



# Office of the Refugee Applications Commissioner



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Annual Report - 2015

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## Foreword by Refugee Applications Commissioner

I am pleased to introduce the fifteenth Annual Report of the Office of the Refugee Applications Commissioner (ORAC) for 2015. The Report is aimed at providing a final update on the delivery of the strategic goals and objectives contained in our Strategy Statement 2013-2015.

During 2015, as well as carrying out our functions in relation to refugee status determination, ORAC continued to process subsidiary protection applications under the European Union (Subsidiary Protection) Regulations, 2013. Jurisdiction for subsidiary protection was transferred to ORAC from the Irish Naturalisation and Immigration Service (INIS) with effect from 14 November 2013.

There was an increase of 126% in refugee status applications in 2015 with some 3,276 applications received compared to 1,448 applications in 2014. In addition, 297 new subsidiary protection applications were received.

During the year we did our best to ensure that applications for refugee status and subsidiary protection were processed as speedily as possible in line with fair procedures and resources available. The number of refugee status cases processed increased by 46% with some 1,552 cases finalised in 2015 – the highest yearly total since 2011. In addition, in relation to subsidiary protection, ORAC scheduled some 900 interviews and finalised some 1,480 cases.

However, because of the general increase in applications received, in line with international trends, and despite ongoing review of our processing management, there were 2,582 cases awaiting completion at the end of 2015 as opposed to 743 at the end of 2014. However, the majority of these were on hand for less than 6 months. It was noteworthy that 50% of all applications received in 2015 were from Pakistani and Bangladeshi applicants, the majority of whom had previously been resident in the UK. The increase in applications pushed the waiting time for substantive interview to over 30 weeks in the third quarter of 2015 compared to some 18 weeks at the end of 2014. However it was reduced to 13 weeks at the end of 2015.

Only 53 refugee status cases were available to be processed under the Ministerial Prioritisation Directive. Such cases, which were from the only designated safe country of origin South Africa, were scheduled for interview after 22 working days from date of application. All prioritised cases were completed within a median processing time of 10.8 weeks from date of application.

The remaining cases were processed within a median processing time of 29 weeks as compared to 15.3 weeks in 2014. Again the increase in timelines was due to the general increase in asylum applications received during the year.

2015 was also a very challenging year for the application of the EU Dublin III Regulation (Regulation (EU) 604/2013). This Regulation establishes the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged by a third country national or a stateless person in the EU. Some 302 outgoing transfer decisions were made under the Dublin Regulation in 2015 as compared to 21 in 2014.

During the year, 2,912 sets of fingerprints of asylum applicants were sent to the EURODAC fingerprinting system which is utilised to support the operation of the Dublin Regulation. ORAC also accessed the Automated Visa Application and Tracking System (AVATS) of INIS in order to identify asylum applicants who made an application for and/or who were issued with an Irish visa.



725 hearings before the Refugee Appeals Tribunal were serviced by ORAC which represented an increase of 211% on 2014.

During 2015 a significant contribution was made by the ORAC Case Processing Panel, in relation to the processing of both refugee status and subsidiary protection applications with the final recommendations being made by civil servants in ORAC. Panel members also represented ORAC at the appeals hearings before the Refugee Appeals Tribunal. The Panel which was originally established in 2013 was extended in 2015.

Family reunification applications also increased by 63% in 2015.

In line with trends over recent years, there has been a significant reduction in the number of legal challenges in which ORAC was a respondent from 95 ongoing cases in 2014 to 16 cases at the end of 2015. In 2015, ORAC only received 11 new judicial reviews. This compared to 23 new cases received in 2014. This development is testament to the priority which ORAC attaches to the ongoing enhancement of our quality assurance processes and to training which is provided by in-house experts and by the UNHCR.

At the international level, ORAC staff continued to attend meetings of EU working groups during 2015 with particular reference to the implementation of the EU Dublin III Regulation. We were also heavily involved in the work of the European Asylum Support Office (EASO) which is tasked with ensuring a common approach to the implementation of the Common European Asylum System including through common training and quality standards. I had the honour to be elected deputy chairperson of the EASO Management Board in June 2015.

To ensure efficient and effective use of our resources, corporate planning continued to be a priority for the organisation in 2015 as well as the prioritisation of staff development and training.

Our organisation's commitment to providing a high quality service to all our customers also remained a priority in 2015 and is reflected in our fifth Customer Service Action Plan 2013-2015 which specifies how we intend to implement our Customer Charter priorities.

The United Nations High Commissioner for Refugees (UNHCR) continued to provide substantial assistance during the year with particular regard to the provision of training on all aspects of the protection process. A UNHCR international protection expert from Canada was based in ORAC to assist with the development of quality initiatives including best practice training for refugee status and subsidiary protection. I would like to express my thanks to the UNHCR and to their consultant Mike Ross, for their ongoing support.

In anticipation of future structural changes within Ireland's international protection system, ORAC inputted into the drafting of the International Protection Bill, 2015 which was published by the Minister for Justice and Equality in November 2015. Following debate in both Houses of the Oireachtas, the Act was passed in December 2015 and is expected to be commenced in 2016.

The International Protection Act, 2015 will see ORAC subsumed into INIS and provides for the establishment of a single processing framework or single procedure for applications for international protection (refugee status and subsidiary protection) as well as applications for permission to remain in the State.



In April 2015, ORAC came within the scope of the Freedom of Information Act, 2014. A total of 15 FOI requests were received and processed during the year in accordance with statutory requirements. Only records created by ORAC, on or after 14 October 2014, are subject to FOI. However, all records relating to personal information held by ORAC, irrespective of when they were created, come within the scope of the Act subject to certain exemptions.

During the year ORAC also made a substantial contribution to the work of the Working Group established by the Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers which reported in June 2015. The Report contains some 173 recommendations many of which impact on the asylum determination process.

In terms of the expansion of ORAC responsibilities in 2015, Ireland, in response to the refugee crisis in the Mediterranean and Aegean regions, established the Irish Refugee Protection Programme which will see over 2,500 asylum seekers relocated to the State from Greece and Italy under two EU Council Decisions adopted in September 2015. These cases will be referred to ORAC for processing under national asylum law.

I would like to express my appreciation to all those stakeholders who cooperated with ORAC in 2015 in relation to the implementation of our mandate including the Refugee Documentation Centre and members of our Customer Service Liaison Panel.

Finally, I would like to thank ORAC staff and members of the ORAC Case Processing Panel for their work. Their ongoing commitment continued to be essential in enabling the Office to perform its important statutory functions in respect of persons in need of international protection.

David Costello  
Commissioner



## Mission Statement

The Mission Statement of the Office of the Refugee Applications Commissioner in accordance with the Refugee Act, 1996, the European Union (Subsidiary Protection) Regulations 2013 and other relevant national and international law is:

- (i) *to investigate applications from persons seeking a declaration for refugee status and to issue appropriate recommendations to the Minister for Justice and Equality,*
- (ii) *to investigate applications by refugees to allow family members to enter and reside in the State and report to the Minister for Justice and Equality on such applications*  
*and*
- (iii) *to investigate applications for subsidiary protection and to issue appropriate recommendations to the Minister for Justice and Equality on such applications*

and in so doing, to provide a high quality service to our customers through the implementation of policies and procedures which are fair and open, treating all applicants with courtesy and sensitivity.





## Who is an Asylum Seeker?

An asylum seeker is a person who seeks to be recognised as a refugee in accordance with the terms of the 1951 Geneva Convention relating to the status of refugees and the related 1967 Protocol, which provides the foundation for the international system of protection of refugees.

## Definition of a Refugee

The definition of a refugee in Irish law is “a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it...”.

## Subsidiary Protection

Subsidiary protection is granted, when the applicant does not fulfil the requirements for becoming a refugee, but is otherwise in need of international protection.

A person eligible for subsidiary protection means a person:

- (a) who is not a national of a Member State,
- (b) who does not qualify as a refugee,
- (c) in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, would face a real risk of suffering serious harm and who is unable or, owing to such risk, unwilling to avail himself or herself of the protection of that country, and
- (d) who is not excluded from being eligible for subsidiary protection.



## **Part 1**

### **Introduction**



## Part 1 - Introduction

### Legal Framework:

Under the Refugee Act, 1996 two independent statutory offices were established in November 2000 to consider applications/appeals for refugee status and to make recommendations to the Minister for Justice and Equality on whether such status should be granted. These two offices are the Office of the Refugee Applications Commissioner (ORAC), which considers applications for a declaration as a refugee at first instance and the Refugee Appeals Tribunal (RAT) which considers applications for a declaration at appeal stage.<sup>1</sup>

The statutory functions of the Refugee Applications Commissioner are set out in the Refugee Act, 1996 as amended by the Immigration Act, 1999, the Illegal Immigrants (Trafficking) Act, 2000, the Immigration Act, 2003 and the Immigration Act, 2004. Throughout this report, the term "Refugee Act, 1996" means the Refugee Act, 1996 (as amended).

With effect from 14 November 2013, responsibility for the investigation and determination of all existing and future subsidiary protection applications transferred from the Irish Naturalisation and Immigration Service to the Office of the Refugee Applications Commissioner under the European Union (Subsidiary Protection) Regulations 2013 (SI No. 426 of 2013).

The Office also has regard or had regard, *inter alia*, to the following Statutory Instruments (S.I.) in the discharge of its business:

- S.I. No. 344 of 2000 - Refugee Act, 1996 (Places and Conditions of Detention) Regulations, 2000.
- S.I. No. 345 of 2000 - Refugee Act, 1996 (Application Form) Regulations, 2000.
- S.I. No. 346 of 2000 - Refugee Act, 1996 (Temporary Residence Certificate) Regulations, 2000.
- S.I. No. 415 of 2003 - Immigration Act, 2003 (Section 7) (Commencement) Order, 2003.
- S.I. No. 422 of 2003 - Refugee Act, 1996 (Safe Countries of Origin) Order, 2003.
- S.I. No. 423 of 2003 - Refugee Act, 1996 (Section 22) Order, 2003.
- S.I. No. 424 of 2003 - Refugee Act, 1996 (Appeals) Regulations, 2003.
- S.I. No. 714 of 2004 - Refugee Act, 1996 (Safe Countries of Origin) Order, 2004.
- S.I. No 518 of 2006 - European Communities (Eligibility for Protection) Regulations 2006.
- S.I. No 51 of 2011 - European Communities (Asylum Procedures) Regulations 2011.
- S.I. No 52 of 2011 - Refugee Act, 1996 (Asylum Procedures) Regulations 2011.
- S.I. No 426 of 2013 - European Union (Subsidiary Protection) Regulations 2013.
- S.I. No 525 of 2014 – European Union (Dublin System) Regulations 2014.
- S.I. No 137 of 2015 - European Union (Subsidiary Protection)(Amendment) Regulations 2015.

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<sup>1</sup>A detailed description of the asylum process is available on ORAC's website ([www.orac.ie](http://www.orac.ie)).



## Functions of the Refugee Applications Commissioner

### **Refugee Status**

The Refugee Act, 1996 states that the Refugee Applications Commissioner shall be independent in the exercise of his or her functions which are of a statutory and non-statutory nature. The key statutory responsibilities are:

- to investigate applications from those who seek a declaration for refugee status and to issue appropriate recommendations to the Minister for Justice and Equality on such applications,
- and
- to investigate applications by refugees to allow family members to enter and reside in the State and report to the Minister for Justice and Equality on such applications.

Under the Refugee Act, 1996 it is also the Commissioner's responsibility to:

- issue Temporary Residence Certificates to asylum seekers.
- comply with any Ministerial Directives concerning the prioritisation of certain categories of applicant.
- direct the presentation of the Commissioner's case to the Refugee Appeals Tribunal where recommendations made by the Commissioner are appealed to the Tribunal.
- furnish to the UNHCR, as well as relevant Government agencies, information as provided for in legislation.
- refer unaccompanied minors to TUSLA – the Child and Family Agency in line with section 8(5) of the Refugee Act, 1996.

While ultimately responsible for fulfilling these statutory functions under the 1996 Act, the Commissioner may delegate these functions to any member of his staff.

### **Subsidiary Protection**

The Commissioner also has responsibility, with effect from 14 November 2013, for the investigation and determination of subsidiary protection applications under the European Union (Subsidiary Protection) Regulations 2013 ("the 2013 Regulations"). This includes the processing of:

- applications for subsidiary protection made to the Minister for Justice and Equality (Irish Naturalisation and Immigration Service), which were not determined at the date of commencement of the 2013 Regulations.
- and
- new applications for subsidiary protection made from 14 November 2013.

Under the 2013 Regulations, the Commissioner has responsibility for issuing letters to applicants for subsidiary protection informing them that they have permission to remain in the State until a final decision in relation to their application for subsidiary protection has been made.

Under the 2013 Regulations, the Commissioner shall be independent in the exercise of his functions. He may delegate to a person who has entered into a contract for service with the



Minister any of his functions other than the power to make a subsidiary protection recommendation, which remains the responsibility of the Commissioner.

### **Non-statutory functions**

The Commissioner also has non-statutory functions. These include:

- ensuring that all applicants for refugee status and subsidiary protection at first instance are treated and processed in a fair, courteous and efficient manner.
- issuing directives on the practical application of the Refugee Act, 1996 and the 2013 Regulations and on procedures and standards of work.
- ensuring that adequate information on countries of origin of asylum seekers and subsidiary protection applicants as well as international jurisprudence and practice in the area of asylum and subsidiary protection is available to staff.
- participating in international fora on asylum and subsidiary protection related matters.
- management of staff performance and training and development.
- dealing with press queries.
- preparation and management of the budget, the Strategy Statement, Business Plan and Annual Report for the organisation.

### **Key Values of the Office**

The key values that guide the work of the Office are:

- **Independence** - Independence of process and decision-making.
- **Fairness** - Fair procedures which are notified to asylum seekers and subsidiary protection applicants.
- **Firmness** - Firmness in implementing statutory obligations.
- **Serving the key stakeholders** - Commitment to service to applicants and other stakeholders as part of our overall commitment to delivering efficient customer service.
- **Accessibility** - Accessibility of information and services to people with disabilities.
- **Commitment to Staff** - Recognising that staff are the most valuable resource of the Office and fostering an environment in which they can work effectively and develop their potential for the benefit of the Office specifically, and their career generally.
- **Commitment to excellence** - Performing work to a standard that will ensure high quality and timely outputs.
- **Openness** - Communicating with asylum seekers, the Minister for Justice and Equality, UNHCR, Non-Governmental Organisations and the public in a way which will instil confidence in the operation of the Office.
- **Efficiency in use of resources** - Ensuring efficiency in the use of available resources without compromising quality.



- **Partnership** - Adopting a consultative approach to workplace innovation and management of change and fostering a culture of participation, openness and mutual respect.

### Funding and Staffing for the Office

Funding for the Office of the Refugee Applications Commissioner to undertake its mandate is provided by the State through the Department of Justice and Equality. The 1996 Act provides that “members of the staff of the Commissioner shall be Civil Servants within the meaning of the Civil Service Regulation Act, 1956.”

The 1996 Act also provides that “The Commissioner may delegate to any members of the staff of the Commissioner any of his or her functions under this Act save those conferred by section 7”.

All staff of ORAC other than Services staff are designated authorised officers on appointment.

### Reporting Requirements

The reporting requirements for the Commissioner - as set out in the 1996 Act - are as follows:

- to submit a report to the Minister for Justice and Equality on his/her activities not later than 3 months after the end of each year. The Minister will lay a copy of the Annual Report before each House of the Oireachtas.
- to provide to the Minister, on an ongoing basis, all necessary information to enable him/her to discharge his/her ministerial accountability and responsibility in relation to the Office.
- to keep all proper and usual accounts of all monies received or expended and all such special accounts (if any) as the Minister may direct.
- to submit these accounts to the Comptroller and Auditor General for audit on a date specified by the Minister. A copy or extracts from these accounts, together with the report of the Comptroller and Auditor General, will be furnished to the Minister who will bring both before each House of the Oireachtas.

Certain reporting requirements also apply in respect of the 2013 Regulations.

(The Office of the Refugee Applications Commissioner (ORAC) receives an annual allocation of funds for which the Secretary General of the Department of Justice and Equality is the Accounting Officer and the accounts of ORAC are included in the annual Departmental accounts.)



## **Part 2**

### **Key Developments in 2015**



## Part 2 - Key Developments in 2015

### Processing of Applications for Refugee Status

- ORAC received 3,276 applications for refugee status in 2015. While an average of 273 applications per month were received in the course of the year, 407 applications were received in September which was the highest monthly total, while February, with 201 had the lowest. 2015 saw a rise of 126% on the 1,448 applications received in 2014. This was the highest number of applications since 2008.
- The main five countries of origin for 2015 were Pakistan (41.3%), Bangladesh (8.7%), Albania (6.5%), Nigeria (5.7%) and India (4.4%).
- As in previous years, the general trend was that ORAC received a small number of applications from a large number of individual countries. However in 2015, Pakistani and Bangladeshi applicants accounted for 50% of all applications received, many of whom originated in the United Kingdom. Of the remaining applications there were 51 countries from which we received 10 or less applications and only 9 other countries from which we received 50 or more applications.
- Of the 2,582 cases awaiting finalisation at the end of 2015, the majority were on hand for less than 6 months.
- The total number of refugee status applications processed to completion in 2015 amounted to 1,552 cases which was an increase of 46% on 2014. In addition, we completed some 1,480 subsidiary protection cases.
- Asylum cases received and processed under the Ministerial Prioritisation Directive were in line with the previous year, marginally increasing from 50 in 2014 to 53 in 2015 and were scheduled for interview within 22 working days from date of application. The median processing time for prioritised cases in 2015, increased to 10.8 weeks from 4.4 weeks in 2014.
- The remaining asylum applications were processed within a median processing time of 29 weeks as compared to just over 15 weeks in 2014. This, in the main, was due to the large increase in applications during 2015.
- There was an increase of 68% in the number of cases which were deemed withdrawn during 2015 mainly due to applicants failing to co-operate with the asylum process as required under the provisions of the Refugee Act, 1996. 319 applications fell into this category in 2015 compared to 189 in 2014.
- 33 applications were received from unaccompanied minors and this represented 1% of the total number of applications received in 2015. While the actual number is consistent with the number of such applications received in 2014, as a percentage of total claims it has halved. These applications were processed within a median processing time of 20.1 weeks.
- A total of 35 persons in places of detention indicated a wish to apply for asylum in 2015, which constituted 1% of all applications received in 2015 and represents a small decrease on the rate of 1.5% for the same category in 2014. Of these applications 17 were





interviewed in places of detention during 2015. Such applications continued to be prioritised in line with statutory provisions.

