

Information Leaflet for applicants  
for refugee status in Ireland  
(Appeals procedures - Dublin Convention)

A GUIDE

*to the procedures for processing appeals against the determination of the Refugee Applications Commissioner that an application should be transferred to another Member State in accordance with the provisions of the Refugee Act, 1996, as amended by the Immigration Act, 1999 and the Illegal Immigrants (Trafficking) Act, 2000 and the Dublin Convention (Implementation) Order, 2000*

*Revised January, 2002*  
**DUBLIN CONVENTION**

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Important Notes

*The law governing refugees and the processing of claims for refugee status is set out in the Refugee Act, 1996 (as amended)\* and in the Orders and Regulations made under that Act.*

*This Information Leaflet gives information about the Dublin Convention appeals procedures which are governed by the Refugee Act, 1996 (as amended).*

*This Leaflet is for information and guidance only. It does not purport to give a legal interpretation of the Refugee Act, 1996 (as amended). If you require further information about the provisions of the legislation, your solicitor will be in a position to inform you in detail what the law is and how it may be expected to apply in your case.*

\* Reference throughout this Information Leaflet to the Refugee Act, 1996 (as amended) is to the Refugee Act, 1996, as amended by section 11(1) of the Immigration Act, 1999 and by section 9 of the Illegal Immigrants (Trafficking) Act, 2000.

\* References to "sections" throughout this Leaflet are to sections of the Refugee Act, 1996 (as amended) unless otherwise stated.

Determination from the Refugee Applications Commissioner  
that an application be transferred to another Member State  
in accordance with the Dublin Convention

1.

If you have received a determination from the Refugee Applications Commissioner that your application for a declaration as a refugee is to be transferred to another Member State in accordance with Dublin Convention, you have 5 working days from the date of the Refugee Applications Commissioner's determination to appeal to the Refugee Appeals Tribunal.

2.

Notice of Appeal

The appeal must be made in writing on an official Notice of Appeal form which will be included with the notification from the Refugee Applications Commissioner. The Notice of Appeal form must be completed and submitted to the Refugee Appeals Tribunal at the address shown on page 2 of this Leaflet. The Notice of Appeal must be completed in full including the grounds of appeal by either you or your legal representative before submitting the form to the Refugee Appeals Tribunal. The form must be signed by you and your legal representative (if any). The staff in the office of the Refugee Appeals Tribunal cannot assist you to complete the form. If you require assistance in completing the form please read the next paragraph which provides details on obtaining legal advice.

If you wish to obtain legal advice and have not done so previously you should do so immediately on receipt of your letter of refusal. In this regard you may contact the Refugee Legal Service (RLS). The RLS Information leaflet, which outlines the services provided and the fee(s) charged for these services, is enclosed for your information. You also have the option to engage private legal representation in relation to your appeal. However, the Refugee Appeals Tribunal will not refund any legal costs incurred in engaging private legal representation. If you wish to engage a solicitor you should do so before completing the 'Notice of Appeal', because consideration of your appeal will be based on this Notice.

It is your responsibility to prove that your appeal was lodged within the permitted time limit. If posted, the Notice of Appeal must be sent by registered post and you must keep the certificate of registration you receive at the Post Office when you post the letter. If you wish to deliver the Notice by hand, you should hand it to a member of staff at the office of the Refugee Appeals Tribunal. You will be given a dated receipt and you should keep this receipt carefully.

You should give all documents sent to you by the Refugee Applications Commissioner to your solicitor.

You must submit all supporting evidence and documentation with the Notice of Appeal, because these are the documents on which the appeal will be considered.

3.

The Refugee Appeals Tribunal will consider your appeal on the papers only, based on:

- any supporting documents submitted by you and/or your solicitor,
- 'Notice of Appeal' submitted by you/ your solicitor,
- documents furnished by the Refugee Applications Commissioner, and
- any further enquiries made by the Refugee Applications Commissioner under section 7(5) of the Dublin Convention (Implementation) Order 2000.

4.

If you do not appeal against the Refugee Applications Commissioner determination within the specified time limit or if you do appeal and the original determination of the Refugee Applications Commissioner is upheld by the Refugee Appeals Tribunal, the Minister for Justice, Equality and Law Reform will arrange for your transfer to the relevant Convention country.

5.

If you do appeal and the Refugee Appeals Tribunal overturns the original determination of the Refugee Applications Commissioner then you will be notified in writing of the decision by the Tribunal and your application will be sent to the Refugee Applications Commissioner for examination, in accordance with Section 11 of the Refugee Act, 1996 (as amended).

6.

Withdrawal of a Dublin Convention appeal

Where another state has agreed to accept responsibility for your application for refugee status in accordance with the Dublin Convention and the Refugee Applications Commissioner has made a determination that you should be transferred to that state and you withdraw your Notice of Appeal, the Minister may arrange for your transfer to the relevant state.

7.

Notification of Withdrawal

Withdrawal Forms are available from the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal.

When completing the Withdrawal Form, you should set out clearly the reasons why you are withdrawing your application/ appeal and indicate if you have applied for leave to remain in the State. The completed Form should be returned to the Refugee Applications Commissioner or the Refugee Appeals Tribunal (as appropriate). If you have a solicitor, he or she should countersign your Withdrawal Form.

8.

Please note that you are required to notify in writing the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal of any change of address.

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Address :  
Refugee Appeals Tribunal,  
6/7 Hanover Street,  
Dublin 2.

Telephone LoCall 1890 201458

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Address:  
Refugee Applications Commissioner,  
79-83 Lower Mount Street,  
Dublin 2.

Telephone LoCall 1890 202418