Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.



Number 22 *of* 1999

IMMIGRATION ACT 1999

REVISED

Updated to 12 June 2026

This Revised Act is an administrative consolidation of the *Immigration Act 1999*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *International Co-operation (Omagh Bombing Inquiry) Act 2026* (12/2026), enacted 3 June 2026, and all statutory instruments up to and including *International Protection Act 2026 (Commencement) Order 2026* (S.I. No. 244 of 2026), made 10 June 2026 were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 22 *of* 1999

IMMIGRATION ACT 1999

REVISED

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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Orders under Act of 1935.
3. Deportation orders.
3A. Prohibition of refoulement.
3B. Provision in relation to certain deportation orders.
4. Exclusion orders.
5. Arrest, detention and removal of non-nationals.
6. Service of notices.
7. Regulations.
8. Obstruction etc.
9. Penalties.
10. Increase of certain penalties under Act of 1935.
11. Amendment of Refugee Act, 1996.
12. Laying of regulations before Houses of Oireachtas.
13. Short title.

SCHEDULE

Acts Referred to

Aliens Act, 1935	1935, No. 14
Child Care Act, 1991	1991, No. 17
Civil Service Commissioners Act, 1956	1956, No. 45
Civil Service Regulation Act, 1956	1956, No. 46
Civil Service Regulation Acts, 1956 to 1996	
Refugee Act, 1996	1996, No. 17

Number 22 *of* 1999

IMMIGRATION ACT 1999

REVISED

Updated to 12 June 2026

AN ACT TO MAKE PROVISION IN RELATION TO THE CONTROL OF NON-NATIONALS, TO AMEND THE ALIENS ACT, 1935, AND THE REFUGEE ACT, 1996, AND TO PROVIDE FOR RELATED MATTERS. [7*th July*, 1999]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Certain functions in relation to Act transferred (1.01.2014, establishment day) by *Child and Family Law Agency Act 2013* (40/2013), s. 82 and sch. 1, S.I. Nos. 502, 503 of 2013.

Transfer of certain functions of Health Service Executive

82. (1) The administration and business in connection with the performance of any of the functions transferred by *subsection (2)* are transferred, on the establishment day, to the Agency.

(2) The functions vested in the Health Service Executive by or under the enactments specified in *Schedule 1* shall, on the establishment day, stand transferred to the Agency.

...

SCHEDULE 1

Functions of Health Service Executive Transferred to Agency

Section 82

...

Immigration Act 1999

...

C2 Certain references construed and application of Act (other than s. 3(2), (3), (4), (5), (6), (7), (8), (9)(b) and (12)) extended (31.12.2016) by *International Protection Act 2015* (66/2015), s. 51(4), S.I. No. 663 of 2016.

Deportation order

51.— ...

(4) A deportation order made under this section shall be deemed to be a deportation order made under section 3(1) of the Act of 1999, and accordingly—

(*a*) that Act (other than subsections (2), (3), (4), (5), (6), (7), (8), (9)(b) and (12) of section 3) shall apply to the deportation order,

(*b*) a reference in section 3(9)(a) of that Act to a notification under subsection (3)(b)(ii) of that section shall be construed as including a reference to a notification under subsection (3), and

(*c*) references in any enactment to a deportation order made under the Act of 1999 shall be construed as including references to a deportation order made under this section.

...

Editorial Notes:

E1 Provision for retention and deletion of passenger data in respect of offence under Act made (1.11.2011) by *European Communities (Communication of Passenger Data) Regulations 2011* (S.I. No. 597 of 2011), in effect as per reg. 1(2).

E2 Previous affecting provision: functions in relation to Act transferred to the Health Service Executive (1.01.2005) by *Health Act 2004* (42/2004), ss. 58, 59(1), (2) and (3) and sch. 3, S.I. No. 887 of 2004, subject to transitional provisions in s. 74 and sch. 5; superseded (1.01.2014, establishment day) by *Child and Family Agency Act 2013* (40/2013), ss. 6, 82 and sch. 1, S.I. Nos. 502, 503 of 2013.

Interpretation.

1.—(1) In this Act, except where the context otherwise requires—

"the Act of 1935" means the Aliens Act, 1935;

"the Minister" means the Minister for Justice, Equality and Law Reform;

"non-national" means an alien within the meaning of the Act of 1935 other than an alien to whom, by virtue of an order under section 10 of that Act, none of the provisions of that Act applies;

"prescribed" means prescribed by regulations made by the Minister.

(2) In this Act—

(*a*) a reference to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any subsequent enactment including this Act,

(*b*) a reference to a section is a reference to a section of this Act unless it is indicated that reference to some other enactment is intended,

(*c*) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended.

Orders under Act of 1935.

2.—(1) Every order made before the passing of this Act under section 5 of the Act of 1935 other than the orders or provisions of orders specified in the *Schedule* to this Act shall have statutory effect as if it were an Act of the Oireachtas.

(2) If *subsection (1)* would, but for this subsection, conflict with a constitutional right of any person, the operation of that subsection shall be subject to such limitation as is necessary to secure that it does not so conflict but shall be otherwise of full force and effect.

Deportation orders.

3.—(1) Subject to the provisions of F1**[***section 3A*]** and the subsequent provisions of this section, the Minister may by order (in this Act referred to as "a deportation order") require any non-national specified in the order to leave the State within such period as may be specified in the order and to remain thereafter out of the State.

F2**[**(1A) A person the subject of a deportation order under this section may be detained in accordance with the provisions of this Act for the purpose of ensuring his or her deportation from the State.**]**

(2) An order under *subsection (1)* may be made in respect of—

(*a*) a person who has served or is serving a term of imprisonment imposed on him or her by a court in the State,

(*b*) a person whose deportation has been recommended by a court in the State before which such person was indicted for or charged with any crime or offence,

(*c*) a person who has been required to leave the State under Regulation 14 of the European Communities (Aliens) Regulations, 1977 (S.I. No. 393 of 1977),

(*d*) a person to whom Regulation 19 of the European Communities (Right of Residence for Non-Economically Active Persons) Regulations, 1997 (S.I. No. 57 of 1997) applies,

(*e*) a person whose application for asylum has been transferred to a convention country for examination pursuant to section 22 of the Refugee Act, 1996,

(*f*) a person whose application for asylum has been refused by the Minister,

(*g*) a person to whom leave to land in the State has been refused,

(*h*) a person who, in the opinion of the Minister, has contravened a restriction or condition imposed on him or her in respect of landing in or entering into or leave to stay in the State,

(*i*) a person whose deportation would, in the opinion of the Minister, be conducive to the common good.

(3) (*a*) Subject to *subsection (5)*, where the Minister proposes to make a deportation order, he or she shall notify the person concerned in writing of his or her proposal and of the reasons for it and, where necessary and possible, the person shall be given a copy of the notification in a language that he or she understands.

(*b*) A person who has been notified of a proposal under *paragraph (a)* may, within 15 working days of the sending of the notification, make representations in writing to the Minister and the Minister shall—

(i) before deciding the matter, take into consideration any representations duly made to him or her under this paragraph in relation to the proposal, and

(ii) notify the person in writing of his or her decision and of the reasons for it and, where necessary and possible, the person shall be given a copy of the notification in a language that the person understands.

(4) A notification of a proposal of the Minister under *subsection (3)* shall include—

(*a*) a statement that the person concerned may make representations in writing to the Minister within 15 working days of the sending to him or her of the notification,

(*b*) F3**[**subject to *subsection (4A)*, a statement**]** that the person may leave the State before the Minister decides the matter and shall require the person to so inform the Minister in writing and to furnish the Minister with information concerning his or her arrangements for leaving,

(*c*) a statement that the person may consent to the making of the deportation order within 15 working days of the sending to him or her of the notification and that the Minister shall thereupon arrange for the removal of the person from the State as soon as practicable, and

(*d*) any other information which the Minister considers appropriate in the circumstances.

