First instance determination - Ireland

Overview of first instance procedures

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Relevant EU legislation

Ireland has opted out of the recast Asylum Procedures Directive (APD/APR), the recast Qualification Directive and the Family Reunification Directive. However, it has opted in to the Asylum Procedures Council Directive 2005/85/EC and the Qualification Council Directive Council 2004/83/EC, and has transposed their provisions through the International Protection Act 2015.

Ireland has opted in to the recast Reception Conditions Directive, the Dublin III Regulation and the Temporary Protection Directive.

National legislation

The International Protection Act 2015 provides for the following types of procedures:

- Regular asylum procedure
- Admissibility procedure (Section 21 International Protection Act 2015)
- Accelerated procedure (Section 73A International Protection Act 2015)
- Subsequent application procedure (Section 22 International Protection Act 2015)

Ireland does not apply a border procedure.

Competent authority and other stakeholders

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National authorities: The International Protection Office (IPO) is an office within the Immigration Service Delivery (ISD) which is responsible for examining/processing requests for international protection in the regular asylum procedure and in special procedures.

The head of the IPO is the Chief International Protection Officer, who leads a team of international protection officers. Its duties are performed independently.

The IPO is not responsible for the identity verification of asylum applicants or the provision of legal aid. It is also not responsible for country of origin information and the definition of safe countries.

The IPO arranges for the provision of interpretation as required, but it does not employ interpreters directly.

The organisational structure includes the following units:

- Reception Unit
- Dublin Unit
- Scheduling and Arrangements Unit
- Case Management Unit
- Case Processing Unit
- Recommendations and Decisions Unit
- Procedures and Training Unit
- Customer Service
- Permission to Remain
- Permission to Remain Review
- Information Access/Case Processing COI//Staff Support
- Coordination Unit
- Investigations and Identity unit
- Ministerial Decisions Unit
- Case Completion Unit

Staff: Case officers who take decisions are specialists in the processing of protection cases and trained to UNHCR standards. The IPO comprises of a Chief International Protection Officer and international protection officers who, under the International Protection Act 2015, are independent in the performance of their functions. Interviews are generally conducted by ‘panel members’, who are remunerated experts with experience in asylum, while the final decision is taken by an IPO case officer.

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Other actors:

- The Child and Family Agency (Tusla): provides support, advice, care and assistance to unaccompanied minor applicants.
- Legal Aid Board: provides legal representation to applicants.
- Interpretation company: contracted by the IPO to provide interpretation services at application and interview stages.
- UNHCR: provides advice and support to case officers.
- An Garda Síochána (Irish police force): authenticates certain documents and carries out security checks.

There are additional stakeholders at registration phase; International Protection Accommodation Services (IPAS), Good People, the Health Service Executive (HSE) and Department of Social Protection (DSP). They cover vulnerability assessments and access to support and accommodation.

Types of procedures and case processing

The International Protection Act 2015 provides for the following types of procedures:

- Regular asylum procedure
- Admissibility procedure (Section 21 International Protection Act 2015)
- Accelerated procedure (Section 73A International Protection Act 2015)
- Subsequent application procedure (Section 22 International Protection Act 2015)

Ireland does not apply a border procedure.

Time limit for a decision and length of the procedure

Applicable time limits for taking a decision:

- **Regular procedure:** There is no deadline provided by law to decide on an application; however, the IPO aims at having cases processed within 6 months.
- **Admissibility procedure:** There is no deadline provided by law.
- **Accelerated procedure:** There is no deadline provided by law.
- **Subsequent application procedure:** There is no deadline provided by law.

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Measures to enforce the legal time limit for processing an application: Applicants may take a Mandamus challenge to the High Court to oblige the minister to make a decision within a certain timeframe.

Penalty payment for exceeding processing time: There is no penalty payment foreseen, however, if applicants take a claim to the High Court and are successful, they may be awarded legal fees and certain damages, etc.

Prioritisation policies: information currently not available

Quality assurance of first instance procedures

A quality assurance team works in cooperation with UNHCR to enhance consistency in decisions. The primary aim of quality assurance is to ensure that the asylum process is fair, efficient and transparent, adhering to legal standards, policies and procedures.

Methods/criteria: The International Protection Office is customer-focused and the decision-making process is the focus, including monitoring the quality of s.35 interviews and first instance decisions. The decisions should be fair and timely, with an emphasis on consistent recommendations adhering to all legislative requirements and following IPO's policies and procedures.

Frequency: The current quality assurance process includes UNHCR as an independent overseer of the decision-making process and includes recommendations on decisions, without any interference in the decision-making process. Each year a Work Plan is agreed between the IPO and UNHCR, which outlines the collaborative efforts necessary to achieve the shared objectives: ensuring high-quality decisions, providing training and support for decision-makers, assisting the IPO in developing policies and improving processes to ensure an efficient system, strengthening the integrity of the international protection system, and building capacity within the IPO. The plan is structured around five key workstreams: quality audits, training, process monitoring, policy support and monitoring the implementation of recommendations and the annual work plan.

UNHCR has committed to quality assessments of first instance decisions under two parallel streams:

- Thematic approach – 180 reports in 2024

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- General cross-section of first instance decisions – 140 reports in 2024.

This process has continued into 2025 and has expanded to include a full review of the s.35 interview process.

Interinstitutional cooperation

information currently not available

Regular asylum procedure at first instance

Legal basis

The International Protection Act 2015, Part 5 provides for the examination of an application.

In addition, relevant legal provisions include:

- International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017
- International Protection Act 2015 (Return Order) Regulations 2020
- International Protection Act 2015 (Safe Third Country) Order 2020
- International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022

Competent authority and stakeholders

The International Protection Office (IPO) is competent for the examination and processing of requests for international protection.