- A key priority during the year was to ensure that our processing procedures continued to be in line with international best practice. In this regard, ORAC reviewed and revised our refugee status determination report template and guidance notes with the assistance of the UNHCR.
- ORAC commenced preliminary planning for the envisaged commencement in 2016 of the International Protection Act, 2015 which was published by the Minister for Justice and Equality in November 2015 and passed by both houses of the Oireachtas in December 2015. The 2015 Act contains provisions for a single procedure for the processing of protection applications and any grounds on which an applicant may wish to seek permission to remain in the State.
- ORAC continued to work with the Dublin Office of the UNHCR on training matters. Training on refugee status determination and subsidiary protection was delivered to ORAC staff and an extended Case Processing Panel during the year. This training is in line with the training curriculum of the European Asylum Support Office (EASO), UNHCR guidelines and international best practice.
- The Quality Assurance Review Group continued its quality proofing work including in relation to recommendations made as well as examining decisions overturned by the Refugee Appeals Tribunal and court judgments. The work of the group feeds into the ongoing review of ORAC policies and procedures.
- With the cooperation of relevant external stakeholders operational training provided in 2015 included:
  - Refugee Status Determination
  - Subsidiary Protection
  - EU Dublin III Regulation
  - Human Rights and Cultural Competence delivered by ORAC trainers as part of the training programme for INIS civilian personnel.
  - Interpretation in the Refugee Status Determination/Subsidiary Protection context to interpreters utilised by ORAC.
- External stakeholders such as UNHCR and SPIRASI (The Centre for the Care of Survivors of Torture) inputted into our training programmes as required.
- As part of protecting the integrity of the asylum process, ORAC's Investigation and Liaison Unit continued to act as a liaison point and provided investigative support and cooperation to all areas of ORAC and to other State agencies such as the Irish Naturalisation and Immigration Service, the Garda Technical Bureau and the Garda National Immigration Bureau as well as the asylum authorities of other EU States.
- In line with usual practice, we also continued to be vigilant in monitoring our process for applicants who might have been subjected to human trafficking. Such cases were reported to the Anti Human Trafficking Unit of the Department of Justice and Equality as well as the Garda National Protective Services Bureau (GNPSB) for further investigation.



- Participation continued in 2015 in discussions on international protection matters in Working Groups of the European Union including the implementation of the EU Dublin III Regulation. Staff also attended a large number of meetings on operational cooperation matters chaired by the European Asylum Support Office including in relation to common EU approaches to training and quality.
- ORAC issued some 302 outgoing transfer decisions under the EU Dublin III Regulation in 2015 as compared to some 21 transfer decisions in 2014. The European Union (Dublin System) Regulations 2014, which were finalised in order to support the operation of the Dublin III Regulation in Ireland and which came into effect in November 2014, had their first full year of operation in 2015 with some 380 Dublin Regulation interviews carried out.
- ORAC also continued to utilise the EU EURODAC fingerprinting system to identify cases to be progressed under the terms of the Dublin Regulation and also by taking into account visa or other residence histories that did not come within the scope of EURODAC. The utilisation of visa and other checks of applicants' immigration histories results in the identification of applicants who, having obtained a visa or residence permission in another Member State travelled to Ireland and applied for asylum often claiming to have no identity or travel documents.
- 2,912 sets of fingerprints were sent to EURODAC in 2015. The fingerprints of 231 applicants resulted in 345 hits with EURODAC which indicated that these applicants had made an application for asylum in one or more Member States.
- Planning took place for the introduction of the EURODAC Fingerprinting Regulation (Regulation (EU) No. 603/2013) the new EURODAC (Recast) Regulation), which came into operation in July 2015. This included the installation of new fingerprinting software in ORAC for the application of the Regulation.
- The Automatic Fingerprint Identification System (AFIS) of An Garda Síochána remains an integral element of the process whereby ORAC exchanges information with the EURODAC fingerprint database.
- In addition, ORAC continued to make use of the Automated Visa Application and Tracking System (AVATS) of the Irish Naturalisation and Immigration Service to enable it to identify applications for asylum where the applicant had obtained an Irish visa but had not presented a passport or other relevant documentation when they came to ORAC.
- During 2015, 2,705 sets of fingerprints were destroyed, in line with statutory requirements.
- In 2015, 272 family reunification applications were received, a 63% increase on the 2014 figure of 167. These were investigated under the Refugee Act, 1996 in line with ORAC responsibilities for the investigation of applications from persons with refugee status for family reunification and for providing reports on these investigations to the Minister for Justice and Equality.
- The number of appeal hearings scheduled by the Refugee Appeals Tribunal in 2015 was considerably higher than the previous year. ORAC Presenting Officers and Case



Processing Panel members serviced 725 appeal hearings compared with 233 such hearings in 2014, an increase of 211%. This total includes 160 subsidiary protection appeal hearings which were also scheduled throughout the year.

- ORAC dealt with some 33 enquiries under sections 16(6) and 16(7) of the Refugee Act, 1996, from the Refugee Appeals Tribunal, which represented an increase of 22% on the number received in 2014. All enquiries were dealt with within agreed time frames.
- ORAC was represented on the Working Group which reported to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers. Our staff also contributed to the work of its various sub groups. The Report of the Working Group was published in June 2015 and contains a total of 173 recommendations many of which have implications for the operation of the protection process.

### Subsidiary Protection

- Work continued in 2015 on the processing of subsidiary protection applications, responsibility for which transferred from the Irish Naturalisation and Immigration Service to ORAC under the European Union (Subsidiary Protection) Regulations 2013 with effect from 14 November 2013.
- There were almost 3,800 cases in the subsidiary protection backlog transferred to ORAC from INIS in November 2013, of which 1,660 applicants confirmed that they wished to continue with their applications on transfer to ORAC. In 2015 some 900 subsidiary protection interviews were scheduled and 1,480 cases were finalised. This meant that by December 2015, and building on the substantial work undertaken in 2014, nearly all the live backlog of some 1,660 cases were completed.
- Some 297 new applications for subsidiary protection were also received by ORAC in 2015 as compared with 250 in 2014.
- During the year 619 applications were withdrawn or deemed withdrawn from the subsidiary protection process. These included cases where the applicant has advised that s/he did not wish to proceed with their application or had not co-operated with ORAC resulting from a non-response to a number of letters enquiring about their wish to proceed with their cases.
- On 16 April 2015, the European Union (Subsidiary Protection) (Amendment) Regulations 2015 were signed by the Minister for Justice and Equality which enable a person to make an application for subsidiary protection at the same time as an application for refugee status or at any time after and before a person is granted refugee status.

### Other Developments

- An important consequence of the ongoing enhancement of our policies and procedures, training programmes and quality processes has been the general reduction in the number



of judicial reviews taken against ORAC. We received 11 new judicial review cases<sup>2</sup> in 2015 which was a reduction on the 23 cases received in 2014. A total of 90 cases were disposed of during 2015 and 16 cases were on hand at end December 2015. By comparison, there were 95 cases on hand at end December 2014.<sup>3</sup>

- ORAC's expenditure under its legal costs subhead in 2015 was €201,359.26.<sup>4</sup>
- ORAC continues to proactively manage all incoming legal challenges with a view to achieving the best outcome for the State, including in relation to minimising potential costs involved<sup>5</sup>.
- To ensure the availability and quality of reliable and comprehensive Country of Origin Information used by ORAC staff and our Case Processing Panel members, the services of the Refugee Documentation Centre (RDC), including their e-library facility, were again utilised during 2015. As ORAC is one of the main users of the RDC, ORAC also met with the RDC bilaterally as well as attending RDC Steering Group Meetings during 2015.
- In addition, to ensure the continued availability of reliable Country of Origin Information, ORAC maintains an up-to-date Caseworkers' Shared Knowledge Database for use by staff and Case Processing Panel members.
- ORAC continued to utilise language analysis services in 2015 in respect of a small number of applicants. Where the language analysis report indicates that the applicant is not from the geographical area or speech community to which they claim to belong, this becomes a credibility issue for exploration at substantive interview. Equally, the report may support the applicant's claim to be from a particular geographic area or speech community. Regardless of the contents of the report, every applicant is given a full opportunity of presenting his/her claim at a substantive interview. The language analysis report, on those occasions where it is requested by ORAC, is used to assist with the overall evaluation of the application and is considered in conjunction with all other elements of the claim.
- ORAC continued to participate in the work of relevant international fora dealing with asylum and refugee matters such as Working Groups of the European Union, the Intergovernmental Consultations on Asylum, Refugee and Migration matters (IGC) based in Geneva and the European Asylum Support Office (EASO).

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<sup>2</sup> While the vast majority of legal challenges to ORAC are in the form of judicial reviews, a small number of others are also received namely injunctions and various types of summonses. Appeals to the Supreme Court are also included in these figures. From time to time ORAC is requested to provide information to the Courts in the context of Habeas Corpus applications.

<sup>3</sup> This reduction reflects a number of ongoing initiatives, including by the High Court, to review and manage cases, in particular older cases, on the Asylum and Immigration List awaiting hearing dates.

<sup>4</sup> Payments made by ORAC under this subhead are made on foot of Bills of Costs submitted to ORAC (following clearance by the Office of the Chief State Solicitor's Costs Accounting Section) by applicants' legal representatives in respect of, for example, judicial reviews settled or lost by ORAC. There are often considerable delays – sometimes several years – in the submission of Bills of Costs. Hence there is a variable time lag between the finalisation of cases before the courts and the submission of the Bills of Costs over which ORAC has no control.

<sup>5</sup> Settlements usually arise because ORAC seeks to resolve a judicial review at an early stage in order to avoid higher costs arising because of long drawn out proceedings. This can often enable the case to proceed to the Refugee Appeals Tribunal without unnecessary delay. It may also arise that because ORAC is not successful in a particular JR case, we seek to settle, on the basis of a risk assessment, other similar cases in order to avoid long drawn out proceedings even though it is by no means certain that ORAC would be unsuccessful should the case proceed to hearing. Finally, we endeavour to encourage a process of pre-JRs whereby legal advisors would bring potential issues with our determinations to our attention in advance of legal proceedings being issued. This would avoid the cost of proceedings, settlements etc.



- The Commissioner was elected Deputy Chairperson of the EASO Management Board during 2015. He also attended three board meetings during the year. The aim of the EASO is to help to improve the implementation of the Common European Asylum System, to strengthen practical co-operation among Member States on asylum and to provide and co-ordinate the provision of operational support to Member States subject to particular pressure on their asylum and reception systems.
- ORAC also received new processing responsibilities in 2015 under the Irish Refugee Protection Programme which was established by the Government in September 2015 as part of Ireland's contribution to the EU response to the refugee and migrant crisis in the Aegean and Mediterranean regions. Under this Programme over 2,500 asylum seekers will be relocated to the State from Greece and Italy under EU Council Decisions 2015/1523 and 2015/1601 of September 2015, for processing by ORAC. On 16 December 2015 a multi-disciplinary team, including representatives from the Irish Refugee Protection Programme and An Garda Síochána, led by the ORAC Liaison Officer to Greece visited Athens to meet with the first relocation applicants from Greece with a view to their transfer to ORAC in early 2016.

### **Staff Support/Training and Internal Support Services**

- ORAC continued to fully support its staff and Case Processing Panel members in 2015 to enable the goals and objectives of our organisation to be delivered.
- All members of staff continued to participate in the Performance Management and Development System (PMDS) during 2015. PMDS is regarded as a key management tool within the organisation and is designed to be a fair and effective way of measuring staff performance, personal development and career in the context of goal setting and achieving individual, divisional and overall organisational objectives through regular open and constructive discussions between managers and staff.
- In 2015, ORAC continued to prioritise the needs of its staff in the areas of job specific development and training in a cost effective manner. In total, 97 training units were provided to staff. In addition, a further 233 units were provided for Interpreter Training and training of Case Processing Panel members.
- In addition to the operational training listed earlier, during 2015 ORAC also provided:
  - FOI Training – (Basic and Advanced)
  - Caseworker Specific Training
  - EURODAC System Training
  - Reception Training
- Staffing resources continued to be kept under review with a business case made to the Irish Naturalisation and Immigration Service in August 2015 for additional staff to deal with increasing applications caseload.
- ORAC staff responded to challenging and increasing business demands during 2015 by demonstrating flexibility in approach and by the continuation of various multi-tasking arrangements to address any issues that arose.



- Throughout 2015 the ORAC Case Processing Panel continued to play a substantial role in the work of the organisation as part of the strategy of using external providers, where possible, to cope with increasing workloads in the asylum area.
- Staff continued to be seconded to the INIS Reporting and Analysis Unit (RAU). The purpose of the Unit is to support INIS (including ORAC) generally in relation to the provision of statistical information for management, operational and strategic planning purposes.
- ORAC continued to offer placements under the National Internship Programme (JobBridge). This programme provides participants with an opportunity to become actively involved in specific areas of the Organisation and provides an additional resource which is of benefit to ORAC.

### Customer Service

- ORAC continued to prioritise its customer service function during 2015 with a significant volume of correspondence processed. Further details are available later in this report.
- The Customer Service Action Plan 2013-2015 was reviewed internally twice in 2015. As with our other corporate documents, our Customer Service documents can be accessed on the ORAC website ([www.orac.ie](http://www.orac.ie)).
- As well as the engagement with stakeholders mentioned above, a meeting of our Customer Service Liaison Panel took place in July 2015.

### Freedom of Information

- Under the Freedom of Information Act, 2014, FOI was extended to a range of public bodies. While ORAC came under the 2014 Act with effect from 14 April 2015, only records created by ORAC, on or after 14 October 2014, are subject to FOI. However, all records relating to personal information held by ORAC, irrespective of when they were created, come within the scope of the Act subject to certain exemptions. A total of 15 requests were received and processed in accordance with statutory requirements.

### Partnership

- The ORAC Partnership Committee met 5 times during 2015. These meetings provide an opportunity for staff, management and union representatives to discuss matters of mutual interest such as corporate planning, particularly in light of planning for the International Protection Act, 2015, energy awareness and other organisational issues.

### Corporate Developments

- In line with ongoing practice, regular senior management and unit meetings were held within the organisation during the year to progress work priorities and ensure that





ORAC's business plan commitments were being met in line with ORAC's Strategy Statement 2013 – 2015.

- Work was also undertaken on the development of a new Corporate Strategy Statement for the period 2016-2018 which will set out the high level goals and priorities of the organisation until ORAC is subsumed into INIS when the International Protection Act, 2015 is commenced.
- All Business Plans for ORAC work units contain objectives and outputs arising from the planned commencement in 2016 of the International Protection Act, 2015.
- ORAC continued to give a high priority to health and safety matters in 2015. A Health and Safety Policy Statement enables the Office to meet its responsibilities to staff and customers under health and safety legislation. ORAC is represented on the INIS Health and Safety Committee, which discusses health and safety issues for INIS and its associated agencies, to ensure all requirements in this area are met.
- ORAC's Energy Action Plan continued to be implemented. ORAC's Statement of Energy Usage in 2015 is at Appendix 8.

### **Communications and Business Transformation matters**

- During 2015, building on work already undertaken for the earlier Immigration, Protection and Residence legislation, ORAC commenced preliminary planning for the introduction of a single procedure as part of the International Protection Act, 2015. It is expected that the 2015 Act will be commenced in 2016.
- Throughout 2015 there was continued communication with key actors in the protection process, such as the UNHCR, relevant non-governmental organisations and legal representatives on the work of the Office.
- Three editions of the ORAC Staff Bulletin issued in 2015. The purpose of the bulletin is to keep staff up-to-date on business developments during the year. Regular unit meetings continued to be held.
- As previously indicated, as well as the engagement with stakeholders mentioned above, a meeting of our Customer Service Liaison Panel took place in July 2015.



## **Part 3**

### **Progress on Strategy Statement 2013 - 2015 High Level Goals**





## Part 3

### Progress on Strategy Statement 2013-2015 High Level Goals

#### High Level Goal 1

**To investigate applications for refugee status and for family reunification within minimum timeframes.**

##### *Strategy Statement 2013-2015 Objectives*

- To ensure the maximum number of recommendations for a declaration of refugee status issue within minimum timeframes, in line with fair procedures and having due regard to legislative requirements on prioritisation as set out by the Minister for Justice and Equality.*
- To achieve the full and efficient application of the EU Dublin III Regulation, having due regard to the criteria for determining the Contracting State responsible for processing asylum applications.*
- To achieve optimum productivity in processing applications for family reunification within minimum timeframes.*
- To prepare and plan for the introduction of a single procedure and address fully and effectively any amendments to the Refugee Act, 1996 as they arise.*

#### Progress on goals and objectives in 2015

##### **Processing of asylum applications**

- There was an increase of some 126% in the number of applications for asylum in 2015 compared to 2014. 3,276 applications were received during 2015. September, with 407 applications, had the highest monthly total.
- At the end of 2015, the number of cases awaiting completion had increased substantially over that at end of 2014. This was due to the large increase in applications received during the year.
- The main five countries of origin for 2015 were Pakistan (41.3%), Bangladesh (8.7%), Albania (6.5%), Nigeria (5.7%) and India (4.4%).
- Combined applications from Pakistan and Bangladesh made up 50% of the total. Apart from this aspect, the trend continued whereby ORAC received a small number of applications from a large number of individual countries. In 2015, there were 51 countries from which we received 10 or less applications and 11 countries from which we received 50 or more applications.