F4**[**(4A) The provisions of *subsection (4)(b)* shall not apply where—

(*a*) the person has been by a final judgment convicted in the State of a serious offence, F5**[**...**]**

F6**[**(*aa*) the person has been, by a final judgment, convicted outside the State of an offence which, were the act or omission constituting that offence done or made in the State, would constitute a serious offence under the law of the State, or**]**

(*b*) the Minister is of the opinion that there are reasonable grounds for regarding the person as a danger to the security of the State.**]**

(5) The provisions of *subsection (3)* shall not apply to—

(*a*) a person who has consented in writing to the making of a deportation order and the Minister is satisfied that he or she understands the consequences of such consent,

(*b*) a person to whom *paragraph (c), (d)* or *(e)* of *subsection (2)* applies, or

(*c*) a person who is outside the State.

(6) In determining whether to make a deportation order in relation to a person, the Minister shall have regard to—

(*a*) the age of the person;

(*b*) the duration of residence in the State of the person;

(*c*) the family and domestic circumstances of the person;

(*d*) the nature of the person's connection with the State, if any;

(*e*) the employment (including self-employment) record of the person;

(*f*) the employment (including self-employment) prospects of the person;

(*g*) the character and conduct of the person both within and (where relevant and ascertainable) outside the State (including any criminal convictions);

(*h*) humanitarian considerations;

(*i*) any representations duly made by or on behalf of the person;

(*j*) the common good; and

(*k*) considerations of national security and public policy,

so far as they appear or are known to the Minister.

(7) A deportation order shall be in the form prescribed or in a form in the like effect.

(8) Where a person who has consented in writing to the making of a deportation order is not deported from the State within 3 months of the making of the order, the order shall cease to have effect.

(9) F7**[**(*a*) (i) Subject to *paragraph (b)*, where the Minister has made a deportation order under this section, the notice under *subsection (3)(b)(ii)* may require the person the subject of the deportation order to do any one or more of the following for the purpose of ensuring his or her deportation from the State:

(I) present himself or herself to such member of the Garda Síochána or immigration officer at such date, time and place as may be specified in the notice;

(II) produce any travel document, passport, travel ticket or other document in his or her possession required for the purpose of such deportation to such member of the Garda Síochána or immigration officer at such date, time and place as may be specified in the notice;

(III) co-operate in any way necessary to enable a member of the Garda Síochána or immigration officer to obtain a travel document, passport, travel ticket or other document required for the purpose of such deportation;

(IV) reside or remain in a particular district or place in the State pending removal from the State;

(V) report to a specified Garda Síochána station or immigration officer at specified intervals pending removal from the State;

(VI) notify such member of the Garda Síochána or immigration officer as may be specified in the notice as soon as possible of any change of address.

(ii) Where the notice under *subsection (3)(b)(ii)* contains a requirement to do an act specified in *subparagraph (i)*, a member of the Garda Síochána or immigration officer may, if he or she considers it necessary for the purpose of ensuring the deportation of the person concerned from the State, require the person in writing to do any one or more of the acts specified in *subparagraph (i)*, and any such further requirement shall have effect as if it were a requirement in a notice under *subsection (3)(b)(ii)*.

(iii) A further requirement under *subparagraph (ii)* shall, where necessary and possible, be given to the person concerned in a language that he or she understands.**]**

(*b*) A person who is ordinarily resident in the State and has been so resident for a period (whether partly before and partly after the passing of this Act or wholly after such passing) of not less than 5 years and is for the time being employed in the State or engaged in business or the practice of a profession in the State other than—

(i) a person who has served or is serving a term of imprisonment imposed on him or her by a court in the State, or

(ii) a person whose deportation has been recommended by a court in the State before which such person was indicted for or charged with any crime or offence,

shall not be deported from the State under this section unless 3 months' notice in writing of such deportation has been given by the Minister to such person.

(10) A person who contravenes a provision of a deportation order or a requirement in a notice under *subsection (3)(b)(ii)* shall be guilty of an offence.

(11) The Minister may by order amend or revoke an order made under this section including an order under this subsection.

F3**[**(12) In this section—

"serious offence" means an offence for which a person of full age and capacity and not previously convicted may be punished by imprisonment for a term of five years or by a more severe penalty;

"working day" means any day not being a Saturday, Sunday or public holiday.**]**

Annotations

Amendments:

F1 Substituted (15.07.2019) by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019* (8/2019), s. 95(a), S.I. No. 346 of 2019.

F2 Inserted (5.09.2000) by *Illegal Immigrants (Trafficking) Act 2000* (29/2000), s. 10(a)(i), S.I. No. 266 of 2000.

F3 Substituted (31.07.2023) by *Courts and Civil Law (Miscellaneous Provisions) Act 2023* (18/2023), s. 44(a), (c), S.I. No. 389 of 2023, art. 3(g).

F4 Inserted (31.07.2023) by *Courts and Civil Law (Miscellaneous Provisions) Act 2023* (18/2023), s. 44(b), S.I. No. 389 of 2023, art. 3(g).

F5 Deleted (12.06.2026) by *International Protection Act 2026* (9/2026), s. 300(a)(i), S.I. No. 244 of 2026.

F6 Inserted (12.06.2026) by *International Protection Act 2026* (9/2026), s. 300(a)(ii), S.I. No. 244 of 2026.

F7 Substituted (5.09.2000) by *Illegal Immigrants (Trafficking) Act 2000* (29/2000), s. 10(a)(ii), S.I. No. 266 of 2000.

F8 Substituted by *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022), s. 5 and sch. 3 ref. 3, not commenced as of date of revision, subject to transitional provisions in s. 24.

Modifications (not altering text):

C3 Prospective affecting provision: application of s. 3(1) restricted by *Criminal Law (Sexual Offences and Human Trafficking) Act 2024* (28/2024), s. 35, not commenced as per date of revision.

Prohibition on deportation of certain persons

35. (1) The Minister shall not make a deportation order under section 3(1) of the Act of 1999 in relation to an identified victim of human trafficking to whom paragraph (c), (d), (e), (f), (g) or (h) of section 3(2) of that Act applies.

(2) The Minister shall not make a deportation order under section 3(1) of the Act of 1999 in respect of an applicant or appellant, as the case may be, during the relevant period where the applicant, or appellant (other than a person who makes an application under section 27 (4) on another person's behalf), as the case may be, is a person to whom paragraph (c), (d), (e), (f), (g) or (h) of section 3(2) of the Act of 1999 applies.

...

C4 Prospective affecting provision: subs. (9)(a)(i)(IV) amended by *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022), s. 5 and sch. 3 ref. 3, not commenced as of date of revision, subject to transitional provisions in s. 24.

(IV) reside or remain in a particular F8**[**area**]** or place in the State pending removal from the State;

C5 Certain references construed and application of Act (other than s. 3(2), (3), (4), (5), (6), (7), (8), (9)(b) and (12)) extended (31.12.2016) by *International Protection Act 2015* (66/2015), s. 51(4), S.I. No. 663 of 2016.

Deportation order

51. —...

(4) A deportation order made under this section shall be deemed to be a deportation order made under section 3(1) of the Act of 1999, and accordingly—

(*a*) that Act (other than subsections (2), (3), (4), (5), (6), (7), (8), (9)(b) and (12) of section 3) shall apply to the deportation order,

(*b*) a reference in section 3(9)(a) of that Act to a notification under subsection (3)(b)(ii) of that section shall be construed as including a reference to a notification under subsection (3), and

(*c*) references in any enactment to a deportation order made under the Act of 1999 shall be construed as including references to a deportation order made under this section.

...

Editorial Notes:

E3 Notification of an intention to make a deportation order under subs. (3) made subject to *European Communities (Eligibility for Protection) Regulations 2006* and additional information required to be included stated (10.10.2006) by *European Communities (Eligibility for Protection) Regulations 2006* (S.I. No. 518 of 2006), regs. 3(1)(c), 4(1)(a), in effect as per reg. 1(2).