Case officers who take decisions are specialists in the processing of protection cases and trained to UNHCR standards. The IPO comprises of a Chief International Protection Officer and international protection officers who, under the International Protection Act 2015, are independent in the performance of their functions. Interviews are generally conducted by ‘panel members’, who are remunerated experts with experience in asylum, while the final decision is taken by an IPO case officer.

Personal interview

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All applicants have the right to a personal interview.

Section 35 of the International Protection Act 2015 provides for the personal interview, in person or remotely. Ireland started a pilot in May 2024 for online interviews for single applicants (not for families or children). In practice, applicants are allowed to join remotely from their private accommodation or reception centre. Interpreters also participate remotely.

The International Protection Act 2015 also provides for a preliminary interview in Section 13. The preliminary interview is conducted with the assistance of an interpreter in order to establish:

1. whether the person wishes to make an application for international protection and the general grounds on which the application is based;
2. the identity of the person;
3. the nationality of the person;
4. the country of origin of the person;
5. the route travelled, the means of transport used and details of any person who assisted the person in travelling;
6. the reason why the person came to Ireland;
7. the legal basis for the entry into or presence in the country; and
8. whether any of the circumstances referred to in Section 21(2) may apply.

Assessment of an application

Applicants who request international protection at the border are permitted to enter Ireland for the purpose of applying for international protection.

Following the preliminary interview, if the application is found to be admissible, an applicant will be given the Application for International Protection Questionnaire (IPO 2) which must be completed and returned to the IPO by the date and time specified by the IPO. Together with the questionnaire, an applicant should submit any relevant supporting documents, if not already done during the initial interview.

Making, registering and lodging an application now occurs under one process. An applicant creates an account on the IPO Portal. On arrival at the IPO, an applicant is assigned an interpreter or cultural mediator to assist in completing the full application form which comprises the preliminary interview, formal application

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and questionnaire. Applications under the safe country of origin or accelerated procedures are scheduled for an interview as part of the registration process. The applicant is informed of their interview date in writing, confirming this by signing the letter. They are also informed about the stream under which the application will be considered. A full copy of the application is emailed to the applicant using the IPO portal.

Two processing streams are established to determine the priority for processing cases:

- Stream One consists of the majority of applications scheduled mainly on the basis of oldest cases first.
- Stream Two consists of accelerated cases where applicants are from countries that have been designated as safe under s.72 of the IP Act 2015 and applications from the countries with the most applications for international protection, currently Nigeria and Pakistan, as designated under s.73(2)(l)
- Stream Three comprises certain categories of cases as follows:

  - The age of applicants (unaccompanied minors in the care of Tusla; unaccompanied minor applicants who have transitioned to adulthood; applicants aged over 70 who are not part of a family group);

  - The likelihood that applicantions are well-founded (based on a Medico-Legal report);

  - The likelihood that applications are well-founded due to the country of origin or habitual residence of applicants. UNHCR recommends prioritisation of applications from citizens of Syria, Eritrea, Iraq, Afghanistan, Iran, Libya and Somalia.

Health grounds: On the basis of evidence submitted of an ongoing severe/life threatening medical condition, which is certified by a medical consultant, the scheduling of interviews can be prioritised, but it does not predetermine any recommendation to be made. All applications, whether prioritised or not, receive the same full and individual assessment under the procedure.

Specificities for people with special procedural needs (excluding unaccompanied minors): Special arrangements may be considered to support vulnerable applicants, such as victims of human trafficking or applicants with

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disabilities or other health issues.

Specificities for unaccompanied minors: Section 36 of the International Protection Act 2015, provides that the minister ensures, taking the best interests of the child as a primary consideration, that the person appointed by the Child and Family Agency is given the opportunity to inform the applicant about the meaning and possible consequences of the personal interview and how to prepare for the interview. All unaccompanied minors who have had an application for international protection made on their behalf by the Health Service Executive Child and Family Agency (Tusla) are given the opportunity of a personal interview. There is no legal or indicative minimum age for interviewing unaccompanied children.

The personal interview is conducted by a panel member with the knowledge and training to conduct interviews with children. Likewise, the report of the examination of the claim is written by an appropriately trained and competent person.

Scope and outcomes of a decision

There is no time limit in law for the IPO to make a decision on an asylum application at first instance. However, according to Section 39(5) of the International Protection Act 2015, where a recommendation cannot be made within 6 months of the date of application, the minister provides, upon request from the applicant, information on the estimated time within which a recommendation may be made. The estimated time within which a recommendation may be made shall not of itself oblige the international protection officer to make a recommendation within that time.

In addition, the 2023-2024 Office's Modernisation Programme commits to processing applications for international protection at first instance with the aim to reduce median processing times to 6 months or below as soon as possible.

According to Section 39 of the International Protection Act 2015, after the examination of an application for international protection, the international protection officer writes a written report which includes a recommendation that will be sent to the minister on whether:

1. the applicant should be granted a refugee declaration;

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2. the applicant should not be given a refugee declaration and should be granted a subsidiary protection declaration; or
3. the applicant should not be granted a refugee declaration or a subsidiary protection declaration.

According to Section 40 of the International Protection Act 2015, the minister notifies the applicant in writing, the applicant's legal representative (if known) and, when requested the High Commissioner. Recommendations are presented to the applicant in a language they know or are reasonably presumed to understand. They also outline the applicant's right to appeal and any applicable deadlines.

If an applicant is not eligible for refugee status or subsidiary protection, the minister may also grant the applicant the right to remain for humanitarian reasons.

Withdrawal of an application

Competent authority to withdraw an application

International Protection Office (IPO) is the competent authority for implicit and explicit withdrawals.

