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Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).
<p>Ireland is State Party to relevant international instruments relating to statelessness (1951 and 1964) but has not transposed those instruments into domestic law and there is no official statelessness determination procedure (SDP) or application procedure. Consequently, statelessness is often addressed on an ad hoc basis when dealing with administrative applications for international protection or other immigration-related applications for residence permission and Irish nationality by naturalisation.</p> <p>Irish nationality law provides some important protections for stateless persons, in particular children born in Ireland who do not meet the criteria for automatic birth right citizenship but are otherwise not entitled to the nationality of another country. Additionally, stateless persons enjoy more lenient criteria in terms of residence criteria that are required to be met to be eligible to apply for naturalisation and may apply after three years' residence, as opposed to the standard five years.</p> <p>There is limited data available regarding the stateless population in Ireland, which is considered to be relatively small. Groups believed to be at risk of statelessness or who are stateless in Ireland include migrants, refugees, Romani people, those born in the former USSR, and specific refugee communities with existing stateless populations, such as Rohingya and Kuwaiti Bidoon. The national population Census was conducted in April 2022 and summary results were published in 2023. See POP 1.A.</p> <p>Ireland has indicated on several occasions that it is considering the possible introduction of a statelessness determination procedure but there remains no formal published procedure in this regard. In the absence of a formal procedure, statelessness determination may be considered on an individual case-by-case basis by way of administrative written correspondence and submissions, which may be determined with or without an oral hearing procedure.</p> <p>In November 2023, Ireland published a new national youth strategy, which includes a commitment to evaluate how the State can better support children and young people who are stateless and implement measures to ensure they have robust access to services in light of their vulnerability (Action 45, Young Ireland: the National Policy Framework for Children and Young People 2023-2028).</p>

International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	YES	https://treaties.un.org/Pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=en
IOB.1.b		If yes, when was ratification/accession?		17th December 1962	https://treaties.un.org/Pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=en
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	YES - Reservation: "With regard to article 29 (1), the Government of Ireland do not undertake to accord to stateless persons treatment more favourable than that accorded to aliens generally with respect to (a) The stamp duty chargeable in Ireland in connection with conveyances, transfers and leases of lands, tenements and hereditaments, and (b) Income tax (including sur-tax)."	https://treaties.un.org/Pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=en#EndDec
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	NO - Ireland is a dualist State and in order to have formal legal standing within the State, International Agreements must be incorporated into domestic law by the Oireachtas (Parliament). The 1954 has not been incorporated in domestic law by way of national legislation.	Article 29.6 Irish Constitution. No international agreement shall be part of the domestic law of the State save as may be determined by the Oireachtas. http://www.irishstatutebook.ie/eli/cons/en
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	YES	https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5
IOB.2.b		If yes, when was ratification/accession?		18th January 1973	https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5
IOB.2.c		Are there reservations in place? Please list them.	As above	Not specified as a reservation or declaration the following was provided: "In accordance with paragraph 3 of article 8 of the Convention Ireland retains the right to deprive a naturalised Irish	https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5#EndDec

				citizen of his citizenship pursuant to section 19 (1) (b) of the Irish Nationality and Citizenship Act, 1956, on grounds specified in the aforesaid paragraph."	
IOB.2.d		Does the Convention have direct effect?	As above	NO - Ireland is a dualist State and in order to have formal legal standing within the State, International Agreements must be incorporated into domestic law by the Oireachtas (Parliament). The 1961 Convention has not been incorporated into domestic law by way of national legislation.	Article 29.6 Irish Constitution. No international agreement shall be part of the domestic law of the State save as may be determined by the Oireachtas. http://www.irishstatutebook.ie/eli/cons/en
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	NO	https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/166/signatures?p_auth=1ZnkzLSr
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	YES. Reservations: The Government of Ireland do hereby confirm and ratify the aforesaid Convention and undertake faithfully to perform and carry out all the stipulations therein contained, subject to the reservation that they do not interpret Article 6.3.c of the Convention as requiring the provision of free legal assistance to any wider extent than is now provided in Ireland.	https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=1ZnkzLSr Reservations: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/declarations?p_auth=1ZnkzLSr&coeconventions_WAR_coeconventionsportlet_searchBy=state&coeconventions_WAR_coeconventionsportlet_codePays=IRE&coeconventions_WAR_coeconventionsportlet_codeNature=2 Declarations: Related to Emergency Powers - not relevant to Stateless Index
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	NO	https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200/signatures?p_auth=1ZnkzLSr
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)	NO	https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0115&from=EN Preamble 27
