim of a 9-month processing time.<sup>97</sup>

As highlighted in Chapter 2, the average processing times in other EU Member States and Norway vary. In 2019, in Spain, the average time from lodging an application to a first-instance decision was 504 days (approximately 16.5 months), in Belgium 317 days (approx. 10.4 months), in Finland 282 days (approx. 9.3 months), in Germany 187 days (approx. 6.1 months), in the Netherlands 103 days (approx.. 3.4 months) and in Estonia 73 days (approx. 2.4 months) (EMN, 2021).

**TABLE 3.1 INTERNATIONAL PROTECTION APPLICATIONS MEDIAN PROCESSING TIMES (2018–2020)**

Year	Median overall processing times
2018	19.7 months
2019	17.5 months
2020	17.6 months

Source: Correspondence with the International Protection Office, February 2021.

Before the adoption of the International Protection Act 2015, under the previous legislation,<sup>98</sup> the median processing times from the date of application for non-prioritised applications were 15.3 weeks in 2014, 29 weeks in 2015, and 41 weeks in 2016. For prioritised applications, the median processing times from the date of application were 4.4 weeks in 2014, 10.8 weeks in 2015 and 16 weeks in 2016. In the same time period, the number of applications increased from 1,450 applications for international protection in 2014 to 3,275 in 2015, and then decreased to 2,245 in 2016 (see Figure 2.2).<sup>99</sup> However, it is important to note that the figures for processing times only cover applications for refugee status under the Refugee Act 1996; since applications for refugee status and subsidiary protection

<sup>95</sup> Interviews with International Protection Office, December 2020 and consultation with the International Protection Office, February 2021. The single application procedure was introduced under the International Protection Act 2015 from 31 December 2016. Due to the transitional caseload, where there were multiple caseloads including legacy cases and applications under the new procedure, it is not possible to provide processing timeframes for 2017 and 2018.

<sup>96</sup> Department of Justice (27 January 2021). Response to Parliamentary Question 3953/21. Available at: [www.justice.ie](http://www.justice.ie)

<sup>97</sup> *Ibid.*

<sup>98</sup> Refugee Act 1996, as amended.

<sup>99</sup> Eurostat, Asylum and first time asylum applicants by citizenship, age and sex – annual aggregated data (rounded). Available at: [www.ec.europa.eu/eurostat/databrowser/view/migr\\_asyappctza/default/table?lang=en](http://www.ec.europa.eu/eurostat/databrowser/view/migr_asyappctza/default/table?lang=en) (accessed 13 July 2021).

were processed separately, they are not comparable to the median processing times in 2018, 2019 and 2020. The single application procedure was introduced under the International Protection Act 2015, which came into force on 31 December 2016. Due to the transitional caseload, where there were multiple caseloads including legacy cases and applications under the new procedure, it is not possible to provide processing timeframes for 2017.

**TABLE 3.2 REFUGEE STATUS APPLICATION MEDIAN PROCESSING TIMES (2014–2016)**

Text	Non-Prioritised Applications	Prioritised Applications
2014	15.3 weeks	4.4 weeks
2015	29 weeks	10.8 weeks
2016	41 weeks	16 weeks

Source: Office of the Refugee Applications Commissioner (March 2015), *Office of the Refugee Applications Commissioner Annual Report 2014*, p. 5. Available at: [www.orac.ie](http://www.orac.ie); Office of the Refugee Applications Commissioner (2016), *Office of the Refugee Applications Commissioner Annual Report 2015*, p.5. Available at: [www.orac.ie](http://www.orac.ie); Office of the Refugee Applications Commissioner (2017) *Summary Report of Key Developments in 2016*, p. 5. Available at: [www.orac.ie](http://www.orac.ie).

National NGOs and international organisations, including the Irish Refugee Council and UNHCR, have criticised the delays in case processing, and particularly following the commencement of the International Protection Act 2015 (UNHCR, 2018; Irish Refugee Council, 2017). A report from the *Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process* (Catherine Day Report), published in October 2020, describes how five years on from the *Final Report of the Working Group to Report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers* (the McMahon Report), the delay in processing applications remains “the single biggest problem to be overcome” (Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, 2020, p. 48). The Advisory Group report recognises that the IPO has made considerable efforts in seeking to improve processing, but it states that “mistakes were made in saddling the new IPO with legacy cases instead of treating them separately and allowing the new system to start with a clean slate” (Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, 2020, p. 48).

In the *White Paper to End Direct Provision and to Establish a New International Protection Support Service*, published by the Government in February 2021, there is a recognition of the challenges faced in processing cases. It highlights how the demand-led and litigious nature of the system, as well as the delays that arise in individual cases, present particular challenges. In the White Paper, the Department of Justice reported that it is committed to implementing the recommendations from the *Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process* (Catherine Day Report) to reduce

processing times (Department of Children, Equality, Disability, Integration and Youth, 2021).

## CHAPTER 4

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### Data collection in the international protection procedure

In most EU Member States, including Ireland, initial data collection is frontloaded in the protection procedure (EMN, 2021). In Ireland, most of the basic biographical and biometric data are initially collected through the section 13(2) preliminary interview and the section 15 application process. In the International Protection Questionnaire and the section 35 personal interview, which make up the examination phase, biographical details of applicants are re-collected, and more in-depth detail on the grounds of the protection claim is requested.

This chapter describes the types of data collected through the making, registering, lodging and examination phases, and the methods used.

#### 4.1 MAKING: EXPRESSING AN INTENTION TO SEEK PROTECTION

In the ‘making’ phase of an international protection application, where the applicant first expresses an intention to seek protection, two categories of authorities are involved, as outlined in the previous chapter. The first category is responsible authorities: the intention can be expressed directly at the IPO or to GNIB at a port of entry. In these cases, it is combined with the registration phase. The second category comprises authorities or organisations not competent for processing international protection applications, who can refer persons to the IPO or GNIB. Below, four such non-competent authorities are outlined, including the Irish Prison Service, BMU, Tusla, and UNHCR and NGOs.

First, in places of detention, which in the Irish context is either a prison or a Garda Síochána station, a person can request to seek protection through the governor of the institution or a member of the Garda Síochána, respectively. Ireland does not have designated immigration detention facilities.

If detained in a prison, the person can request to apply for international protection through the prison governor. The governor completes a form in which the following data on the applicant are collected: name, prison number, nationality, date of birth, spoken language, if an interpreter is required, and their next court date.<sup>100</sup> The IPO is informed of the person’s request. Prior to the Covid-19 pandemic, the IPO visited the prison to conduct the section 13(2) interview and

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<sup>100</sup> Form received from Irish Prison Service, March 2021.

complete the section 15 application process. During the Covid-19 pandemic, the IPO has conducted this process via video conference.<sup>101</sup> Fingerprints are only taken when the person attends the IPO after their release.<sup>102</sup> Once a new protection application is accepted at the IPO, the prison and GNIB are informed.<sup>103</sup> If the person remains in prison, their international protection application can be prioritised.<sup>104</sup>

Secondly, at Dublin Airport, a request to seek protection can be expressed to a member of the BMU. The BMU officer will verbally inform GNIB of the international protection claim. A record of this is stored on the BMU database. A number of staff of the IPO have read-only access to the BMU database.<sup>105</sup>

The third category concerns unaccompanied minors and the role of Tusla, the Child and Family Agency. When a decision is made by Tusla to progress a protection application on behalf of an unaccompanied minor, Tusla assists them in making the application.<sup>106</sup>

Lastly, other relevant organisations include UNHCR and NGOs. These organisations may provide information to individuals on the international protection procedure and the location of the IPO.<sup>107</sup>

## 4.2 REGISTERING: THE SECTION 13(2) PRELIMINARY INTERVIEW

The registering of an international protection application occurs through a preliminary interview. This preliminary interview assesses the admissibility of the application pursuant to section 21(2) of the International Protection Act 2015. Section 13(2) of the Act sets out the information that is gathered in this interview:

- (a) “whether the person wishes to make an application for international protection and, if they do so wish, the general grounds on which the application is based,
- (b) the identity of the person,
- (c) the nationality of the person,
- (d) the country of origin of the person,
- (e) the route travelled by the person to the State, the means of transport used and
- (f) details of any person who assisted the person in travelling to the State,
- (g) the reason why the person came to the State,

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<sup>101</sup> Ibid.

<sup>102</sup> Correspondence with International Protection Office, February 2021.