F9[Prohibition of refoulement

3A.—A person shall not be expelled or returned in any manner whatsoever to the frontier of a territory where, in the opinion of the Minister—

(*a*) the life or freedom of the person would be threatened for reasons of race, religion, nationality, membership of a particular social group or political opinion, or

(*b*) there is a serious risk that the person would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.**]**

Annotations

Amendments:

F9 Inserted (15.07.2019) by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019* (8/2019), s. 95(b), S.I. No. 346 of 2019.

F10[Provision in relation to certain deportation orders

3B.—(1) This section applies to a deportation order made in respect of a person—

(*a*) in the period commencing on 31 December 2016 and ending immediately before the date on which this subsection comes into operation, and

(*b*) where, in determining whether to make the deportation order, the Minister considered (including having regard to any representations made in that regard by the person in accordance with *section 3*) whether the deportation of the person from the State would involve the person being returned to the frontier of a territory where—

(i) the life or freedom of the person would be threatened for reasons of race, religion, nationality, membership of a particular social group or political opinion, or

(ii) there was a serious risk that the person would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

(2) Subject to *subsection (3)*, the validity of a deportation order to which this section applies, or a notification under *section 3(3)(b)(ii)* in relation to such a deportation order, shall not be affected by reason only of that deportation order or notification—

(*a*) including a statement referring to the Minister's power under *section 3* to make a deportation order as being subject to a specified enactment,

(*b*) not including a statement referred to in *paragraph (a)*,

(*c*) including a statement that the consideration of the matters referred to in *subparagraph (i)* or *(ii)* of *subsection (1)(b)* was done in compliance with a specified enactment, or

(*d*) referring to the consideration of the matters referred to in *subparagraph (i)* or *(ii)* of *subsection (1)(b)* without specifying the legal basis for such consideration.

(3) *Subsection (2)* shall not apply in respect of a deportation order—

(*a*) that has been quashed or declared invalid by a court on a ground referred to in *paragraph (a)*, *(b)*, *(c)* or *(d)* of that subsection, or

(*b*) the validity of which has been questioned on a ground referred to in *paragraph (a)*, *(b)*, *(c)* or *(d)* of that subsection, in proceedings initiated before the date on which this subsection comes into operation.

(4) In this section, "enactment" has the same meaning as it has in the Interpretation Act 2005.**]**

Annotations

Amendments:

F10 Inserted (15.07.2019) by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019* (8/2019), s. 95(b), S.I. No. 346 of 2019.

Exclusion orders.

4.—(1) The Minister may, if he or she considers it necessary in the interest of national security or public policy, by order (referred to in this Act as an "exclusion order") exclude any non-national specified in the order from the State.

(2) A person who contravenes a provision of an exclusion order shall be guilty of an offence.

(3) The Minister may by order amend or revoke an order made under this section including an order under this subsection.

Arrest, detention and removal of non-nationals.

F11[**5.**—(1) Where an immigration officer or a member of the Garda Síochána, with reasonable cause, suspects that a person against whom a deportation order is in force—

(*a*) has failed to leave the State within the time specified in the order,

(*b*) has failed to comply with any other provision of the order or with a requirement in a notice under *section 3(3)(b)(ii)*,

(*c*) intends to leave the State and enter another state without lawful authority,

(*d*) has destroyed his or her identity documents or is in possession of forged identity documents, or

(*e*) intends to avoid removal from the State,

the officer or member may arrest the person without warrant, and a person so arrested may be taken to a place referred to in *subsection (3)* and detained in the place in accordance with that subsection.

(2) Where a person against whom a deportation order is in force is serving a term of imprisonment in a prison or place of detention, an immigration officer or a member of the Garda Síochána may, immediately on completion by the person of the term of imprisonment, arrest the person without warrant and detain him or her in accordance with *subsection (3)*.

(3) A person who is arrested and detained under *subsection (1)* or *(2)* may be detained—

(*a*) in a prescribed place, or

(*b*) for the purpose of his or her being placed in accordance with *subsection (4)* and for a period or periods each not exceeding 12 hours—

(i) in a vehicle, for the purposes of bringing the person to the port from which the ship, railway train, road vehicle or aircraft concerned is due to depart, or

(ii) within the port referred to in *subparagraph (i)*.

(4) A person arrested and detained under *subsection (1)* or *(2)* may be placed on a ship, railway train, road vehicle or aircraft about to leave the State by an immigration officer or a member of the Garda Síochána, and shall be deemed to be in lawful custody whilst so detained and until the ship, railway train, road vehicle or aircraft leaves the State.

(5) The master of any ship and the person in charge of any railway train, road vehicle or aircraft bound for any place outside the State shall, if so required by an immigration officer or a member of the Garda Síochána, receive a person against

whom a deportation order has been made and his or her dependants, if any, on board such ship, railway train, road vehicle or aircraft and afford him or her and his or her dependants proper accommodation and maintenance during the journey.

(6) (*a*) *Subsections (1)* and *(2)* shall not apply to a person who is under the age of 18 years.

(*b*) If and for so long as the immigration officer or, as the case may be, the member of the Garda Síochána concerned has reasonable grounds for believing that the person is not under the age of 18 years, the provisions of *subsections (1)* and *(2)* shall apply as if he or she had attained the age of 18 years.

(*c*) Where an unmarried child under the age of 18 years is in the custody of any person (whether a parent or a person acting in loco parentis or any other person) and such person is detained pursuant to the provisions of this section, the immigration officer or the member of the Garda Síochána concerned shall, without delay, notify the Child and Family Agency of the detention and of the circumstances thereof.

(7) Where a person detained under this section institutes court proceedings challenging the validity of the deportation order concerned, or of a decision by the Minister under *section 3(11)* in relation to the order, the court hearing those proceedings or any appeal therefrom may, on application to it, determine whether the person shall continue to be detained or shall be released, and may make any such release subject to such conditions as it considers appropriate, including, but without prejudice to the generality of the foregoing, any one or more of the following conditions:

(*a*) that the person reside or remain in a particular district or place in the State;

(*b*) that he or she report to a specified Garda Síochána station or immigration officer at specified intervals;

(*c*) that he or she surrender any passport or travel document in his or her possession.

(8) (*a*) Subject to *subsections (9)* and *(10)*, a person shall not be detained under this section for a period or periods exceeding 8 weeks in aggregate.

(*b*) The following periods shall be excluded in reckoning a period for the purpose of *paragraph (a)*:

(i) any period during which the person is remanded in custody pending a criminal trial or serving a sentence of imprisonment;

(ii) any period spent by the person in a vehicle referred to in *subsection (3)(b)(i)* or on board a ship, railway train, road vehicle or aircraft pursuant to this section; and

(iii) if the person has instituted court proceedings challenging the validity of the deportation order concerned, or a decision by the Minister under *section 3(11)* in relation to the order, any period spent by the person in a place of detention between the date of the institution of the proceedings and the date of their final determination including, where notice of appeal is given, the period between the giving thereof and the final determination of the appeal or any further appeal therefrom or the withdrawal of the appeal or, as appropriate, the expiry of the ordinary time for instituting any such appeal.

(*c*) Periods of detention of a person under this section may be aggregated for the purposes of *paragraph (a)* only where the person concerned has, between the expiry of the earliest occurring period and the commencement of the latest occurring period, not left the State.

(9) (*a*) This paragraph applies to a person against whom a deportation order is in force who—

(i) has previously been detained under this section, and

(ii) not having left the State since the expiry of the latest period of his or her detention referred to in *subparagraph (i)*, is arrested and detained under *subsection (1)* or *(2)*.

(*b*) Where the aggregate of the period or periods of his or her detention referred to in *paragraph (a)(i)* and the period of his or her detention referred to in *paragraph (a)(ii)* is 8 weeks, a person to whom *paragraph (a)* applies shall continue to be detained under this section only with the leave of a judge of the District Court.

(*c*) Where the detention of a person is authorised under *paragraph (b)*, the period of his or her detention referred to in *paragraph (a)(i)* shall be excluded in reckoning, for the purposes of *subsection (8)(a)*, the period of his or her detention referred to in *paragraph (a)(ii)*.

(10) (*a*) *Paragraph (b)* shall apply to the arrest and detention under this section of a person who has previously been detained under this section, where the period, or the aggregate of the periods, of the previous detention is 8 weeks or more.