Implicit withdrawal

Grounds for implicit withdrawal: The law does not provide for an implicit withdrawal.

Consequences of implicit withdrawal: n/a

Appeal against a decision to discontinue the examination due to an implicit withdrawal: N/a

Explicit withdrawal

Grounds for explicit withdrawal:

According to Section 37 of the International Protection Act, an applicant may, at any time before the preparation of the report under Section 39 in relation to the

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application withdraw the application by sending a notice of withdrawal to the minister.

Consequences of explicit withdrawal:

According to Section 37 of the International Protection Act, when an application is explicitly withdrawn:

1. any examination of the application is terminated;
2. Sections 39 and 40 and Part 6 do not apply in respect of the application;
3. under Section 47(5), the minister refuses to give the applicant a refugee declaration and a subsidiary protection declaration; and
4. as soon as practicable, the minister shall:

   - send the person and his/her legal representative (if known) a notice confirming that the application is withdrawn; and

   - inform the High Commissioner of the fact that the application is withdrawn.

Appeal against a decision to discontinue the examination due to an explicit withdrawal: Information currently not available

Personal interview

Competent authority: Interviewers

Staff members tasked with conducting interviews for international protection applicants are primarily part of the International Protection Office (IPO). Interviews are typically conducted by a panel of legally qualified people (referred to as the legal panel). The IPO ensures that a qualified interpreter is arranged for the interview when necessary to ensure effective communication.

The interview panel typically consists of the case officer, the applicant and an interpreter. Legal representatives or other support persons, such as social workers, may also attend but cannot intervene during the interview unless authorised. Special arrangements are made for unaccompanied minors, with a guardian or representative from the Child and Family Agency (Tusla) present to ensure the minor’s rights are protected.

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Special procedural guarantees during the interview

Section 36 of the International Protection Act 2015 provides that the Minister, taking the best interests of the child as a primary consideration, ensures that the person appointed by the Child and Family Agency (Tusla) is given the opportunity to inform the unaccompanied minor applicant about the meaning and possible consequences of the personal interview and how to prepare. All unaccompanied minors who have had an application for international protection made on their behalf by Tusla are given the opportunity of a personal interview. There is no legal or indicative minimum age for interviewing unaccompanied children.

The personal interview is conducted by a panel member with sufficient knowledge and training to conduct interviews with children. Likewise, the report of the examination of the claim is written by an appropriately trained and competent person.

To ensure that the special needs of minors are properly considered, a group of experienced interviewers have received additional specialised training to assist them in working on cases involving unaccompanied minors. This training includes presentations from UNHCR and several childcare experts, with a focus on issues such as psychological needs, child-specific aspects of the international protection process, the role of the social worker and other issues particular to the determination of refugee and subsidiary protection for unaccompanied children. It is recognised that some children, especially young children, may manifest their fears in ways different from adults and may not be able to fully elucidate the reasons why they left their country of origin. Consequently, in examining the claims of children, it may be necessary to have greater regard to certain objective factors, such as country of origin information, in determining the application of the child. It may also be necessary to consider that policies and practices amounting to violations of specific rights of the minor (for example, the forced recruitment of children into army or rebel groups) may, under certain circumstances, lead to situations that fall within the scope of the 1951 Geneva Convention relating to the Status of Refugees.

The IPO will endeavour to prioritise the scheduling of the unaccompanied minor’s interview and is committed to reaching a decision in a prompt manner. Any special circumstances, including age, trauma, maturity, medical condition, etc., will be fully considered by the IPO.

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The IPO will endeavour to ensure a suitable environment which encourages the child to fully explain his/her claim, including the provision of a child-friendly room, child-friendly language and additional breaks. The number of people allowed to attend an interview with a child is determined by the IPO and will be designed to put the child at ease and to facilitate their comfortable participation in the interview process.

Pursuant to Section 15(3) of the International Protection Act 2015, adults who have made an application for international protection are deemed to have also made an application for international protection for their child dependents. This means that the child is included in the parent/guardian's application and does not participate in the interview. If a dependent child makes an application for international protection when their parent is no longer an applicant, then the child has a separate application and will undergo a personal interview if considered mature enough to participate meaningfully. If not, the child's parent will speak on behalf of the child at the interview.

There are no specific guarantees for other vulnerable profiles. However, the IPO will endeavour to be as accommodating as possible for all applicants for whom potential issues are known. When vulnerabilities are backed up with medical proof, the IPO may look to employ s.35(8) and withhold the interview.

Possibility to omit the personal interview

Positive decision	Yes, section 35(8a) of the International Protection Act 2015 provides that a personal interview may be withheld when, based on available evidence, the applicant should be granted a refugee declaration.
Previous meeting - essential information	No
Issues raised are not relevant or of minimal relevance	No
Safe country of origin	No

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Safe third countries	No
Inconsistent, contradictory, improbable, insufficient representations	No
Subsequent application	No
Application to merely delay/frustrate enforcement	No
Not reasonably practical to conduct it	No
Applicant unfit or unable to be interviewed	Yes, according to Section 35(8c) of the International Protection Act, the personal interview may be withheld if the applicant: • has not attained the age of 18 years; • is of an age and degree of maturity that an interview would not usefully advance the examination; or • is unfit or unable to be interviewed due to circumstances out of the applicant's control.

Organisational aspects

Preparation and timing of the interview: Once the application for international protection is accepted by the International Protection Office (IPO), the applicant is formally invited for an interview. The invitation is sent in writing by registered post to the applicant and, if applicable, to their legal representative

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unless the application is from a safe country of origin or subject to acceleration under Section 73 of the International Protection Act. The latter two groups are scheduled for an interview on the date of the application and their interview letter is hand delivered. The date and time for the interview are set by the IPO. Applicants who need to return for additional interviews will be provided with another letter outlining the interview date at the end of their initial interview.