<sup>103</sup> Correspondence with International Protection Office, February 2021.

<sup>104</sup> Section 20(18), International Protection Act 2015.

<sup>105</sup> Correspondence with the Border Management Unit, May 2021.

<sup>106</sup> Section 15(4), International Protection Act 2015.

<sup>107</sup> Consultation with UNHCR, February 2021. Correspondence with Nasc, the Migrant and Refugee Rights Centre, May 2021.



- (h) the legal basis for the entry into or presence in the State of the person, and
- (i) whether any of the circumstances referred to in section 21(2) may apply.”<sup>108</sup>

A full list of the data collected in the section 13(2) preliminary interview is provided in Table 4.1 below.

At ports of entry, GNIB conducts the section 13(2) preliminary interview. Ten fingerprints are collected from all applicants over the age of 14, pursuant to section 19 of the International Protection Act 2015. These fingerprints are checked against Eurodac (Arnold, Byrne and Sheridan, 2017). A photograph is only taken if the person has been refused leave to land; in other words, refused permission to enter the State,<sup>109</sup> which occurs prior to the commencement of the international protection procedure. Where a person arrives at border control and immediately expresses an intention to seek protection, they may not be refused leave to land and therefore a photograph is not taken.<sup>110</sup> GNIB emails and delivers a copy of the section 13(2) interview directly to the IPO.<sup>111</sup> The only information stored on the GNIB database, GNIB-IS, is the fingerprint reference number and the results of the match on Eurodac. No other information from the section 13(2) interview is stored on GNIB-IS.<sup>112</sup>

At the IPO, a second section 13(2) interview is conducted for those referred from a port of entry to confirm it is the same person who presented at the port of entry.<sup>113</sup> The interview is the same for persons who present directly to the IPO. A photograph and fingerprints are taken, including for those referred from GNIB.

During the section 13(2) interview, the IPO sets up two case records, one on AISIP and the other on IP Live. On AISIP, a Person ID is created on AISIP in respect of an applicant, which stays with the person throughout their immigration journey and contains the applicant’s name and contact details. The AISIP record collects the following data: full name, gender, marital status, date of birth (DOB), approximate DOB, query DOB, if the person is deceased, current address, previous addresses in Ireland, email address (if provided), contact telephone number, photograph, and case-management details – what stage the case is at – across all stages of the immigration process. This database is also cross-checked for prior applications.<sup>114</sup>

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<sup>108</sup> Section 13 (2) International Protection Act 2015.

<sup>109</sup> Pursuant to section 4, Immigration Act 2004, as amended.

<sup>110</sup> Correspondence with GNIB, April 2021.

<sup>111</sup> Interviews with International Protection Office, December 2020.

<sup>112</sup> Correspondence with GNIB, April 2021.

<sup>113</sup> Correspondence with the International Protection Office, February 2021.

<sup>114</sup> Interviews with International Protection Office, December 2020.

All information related to the international protection claim is recorded on the IPO case-management system, IP Live. The fingerprints collected from applicants are saved on the national Automated Fingerprint Identification System (AFIS) database.<sup>115</sup> AFIS is a database that is managed by An Garda Síochána and links to Eurodac.<sup>116</sup> The IPO considers fingerprints to be of probative value in order to match people to previous fingerprints (Arnold, Byrne and Sheridan, 2017).

An applicant is required to sign the section 13(2) form. A signature on the section 13(2) form is taken at the IPO regardless of whether the form was signed by the applicant at the port of entry.<sup>117</sup> A copy of the interview must be retained at the IPO and a copy is given to the applicant.<sup>118</sup> A copy can also be furnished to UNHCR on request in writing.<sup>119</sup>

**TABLE 4.1 DATA COLLECTED IN THE SECTION 13(2) PRELIMINARY INTERVIEW**

Type of data collected	Phase of collection	Actor	Method of collection	Storage	Databases
<b>Name</b>					
				In an electronic file and in a paper file.	
<b>Current name</b>	Preliminary Interview, s. 13(2)	IPO, GNIB (in their capacity as immigration officers)	Oral interview, face-to-face.	Record of section 13(2) and section 15 IP Act 2015 interviews are printed out as a consolidated record (IPF 1), signed by applicant and stored on paper file.	AISIP Database
<b>Other names</b>			For prisons since Covid-19: oral interview, via videocall.		IP Live Case Management Database
<b>Gender</b>					
			Oral interview, face-to-face.		AISIP Database
<b>Gender</b>	Preliminary Interview, s. 13(2)	IPO, GNIB (in their capacity as immigration officers)	For prisons since Covid-19: oral interview, via videocall.	In an electronic file and paper file.	IP Live Case Management Database
<b>Biometric Data</b>					
<b>Photograph</b>					
				In an electronic file.	AISIP Database
<b>Photograph</b>	Preliminary Interview, s. 13(2)	IPO		The Dublin Unit hold a hard copy of the fingerprints for take back/take charge requests and Article 34 requests. These are scanned on to DubliNet in the making of a request. A redacted copy is kept on file. Once the Dublin Unit is finished with a file and before	IP Live Case Management Database
<b>Fingerprints (rolled)</b>		GNIB (in their capacity as immigration officers) (fingerprints only)	Oral interview, stage 1, face-to-face.		<i>Fingerprints only:</i> Automated Fingerprint Identification System (AFIS) GNIB-IS (only fingerprint reference)

<sup>115</sup> Interviews with International Protection Office, December 2020.

<sup>116</sup> Interviews with International Protection Office, December 2020.

<sup>117</sup> Interviews with International Protection Office, December 2020.

<sup>118</sup> Section 13(4), International Protection Act 2015.

<sup>119</sup> Section 13(5), International Protection Act 2015.

				it is moved on to other sections, any copy of the fingerprints on file is shredded.	number and results of Eurodac match)
<b>Date of Birth</b>	Preliminary Interview, s. 13(2)	IPO, GNIB (in their capacity as immigration officers)	Oral interview, face-to-face.  For prisons since Covid-19: Oral interview, via videocall.	In an electronic file and paper file.	AISIP Database  IP Live Case Management Database
<b>Nationality</b>	Preliminary Interview, s. 13(2)	IPO, GNIB (in their capacity as immigration officers)	Oral interview, face-to-face.  For prisons since Covid-19: oral interview, via videocall.	In an electronic file and paper file.	AISIP Database  IP Live Case Management Database
<b>Country of Origin</b>	Preliminary Interview, s. 13(2)	IPO, GNIB (in their capacity as immigration officers)	Oral interview, face-to-face.  For prisons since Covid-19: oral interview, via videocall.	In an electronic file and paper file.	AISIP Database  IP Live Case Management Database
<b>Intention to seek asylum (Yes/No)</b>	Preliminary Interview, s. 13(2)	IPO, GNIB (in their capacity as immigration officers)	Oral interview, face-to-face.  For prisons since Covid-19: oral interview, via videocall.	In an electronic file and paper file.	IP Live Case Management Database
<b>General grounds of the protection claim (Race <input type="checkbox"/> Religion <input type="checkbox"/> Nationality <input type="checkbox"/> Membership of a Particular Social Group <input type="checkbox"/> Political <input type="checkbox"/> Other <input type="checkbox"/>)</b>	Preliminary interview, s. 13(2)  <i>The reasons for fleeing are collected in all phases, including preliminary interview s. 13(2), 'lodging' phase, s. 15 and 'examination' phase, with increasing amounts of detail requested.</i>	IPO, GNIB (only registration, in their capacity as immigration officers)	Oral interview, face-to-face and written questionnaire. For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	IP Live Case Management Database
<b>Date of Arrival in the State</b>	Preliminary Interview, s. 13(2)	IPO, GNIB (in their capacity as immigration officers)	Oral interview, face-to-face.  For prisons since Covid-19: oral interview, via videocall.	In an electronic file and paper file.	IP Live Case Management Database
<b>Port of Entry</b>	Preliminary Interview, s. 13(2) – <i>only when applicant referred from a port of entry.</i>	IPO, GNIB (in their capacity as immigration officers)	Oral interview, face-to-face.	In an electronic file and paper file.	IP Live Case Management Database
<b>Information on the route taken</b>	Preliminary Interview, s. 13(2)	IPO, GNIB (in their capacity as immigration officers)	Oral interview, face-to-face; For prisons since Covid-19: oral interview, via videocall.	In an electronic file and paper file.	IP Live Case Management Database
<b>Reasons for coming to State</b>	Preliminary Interview, s. 13(2)	IPO, GNIB (in their capacity as immigration officers)	Oral interview, face-to-face; For prisons since Covid-19: oral interview, via videocall.	In an electronic file and paper file.	IP Live Case Management Database

