

# **Office of the Refugee Applications Commissioner**



## **Functions, Procedures and Organisation of the Office of the Refugee Applications Commissioner**

### **Freedom of Information Act 2014**

#### **Section 8 Information Guide**

14 April 2015

## **PREFACE**

### **Background**

This is an Information Guide to the practices and procedures of the Office of the Refugee Applications Commissioner (ORAC) and is compiled in accordance with Section 8 of the Freedom of Information Act 2014 (the 2014 Act).

The 2014 Act removed some of the access restrictions in previous legislation and extended Freedom of Information (FOI) to all public bodies. It also consolidated, modernised and updated the legislation. The Office of the Refugee Applications Commissioner (ORAC), for the first time, became subject to FOI legislation under the Act. ORAC comes within the scope of FOI legislation with effect from 14 April 2015 and retrospection will apply in respect of records created on or after 14 October 2014. 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.

### **Purpose of this Information Guide**

The purpose of this Guide is to facilitate and assist with access to official information held by ORAC relating to the records, rules, policies, practices and procedures followed by the various business units within ORAC in arriving at decisions, recommendations and determinations.

Some of this information held in ORAC is already available or can be requested without making a formal FOI request. Where this is not the case, information is given on how to make a formal request.

In the main, ORAC holds a lot of personal information in relation to applicants who use the services of this Office, access to which is already provided on a comprehensive basis to the applicants concerned. Access by third parties to such information is strictly protected by both the 2014 Act and by data protection legislation.

### **How to use this Information Guide**

To achieve the maximum benefit from this Information Guide, it is worthwhile spending some time looking through the contents pages, the different chapters, the glossary and the general index to get an idea of the Guide's scope.

ORAC also maintains a comprehensive website ([www.orac.ie](http://www.orac.ie)) containing a lot of information about all aspects of the Office. Many of the answers to routine questions about the organisation are available there.

The Government's own FOI website has a Frequently Asked Questions (FAQ) web page which also contains a lot of information on FOI – [foi.gov.ie](http://foi.gov.ie).

## ORAC 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,*
- iii. *to investigate applications for subsidiary protection, and 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.

## **Guide to Sections in this Information Guide**

### **1: Introduction**

This section sets out the statutory rights under the FOI Act and also gives information on accessing information that is routinely available from this Office without the necessity of making a formal FOI request.

As stated previously, in the main, ORAC holds a lot of personal information in relation to applicants who use the services of this Office, access to which is already provided on a comprehensive basis to the applicants concerned. Access by third parties to such information is strictly controlled by both the 2014 Act and by data protection legislation.

### **2: How to obtain Information under the Freedom of Information Act**

This section explains how to access information from ORAC under FOI and any fees that may be involved including;

- applications under the Freedom of Information Act
- how to make an application
- right to review and appeal
- internal review
- review by the Information Commissioner
- fees

### **3: Information about work Units etc. in the Office of the Refugee Applications Commissioner**

This section explains in more detail the work of the various Units in ORAC including legislation and the nature of the records, guidelines etc. held by those Units.

#### **Appendix 1: FOI Application Form**

Appendix 1 contains a FOI application form which may be used to request access to the records of the Office.

#### **Appendix 2: Glossary of Terms**

Appendix 2 contains a glossary of terms used in this document.

#### **Appendix 3: Organisational Chart**

Appendix 3 contains a general Organisational Chart for ORAC.

## **1. Introduction**

The FOI Act 2014 establishes a legal right for each person to:

- access information held by public bodies,
- have official information relating to himself/herself amended where it is incomplete, incorrect or misleading,
- Obtain an explanation for the reasons for decisions affecting them.

The 2014 Act asserts the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

### **Routinely Available Information**

At present the Office of the Refugee Applications Commissioner makes a range of information available to the public relating to its functions and activities. Much of this can be accessed on the Office's website ([www.orac.ie](http://www.orac.ie)).

If an application for refugee status or subsidiary protection is refused then a copy of the relevant file issues automatically to the applicant and their legal representative.

Such information will continue to be made available to applicants and/or their legal representatives without the need to make an application under the Freedom of Information Act. Information leaflets are available on the website and free of charge in various languages in ORAC.

The Freedom of Information Act 2014 is designed to allow public access to information held by public bodies which is **NOT** routinely available through other sources.

Access to information under the 2014 Act is subject to certain exemptions and involves specific procedures and time limits. Information on making a request under this 2014 Act is set out in Section 2 below.