(*b*) Where a person to whom *paragraph (a)* applies is arrested and detained under *subsection (1)* or *(2)* —

(i) he or she shall, as soon as practicable, be brought before a judge of the District Court, and

(ii) he or she shall continue to be detained under this section only with the leave of a judge of the District Court.

(11) For the purposes of arresting a person under *subsection (1)* or *(2)*, the immigration officer or member of An Garda Síochána may enter (if necessary, by use of reasonable force) and search any premises (including a dwelling) where the person is or where the immigration officer or the member, with reasonable cause, suspects that person to be, and where the premises is a dwelling, the immigration officer or the member shall not, unless acting with the consent of an occupier of the dwelling or other person who appears to the immigration officer or the member to be in charge of the dwelling, enter that dwelling unless—

(*a*) the person ordinarily resides at that dwelling, or

(*b*) he or she believes on reasonable grounds that the person is within the dwelling.**]**

Annotations

Amendments:

F11 Substituted (10.03.2016) by *International Protection Act 2015* (66/2015), s. 78, S.I. No. 133 of 2016.

F12 Substituted by *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022), s. 5(1) and sch. 3 ref. 3, not commenced as of date of revision, subject to transitional provisions in s. 24.

Modifications (not altering text):

C6 Prospective affecting provision: subs. (7)(a) amended by *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022), s. 5(1) and sch. 3 ref. 3, not commenced as of date of revision, subject to transitional provisions in s. 24.

(*a*) that the person reside or remain in a particular F12**[**area**]** or place in the State;

Editorial Notes:

E4 Certain court fees excluded for proceedings under subs. (5) (30.10.2014) by *Supreme Court, Court of Appeal and High Court (Fees) Order 2014* (S.I. No. 492 of 2014), art. 6(3), in effect as per art. 1(2).

E5 Previous affecting provision: certain court fees excluded for proceedings under subs. (5) (3.02.2014) by *Supreme Court and High Court (Fees) Order 2014* (S.I. No. 24 of 2014), art. 6(3), in effect as per art. 1(2); revoked (30.10.2014) by *Supreme Court, Court of Appeal and High Court (Fees) Order 2014* (S.I. No. 492 of 2014), art. 11, in effect as per art. 1(2).

E6 Previous affecting provision: subs. (4)(c) amended (1.01.2014) by *Child and Family Agency Act 2013* (40/2013), s. 97 and sch. 2 part 12, S.I. No. 502 of 2013; section substituted (10.03.2016) as per F-note above.

E7 Previous affecting provision: certain court fees excluded for proceedings under subs. (5) (3.12.2013) by *Supreme Court and High Court (Fees) (No. 2) Order 2013* (S.I. No. 466 of 2013), art. 5(3), in effect as per art. 1(2); revoked (3.02.2014) by *Supreme Court and High Court (Fees) Order 2014* (S.I. No. 24 of 2014), art. 11, in effect as per art. 1(2).

E8 Previous affecting provision: certain court fees excluded for proceedings under subs. (5) (10.07.2013) by *Supreme Court and High Court (Fees) Order 2013* (S.I. No. 239 of 2013), art. 6(3), in effect as per art. 1(2); revoked (3.12.2013) by *Supreme Court and High Court (Fees) (No. 2) Order 2013* (S.I. No. 466 of 2013), art. 10, in effect as per art. 1(2).

E9 Previous affecting provision: certain court fees excluded for proceedings under subs. (5) (10.04.2012) by *Supreme Court and High Court (Fees) Order 2012* (S.I. No. 110 of 2012), art. 6(3), in effect as per art. 1(2); revoked (10.07.2013) by *Supreme Court and High Court (Fees) Order 2013* (S.I. No. 239 of 2013), art. 13, in effect as per art. 1(2).

E10 Previous affecting provision: certain court fees excluded for proceedings under subs. (5) (22.08.2011) by *Supreme Court and High Court (Fees) Order 2011* (S.I. No. 406 of 2011), art. 6(3), in effect as per art. 1(2); revoked (10.04.2012) by *Supreme Court and High Court (Fees) Order 2012* (S.I. No. 110 of 2012), art. 11, in effect as per art. 1(2).

E11 Previous affecting provision: certain court fees excluded for proceedings under subs. (5) (7.07.2008) by *Supreme Court and High Court (Fees) Order 2008* (S.I. No. 200 of 2008), art. 6(3), in effect as per art. 1(2); revoked (22.08.2011) by *Supreme Court and High Court (Fees) Order 2011* (S.I. No. 406 of 2011), art. 10, in effect as per art. 1(2).

E12 Previous affecting provision: certain court fees excluded for proceedings under subs. (5) (12.01.2005) by *Supreme Court and High Court (Fees) Order 2005* (S.I. No. 70 of 2005), art. 7(3); revoked (07.07.2008) by *Supreme Court and High Court (Fees) Order 2008* (S.I. No. 200 of 2008), art. 10, in effect as per art. 1(2).

E13 Previous affecting provision: subs. (4)(c) amended (1.01.2005) by *Health Act 2004* (42/2004), s. 75 and sch. 6 part. 18, S.I. No. 887 of 2004; section substituted (10.03.2016) as per F-note above.

E14 Previous affecting provision: certain court fees excluded for proceedings under subs. (5) (1.08.2004) by *Supreme Court and High Court (Fees) Order 2004* (S.I. No. 444 of 2014), art. 7(3), in effect as per art. 1(2); revoked (12.01.2005) by *Supreme Court and High Court (Fees) Order 2005* (S.I. No. 70 of 2005), art. 11.

E15 Previous affecting provision: certain court fees excluded for proceedings under subs. (5) (10.03.2003) by *Supreme Court and High Court (Fees) Order 2003* (S.I. No. 89 of 2003), art. 7(3), in effect as per art. 1(2); revoked (1.08.2004) by *Supreme Court and High Court (Fees) Order 2004* (S.I. No. 444 of 2014), art. 11, in effect as per art. 1(2).

E16 Previous affecting provision: certain court fees excluded for proceedings under subs. (5) (1.01.2002) by *Supreme Court and High Court (Fees) (No. 2) Order 2001* (S.I. No. 488 of 2001), art. 7(3), in effect as per art. 1(2); revoked (10.03.2003) by *Supreme Court and High Court (Fees) Order 2003* (S.I. No. 89 of 2003), art. 11, in effect as per art. 1(2).

E17 Previous affecting provision: certain court fees excluded for proceedings under subs. (5) (16.07.2001) by *Supreme Court and High Court (Fees) Order 2001* (S.I. No. 251 of 2001), art. 7(3), in effect as per art. 1(2); revoked (1.01.2002) by *Supreme Court and High Court (Fees) (No. 2) Order 2001* (S.I. No. 488 of 2001), art. 11, in effect as per art. 1(2).

E18 Previous affecting provision: subs. (1) substituted (5.09.2000) by *Illegal Immigrants (Trafficking) Act 2000* (29/2000), s. 10(b), S.I. No. 226 of 2000; section substituted (10.03.2016) as per F-note above.

Service of notices.

