



STATUTORY INSTRUMENTS.

S.I. No. 665 of 2016



INTERNATIONAL PROTECTION ACT 2015 (VOLUNTARY RETURN)
REGULATIONS 2016

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I, FRANCES FITZGERALD, Minister for Justice and Equality, in exercise of the powers conferred on me by section 3 and section 48(7) and (8) of the International Protection Act 2015 (No. 66 of 2015), hereby make the following regulations:

1. (1) These Regulations may be cited as the International Protection Act (Voluntary Return) Regulations 2016.

(2) These Regulations come into operation on 31 December 2016.

2. In these Regulations “Act of 2015” means the International Protection Act 2015 (No. 66 of 2015).

3. The forms specified in Schedules 1 and 2 are prescribed for the purposes of section 48(7) of the Act of 2015.

4. The form specified in Schedule 3 is prescribed for the purposes of section 48(8) of the Act of 2015.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 6th January, 2017.*

SCHEDULE 1

Notice under Section 48(1) International Protection Act 2015

Option to Voluntarily Return to Country of Origin

A person whose application for international protection:

1. has not been the subject of a report under section 39 of the International Protection Act 2015 (Act of 2015); or
2. whose application has been the subject of a report under section 39 of the Act of 2015 (following the conclusion of an examination of an application for international protection at first instance) which includes a recommendation that neither a refugee nor a subsidiary protection declaration should be granted,

may at any stage, before the International Protection Appeals Tribunal makes a decision in relation to an appeal, if applicable, or before the Minister refuses to give a refugee and a subsidiary protection declaration, opt to voluntarily return to his or her country of origin.

If you are such a person, in order to avail of the option to voluntarily return to your country of origin, you must withdraw your application for international protection under section 37 of the Act of 2015 or your appeal under section 41 and confirm to the Minister in writing, using the form attached, that you will voluntarily return to your country of origin.

If you confirm to the Minister that you will voluntarily return to your country of origin the Minister will not make a Deportation Order in respect of you if you have withdrawn your application for international protection/appeal and for as long as the Minister is of the opinion that you are making reasonable efforts to leave the State.

The benefit to you of such an arrangement is that it would enable you to return to the State at a future date, if you established a legal basis for doing so, whereas if you were the subject of a deportation order you would be legally obliged to leave the State and thereafter remain outside the State.

However, even if you do indicate that you wish to return voluntarily, a deportation order will still issue where the Minister is of the opinion that there are reasonable grounds for regarding you as a danger to the security of the State or that you constitute a danger to the community of the State having been convicted, whether in the State or not, of a particularly serious crime.

If you decide to voluntarily return to your country of origin, you may be eligible for assistance from the International Organisation for Migration (IOM), contactable at free phone 1800 406 406, or from the Voluntary Return Unit of the Irish Naturalisation and Immigration Service (INIS) at 016167700 or by email at voluntaryreturns@justice.ie.

IOM may be able to assist you in obtaining the necessary travel documentation, as well as covering the financial costs of your travel from Ireland to your country of origin. In addition, a small integration grant may be available in certain circumstances to help cover the costs of an income-generating activity, such as education, professional training and/or business setup.

The Voluntary Return Unit of the Irish Naturalisation and Immigration Service (INIS) also directly assists persons who wish to return voluntarily by providing administrative and other supports to persons requesting assistance.

SCHEDULE 2

Notice under Section 48(3) International Protection Act 2015

Option to Voluntarily Return to Country of Origin

Date:

A person to whom the Minister has refused to give a refugee declaration, a subsidiary protection declaration and a permission to remain in the State under Section 49 of the International Protection Act 2015 may, within 5 days of this notice being sent, opt to voluntarily return to his or her country of origin.

If you are such a person, in order to avail of the option to voluntarily return to your country of origin, you must confirm to the Minister in writing, within 5 days of this notice being issued and using the form attached, that you will voluntarily return to your country of origin.

If you confirm to the Minister that you will voluntarily return to your country of origin, the Minister will not make a Deportation Order in respect of you for as long as the Minister is of the opinion that you are making reasonable efforts to leave the State.

The benefit to you of such an arrangement is that it would enable you to return to the State at a future date, if you established a legal basis for doing so, whereas if you were the subject of a deportation order you would be legally obliged to leave the State and thereafter remain outside the State.

However, even if you do indicate that you wish to return voluntarily, a deportation order will still issue where the Minister is of the opinion that there are reasonable grounds for regarding you as a danger to the security of the State or that you constitute a danger to the community of the State having been convicted, whether in the State or not, of a particularly serious crime.

If you decide to voluntarily return to your country of origin, you may be eligible for assistance from the International Organisation for Migration (IOM), contactable at free phone 1800 406 406, or from the Voluntary Return Unit of the Irish Naturalisation and Immigration Service (INIS), at 01 6167700 or by email at voluntaryreturns@justice.ie.

IOM may be able to assist you in obtaining the necessary travel documentation, as well as covering the financial costs of your travel from Ireland to your country of origin. In addition, a small integration grant may be available in certain circumstances to help cover the costs of an income-generating activity, such as education, professional training and/or business setup.

The Voluntary Return Unit of the Irish Naturalisation and Immigration Service (INIS) also directly assists persons who wish to return voluntarily by providing administrative and other supports to persons requesting assistance.

SCHEDULE 3

CONFIRMATION OF INTENTION TO VOLUNTARILY RETURN

To be completed by applicant / legal guardian.

My Personal ID number: _____

Name: _____

Current Address: _____

Telephone No: _____

I confirm that I will return voluntarily to my country of origin and I have made, or am about to make, arrangements to do so.

I attach evidence of the arrangements I have made to date.

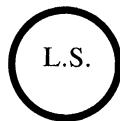
I undertake to keep the Minister informed of my progress in arranging to return to my country of origin and to respond without delay to any queries from the Minister in this regard.

Name: _____

Signed: _____ Applicant / Legal Guardian.

Dated: _____

This form should be returned to Voluntary Return Unit of the Irish Naturalisation and Immigration Service (INIS), Department of Justice and Equality, 13/14 Burgh Quay, Dublin 2. Email: voluntaryreturns@justice.ie, Fax No: 01 616 7868



GIVEN under my Official Seal,
22 December 2016.

FRANCES FITZGERALD,
Minister for Justice and Equality.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations prescribe the procedures and forms to be used in cases of voluntary return.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

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