<b>Legal basis for entry into State</b>	Preliminary Interview, s. 13(2)	IPO, GNIB (in their capacity as immigration officers)	Oral interview, face-to-face; For prisons since Covid-19: oral interview, via videocall.	In an electronic file and paper file.	IP Live Case Management Database
<b>Whether the person holds refugee status or subsidiary protection in another EU Member State and name of Member State</b>	Preliminary Interview, s. 13(2)	IPO, GNIB (in their capacity as immigration officers)	Oral interview, face-to-face; For prisons since Covid-19: oral interview, via videocall.	In an electronic file and paper file.	IP Live Case Management Database
<b>Language spoken</b>	Preliminary Interview, s. 13(2)	IPO, GNIB (in their capacity as immigration officers)	Oral interview, face-to-face; For prisons since Covid-19: oral interview, via videocall.	In an electronic file and paper file.	IP Live Case Management Database
<b>Contact details</b>					
<b>Phone number</b>	Preliminary Interview, s. 13(2) <i>Email address:</i> This may be volunteered and would be noted in a separate memo, and also on AISIP.	IPO, GNIB (in their capacity as immigration officers)	Oral interview, face-to-face; For prisons since Covid-19: oral interview, via videocall.	In an electronic file and paper file.	AISIP Database IP Live Case Management Database
<b>Email address</b>	Where an email address is provided to Customer Service on a 'Change of Address' form, the email address will be recorded. This can happen at any stage in the process.				
<b>Vulnerabilities</b>	Preliminary Interview s. 13(2) and subsequent phases. Applicants are asked if they have any medical condition or disability that may affect the scheduling of their interview.	IPO	Oral interview, face-to-face and written questionnaire. For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	IP Live Case Management Database

Source: Interviews with the International Protection Office, November and December 2020. Correspondence with GNIB, April 2021.

In addition to the data listed in Table 4.1, applicants are also requested to provide their passports, travel documents or other supporting documents, if they are available to them.

### 4.3 LODGING: THE SECTION 15 APPLICATION PROCESS

An application for international protection is formally made under section 15 of the International Protection Act 2015. The application form prescribed for making the application is set out in the *International Protection Act 2015 (Application for International Protection Form) Regulations 2016*.<sup>120</sup> The lodging of an application

<sup>120</sup> International Protection Act 2015 (Application for International Protection Form) Regulations 2016, SI No. 660/2016.

under section 15 is notified to UNHCR.<sup>121</sup> In addition to the information gathered at the section 13(2) stage, the interview as part of the section 15 application process gathers information on the grounds of the claim.<sup>122</sup> The data collected in this application process are set out in Table 4.2.

As indicated in the previous chapter, while the section 13(2) interview and section 15 application process are legally separate, they are interlinked in practice.<sup>123</sup> If an interpreter is available, the interview conducted as part of the section 15 application process will typically take place on the same day as the section 13(2) interview.<sup>124</sup>

The information gathered from the interview is stored on the IP Live case-management system and a combined record of the section 13(2) interview, and the interview as part of the section 15 application process is printed out (called 'IPF 1'). The applicant is asked to verify the information on the IPF 1 record and to sign the document. It is then placed on the paper file. The applicant is provided with a hard copy.<sup>125</sup>

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<sup>121</sup> Section 15(6), International Protection Act 2015.

<sup>122</sup> *Ibid.*

<sup>123</sup> *Ibid.*

<sup>124</sup> Interviews with International Protection Office, December 2020.

<sup>125</sup> Correspondence with the International Protection Office, July 2021.

**TABLE 4.2 DATA COLLECTED IN THE SECTION 15 APPLICATION PROCESS**

Type of Data Collected	Phase	Method of collection	Storage type	Databases
<b>Residency</b>				
<i>Country of habitual residence (usually only collected in cases where the applicant claims no nationality)</i> <sup>126</sup>  <i>Address in country of origin</i>	Lodging phase, during section 15 application process	Oral interview, face-to-face  For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	IP Live Case Management Database
<b>Country of birth</b>	Lodging phase during section 15 application process	Oral interview, face-to-face  For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	AISIP Database  IP Live Case Management Database
<b>Address in own country</b>	Lodging phase during section 15 application process	Oral interview, face-to-face  For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	IP Live Case Management Database
<b>Marital Status</b>	Lodging phase during section 15 application process	Oral interview, face-to-face. For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	AISIP Database  IP Live Case Management Database
<b>Profession</b>	Lodging phase during section 15 application process	Oral interview, face-to-face. For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	IP Live Case Management Database
<b>Religious affiliation</b>	Lodging phase during section 15 application process	Oral interview, face-to-face. For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	IP Live Case Management Database
<b>Family Members</b>				
<i>Spouse or civil partner</i>  <i>Children</i>  <i>Parents</i>  <i>Close relatives in the State (if provided by applicant)</i>	Lodging phase during section 15 application process   Details requested: Name, relationship, date of birth and their location.	Oral interview, face-to-face. For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	IP Live Case Management Database

<sup>126</sup> Correspondence with the International Protection Office, July 2021.

	Lodging phase during section 15 application process			
<b>Health Status</b>	Section 23 of the 2015 Act provides that an International Protection Officer or a member of the Tribunal can request a medical report at any stage of the protection procedure.  The data on health status can include data with regard to <i>vulnerabilities</i> such as pregnancy and disability. If the applicant discloses this information at an earlier stage, this can be recorded.	Oral interview, face-to-face.  For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	IP Live Case Management Database
<b>Previous application for international protection</b>	Lodging phase during section 15 application process	Oral interview, face-to-face and written questionnaire. For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	IP Live Case Management Database
<b>Reasons for claiming international protection</b>	At all three phases (registering, lodging, examining)	Oral interview, face-to-face and written questionnaire. For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	IP Live Case Management Database
<b>Reasons why applicant and, if applicable, their children under 18, cannot be returned to country of origin/country of habitual residence and should be permitted to remain in the State</b>	Lodging phase during section 15 application process	Oral interview, face-to-face. For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	IP Live Case Management Database
<b>Information on military service</b>	Lodging phase during section 15 application process	Oral interview, face-to-face. For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	AISIP Database (where provided)  IP Live Case Management Database
<b>Belonging to an ethnic group, political, social or religious organisation</b>	Lodging phase, during section 15 application process	Oral interview, face-to-face. For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	AISIP Database (where persons provide no nationality)  IP Live Case Management Database
<b>Whether the person holds refugee status or subsidiary protection in another EU Member State and name of Member State (if not provided at s13(2))</b>	Lodging phase, during section 15 application process	Oral interview, face-to-face. For prisons since Covid-19: oral interview, via videocall	In an electronic file and paper file.	IP Live Case Management Database
<b>Signature</b>	Lodging phase, during section 15 application process	Oral interview, face-to-face.	In an electronic file and paper file.	IP Live Case Management Database

Source: Interviews with the International Protection Office, November and December 2020. International Protection Act 2015 (Application for International Protection Form) Regulations 2016, SI No. 660/2016.

#### 4.4 EXAMINATION: QUESTIONNAIRE AND SECTION 35 PERSONAL INTERVIEW

The fourth phase analysed in this study is the ‘examination’ phase. It comprises an in-depth questionnaire that the applicant must complete after the lodging phase and before the personal interview, conducted under section 35 of the International Protection Act 2015, takes place.

Under section 34 of the International Protection Act 2015, an application for international protection is examined by an international protection officer for the purpose of deciding whether to recommend that “(a) the applicant should be given a refugee declaration, (b) the applicant should not be given a refugee declaration and should be given a subsidiary protection declaration, or (c) the applicant should be given neither a refugee declaration nor a subsidiary protection declaration”.<sup>127</sup> Pursuant to section 39 of the International Protection Act 2015, a report is written by the international protection officer where this recommendation is made.<sup>128</sup>

##### 4.4.1 International protection questionnaire

After the section 15 application process, an applicant is given an International Protection Questionnaire (called ‘IPO 2’), which must be completed by the applicant and returned to the IPO.