- The number of cases received and processed under the Ministerial Prioritisation Directive continued to be small with 53 such applications made in 2015 compared with 50 in 2014. Most of these cases were scheduled for interview 22 working days from date of application and were completed within a median processing time of 10.8 weeks from date of application.
- Non prioritised cases, which made up most of our caseload, were processed within a median processing time of 29 weeks, which was an increase of c. 14 weeks on the 2014 median processing times. This increase can mainly be attributed to the higher number of applications received pushing the scheduling time to more than 30 weeks at one stage during the year.
- Although our practice continued to be to schedule the maximum number of interviews in line with available resources, the very large increase in applications during 2015 extended the time from date of application to substantive interview - which stood at 18 weeks at the beginning of the year - to over 30 weeks in September 2015. Following the rollout of the extended ORAC Case Processing Panel in September/October 2015, this period was reduced to 13 weeks at the end of 2015. From the final quarter of 2015 onwards, ORAC was in a position to schedule in the region of 60/70 cases per week for substantive asylum interview compared to some 20 cases per week previously.
- In line with the requirements of the Refugee Act, 1996, ORAC continued to prioritise all applications received from persons in detention by scheduling their initial interview within 3 working days of their application or as close as practically possible to that date. In 2015, 35 such applications were received and dealt with.
- A total of 33 applications were received from unaccompanied minors (separated children) seeking asylum in 2015. While this accounted for 1% of the total number of applications received in 2015, these applications were processed within a median processing time of 20.1 weeks. A longer timeframe is provided by ORAC for the completion and return of the asylum questionnaire in these cases.
- The provision of comprehensive interpretation and translation services also continued to be a priority during the year with ORAC availing of such services in 59 languages. The procedures in place with the translation and interpretation service providers were reviewed on an ongoing basis to ensure that the highest quality standards were in place and that we could continue to provide a quality service having regard to the higher number of applications received. Following a tendering procedure run by the Office of Government Procurement in late 2015 it is expected that new contracts will be awarded for both translation and interpretation services in 2016.
- ORAC continued to provide support for protection processing staff and the ORAC Case Processing Panel including co-ordination with UNHCR experts, in areas such as quality procedures and training in line with UNHCR and EASO best practice modules.
- Training courses delivered in 2015 included:
  - Refugee Status Determination
  - Subsidiary Protection
  - EU Dublin III Regulation



- Human Rights and Cultural Competence delivered by ORAC trainers as part of the training programme for INIS civilian personnel.
  - Interpretation in the Refugee Status Determination/Subsidiary Protection context to interpreters used by ORAC.
  - FOI Training – Basic and Advanced
  - Caseworker Specific Training
  - EURODAC System Training
  - Reception Training
- With the expansion of the ORAC Case Processing Panel during 2015 comprehensive training was delivered to all new Panel members on international protection determination (refugee status and subsidiary protection) in conjunction with the UNHCR.
  - During the year, ORAC with the assistance of the UNHCR also revised our refugee status determination report template and internal guidance material to accompany the template. This helps ensure that reports prepared are legally robust and of a high quality.
  - ORAC continued to provide support to asylum case processing, subsidiary protection and the presenting staff through the provision/development of refugee status and subsidiary protection determination resources having regard to developments in legislation, jurisprudence and international best practice.
  - During 2015, the Procedures, Training and Organisation Development Unit continued to keep the organisation's key procedural and guidance documentation up-to-date. This enabled all ORAC staff, including the ORAC Case Processing Panel, to have procedural documentation accessible in relation to their area of operation.
  - Training for interpreters used by ORAC in the protection process was delivered by the ORAC training team in consultation with UNHCR. Up to 70 interpreters attended 4 such training sessions during the year.
  - Emphasis continued to be placed on quality research to enable focused interviews to take place. This research combined with access to current and up to date country of origin information further enabled the preparation of robust recommendations in line with our organisation's focus on quality outputs.
  - In line with the practice in place for many years, caseworkers and Case Processing Panel members conducted interviews on networked computers. This allowed immediate access to COI internet sources which reduced adjournments of interviews as live COI issues were fully addressed.
  - Legal advice continued to be provided to protection applicants by, *inter alia*, the Refugee Legal Service and Irish Refugee Council Independent Law Centre. Applicants could alternatively avail of the services of private practitioners. This Office co-operated on an ongoing basis with legal representatives and applicants for asylum continued to be advised of the need to avail of early legal advice.
  - Country of Origin Information (COI) resources of the Refugee Documentation Centre (RDC) continued to be availed of during 2015 by ORAC Staff and Case Processing Panel members. This was in the main utilised in the refugee status, subsidiary protection and family reunification processes.



- ORAC continued to be represented on the RDC Steering Group, which brings together the RDC's client organisations and the UNHCR on a regular basis. Ongoing interactions such as these ensure that ORAC maintains the necessary level of access to reliable and comprehensive COI.
- Participation in discussions of relevant international bodies dealing with refugee and international protection matters was also a priority in 2015. Staff attended meetings of Working Groups of the European Union, the Intergovernmental Consultations on Asylum, Refugee and Migration matters (IGC) based in Geneva and the European Asylum Support Office (EASO). The EASO hosted a number of meetings during 2015 which focused on quality aspects of the asylum process. ORAC contributed to these meetings.
- Language analysis testing to assess, as specifically as possible, whether an applicant could be placed in the geographical area or speech community from which they claimed to come, was used in a number of cases as part of the overall assessment of all the elements of the applicant's claim for refugee status or subsidiary protection.
- ORAC continued its interaction with the UNHCR throughout the year, availing of its expertise in many areas including in training and on quality issues. Training programmes specific to the refugee status determination and subsidiary protection functions were devised in consultation with the UNHCR. A UNHCR consultant on international protection from Canada provided key support for our organisation during 2015.

### EU Dublin III Regulation

- While continuing to present many challenges for our organization, the EU Dublin process was utilised fully during 2015. The Dublin III Regulation determines the Member State responsible for processing applications for international protection. In ORAC, the operation of the Dublin III Regulation was supported by the EURODAC fingerprinting process, the Automated Visa Application and Tracking System (AVATS) and the INIS e-Visa system.
- In 2015 ORAC carried out some 380 Dublin Regulation interviews and made some 302 outgoing transfer decisions which, in the case of transfer decisions, was a major increase on the 21 decisions made in 2014.
- ORAC sent 2,912 sets of fingerprints to EURODAC in 2015 with 345 hits involving 231 applicants confirmed. The fingerprints of all applicants aged 14 years and over are taken and transmitted to EURODAC as part of the application process.
- Fingerprints of asylum seekers have been taken since November 2000 in accordance with section 9A of the Refugee Act, 1996. The destruction of ten-year-old prints commenced in November 2010 in line with the 1996 Act. In 2015, 2,705 sets of fingerprints were destroyed on reaching the expiry of the ten year period or where the relevant applicants had been granted citizenship.



## **Family Reunification**

- 272 family reunification applications were referred to ORAC by the Minister for Justice and Equality in 2015 for investigation under the Refugee Act, 1996. This was an increase of 63% on the figure for 2014. Under the Refugee Act, 1996, ORAC has responsibility for the investigation of applications for family reunification and for the preparation of a report to the Minister based on the investigation undertaken. The final decision on these applications is a matter for the Minister.

## **Management of the introduction of change including the Single Procedure**

- On 19 November 2015 the Minister for Justice and Equality published the International Protection Bill, 2015 in December 2015.
- Under the 2015 Act, when commenced, an applicant, as part of a single procedure, will have all grounds for seeking international protection considered together as well as grounds for seeking permission to remain for non protection reasons.
- It is planned that the 2015 Act will be commenced in 2016.



## High Level Goal 2

**To maintain the highest standard of investigation and decision-making.**

### *Strategy Statement 2013-2015 Objectives*

- *To investigate and assess applications to a consistently high standard.*
- *To continue to have transparent and impartial procedures.*

### **High quality investigation and processing of applications**

- During 2015, the ORAC Quality Assurance process continued to have a high priority which included the regular review and update of existing procedures and guidance at an operational and strategic level. This enabled feedback to be provided to caseworkers and members of the Case Processing Panel having regard to the review of recommendations made. Decisions overturned by the Refugee Appeals Tribunal as well as judgments of the Superior Courts were also examined and fed into the work process resulting, as required, in the fine tuning of ORAC's procedures.
- The role of the Refugee Documentation Centre (RDC) and its specialist researchers continued to be important to ORAC through the provision of high quality and relevant country of origin information (COI) which assisted ORAC's analysis of applications for refugee status, subsidiary protection and family reunification.
- Work specific training was delivered to staff and members of the Case Processing Panel in areas such as refugee status determination and subsidiary protection.
- Correspondence tracking continued in 2015 to ensure that correspondence from all stakeholders was responded to within the timelines set out in the Customer Service Action Plan 2013-2015.
- An international protection expert from UNHCR continued to assist ORAC with the quality assurance of various aspects of ORAC's work processes in relation to both asylum and subsidiary protection. This included:
  - assisting in the revision of the refugee status determination report templates and other guidance papers for use by the ORAC staff, Case Processing Panel members and support staff,
  - the provision of training to ORAC Case Processing Panel members to undertake international protection interviews (refugee status and subsidiary protection) and to write legally robust reports,
  - the provision of training to ORAC caseworkers for interviewing asylum applicants.
- ORAC continued to work with the European Asylum Support Office in the development of the common European Asylum Curriculum (EAC) and other best practice initiatives in





the area of international protection. EASO outputs in the area of training and quality as well as UNHCR supports form the basis for the ORAC protection training modules.

- In 2015, a number of training sessions on the protection determination process, conducted in conjunction with UNHCR, were provided for up to 70 interpreters.
- ORAC continued to liaise regularly in relation to its mandate with other relevant bodies such as the Irish Naturalisation and Immigration Service (INIS), TUSLA – the Child and Family Agency, the Refugee Legal Service (RLS), the Garda National Immigration Bureau (GNIB), the Reception and Integration Agency (RIA), the Department of Health, the Department of Children and Youth Affairs and the Irish Prison Service, as well as other key stakeholders such as non-governmental organisations.
- Ongoing liaison took place with legal practitioners in the context of their clients' protection applications. This included Irish Refugee Council Independent Law Centre on an early legal advice project as well as the Refugee Legal Service.
- Under the Refugee Act, 1996, applicants are not recommended for refugee status if there are strong grounds to suspect that they have been guilty of serious crimes such as crimes against humanity, war crimes and/or serious non-political crimes prior to their arrival in this State. These are regarded as potential "exclusion clause cases". The exclusion clause was considered on a number of occasions during the year.
- ORAC availed of interpretation and translation services in some 59 languages during 2015. The procedures in place with the translation and interpretation service providers were aimed at ensuring that a quality service was available to applicants and assisted in the expeditious processing of asylum applications. These procedures were reviewed on an ongoing basis and were informed by regular contact with the service providers.
- 33 enquiries from the Refugee Appeals Tribunal were dealt with under sections 16(6) and 16(7) of the Refugee Act, 1996. On occasion these enquiries entailed making further contact with applicants in order to provide the information sought.
- The evaluation of judgments of the Superior Courts continued to be a priority of our Legal Analysis Unit and in this regard, during 2015, ORAC's database of relevant judgments of the Irish and UK courts in relation to asylum matters was maintained. We also recorded relevant judgments of the Court of Justice of the European Union (CJEU) and the European Court of Human Rights in relation to protection issues.
- A key priority of ORAC continued to be the reduction in the number of judicial reviews being lodged against our recommendations through, for example, the enhancement of training and quality processes. In 2015, ORAC received 11 new judicial reviews as compared to 23 new cases received in 2014. There was also a significant reduction in the number of legal challenges on hands in ORAC falling from 95 ongoing cases in 2014 to 16 ongoing cases at the end of 2015. As previously outlined, ORAC continued to review its internal procedures having regard to developments in caselaw in order to minimise potential legal challenges.
- In a situation where an application for judicial review identifies an error or omission in ORAC's existing procedures, in the interests of fairness and efficiency, ORAC will usually seek to settle the challenge as soon as possible in order to minimise costs to the



taxpayer<sup>6</sup>. However, where ORAC considers that the grounds in a judicial review do not disclose any error or omission on its part, it will contest the application in order to protect the integrity of the asylum process.

- ORAC's expenditure under its legal costs subhead in 2015 was €201,359.26.

### Open and Fair Procedure

- Comprehensive written information was provided to applicants in a range of languages so that they were informed about their rights, entitlements and obligations under asylum and subsidiary protection processes and the EU Dublin III Regulation. These are kept under review and updated as required.
- Under the European Union (Subsidiary Protection) (Amendment) Regulations 2015 which were signed on 16 April 2015, applicants were permitted to make an application for subsidiary protection at the same time as an application for refugee status or at any time thereafter and before a refugee status application is determined.
- ORAC, through its information material, continued to encourage applicants to seek legal advice before completing the relevant asylum questionnaire or subsidiary protection application and provided them with information to assist them in this regard. ORAC also stressed the importance to applicants of making available all possible documentation in support of their claim before their substantive interviews took place.
- ORAC also worked with legal representatives of applicants during the investigation process, including in relation to 'Statements of Claim' submitted. These statements, which set out the applicant's claim succinctly, are normally forwarded to ORAC for consideration in advance of the asylum or subsidiary protection interview.
- We also continued to recognise the special needs of vulnerable applicants such as unaccompanied minors and dealt with these applicants in a professional and sensitive manner. To this end, to assist caseworkers and members of our Case Processing Panel, we continued to have procedures in place to take account of the specific circumstances of vulnerable applicants. International best practice was used in developing these procedures.
- We continued to do our utmost to ensure that our caseworkers, Case Processing Panel members and interpreters (if required) were of the same gender as the applicant, where an applicant raised gender related issues in their initial application or thereafter.
- Throughout 2015 ORAC continued to utilise a high quality interpretation and translation service for applicants when required in order to support a fair protection process. In addition, we continued to independently verify the accuracy of a percentage of translated documents on an ongoing basis.

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<sup>6</sup> Settlements usually arise because ORAC seeks to resolve a judicial review at an early stage in order to avoid higher costs arising because of long drawn out proceedings. This can often enable the case to proceed to the Refugee Appeals Tribunal without unnecessary delay. It may also arise that because ORAC is not successful in a particular JR case, we seek to settle, on the basis of a risk assessment, other similar cases in order to avoid long drawn out proceedings even though it is by no means certain that ORAC would be unsuccessful should the case proceed to hearing. Finally, we endeavour to encourage a process of pre-JRs whereby legal advisors would bring potential issues with our determinations to our attention in advance of legal proceedings being issued. This would avoid the cost of proceedings, settlements etc.





- Meetings were held with the interpretation service provider at various stages during the year to discuss issues of a mutual interest and to ensure that the highest quality standards were maintained.
- Training sessions in relation to the provision of interpretation in the context of the asylum and subsidiary protection interviews was delivered to approximately 70 interpreters in 2015, in conjunction with UNHCR.
- In the context of country of origin information which is a central tenet of the protection process, ORAC maintained ongoing contacts with the Refugee Documentation Centre (RDC) which provides electronic and hard copy resources for research purposes. The RDC e-library facility can be directly accessed by ORAC which enables staff to efficiently use internationally recognised COI databases, such as the UNHCR Protection Information Section's Refworld database ([www.refworld.org](http://www.refworld.org)) and the European Country of Origin Information Network ([www.ecoi.net](http://www.ecoi.net)) database, as well as a range of other COI resources for the purposes of our work in relation to refugee status, subsidiary protection and family reunification.



## High Level Goal 3

**To ensure applications for asylum and family reunification are dealt with in an open, fair and impartial manner and that the integrity of the process is preserved.**

### *Strategy Statement 2013-2015 Objectives<sup>7</sup>*

- *To identify as quickly as possible, in an effective and fair manner, those applicants who come within the definition of a refugee contained in section 2 of the Refugee Act, 1996.*
- *To detect and minimise abuse of the asylum process.*
- *To represent the Commissioner at appeal hearings at the Refugee Appeals Tribunal.*
- *To develop our own policies and procedures to preserve the integrity of the asylum process.*

### **Section 2 of the Refugee Act, 1996**

- The main statutory role of ORAC during the year continued to be to identify applicants who came within the definition of a refugee as contained in section 2 of the Refugee Act, 1996, in a timely and fair manner. This priority also applied to applicants for subsidiary protection under the European Union (Subsidiary Protection) Regulations 2013. The number of applications for refugee status and the number of recommendations made are detailed elsewhere in this report.
- In relation to refugee status, applications examined under the Ministerial Prioritisation Directive were completed within a median processing time of 10.8 weeks from the date of application. The remaining cases were processed within a median processing time of 29 weeks.
- In accordance with the Refugee Act, 1996, ORAC continued to prioritise the processing of applications from persons in detention. The preliminary interview in these cases took place within three working days of their date of application in so far as possible.
- As a single point of access to the EASO's and UNHCR's COI database, general country of origin information continued to be utilised by ORAC through the RDC e-Library. In addition, ORAC maintained a Caseworkers' Shared Knowledge Database, on which it stores, for example, the RDC's replies to individual requests by ORAC staff when examining applicants' claims, organised for ease of retrieval.