## **2. How to obtain information under the Freedom of Information Act 2014**

### **Applications under the Freedom of Information Act 2014**

The Office of the Refugee Applications Commissioner is disposed to conduct its business in as open and transparent a manner as possible. In keeping with this, it will attempt to make available information to the public outside the formal procedures of the Freedom of Information Act having due regard to data protection legislation and other relevant statutory obligations, if this is the preferred option of the person seeking the information, subject to the general scope of exemptions in the 2014 Act.

Under the 2014 Act, anyone is entitled to apply for access to information not otherwise publicly available but subject to the exemptions in that legislation.

The following records come within the scope of the Act for ORAC;

- All records created on or after 14 October 2014.

- All records relating to personal information held by the Office of the Refugee Applications Commissioner whenever created subject to certain exemptions.

An FOI application form is contained in Appendix 1 of this document. Requests for information under the FOI Act should be addressed to:

The Freedom of Information Unit,  
Customer Service Centre,  
Office of the Refugee Applications Commissioner,  
79/83 Lower Mount Street  
Dublin 2.  
Telephone: (01) 6028000  
Fax: (01) 6028122  
E-mail: [oracfoi@orac.ie](mailto:oracfoi@orac.ie)

Please note that rates charged for using 1890 (LoCall) numbers may vary among different service providers. It is recommended that you ring these numbers from a landline as using mobiles to call may be expensive.

### **How to make an application**

Applications for information must be made in writing indicating that the information is sought under the Freedom of Information Act 2014. If information is desired in a particular format (such as a photocopy, computer disk, etc.) this should also be specified. Requests should be as specific as possible to assist with identification of the records being sought.

Requests will be acknowledged within 10 working days of receipt giving, inter alia, contact details of the person handling the request. A final decision on your request will be sent to you within 20 working days of receipt. If difficulty is experienced in identifying the records required, the staff of the CSC (FOI Unit) will assist in the formulation of the request. The CSC (FOI Unit) may be contacted at [foi@orac.ie](mailto:foi@orac.ie) or (01) 602 8170/8168/8091.

### **Rights of Review and Appeal**

The FOI Act sets out a series of exemptions to protect sensitive information where its disclosure may damage the key interests of the State or of third parties. Where ORAC invokes these provisions to withhold information, that decision may be appealed. Decisions in relation to deferral of access, charges, forms of access, etc. may also be appealed. Details of the review/appeals process are set out in the following paragraphs.

## **Internal Review**

You may in the first instance seek an internal review of the initial decision, and this review will be carried out by an official at a higher level if:

- (a) You are dissatisfied with the initial response received, e.g. refusal of information, form of access, charges, etc., or
- (b) You have not received a reply within 20 working days of the receipt of the initial application by ORAC. This is deemed to be a refusal of the request and allows you to proceed to the internal review stage.

A request for an internal review must be submitted in writing within twenty working days of the making of the initial decision to:

The Freedom of Information Unit,  
Customer Service Centre,  
Office of the Refugee Applications Commissioner,  
79/83 Lower Mount Street  
Dublin 2.

Telephone: (01) 6028000  
Fax: (01) 6028122  
E-mail: [oracfoi@orac.ie](mailto:oracfoi@orac.ie)

## **Review by the Information Commissioner**

Following completion of the internal review, if you are still dissatisfied, you may seek an independent review of the decision from the Information Commissioner. Furthermore, if a reply to a request for an internal review is not received from ORAC within fifteen working days, this may be deemed to be a refusal and an appeal for a review may be made to the Information Commissioner.

Requests for Reviews must be made in writing to the Information Commissioner at the following address:

Office of the Information Commissioner,  
18 Leeson Street,  
Dublin 2.

Telephone: (01) 6395689 or LoCall: 1890 253238  
Fax: (01) 6395674  
E-mail: [info@oic.ie](mailto:info@oic.ie)

## **Availability of this Information Guide**

Paper copies of this publication are available free of charge from the Office of the Refugee Applications Commissioner or may be printed from the website.

**Fees:**

- There is a minimum threshold of €101 below which no search, retrieval and copying fees can be charged. Once the charge reaches €101, full fees apply;
- There is a cap on the amount of search, retrieval and copying fees that can be charged of €500;
- There is a further upper limit on estimated search, retrieval and copying fees at €700 above which an FOI body can refuse to process a request, unless the requester is prepared to refine the request to bring the search, retrieval and copying fees below the limit;
- The fee for internal review under Section 21 is €30 (€10 for medical card holders and their dependants);
- The fee for appeals to the Information Commissioner under Section 22 is €50 (€15 for medical card holders and their dependants).

