Detention - Ireland

Overview

Content updated and validated on: 12/08/2025

Relevant EU legislation

Ireland is bound by the recast Reception Conditions Directive, the recast Asylum Procedures Directive and the Dublin III Regulation and has transposed their provisions through the International Protection Act of 2015.

National legislation

Ireland transposed the recast Reception Conditions Directive and the recast Asylum Procedures by the International Protection Act of 2015.

Competent authority and stakeholders

Area	National authority/ stakeholder	Assistance to competent authority
Detention decision	Immigration officer or a member of the Garda Síochána	N/a
Administration and management of detention facilities	Irish Prison Service	
Information provision in detention	Irish Prison Service or An Garda Siochána	N/a
Interpretation services in detention	International Protection Office and Department of Justice	N/a

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Area	National authority/ stakeholder	Assistance to competent authority
Access to the procedure and provision of asylum information in detention	Irish Prison Service	N/a
Detention for the Dublin procedure	District Court	N/a
Processing of asylum applications of applicants who are in detention	People in detention can apply for international protection. However, the definition of 'asylum applicant' under the Prison Rules 2007 is limited to people who apply for asylum at the frontiers of the state, thus de jure excluding people who apply for asylum within the state, as well as refugees, subsidiary protection beneficiaries and stateless persons. UNHCR has recommended an expansion and update to the scope of 'asylum applicants' in a revision of the Prison Rules.	N/a
Legal assistance and representation in detention	Legal Aid Board	N/a
Review of detention	District Court	N/a

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Grounds for detention during the asylum procedure

Grounds for detention in national law

Detention in the context of identification or verification of identity

According to Article 20 of the International Protection Act, an immigration officer or a member of the Garda Síochána may arrest an applicant without a warrant if the officer or member suspects, with reasonable cause, that the applicant:

1. poses a threat to public security or public order in the State;
2. has committed a serious non-political crime outside the State;
3. has not made reasonable efforts to establish his/her identity;
4. intends to leave the State and without lawful authority enter another state;
5. has acted or intends to act in a manner that would undermine the system for granting persons international protection in the State; or any arrangement relating to the Common Travel Area;
6. without reasonable excuse has destroyed his/her identity or travel document; or is or has been in possession of a forged, altered or substituted identity document.

Detention to determine elements on which the application for international protection is based, in particular where there is a risk of absconding

Based on a Ministerial Order, people can be detained prior to a removal and before a Dublin transfer when there is a flight risk.

Detention in the context of a procedure to decide on the applicant's right to enter the territory

n/a

Detention in the context of a return procedure

Section 5 of the Immigration Act 1999 (as amended by the International Protection Act 2015) provides that a person against whom a deportation order is in force may, in certain circumstances, be arrested without a warrant and detained in a prescribed place of detention for a total of 8 weeks in aggregate.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

After this, the period of detention may only be extended by a District Court Judge.

Section 5 of the Immigration Act 2003 (as amended by the International Protection Act 2015) contains the main provisions for the removal of people who have been refused entry. It specifies that a person may be arrested by an immigration officer or a member of An Garda Síochána and detained in a prescribed place of detention to facilitate their removal from the state, which must be done as soon as is practicable. In the majority of cases, people are returned on the next available flight within a short period of time. Others are granted a temporary permission to enter the state usually on the condition they report to their nearest Garda station. Only a very small number are detained for longer periods, usually until a return flight is available.

Detention in the context of national security and public order

According to Article 20 of the International Protection Act, an immigration officer or a member of the Garda Síochána may arrest an applicant without a warrant if that officer or member suspects, with reasonable cause, that the applicant poses a threat to national security or public policy or has committed a serious, non-political crime outside of Ireland.

Detention for the purpose of a Dublin transfer

Ireland transposed EU Regulation No 604/2013 into the European Union (Dublin System) Regulation 2014 S.I. No 525 of 2014, and Section 8(4) stipulates that an immigration officer or a member of the Garda Síochána may, for the purpose of facilitating the transfer of a transferrable applicant, without warrant arrest and detain the transferrable applicant where that officer or member considers that there is a significant risk of the transferrable applicant absconding, and a transferrable applicant detained in accordance with this paragraph shall be in lawful custody.