6.—F13**[**(1)**]** Where a notice is required or authorised by or under this Act to be served on or given to a person, it shall be addressed to him or her and shall be served on or given to him or her in some one of the following ways:

(*a*) where it is addressed to him or her by name, by delivering it to him or F14**[**her,**]**

(*b*) by sending it by post in a prepaid registered letter, or by any other form of recorded delivery service prescribed by the Minister, addressed to him or her at the address most recently furnished by him or her F15**[**to F16**[**a registration officer (within the meaning of the Immigration Act 2004) pursuant to section 9 of that Act, or to the Minister pursuant to section 16 (3)(c) of the International Protection Act 2015**]** F17**[**or section 65 (2)(b) of the International Protection Act 2026**]**, as the case may be**]** or, in a case in which an address for service has been furnished, F14**[**at that address, or**]**

F18**[**(*c*) by sending it to him or her by electronic means in accordance with *subsection (1A)*, in a case in which he or she has given notice in writing to the Minister or to a registration officer of his or her consent to it (or notices of a class to which it belongs) being served on or given to him or her in that manner.**]**

F18**[**(1A) For the purposes of *subsection (1)(c)*, a notice is sent to a person by electronic means in accordance with this subsection—

(*a*) if it is sent to an email address that the person has furnished to the Minister or to a registration officer for that purpose, or

(*b*) in a case in which the person is registered on an electronic interface, by leaving it on that electronic interface.**]**

F19**[**(2) Where a notice under this Act has been sent to a person in accordance with—

(*a*) *paragraph (b)* of *subsection (1)*, the notice shall be deemed to have been duly served on or given to the person on the third working day after the day on which it was so sent, and

(*b*) *paragraph (c)* of *subsection (1)*, the notice shall be deemed to have been duly served on or given to the person when the sender's facility for the delivery of notices by electronic means generates a message or other record confirming the delivery of the notice by the electronic means used.**]**

F18**[**(3) In this section—

"electronic interface" means a secure information technology platform, portal, exchange network or other similar interface maintained by, or on behalf of, the Minister which requires personal log-in details;

"registration officer" has the same meaning as it has in the Immigration Act 2004.**]**

Annotations

Amendments:

F13 Inserted by implication (5.09.2000) by *Illegal Immigrants (Trafficking) Act 2000* (29/2000), s. 10(c)(ii), S.I. No. 266 of 2000.

F14 Substituted (31.07.2023) by *Courts and Civil Law (Miscellaneous Provisions) Act 2023* (18/2023), s. 45(a)(i), (ii), S.I. No. 389 of 2023, art. 3(g).

F15 Substituted (5.09.2000) by *Illegal Immigrants (Trafficking) Act 2000* (29/2000), s. 10(c)(i), S.I. No. 266 of 2000.

F16 Substituted (22.07.2022) by *Civil Law (Miscellaneous Provisions) Act 2022* (19/2022), s. 27, S.I. No. 370 of 2022, subject to transitional provisions in s. 40(1).

F17 Inserted (12.06.2026) by *International Protection Act 2026* (9/2026), s. 300(b), S.I. No. 244 of 2026.

F18 Inserted (31.07.2023) by *Courts and Civil Law (Miscellaneous Provisions) Act 2023* (18/2023), s. 45(a)(iii), (b), (c), S.I. No. 389 of 2023, art. 3(g).

F19 Substituted (31.07.2023) by *Courts and Civil Law (Miscellaneous Provisions) Act 2023* (18/2023), s. 45(c), S.I. No. 389 of 2023, art. 3(g).

Editorial Notes:

E19 Previous affecting provision: subs. (1)(b) amended (12.02.2004) by *Immigration Act 2004* (1/2004), s. 16(5), commenced on enactment; substituted (22.07.2022) as per F-note above.

E20 Previous affecting provision: subs. (2) inserted (5.09.2000) by *Illegal Immigrants (Trafficking) Act 2000* (29/2000), s. 10(c)(ii), S.I. No. 266 of 2000; substituted (31.07.2023) as per F-note above.

Regulations.

7.—(1) The Minister may—

(*a*) by regulations provide, subject to the provisions of this Act, for any matter referred to in this Act as prescribed or to be prescribed, and

(*b*) in addition to any other power conferred on him or her to make regulations, make regulations generally for the purposes of, and for the purpose of giving full effect to, this Act including regulations requiring a non-national against whom a deportation order has been made to repay any expenditure incurred by the Minister in relation to his or her deportation having regard to the financial circumstances of the person and providing for the procedure for such repayment.

(2) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

Annotations

Editorial Notes:

E21 Power pursuant to section exercised (8.03.2017) by *Immigration Act 1999 (Deportation) (Amendment) Regulations 2017* (S.I. No. 74 of 2017).

E22 Power pursuant to section exercised (10.03.2016) by *Immigration Act 1999 (Deportation) (Amendment) Regulations 2016* (S.I. No. 134 of 2016), in effect as per reg. 1(2).

E23 Power pursuant to section exercised (3.02.2005) by *Immigration Act 1999 (Deportation) Regulations 2005* (S.I. No. 55 of 2005).

E24 Previous affecting provision: power pursuant to section exercised (25.03.2002) by *Immigration Act 1999 (Deportation) Regulations 2002* (S.I. No. 103 of 2002); revoked (3.02.2005) by *Immigration Act 1999 (Deportation) Regulations 2005* (S.I. No. 55 of 2005), reg. 3.

E25 Previous affecting provision: power pursuant to section exercised (18.10.1999) by *Immigration Act 1999 (Deportation) Regulations 1999* (S.I. No. 319 of 1999); revoked (25.03.2002) by *Immigration Act 1999 (Deportation) Regulations 2002* (S.I. No. 103 of 2002), reg. 3.

Obstruction etc.

8.—(1) A person against whom a deportation order has been made—

(*a*) shall not by act or omission, obstruct or hinder a person authorised by the Minister to deport a person from the State pursuant to the order while the person is engaged in such deportation,

(*b*) shall, for the purpose of facilitating his or her deportation from the State, co-operate in any way necessary to enable a person so authorised to obtain a travel document, ticket or other document required for the purpose of

such deportation and, in particular, shall comply with any request from a person so authorised to sign a document in that connection or to affix his or her fingerprints to such a document,

(*c*) shall not behave in a manner likely to endanger the safety of himself or herself or the safety of others in the course of his or her deportation from the State.

(2) A person who contravenes this section shall be guilty of an offence.

Penalties.

9.—A person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or to both.

Annotations

Editorial Notes:

E26 A fine of £1,500 converted (1.01.1999) to €1,904.61. This translates into a class C fine, not greater than €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 6(2) and table ref. no. 1, S.I. No. 662 of 2010.

Increase of certain penalties under Act of 1935.

10.—Section 6(1) of the Act of 1935 is hereby amended by the substitution for "shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the discretion of the Court, to imprisonment for any term not exceeding six months, and the Court, before which such person is so convicted, may, either in addition to or in lieu of any such fine or imprisonment," of "shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or to both, and the Court, before which such person is so convicted, may, either in addition to or in lieu of any such fine or imprisonment or both,".

Amendment of Refugee Act, 1996.

11.—(1) The Refugee Act, 1996, is hereby amended—

(*a*) in section 1(1), by—

(i) the substitution of the following definition for the definition of "the Appeal Board":

"'the Tribunal' means the Refugee Appeals Tribunal established by section 15;", and

(ii) the insertion of the following definition:

"'working day' means any day not being a Saturday, Sunday or public holiday;",

(*b*) by the insertion of the following section after section 7:

"Establishment of Refugee Advisory Board.

7A. —(1) There shall be a board to be known as the Refugee Advisory Board (in this Act referred to as 'the Board') to perform the functions conferred on it by this Act.

(2) The Board shall be independent in the performance of its functions.

(3) The provisions of the Schedule to this section shall have effect in relation to the Board.

(4) (*a*) The Board shall, in every second year beginning with the year 2001, prepare and submit to the Minister a report in writing on the operation in the preceding 2 years of this Act and may include in the report information and comment in respect of asylum policy and refugees including any proposals to amend legislation and recommendations regarding the practice or procedures of public or private bodies in relation to applicants and any other matters relating to such operation coming to its attention to which it considers that his or her attention should be drawn and, not later than 1 month after such submission, the Minister shall cause a copy of the report to be laid before each House of the Oireachtas.

(*b*) The Board shall, at the request of the Minister, prepare and furnish to him or her a report in writing on such matters relating to the performance of its functions as the Minister may specify and as soon as may be after the receipt by the Minister of the report, he or she shall cause a copy of it to be laid before each House of the Oireachtas.

(5) The Commissioner shall, whenever so requested by the Board, furnish to the Board information in relation to such matters as the Board may specify relating to the performance of its functions.

Subsection (3).

SCHEDULE

REFUGEE ADVISORY BOARD

1. The Board shall consist of a chairperson and 14 ordinary members who shall be appointed to be members of the Board by the Minister.