Interviews are typically conducted by a panel of legally-qualified people (referred to as the legal panel). The IPO ensures that a qualified interpreter is arranged for the interview when necessary to ensure effective communication. Interviewers have access to the applicant's file, including country of origin information (COI) well in advance of the interview to facilitate thorough preparation.

Information provision (before the personal interview)

The electronic application form contains a link to the applicants' handbook which outlines the rights and obligations during the examination of their application. This handbook is available in various languages.

Before the interview, applicants are informed in writing of their rights and obligations. The information includes details about the purpose of the interview, confidentiality assurances, the roles of those present and the importance of the interview in the asylum process. Special guidance is provided for minors, and the interview rooms are designed to ensure confidentiality.

Modalities of carrying out the interview: The primary location for interviews is at the IPO offices. However, if an applicant is detained or in another exceptional circumstance, arrangements can be made for the interview to be conducted at the applicant's location. Additionally, Ireland has recently piloted remote interviews by videoconferencing, particularly for applicants who are geographically distributed. This allows applicants to participate from their private accommodation or reception centres, with the interpreter and case officer participating remotely. The pilot, which started in 2024, targets single applicants (excluding families or children).

Choice of gender of the interviewer/interpreter: While not explicitly required by law, applicants may request an interviewer or interpreter of a particular gender if the circumstances of their case deem it necessary. The IPO will attempt to accommodate such requests, depending on availability.

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Objecting to the interviewer/interpreter: Applicants can object to a specific interviewer or interpreter, particularly for linguistic reasons or if there is a conflict of interest.

Language and interpretation: Applicants must declare the language they wish to use for the interview at the time of application. If the applicant requires an interpreter, they can request this at the same time. Interpretation services are provided through a contracted partner, which ensures that interpreters meet required standards and undergo security checks. If a professional interpreter is unavailable in the applicant's language, video or telephonic interpretation services may be used.

All interpreters involved in the interview process must adhere to a strict Code of Conduct, ensuring professionalism and impartiality. In cases where a suitable interpreter is unavailable in Ireland, interpretation services by phone from the UK may be used.

Persons present during the interview: The interview panel typically consists of the case officer, the applicant and an interpreter. Legal representatives or other support persons, such as social workers, may also attend but cannot intervene during the interview unless authorised. Special arrangements are made for unaccompanied minors, with a guardian or representative from the Child and Family Agency (Tusla) present to ensure the minor's rights are protected.

Structure/steps of the interview (restricted if the information is not already public): Interviews follow a structured format. The initial phase includes confirming the applicant's personal details and introducing the process, including the applicant's rights and the role of the interpreter. The main part of the interview explores the applicant's reasons for seeking international protection, their personal circumstances and their journey. The closing phase allows the applicant to provide any additional information and clarifies the next steps in the process.

Breaks are permitted during the interview if necessary, and the applicant is given the opportunity to submit further evidence after the interview.

In certain situations, particularly when applicants are in different locations, interviews may be conducted by videoconference. The option to omit an interview is documented in the applicant's file, and supplementary written evidence can be presented if necessary. If an interview is withheld due to the applicant's unfitness or inability to attend, written statements or additional

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evidence may be submitted on behalf of the applicant.

Audio/video recording and written report: Following the conclusion of an examination of an application for international protection, the international protection officer writes a report about matters referred to in the examination of the application. The report must refer to matters relevant to the application which are (i) raised by the applicant in his/her application, preliminary interview or personal interview or at any time before the conclusion of the examination; and (ii) other matters the international protection officer considers appropriate. The report sets out the recommendation of the international protection officer in relation to the application which shall be one of the following:

- the applicant should be given a refugee declaration;
- the applicant should not be given a refugee declaration and should be given a subsidiary protection declaration; or
- the applicant should not be given a refugee or subsidiary protection declaration.

Postponing the personal interview: Applicants may request to postpone the interview with valid medical documentation or other justifiable reasons. The IPO may also postpone interviews in exceptional cases, such as when a representative from the Child and Family Agency (Tusla) is unavailable for an unaccompanied minor.

Failure to appear: If an applicant fails to attend the interview without reasonable cause, the application may be processed based on the information available, as specified by the International Protection Act 2015.

Other aspects

Follow-up interviews may be required, depending on the individual case. There are a number of reasons why a follow-up interview would be required, a few examples include:

- case officer not completing the original interview;
- information comes to light after the original interview that requires exploration.

Special asylum procedures at first instance

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Admissibility procedure

Legal basis and grounds:

Section 21 of the International Protection Act 2015 provides for the cases in which an application is inadmissible.

An application for international protection is inadmissible where one or more than one of the following circumstances applies in relation to the person who is the subject of the application:

1. another Member State has granted refugee status or subsidiary protection status to the person;
2. a country other than a Member State is a first country of asylum for the person. A country is a first country of asylum for a person if he or she has been recognized in that country as a refugee and can still avail himself or herself of that protection, or otherwise enjoys sufficient protection in that country, including benefiting from the principle of non-refoulement, and will be re-admitted to that country.
3. the person arrived in the State from a safe third country (paragraph introduced by the amendment to the International Act 2015 by the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020 (23/2020), ss. 2(1)(i), 116, 119(c)(ii)

As of 31 January 2024, applications deemed inadmissible undergo the accelerated process.

Competent authority and other stakeholders

International Protection Office is the competent authority involved in matters related to admissibility procedure.

Procedural aspects

Following the preliminary interview, an international protection officer will make a recommendation about the admissibility of the application. Where an international protection officer is of the opinion that an application for international protection is inadmissible, he or she shall recommend to the Minister that the application be determined to be inadmissible.