Less coercive measures (alternatives to detention)

Under Section 16(3d) of the 2015 International Protection Act, when an applicant is issued with a permission to reside in the state for the purpose of an international protection application, this permission can be subject to the following requirements:

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

- that he/she resides or remain in a specified district or place;
- that he/she reports at specified intervals to an immigration officer or a specific Garda Síochána station.

If the applicant has already been detained, an additional alternative may be chosen, such as confiscating the passport or other travel document. According to ESRI research, measures for the detention of international protection applicants and alternatives are seldom used.

Application for international protection and processing while in detention/impact on the asylum procedure

The Irish Prison Service (IPS) has international protection application forms available in each office. If a prisoner wishes to make an application, the prison staff will provide the application form and send it to the International Protection Office on behalf of the prisoner once it is completed. The IPS has no role in the international protection application process other than to facilitate the exchange of documents to and from the International Protection Office.

A person will only be detained by court warrant, and once that warrant has expired the IPS must release the person. The IPS has provided the International Protection Office with a list of email addresses for each prison general office to make the application process as seamless as possible. In many cases, the applications are already in the processing stage prior to a person coming to custody. For those that apply in custody, their solicitor is generally the person raising the request on their client’s behalf.

Procedural safeguards

Access to information and interpretation

The authority responsible depends on the circumstances. If An Garda Siochána invoke Section 20, they are responsible for some of the information provision, and the Irish Prison Service is responsible when a person is in custody.

Legal assistance and representation

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Immigration Officers or IPO Officers provide relevant information to asylum seekers, such the right to appeal, the possibility to seek legal assistance and representation, and their rights and entitlements. A detained person is entitled to:

- Consult a legal representative;
- Have notification of the detention, the place of his/her detention and every change in that place sent to the High Commissioner and to another person reasonably nominated by the detained person for that purpose; and
- The assistance of an interpreter for the purpose of consultation with a legal representative and for the purpose of any appearance before a court.

The Legal Aid Board can provide legal assistance to applicants who are detained. No NGO provides routine legal assistance to detained applicants.

Length of detention

A specific maximum duration for immigration detention is not set out in the International Protection Act (IPA). The timeframe for detention is extendable pending the determination of the person's application for international protection. Each detention extension period must not exceed 21 days.

Judicial review of detention

The law states that when an applicant is detained, they must be brought before a district court as soon as possible. The district court judge may either commit the person to a place of detention for up to 21 days or release the person subject to conditions. The judge may vary, revoke or add a condition to the release if considered appropriate. The timeframe for detention is extendable pending the determination of the person's application for international protection. Each detention extension period must not exceed 21 days. The court may release the applicant subject to certain reporting requirements, such as requiring them to report at specified intervals to a specific Garda Síochána station, requiring them to reside or remain in a specified district or place in the state, or requiring them to surrender the passport or other travel documents.

Release on bail can be applied in context of *habeas corpus* cases but is not commonly used.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Specific conditions relating to detention

Conditions of detention

Article 19(6) of the Reception Conditions Regulation states that detained applicants should have access to open-air spaces.

Detained applicants “shall be entitled to communicate with and receive visits from, in conditions that respect privacy from representatives of the UNHCR, family members, legal representatives and representative of relevant NGOs”.

The right to emergency healthcare is provided under Regulation 18 of the Reception Conditions Regulations, and when an applicant is considered vulnerable, they also have an entitlement to mental health support under the regulation. As part of the initial assessment conducted upon entry to a prison, a medical assessment is conducted by a nurse. Each prisoner is entitled to the provision of primary healthcare services (of a diagnostic, preventative, curative and rehabilitative nature). Healthcare and regulations should be followed by a prison doctor.

Detained applicants are kept separately from any prisoner detained in the place of detention and from other third-country nationals who are not applicants and who are detained in the place of detention.

All detained applicants receive the same access to open space, visitation rights, healthcare needs, mental health support as all other prisoners. Upon committal all prisoners are seen by a nurse officer as part of the committal process and subsequently by a Doctor. Where possible all applicants are kept separately from other cohort of prisoners.

Detention of applicants with special needs

Legislative overview

While minors cannot be detained, other vulnerable groups are not precluded from being detained under Section 20 of the 2015 Act. Nonetheless, Section 20 has only been used on one occasion, and vulnerable asylum applicants have never been detained.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

When a detained applicant is a vulnerable person, the minister shall ensure, taking into account the person's particular situation including their health, that:

- the person is monitored regularly; and
- they are provided with adequate support.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.