2. The Commissioner shall be a member of the Board and shall act as secretary to the Board.

3. Of the members of the Board—

(*a*) one shall be a representative of the Minister nominated by the Minister,

(*b*) one shall be a representative of the Minister for Foreign Affairs nominated by the Minister for Foreign Affairs,

(*c*) one shall be a representative of the Minister for Social, Community and Family Affairs nominated by the Minister for Social, Community and Family Affairs,

(*d*) one shall be a representative of the Minister for Education and Science nominated by the Minister for Education and Science,

(*e*)one shall be a representative of the Minister for Health and Children nominated by the Minister for Health and Children,

(*f*) one shall be a representative of the Minister for the Environment and Local Government nominated by the Minister for the Environment and Local Government,

(*g*) one shall be a representative of the Minister for Enterprise, Trade and Employment nominated by the Minister for Enterprise, Trade and Employment,

(*h*) six shall be women and six shall be men.

4. The High Commissioner shall be given not less than 7 days' notice in writing of the date and time of each meeting of the Board and shall be entitled to be present at and heard at each meeting either in person or through a representative.

5. In the selection of persons for appointment to membership of the Board regard shall be had to—

(*a*) the desirability of ensuring that a person or persons representative of refugees and applicants is or are appointed to membership of the Board, and

(*b*) the person's interest in or knowledge of asylum and the provision of protection and assistance to refugees or his or her competence otherwise to assist the Board in the performance of its functions.

6. Subject to the provisions of this Schedule, the members of the Board shall hold office upon such terms and conditions as the Minister may determine.

7. The term of office of a member of the Board shall be 5 years and, subject to the provisions of this Schedule, a member shall be eligible for reappointment.

8. Where a casual vacancy occurs among the members of the Board, the Minister may appoint a person to be a member of the Board to fill the vacancy and a member so appointed shall hold office for the remainder of the term of office for which his or her predecessor had been appointed, and the person shall be so appointed in the manner specified in paragraph 3 or 5, as the case may be, in which such predecessor was so appointed.

9. Members of the Board shall be paid such remuneration and such allowances for expenses as the Minister, with the consent of the Minister for Finance, may from time to time determine.

10. The Minister may remove from office any member of the Board who, in the opinion of the Minister, has become incapable through illness of effectively performing his or her functions or has committed stated misbehaviour.

11. The Board shall meet at least four times a year.",

(*c*) in section 8, by—

(i) the substitution in subsection (1) of the following paragraph for paragraph (c):

"(*c*) A person who at any time is in the State (whether lawfully or unlawfully) and is seeking the status of a refugee in the State may apply to the Minister for a declaration and, if he or she does so, shall be interviewed by an authorised officer or an immigration officer at such times as may be specified by the authorised officer or the immigration officer, as the case may be, who shall also inform the person that he or she is entitled to consult a solicitor and the High Commissioner and the person shall make himself or herself available for such interview at the times so specified.",

(ii) the substitution of the following subsection for subsection (2):

"(2) An interview under subsection (1) shall, in relation to the person the subject of the interview, seek to establish *inter alia*—

(*a*) whether the person wishes to make an application for a declaration and, if he or she does so wish, the general grounds upon which the application is based,

(*b*) the identity of the person,

(*c*) the nationality and country of origin of the person,

(*d*) the mode of transport used and the route travelled by the person to the State,

(*e*) the reason why the person came to the State, and

(*f*) the legal basis for the entry into or presence in the State of the person,

and shall, where necessary and possible, be conducted with the assistance of an interpreter and a record of the interview shall be kept by the officer conducting it and a copy of it shall be furnished to the person

and, if the interview was conducted by an immigration officer, to the Commissioner.",

(iii) the substitution of the following subsection for subsection (3):

"(3) (*a*) The Commissioner shall notify the High Commissioner in writing of the making of an application and the notice shall include the name of the applicant and the name of his or her country of origin and such other information as the Minister may specify by notice in writing addressed to the Commissioner.

(*b*) The Commissioner shall furnish a copy of the record of any interview under subsection (1)—

(i) to the Minister, and

(ii) to the High Commissioner whenever so requested by him or her in writing.",

(iv) the substitution of the following subsection for subsection (4):

"(4) An application under subsection (1) shall be made in writing in the prescribed form or in a form to the like effect and shall be addressed to the Commissioner.",

and

(v) the substitution in subsection (5) of the following paragraph for paragraph (*a*):

"(*a*) Where it appears to an immigration officer or an authorised officer that a child under the age of 18 years, who has either arrived at the frontiers of the State or has entered the State, is not in the custody of any person, the officer shall, as soon as practicable, so inform the health board in whose functional area the child is and thereupon the provisions of the Child Care Act, 1991, shall apply in relation to the child.",

(*d*) in section 9, by—

(i) the substitution of the following subsection for subsection (3):

"(3) (*a*) The Commissioner shall give or cause to be given to a person referred to in subsection (2) a temporary residence certificate (in this section referred to as 'a certificate') stating the name and containing a photograph of the person and such other information relating to the person as may be prescribed and specifying the date on which the person's application for a declaration was received by the Commissioner and stating that, subject to the provisions of this Act, and, without prejudice to any other permission or leave granted to the person to remain in the State, the person shall not be removed from the State before the final determination of his or her application.

(*b*) A certificate shall remain the property of the Minister.

(*c*) A certificate shall be deemed to be a registration certificate for the purposes of Article 15 of the Aliens Order, 1946 (S.R.& O., No. 395 of 1946) and a person who is issued with a certificate shall be deemed to have complied with Article 11(1)(*a*) of that Order.

(*d*) If a person forges, or fraudulently alters, or assists in forging or fraudulently altering, or procures the forging or fraudulent alteration of a certificate, that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500, or to imprisonment for a term not exceeding 12 months, or to both.",

and

(ii) the substitution of the following subsection for subsection (15):

"(15) A person referred to in subsection (1) shall not be given leave to enter the State under that subsection if he or she is the subject of an order under *section 4* of the *Immigration Act, 1999*.",

(*e*) by the insertion after section 9 of the following section:

"Powers of authorised officers and immigration officers.

9A.—(1) An authorised officer or an immigration officer may, for the purposes of this Act, take or cause to be taken the fingerprints of an applicant above the age of 14 years.

(2) An applicant who refuses to permit his or her fingerprints to be taken pursuant to subsection (1) shall be deemed not to have made reasonable efforts to establish his or her true identity within the meaning of section 9(8)(*c*) and to have deliberately obstructed the investigation of his or her application within the meaning of section 12(4)(*f*).

(3) Every fingerprint of an applicant taken pursuant to subsection (1) and every copy thereof shall, if not previously destroyed, be destroyed—

(*a*) in case the applicant becomes a citizen of the State, before the expiration of one month after the granting of the certificate of naturalisation or of Irish citizenship to him or her or the acknowledgement by the Minister of the validity of his or her declaration accepting Irish citizenship, as the case may be;

(*b*) in any other case, before the expiration of 10 years after the taking of such fingerprints.