IOB.3.e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child, 1989	YES In February 2023, the Committee on the Rights of the Child published its concluding observations on Ireland, which included several recommendations to ensure children's access to a nationality and address statelessness.	https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en State Report to the UNCRC: https://www.gov.ie/en/publication/a1481d-united-nations-convention-on-the-rights-of-the-child/ Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Ireland: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FIRL%2FCO%2F5-6&Lang=en
IOB.3.f		State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights, 1966	YES	https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-4&chapter=4
IOB.3.g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights, 1966	YES	https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4&clang=en

IOB.3.h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women, 1979 CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness	YES	
IOB.3.i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	YES	https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-9&chapter=4&clang=en
IOB.3.j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination, 1965	YES	https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-2&chapter=4
IOB.3.k		State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990	NO	https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-13&chapter=4
IOB.3.l		State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	Convention on the Rights of Persons with Disabilities, 2006	YES	https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-15&chapter=4

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State have a standardised 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p>CEDAW, Gen. Rec. 32 (2014): States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union, Conclusions on Statelessness (2015): Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>ISI, The World's Stateless (2014): States should strengthen measures to count stateless persons on their territory.</p> <p>International Recommendations on Statelessness Statistics (IROSS) (endorsed by UN Statistical Commission in 2023): States should use standardised definition of statelessness and consistent indicators for collecting statelessness data.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States and relevant actors should collect rigorous and comparable data on stateless populations, including data disaggregated by sex, gender, age, and disability status, in accordance with the international recommendations on statelessness statistics and in consultation with relevant stakeholders.</p>	<p>There is no specific 'stateless' category in the Census collection form. However, Question 10 asks respondents about nationality and there is an option 'no nationality'. In the Census 2016 Statistics report regarding non-Irish nationalities living in Ireland, there is no reference to stateless persons and there is no information provided regarding the number of individuals who answered 'no nationality' to Question 10 in that report. However, there is an entire profile in the CSO StatBank dedicated to Migration and Diversity. The first table, E7002, contains a detailed breakdown of nationalities by county. For the entire State, 1,167 respondents identified 'no nationality'. The CSO has confirmed in email correspondence that for the Census 2021, under EU Regulation, the CSO is obliged to capture the country of nationality and the question has been updated to ask respondents what nationality they have, including the possible answer 'no citizenship'.</p> <p>The 2021 census did not take place as planned due to the COVID-19 pandemic. It was conducted in April 2022, and preliminary results were published in 2023. The Census Form contained questions regarding nationality, as detailed above. Of a total population of 5,149,139, 3% (169,604) stated they were of no nationality or did not state any nationality.</p>	<p>Central Statistics Office (CSO) Census 2016 Form: https://www.cso.ie/en/census/2016censusforms/</p> <p>Census 2016 Statistics report regarding non-Irish nationalities living in Ireland: https://www.cso.ie/en/releasesandpublications/ep/p-cpnin/cpnin/introduction/ See Stat Report for this search: https://statbank.cso.ie/px/pxeirestat/Statire/SelectVarVal/saveselactions.asp</p> <p>Central Statistics Office, Census of Population 2022, Summary results: https://www.cso.ie/en/releasesandpublications/ep/p-cpsr/censusofpopulation2022-summaryresults/migrationanddiversity/</p> <p>Census form is available here: https://www.census.ie/app/uploads/2021/10/Sample-Census-2022-Household-Form-English.pdf</p>
POP.1.b		Do public authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	No information available. See above.	
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population or population with undetermined nationality and what is the source for this estimate?	As above	<p>There is very limited information or data available. According to UNHCR, in 2020, there were 107 stateless persons in the country. The UNHCR Global Trends Report 2023 reports 53 stateless people, including forcibly displaced people, at the end of 2023. UNHCR's Refugee Data Finder also reports seven stateless people in Ireland for 2021, 21 for 2022, 53 for 2023, and 52 for 2024 until mid-year.</p> <p>In 2014, UNHCR published a Scoping Paper (Mapping Statelessness in Ireland) with relevant information which was updated in 2022 and published in 2023.</p> <p>Section 7 notes that in 2014, two formal stateless declarations were issued. Section 8 seeks to document the extent of statelessness in Ireland based on information from the protection system. This identifies that three people relocated as Programme Refugees were recorded as stateless but noted that a further 82</p>	<p>UN High Commissioner for Refugees (UNHCR), Refugee Data Finder: https://www.unhcr.org/refugee-statistics/download/?url=Vq85Uh</p> <p>UNHCR Scoping Paper: Statelessness in Ireland, 2014: https://www.refworld.org/pdfid/5448b6344.pdf</p> <p>UNHCR Global Trends Report 2023, Annex 5, available at: https://www.unhcr.org/globaltrends</p> <p>UHCR, Refugee Data Finder - Data Finder</p> <p>Monthly statistical reports of the former ORAC (now IPO) available at: http://www.orac.ie/website/orac/oracwebsite.nsf/page/orac-stats_16-en</p>