Applicants are requested to return the questionnaire within 15 working days, with the possibility of an extension where a reason is given.<sup>129</sup> The IPO has clarified that the deadline is administrative, and flexibility can be provided where additional time is needed to complete the questionnaire.<sup>130</sup> Applicants are recommended to seek legal advice when completing the questionnaire.<sup>131</sup> Applicants can submit relevant information up to two weeks prior to their section 35 personal interview.<sup>132</sup>

The questionnaire is translated into 20 languages.<sup>133</sup> The applicant can complete it in their preferred language, and it is then translated in the IPO (AIDA, 2020).

<sup>127</sup> Section 34, International Protection Act 2015.

<sup>128</sup> Section 39(2), International Protection Act 2015.

<sup>129</sup> Correspondence with the International Protection Office, July 2021.

<sup>130</sup> International Protection Office, “Clarification re: deadline for the return of the Application for International Protection Questionnaire (IPO 2)”, Department of Justice. Available at: [www.ipo.gov.ie/en/IPO/Pages/IPO\\_Questionnaire\\_IPO\\_2](http://www.ipo.gov.ie/en/IPO/Pages/IPO_Questionnaire_IPO_2)

<sup>131</sup> Information Booklet for Applicants for International Protection (IPO 1), International Protection Office, available at [www.ipo.ie](http://www.ipo.ie).

<sup>132</sup> Department of Justice (8 March 2017). Response to Parliamentary Question 12240/17. Available at [www.oireachtas.ie](http://www.oireachtas.ie).

<sup>133</sup> International Protection Office, ‘What’s New’. Available at: <http://www.ipo.gov.ie/en/ipo/pages/whatsnew> (Accessed: 6 July 2021).



A new questionnaire is in use with effect from 28 June 2021. All new applicants from this date are given the new questionnaire, which is in two parts: Part A, the Guidelines, has 10 pages, and Part B, the questionnaire itself, has 28 pages.<sup>134</sup>

Once returned, the IPO stores the questionnaire in the applicant's physical file and electronically scans the questionnaire to include it in the applicant's case record on IP Live.<sup>135</sup> During the Covid-19 pandemic, the IPO has accepted questionnaires that have been electronically completed by applicants or their legal representative so long as they are signed by the applicant.<sup>136</sup>

The questionnaire allows the applicant to outline their reasons for applying for international protection and includes, *inter alia*, information on their identity, biographical and family information, and travel details. It gives the applicant the opportunity to explain in full the grounds of their claim for international protection. Applicants may also submit documentation/further documentation in support of their application at this stage.<sup>137</sup>

#### 4.4.2 Section 35 personal interview

In the personal interview, the applicant's details are checked again with the applicant. This check is not recorded digitally.<sup>138</sup> The interview covers the substantive aspects of the international protection application, including *inter alia* the reasons for seeking protection, including for any dependants, and all information and documentation relevant to detail why the applicant cannot be returned to their country of origin.<sup>139</sup> The interviewer keeps a physical record of the interview. The applicant has the opportunity to review this record and is required to sign each page to confirm its accuracy. Where the applicant identifies information that is inaccurate, they can inform the interviewer directly and they are given an opportunity to clarify the information.<sup>140</sup>

### 4.5 CONCLUSION

This chapter has mapped the data collected from applicants throughout the phases of the international protection procedure in Ireland. As with other EU Member States, Ireland frontloads the collection of data at the start of the procedure, primarily in the section 13(2) preliminary interview and during the section 15 application process, where the application is formally lodged. The examination

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<sup>134</sup> International Protection Office, 'What's New'. Available at: <http://www.ipa.gov.ie/en/ipa/pages/whatsnew> (Accessed: 6 July 2021).

<sup>135</sup> Interview with International Protection Office, December 2020.

<sup>136</sup> Department of Justice (21 April 2021). Response to Parliamentary Question 18135/21. Available at: [www.oireachtas.ie](http://www.oireachtas.ie).

<sup>137</sup> Correspondence with the International Protection Office, July 2021.

<sup>138</sup> Interviews with the International Protection Office, December 2020.

<sup>139</sup> Information Booklet for Applicants for International Protection (IPO 1), International Protection Office, available at [www.ipa.ie](http://www.ipa.ie)

<sup>140</sup> *Ibid.*

phase of the procedure re-collects most of the biographical data of applicants through an in-depth questionnaire and addresses the grounds for the protection claim. These grounds are examined in greater detail during the section 35 personal interview.

## CHAPTER 5

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### Databases, data sharing and data protection

The data collected in the international protection procedure are primarily stored in the International Protection Office's database, the IP Live case-management system. Several other databases are used for storage and/or cross-checking during the procedure. This chapter outlines the use of these databases, if and how data are cross-checked, and the sharing of data. This is followed by an examination of the data protection safeguards and data quality checks in place throughout the procedure.

#### 5.1 DATABASE STORAGE, CROSS-CHECKING AND SHARING

In the section 13(2) preliminary interview, the registering phase, up to four databases are used for the storage of data. The first database is AISIP, the main immigration database of the Immigration Service (ISD), where a case record and a person record are set up. This database is also cross-checked for prior applications. A second case record is set up on IP Live. The other two databases relate to the storage of fingerprints. The fingerprints collected from applicants in the section 13(2) interview are saved on the national Automated Fingerprint Identification System (AFIS) database.<sup>141</sup> AFIS is a database that is managed by An Garda Síochána and links to Eurodac (Arnold, Byrne and Sheridan, 2017). Where an application for international protection is registered at the frontiers of the State by a member of GNIB in their capacity as an immigration officer, the fingerprint reference number and the results of the Eurodac match on their own database, the GNIB Information System (GNIB-IS).<sup>142</sup>

At a European level, the information collected is checked via Eurodac for the purposes of the Dublin III Regulation. Most Member States cross-check an applicant's data against the Visa Information System (VIS) and the Schengen Information System (SIS II). VIS is a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002. As of 15 March 2021, Ireland is connected to SIS II,<sup>143</sup> but it does not participate in aspects related to the issuance

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<sup>141</sup> Interviews with International Protection Office, December 2020.

<sup>142</sup> Correspondence with GNIB, April 2021.

<sup>143</sup> Department of Justice (March 2021). 'Minister McEntee and Commissioner Harris welcome Ireland's connection to Schengen Information System (SIS II)'. Available at: [www.gov.ie/en/press-release/5dc00-minister-mcentee-and-commissioner-harris-welcome-irelands-connection-to-schengen-information-system-sis-ii/](http://www.gov.ie/en/press-release/5dc00-minister-mcentee-and-commissioner-harris-welcome-irelands-connection-to-schengen-information-system-sis-ii/)

or access to Schengen-wide alerts for refusing entry and stay in the Schengen area.<sup>144</sup>

**TABLE 5.1 DATABASES USED IN THE INTERNATIONAL PROTECTION PROCEDURE**

Database	National authorities with access to the databases or their data			Data shared with other Member States ( <i>apart from the data that States share through EU databases, e.g. Eurostat, VIS, SIS, Eurodac</i> )
	Organisation	Phase(s) of procedure	Purpose	
<b>IP live</b>	IPO <i>Data may be shared with other relevant authorities in line with business and operational needs to allow the case to be processed to completion and in line with International Protection Act 2015.</i> <sup>145</sup>	All phases	Case-management system	No
<b>AISIP</b>	Immigration Service (including the IPO)	All phases	Case-management system for the immigration service (not specific to protection)	No
<b>AFIS (national)</b>	IPO, An Garda Síochána	Registering (s. 13(2)) and Lodging (s. 15 application process)	Fingerprint database (national)	Both biographic and biometric data are shared with UK authorities. These data are shared if there is an indication an application may be inadmissible (safe third country). <sup>146</sup> Data are exchanged through a secure email system. <sup>147</sup>
<b>GNIB-IS</b>	An Garda Síochána – Garda National Immigration Bureau (GNIB)	Registering s.13(2)	Border immigration control database. Fingerprint reference number and Eurodac match result information is stored.	No
<b>Eurodac</b>	IPO, An Garda Síochána	Registering s. 13(2)	Fingerprint database	No
<b>AVATS</b>	IPO	Examination phase <sup>148</sup>	National Visa Processing Database	Requests for information on previous UK visas. These are made by the Dublin Unit. Previously issued Irish visas will have implications for responsibility for an application for international protection under Dublin procedure and UK safe third-country inadmissible procedure. <sup>149</sup>

Source: Interviews with the International Protection Office, November and December 2020. Correspondence with GNIB, April 2021.