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Where an international protection officer makes a recommendation on inadmissibility, he/she prepares a report in writing, which includes the reasons for the recommendation. The Minister, as soon as practicable, notifies the person concerned and his or her legal representative (if known) of the recommendation. The notification includes

- a statement of the reasons for the recommendation,
- a copy of the report,
- a statement informing the person of his or her entitlement to appeal to the Tribunal against the recommendation, and
- where applicable, a statement of the effect of being deemed inadmissible.

The Minister then notifies the High Commissioner of the recommendation. The applicant may appeal to the Tribunal against the recommendation concerned.

Where the Minister determines an application to be inadmissible, he or she, as soon as practicable, notifies the person concerned and his/ her legal representative (if known) of the determination and of the reasons and the effects.

Where an application for international protection is determined to be inadmissible any examination of the application is terminated. A notification is provided in a language that the person concerned may reasonably be supposed to understand, where

- the person is not assisted or represented by a legal representative, and
- legal assistance is not available to the person

Decision and time limits to decide

There is no time limit established by law. If an international protection officer is of the opinion that an application is inadmissible, he or she shall recommend to the Minister that the application be determined to be inadmissible and the applicant will receive a written report outlining the reasons for the protection officer's decision.

Appeal

The Tribunal decides without an oral hearing.

Before reaching a decision on an appeal, the Tribunal shall consider the following:

- the notice of appeal,

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- all material furnished to the Tribunal by the Minister that is relevant to the decision as to whether the application for international protection concerned is admissible,
- any observations made to the Tribunal by the Minister or the High Commissioner, and
- such other matters as the Tribunal considers relevant to the appeal.

The Tribunal may decide to

- affirm the recommendation of the international protection officer, or
- set aside the recommendation of the international protection officer.

The decision of the Tribunal and the reasons for the decision are communicated to the person concerned and his or her legal representative (if known), the Minister and the High Commissioner.

Impact on reception conditions

Applicants without sufficient means to provide themselves with an adequate standard of living are entitled to reception conditions so long as they are in the international protection procedure. This includes during the appeal procedure. Nonetheless, the right to material reception conditions may be withdrawn if an applicant is in gainful employment for a period longer than 12 weeks or if:

- the applicant without reasonable excuse, is failing, or has failed to comply with an obligation under an enactment relating to the application,
- the applicant has committed, or is committing, a serious breach of the house rules of the place of accommodation, or
- the applicant has engaged in seriously violent behaviour.

Accelerated procedure

Legal basis and grounds

Section 73A of the International Protection Act 2015 provides for the acceleration of procedures, which is subject to fairness and efficiency in dealing with applications for international protection.

Regulation 3 of S.I. No. 116 of 2017, International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017.

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- the applicant, in submitting his or her application and in presenting the grounds of his or her application in his or her preliminary interview or personal interview or at any time before the conclusion of the examination, has raised only issues that are not relevant or are of minimal relevance to his or her eligibility for international protection;
- the applicant has made inconsistent, contradictory, improbable or insufficient representations which make his or her claim to be eligible for international protection clearly unconvincing;
- the applicant has failed without reasonable cause to make his or her application as soon as reasonably practicable having had the opportunity to do so;
- the applicant, for a reason referred to in section 32 of International Protection Act, is not in need of international protection;
- the applicant's country of origin is a safe country of origin
- the applicant is from the country of origin with the highest number of applications in the previous three months

Section 73(1) of the International Protection Act 2015 makes that provision. Section 73(2) provides that in according priority, the Minister may have regard to the following:

- whether the applicant possesses identity documents, and, if not, whether he or she has provided a reasonable explanation for the absence of such documents;
- whether the applicant has provided a reasonable explanation to substantiate his or her claim that the State is the first safe country in which he or she has arrived since departing from his or her country of origin;
- whether the applicant has provided a full and true explanation of how he or she travelled to and arrived in the State;
- where the application was made other than at the frontier of the State, whether the applicant has provided a reasonable explanation to show why he or she did not make and application for international protection or, as the case may be, application under section 8 of the Act of 1996 immediately on arriving at the frontier of the State unless the application is grounded on events which have taken place since his or her arrival in the State;
- where the applicant has forged, destroyed or disposed of any identity or other documents relevant to his or her application, whether he or she has a reasonable explanation for so doing;

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- whether the applicant has adduced manifestly false evidence in support of his or her application, or has otherwise made false representations, either orally or in writing;
- whether the applicant without reasonable cause, has made an application following the notification of a proposal under section 3(3)(a) of the Immigration Act 1999;
- whether the applicant has complied with the requirements of section 27(1);
- whether the applicant is a person in respect of whom the Child and Family Agency is providing care and protection;
- whether the applicant has, without reasonable cause, failed to comply with the requirements of paragraphs (a), (c) or (d) of section 16(3).”

Competent authority and other stakeholders

International Protection Office is the competent authority responsible for matters related to accelerated procedure.

Procedural aspects

Applicants from the country of origin with the highest number of applications in the previous three months are channeled in the accelerated procedure.

Applicants from a safe country of origin will receive their interview date on the day they apply for international protection which will reduce their waiting time to 90 days.

The procedures are the same as for all international protection claims, IPO endeavour to complete the process within 12 weeks.

Decision and time limits to decide

Decisions are presented to the applicant in a language they know or are reasonably expected to understand. Decisions also outline the applicant's right to appeal and any applicable deadlines. There is no time limit established in law for issuing a decision, however, applicants from safe countries of origin should have their applicants processed within 1212 weeks under the accelerated procedure.