### **Detect and Minimise Abuse**

- Priority continued to be given to work aimed at protecting the integrity of the protection process. We dealt with an extensive range of investigation queries. We also liaised with

<sup>7</sup> These priorities and obligations also apply to the subsidiary protection process.



bodies such as the Irish Naturalisation and Immigration Service, the Garda National Immigration Bureau, the Garda Technical Bureau, the Anti-Human Trafficking Unit of the Department of Justice and Equality as well as with other Government Departments and EU States, particularly the United Kingdom.

- In addition, for the purpose of maintaining the integrity of the asylum process, other initiatives undertaken included specific caseworker training, the exchange of information in line with legislation with other public bodies and EU States and the use of information technology systems such as EURODAC, AFIS and AVATS.
- Applicants under the Refugee Act, 1996 are required by law to co-operate with the asylum process. Where such cooperation does not take place (e.g. applicants not attending for interview on the appointed date without showing reasonable cause; not advising the Commissioner of a change of address or not providing information relevant to their application), cases were deemed withdrawn. 319 applications were deemed withdrawn in 2015.
- ORAC continued to liaise with the Garda Technical Bureau (GTB) about identity documents when concerns and doubts arose as to the authenticity of these documents, including at the request of the Refugee Appeals Tribunal.
- In all our processes, we maintained vigilance in seeking out applicants who may have been subjected to human trafficking and when the situation required it, we liaised with the Anti Human Trafficking Unit of the Department of Justice and Equality as well as the Garda National Protective Services Bureau.
- ORAC continued to apply the EU Dublin III Regulation (Regulation (EU) No. 604/2013), and the EURODAC Fingerprinting Regulation (Regulation (EU) No. 603/2013). The latter came into effect in July 2015. (See also Part 2: Key developments in 2015).
- The AVATS IT system continued to be available to ORAC to assist in identifying applicants who made a visa application to enable them travel to the State, but who subsequently failed to provide this information when they applied for a declaration of refugee status.

### **Represent the Commissioner at appeal hearings at the Refugee Appeals Tribunal**

- Presenting Officers and members of the ORAC Case Processing Panel represented the Commissioner at appeal hearings before the Refugee Appeals Tribunal (RAT) during the year. In 2015, 725 RAT hearings were serviced which was an increase of more than 211% on the number of appeal hearings attended in 2014.
- All Presenting Officers and Case Processing Panel members are fully trained in refugee status determination, subsidiary protection and EU Dublin procedures as well as provided with caseworker specific training and training in the presenting function before being assigned cases before the Tribunal.
- 33 enquiries were received from the Refugee Appeals Tribunal under sections 16(6) and 16(7) of the Refugee Act, 1996 during 2015, all of which were completed within the required timeframe.



## **Policies and procedures to preserve the integrity of the asylum system**

- Throughout 2015, ORAC continued to update its key procedural guidance in relation to the refugee status determination and subsidiary protection processes. This enabled all ORAC staff including the ORAC Case Processing Panel members to have easy access to any procedural documentation in relation to their area of operation. In particular, with assistance from the UNHCR, ORAC revised and updated the report template for refugee status determination as well as relevant guidance material.
- To ensure that both the refugee status and subsidiary protection determination processes were carried out to the highest standards in line with our legal obligations, ORAC maximised the use of our quality assurance systems to support our processes.
- ORAC continued to work with the European Asylum Support Office in the development of a common EASO Training Curriculum and on other best practice initiatives in the area of international protection including quality assurance.



## High Level Goal 4

### To maintain excellent customer service.

#### *Strategy Statement 2013-2015 Objectives*

- *To deliver high quality customer service.*
- *To provide clear information to customers regarding the asylum process.*
- *To provide a comprehensive and effective complaints procedure.*

#### High quality customer service

- The organisation continued to focus on ensuring the delivery of an efficient, effective and professional service to all of our customers during 2015 in the context of a large increase in correspondence received.
- In line with commitments outlined in our Customer Charter and Customer Service Action Plan 2013-2015, response times for correspondence continued to be monitored by the Corporate and Customer Service Centre.
- Three staff bulletins issued in 2015. These bulletins ensured that staff were informed of any new developments regarding the work of the organisation.
- The Customer Service Liaison Panel met in 2015. Panel meetings provide an opportunity for exchanges of information with key NGOs working with asylum seekers. ORAC also maintained ongoing contact during the year with the Liaison Panel members on issues coming within the mandate of our office.
- As in previous years, the organisation liaised with other key stakeholders on operation of the protection process, including the Refugee Legal Service, TUSLA – the Child and Family Agency and the Garda National Immigration Bureau.
- The Corporate and Customer Service Centre dealt with 20,607 correspondence transactions during the year, as follows
  - 10,542 letters and faxes
  - 2,446 telephone enquiries,
  - 7,188 email enquiries and
  - 431 corporate enquiries
- This was an overall increase of 26% on correspondence transactions in 2014. Despite the increase in correspondence transactions during the year, in the main correspondence was acknowledged within 5 working days of receipt and a full reply issued within 20 working days.



- Work commenced on a new Customer Service Action Plan which will cover the period 2016-2018 or until such time as the International Protection Act, 2015 is commenced.

### **Clear information to customers**

- The Customer Service Centre continued to provide a telephone answering service from Monday to Friday each week from 09.15 to 17.30.
- The nature of the comprehensive information material provided to applicants on the protection process is outlined elsewhere in this report.

### **Customer Complaints Procedure**

- ORAC's customer complaints procedure is outlined in its Customer Charter and Customer Service Action Plan and continues to be kept under review to ensure that it operates in an effective manner.



## High Level Goal 5

**To efficiently and effectively manage our organisation and its resources in line with best practice, taking into account allocated resources and having regard to the development of our staff.**

### *Strategy Statement 2013-2015 Objectives*

- *Ensure our strategic business planning and individual performance planning frameworks support optimum performance by the organisation.*
- *Manage human resources to meet the business needs of the organisation and the development needs of staff.*
- *Make optimum use of ICT solutions to support the business needs of the organisation.*
- *Manage financial resources in the context of Public Sector Reform in a manner consistent with the requirements of the Office.*
- *To effectively manage the services and facilities of the Office.*
- *To build a strong commitment to new ways of working through Partnership.*
- *To provide quality corporate support to the ORAC to discharge its statutory and non-statutory functions and also to effectively monitor the Office's communications, both internal and external.*

### **Business Planning**

- A key element of our management process is business planning which is overseen by our management group at regular meetings. This provides the organisation with a framework to assess progress on work on a monthly, quarterly and annual basis. It allows ORAC to identify and review its priorities against the resources available.
- ORAC's Business Plan for 2015 contained a strong emphasis on the efficient and effective processing of applications as well as customer service and quality assurance.
- Each Unit's Business Plan contains a risk register which allows the organisation to carry out an assessment of risks. Any necessary corrective action and mitigations were taken as required.

### **Performance/Service Delivery Agreement.**

- ORAC has a Performance/Service Delivery Agreement in place with the Department of Justice and Equality/INIS, the aim of which is to ensure standards of performance and outputs and to clarify the mutual obligations of both parties to enable commitments to be delivered within our respective statutory functions.



## Human Resources/Training

- ORAC continued to have in place a framework for the provision and development of the skills and competencies required to assist staff in achieving organisational goals and to provide for personal development.
- All members of staff continued to participate in the Performance Management and Development System (PMDS) during 2015. PMDS is a service-wide system, designed to be a fair and effective way of measuring and developing performance, through regular open, honest and constructive discussions between managers and staff. The benefits of PMDS for staff members, managers, and the organisation include providing clarity on roles and priorities, improving performance on a target based approach and contributing to a systematic approach to personal development.
- In 2015, ORAC continued to prioritise the needs of staff in the areas of job specific development and training in a cost effective manner. An Annual Training Plan for the year was drawn up following the completion of staff's learning and development plans in Quarter 1 of the PMDS cycle, and to meet organisational training priorities. Both job specific and general training was provided to staff as appropriate.
- Job specific training included new and refresher training on the determination of refugee status and subsidiary protection applications and the EU Dublin III Regulation.
- Examples of personal skills training courses provided included: MS Excel Intermediate, First Aid Training and Fire Warden Training.
- ORAC staff continued to have access to the services of the Civil Service Employee Assistance Service.
- At an international level, ORAC continued to work with the European Asylum Support Office in the development of a common European Asylum Curriculum (EAC) and best practice initiatives in the area of refugee status determination. The EASO Training Curriculum as well as UNHCR best practice form the cornerstone for the ORAC protection training modules.
- Following the enactment of the International Protection Act, 2015, preparatory work commenced on the development of a comprehensive training programme in preparation for the introduction of a single procedure.
- 2015 was particularly challenging from a staffing perspective taking into account the increase in the number of applicants for international protection. The staffing resources of the Office continued to be kept under review at both unit and organisation level. During 2015 much emphasis continued to be placed on staff multi-tasking in various functional units of ORAC which ensured that the organisation continued to operate in an effective manner against a background of both staff shortages and growing asylum numbers.
- A detailed business case for additional staff was made to INIS in August 2015 to take account of increasing asylum applications.
- For ease of reference, the up-to-date ORAC organisational framework is set out in Appendix 1, which is entitled "ORAC Management Staffing Structure".





- The ORAC Case Processing Panel was extended during 2015 to assist in dealing with applications for refugee status as well as subsidiary protection.
- An ORAC staff member was seconded to the INIS Reporting and Analysis Unit (RAU) again in 2015. The purpose of the INIS RAU is to support INIS (including ORAC) generally in relation to the provision of statistical information for management, operational and strategic planning purposes.
- In 2015, ORAC continued to take part in the National JobBridge Scheme through the Department of Justice and Equality. The function of this programme is to allow unemployed graduates gain valuable work experience while at the same time assisting the Department and its agencies.

### Information Technology and Statistics

- The IT Division of the Department of Justice and Equality and the AISIP Business Support Team in INIS continued to support our information systems during the year. This included support for the DublinET system which is a communications system used for secure electronic communications for the processing of cases under the Dublin III Regulation.
- A new IT solution was put in place in July 2015, in cooperation with INIS and An Garda Síochána, to ensure ORAC's readiness to implement EURODAC Regulation (EU) No. 603/2013 which entered into force in July 2015, and which further develops the previous EURODAC Fingerprinting Regulation.
- ORAC continued to utilise the RDC COI System (e-library). The RDC COI System (e-library) is an important resource for ORAC in ensuring access to reliable and up-to-date COI. The e-library is available to bodies dealing with the asylum and immigration process. The system provides facilities for the maintenance of, and access to, electronic information including COI reports, Country Information Packs, anonymised COI query responses, library catalogue and legal materials. It also draws on key international databases, in particular the UNHCR's Refworld database and the European Country of Origin Information Database (ecoi.net), to which the RDC is a contributor.
- ORAC also cooperated with the RDC's successful connection to the new EU COI Portal. The Portal facility comes under the aegis of the European Asylum Support Office.

### Financial Resources

- In order to ensure that ORAC was in compliance with relevant Financial Policy Procedures and Public Procurement Guidelines and that expenditure came within budget, appropriate internal and external financial controls continued to be applied during the year, including in the area of fees paid to members of our Case Processing Panel.
- ORAC's expenditure outturn for 2015 is included at Appendix 7.



## Internal Support Services

- During 2015, the copying/registry function of the Administration and Arrangements Unit continued to provide a key support service to the Office. 18,381 file movements and other transactions were completed during the year, including file copying and helpdesk assistance. This represented an increase of 17% on the 17,391 file movements and other transactions which took place in 2014 and is mainly due to the significant increase in the number of files which were required to be copied and moved as a result of the 126% increase in asylum applications. Work practices for creating, copying, constructing and moving case files continued to be reviewed and streamlined in conjunction with other units in ORAC, in order to achieve maximum efficiencies in the use of staff and resources (See also Appendix 6).

## Partnership

- The ORAC Partnership Committee met 5 times during 2015. These meetings provided an opportunity for staff, management and union representatives to discuss matters such as corporate planning, energy awareness and other organisational issues.
- A total of €610 was raised by ORAC's Local Community Fundraising Committee during 2015 in support of the Crosscare Cafe which has a premises on Holles Row, through a number of fundraising initiatives.

## Corporate Developments including Freedom of Information

- This report provides ORAC's third update on the implementation of the High Level Goals in our Strategy Statement 2013-2015.
- ORAC continued to give a high priority to health and safety matters in 2015. A Health and Safety Policy Statement continues to enable the Office to meet its responsibilities to staff and customers under health and safety legislation. It involves a number of ongoing initiatives which include:
  - The appointment and training of staff as Fire Wardens and training of staff in First Aid and use of Cardiac Defibrillators.
  - Staff awareness of health and safety matters.
  - Ongoing review of office security and safety procedures for optimum safety of ORAC's staff and customers.
  - Representation of ORAC on the INIS Health and Safety committee.
  - Fire Drills completed in accordance with safety regulations.
  - Fire fighting equipment checked monthly and maintained on contract.
  - Emergency Lighting/Walks checked weekly.
- Under the Freedom of Information Act, 2014, FOI was extended to a range of public bodies. While ORAC came under the 2014 Act with effect from 14 April 2015, only records created by ORAC, on or after 14 October 2014, are subject to FOI. However, all records relating to personal information held by ORAC, irrespective of when they were created, come within the scope of the 2014 Act subject to certain exemptions. 15 FOI requests were received and dealt with during the year.



- Work commenced on the preparation of a new ORAC Strategy Statement to cover the period 2016 - 2018. It is due to be published in early 2016.

### Energy Awareness

- ORAC continued to implement its organisational Energy Plan during 2015, the aim of which is to maximise efforts to assist in reducing energy consumption, while at the same time continuing to have adequate heating and lighting and an acceptable working environment.
- A more detailed outline of our energy usage and energy saving initiatives can be found in Appendix 8.



## **Part 4**

### **Appendices**



## **Appendix 1**

### **ORAC Management Staffing Structure**



## Appendix 1

### ORAC Management Staffing Structure

<b>Commissioner</b>			
<b>Principal Officer*</b>			
<b>Assistant Principal Officer</b>			
<p>Corporate and Customer Service Centre**</p> <p>Judicial Review and Investigations Unit**</p> <p>Reporting and Analysis Unit (ORAC aspects)**</p> <p>Staff Support and Training and FOI, COI/Research and Legal Analysis Unit **</p>			
<b>Principal Officer</b>			
<b>Assistant Principal Officer</b>	<b>Assistant Principal Officer</b>	<b>Assistant Principal Officer</b>	<b>Assistant Principal Officer</b>
<p>Asylum Case Processing Unit</p> <p>Administration, Arrangements and Presenting Unit</p>	<p>Dublin Unit</p> <p>Reception Unit</p>	<p>Procedures, Training and Organisation Development Unit</p> <p>Single Procedure Planning Unit</p> <p>Subsidiary Protection Unit</p>	<p>Relocation Unit</p> <p>Family Reunification Unit</p>

\* 1 Principal Officer vacancy.

\*\*These Units report directly to the Commissioner.



## **Appendix 2**

### **Overview of Units of ORAC**



## **Appendix 2 - Overview of Units of ORAC**

### **1. Administration, Arrangements and Presenting Unit**

#### **Administration and Arrangements**

The functions of the Unit are:

- to arrange the scheduling of interviews for protection applicants.
- to arrange for interpretation and translation services.
- to manage the interview waiting area.
- to issue recommendation notifications to asylum applicants and relevant parties following the investigation of asylum applications.
- to process deemed withdrawn cases.
- to provide administrative support to the Case Processing Unit.
- to process correspondence in relation to the Case Processing Unit.
- to manage file movement and file copying in ORAC.

#### **Presenting Unit**

The role of the Presenting Unit is to represent the Refugee Applications Commissioner at appeal hearings before the Refugee Appeals Tribunal in respect of refugee status, subsidiary protection cases and under the Dublin III Regulation, to respond at appeal hearings to the issues raised in the appellant's appeal and to assist the Member of the Tribunal in reaching a fair and just decision. The Unit provides statutory responses under sections 16(6) and 16(7) of the Refugee Act, 1996 and the relevant provisions of the European Union (Subsidiary Protection) Regulations 2013.

### **2. Asylum Case Processing Unit**

The primary objective of the Asylum Case Processing Unit is the fair, timely and efficient investigation of applications for a declaration of refugee status and the making of legally robust recommendations on such applications. The investigation includes the individual interviewing of applicants, the objective research of the claims made and the making of recommendations as to whether an applicant should be 'granted' or 'refused' refugee status. The head of unit is also responsible for leading the ORAC quality assurance process in relation to asylum recommendations.

### **3. Corporate and Customer Service Centre**

The role of the Corporate Office is to oversee the provision of quality administrative and secretarial support to the Refugee Applications Commissioner and his senior Management Team to enable him to discharge his statutory and non-statutory functions. The office co-ordinates material in response to requests from, *inter-alia*, other parts of the Irish Naturalisation and Immigration Service (INIS), Government Departments/agencies and the media; prepares all corporate documents and is responsible for their circulation. The Customer Service Centre is responsible for the development and monitoring of customer service structures, the management of customer service enquiries and liaising with other organisations (governmental and non-governmental).

### **4. Dublin Unit**

This Unit deals with the implementation of the EU Dublin III Regulation and is responsible for determining whether asylum applications should be transferred for examination to other Member States. It also deals with requests from other Member States to transfer applications for asylum to this State.





## **5. Family Reunification Unit**

Family Reunification Unit investigates applications made by refugees for permission for certain members of their family to be allowed to enter and reside in the State and provides reports on these investigations to the Minister for Justice and Equality.

## **6. Judicial Review and Investigations Unit**

The Judicial Review Unit prepares the ORAC response to legal challenges against recommendations of the Office (first instance asylum and subsidiary protection recommendations), as well as challenges under the EU Dublin III Regulation. This includes appeals to the Supreme Court and referrals to the Court of Justice of the European Union (CJEU). The investigation side of the Unit provides investigative assistance to other Units in ORAC and acts as a point of contact for other bodies such as INIS and GNIB.

