Human Rights Commission identifies human rights and equality issues with International Protection Bill as it reaches Second Stage

The Irish Human Rights and Equality Commission has raised a number of significant concerns regarding the International Protection Bill, as it enters Second Stage in Dáil Éireann today. It warned that key provisions in the Bill risk undermining access to justice, children's rights and human rights under Irish and EU law.

The Commission's analysis highlights deficiencies across multiple areas of the Bill, including access to legal advice, expanded detention powers, inadequate vulnerability assessments, criminalisation of asylum seekers, concerning age assessment procedures, limited oversight of border procedures, and inadequate protections for victims of trafficking.

A central concern is the Government's proposal to replace access to legal advice from a solicitor with undefined "legal counselling" at the first stage of the international protection process. The Bill does not define what legal counselling entails or who may provide it, creating significant uncertainty for applicants. With less than five months remaining before the EU Pact on Migration and Asylum is due to be implemented, the Commission warns that this lack of clarity risks undermining effective access to legal advice.

The Commission is particularly concerned that the absence of legal advice at first instance could have profound consequences for applicants, including victims of trafficking or torture, who may be unable to disclose highly sensitive information at an early stage. This could lead to wrongful placement in accelerated border procedures, denial of specialised supports, and ultimately wrongful deportation.

The Bill also introduces new powers of arrest and detention, including in respect of children and unaccompanied minors, without setting out clear alternatives to detention as required under the Pact. Of particular concern is the extension of Garda powers to direct and detain individuals holding immigration registration certificates, potentially affecting large numbers of lawfully resident non-Irish nationals, and not IP applicants.

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Further concerns arise in relation to the Bill's approach to vulnerability assessments, which are limited to an initial screening and fail to provide for assessments later in the process when individuals may be better able to disclose special reception needs such as disability, pregnancy, trafficking or experiences of torture or sexual violence.

The Commission also warns that the Bill significantly expands the criminal liability of international protection applicants, including ongoing criminalisation of the use of false or substitute documents by people fleeing war or persecution. The creation of a wide range of new offences risks criminalising the act of seeking asylum and fails to adequately account for the circumstances of vulnerable persons.

In relation to age assessments, the Commission raises serious concerns about the inclusion of medical examinations, the lack of safeguards, and the discretion afforded to the Minister in determining who may carry out such assessments. The Bill does not ensure that assessments are conducted exclusively by qualified medical professionals, as required by the Pact, nor does it guarantee the presumption of minority during the assessment process.

The Commission has also expressed concern that the proposed Chief Inspector of Asylum Border Procedures lacks sufficient independence, funding guarantees and operational clarity, falling short of EU requirements. Inadequate monitoring of immigration detention and State's ongoing failure to ratify the Optional Protocol to the Convention Against Torture (the only EU state in this position) further compound these concerns.

Finally, the Commission highlights serious gaps in the Bill's treatment of victims of trafficking. The Bill contains no explicit provisions for early identification, referral to the National Referral Mechanism, or protection from detention and accelerated procedures, despite binding obligations under the EU Anti-Trafficking Directive.

Source(s)

- Irish Human rights and Equality Commission | Coimisiún na hÉireann um Chearta an Duine agus Comhionannas (28 January, 2026), [Commission raises serious human rights and equality concerns with International Protection Bill as it reaches Second Stage], https://www.ihrec.ie/news-press/commission-raises-serious-human-rights-and-equality-concerns-with-international-protection-bill-as-it-reaches-second-stage

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