



STATUTORY INSTRUMENTS.

S.I. No. 140 of 2016



EUROPEAN UNION (DUBLIN SYSTEM) (AMENDMENT)
REGULATIONS 2016

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

Citation

1. These Regulations may be cited as the European Union (Dublin System) (Amendment) Regulations 2016.

Interpretation

2. In these Regulations, “Regulations of 2014” means the European Union (Dublin System) Regulations 2014 (S.I. No. 525 of 2014).

Amendment of Regulation 2 of Regulations of 2014

3. Regulation 2 of the Regulations of 2014 is amended by the insertion of the following definitions in paragraph (1):

“ ‘contract for services’ means a contract for services entered into by the Minister with a person for the provision by the person of assistance to the Commissioner in the performance by the Commissioner of his or her functions under the Act of 1996, the Regulations of 2013 or these Regulations;

‘person who has entered into a contract for services’ means a person who has entered into a contract for services with the Minister;

‘port’ has the meaning it has in section 1 of the Immigration Act 2004;”.

Amendment of Regulation 3 of Regulations of 2014

4. Regulation 3 of the Regulations of 2014 is amended by the insertion of the following after paragraph (3):

“(4) The Commissioner may delegate to a person who has entered into a contract for services the functions of the Commissioner under Regulation 4(1).”.

Amendment of Regulation 6 of Regulations of 2014

5. Regulation 6 of the Regulations of 2014 is amended—

(a) in paragraph (2)(a), by the substitution of “10 working days” for “15 working days”, and

¹OJ L180, 29.06.2013

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 18th March, 2016.*

- (b) in paragraph (8), by the substitution of “staff, a person who has entered into a contract for services or” for “staff or”.

Insertion of Regulations 6A in Regulations of 2014

6. The Regulations of 2014 are amended by the insertion of the following Regulation after Regulation 6:

“Withdrawal and deemed withdrawal of appeal under Regulation 6

6A. (1) An applicant who appeals under Regulation 6 may withdraw his or her appeal by sending notice of withdrawal to the Tribunal and the Tribunal shall, as soon as practicable, notify the Minister and the Commissioner of the withdrawal.

(2) Where an applicant fails, without reasonable cause, to attend an oral hearing under Regulation 6, then, unless the applicant, not later than 3 working days from the date fixed under that Regulation for the oral hearing, furnishes the Tribunal with an explanation for not attending the hearing which the Tribunal considers reasonable in the circumstances, his or her appeal shall be deemed to be withdrawn.

(3) Where an appeal is withdrawn or deemed to be withdrawn under this Regulation, Regulations 6 and 7 shall cease to apply in respect of the applicant concerned.”.

Amendment of Regulation 8 of Regulations of 2014

7. Regulation 8 of the Regulations of 2014 is amended—

(a) in paragraph (1)—

(i) by the substitution, in subparagraph (b), of “that Regulation”, for “that Regulation, or”, and

(ii) by the insertion of the following after subparagraph (b):

“(ba) appeals under Regulation 6 within the period specified in that Regulation and the appeal is withdrawn or deemed to be withdrawn under Regulation 6A, or”,

(b) by the substitution of the following for paragraph (4):

“(4) Where an immigration officer or a member of the Garda Síochána considers that there is a significant risk of a transferrable applicant absconding, the officer or member (“arresting officer or member”) may, for the purpose of facilitating the transfer of the transferrable applicant, arrest the transferrable applicant without warrant and a transferrable applicant so arrested may be taken by an immigration officer or a member of the Garda Síochána to a place listed in Schedule 6 and detained—

(a) in the place under warrant of the arresting officer or member and in the custody of the officer of the Minister or member

of the Garda Síochána for the time being in charge of the place, and

(b) for a period not exceeding 7 days.”,

(c) in paragraph (8), by the substitution of “detain a transferrable applicant in accordance with paragraph (8A) and place him or her”, for “place a transferrable applicant”, and

(d) by the insertion of the following after paragraph (8):

“(8A) A transferrable applicant who is detained under paragraph (8) may, for the purposes of that paragraph, be detained—

(a) for a period not exceeding 7 days, in a place listed in Schedule 6,

(b) for a period or periods each not exceeding 12 hours, in a vehicle, for the purpose of bringing the transferrable applicant to the port from which the vehicle referred to in paragraph (8) is due to leave the State, or

(c) for a period or periods each not exceeding 12 hours, within the port referred to in paragraph (b).”.

Insertion of Schedule in Regulations of 2014.

8. The Regulations of 2014 are amended by

(a) the substitution of the following for Schedule 2:

**“European Union (Dublin System) Regulations 2014
Refugee Appeals Tribunal**

**NOTICE OF APPEAL
against the recommendation of the Refugee Applications Commissioner made
under Council Regulation (EC) No. 604/2013.**

1. Personal details:

1.1 Name: _____

1.2 Address: _____

1.3 Nationality: _____

1.4 Your temporary residence certificate number: _____

2. Legal Representation:

2.1 Do you have legal representation? Yes No (*delete as appropriate*)

2.2 Name of your legal representative: _____

2.3 His or her address: _____

2.4 His or her telephone number: _____

3. Grounds of Appeal:

Please state clearly and concisely all the facts and contentions on which you rely in making your appeal. You may use additional or separate pages.

Ground 1 _____

Ground 2 _____

Ground 3 _____

Etc.

4. Oral Appeal:

4.1 Do you wish to have an oral hearing in connection with your appeal?

Yes No (*tick as appropriate*).

Please note that if you do not request an oral hearing, the Tribunal will consider your appeal on the basis of this appeal form and the documentation supplied by you and by the Refugee Applications Commissioner.

4.2 If yes, do you require an interpreter?

Yes No (*tick as appropriate*).

4.3 If yes, please specify the precise **language or dialect** for which you require interpretation.

5. Communications to the Tribunal:

All communications to the Tribunal should be sent by registered post, or faxed to (01) 474 8410 (and confirmed by a successful transmission report), or delivered to the Refugee Appeals Tribunal 6/7 Hanover Street East, Dublin 2. The Tribunal will issue you with a receipt which you should retain as proof of such delivery.

Signed: _____
Applicant
Date

Signed: _____
Legal Representative
Date”,

and

(b) the insertion of the following Schedule after Schedule 5:

“SCHEDULE 6

Regulation 8

Places of Detention

A Garda Síochána station

Castlerea Prison

Cloverhill Prison

Cork Prison

Limerick Prison

The Midlands Prison

Mountjoy Prison”.



GIVEN under my Official Seal,
9 March 2016.

FRANCES FITZGERALD,
Minister for Justice and Equality.

EXPLANATORY NOTE

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

These Regulations which amend the European Union (Dublin System) Regulations 2014, are aimed at improving the efficiency of the Dublin III process. The amendments allow for a person who has entered into a contract for services with the Minister for Justice and Equality to assist the Refugee Applications Commissioner in the processing of Dublin III cases; reduce the time period for making an appeal; provide for the withdrawal and deemed withdrawal of Dublin III appeals and address a number of matters relating to the detention of transferrable applicants.

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