				<p>were recorded as Burma Rohingya and would usually be considered stateless refugees. The report further notes that since 2000, only 167 applications for refugee status were recorded as made by persons categorised as stateless. Overall, the scoping paper concludes that "Having considered the available data sources and having consulted with the various authorities as to how such data is compiled, it would appear reasonable to conclude that there is an absence of reliable data on potential cases of statelessness such that the extent of incidences of statelessness in Ireland cannot be identified accurately".</p> <p>In the 2022 update, although there was consideration in the report of the approach to assessing issues relating to statelessness in international protection and immigration related cases, there was no specific data regarding the stateless population in Ireland and recommendations were made regarding the need for improved data collection across state organisations.</p> <p>The Scoping Paper further notes that 'The gathering of statistics in Ireland is challenging as no one office of the Department of Justice is able to provide all the statistics pertaining to stateless persons' and includes a finding that 'there are more stateless persons applying for asylum than those officially recorded for statistical purposes by both the IPO [International Protection Office] and IPAT [International Protection Appeals Tribunal].' It also states that 'as of November 2019 there were 29 persons registered as stateless' with Gardai National Immigration Bureau (GNIB).</p> <p>Monthly statistical reports published by the former Office of the Refugee Applications Commissioner (ORAC) (now International Protection Office (IPO)) typically only identify the top five nationalities of applicants.</p>	<p>Monthly statistics reports of IPO available at: http://www.ipo.gov.ie/en/ipo/pages/statistics</p>
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	See above. UNHCR Ireland published a Scoping Paper in 2014, which was updated in 2022 and published in 2023, see POP 1.c.	<p>UNHCR Scoping Paper: Statelessness in Ireland, 2014: https://www.refworld.org/pdfid/5448b6344.pdf</p> <p>UNHCR, Mapping Statelessness in Ireland, 2022: 2022_Statelessness_Ireland-print(2).pdf (unhcr.org)</p>
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	From 2002 to 2014, the Refugee Appeals Tribunal (which assesses eligibility for refugee status) found that 82 people were stateless but not refugees. This indicates the existence of a group of people who may be stateless and for whom there is no clear procedure to follow to resolve their legal status.	Irish Times, 'Living in a state of statelessness', 5 November 2014: https://www.irishtimes.com/news/world/living-in-a-state-of-statelessness-1.1987766
POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	<p>Yes. As set out above, UNHCR concluded in the Scoping Paper 2014 that "Having considered the available data sources and having consulted with the various authorities as to how such data is compiled, it would appear reasonable to conclude that there is an absence of reliable data on potential cases of statelessness such that the extent of incidences of statelessness in Ireland cannot be identified accurately".</p> <p>The updated UNHCR Scoping Paper, 2022, observed "The gathering of statistics in Ireland is challenging as no one office of the Department of Justice is able to provide all the statistics pertaining to stateless persons. Instead, different sources provide statistics on different groups of stateless persons where available."</p>	<p>UNHCR Scoping Paper: Statelessness in Ireland, 2014: https://www.refworld.org/pdfid/5448b6344.pdf</p> <p>UNHCR, Mapping Statelessness in Ireland, 2022 at p. 27: 2022_Statelessness_Ireland-print(2).pdf (unhcr.org)</p>

POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above. EASO/EUAA, Practical guide on registration (2021) : States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member.	See details above from the UNHCR Scoping Papers 2014 and 2022. Note also the limits regarding the monthly statistical data published by ORAC (now IPO) with typically only top 5 nationalities of applicants being identified.	Monthly statistical reports of ORAC available at: http://www.orac.ie/website/orac/oracwebsite.nsf/page/orac-stats_16-en Monthly statistics reports of IPO available at: http://www.ipo.gov.ie/en/ipo/pages/statistics
POP.2.a	Stateless in detention data	Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Improve quantitative and qualitative data on stateless populations. CEDAW, Gen. Rec. 32 (2014) : State parties should gather, analyse and make available sex-disaggregated statistical data and trends. ISI, The World's Stateless (2014) : States should strengthen measures to count stateless persons on their territory. Equal Rights Trust, Guidelines (2012) : States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. Council of the European Union, Conclusions on Statelessness (2015) : Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.	No information is published regarding the collection of data in relation to the nationality of detainees. The Irish Prison Service publishes annual reports, which provide an overview of the numbers of persons detained in Irish prisons, including the numbers of persons detained pursuant to immigration legislation. The information published is not further disaggregated regarding the nationality of detainees. It is reported that in 2021 there were 86 committals in respect of immigration issues involving 83 detainees (a 65.1% decrease on the previous year). Nationality breakdown is not provided. It is reported that in 2020 there were 247 committals in respect of immigration issues involving 245 detainees (a 49.6% decrease on the previous year). Nationality breakdown is not provided. It was reported in 2019 that a total of 7,455 people were refused entry to Ireland, including 50 people recorded as stateless. There is no updated data since then as of January 2025, as relevant DOJ and Garda annual reports have not covered immigration detention figures.	See Irish Prison Service Annual Report 2021: https://www.gov.ie/en/publication/8917e-irish-prison-service-annual-report-2021/ See Irish Prison Service Annual Report 2020: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/IPS-Annual-Report-web-FINAL.pdf See: https://www.thedetail.tv/articles/significant-increase-in-people-refused-entry-to-republic-of-ireland-in-2019-deeply-concerning
POP.2.b		Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	No.	

Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	1954 Convention : Articles 1(1) & 1(2).	<p>No. The International Protection Act 2015 and the Irish Nationality and Citizenship Act 1956 (as amended) contain various references to stateless persons. However, no definition of a stateless person is provided.</p> <p>As part of its submission on the draft General Scheme of this legislation when first published and prior to enactment, the Immigrant Council of Ireland recommended that a definition of a stateless person should be included in line with Article 1, 1954 Convention definition.</p> <p>The lack of a definition in Irish law was raised in a joint submission by ENS-ISI-ICI to the Human Rights Council UPR review of Ireland in 2021. However, no recommendations were made.</p>	<p>International Protection Act 2015: http://www.irishstatutebook.ie/eli/2015/act/66/enacted/en/html</p> <p>Irish Nationality and Citizenship Act (INCA) 1956 (unofficial consolidation): http://www.inis.gov.ie/en/INIS/Irish%20Nationality%20and%20Citizenship%20Act%201956%20-%202021%20informal%20consolidation.pdf/Files/Irish%20Nationality%20and%20Citizenship%20Act%201956%20-%202021%20informal%20consolidation.pdf</p> <p>Immigrant Council of Ireland submission: https://immigrantcouncil.ie/sites/default/files/2018-02/IMM%202015%20Submission%20to%20Joint%20Oireachtas%20Committee%20on%20Justice%20on%20General%20Scheme%20ntI%20Protection%20Bill.pdf</p> <p>Joint ENS-ISI-ICI submission: https://www.statelessness.eu/sites/default/files/2021-03/ENS-UPR_39_Submission_Ireland.pdf</p>
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	<p>UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006): Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.</p> <p>HRC, Resolution 53/16 on the right to a nationality (2023): States should ensure the effective implementation of nationality laws, including through awareness-raising and publicity, and training of public officials, including judges and local leaders, that is gender-responsive and sensitive to race and diversity, informed by meaningful consultation and engagement with stateless leaders and communities and wider civil society.</p>	Yes. UNHCR assists the International Protection Office (IPO) with induction training for any new staff and panel members, which includes a session on nationality and statelessness.	See generally the role of UNHCR including provision of training to the authorities: http://www.ipo.gov.ie/en/IPO/UNHCR%20Guide%20to%20the%20International%20Protection%20Procedure%20in%20Ireland.pdf/Files/UNHCR%20Guide%20to%20the%20International%20Protection%20Procedure%20in%20Ireland.pdf
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<p>UNHCR, Good Practices Papers – Action 6 (2020): Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.</p> <p>UNHCR, Geneva Conclusions (2010): It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.</p> <p>HRC, Resolution 53/16 on the right to a nationality (2023): as above</p>	<p>There is no mandatory training that judges or lawyers must attend. Training has been offered by UNHCR/Immigrant Council of Ireland/ENS on an ad hoc basis in recent years - either as part of dedicated statelessness training or incorporated into other continuing professional development modules as part of training related to migration and citizenship law in Ireland delivered by the Immigrant Council of Ireland, including through the Law Society of Ireland.</p> <p>Details of the UNHCR online e-learning course have also been disseminated but there is no information on whether judges or lawyers from Ireland have participated.</p> <p>The lack of mandatory training was noted as an issue of concern in the joint submission of the ICI, ENS and ISI to the Human Rights Council at the 25th Session of the Universal Periodic Review, 2015, and reiterated in 2021.</p>	<p>In 2014, ICI delivered ENS training.</p> <p>ICI, ENS, ISI Joint Submission to the HRC from 2015: https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/IrelandUPR2015.pdf</p> <p>ENS-ISI-ICI Joint submission to the HRC from 2021: https://www.statelessness.eu/sites/default/files/2021-03/ENS-UPR_39_Submission_Ireland.pdf</p> <p>In December 2023, the ICI delivered training to 85 members of the Irish Immigration Lawyers Network (IILA) regarding citizenship and statelessness, with a particular focus on UNHCR guidance and resolving statelessness in childhood.</p>

<p>SDS.3.a</p>	<p>Existence of a dedicated SDP</p>	<p>Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated.</p> <p>1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated statelessness status (proceed to Question 4a).</p> <p>2. There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights (proceed to Question 11a).</p> <p>3. There is a dedicated statelessness status but no formal procedure for determining this (proceed to Question 17a).</p>	<p>UNHCR, Handbook on Protection (2014): It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.</p>	<p>#2: There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified.</p> <p>Ireland has indicated on several occasions that it is considering the possible introduction of a statelessness determination procedure but there remains no formal published procedure in this regard. In the absence of a formal procedure, statelessness determination may be considered on an individual case-by-case basis by way of administrative written correspondence and submissions, which may be determined with or without an oral hearing procedure.</p>	