Appeal

In case of negative decision, the applicant may appeal before the International Protection Appeals Tribunal within 10 working days (in the case of appeals to which section 43 of the International Protection Act 2015 applies). The Tribunal,

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unless it considers it is not in the interests of justice to do so, shall make its decision in relation to the appeal without holding an oral hearing.

Impact on reception conditions

Applicants without sufficient means to provide themselves with an adequate standard of living are entitled to reception conditions so long as they are in the international protection procedure. This includes during the appeal procedure. Nonetheless, the right to material reception conditions may be withdrawn if an applicant is in gainful employment for a period longer than 12 weeks or if

1. the applicant without reasonable excuse, is failing, or has failed to comply with an obligation under an enactment relating to the application,
2. the applicant has committed, or is committing, a serious breach of the house rules of the place of accommodation, or
3. the applicant has engaged in seriously violent behaviour.

Border procedure

Legal basis and grounds

Border procedure is not applicable in Ireland, nor an accelerated procedure is applied at the border. According to the Article 13 of the International Protection Act, an immigration officer at the border interviews the applicant to take the initial details of the asylum claim and then refers the application to the International Protection Office according to the Article 16 of the International Protection Act.

Competent authority and other stakeholders

Border procedure is not applicable in Ireland

Procedural aspects

Border procedure is not applicable in Ireland

Decision and time limits to decide

Border procedure is not applicable in Ireland

Appeal

Border procedure is not applicable in Ireland

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Impact on reception conditions

Border procedure is not applicable in Ireland

Subsequent application procedure

Legal basis and grounds

Section 22 of the International Protection Act 2015 provides for the subsequent application procedure.

Competent authority and other stakeholders

International Protection Office is the authority responsible for matters related to subsequent application procedure.

Procedural aspects

An asylum applicant who has been refused refugee status cannot make a further application without the consent of the Minister. An application for the consent of the Minister includes:

1. a written statement of the reasons why the person concerned considers that the consent of the Minister should be given,
2. where the previous application was withdrawn or deemed to have been withdrawn, a written explanation of the circumstances giving rise to the withdrawal or deemed withdrawal,
3. where the person concerned was deemed, for the purposes of his or her previous application, to be a person that failed to cooperate, a written explanation of the circumstances giving rise to the application
4. all relevant information being relied upon by the person concerned to demonstrate that he or she is entitled to international protection, and
5. a written statement drawing to the Minister’s attention any new elements or findings, which have arisen since the determination of the previous application concerned, relating to the examination of whether the person is entitled to international protection.

The Minister, as soon as practicable after receipt by him or her of an application, gives or causes to be given to the person concerned a statement in writing specifying in a language that the person may reasonably be supposed to understand

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- the procedures that are to be followed for the purposes of this section,
- the entitlement of the person to communicate with the High Commissioner,
- the duty of the person to co-operate with the Minister and to furnish information relevant to his or her request, and
- such other information as the Minister considers necessary to inform the person of the effect of this section, and of any other relevant provision under the law.

An international protection officer recommends to the Minister to give his/her consent to the making of a subsequent application where, following a preliminary examination of an application, the officer is satisfied that:

1. since the determination of the previous application concerned, new elements or findings have arisen or have been presented by the person which make it significantly more likely that the person will qualify for international protection, and the person was, through no fault of the person, incapable of presenting those elements or findings for the purposes of his or her previous application, or
2. the person was, at the time of the withdrawal or deemed withdrawal, through no fault of the person, incapable of pursuing his or her previous application.

An international protection officer recommends to the Minister to refuse to give his or her consent to the making of a subsequent application where, following a preliminary examination of an application the officer is satisfied that neither condition applies in respect of the person. Consequently, the Minister as soon as practicable, notifies the person concerned and his or her legal representative (if known) of the recommendation, the reasons and his or her entitlement to appeal to the Tribunal against the recommendation.

The Minister also notifies the High Commissioner of the recommendation.

Decision and time limits to decide

Applicants will receive a decision from the Minister regarding whether or not they may submit a subsequent application. There is no time limit stipulated in law to take a decision. However, prioritised applications normally are scheduled for interview within 4 months.

If they are permitted to apply, their application will be examined under the regular procedure. If the Minister refuses to consent to a subsequent application

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in a written decision, the applicant can submit an appeal to the IPAT within 10 working days.

Appeal

The Tribunal decides without an oral hearing.

Before reaching a decision on an appeal, the Tribunal shall consider the following:

- the notice of appeal,
- all material furnished to the Tribunal by the Minister that is relevant to the decision as to whether the application for international protection concerned is admissible,
- any observations made to the Tribunal by the Minister or the High Commissioner, and
- such other matters as the Tribunal considers relevant to the appeal.

The Tribunal may decide to

- affirm the recommendation of the international protection officer, or
- set aside the recommendation of the international protection officer.

The decision of the Tribunal and the reasons for the decision are communicated to the person concerned and his or her legal representative (if known), the Minister and the High Commissioner.

Impact on reception conditions

If an applicant's request to submit a subsequent application is approved, they will enter the regular procedure and will be entitled to reception conditions. It is important to note that reception conditions are only provided if the applicant does not have the means to provide themselves with a sufficient standard of living, thus, subsequent applicants who for example, are in employment may not be eligible.

Last-minute application pending removal

Last-minute applications lodged by first time applicants pending a removal

Where a person is detained pending enforced deportation and seeks international protection, the IPO makes arrangements to facilitate the application using video

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conferencing. These applications are accelerated under Section 73

Depending on the grounds for detention, the applicant may be released for the examination of the application. If detained on criminal grounds, the application will continue while the applicant is detained. These applications are accelerated under Section 73

Last-minute applications lodged as subsequent applications pending a removal

Information currently not available

Safe country concept

Safe country of origin

The concept of a safe country of origin is defined in the International Protection Act 2015, Section 72. This concept is applied in practice with a prioritised procedure, with a substantive interview on the same day and in principle a 90-day deadline.