## **7. Procedures, Training and Organisation Development Unit**

This Unit acts as the central knowledge resource for the organisation and leads the development and ongoing review of ORAC policy and procedures in relation to the management and investigation of asylum and subsidiary protection applications. The Unit also co-ordinates and provides the appropriate training for staff in relation to both refugee status and subsidiary protection determination processes.

## **8. Reception Unit**

The Reception Unit deals with the acceptance and processing of asylum applications when first received in ORAC including the initial interview of applicants, the taking of fingerprints and the transmission thereof to the EURODAC fingerprint database, the photographing of applicants and the issue to applicants of Temporary Residence Certificates. The Unit also processes the initial stage of subsidiary protection applications.

## **9. Reporting and Analysis Unit**

The Reporting and Analysis Unit (RAU) is responsible for providing statistical and management information and for the compilation and circulation of periodic statistical reports. The ORAC RAU is part of the INIS RAU.

## **10. Single Procedure Planning Unit**

The Single Procedure Planning Unit is responsible for the development of internal policies and procedures as well as training programmes required to facilitate the implementation of the International Protection Act, 2015, which will result (when commenced) in the introduction of a single procedure. Under the proposed single procedure, an applicant will have all grounds for seeking international protection (refugee and subsidiary protection) as well as other grounds for remaining in the State examined and determined in one process.

## **11. Staff Support & FOI, COI/ Research and Legal Analysis Unit**

The role of the unit is to:

- Provide and co-ordinate residual staff support functions and certain personal skills training.
- Provide Country of Origin Information (COI) and other research material to support ORAC's various areas of responsibility.
- Manage the language analysis function.
- Provide legal analysis/research support in relation to judicial reviews, ORAC's policies and procedures, and other legal work which is undertaken for the Commissioner,
- To ensure that all Freedom of Information requests are processed in accordance with the



- requirements of the Freedom of Information Act, 2014, and
- Manage contract staff (under the JobBridge scheme and/or other programmes) who carry out legal analysis and research work.

## **12. Subsidiary Protection Unit**

Subsidiary Protection Unit's role is to ensure the fair, timely and efficient investigation (including interview) of applications for subsidiary protection and the making of legally robust recommendations as to whether an applicant should be 'granted' or 'refused' such protection. It also oversees the management of other responsibilities in relation to subsidiary protection including scheduling of interviews, ensuring representation at Refugee Appeals Tribunal appeal hearings, issue of recommendations, production of management statistics and the management of work processes generally.

## **13. Relocation Unit**

Relocation Unit is responsible for ensuring the fair, timely and efficient relocation of asylum seekers from EU Member States as specified in EU Council Decisions 2015/1523 and 2015/1601 of September 2015. The unit also oversees the processing of asylum applications in respect of relocated persons.

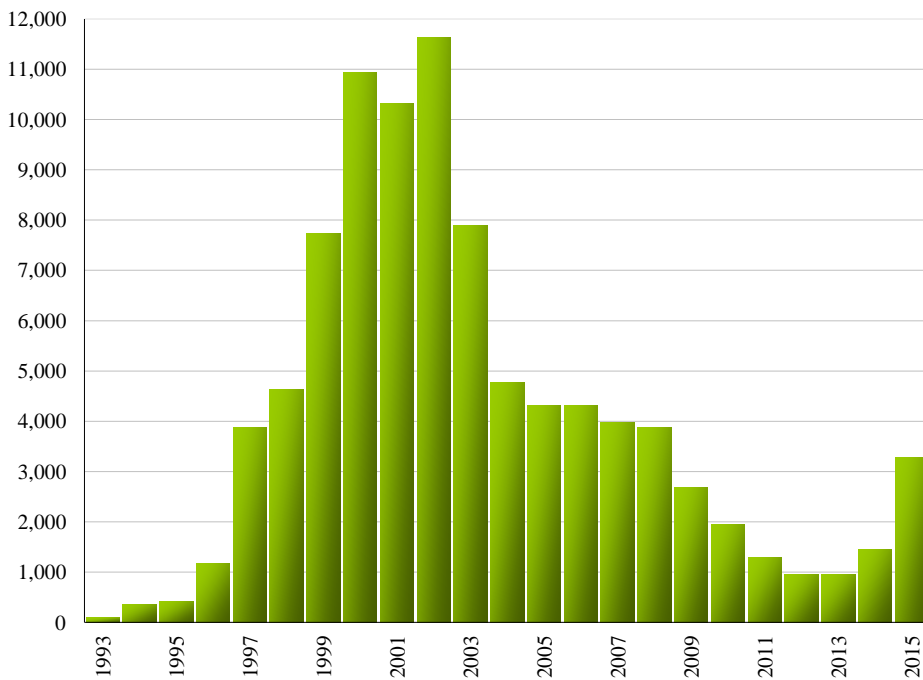


## **Appendix 3**

### **Applications/Processing Statistics**

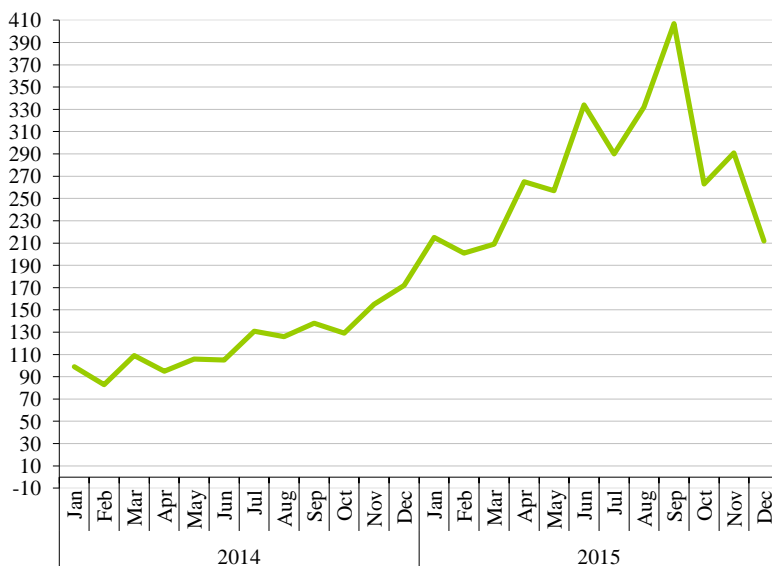


Table 1. Number of applications per year from 1993 to 2015



Year	Applications	Change on previous year (%)
1993	91	133.3
1994	362	297.8
1995	424	17.1
1996	1,179	178.1
1997	3,883	229.3
1998	4,626	19.1
1999	7,724	67.0
2000	10,938	41.6
2001	10,325	-5.6
2002	11,634	12.7
2003	7,900	-32.1
2004	4,766	-39.7
2005	4,323	-9.3
2006	4,314	-0.2
2007	3,985	-7.6
2008	3,866	-3.0
2009	2,689	-30.4
2010	1,939	-27.9
2011	1,290	-33.5
2012	956	-25.9
2013	946	-1.0
2014	1,448	53.1
2015	3,276	126.2
Total	92,884	

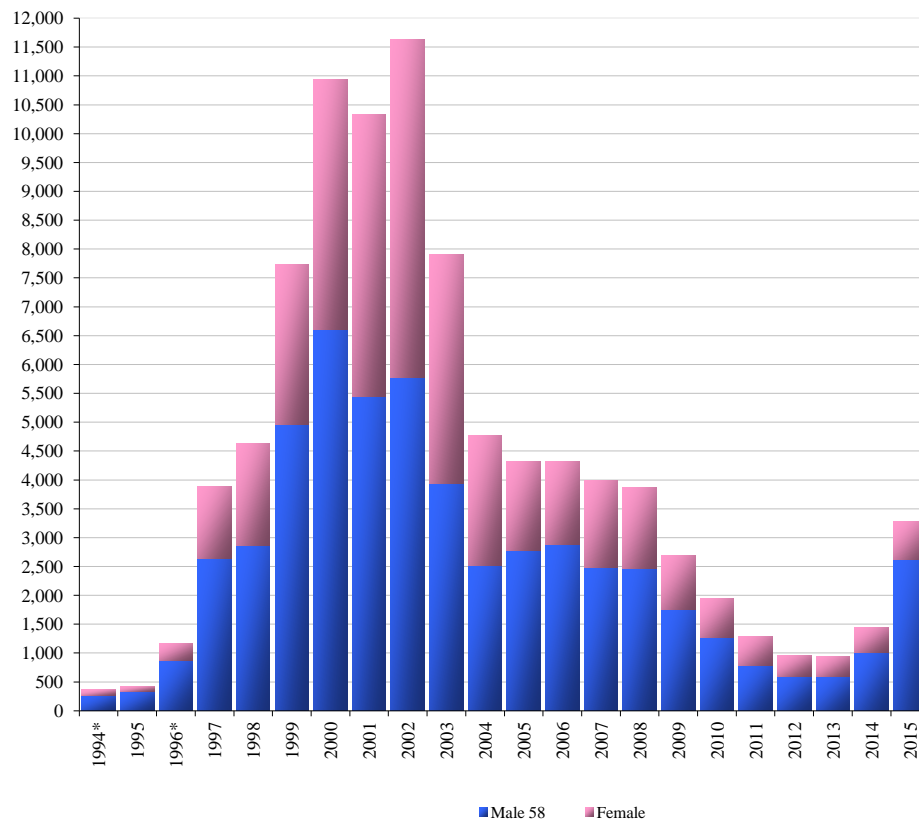
Table 2. Applications received by month and year



Month	2014	2015	Year on year change (%)
January	99	215	117.2
February	83	201	142.2
March	109	209	91.7
April	95	265	178.9
May	106	257	142.5
June	105	334	218.1
July	131	290	121.4
August	126	332	163.5
September	138	407	194.9
October	129	263	103.9
November	155	291	87.7
December	172	212	23.3
Total	1,448	3,276	126.2



Table 3. Applications per year from 1993 to 2015 by gender

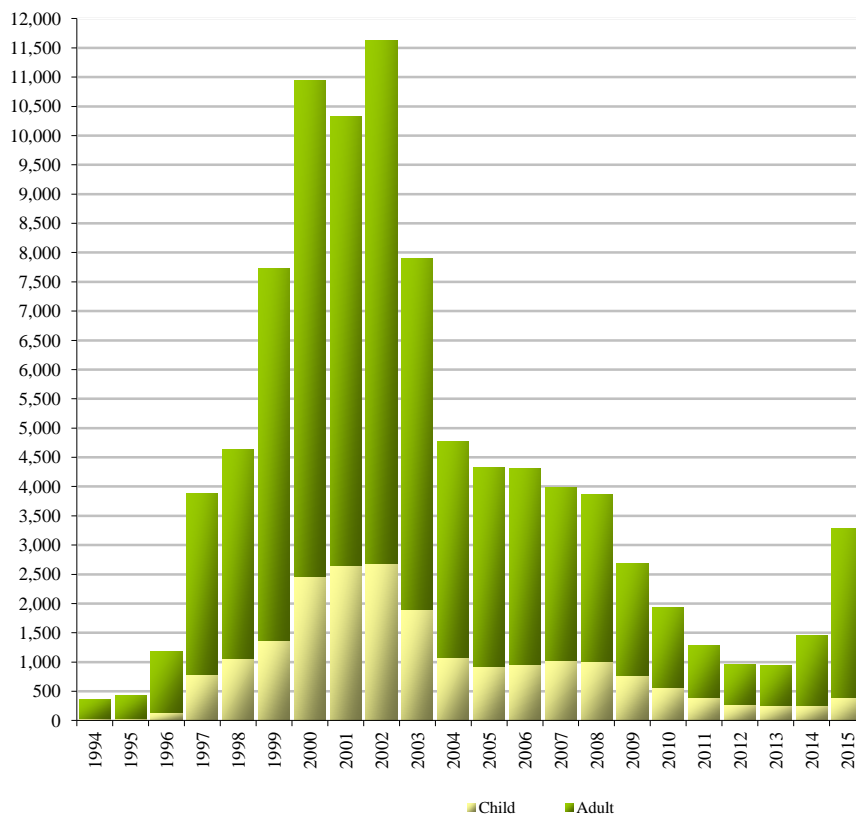


Year	Male	Female	Total	Male to Female ratio
1993*	58	28	91	2.1
1994*	264	97	362	2.7
1995	334	90	424	3.7
1996*	875	299	1,179	2.9
1997	2,643	1,240	3,883	2.1
1998	2,869	1,757	4,626	1.6
1999	4,958	2,766	7,724	1.8
2000	6,602	4,336	10,938	1.5
2001	5,447	4,878	10,325	1.1
2002	5,773	5,861	11,634	1.0
2003	3,944	3,956	7,900	1.0
2004	2,521	2,245	4,766	1.1
2005	2,778	1,545	4,323	1.8
2006	2,875	1,439	4,314	2.0
2007	2,478	1,507	3,985	1.6
2008	2,469	1,397	3,866	1.8
2009	1,758	931	2,689	1.9
2010	1,265	674	1,939	1.9
2011	779	511	1,290	1.5
2012	599	357	956	1.7
2013	585	361	946	1.6
2014	1,003	445	1,448	2.3
2015	2,616	660	3,276	4.0
<b>Total</b>	<b>55,493</b>	<b>37,380</b>	<b>92,884</b>	<b>1.5</b>

\* The totals in respect of these years include cases where 'Gender' was not recorded.



Table 4. Applications per year by age grouping

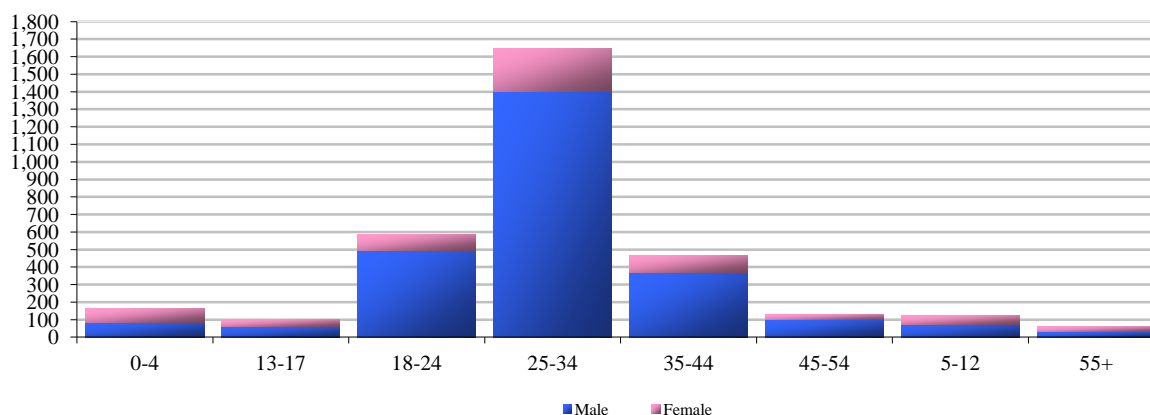


Year	Child [0 - 17]	Adult [18+]	Total	Adult to Child ratio
1993	18	68	91	3.8
1994	31	330	362	10.6
1995	27	397	424	14.7
1996	138	1,041	1,179	7.5
1997	791	3,092	3,883	3.9
1998	1,063	3,563	4,626	3.4
1999	1,370	6,354	7,724	4.6
2000	2,456	8,482	10,938	3.5
2001	2,653	7,672	10,325	2.9
2002	2,678	8,956	11,634	3.3
2003	1,895	6,005	7,900	3.2
2004	1,071	3,695	4,766	3.5
2005	926	3,397	4,323	3.7
2006	964	3,350	4,314	3.5
2007	1,025	2,960	3,985	2.9
2008	1,016	2,850	3,866	2.8
2009	764	1,925	2,689	2.5
2010	573	1,366	1,939	2.4
2011	387	903	1,290	2.3
2012	277	679	956	2.5
2013	261	685	946	2.6
2014	264	1,184	1,448	4.5
2015	386	2,890	3,276	7.5
<b>Total</b>	<b>21,034</b>	<b>71,844</b>	<b>92,884</b>	<b>3.4</b>

\* The totals in respect of these years include cases where 'Age' was not recorded.



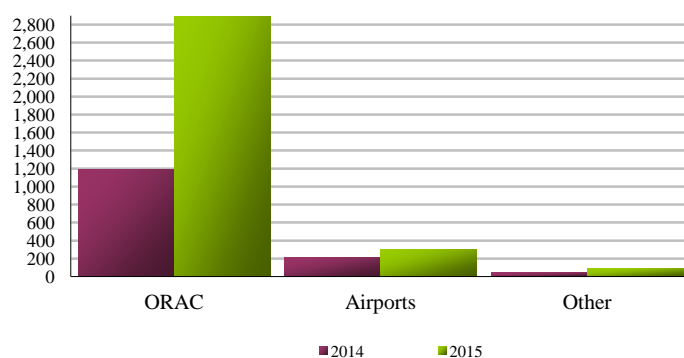
Table 5. Age stated by applicants 2015



Age Group	Male	Female	Total	Total (%)	Male to Female ratio
0-4	85	76	161	4.9	1.1
13-17	61	41	102	3.1	1.5
18-24	494	92	586	17.9	5.4
25-34	1 402	245	1 647	50.3	5.7
35-44	370	96	466	14.2	3.9
45-54	99	32	131	4.0	3.1
5-12	75	48	123	3.8	1.6
55+	30	30	60	1.8	1.0
<b>Total</b>	<b>2,616</b>	<b>660</b>	<b>3,276</b>		<b>4.0</b>

Percentages may not add up to 100% due to rounding.