<p>SDS.11.a</p>	<p>Procedures in which statelessness can be identified and other routes to regularisation (Group 2)</p>	<p>If there is no dedicated SDP leading to a statelessness status, are there any procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.)?</p>	<p>ECHR: Article 8</p> <p>ENS (2013): For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one.</p> <p>ECtHR, Hoti v. Croatia (2018): [the State has a] positive obligation to provide an effective and accessible procedure or a combination of procedures enabling the applicant to have the issues of [their] further stay and status determined.</p>	<p>In the context of international protection, statelessness may be examined at first instance by the International Protection Office or, on appeal, by the International Protection Appeals Tribunal.</p> <p>In the context of other migration related or nationality applications, the issue of statelessness may be examined by the relevant unit of Immigration Service Delivery (ISD) of the Department of Justice. For example, statelessness may be identified in immigration related applications and is usually considered in the context of an applicant being unable to provide a national passport or other form of identity as is generally required in all cases. The lack of a passport is not generally determinative of statelessness and applicants will generally be required to demonstrate what efforts they have made to obtain a passport. Temporary residence permission may be granted subject to requirements to continue efforts to obtain a national passport. It is only over a period of time that the Minister may accept that a passport can be obtained and issue a discretionary Irish Travel Document. It does not necessarily result in statelessness determination.</p> <p>Children born in Ireland who do not meet the criteria to acquire nationality automatically at birth may be entitled to Irish nationality if they would otherwise be stateless and, in some cases, may submit an application for a certificate of nationality under Section 28 of the Irish Nationality and Citizenship Act or may request that an Irish passport is issued. There is anecdotal evidence of a small number of such certificates being issued but no published information on the total numbers of certificates issued. However, in a written response to a Parliamentary Question regarding data on the number of such applications made, the</p>	<p>Private correspondence in individual client correspondence with the country expert</p> <p>Country expert own knowledge from legal practice</p> <p>See recent blog post of a private lawyer regarding one stateless child issued a certificate of nationality in July 2021: https://berkeleysolicitors.ie/tag/stateless-in-ireland/</p> <p>See Parliamentary Question 1305: https://www.ohchr.org/en/hr-bodies/upr/ie-index</p>

				<p>Minister for Justice stated that no such applications had been made.</p> <p>In accordance with information written by ISD, Department of Justice in correspondence relating to individual applicants, the State position is that there is no obligation to have a statelessness determination procedure but to the extent that it is accepted statelessness may need to be considered, this is done on an ad hoc basis having regard to the specific case under consideration.</p>	
SDS.11.b		<p>Are there any other routes through which stateless people could regularise their stay and/or access their rights without their statelessness being identified or determined?</p>	<p>1954 Convention UNHCR, Handbook on Protection (2014): It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p>	<p>In December 2021, the Irish Government announced a temporary regularisation route for undocumented migrants who have lived in Ireland for more than four years (or three years with children), which ran for six months in 2022. The scheme required identity to be proved with reference to a specific list of documents that may have excluded stateless persons but there have been no reports of stateless people seeking support in proving their identity to access the scheme. In total, 6,548 applications were submitted in respect of 8,311 people. As of 22 April 2024, 5,009 applications had been granted, 1,366 applications had been refused and 120 applications had been withdrawn by the applicants for various reasons. No details regarding numbers of stateless applicants or numbers of overall applicants that have been refused, or reasons why, have been published to date.</p>	<p>Irish Times, 3 December 2021: https://www.irishtimes.com/news/ireland/irish-news/new-scheme-will-allow-undocumented-migrants-to-come-out-from-the-shadows-1.4745896</p> <p>Full details on the regularisation scheme: https://www.irishimmigration.ie/regularisation-of-long-term-undocumented-migrant-scheme/</p> <p>Required documents guide under the regularisation scheme: https://www.irishimmigration.ie/required-documents-guide-regularisation-of-long-term-undocumented-migrants-scheme/</p> <p>Information provided to country expert by email by the Department of Justice on 23/04/24.</p>
SDS.12.a	<p>Access to procedures (Group 2)</p>	<p>Please provide details on how statelessness may be identified in other procedures, which authority is competent to examine and/or identify statelessness and evaluate appropriateness to the national context.</p>	<p>UNHCR, Handbook on Protection (2014): States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. UNHCR, Good Practices Papers – Action 6 (2020): It is important that examiners develop expertise while ensuring that the procedures are accessible. Efficient referral mechanisms should be established, while officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.</p>	<p>There is no published information by any State authority regarding how to make a claim of statelessness or how to address issues related to statelessness when making an immigration related residence or citizenship application (or in dealing with another State body - such as when applying for a public service card, driving licence, public benefit, Irish passport following grant of Irish citizenship, etc.) despite the fact that it is a basic requirement to provide evidence of identity, including a passport, in support of an application and at the time of registration/being issued a residence card. While such requirements may be waived in practice, there is no published guidance regarding when this will be done or the nature of submissions/evidentiary requirements, if any, to be provided by applicants.</p> <p>Although the ISD website notes that stateless persons may be eligible to apply for Irish citizenship and there is a fee waiver in such cases, no further information is provided.</p> <p>All immigration related applications in Ireland are administrative. Some, but not all, have application forms that must be used. Generally, all applications require cover letters setting out more fully the relevant issues, including documentary evidence deficits, such as evidence of identity, etc. Typically, any issues related to statelessness need to be addressed by way of written submission.