The International Protection Office (IPO) proposes the list of safe country of origin, while the Department of Justice adopts it. The Minister of the Department of Justice reviews the situation on a regular basis and must notify the European Commission if an order is made, amended or revoked.

The list was adopted for the first time on 16 April 2018 by the International Protection Act 2015 (Safe Countries of Origin) Order 2018 (S.I. No 121 of 2018) and lastly modified on 2 July 2024.

South Africa was initially designated as a safe country of origin in 2004 under the Refugee Act 1996 (Safe Country of Origin) Order 2004 (SI No 714/2004). The 2004 Order was revoked in 2018 and South Africa was re-designated as a safe country of origin under the 2018 Order (S.I. No 121 of 2018) to have just one national list of safe countries of origin.

Algeria and Botswana were included in the list on 31 January 2024, while Brazil, Egypt, India, Malawi and Morocco were included on 2 July 2024.

National list of safe countries of origin:

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1. Albania
2. Algeria
3. Bosnia and Herzegovina
4. Botswana
5. Brazil
6. Egypt
7. Georgia
8. India
9. Kosovo
10. Malawi
11. Montenegro
12. Morocco
13. North Macedonia
14. Serbia
15. South Africa

The International Protection Act 2015, Section 72(2) provides that the minister may make an order designating a country as a safe country of origin "only if he/she is satisfied that, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict".

In making the assessment, the minister must take account of the extent to which protection is provided against persecution or mistreatment by:

- The relevant laws and regulations of the country and the manner in which they are applied;
- Observance of the rights and freedoms laid down in the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention on Human Rights;
- Respect for the non-refoulement principle in accordance with the Geneva Convention; and
- Provision for a system of effective remedies against violations of those rights and freedoms.

According to Section 72(1), the minister should base the assessment on a range of sources of information, including in particular information from other Member

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States, the EUAA, UNHCR, the Council of Europe and other international organisations as the minister considers appropriate.

Safe third country

The concept of a safe third country is defined in Section 72A (inserted by Section 122 of the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act (No 23 of 2020)) of the International Protection Act 2015 (No 66 of 2015). The concept is applied in practice with the admissibility procedure.

The Minister of the Department of Justice determines and adopts the list of safe third countries. The list was adopted on 31 December 2020 by S.I. No 725/2020 - International Protection Act 2015 (Safe Third Country) Order 2020. The minister reviews the situation on a regular basis and notifies the European Commission if an order is made, amended or revoked.

On 22 March 2024, in the course of judicial review proceedings, the High Court found that the minister's designation of the UK as a safe third country violated Ireland's obligations under EU law.

By order, the minister may designate a country as a safe third country only if he/she is satisfied that a person seeking to be recognised in the country concerned as a refugee will be treated in accordance with the following principles in that country:

- Life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;
- The principle of non-refoulement in accordance with the Geneva Convention is respected;
- The prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment, as required by international law, is respected; and
- The possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.

The minister must base the assessment on a range of sources of information, including in particular information from other EU Member States, the EUAA, UNHCR, the Council of Europe and other international organisations as the minister considers appropriate.

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Checks on possible readmission are admissible.

First country of asylum

The concept of a safe country of asylum is defined in the International Protection Act 2015, Sections 15 and 21. The concept is applied in practice through the admissibility procedure.

Section 21 of the International Protection Act 2015 provides that an application for international protection is inadmissible when "a country other than a Member State is a first country of asylum for the person". Sub-section 15 provides that "a country is a first country of asylum for a person if he/she:

- has been recognised in that country as a refugee and can still avail himself or herself of that protection; or
- otherwise enjoys sufficient protection in that country, including benefiting from the principle of *non-refoulement*; and
- will be re-admitted to that country".

European safe third country

The concept of a European safe third country is not defined in law.

Assessment of an application at first instance

Legal provisions relevant for an assessment

International Protection Act 2015, Parts 4 and 5

Competent authority for the assessment

A member of a fully-trained and qualified panel of legal professionals carries out the substantive interview and prepares a draft report examining the application and setting out draft findings. An international protection officer assesses the relevant elements of the application and makes the final recommendation based on the panel member's examination.

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Required qualifications: Each member of the panel has a legal qualification or significant experience in a similar field.

Training: All international protection officers and the legal panel are fully trained in all aspects of the international protection process, which is carried out in-house with the assistance of UNHCR.

Grounds

Grounds for protection are outlined in Part 2 of the International Protection Act 2015. An applicant may be granted refugee status, subsidiary protection or the right to remain. In order to be eligible for refugee status, an applicant must demonstrate that there is a connection between the reasons for persecution and the acts of persecution or the absence of protection. Acts of persecution are defined in Article 7 of the Act as:

1. sufficiently serious by their nature or repetition to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or
2. an accumulation of various measures, including violations of human rights, which is sufficiently severe as to affect an individual in a similar manner as mentioned in paragraph (a).
3. The following are examples of acts which may amount to acts of persecution for the purposes of subsection according to Article 7(2):
4. acts of physical or mental violence, including acts of sexual violence;
5. legal, administrative, police or judicial measures, or a combination of these measures, that are in themselves discriminatory or are implemented in a discriminatory manner;
6. prosecution or punishment that is disproportionate or discriminatory;
7. denial of judicial redress resulting in a disproportionate or discriminatory punishment;
8. prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts of a kind referred to in Section 10(2);
9. acts of a gender-specific or child-specific nature.

Guidelines for case officers

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Guidelines for case officers are available.