<sup>144</sup> Council Implementing Decision (EU) 2020/1745 of 18 November 2020 on the putting into effect of the provisions of the Schengen acquis on data protection and on the provisional putting into effect of certain provisions of the Schengen acquis in Ireland.

<sup>145</sup> Correspondence with the International Protection Office, February 2021.

<sup>146</sup> In accordance with the 2014 Memorandum of Understanding between UK and Ireland on the Exchange of Information for the purposes of protecting the Common Travel Area and associated Annex on Asylum Data.

<sup>147</sup> Correspondence with International Protection Office, February 2021.

<sup>148</sup> Correspondence with the International Protection Office, July 2021.

<sup>149</sup> In accordance with the 2014 Memorandum of Understanding between UK and Ireland on the Exchange of Information for the purposes of protecting the Common Travel Area and associated Annex on Asylum Data.

The IPO reported that data collected during the international protection procedure can be shared in line with business and operational needs to allow the application to be processed to completion and in line with the requirements of the International Protection Act 2015, as amended, and other relevant legislation.<sup>150</sup> Data sharing occurs within the Immigration Service of the Department of Justice, and, where appropriate, with “other Government offices/agencies including: An Garda Síochána, Legal Aid Board, Department of Employment and Social Protection, Tusla, the Child and Family Agency and the Health Service Executive”,<sup>151</sup> as well as with the International Protection Accommodation Service – Department of Children, Equality, Disability, Integration and Youth.<sup>152</sup> Information can also be shared with UNHCR “in connection with their mandate to support the international protection process”,<sup>153</sup> and in line with contracting states’ obligations under Article 35 (2) of the Refugee Convention 1951.<sup>154</sup> Information may also be shared with the translation and interpretation service provider.<sup>155</sup>

In EU Member States, most international protection processing-related databases or the data they contain may be accessed by, or shared with, other authorities (EMN, 2021). This access is primarily for institutions or organisations that are involved in the international protection procedure but can also be granted to, or data can be shared with, institutions or organisations that are not directly involved. For example, in Luxembourg, the Ministry of Health and other health authorities can access the databases of the asylum services to identify applicants who must undergo a medical check. In Germany, Luxembourg and the Netherlands, national labour authorities and employment agencies can be granted access to specific data in international protection databases (EMN, 2021).

## 5.2 DATA PROTECTION

Data protection safeguards are applied throughout the international protection procedure. Ireland implements the General Data Protection Regulation (GDPR), which has direct effect;<sup>156</sup> in other words, it directly applies in Ireland. This is supplemented by the Data Protection Act 2018. In the IPO, staff receive data management training and data protection awareness training.<sup>157</sup> The IPO also reported that staff complete an online data protection module and are expected to process data in compliance with GDPR.<sup>158</sup>

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<sup>150</sup> Correspondence with International Protection Office, February 2021.

<sup>151</sup> IPO, Privacy Note, available at [www.ipo.gov.ie](http://www.ipo.gov.ie).

<sup>152</sup> Correspondence with the International Protection Office, July 2021.

<sup>153</sup> IPO, Privacy Note, available at [www.ipo.gov.ie](http://www.ipo.gov.ie).

<sup>154</sup> Convention relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention).

<sup>155</sup> IPO, Privacy Note, available at [www.ipo.gov.ie](http://www.ipo.gov.ie).

<sup>156</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

<sup>157</sup> Interviews with International Protection Office, December 2020.

<sup>158</sup> Correspondence with International Protection Office, February 2021.

In the section 13(2) preliminary interview, the applicant is informed of their data protection rights by way of a short Privacy Notice at the bottom of the section 13(2) preliminary interview form. In this notice, applicants are informed that their data are collected in accordance with the General Data Protection Regulation and the Data Protection Act 2018.<sup>159</sup> Links are also provided to the full IPO Privacy Notice and the Data Protection Policy of the Department of Justice on its website. At this phase, the applicant is also verbally informed of their data protection rights.<sup>160</sup> Where an interpreter is available, translation can be provided. However, an interpreter may not always be available during the section 13(2) preliminary interview.<sup>161</sup>

In the next phase, the section 15 application process, the applicant is given a copy of the full IPO Privacy Notice.<sup>162</sup> The notice, developed in line with GDPR legislation, applies throughout the international protection procedure. It details the contact details of the IPO as the data controller and the purpose of data collection, including for the purposes of assessing eligibility for international protection, as well as, where relevant, permission to remain at first instance.<sup>163</sup> It also details that data may be shared for the purposes of the Dublin III Regulation and the Eurodac Regulation.<sup>164</sup> Data are stored in line with the Department of Justice's retention schedules and the requirements of the National Archives Act 1986.<sup>165</sup>

The Privacy Notice also sets out the rights of applicants, including with regard to the right to amend personal information or request erasure of personal information or a restriction of the processing of personal data. The applicant can also contact the Data Protection Support and Compliance Office (DPSCO) of the Department of Justice, the contact details of which are given. Importantly, the Privacy Notice supersedes the privacy provisions of the International Protection Booklet (IPO1), published in January 2017.<sup>166</sup> It is translated into 20 languages, including: Albanian, Amharic, Arabic, Bengali, Chinese, Dari, Farsi, French, Georgian, Kurdish, Pashto, Portuguese, Punjabi, Romanian, Russian, Somali, Spanish, Swahili, Turkish and Urdu.<sup>167</sup> While the Privacy Notice is available on the IPO's website, translations of the notice are not available online.

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<sup>159</sup> Correspondence with International Protection Office, February 2021.

<sup>160</sup> Correspondence with International Protection Office, February 2021.

<sup>161</sup> Interviews with the International Protection Office, December 2020.

<sup>162</sup> International Protection Office, General Data Protection Regulation Privacy Notice, July 2018, IPO (PP) 52 Rev 1. Available at: [www.ipso.gov.ie/en/ipo/pages/data\\_protection](http://www.ipso.gov.ie/en/ipo/pages/data_protection)

<sup>163</sup> *Ibid.*

<sup>164</sup> *Ibid.*

<sup>165</sup> International Protection Office, General Data Protection Regulation Privacy Notice, July 2018, IPO (PP) 52 Rev 1. Available at <http://www.ipso.gov.ie/en/ipo/pages/publications>. Department of Justice and Equality (July 2018). Data Protection Policy. Available at: [www.justice.ie](http://www.justice.ie)

<sup>166</sup> International Protection Office, General Data Protection Regulation Privacy Notice, July 2018, IPO (PP) 52 Rev 1. Available at: [www.ipso.gov.ie/en/ipo/pages/data\\_protection](http://www.ipso.gov.ie/en/ipo/pages/data_protection)

<sup>167</sup> Correspondence with the International Protection Office, February 2021.

At all stages of the international protection process, applicants can contact the IPO or the Data Protection Officer of the Department of Justice to access their personal data via a Subject Access Request, as well as to rectify or erase their data. A Subject Access Request Form, available on the IPO website, can be submitted by email or by post.<sup>168</sup> In the personal interview under section 35, an applicant is also requested to confirm their biographical details and can request to amend this information.<sup>169</sup>

The IPO is within the remit of the Department of Justice. Published on its website, the Department's Data Protection Policy sets out in detail the rights of data subjects, as well as the obligations of the Department.<sup>170</sup> Staff in the Department, including the IPO, are required to inform the Data Protection Officer of an identified or suspected personal data breach.<sup>171</sup> The officer is then required to inform the Data Protection Commission, without undue delay, where the breach will likely result in a risk to the rights and freedoms of any of the data subjects involved.<sup>172</sup> Where high risk is identified, the IPO is required to inform the data subjects. The Data Protection Officer in the Department of Justice is the assigned contact point regarding the implementation of data protection rules and to whom a complaint about a claimed violation of GDPR can be made. The officer's contact details are provided in the IPO's Privacy Notice and are also available on the website of the Department of Justice.<sup>173</sup> There is also a Data Protection Steering Group in the Department of Justice who "oversee, monitor and ensure compliance with data protection legislation".<sup>174</sup> Lastly, the Department's policy details the requirement for a 'Data Protection Impact Assessment' (DPIA), which is used by the Department where there is a proposed mechanism to process data (in particular with regard to new technology) that would pose a high risk to the rights and freedoms of data subjects.<sup>175</sup>

### 5.2.1 Data Protection Commission

Part of ensuring compliance with data protection rules is the supervision mechanism for data protection. On a national level, the Data Protection Commission (DPC) is the 'supervisory authority' for Ireland. The DPC, in addition to its tasks assigned by virtue of GDPR, also has a specific supervisory role as regards the Dublin Regulation and Eurodac under section 12(2) of the Data Protection Act

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<sup>168</sup> International Protection Office, 'Data Protection', available at: [www.ipa.gov.ie/en/ipa/pages/data\\_protection](http://www.ipa.gov.ie/en/ipa/pages/data_protection)

<sup>169</sup> Interview with the International Protection Office, December 2020.