The search, retrieval and copying fee per hour is €20 and the copying fees are 4c per page and €10 for a CD.

**3: Information about work Units etc. in the Office of the Refugee Applications Commissioner**

This section explains in more detail the work of the various Units in ORAC including legislation and the nature of the records, guidelines etc. held by those Units.

Further information about any of the functional units of the Office may be obtained from:

Corporate Office  
Office of the Refugee Applications Commissioner  
79-83 Lower Mount Street  
Dublin 2

Telephone: (01) 6028000  
LoCall: 1890 202418  
Fax: (01) 6028122  
E-mail: oracmail@orac.ie

## Legislation

The legislative framework within which the ORAC operates is as follows:

- Refugee Act 1996 (as amended).
- 1951 Geneva Convention Relating to the Status of Refugees and the related 1967 Protocol.
- EU Dublin III Regulation (Regulation EU No. 604/2013).
- Eurodac Regulation (Council Regulation EC No. 2725/2000).
- Recast Eurodac Regulation (Regulation EU No. 603/2013) effective from July 2015.

The Office also has regard 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 (as amended).
- S.I. No. 525 of 2014 – European Union (Dublin System) Regulation 2014.

## **Business Units within ORAC**

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

#### **Administration and Arrangements**

The functions of the Unit are:

- To arrange the scheduling of interviews for asylum 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.

The Unit holds records, both paper and electronic, relating to scheduling of interviews and provision of translation services for applicants.

#### **Presenting**

The Presenting Unit represents the Refugee Applications Commissioner at appeal hearings before the Refugee Appeals Tribunal in respect of refugee status and subsidiary protection cases, responds at appeal hearings to the issues raised in the appellant's appeal and assists 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.

The Unit holds records, both paper and electronic, relating to

- Applicant files (asylum and subsidiary protection),
- Legal correspondence relating to the Refugee Appeals Tribunal.

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

The primary objective of the 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 to the Minister for Justice and Equality as to whether the 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.

The Unit holds records, both paper and electronic, relating to;

- Applicant files for a declaration of refugee status,
- Records relating to correspondence received from applicants,
- Records relating to the day to day operation of the Unit,
- Statistical records relating to Unit outputs,
- Records relating to staff training/guidance,
- Reports on meetings/conferences attended by staff.

### **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*, 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). The FOI Unit forms part of the Corporate and Customer Service Centre.

The Unit holds records, both paper and electronic, relating to;

- Annual Reports,
- Business Plans
- Strategy Statements,
- Corporate Plans,
- Customer Service Charter and Action Plans,
- General correspondence,
- Press queries,
- Media monitoring,
- Responses to enquiries,
- ORAC statistics,
- Briefing material for management meetings,
- FOI.

### **4. Dublin and Investigation/Liaison Unit**

This Unit deals with the implementation of the 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 Contracting States to transfer applications for asylum to this State. The Investigation side of the Unit provides investigative assistance to other Units in ORAC, to INIS and to GNIB and acts as a central liaison point with other State agencies.

The Unit holds records, both paper and electronic, relating to all aspects of the implementation of the Dublin Regulation including applications, correspondence, procedures, legislation and legal advice. It also maintains administration files relating to the day to day operation of the Unit.

### **5. Family Reunification Unit**

The Family Reunification Unit examines 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.

The Unit holds records, both paper and electronic, relating to family reunification. These include policies and procedures, statistics, correspondence and records relating to the day to day operation of the Unit.

## **6. Judicial Review 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 Unit holds records, both paper and electronic, relating to;

- Records relating to all aspects of applicants' judicial review proceedings,
- General correspondence,
- Statistics,
- Copies of files relating to applications for a declaration of refugee status and subsidiary protection.

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

The role of this Unit is to act as a central knowledge resource for the organisation and to lead 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 the refugee status and subsidiary protection determination processes.

The Unit holds records, both paper and electronic, relating to:

- Procedures developed within ORAC,
- All documents/letters (standard and templates) developed for use within ORAC,
- Guidance papers,
- Training.
- Documents relating to preparation for the introduction of the Single Procedure once enacted.

## **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 transmission thereof to the Eurodac fingerprinting database, photographing of applicants and the issue to applicants of Temporary Residence Certificates. The Unit also processes the initial stage of subsidiary protection applications.

The Unit holds records, both electronic and paper, relating to asylum applications and pertaining to legislation, practices and procedures governing the asylum and subsidiary protection processes.

## **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.

The Unit holds statistical records, both paper and electronic, relating to applications for asylum and subsidiary protection.