Credibility assessment

According to Article 8 of the International Protection Act, “(1) An international protection officer or the Tribunal, as the case may be, shall take the following into account when assessing the reasons for persecution:

- the concept of race shall in particular include considerations of colour, descent or membership of a particular ethnic group;
- the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;
- the concept of nationality shall not be confined to citizenship or lack thereof but shall in particular include membership of a group determined by its cultural, ethnic or linguistic identity, common geographical or political origins or its relationship with the population of another state;
- a group shall be considered to form a particular social group where in particular:

  - members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it; or

  - that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society,

- and, depending on the circumstances in the country of origin, a particular social group may include a group based on a common characteristic of sexual orientation;
- the concept of political opinion shall in particular include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant concerned.

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In the assessment of whether an applicant has a well-founded fear of being persecuted, it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

For the purposes of Sub-section (1d):

- sexual orientation shall not include acts considered to be criminal in the state;
- gender-related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group".

Assessment of facts and circumstances when aspects of the applicant's statements are not supported by documentary or other evidence

When aspects of the applicant's statements are not supported by documentary or other evidence, they do not need confirmation if the international protection officer is satisfied that:

- the applicant has made a genuine effort to substantiate the application;
- all relevant elements at the applicant's disposal have been submitted and a satisfactory explanation about the lack of other relevant elements has been given;
- the applicant's statements are found to be coherent and plausible and do not run counter to specific and general information relevant to the applicant's case;
- the applicant has applied for international protection at the earliest possible time, unless the applicant can demonstrate good reason for not having done so; and
- the general credibility of the applicant has been established.

Time limit for submitting evidence during credibility

Applicants are given the opportunity to address credibility issues on the day of the interview or, if they advise that they have documentation to rebut the inconsistency, they have 10 days to submit the evidence. By law, applicants can submit information or documentation up to the point the s.39 report is completed.

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COI research

The Refugee Documentation Centre (RDC) is an independent library service under the Legal Aid Board. It maintains a collection of objective and up-to-date country of origin information and asylum, immigration, legal and human rights documentation. The RDC serves the needs of UNHCR, Refugee Legal Service (RLS), the International Protection Office (IPO), the International Protection Appeals Tribunal (IPAT), and the Department of Justice and Equality. A research and query service is also provided to the RLS, IPO, IPAT and solicitors and barristers associated with these organisations.

Case officers may access the following resources:

- Case Officers' Shared Knowledge Database: contains country of origin information categorised into topics by countries. General COI and responses to queries from the Refugee Documentation Centre are also uploaded onto this database.
- IPO Procedures and Training Document Library: contains IPO procedures and guidance.
- Objective, reliable and freely available sources on the internet.

Decision and outcomes

Following the conclusion of an examination of an application for international protection, a written report is prepared by the Legal Panel Member.

The report:

- refers to the matters relevant to the application which are (i) raised by the applicant in the application, preliminary interview or personal interview or at any time before the conclusion of the examination, and (ii) other matters the international protection officer considers appropriate;
- sets out the recommendation of the international protection officer in relation to the application; and
- sets out the findings.

If a report recommends that the applicant is not given refugee or subsidiary protection, it should include one or more of the following findings:

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- that the applicant, in submitting the application and in presenting the grounds of the application in the preliminary interview or personal interview or at any time before the conclusion of the examination, raised only issues that are not relevant or are of minimal relevance to his/her eligibility for international protection;
- that the applicant has made inconsistent, contradictory, improbable or insufficient representations which make the claim for international protection unconvincing;
- that the applicant failed without reasonable cause to make the application as soon as reasonably practicable having had opportunity to do so;
- that the applicant, for a reason referred to in Section 32, is not in need of international protection;
- that the applicant's country of origin is a safe country of origin.

When an international protection officer has prepared a report or caused such a report to be prepared, the Minister notifies the applicant in writing, the applicant's legal representative (if known) and, when requested, the High Commissioner of the officer's recommendation.

Minors and unaccompanied minors: n/a

COI units

Background information

An internal COI unit was established within the IPO in 2025 to develop internal resources to ensure consistency in the use of COI throughout the office. The COI Unit, the Refugee Documentation Centre (RDC), is under the aegis of the Legal Aid Board but operates independently.

Legal basis: n/a

Structure and capacity

Organisation: The COI team is part of a broader Research, Learning and Development Unit which reports to the Director of Human Resources. There are currently three full time COI research staff, one COI Manager and one Research Unit Manager.

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Mandate and tasks: The primary mandate of the RDC is to respond to country of origin research requests in query response format from various asylum agencies / stakeholders which include the International Protection Office, International Protection Appeals Tribunal and legal representatives. It occasionally prepares country information packs for the IPO. They participate in the Pakistan COI Specialist Network, MedCOI and COI StratNet.

Staff capacity: n/a

Requirements: Staff learn primarily from everyday exposure to COI-related issues within the job. One staff member who is in a specialist COI network shares updates and learning with the team. All COI research staff completed the EUAA Researching Country of Origin Information module.

Regular training and updates: n/a

COI products

Type of COI products produced and frequency: The unit produces COI query responses on a daily basis. Country information packs are compiled periodically for the International Protection Office. Country guidance/policy are not the responsibility of the COI Unit. However, the COI Unit is often requested to conduct COI research for countries on the safe country of origin list and the unit produces COI query responses for these when requested.

Languages: The main language of the sources consulted and the COI products is English.

Methodology and sources: All sources on the database ecoi.net are used by COI researchers. The unit also uses the EUAA COI Portal, Electronic Information Network, Lexis Nexis and AllaAfrica.

Quality check: COI Products are quality checked in line with international best practices and internal policy. The RDC has a style guide which is followed by COI researchers.

Other aspects of COI units

Information not currently available

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