<sup>170</sup> Department of Justice, Data Protection Policy, June 2020. Available at: [www.justice.ie/en/JELR/Pages/Data\\_Protection](http://www.justice.ie/en/JELR/Pages/Data_Protection)

<sup>171</sup> Under recital 12 of the General Data Protection Regulation 2016/679, "personal data breach" is defined as means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed".

<sup>172</sup> *Ibid.*

<sup>173</sup> International Protection Office, General Data Protection Regulation Privacy Notice, July 2018, IPO (PP) 52 Rev 1. Available at [www.ipa.gov.ie/en/ipa/pages/data\\_protection](http://www.ipa.gov.ie/en/ipa/pages/data_protection)

<sup>174</sup> *Ibid.*, p.12.

<sup>175</sup> *Ibid.*

2018.<sup>176</sup> The European Data Protection Supervisor (EDPS) has supervisory competence for the central Eurodac system. Data protection authorities in the Member States supervise the processing of data by the national authorities, and the transmission of this data to the central unit. The DPC participates in the Eurodac Supervision Coordination Group.<sup>177</sup>

The DPC can conduct audits of the IPO, pursuant to section 136 of the Data Protection Act 2018,<sup>178</sup> and has conducted such audits under the previous legislative framework of the Data Protection Act 1988, as amended (Data Protection Commissioner, 2017).<sup>179</sup>

### 5.3 DATA QUALITY

The quality of alphanumeric and biometric data collected throughout the international protection procedure is assessed using both automatic and retroactive tools.

The IPO conducts a daily internal check, and a tool on the IP Live case-management system detects duplicate applications/conflicts through an automated scan. When statistics are compiled, incomplete data on a record can be highlighted, and addressed if necessary.<sup>180</sup>

Another mechanism to ensure the quality of data collected is the involvement of the applicant. As mentioned in previous chapters, the applicant is required to confirm that all details collected in the section 13(2) interview and during the section 15 application process are correct at the end of the second interview by signing the combined IPF1 form. The applicant receives a copy of this form. At the start of the section 35 personal interview, the applicant's biographical details are checked with the applicant, and at the end of this interview, the applicant is also requested to sign each page of the interview record to confirm the details recorded are accurate.<sup>181</sup> Where the applicant seeks to raise issues later in the procedure, they are given the details to contact the IPO in the Privacy Notice.<sup>182</sup>

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<sup>176</sup> Section 12(2), Data Protection Act 2018.

<sup>177</sup> Data Protection Commission, 'Eurodac', available at: [www.dataprotection.ie/en/eurodac](http://www.dataprotection.ie/en/eurodac)

<sup>178</sup> Section 136, Data Protection Act 2018.

<sup>179</sup> Sections 10(1A) and (1B), Data Protection Act 1988.

<sup>180</sup> Interviews with the International Protection Office, December 2020.

<sup>181</sup> Interview with the International Protection Office, December 2020.

<sup>182</sup> International Protection Office, General Data Protection Regulation Privacy Notice, July 2018, IPO (PP) 52 Rev 1. Available at: [www.ip.o.gov.ie/en/ipo/pages/data\\_protection](http://www.ip.o.gov.ie/en/ipo/pages/data_protection)



## **5.4 CONCLUSION**

This chapter has presented the main databases used in the international protection procedure and detailed the extent to which data are shared with other databases and/or authorities and for what purpose. In addition, the key data protection safeguards have been outlined, as well as the current mechanisms for data quality checks.

## CHAPTER 6

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### Challenges in data management and ongoing reviews

In Ireland, recent years have seen the use of new technologies in the protection procedure. Video conferencing technology has been used for personal interviews in locations outside of Dublin, including Cork, Sligo and Tipperary (Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, 2020). Moreover, while the Covid-19 pandemic has resulted in delays in case processing,<sup>183</sup> as detailed in Chapter 3, it has also seen the use of video conferencing technologies for the section 13(2) interview and the interview conducted as part of the section 15 application process for applicants in prisons.<sup>184</sup> Given the public health restrictions, the IPO has also accepted questionnaires electronically completed by applicants or their legal representative so long as they are signed by the applicant.<sup>185</sup>

However, much as in other EU Member States, recent years have also seen challenges arise in data management. These vary from limited human or financial resources to difficulties in cross-checking data against specific databases, which can be due to the incompleteness of data or different rules applicable to different databases (EMN, 2021).

The challenges faced in Ireland are set out below. Some of them are addressed as part of the ongoing review within the Department of Justice of the use of information technology.

#### 6.1 CHALLENGES IN DATA MANAGEMENT

Two of the main challenges reported by the IPO were the lack of interoperability of various case processing systems and the technical limitations in data processing. The IPO described how these challenges are due to the architecture of current systems, whereby the interrogation of the various systems is not as streamlined as it could be.<sup>186</sup>

A number of external bodies and advisory groups have also identified challenges in data processing. Arising from its engagement with legal representatives, UNHCR

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<sup>183</sup> Department of Justice (27 January 2021). Response to Parliamentary Question 3953/21. Available at: [www.justice.ie](http://www.justice.ie)

<sup>184</sup> Interviews with the International Protection Office, December 2020.

<sup>185</sup> Department of Justice (21 April 2021). Response to Parliamentary Question 18135/21. Available at: [www.oireachtas.ie](http://www.oireachtas.ie)

<sup>186</sup> Correspondence with the International Protection Office, February 2021.

indicated that challenges had arisen at times in the correction of data collected in the registration phase. Where issues emerge – for example, regarding country of nationality/statelessness – it can be very difficult to get this corrected.<sup>187</sup> The IPO stated that, at the registration phase, where the applicant does not have a passport, national ID card or other document to support their identity, the IPO takes the data provided by the applicant at face value. In general, a simple correction, such as spelling that does not greatly affect the name, can be done quickly. The more complex the change, such as date of birth, nationality or a new name, the greater the requirement for verifiable biometric evidence.<sup>188</sup>

Related to improving data accuracy, a recurring recommendation in reports by independent bodies and NGOs on the protection process is the introduction of audio recording of the section 35 personal interview. The 2015 *Final Report of the Working Group to Report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers* (McMahon Report) recommended the establishment of an expert group to “consider the issue in more detail in order to fully explore the implications and costs concerned and to come to a conclusion on whether or not recording of interviews/hearings should be implemented at first instance and/or appeal” (Working Group to Report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, 2015, p. 126). The 2015 report made reference to UNHCR’s Manual on Building a High Quality Asylum System, which states that “the most effective manner of making an accurate record is to audio or video record interviews” (*ibid.*, p. 125). In 2019, the Oireachtas Joint Committee on Justice and Equality (2019a) recommended the use of audio recordings in line with best practice. This was raised in the Submissions to the Committee by migrant-led organisations, AkiDwA and the Movement for Asylum Seekers in Ireland (MASI) as a way to ensure greater accuracy and transparency (Oireachtas Joint Committee on Justice and Equality, 2019b).

The *Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process* (Catherine Day Report) from October 2020 also recommended the introduction of audio recordings, with unedited copies of the audio recordings provided to applicants within 10 working days of the interview (Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, 2020). This recommendation is currently under consideration (Department of Children, Equality, Disability, Integration and Youth, 2021).

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<sup>187</sup> Correspondence with UNHCR, February 2021.

<sup>188</sup> Correspondence with the International Protection Office, March 2021.

The Advisory Group report also reviewed the ICT Strategy of the Department of Justice, with a specific focus on the international protection process (see also section 6.2). It highlighted how one of the three areas of immediate and urgent focus identified in the Department of Justice’s ICT strategy included “immediate efforts to improve data” (Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, 2020, p. 54). This was not only to “underpin the provision of digital services”, but also to support the analysis of data (*ibid.*). More generally, a recent report by Fahey *et al.* noted that there is less published data on the international protection procedure by the IPO as compared to its predecessor, the Office of Refugee Applications Commission (ORAC) (Fahey, McGinnity and Quinn, 2019). This change in practice is one of the four main data gaps in administrative immigration data highlighted by the study (*ibid.*).