</p> <p>Only applications for international protection at first instance or on appeal have the possibility for oral hearing/submissions.</p> <p>For non-protection related applications, all submissions are in English. International protection application forms may be in a different language and then translated.</p> <p>In the context of international protection, statelessness may be examined at first instance by the International Protection Office or, on appeal, by the International Protection Appeals Tribunal.</p>	<p>See ISD website and general guidance provided in relation to various different administrative residence and citizenship applications: https://www.irishimmigration.ie/</p> <p>Naturalisation applications: https://www.irishimmigration.ie/citizenship/become-an-irish-citizen-by-naturalisation/</p> <p>See the ISD website and general guidance provided in relation to various administrative residence and citizenship applications: https://www.irishimmigration.ie/</p>

				In the context of other migration related or citizenship applications, the issue of statelessness may be examined by the relevant unit of Immigration Service Delivery of the Department of Justice. In response to Parliamentary Questions, the Minister for Justice stated that 14 applications for Irish citizenship by naturalisation have been received from persons identifying themselves as stateless and that nine remained under processing. No information was provided regarding whether the other five applications were granted or refused.	Parliamentary Questions 444, 445 and 447 on 7th December 2021: https://www.oireachtas.ie/en/debates/question/2021-12-07/445/?highlight%5B0%5D=bacik#pq-answers-444_445_447
SDS.12.b	Are there obligations in law on authorities to consider a claim of statelessness?	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the procedure must be guaranteed. EASO/EUAA, Practical guide on registration (2021) : Determining if applicants are stateless is essential when assessing the need for international protection. At registration, it is vital to collect information and detect possible cases of statelessness, but it is not appropriate to determine a person’s statelessness at the registration stage. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the procedure must be guaranteed. EASO/EUAA, Practical guide on registration (2021) : Determining if applicants are stateless is essential when assessing the need for international protection. At registration, it is vital to collect information and detect possible cases of statelessness, but it is not appropriate to determine a person’s statelessness at the registration stage. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.	No, other than a general public law requirement for a State authority to reasonably consider relevant information that is submitted in dealing with any application. The Minister is under an obligation to have regard to an applicant's private and family life when considering an application for residence permission under the Immigration Acts 1999-2004, and must specifically consider any representations made by or on behalf of an applicant against whom a proposal to deport has been issued.	See generally: European Convention on Human Rights Act 2003: http://www.irishstatutebook.ie/eli/2003/act/20/enacted/en/print#sec3 Section 3(6) Immigration Act 1999 (as amended): http://www.irishstatutebook.ie/eli/1999/act/22/enacted/en/html Irish Supreme Court judgment in Luximon & Ors v Minister for Justice of 24th April 2018: https://beta.courts.ie/acc/alfresco/8a2e522b-f438-4344-963a-7247640c9911/2018_IESC_24_1.pdf/pdf#view=fitH
SDS.12.c	Are there clear, accessible instructions for stateless people on how to claim their rights under the 1954 Convention and/or be identified as stateless?	1954 Convention UNHCR, Handbook on Protection (2014) : For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR, Good Practices Papers – Action 6 (2020) : Information on the procedure and counselling services must be available to potential applicants in a language they understand.	1954 Convention UNHCR, Handbook on Protection (2014) : For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR, Good Practices Papers – Action 6 (2020) : Information on the procedure and counselling services must be available to potential applicants in a language they understand.	No. As set out above at 11.a., there is no published information by the State authority regarding how to make a claim of statelessness or how to address issues related to statelessness when making an immigration related residence or citizenship application despite the fact that it is a basic requirement to provide evidence of identity, including a passport, in support of an application and at the time of registration/being issued a residence card. While such requirements may be waived in practice, there is no published guidance regarding when this will be done or the nature of submissions/evidentiary requirements, if any, to be provided by applicants. Although the INIS website notes that stateless persons may be eligible to apply for Irish citizenship and there is a fee waiver in such cases, no further information is provided. Further, some applicants have applied for naturalisation stating nationality as 'stateless'. The Minister for Justice has ultimately accepted the application for processing and waived the requirement to provide evidence of identity but refused to grant the stateless fee waiver on grounds that the applicant could not provide a statelessness declaration, which the Minister for Justice refused to issue. Other than for protection related applications, generally all information/guidance published in respect of immigration related applications is in English only. Other than for protection related applications, in practice there is also no civil legal aid available to assist migrants with immigration related applications or judicial review proceedings, if required.	Country expert knowledge from dealing with cases. See also the ISD website and general guidance provided in relation to various different administrative residence and citizenship applications: https://www.irishimmigration.ie/ Naturalisation applications: https://www.irishimmigration.ie/citizenship/become-an-irish-citizen-by-naturalisation/ Country expert knowledge from dealing with cases.