## **10. Staff Support, 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 by the Commissioner.
- Manage contract staff (under the JobBridge scheme and/or other programmes) who carry out legal analysis and research work.

The Unit holds records, both paper and electronic, relating to:

- Remaining staff support functions within ORAC, such as staffing, recruitment, appointments, circulars and correspondence with staff and other bodies.
- Training and staff development.
- Country of Origin Information (COI), including liaison with the Refugee Documentation Centre.
- Language Analysis function (e.g. Public Procurement exercises).

## **11. Subsidiary Protection Unit**

The role of the Subsidiary Protection Unit 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, representation at Refugee Appeals Tribunal appeal hearings, the issue of recommendations, production of management statistics and the management of work processes generally.

The Unit holds records, both paper and electronic, relating to;

- Applicant files relating to subsidiary protection.
- Records relating to correspondence received from applicants.
- Records relating to the day to day operation of the Unit.
- Statistical records relating to Unit outputs.
- Records relating to staff training/guidance.
- Reports on meetings/conferences attended by staff.

## **12. Single Procedure Planning Unit**

The Single Procedure Planning Unit is responsible for the development of internal policies and procedures as well as the training programmes required to facilitate the implementation of the planned International Protection Bill, which will result (when enacted and commenced) in the introduction of a single procedure for the consideration of refugee, subsidiary protection and leave to remain type matters.

The Unit holds records, both electronic and paper, relating to the development of internal policies and procedures as well as the training programmes required to facilitate the implementation of the planned International Protection Bill.

**APPENDIX 1**

**Office of the Refugee Applications Commissioner  
FOI Application Form  
(Section 12 - Request for Access to Records)**

*Please use BLOCK CAPITAL letters*

<b>Details of Applicant</b>
-----------------------------

**Surname:** ..... **First Name:** .....

**Postal Address:** .....

.....

**E-Mail Address:** .....

**Telephone Number(s)**

**Home** ..... **Business** ..... **Mobile** .....

---

**For Office Use Only**

**Date FOI Request Received** .....

*Identity Verified*

*Consent Confirmed*

**Form of identify produced**

*Birth Certificate*

*Temporary Residence*

*Passport*

*Other:*

**Personal Information**

Before you are given access to personal information relating to yourself, you may be asked to produce your Birth Certificate, Passport or other form of identity or Temporary Residence

Certificate. Applicants will not be provided with access to personal information of another person unless written consent has been obtained. This consent will be verified by ORAC before such a request is filled.

**Form of Access**

My preferred form of access is (please tick appropriate box):

- to receive copies of the records by post
- other - please specify. . . . .

<b>Details of Request</b>
---------------------------

In accordance with Section 12 of the FOI Act, I request access to records which are:

*(Please tick the appropriate box below)*

Personal  Non-personal

(In the space provided **please describe the records as fully as you can** as this will assist the Office's FOI Unit in dealing with your application. If you are requesting personal information, please state precisely in whose name those records are held. You will not normally be given access to the personal information of another person unless you have obtained the written consent of that person. **If you require more space to complete your description of records please attach an additional page.**)

I request the following records: . . . . .  
. . . . .  
. . . . .  
. . . . .  
. . . . .  
. . . . .

**PLEASE SIGN HERE** . . . . .

**DATE** . . . . .

**Your application should be addressed to:**

**Freedom of Information Unit,  
Customer Service Centre,  
Office of the Refugee Applications Commissioner,  
79-83 Lower Mount Street,  
Dublin 2.**

Telephone: (01) 6028000

Fax: (01) 6028122

E-mail: [oracfoi@orac.ie](mailto:oracfoi@orac.ie)

If you require assistance in completing this form please contact the Freedom of Information Unit. The Unit is also available to provide assistance to persons with a disability in exercising their right under the FOI Act 2014 (e.g. accepting oral requests from persons unable to read, print and read/write due to disability or in having records explained to him/her).

## APPENDIX 2

### Glossary of Terms

**AP:** AP (Assistant Principal) is a senior manager grade within the Irish Civil Service.

**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 provide the foundation for the system of protection of refugees generally.

**Country of Origin Information (COI):** Country of Origin Information (COI) consists of many types of information such as legislation, news reports, maps, official documents, e.g. passports, work permits. It is used as an aid to determining the veracity of applications for Declarations of Refugee Status and Subsidiary Protection.

**Declaration of Refugee Status:** As referred to in Section 17 of the Refugee Act 1996 where the Minister for Justice and Equality gives to the applicant concerned, following a recommendation by the Refugee Applications Commissioner or 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 Regulation:** The Dublin III Regulation came into effect from 1 January 2014. It provides a mechanism for determining which Member State is responsible for examining applications for refugee status.