A further challenge in data management raised by UNHCR was that there is limited data collection in a format that is searchable that could be used to filter different types of claims in order to further apply triaging or channelling methodologies.<sup>189</sup>

## 6.2 REVIEW AND REFORMS

In October 2020, the report published by the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process (Catherine Day Report) reviewed the ICT Strategy of the Department of Justice, with a specific focus on how it relates to the international protection process. The review sought to “help realise efficiencies and improve the applicant experience” (Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, 2020, p. 51). The report comments “that, if sufficiently resourced and implemented, [the ICT Strategy] will considerably improve service delivery, information analysis, trend forecasting and the user (external and internal) experience in all areas of the Department” (*ibid.*, p. 51). A number of recommendations on further reforms to the IT system are made in the report, including, *inter alia*:

- “Introduction of an online system that enables an applicant’s case to be tracked at each stage in the process – from initial application to discharge from the system following final decision.” (*ibid.*, p. 51)
- “The initial part of the applicant processing system should be the same for all applicants. This should be done by a cohort of staff with specialised expertise and knowledge and access to relevant databases/ systems. Once the identity of the applicant is established at the initial stages of application, it should not need to be done again in further processes related to the applicant, as is currently the case.” (*ibid.*, p. 51) “Effective

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<sup>189</sup> Correspondence with UNHCR, February 2021.

exchange of information within the Department of Justice and with other Departments”. (*ibid.*, p. 52)

There is also a recommendation for a comprehensive, end-to-end review of all IPO, Ministerial Decisions Unit (MDU) and International Protection Appeals Tribunal (IPAT) processes. It was recommended that this be commenced in early 2021. The Advisory Group further recommended the introduction of a new IT system by 2023, with funding secured by 2021.

Beyond the ICT Strategy, the report includes a recommendation on the shortening of the International Protection Questionnaire and that this questionnaire be provided electronically without affecting the rights of applicants to include additional data in support of their applications (*ibid.*, p. 56). A shortened questionnaire was introduced on 28 June 2021.<sup>190</sup>

The Department of Justice Strategy Statement 2021–2023, published in February 2021, describes the pursuit of a digital transformation within the Department. One of the five main goals set out in the strategy is the delivery of a fair immigration system for the digital age. The strategy describes a need to shift from “paper-based and labour-intensive processes to efficient, robust and customer-centric frontline immigration services” in what is termed a ‘Digital First’ policy (Department of Justice, 2021a, p. 18). In meeting these objectives, the Department sets actions that include, *inter alia*, publishing a roadmap for the transition to online application processes, the publication of a digital strategy for immigration, and a complete end-to-end review of the International Protection Process. The Justice Plan sets as its goal the completion of these actions by the end of 2021 (Department of Justice, 2021b).

Finally, the *White Paper to End Direct Provision and to Establish a New International Protection Support Service*, published in February 2021, highlighted how €5 million was secured by the Minister for Justice for the ICT Strategy, with “a significant portion of this investment” to be used for immigration and international protection-related purposes (Department of Children, Equality, Disability, Integration and Youth, 2021, p. 50). Responding to recommendations of the Advisory Group, the White Paper also described how the recommendation that the International Protection Questionnaire be shortened significantly was “in progress”, and the recommendation that it be made available electronically was “under consideration” (*ibid.*, p. 139). As detailed above, a shortened questionnaire has since been introduced.

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<sup>190</sup> International Protection Office. ‘What’s New’. Available at: <http://www.ipa.gov.ie/en/ipa/pages/whatsnew> (accessed 6 July 2021).

## CHAPTER 7

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### Conclusion

This study has mapped the overarching data management system of the international protection procedure in Ireland. It traces the main phases of data collection in the protection procedure, identifying four key phases. The first and second phases, ‘making’ and ‘registering’, are combined pursuant to section 13, International Protection Act 2015. This is where a person expresses an intention to seek protection, and then application is assessed for admissibility and registered via a section 13(2) preliminary interview. If the application is admissible, it enters the second phase, where it is lodged pursuant to section 15, International Protection Act 2015. The third and final phase is the examination phase. This phase comprises an in-depth questionnaire and a personal interview under section 35, International Protection Act 2015.

Similar to other EU Member States, in Ireland the protection procedure frontloads the collection of data from applicants in the initial phases of the procedure. However, this information is then mostly re-collected from applicants in the examination phase.

The prioritisation scheme for applications in Ireland, originally published in 2017 and revised in June 2021, consists of two processing streams that determine the scheduling of a personal interview. The first processing stream schedules interviews on the basis of when the application was lodged. The second stream prioritises cases based on a number of factors, including age, well-foundedness, and health grounds.

In 2019, the median processing time for all applications was 17.5 months. In 2020, the median processing time was similar, at 17.6 months. The Minister for Justice has stated that the restrictions implemented during the Covid-19 pandemic have resulted in delays and have meant the IPO was unable to meet its previous aim of a 9-month processing time. In other EU Member States the average processing times vary. In 2019, the average processing time — from lodging an application to a first-instance decision — in Spain was 504 days (approx. 16.5 months) and in Belgium 317 days (approx. 10.4 months), whereas in the Netherlands the average processing time in 2019 was 103 days (approx. 3.4 months).

Responsibility for data collection in the international protection procedure rests with staff at the IPO and members of GNIB in their capacity as immigration officers. The former are responsible for processing applications and the latter are involved in registering applications for international protection through a section 13(2) preliminary interview at ports of entry. Once registered, the person is then referred to the IPO. Other non-competent authorities, including the Border Management Unit or the Irish Prison Service, can refer applicants to a member of GNIB in their capacity as an immigration officer or to the IPO. Tusla, the Child and Family Agency, is involved in the applications of unaccompanied minors.

The main database used in the international protection procedure is the IPO's 'IP Live' case-management system. AISIP, the Immigration Service's database, is also used at registration, with a record created containing basic biographical details for all applicants. Two further databases can be used for fingerprints. Ten fingerprints are collected from applicants in the registration phase and are stored on AFIS, which connects to Eurodac. When an application is registered with GNIB, the reference number of the fingerprints and the results of the Eurodac search are stored on GNIB-IS.

Data can be cross-checked against AISIP as well as against AVATS, the Irish visa database. Data protection safeguards are in place throughout the protection procedure. However, the main Privacy Notice is given to applicants in the lodging phase. Translations of the Privacy Notice are provided in hard copy in 20 languages. The Privacy Notice is also available on the IPO's website, but translations are not available online.

In recent years, there have been some moves towards increased use of technology in the procedure, as seen in the use of remote video conferencing for personal interviews from designated places outside of Dublin, including Cork, Sligo and Tipperary. Moreover, while the Covid-19 pandemic may have resulted in delays in the processing of applications, it has also meant that video conferencing has been used in prisons to conduct section 13(2) interviews and the section 15 application process, while the IPO has accepted electronically completed questionnaires from applicants or their legal representatives, so long as they are signed.

Some of the main challenges faced in data management, as reported by the IPO, are the interoperability of case-management systems and technical limitations in data processing. Arising from its engagement with legal representatives, UNHCR indicated that challenges had arisen at times in the correction of data collected in the registration phase. Where issues emerge – for example, regarding country of nationality/statelessness – it can be very difficult to get this corrected. Moreover, UNHCR also indicated that data is not stored in a manner that is searchable,

allowing for subsequent use to filter different types of claims and apply triaging or channelling methodologies. Improvements to data accuracy through the audio recording of section 35 interviews have also been recommended, including in the *Final Report of the Working Group to Report to Government Working Group on the Protection Process on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers* (McMahon Report) and the final report of the Joint Oireachtas Committee on Justice and Equality in 2019.

The Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process (Catherine Day Report), published in October 2020, reviewed the new ICT strategy of the Department of Justice. It recognised the potential benefits of the pursued changes in the strategy, and issued further recommendations, such as allowing applicants or their representatives to track their applications online as well as a recommendation that applicants should not have to re-establish identity after the initial stages of the application procedure. The report highlighted the ICT strategy's description of three areas of urgent and immediate focus, including to improve data to support analysis.

The Justice Plan 2021 of the Department of Justice seeks to implement a digital transformation in the Department and further digitalise immigration and international protection procedures. It plans, among other things, an end-to-end review of the international protection process.



