Minister of Justice proposes a new International Protection Law

The Minister for Justice Jim O'Callaghan has today secured Cabinet approval to progress legislation that will lead to the most significant reform of Irish asylum laws in the history of the State in line with the EU Migration and Asylum Pact.

The approval by Cabinet will allow for the publication of the General Scheme of the International Protection Bill 2025 and referral of the General Scheme to the relevant Oireachtas Committee for pre-legislative scrutiny, and for the drafting of the new Bill. The General Scheme of the International Protection Bill 2025 is intended to replace the International Protection Act 2015, in line with the provision of the Pact on migration and asylum and its national implementation plan.

The bill covers:

Arrivals and Screening: Provides for matters relating to the screening of applicants for international protection.

Application for International Protection: Provides for the procedures that will apply where a person applies for international protection in Ireland. The asylum procedure will be transformed to follow the procedure outlined in the Asylum Procedure Regulation.

Asylum and Migration Management: Implements provisions of the Asylum and Migration Management Regulation relating to determination of the Member State responsible for examining an application. The new responsibility provisions replace the Dublin III Regulation.

Assessment of Applications for International Protection at First Instance: Provides for matters relating to assessment of international protection applications.

Examination of Applications for International Protection: Sets out the procedure when applications for international protection are examined at first instance and on appeal.

The Asylum Procedure Regulation mandates that Member States issue a return decision at the same time as a decision which rejects an international protection claim. It is proposed that such a decision will include: (i) a decision that the

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applicant does not qualify for refugee status; (ii) a decision that the applicant is not eligible for subsidiary protection; and (iii) a return decision.

These decisions will be subject to a single simultaneous appeal to the new Second Instance Body. It is proposed that officers of the Minister will directly make decisions on international protection applications, including return decisions, which may be appealed to the Second Instance Body.

Assessment of Applications for International Protection at Second Instance: Makes provision for appeals. The provisions take account of the proposed new arrangements where an applicant will receive decisions on their refugee status, subsidiary protection and a return order simultaneously, which then also can be appealed simultaneously. The new Second Instance Body will have the power to make decisions itself to grant or refuse refugee status or subsidiary protection and to affirm, overturn or vary return decisions. It is proposed that oral hearings of appeals will be more limited than at present under the International Protection Act 2015.

Declarations and Other Outcomes: Provides for matters relating to outcomes of the international protection application process, including returns. It is proposed that it will be mandatory for a return decision to be issued as part of a decision rejecting an application for international protection, except where such a return decision would be unlawful.

Content of International Protection: Deals with the rights and entitlements of persons who have been granted international protection and gives effect to provisions of the Qualification Regulation.

Humanitarian Admission Framework, Programme Refugees and Temporary Protection: Provides for matters relating to programme refugees and temporary protection of displaced persons, with expanded and clarified provisions to deal with revocation of temporary protection.

Appeals and the Second Instance Body: Provides for the establishment, membership and functions of the new Second Instance Body, which will deal with appeals under the Bill.

Asylum Border procedure: Provides for the border procedure, which sets a 12-week time limit for first instance and appeal decisions to be completed for applicants from countries of origin with a recognition rate of 20% or less across the EU, or who have no documents or false documents, or who pose a security

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risk. The aim is to issue decisions in the quickest time possible to those less likely to have an entitlement to international protection.

Return Border Procedure: Provides for the return border procedure (RBP), aligning appropriately with relevant provisions of the RBP Regulation. Applicants whose applications are rejected under the asylum border procedure will, with limited exceptions, be placed in the RBP.

Allocation of Accommodation, Restrictions of Movement, and Detention: Makes provision for the detention of international protection applicants in limited circumstances.

Chief Inspector of Asylum Border Procedures: Provides for the establishment of an independent monitoring mechanism (IMM) whose purpose will be to ensure that, during the screening process and the application of the border procedure, there is full compliance with EU and international law, including the EU Charter of Fundamental Rights, and to investigate any allegations of breaches of same. It is proposed that the IMM functions will be conferred on an individual Chief Inspector of Asylum Border Procedures.

Unaccompanied Minors: Provides for matters relating to minors, including unaccompanied minors and age assessments.

Offences: Makes provision for offences under the General Scheme.

Transitional Provisions: Provides for transitional measures. Existing caseloads of applications and appeals under the International Protection Act 2015 will continue to be dealt with under that Act.

Miscellaneous Provisions: Makes provision for matters such as designation of safe countries of origin, designation of safe third countries, and the concept of first country of asylum.

Crisis and Force Majeure Regulation: Specifies the process that will apply where it is proposed that Ireland should request the European Commission to activate the procedure in the Crisis and Force Majeure Regulation.

Source(s)

- Department of Justice, Home Affairs and Migration | An Roinn Dlí agus Cirt, Gnóthaí Baile agus Imirce (29 April, 2025), [Minister Jim O’Callaghan secures Cabinet approval for publication of the General Scheme of the International Protection Bill 2025],

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https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-jim-ocallaghan-secures-cabinet-approval-for-publication-of-the-general-scheme-of-the-international-protection-bill-2025/

Date of development
29.04.2025
Country
Ireland
Thematic area(s)
General asylum and migration development
Development type
Legislation

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