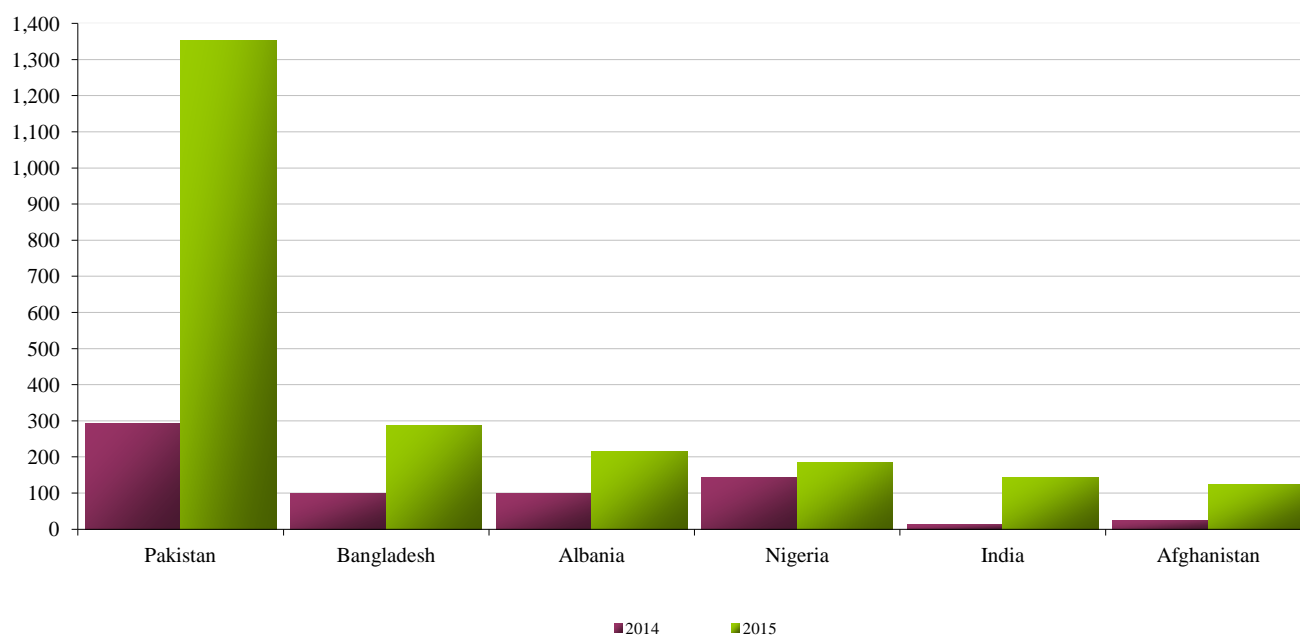
Table 6. Places of application



Place of application	2014		2015	
	Applications	%	Applications	%
ORAC	1,195	82.5	2,888	88.2
Airports	212	14.6	300	9.2
Other	41	2.8	88	2.7
<b>Total</b>	<b>1,448</b>		<b>3,276</b>	

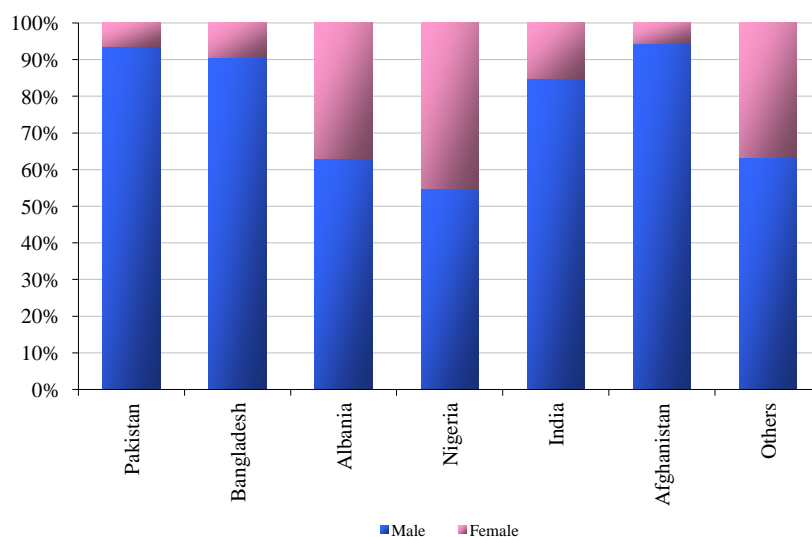


Table 7. Top six stated countries of origin 2015 and comparison with 2014



Nationality	2014		2015		Year on year change (%)
	Applications	%	Applications	%	
Pakistan	292	20.2	1,352	41.3	363.0
Bangladesh	99	6.8	286	8.7	188.9
Albania	99	6.8	214	6.5	116.2
Nigeria	142	9.8	186	5.7	31.0
India	12	0.8	144	4.4	1100.0
Afghanistan	25	1.7	124	3.8	396.0
Others	779	53.8	970	29.6	24.5
Total	1,448		3,276		

Table 8. Top six stated countries of origin 2015 by gender



Nationality	Male	Female	Male to Female ratio
Pakistan	1,266	86	14.7
Bangladesh	259	27	9.6
Albania	135	79	1.7
Nigeria	102	84	1.2
India	122	22	5.5
Afghanistan	117	7	16.7
Others	615	355	1.7
Total	2,616	660	4.0





Table 9. Applications from unaccompanied minors 2000 to 2015 by gender

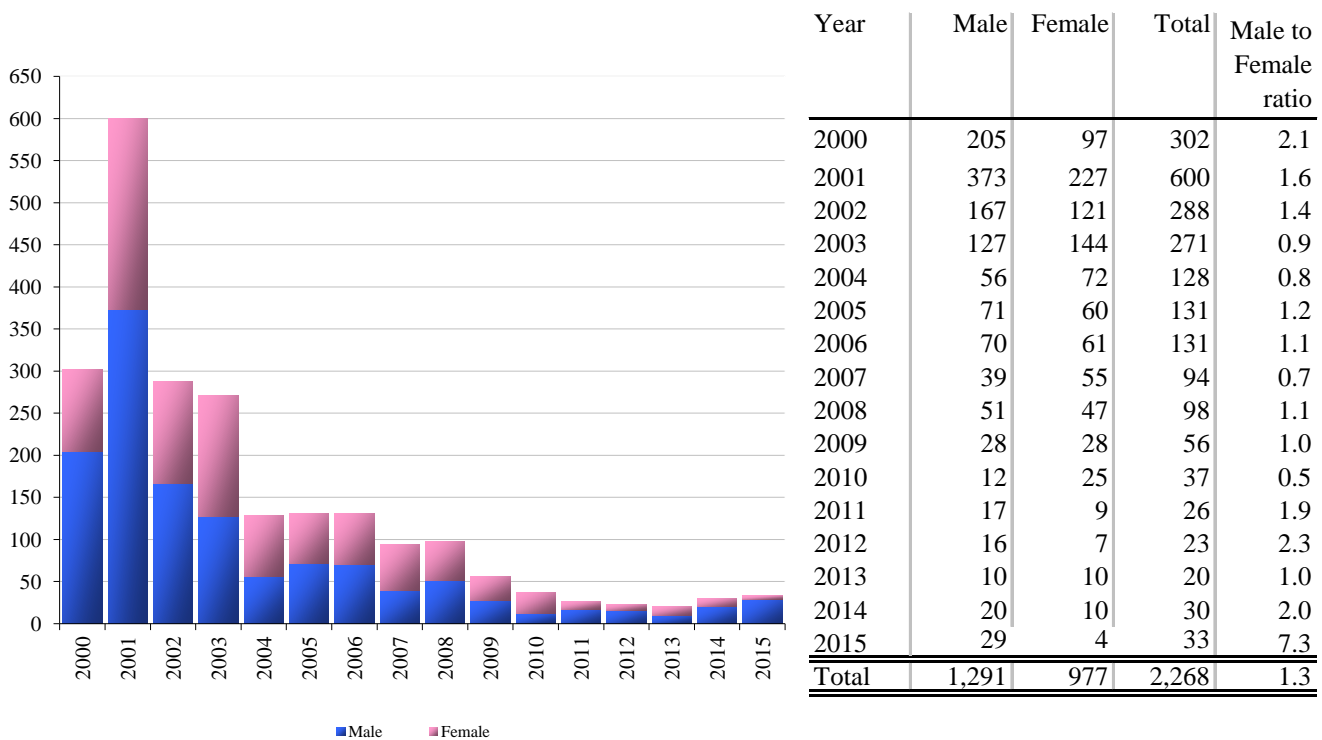
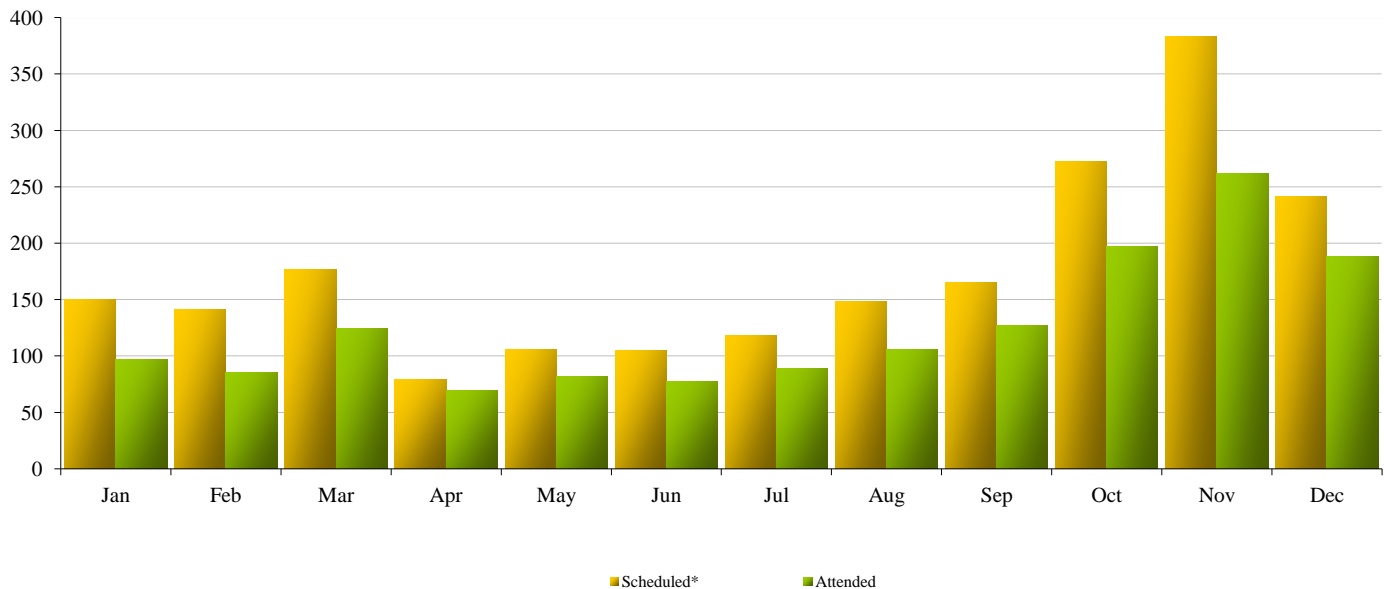


Table 10. Interviews scheduled and attended 2015

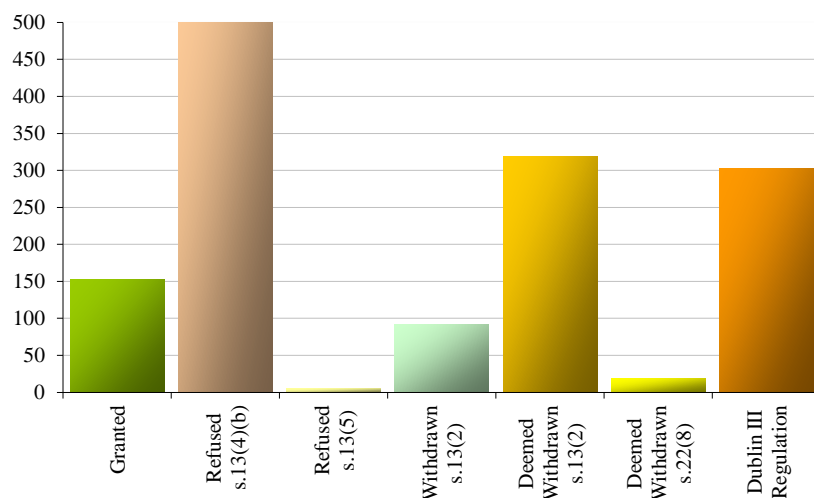


Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Scheduled*	150	141	177	79	106	105	118	148	165	272	383	241	2,085
Attended	97	85	124	69	82	77	89	106	127	197	262	188	1,503
% Attended	64.7	60.3	70.1	87.3	77.4	73.3	75.4	71.6	77.0	72.4	68.4	78.0	72.1

\* Each month ORAC over-schedules allowing cancellations to be substituted with another active interview, thus preventing the loss of an interview slot. The above figures relate to the amount of interviews that ORAC had the capacity to service.



**Table 11. Cases finalised**



Category	Total (%)
Granted	9.8
Refused s.13(4)(b)	42.7
Refused s.13(5)	0.3
Withdrawn s.13(2)	5.9
Deemed Withdrawn s.13(2)	20.6
Deemed Withdrawn s.22(8)	1.2
Dublin Regulation	19.5
<b>Total cases finalised</b>	<b>1,552</b>

Sections refer to those of the Refugee Act, 1996.

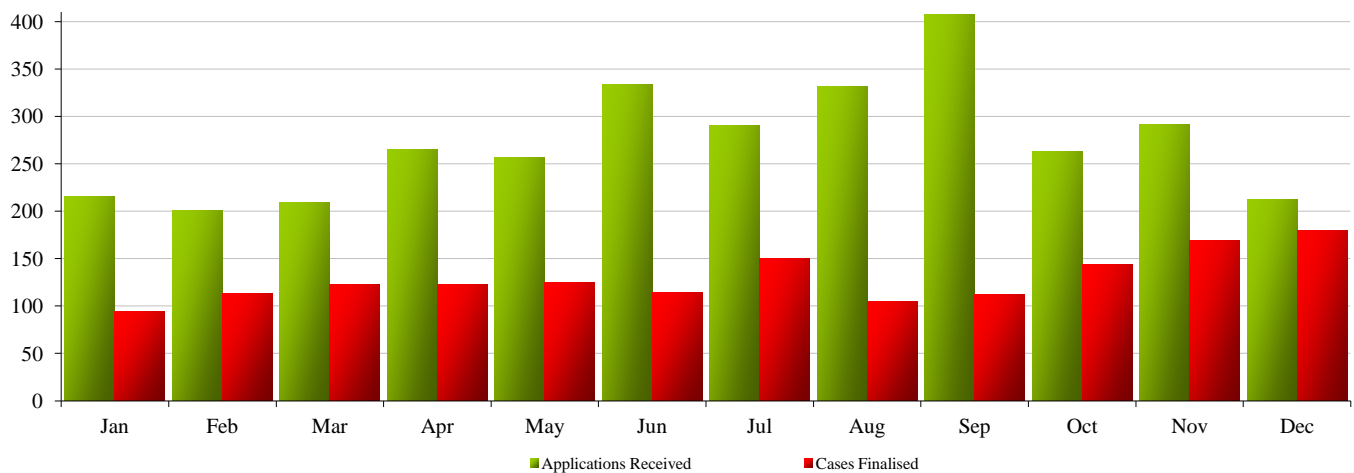
Percentages may not add up to 100% due to rounding.

See Table 13 for full grant rate in 2015.