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## APPENDIX I – DATA COLLECTED IN REGISTRATION AND LODGING PHASES (SECTIONS 13 AND 15)

Type of data collected	Phase(s) of initial collection	Actor	Method of collection	Storage	Databases
Name (Current name, Other names)	section 13(2) preliminary interview.	IPO, GNIB (in their capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	AISIP Database, IP Live Case Management System
Gender	section 13(2) preliminary interview.	IPO, GNIB (in capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	AISIP Database, IP Live Case Management System
Biometric Data (Photograph, Fingerprints – rolled)	section 13(2) preliminary interview.	IPO, GNIB – fingerprints only (in capacity as immigration officers)	Oral interview, face-to-face.	Electronic and paper files  The Dublin Unit holds a hard copy of the fingerprints for take back/take charge requests and article 34 requests. These are scanned on to DublinNet in the making of a request. A redacted copy is kept on file. Once the Dublin Unit is finished with a file and before it is moved on to other sections, any copy of the fingerprints on file are shredded.	IP Live Case Management System  Fingerprints: AFIS, GNIB-IS (fingerprint reference and Eurodac results)
Date of Birth	section 13(2) preliminary interview.	IPO, GNIB (in capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	AISIP Database, IP Live Case Management System
Nationality	section 13(2) preliminary interview.	IPO, GNIB (in capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	AISIP Database, IP Live Case Management System
Country of Origin	section 13(2) preliminary interview.	IPO, GNIB (in capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	AISIP Database IP Live Case Management System

Port of entry	section 13(2) preliminary interview.	IPO, GNIB (in capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Date of arrival in State	section 13(2) preliminary interview.	IPO, GNIB (in capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Intention to seek international protection (Y/N)	section 13(2) preliminary interview.	IPO, GNIB (in capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
General grounds of the protection claim (Race <input type="checkbox"/> Religion <input type="checkbox"/> Nationality <input type="checkbox"/> Membership of a Particular Social Group <input type="checkbox"/> Political <input type="checkbox"/> Other <input type="checkbox"/> )	section 13(2) preliminary interview.	IPO, GNIB (in capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Information on the route taken	section 13(2) preliminary interview.	IPO, GNIB (in capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Reasons for coming to State	section 13(2) preliminary interview.	IPO, GNIB (in capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Legal basis for entry into State	section 13(2) preliminary interview.	IPO, GNIB (in capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Whether the person holds refugee status or subsidiary protection in another EU Member State and name of Member State	section 13(2) preliminary interview.	IPO, GNIB (in capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Language spoken	section 13(2) preliminary interview.	IPO, GNIB (in capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Contact details (email, phone)	section 13(2) preliminary interview.	IPO, GNIB (in capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	AISIP Database, IP Live Case Management System

Vulnerabilities	section 13(2) preliminary interview. Applicants are asked if they have any medical condition or disability that may affect the scheduling of their interview.	IPO, GNIB (in capacity as immigration officers)	Oral interview, face-to-face. For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Belonging to an ethnic group, political, social or religious organisation	section 15 application process	IPO	Oral interview, face-to-face. For prisons since Covid-19: Oral interview, via videocall	electronic file and paper file.	AISIP Database (where persons provide no nationality) IP Live Case Management Database
Residency (Country of former habitual residence, address in country of origin)	section 15 application process	IPO	Oral interview, face-to-face For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Country of Birth	section 15 application process	IPO	Oral interview, face-to-face For prisons during Covid-19, via video conference.	Electronic and paper files	AISIP Database IP Live Case Management System
Address in own country	section 15 application process	IPO	Oral interview, face-to-face For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Marital Status	section 15 application process	IPO	Oral interview, face-to-face For prisons during Covid-19, via video conference.	Electronic and paper files	AISIP Database IP Live Case Management System
Profession	section 15 application process	IPO	Oral interview, face-to-face For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Religious Affiliation	section 15 application process	IPO	Oral interview, face-to-face For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Family Members (spouse/civil partner, parents, children and close relatives in the State [if information volunteered by applicant])  - Name - Date of birth - Current whereabouts	section 15 application process	IPO	Oral interview, face-to-face For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Previous applications for international protection	section 15 application process	IPO	Oral interview, face-to-face For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System

Health status	<p>section 15 application process</p> <p>Section 23 of the 2015 Act provides that an International Protection Officer or a member of the Tribunal can request a medical report at any stage of the protection procedure.</p> <p>The data on health status can include data with regard to vulnerabilities such as pregnancy and disability. If the applicant discloses this information at an earlier stage, this can be recorded.</p>	IPO	Oral interview, face-to-face For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Reasons for claiming international protection	<p>section 15 application process</p> <p>At all three phases, including preliminary interview s. 13(2), 'lodging' phase, section 15 application process, and 'examination' phase, s. 35</p>	IPO	Oral interview, face-to-face For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Military service	section 15 application process	IPO	Oral interview, face-to-face For prisons during Covid-19, via video conference.	Electronic and paper files	AISIP Database (if applicable) IP Live Case Management System
Reasons why applicant and, if applicable, their children under 18, cannot be returned to country of origin/country of habitual residence and should be permitted to remain in the State	section 15 application process	IPO	Oral interview, face-to-face For prisons during Covid-19, via video conference.	Electronic and paper files	IP Live Case Management System
Whether the person holds refugee status or subsidiary protection in another EU Member State and name of Member State (if not provided at s13(2))	section 15 application process	IPO	Oral interview, face-to-face. For prisons since Covid-19: Oral interview, via videocall	Electronic file and paper file.	IP Live Case Management Database
Signature	section 15 application process	IPO	Oral interview, face-to-face.	Paper file	IP Live Case Management System

## APPENDIX II – NUMBER OF INTERNATIONAL PROTECTION APPLICATIONS IN IRELAND (2014–2020)

Year	Number of applications for international protection
2014	1450
2015	3275
2016	2245
2017	2920
2018	3675
2019	4780
2020	1565

*Source:* Eurostat Asylum and first time asylum applicants by citizenship, age and sex – annual aggregated data (rounded); [www.ec.europa.eu/eurostat/databrowser/view/migr\\_asyappctza/default/table?lang=en](http://www.ec.europa.eu/eurostat/databrowser/view/migr_asyappctza/default/table?lang=en) (accessed 8 April 2021)



## APPENDIX III – NUMBER OF ASYLUM APPLICATIONS IN EU MEMBER STATES AND NORWAY IN 2019 AND 2020

Country	Number of asylum applications in 2019	Number of asylum applications in 2020	Change (%)	Trend
Austria	12,860	14,760	14.77	↑
Belgium	27,460	16,710	-39.15	↓
Bulgaria	2,150	3,525	63.95	↑
Croatia	1,400	1,605	14.64	↑
Cyprus	13,650	7,440	-45.49	↓
Czechia	1,915	1,160	-39.43	↓
Denmark	2,700	1,475	-45.37	↓
Estonia	105	50	-52.38	↓
Finland	4,520	3,190	-29.42	↓
France	151,070	93,200	-38.31	↓
Germany	165,615	121,955	-26.36	↓
Greece	77,275	40,560	-47.51	↓
Hungary	500	115	-77.00	↓
Iceland	845	640	-24.26	↓
Ireland	4,780	1,565	-67.26	↓
Italy	43,770	26,535	-39.38	↓
Latvia	195	180	-7.69	↓
Lithuania	645	315	-51.16	↓
Luxembourg	2,270	1,345	-40.75	↓
Malta	4,090	2,480	-39.36	↓
Netherlands	25,200	15,255	-39.46	↓
Norway	2,265	1,375	-39.29	↓
Poland	4,070	2,785	-31.57	↓
Portugal	1,820	1,000	-45.05	↓
Romania	2,590	6,155	137.64	↑
Slovakia	230	280	21.74	↑
Slovenia	3,820	3,550	-7.07	↓
Spain	117,800	88,530	-24.85	↓
Sweden	26,255	16,225	-38.20	↓

Source: Eurostat Asylum and first time asylum applicants by citizenship, age and sex – annual aggregated data (rounded); [www.ec.europa.eu/eurostat/databrowser/view/migr\\_asyappctza/default/table?lang=en](http://www.ec.europa.eu/eurostat/databrowser/view/migr_asyappctza/default/table?lang=en) (accessed 30 June 2021).

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An Roinn Dlí agus Cirt  
Department of Justice