SDS.12.d	Is there cooperation between agencies that may have contact with stateless people?	UNHCR, Good Practices Papers – Action 6 (2020) : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	UNHCR, Good Practices Papers – Action 6 (2020) : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	There is no public information in this regard confirming whether cooperation is routinely or proactively sought by the Minister for Justice (with responsibility for granting residence permission) and other agencies (State, UNHCR, etc.). UNHCR may on an ad hoc basis refer a person for legal support in seeking to address issues related to statelessness in general immigration procedures.	Country expert own experience.

<p>SDS.13.a</p>	<p>Assessment (Group 2)</p>	<p>Who has the burden of proof when determining or identifying statelessness (in law and practice)?</p>	<p>UNHCR, Handbook on Protection (2014): The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). UNHCR, Good Practices Papers – Action 6 (2020): SDPs must take into consideration the difficulties inherent in proving statelessness. UNHCR, Geneva Conclusions (2010): In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence. ECtHR, Hoti v. Croatia (2018): State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>	<p>There is no public information in this regard. In principle, in line with UNHCR guidance, there is a mutually shared burden. In practice, applicants must effectively prove (repeatedly) that they are unable to obtain nationality or identity documents from a national authority. Eventually when evidence that significant efforts have been made, including non-responsiveness of other national authorities to engage, the ISD/Department of Justice may waive a requirement to produce evidence of identity. It is unclear what actions, if any, the State authority takes to obtain evidence and establish facts themselves. Occasionally, there may be some evidence that the State authority has made enquiries - this is usually when seeking to enforce a deportation order and remove the individual and the State authority engages with consular officials to establish whether the person is recognised as a national of that country. Occasionally, even if consular officials state that a person is not recognised as a national of that country, the State authority still does not accept the position immediately. Further, the State authority may require an individual to make efforts to establish identity by way of a national passport without assessing the reasonableness of that request having regard to particular facts, such as significant periods of absence from the country of birth, availability of other identity documents and/or long history of time spent in State authority care where no efforts were made to resolve identity issues.</p>	<p>No official source - country expert own experience. UNHCR Handbook on the Protection of Stateless Persons, 2014</p>
<p>SDS.13.b</p>		<p>What is the standard of proof to evidence statelessness, in law and in practice?</p>	<p>UNHCR, Handbook on Protection (2014): States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree'). UNHCR, Good practices in nationality laws (2018): The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence. ECtHR, Hoti v. Croatia (2018): If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.</p>	<p>See SDS.13.a.</p>	<p>No official source.</p>
<p>SDS.13.c</p>		<p>Is there clear guidance for decision makers on how to identify or determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, accurate and reliable country of origin information relating to statelessness, etc.)?</p>	<p>ENS (2013): Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances. Asylos, Principles for Conducting Country of Origin Information Research on Statelessness (2023)</p>	<p>Accurate and reliable country-of-origin information relating to statelessness is not available in the public domain. The internal guidance that may be provided to decision makers, in particular non-protection related decision makers, is not published. Decision makers may receive training from UNHCR relating to qualification for protection, including considerations relating to statelessness, and decision makers have access to publications such as EUAA judicial analysis materials, etc. Decision makers use international country-of-origin information and publications, especially in international protection applications.</p>	
<p>SDS.14.a</p>	<p>Procedural safeguards (Group 2)</p>	<p>Is free legal aid available to stateless people generally?</p>	<p>UNHCR, Handbook on Protection (2014): Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013): If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.</p>	<p>In theory, unless explicitly excluded under the Civil Legal Aid Act 1991, legal aid is available. However, in practice, civil legal aid is only available in international protection applications. Due to increase in numbers of International Protection applications in Ireland in recent years, as well as recent changes introduced relating to the administration of international protection applications, in practice it is currently difficult for applicants to access legal advice prior to applying and, in some instances, prior to first interview or appeal.</p>	<p>Civil Legal Aid: https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/international-protection/ Country expert own experience.</p>

<p>SDS.14.b</p>		<p>Is free interpreting available to stateless people?</p>	<p>UNHCR, Handbook on Protection (2014): The right to assistance with interpretation/translation [is] essential. ENS (2013): Assistance should be available for translation and interpretation.</p>	<p>Only in the context of international protection applications. The right to be provided with an interpreter is not set out in primary legislation but is provided in practice.</p>	<p>See generally the information published by the International Protection Office on the application procedure and provision of interpreters during application stages, including when seeking legal assistance: http://www.ipo.gov.ie/en/IPO/InfoBookletNew.pdf/Files/InfoBookletNew.pdf</p> <p>See also the Administrative Practice Note of the International Protection Appeals Tribunal: http://www.protectionappeals.ie/website/rat/ratweb.nsf/page/SXCL-BB9PYL1944815-en/\$File/IPAT%20Administrative%20Practice%20Note%20Web.pdf</p>