(4) Information obtained pursuant to subsection (1) may be communicated to convention countries as if it was information to which section 22(9) relates.",

(*f*) in section 10, by the substitution of "the Tribunal" for "the Appeal Board" in each place where it occurs,

(*g*) in section 11, by—

(i) the substitution of the following subsection for subsection (1):

"(1) Subject to section 12, where an application is received by the Commissioner under section 8 or is remitted to him or her under section 16 or otherwise referred to him or her by the Minister and the application is not withdrawn or deemed to be withdrawn pursuant to section 9 or 22, it shall be the function of the Commissioner to investigate the application for the purpose of ascertaining whether the applicant is a person in respect of whom a declaration should be given.",

(ii) the substitution in subsection (2) for "section 12(2)" of "section 12(1)(*a*)",

(iii) the insertion in subsection (3) after "may" of ", at any time but not later than 7 working days after the conduct of an interview under subsection (2),",

(iv) the insertion in subsection (6) after "the applicant concerned" of "and the High Commissioner, whenever so requested by him or her,",

(v) the substitution in subsection (8) for "Where an application is referred to the Commissioner under section 8, 16 or 22, or otherwise by the Minister" of "On receipt by the Commissioner of an application under the provisions of this Act,", and

(vi) the insertion of the following subsection after subsection (8):

"(9) Where an applicant does not attend for interview with an authorised officer under this section, the Commissioner shall by notice in writing require the applicant to attend for interview at such other time and place as shall be specified in the notice and the notice shall state that if the applicant does not, without reasonable cause, comply with the requirement the Commissioner shall make a recommendation that the applicant should not be declared to be a refugee.",

(*h*) in section 12, by—

(i) the substitution of the following subsection for subsections (1) to (3):

"(1) Where at any time during the investigation of an application by the Commissioner under section 11 (other than an application remitted to the Commissioner under section 16), the Commissioner is of opinion that the application is manifestly unfounded, he or she shall, as soon as may be—

(*a*) in case he or she forms the opinion before the interview of the applicant concerned under section 11(2), notify the applicant of his or her opinion (including the reasons for it) and the notice shall require the applicant to attend for interview in accordance with section 11(2) at such time and place as shall be specified in the notice,

(*b*) in case he or she forms, or, as the case may be, remains of, the opinion after the interview of the applicant concerned under section 11(2) and following consideration of any report furnished under section 11(2) and any representations made under section 11(3), make a recommendation that the applicant concerned should not be declared to be a refugee and shall send a copy of the recommendation and of the reasons for it to—

(i) the applicant,

(ii) the applicant's solicitor (if known), and

(iii) the High Commissioner.",

and

(ii) the substitution of the following subsection for subsection (5):

"(5) The Commissioner shall, when sending a copy of the recommendation to the applicant under subsection (1)(*b*), at the same time send to the applicant a notice in writing stating that the applicant may appeal to the Tribunal under section 16 against the recommendation within 10 working days from the sending of the notice.",

(*i*) in section 13, by—

(i) the deletion in subsection (1) of "and shall furnish the report to the Minister",

(ii) the substitution of the following subsections for subsection (2):

"(2) The Commissioner shall notify the High Commissioner of the making of the recommendation under subsection (1).

(3) (*a*) The Commissioner shall send a copy of a report under subsection (1) to the applicant concerned, to his or her solicitor (if known) and, if so requested by the High Commissioner, to him or her.

(*b*) Where a report under subsection (1) includes a recommendation that the applicant should not be declared to be a refugee, the Commissioner shall send to the applicant a notice in writing stating that the applicant may appeal to the Tribunal under section 16 against the recommendation and may request an oral hearing within 15 working days from the sending of the notice.

(*c*) Where the applicant has not appealed against the recommendation within 21 days after the sending of a notice under paragraph (*b*), the Commissioner shall, as soon as may be, furnish the report under subsection (1) to the Minister.

(*d*) Where a report under subsection (1) includes a recommendation that the applicant should be declared to be a refugee, the Commissioner, shall as soon as may be, furnish the report to the Minister.",

(*j*) by the substitution of the following section for section 15:

"15.—(1) On the establishment day there shall stand established a Tribunal to be known as the Refugee Appeals Tribunal (in this Act referred to as 'the Tribunal') to consider and decide appeals under section 16 of this Act.

(2) The Tribunal shall be independent in the performance of its functions.

(3) The provisions of the Second Schedule shall have effect in relation to the Tribunal.',

(*k*) in section 16, by—

(i) the substitution for "Appeal Board" of "Tribunal" in subsections (1) to (12) and (16),

(ii) the insertion of the following subsection after subsection (2):

"(2A) Where an applicant fails, without reasonable cause, to attend an oral hearing under subsection (10), the Tribunal shall affirm a recommendation of the Commissioner under section 13.",

(iii) the substitution in subsection (3) for "and shall indicate" of "and, in the case of a recommendation by the Commissioner under section 13(3)(*b*), shall indicate",

(iv) the substitution in subsection (4) for "to the Minister, the Commissioner and the High Commissioner" of "to the Commissioner and notification of the making of the appeal to the High Commissioner",

(v) the substitution in subsection (8) for "solicitor (if known)" of "solicitor (if known) and the High Commissioner whenever so requested by him or her" and for "furnished to the applicant" of "furnished to the applicant or, as the case may be, the High Commissioner", and

(vi) the substitution of the following subsection for subsection (17):

"(17) (*a*) A decision of the Tribunal under subsection (2) and the reasons therefor shall be communicated by the Tribunal to the applicant concerned and his or her solicitor (if known).

(*b*) A decision of the Tribunal under subsection (2) (other than a decision of the Tribunal under subsection (2)(*d*) and the reasons therefor shall be communicated by the Tribunal to the Minister together with a copy of the report of the Commissioner under section 13.

(*c*) A decision of the Tribunal under subsection (2) shall be communicated to the High Commissioner.",

(*l*) in section 17, by—

(i) the substitution in subsection (1) for "Appeal Board" of "Tribunal",

(ii) the substitution in subsection (5) of the following paragraph for paragraph (*c*):

"(*c*) the Minister may make an order under *section 3* of the *Immigration Act, 1999*, requiring the applicant to leave the State and if the notice contains the statement specified in *subsection (4)* of that

section, it shall not be necessary for the Minister to give the notification specified in the *subsection (3)* of that section,",

and

(iii) the deletion of subsection (8),

(*m*) in section 19, by the substitution in subsection (1) for "Appeal Board" of "Board, the Tribunal",

(*n*) in section 20, by—

(i) the substitution in subsections (2) to (5) for "6 months" of "12 months", and

(ii) the substitution in subsection (2) for "the Appeal Board or to an authorised officer" of "the Tribunal, an authorised officer or an immigration officer",

(*o*) in section 21, by—

(i) the substitution in subsection (1)(*h*) for "Appeal Board" of "Tribunal", and

(ii) the substitution in subsections (3), (4) and (6) for "21 days" of "15 working days",

(*p*) in section 22, by—

(i) the substitution in subsection (2) (*c*) for "until it has been decided by the person specified in an order under this section" of "until he or she has decided",

(ii) the substitution in subsection (2) (*d*) for "which has been referred to the Commissioner under section 8" of "which is being investigated by the Commissioner",

(iii) the substitution in subsection (2)(*h*) for "the referral of an application for asylum to the Commissioner" of "the investigation of an application for asylum by the Commissioner",

(iv) the substitution of the following subsection for subsection (4):

"(4) (*a*) The Commissioner shall determine the matters referred to in subsection (2) (*a*).

(*b*) The Tribunal shall consider and decide appeals under subsection (2)(*b*).",

and

(v) the substitution of the following subsection for subsection (9):

"(9) (*a*) The Minister shall, pursuant to Article 14 of the Dublin Convention, communicate information to convention countries in relation to matters referred to in that Article.

(*b*) The Commissioner shall, pursuant to Article 15 of the Dublin Convention, communicate information to convention countries in relation to matters referred to in that Article:

Provided that information concerning the grounds on which a particular application for asylum is based or the grounds on which a decision concerning such an application is based shall not be communicated under this section without the prior consent of the person the subject of the application.",

(*q*) in section 23, by the substitution in paragraph (*b*) for "Appeal Board" of "Tribunal",

(*r*) in section 28, by the substitution for "commencement of this Act" of "commencement of this section",

(*s*) by the substitution of the following Schedule for the First Schedule—

"FIRST SCHEDULE

Section 6.

REFUGEE APPLICATIONS COMMISSIONER

1. The position of Commissioner shall be a position in the Civil Service (within the meaning of the Civil Service Commissioners Act, 1956) and a person shall not be appointed to be the Commissioner unless the Civil Service Commissioners, within the meaning aforesaid, after holding a competition under section 15 of that Act, have, under section 17 of that Act, selected him or her for appointment to the position.

2. The term of office of the Commissioner shall be 5 years and a person may be reappointed to the office for a second or subsequent term.

3. The Commissioner shall be paid such remuneration and such allowances for expenses as the Minister, with the consent of the Minister for Finance, may from time to time determine.