**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.

**Family Reunification:** ORAC is responsible for the investigation of applications for Family Reunification from persons granted refugee status (and to whom a declaration is in force), who subsequently seek permission for a family member to enter and reside in the State and to report on these investigations to the Minister for Justice and Equality.

**FOI:** See 'Freedom of Information'

**Freedom of Information (FOI):** The Freedom of Information Act, 2014 asserts the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy.

**Geneva Convention:** See "UN Convention".

**HEO:** A HEO (Higher Executive Officer) is a middle management grade within the Irish Civil Service.

**Information Commissioner:** The Office of the Information Commissioner reviews decisions made by public bodies in relation to Freedom of Information requests in a fair and independent manner where an individual is dissatisfied with the original decision and internal review.

**INIS:** See 'Irish Naturalisation and Immigration Service'

**Irish Naturalisation and Immigration Service:** INIS is responsible for the administration of the administrative functions of the Minister for Justice and Equality in relation to asylum, immigration (including Visas) and citizenship matters.

**JR:** See 'Judicial Review'

**Judicial Review:** A Judicial Review is a way for the High Court to supervise lower courts, tribunals and other administrative bodies to ensure that they make decisions in accordance with the law, as a result of an application made to the Court for an Order of Certiorari or Mandamus.

**Mission Statement:** ORAC's Mission Statement briefly sets out the reason for the existence of the Office, and spells out its goals and commitments.

**NGO:** See 'Non-Governmental Organisation'

**Non-Governmental Organisation:** This term refers to organisations that are neither part of a government nor conventional for-profit businesses. They are usually involved with humanitarian or charitable causes. A full list of NGOs on the ORAC Customer Liaison Panel is available on the ORAC website.

**Minister for Justice and Equality:** The Minister for Justice and Equality is the Government Minister responsible for making decisions on applications for refugee status and subsidiary protection.

**ORAC:** See 'Office of the Refugee Applications Commissioner'.

**Office of the Refugee Applications Commissioner:** The Office of the Refugee Applications Commissioner assists the Commissioner in carrying out his/her functions which are laid down in the in the Refugee Act 1996 (as amended) and the European Union (Subsidiary Protection) Regulations 2013.

**PO** See 'Presenting Officer' and 'Principal Officer'

**Principal Officer:** A Principal Officer is a senior management grade within the Irish Civil Service.

**Presenting Officer:** A Presenting Officer represents the Refugee Applications Commissioner at hearings of the Refugee Appeals Tribunal in defending decisions made in ORAC.

**RAT:** See 'Refugee Appeals Tribunal'.

**Refugee Appeals Tribunal:** The Refugee Appeals Tribunal decides on appeals from asylum seekers whose applications for refugee status or for subsidiary protection have not been recommended to the Minister.

**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.

**Refugee Applications Commissioner:** The Refugee Applications Commissioner is responsible for the investigation of claims for refugee status and subsidiary protection and making recommendations to the Minister for Justice and Equality. He also examines 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.

**Section 8 Information Guide:** Under Section 8 of the FOI Act 2014, ORAC must draw up a guide of its functions and of the records it holds. This Guide seeks to meet that requirement.

**Single Procedure:** The Single Procedure is a process whereby all aspects of an application relating to international protection are dealt with at the same time (asylum, subsidiary protection and humanitarian leave to remain).

**Statistical Data:** ORAC produces a range of statistical data on applications received and processing carried out by the office.

**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.

**TRC:** See 'Temporary Residence Certificate' (provided for in Section 9(3)(a) of the Refugee Act 1996 (as amended)).

**Temporary Residence Certificate:** A Temporary Residence Certificate (TRC) is given to an asylum seeker stating that, subject to the provisions of the Refugee Act, the applicant shall not be removed from the State before their application for refugee

status has been finally determined. Biographical details including a photograph are included on the TRC.

**UN 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.

**UNHCR:** “See United Nations High Commissioner for Refugees”

**United Nations High Commissioner for Refugees:** The Office of the United Nations High Commissioner for Refugees (UNHCR) was established as of 1 January 1951. The 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 coordination of measures taken to deal with this matter in co-operation with the various Contracting States. The UNHCR maintains an office in Ireland.

## Appendix 3

### ORAC Management Staffing Structure

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

**FOI Unit**

Denis Byrne, Assistant Principal Officer  
Mary O'Brien, Higher Executive Officer