<b>Grant</b>	<i>The Commissioner has made a recommendation that the applicant be granted refugee status.</i>
<b>Refused s.13(4)(b)</b>	<i>The Commissioner has made a recommendation that the applicant should not be granted refugee status. An appeal to the Refugee Appeals Tribunal must be taken within 15 days.</i>
<b>Refused s.13(5)</b>	<i>The Commissioner has made a recommendation that the applicant should not be granted refugee status and has included in his report a finding under section 13(6). An appeal to the Refugee Appeals Tribunal must be taken within 10 days.</i>
<b>Refused s.13(2)</b>	<i>The Commissioner has made a recommendation that the applicant should not be granted refugee status where an application has been withdrawn or deemed to be withdrawn.</i>
<b>s. 22(8)</b>	<i>Cases finalised under section 22(8) relate to applicants transferred under the Dublin III Regulation in respect of which determinations were made by ORAC.</i>
<b>Dublin III Regulation</b>	<i>Where it is established that the applicant's claim for refugee status should be determined in another Contracting State under the Dublin III Regulation.</i>



**Table 12. Comparison of applications received and cases finalised 2015**



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Applications Received	215	201	209	265	257	334	290	332	407	263	291	212	3,276
Cases Finalised	94	113	123	123	125	114	150	105	112	144	169	180	1,552

**Table 13. Recommendations issued 2015**

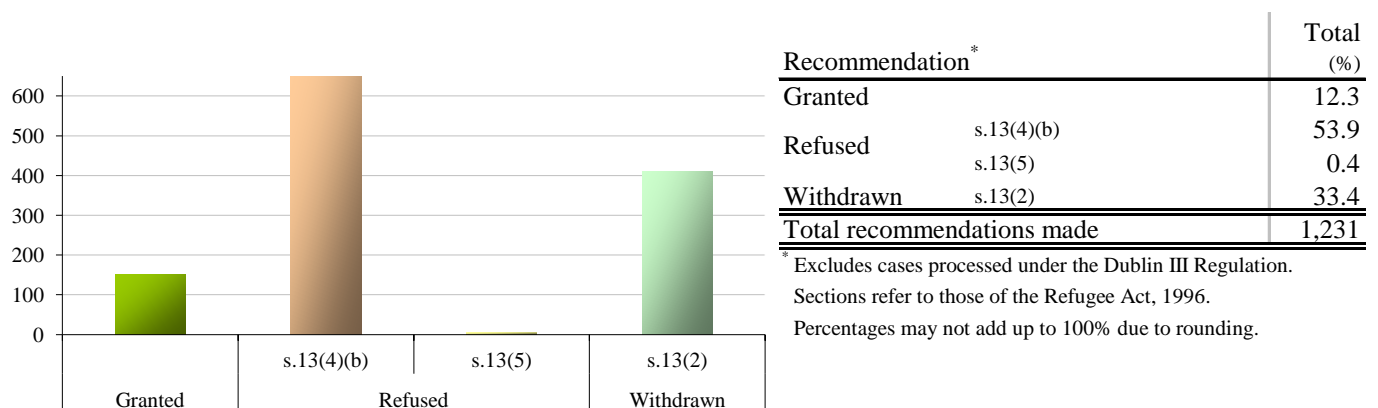
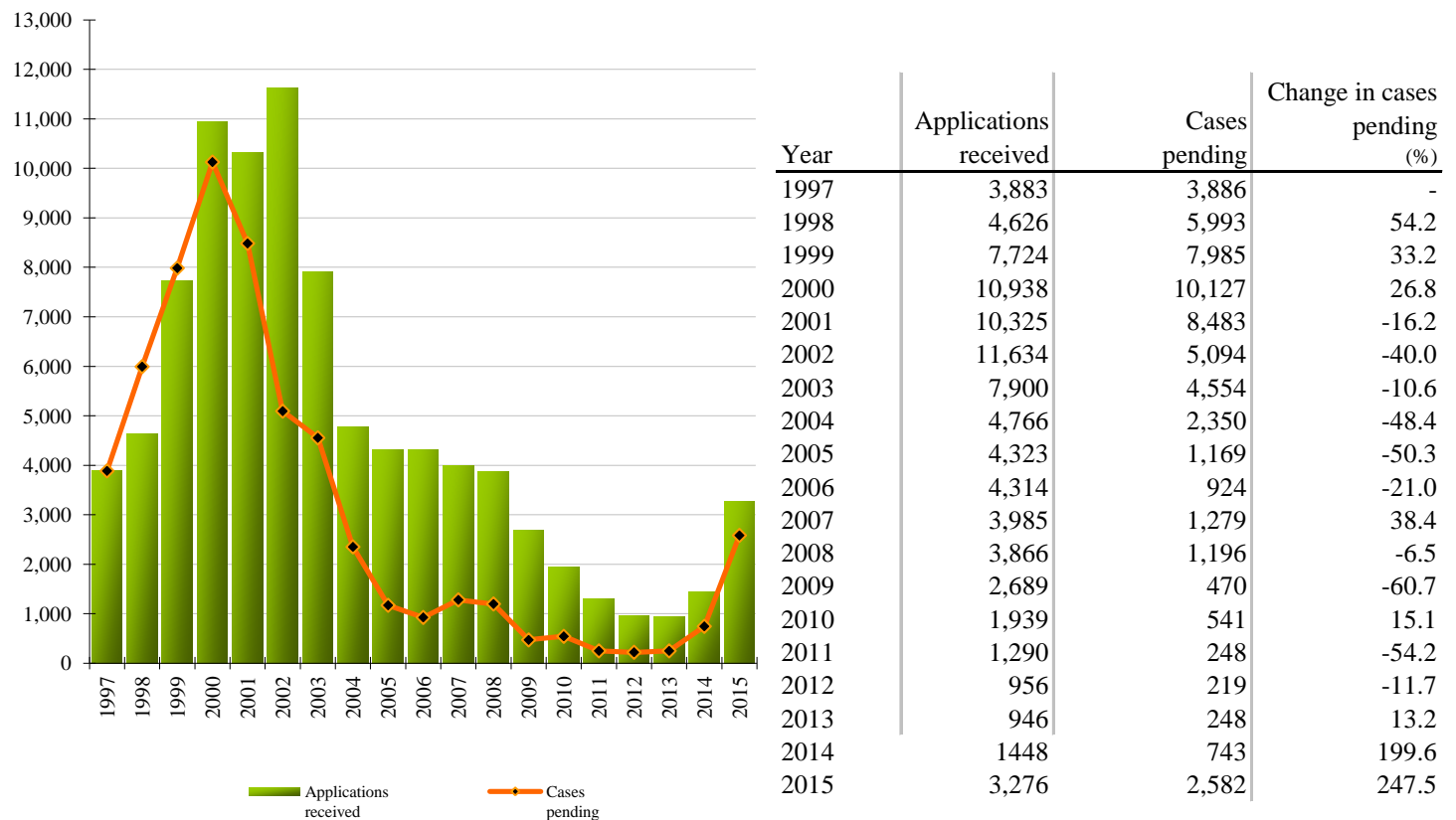




Table 14. Applications outstanding at the end of each month in 2015



Table 15. Comparison of yearly applications received and those outstanding at year end



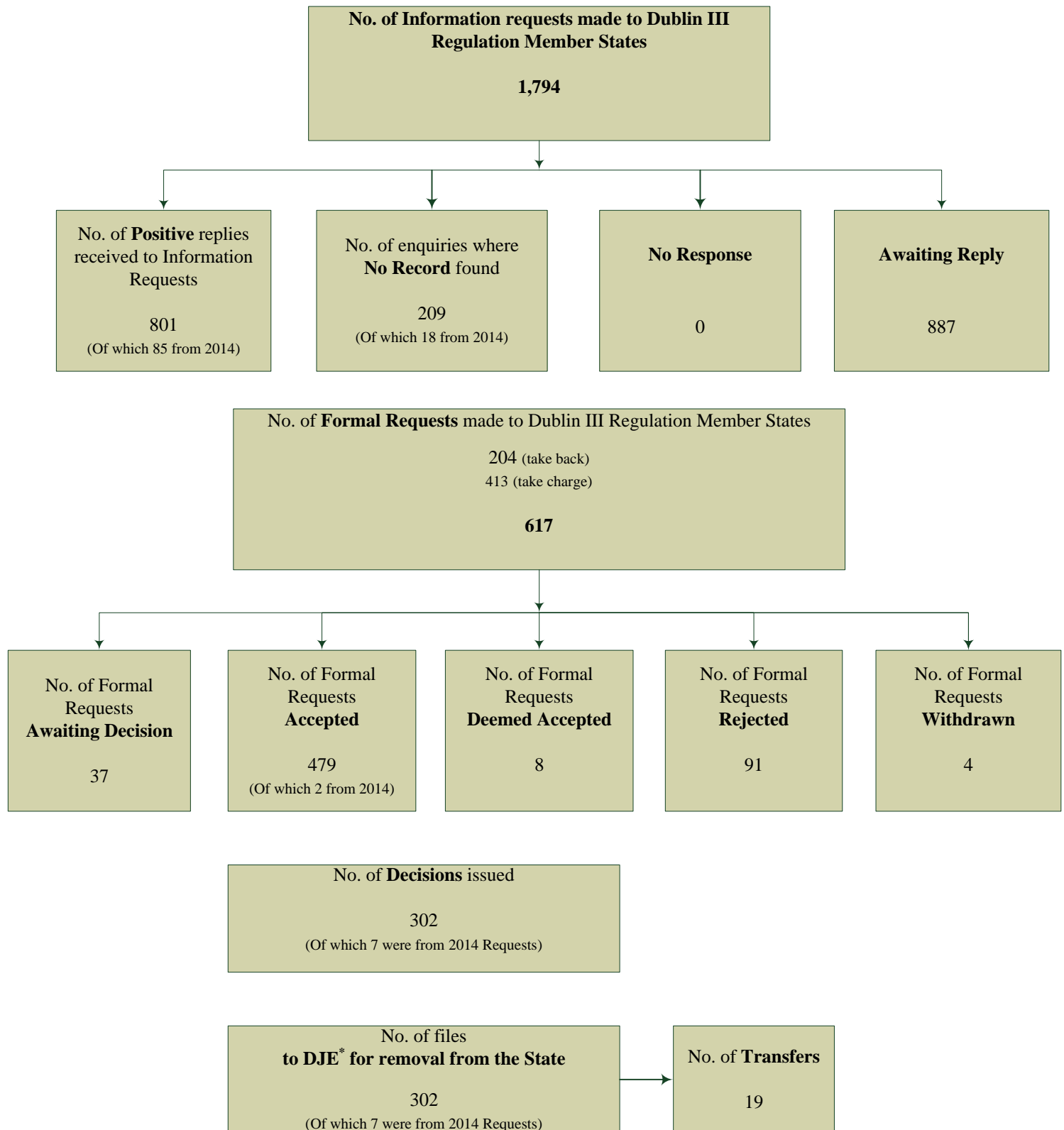


## **Appendix 4**

### **Dublin Regulation Statistics**



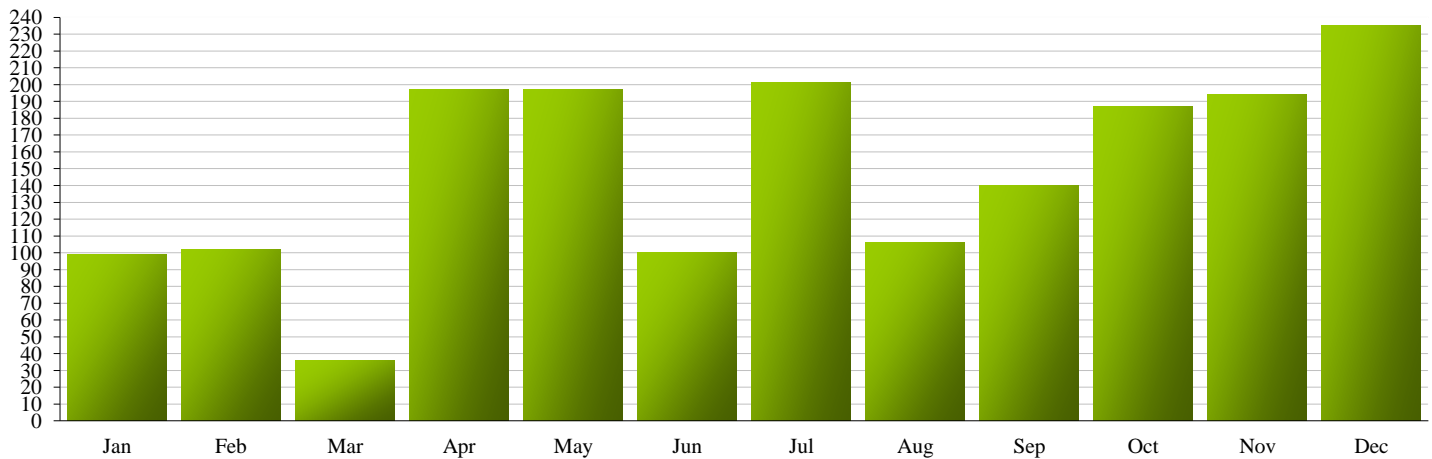
## Statistics for the Dublin III Regulation for the period of 01/01/2015 to 31/12/2015



\* Department of Justice and Equality

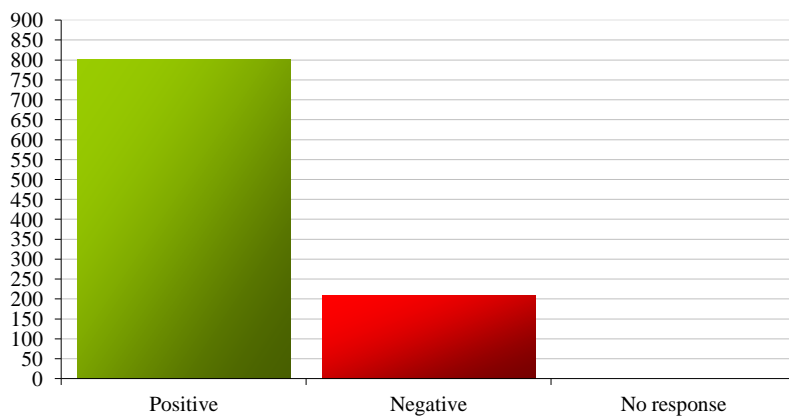


**Table 1. Information Requests made to Dublin III Regulation Member States in 2015**



Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Requests	99	102	36	197	197	100	201	106	140	187	194	235	1794

**Table 2. Replies received in 2015 to Information Requests to other Dublin III Regulation States**



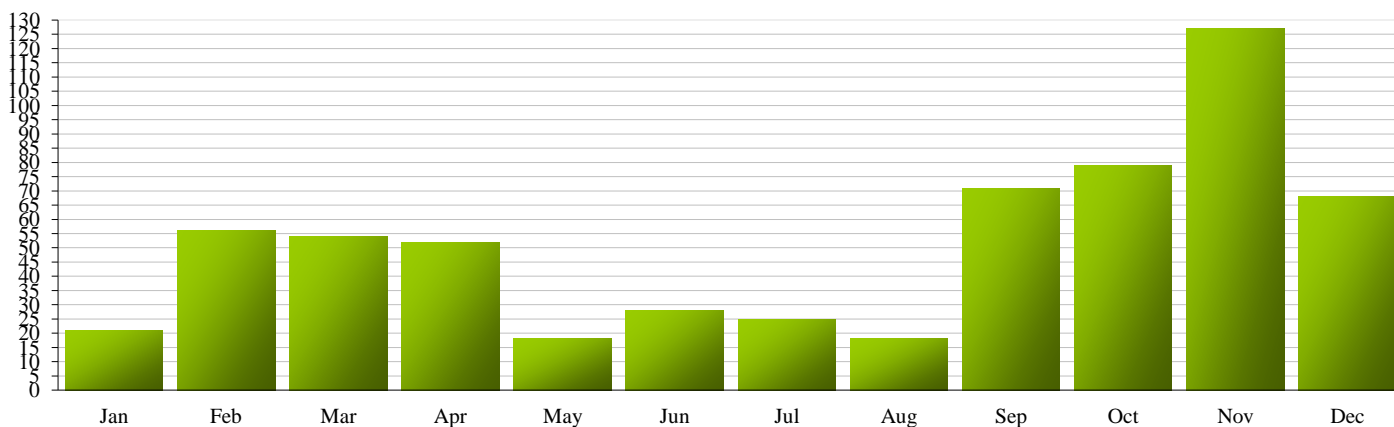
	Replies	Total (%)
Positive	801	79.3
Negative	209	20.7
No response	0	0.0
<b>Total</b>	<b>1,010</b>	

Note: Replies also include a number of Information Requests made in the previous year.

A total of 887 Information Requests were pending a reply at end of 2015.



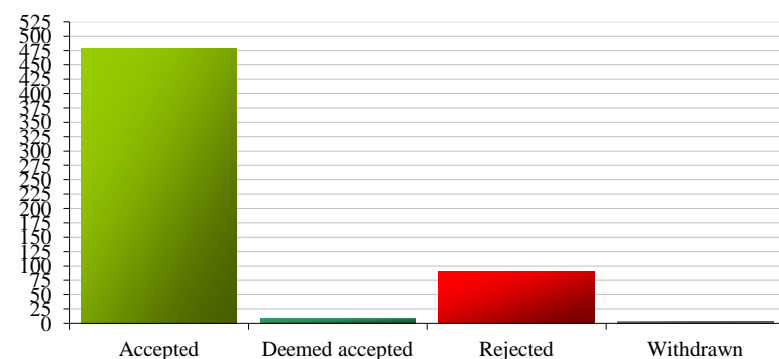
Table 3. Formal requests to Dublin III Regulation Member States - 2015\*



Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Requests	21	56	54	52	18	28	25	18	71	79	127	68	617

\*Note: Total of 617 requests includes 204 'take back' and 413 'take charge' requests.

Table 4. Replies received in 2015 to formal requests made to other Dublin III Member States



	Replies	Total (%)
Accepted	479	82.3
Deemed accepted	8	1.4
Rejected	91	15.6
Withdrawn	4	0.7
<b>Total</b>	<b>582</b>	

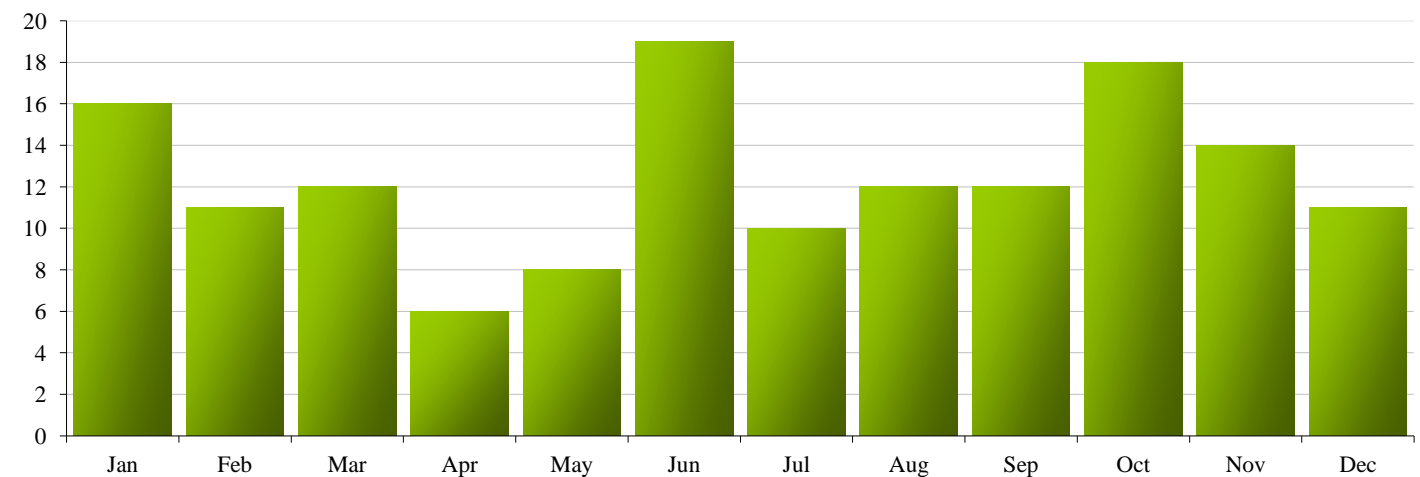
Note: Replies also include a number of requests received in the previous year.