4. The Commissioner—

(*a*) may at any time resign his or her office by letter addressed to the Minister and the resignation shall take effect on and from the date of receipt of the letter,

(*b*) may at any time be removed from office by the Minister if, in the opinion of the Minister, he or she has become incapable through ill-health of effectively performing his or her functions or has committed stated misbehaviour, and

(*c*) shall in any case vacate his or her office on attaining the age of 65 years.

5. The Minister may appoint such and so many persons to be members of the staff of the Commissioner as he or she considers necessary to assist the Commissioner in the performance of his or her functions and such members shall receive such remuneration and be subject to such other terms and conditions of service as the Minister may, with the consent of the Minister for Finance, determine.

6. Members of the staff of the Commissioner shall be civil servants within the meaning of the Civil Service Regulation Act, 1956.

7. The Minister may delegate to the Commissioner the powers exercisable by him or her under the Civil Service Commissioners Act, 1956, and the Civil Service Regulation Acts, 1956 to 1996, as the appropriate authority in relation to members of the staff of the Commissioner and, if the Minister does so, then, so long as the delegation remains in force—

(*a*) those powers shall, in lieu of being exercisable by the Minister, be exercisable by the Commissioner, and

(*b*) the Commissioner shall, in lieu of the Minister, be for the purposes of this Act the appropriate authority in relation to members of the staff of the Commissioner.

8. (1) The Commissioner shall keep, in such form as may be approved of by the Minister, all proper and usual accounts of all moneys received or expended by him or her and all such special accounts (if any) as the Minister may direct.

(2) Accounts kept in pursuance of this paragraph in respect of each year shall be submitted by the Commissioner for audit to the Comptroller and Auditor General in the following year on a date not later than a date

specified by the Minister and, as soon as may be after the audit, a copy of those accounts, or of such extracts from those accounts as the Minister may specify, together with the report of the Comptroller and Auditor General on the accounts, shall be furnished by the Commissioner to the Minister who shall cause copies of the documents so furnished to be laid before each House of the Oireachtas.

9. 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.",

(*t*) by the substitution of the following Schedule for the Second Schedule:

"SECOND SCHEDULE

Section 15.

REFUGEE APPEALS TRIBUNAL

1. The Tribunal shall consist of the following members—

(*a*) a chairperson, and

(*b*) such and such number of ordinary members as the Minister, with the consent of the Minister for Finance, considers necessary for the expeditious dispatch of the business of the Tribunal,

each of whom shall have had not less than 10 years' experience as a practising barrister or practising solicitor before his or her appointment.

2. A person shall not be appointed to be the chairperson unless the Civil Service Commissioners, within the meaning aforesaid, have, under section 17 of that Act, selected him or her for appointment to the position.

3. The term of office of the chairperson shall be 5 years and a person may be reappointed to the office for a second or subsequent term.

4. Each ordinary member of the Tribunal shall be a part-time member and, subject to this Schedule, shall hold office for a term of 3 years on such terms and conditions as the Minister may, subject to the provisions of this Schedule, determine when appointing him or her.

5. The chairperson and each ordinary member shall be paid such remuneration and allowances and expenses as the Minister, with the consent of the Minister for Finance, may from time to time determine.

6. A member of the Tribunal may resign his or her membership by letter addressed to the Minister and the resignation shall take effect from the date of receipt of the letter by the Minister.

7. An ordinary member of the Tribunal may be removed from office by the Minister for stated reasons.

8. If a member of the Tribunal dies, resigns, becomes disqualified or is removed from office, the Minister may appoint another person to be a member of the Tribunal to fill the casual vacancy so occasioned and the person so appointed shall be appointed in the same manner as the member of the Tribunal who occasioned the vacancy and shall hold office for the remainder of the term of office for which his or her predecessor was appointed.

9. The Minister may appoint such and so many persons to be members of the staff of the Tribunal as he or she considers necessary to assist the Tribunal in the performance of its functions and such members of the staff of the Tribunal shall receive such remuneration and be subject to such other terms and conditions of service as the Minister may, with the consent of the Minister for Finance, determine.

10. Members of the staff of the Tribunal shall be civil servants within the meaning of the Civil Service Regulation Act, 1956.

11. Whenever the Tribunal consists of more than one member, it shall be grouped into divisions each of which shall consist of one member.

12. The chairperson shall convene a meeting of the members of the Tribunal at least twice a year to review the work of the Tribunal and, where necessary, to make provision for training programmes for members of the Tribunal.

13. The chairperson shall assign to each division the business to be transacted by it.".

(2) This section shall come into operation on such day or days as by order or orders made by the Minister under this section may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.

Laying of regulations before Houses of Oireachtas.

12.—Every order under *section 4* or regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next subsequent 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Short title.

13.—This Act may be cited as the Immigration Act, 1999.

Section 2.

SCHEDULE

Article 13 of the Aliens Order, 1946 (S.R. & O., No. 395 of 1946).

Aliens (Visas) Order, 1999 (S.I. No. 25 of 1999).

Number 22 *of* 1999

IMMIGRATION ACT 1999

REVISED

12 June 2026

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *International Protection Act 2026* (9/2026)
- *Criminal Law (Sexual Offences and Human Trafficking) Act 2024* (28/2024)
- *Courts and Civil Law (Miscellaneous Provisions) Act 2023* (18/2023)
- *Civil Law (Miscellaneous Provisions) Act 2022* (19/2022)
- *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022)
- *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019* (8/2019)
- *International Protection Act 2015* (66/2015)
- *Child and Family Agency Act 2013* (40/2013)
- *Fines Act 2010* (8/2010)

- *Health Act 2004* (42/2004)
- *Immigration Act 2004* (1/2004)
- *Illegal Immigrants (Trafficking) Act 2000* (29/2000)

All Acts up to and including *International Co-operation (Omagh Bombing Inquiry) Act 2026* (12/2026), enacted 3 June 2026, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Immigration Act 1999 (Deportation) (Amendment) Regulations 2017* (S.I. No. 74 of 2017)
- *Immigration Act 1999 (Deportation) (Amendment) Regulations 2016* (S.I. No. 134 of 2016)
- *Supreme Court, Court of Appeal and High Court (Fees) Order 2014* (S.I. No. 492 of 2014)
- *Supreme Court and High Court (Fees) Order 2014* (S.I. No. 24 of 2014)
- *Supreme Court and High Court (Fees) (No. 2) Order 2013* (S.I. No. 466 of 2013)
- *Supreme Court and High Court (Fees) Order 2013* (S.I. No. 239 of 2013)
- *Supreme Court and High Court (Fees) Order 2012* (S.I. No. 110 of 2012)
- *Supreme Court and High Court (Fees) Order 2011* (S.I. No. 406 of 2011)
- *Supreme Court and High Court (Fees) Order 2008* (S.I. No. 200 of 2008)
- *Supreme Court and High Court (Fees) Order 2005* (S.I. No. 70 of 2005)
- *Immigration Act 1999 (Deportation) Regulations 2005* (S.I. No. 55 of 2005)
- *Supreme Court and High Court (Fees) Order 2004* (S.I. No. 444 of 2004)
- *Supreme Court and High Court (Fees) Order 2003* (S.I. No. 89 of 2003)
- *Immigration Act 1999 (Deportation) Regulations 2002* (S.I. No. 103 of 2002)
- *Supreme Court and High Court (Fees)(No. 2) Order 2001* (S.I. No. 488 of 2001)
- *Supreme Court and High Court (Fees) Order 2001* (S.I. No. 251 of 2001)
- *Immigration Act 1999 (Section 11(1)(P)) (Commencement) Order 2000* (S.I. No. 364 of 2000)
- *Immigration Act 1999 (Section 11) (Commencement) Order 2000* (S.I. No. 9 of 2000)
- *Immigration Act 1999 (Deportation) Regulations 1999* (S.I. No. 319 of 1999)

All statutory instruments up to and including *International Protection Act 2026 (Commencement) Order 2026* (S.I. No. 244 of 2026), made 10 June 2026, were considered in the preparation of this revision.