



**Important Notice regarding the making of applications for Subsidiary Protection
by Applicants for Refugee Status.**

1. In light of the Court of Justice of the European Union ruling in the case of H. N. v. The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General, the European Union (Subsidiary Protection) Regulations 2013 (S.I. No. 426 of 2013) have been amended.
2. The European Union (Subsidiary Protection) (Amendment) Regulations 2015 (S.I. No. 137 of 2015) give statutory effect to the following arrangements which comply with the Court's ruling:
 - Any person who makes a new application for refugee status may also make an application for subsidiary protection in the Office of the Refugee Applications Commissioner (ORAC).
 - Any person who currently has an application for refugee status pending may also make an application for subsidiary protection in ORAC,
3. Such applications for subsidiary protection will be determined by ORAC in accordance with the provisions of the European Union (Subsidiary Protection) Regulations, 2013 (S.I. No. 426 of 2013)(as amended) and will be investigated should the person's application for refugee status be refused by the Minister for Justice and Equality.
4. **What do the 2015 Regulations cover?**

If you are a new applicant for subsidiary protection:

The 2015 Regulations provide that any person who makes a new application for refugee status may also make an application for subsidiary protection which will be investigated and determined by the Commissioner should the person's application for refugee status be refused by the Minister for Justice and Equality. In this regard, the Commissioner will then, in accordance with the 2013 Regulations (as amended) and following interview of a subsidiary protection applicant, prepare a written report in relation to the investigation of the application. The Commissioner will make a recommendation to the Minister for Justice and Equality as to whether the applicant is a person who is eligible for subsidiary protection.

If you are an existing applicant for subsidiary protection:

The 2015 Regulations provide that any person who currently has an application for refugee status pending may also make an application for subsidiary protection which will be investigated and determined by the Commissioner should the person's application for refugee status be refused by the Minister for Justice and Equality. In this regard, the Commissioner will then, in accordance with the 2013 Regulations (as amended) and following interview of a subsidiary protection applicant, prepare a written report in relation to the investigation of the application. The Commissioner will make a recommendation to the Minister for Justice and Equality as to whether the applicant is a person who is eligible for subsidiary protection.

5. In the case of the categories of persons mentioned above, an application for subsidiary protection can be made by submitting a completed ORAC Form SP/04 [Application under Regulation 3A(1) of the European Union (Subsidiary Protection) Regulations 2013 (as amended) for a subsidiary protection declaration], either
 - in person at the Office of the Refugee Applications Commissioner, Timberlay House, 79-83 Lower Mount Street, Dublin 2,

OR

 - by post to ORAC Customer Service Centre, Timberlay House, 79-83 Lower Mount Street, Dublin 2.
6. Once you have applied for Subsidiary Protection you can provide further information by completing the ORAC form SP/05 (Further Information relating to an application under Regulation 3A(1) of the European Union (Subsidiary Protection) Regulations 2013 (as amended) for a subsidiary protection declaration) and submitting it to the above address. The further information can be provided to the Commissioner at any time from the date of the application until the expiry of 15 working days after the date of the sending by the Minister of a notice refusing a declaration of refugee status.
7. The 2013 and 2015 Regulations can be accessed in full on the website of the Refugee Applications Commissioner at <http://www.ORAC.ie>.

Office of the Refugee Applications Commissioner

20 April 2015