A number of requests were pending a reply at the end of 2015





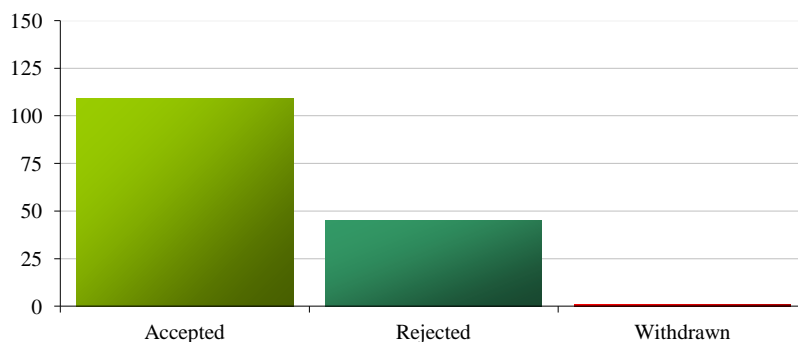
**Table 5. Formal requests from other Dublin III Regulation Member States to Ireland in 2015**



Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Requests	16	11	12	6	8	19	10	12	12	18	14	11	149

Note: Total of 149 includes 119 'take back' and 30 'take charge' requests.

**Table 6. Replies to formal requests from other Dublin III Regulation Member States in 2015**



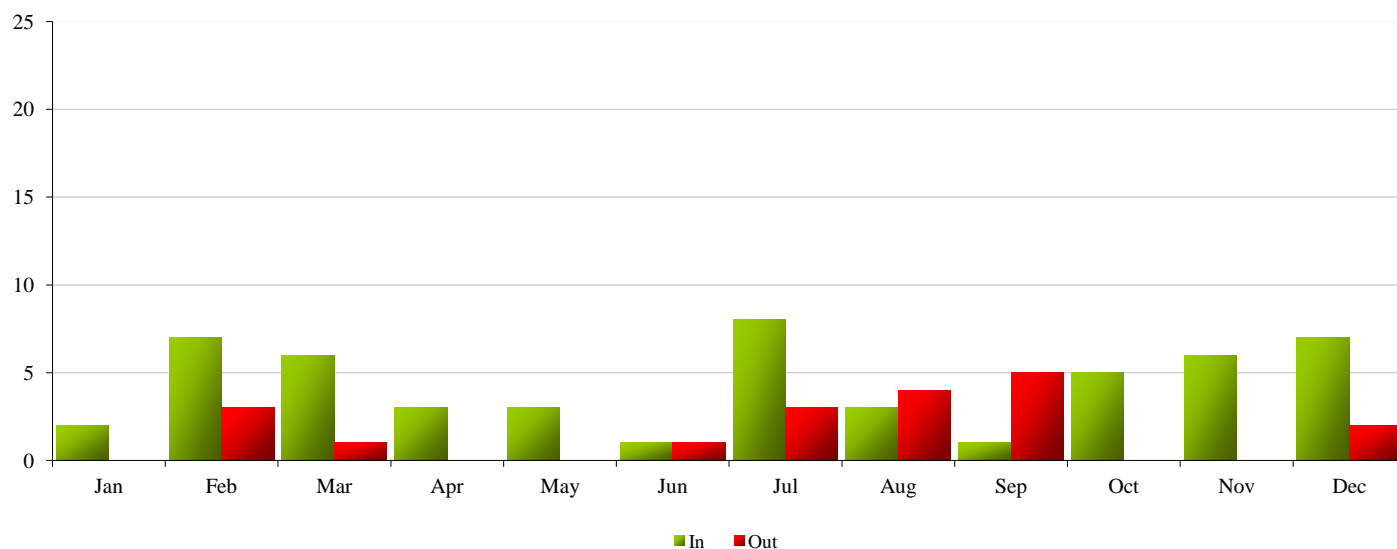
	Replies	Total (%)
Accepted	109	70.3
Rejected	45	29.0
Withdrawn	1	0.6
<b>Total</b>	<b>155</b>	

Note: Replies also include a number of requests received in the previous year.

A small number of requests were pending a reply at the end of 2015



Table 7. Transfers under Dublin III Regulation in 2015



Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
In	2	7	6	3	3	1	8	3	1	5	6	7	52
Out	0	3	1	0	0	1	3	4	5	0	0	2	19



## **Appendix 5**

### **Subsidiary Protection Statistics**



## Appendix 5

### Subsidiary Protection Statistics

#### Subsidiary Protection Statistics – 01 January 2015 to 31 December 2015

##### Cases transferred from INIS to ORAC on 14 November 2013

Responsibility for the processing of almost 3,800 existing subsidiary protection applications transferred from the INIS to ORAC on 14<sup>th</sup> November 2013.

By the end of 2015, only 375 of the original number remained to be processed. Of those cases remaining, there are only 40 live cases. The remaining 335 cases are to be processed through voluntary and deemed withdrawn procedures.

##### New applications received in 2015

297 applications for subsidiary protection were made to ORAC during 2015.

113 of the applications received during 2015 were processed to completion during the year, leaving 184 of the applications received pending at the end of the year.

**Table 1. Summary of Case Processing position at 31 December 2015**

Subsidiary Protection Applications Received and Case Processing Statistics 1 January to 31 December 2015						
Total Cases Pending 1 Jan 2015	New Applications Received 1 Jan - 31 Dec 2015	Grants During 2015	Refusals During 2015	Otherwise Closed <sup>1</sup> During 2015	Total Cases Finalised During 2015	Total Cases Pending 31 Dec 2015 <sup>2</sup>
1,792	297	181	680	619	1,480	609

<sup>1</sup> The **Otherwise Closed** cases is comprised of **256 cases voluntarily withdrawn, 321 deemed withdrawn and 42 cases closed** as a result of the applicants being granted a declaration of refugee status or Irish citizenship by the Minister for Justice and Equality.

<sup>2</sup> The **609 pending cases** at the end of the period is comprised of **251 Live Cases** and **358 Cases** to be processed through the **voluntary and deemed withdrawn procedures**.



**Table 2. Subsidiary Protection Processing Details – 2015**

<b>Subsidiary Protection - Interview Statistics 1 January to 31 December 2015</b>			
<b>Interviews Scheduled During 2015<sup>1</sup></b>	<b>No of Applicants Scheduled for Interview During 2015</b>	<b>Interviews Completed During 2015</b>	<b>Interviews Scheduled but not Completed During 2015<sup>2</sup></b>
<b>899</b>	<b>820</b>	<b>670</b>	<b>150</b>

**Table 3. Top 5 Countries of Origin in 2015 and comparison with 2014**

<b>Country of Origin</b>	<b>2015 Number of new applications received</b>	<b>%</b>	<b>2014 Number of new applications received</b>	<b>%</b>
<b>Pakistan</b>	51	17.17	22	8.8
<b>Nigeria</b>	50	16.83	66	26.4
<b>Zimbabwe</b>	24	8.08	16	6.4
<b>Malawi</b>	19	6.39	6	2.4
<b>Algeria</b>	14	4.71	15	6
<b>Other Countries of Origin</b>	139	46.82	125	50
<b>Total Applications</b>	<b>297</b>		<b>250</b>	

<sup>1</sup> The **899 interviews scheduled** during 2015 includes instances where applicants were required to be assigned more than one interview date as a result of cancellations, adjournments and call back interviews.

<sup>2</sup> These interviews were not completed because of cancellations, adjournments and non-attendance at interviews by the applicants.



## **Appendix 6**

### **Information on Requests Handled by the Copying/Registry Unit in 2015**



## Appendix 6

### Information on Requests Handled by the Copying/Registry Unit in 2015

#### Copying/Registry

Category	No. Processed
Enquiries	2,118
Files copied	1,120
File movement transactions	7,545
Other transactions	7,598
<b>Total</b>	<b>18,381</b>

*Note: The total number in relation to files copied refers to the number of actual files photocopied, but does not reflect the fact that in the majority of cases multiple copies of each file are produced.*



## **Appendix 7**

### **Financial Data**





## Profile of Pay Expenditure for the Office of the Refugee Applications Commissioner: 1<sup>st</sup> January - 31<sup>st</sup> December, 2015.

The pay figure for the Office of the Refugee Applications Commissioner is amalgamated with the Reception and Integration Agency, the Refugee Appeals Tribunal, as well as Headquarters areas of the Irish Naturalisation and Immigration Service of the Department of Justice and Equality under Subhead A.3 of Justice Vote 24. The outturn for pay for Subhead A.3 of the Department of Justice and Equality was €28.15m\*, of which €4.53m\* was used by ORAC.

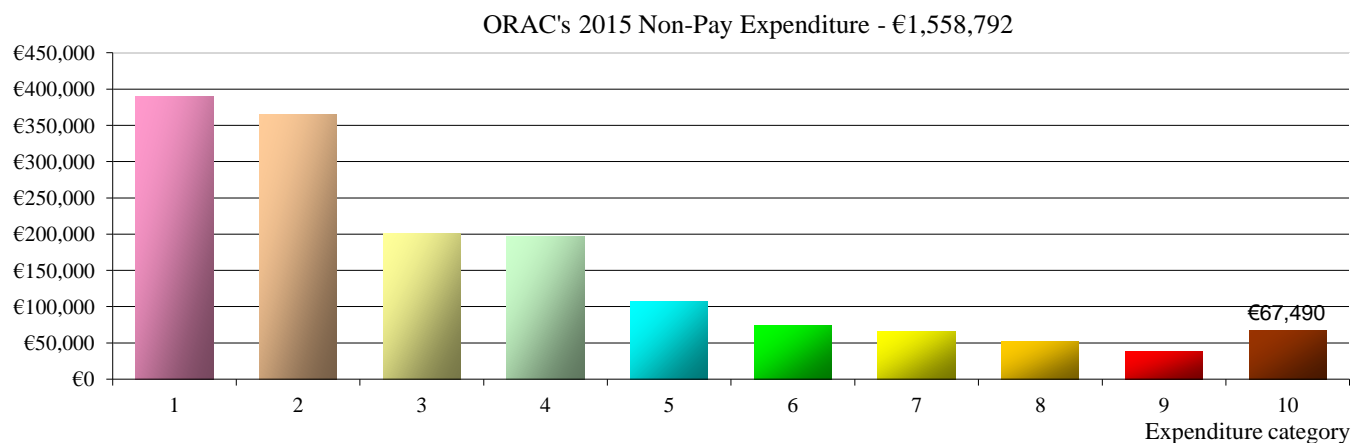
## Profile of Non-Pay Expenditure for the Office of the Refugee Applications Commissioner: 1<sup>st</sup> January - 31<sup>st</sup> December, 2015.

	Description	Amount	Total (%)
1.	Processing Panel	€389,859	25.0
2.	Translation & Interpretation	€365,180	23.4
3.	Legal Costs	€201,359	12.9
4.	Payment of Grants	€196,664	12.6
5.	Postage	€107,369	6.9
6.	Stationery	€74,377	4.8
7.	General Premises Expenses	€66,210	4.2
8.	Heat Light & Fuel	€51,662	3.3
9.	Telecommunications	€38,622	2.5
10.	Miscellaneous**	€21,191	1.4
	Staff Training & Development**	€13,081	0.8
	Travel Total (Home and Foreign)**	€9,995	0.6
	Photocopying & Related Total**	€9,004	0.6
	Travel Agent Costs**	€6,318	0.4
	IT Maintenance/Consumables**	€3,622	0.2
	Office Equipment**	€1,863	0.1
	Publications**	€1,277	0.1
	Library & Legal Research**	€693	0.0
	Legal Expenses**	€234	0.0
	Medical Costs**	€212	0.0
	<b>Total</b>	<b>€1,558,792</b>	

Percentages may not add up to 100% due to rounding.

\* As confirmed by Financial Management Unit, Department of Justice & Equality, 6 Feb 2016

Please note that this figure is subject to change until the 2015 Appropriation Account has been published for the Justice Vote.



\*\* The totals in respect of these item codes are too small to individually represent on the chart.



## **Appendix 8**

### **Overview of Energy Usage 2015**



## Appendix 8

### Overview of Energy Usage 2015

In 2015 ORAC consumed **559847 MWh** of Energy, consisting of  
245907 MWh of Electricity  
313940 MWh of Gas

This compares to **580643 MWh** of Energy used in 2014:  
258470 MWh of Electricity  
322173 MWh of Gas

This represents a decrease of approximately 3.6 % on total energy usage compared to 2014.

### Actions undertaken in 2015 to save energy were:

Quarterly meetings with new Energy Consultant to monitor usage and discuss areas of saving.

A day promoting Energy Saving organised in conjunction with an energy saving advisor, Aramark.

Energy Saving Posters erected throughout the building.

Monthly reports and energy saving ideas circulated to staff.

"Turn-Off" reminders issued before holiday periods.

Heating temperatures monitored on a daily basis and temperatures lowered where possible.

Heating system turned off during summer months and adjusted as required.

Radiator thermostats audit and maintained throughout the year.

### Actions planned in 2016 to save energy

Ongoing implementation of Energy Action Plan.

Further Energy Awareness promotional days will be organised.

Participation in OPW "Optimising Power @ Work" Campaign.

Continuing review of winter/summer heating timetable.

Continued quarterly meetings with Aramark representative to monitor reports.

Continued regular communication with staff in relation to Energy Saving.

New and more prominent Poster campaign throughout the building.



## **Glossary of Terms**



## Glossary of Terms

**Country of Origin Information (COI)** Country of origin information consists of many types of information such as legislation, news reports, maps, official documents, *e.g.* passports and work permits. It is used as an aid in determining the substance of applications for declarations of refugee status.

**Declaration of Refugee Status** As referred to in section 17 of the Refugee Act, 1996, where the Minister gives to the applicant concerned, following a recommendation by the Refugee Applications Commissioner, or following a decision of the Refugee Appeals Tribunal to set aside the recommendation of the Commissioner, a statement in writing that he/she is a refugee.

**Dublin III Regulation.** Since 1990, the EU has put in place a series of measures to determine the Member State responsible for examining an application for asylum lodged in one of the Member States by a third country national or a stateless person. From 1 January 2014 the relevant Regulation has been Regulation (EU) No. 604/2013, otherwise known as “Dublin III”, which made substantive changes to the previous system.

**EASO (European Asylum Support Office)** established under EU Regulation No. 439/2010. The Office became fully operational on 19 June 2011 and is located in Valetta, Malta. The purpose of the Office is to facilitate, co-ordinate and strengthen practical co-operation among Member States on asylum and help to improve the implementation of the Common European Asylum System. It also aims to provide effective operational support to Member States subject to particular pressure on their asylum and reception systems.

**EURODAC** A system for the electronic exchange of fingerprints between Contracting States.

**European Union (Subsidiary Protection) Regulations 2013** The principal legislation which provides jurisdiction to ORAC in respect of subsidiary protection matters and which entered into force on 14 November 2013.

**Intergovernmental Consultations on Migration, Asylum and Refugees (IGC)** This is an informal, non-decision making forum (based in Geneva) for intergovernmental information exchange and policy debate on issues of relevance to the management of international migratory flows. The IGC brings together seventeen participating states, the United Nations High Commissioner for Refugees, the International Organisation for Migration and the European Commission.

**Refugee Act, 1996** The principal legislation dealing with refugees and asylum seekers is the Refugee Act, 1996, which entered into force in November 2000. The 1996 Act incorporates the 1951 Geneva Convention relating to the status of refugees into domestic law. It provides for the establishment of ORAC as well as the Refugee Appeals Tribunal and sets out a framework for the determination of asylum applications. (The 1996 Act has been amended by the Immigration Act, 1999, the Illegal Immigrants (Trafficking) Act, 2000, the Immigration Act, 2003 and the Immigration Act, 2004).

**Refugee Documentation Centre** The Refugee Documentation Centre is an independent library and research service within the Legal Aid Board which provides COI services to the agencies involved in the asylum process.

**Refugee Legal Service** The Refugee Legal Service is a service offered by the Legal Aid Board and provides legal services to applicants seeking declarations of refugee status.



**Relocation Programme** – The Relocation Programme was established under EU Council Decisions 2015/1601 and 2015/1523 of September 2015. It aims to assist Greece and Italy deal with exceptional migratory flows in the Mediterranean and Aegean regions by relocating asylum applicants from those countries to have their asylum application processed in other participating EU Member States.

**Subsidiary Protection** Subsidiary protection is a form of complementary protection arising from EU law which may be granted when an applicant does not fulfil the requirements for becoming a refugee, but is otherwise determined to be in need of international protection.

**UN Refugee Convention** The United Nations Convention relating to the status of refugees signed in 1951 is an international instrument to define the legal status of refugees. The Convention was adopted by a Conference of Plenipotentiaries of the UN on 28 July, 1951, and entered into force on 21 April, 1954. The principles contained in the 1951 Convention form the basis of Irish refugee legislation.

**United Nations High Commissioner for Refugees (UNHCR)** The Office of the United Nations High Commissioner for Refugees (UNHCR) was established as of 1 January 1951. The 1951 Convention specifically notes that the UNHCR is charged with the task of supervising international conventions providing for the protection of refugees and ensuring the effective co-ordination of measures taken to deal with this matter in co-operation with the various Contracting States.