<p>SDS.14.c</p>		<p>Are there other procedural safeguards in place in procedures through which stateless people may have their statelessness identified or determined, or regularise their stay (e.g., decisions given in writing with reasons, right to an interview, time limit, right of appeal, audits in decision-making, etc.)?</p>	<p>UNHCR, Handbook on Protection (2014): States are encouraged to incorporate the safeguard that decisions are made in writing with reasons. It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months. An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.</p>	<p>There is no right to an interview. An interview or oral submissions is only available in international protection applications. All other immigration related residence or citizenship applications are dealt with by way of administrative applications in writing only. Not all applications have application forms and are addressed simply by letter and/or written submissions.</p> <p>In general, it is a public law requirement that reasons should be provided in writing for any decisions taken by the State authority, especially for refusals.</p> <p>In general, there is no specific time limit within which applications should be processed (except for applications made under EU Citizenship Directive). Applications related to proposed deportation often take two or more years to be determined. There is no right of appeal, although judicial review may be applied for in the Superior Courts.</p>	<p>Irish Supreme Court judgment Mallak v Minister for Justice [2012] IESC 59: https://emn.ie/case_law/mallak-v-minister-for-justice-equality-and-law-reform/</p>
<p>SDS.15.a</p>	<p>Protection (Group 2)</p>	<p>Are there any rights granted to stateless people on the basis of their statelessness? If yes, please provide details.</p>	<p>UNHCR, Handbook on Protection (2014): The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.</p>	<p>An Irish Residence Permit card (IRP) is granted to all non-EEA nationals granted residence permission on any basis, including protection and non-protection status. But the 'terms and conditions' associated with the relevant permission may be different.</p> <p>For stateless persons who are granted international protection, Part 8 of the International Protection Act 2015 sets out the rights that are conferred on protection status holders. These rights granted are akin to those of nationals, with the exception of the right to vote. The rights include: to seek and enter employment; to engage in any business, trade or profession; to have access to education and training; to receive medical care and social welfare benefits; rights of travel in or to or from the State; permission to reside in the State for a specified period of not less than three years (renewable); to be issued a travel document and family reunification with immediate family members (spouse/partner and minor unmarried biological children).</p> <p>Refugees and stateless persons may apply for Irish citizenship after three years, although citizenship is granted on a discretionary basis.</p> <p>However, for stateless people who are granted residence in Ireland outside of international protection, the terms and conditions of the grant of residence are provided for on an administrative basis by the Minister for Justice and are not provided for by legislation, unless the grant of residence relates to the EU Citizenship Directive. Usually, the grant of residence does not explicitly recognise the individual as a stateless person.</p>	<p>Part 8 International Protection Act 2015: http://www.irishstatutebook.ie/eli/2015/act/66/enacted/en/print</p> <p>Sections 15 and 16 INCA 1956 (as amended): Revised Acts (lawreform.ie)</p> <p>Knowledge of country expert dealing directly with residence permit applications.</p> <p>See: ISD Information on Immigration Permission, Stamps and Conditions: https://www.irishimmigration.ie/registering-your-immigration-permission/information-on-registering/immigration-permission-stamps/</p>

				<p>Generally, residence permission is granted by letter in writing and usually will provide that the individual is permitted to reside in Ireland for a minimum period of 12 months (renewable on fulfilment of conditions) and access to the labour market. The grant of residence permission does not explicitly set out that the individual is permitted to access social security, but a permit holder granted Stamp 4 residence will usually be deemed to satisfy habitual residence conditions (i.e., the holder may access state funds and services as determined by Government departments or agencies).</p> <p>In practice, stateless persons may be granted a residence application and the normal requirements to provide evidence of identity are waived for the registration process and issuing of the residence card. However, the decision letter will generally not state that it is accepted that the applicant is a stateless person, the correspondence may further state the nationality to be a particular nationality which the person has asserted they are not, the residence card issued may state that nationality also. Further, although the requirement to produce evidence of identity is waived in practice, the residence permission letter does not set this out and may actually set out a requirement to produce it, even though it is not actually required. Rather arrangements are made 'behind the scenes' by the decision maker with the registration office. Consequently, even though it may have implicitly been accepted that the applicant cannot produce evidence of identity and is stateless, this is not confirmed in writing and this gives rise to ongoing difficulties for the individual following the grant of residence in trying to deal with other State bodies that may require evidence of identity to deal with, for example, issuing public service cards, social benefits, driving licences, etc.</p> <p>Legal residents are permitted to vote in local elections.</p> <p>However, a stateless person granted residence on a discretionary basis will generally not be deemed eligible to access financial support for further education.</p> <p>There is no statutory entitlement to apply for family reunification but applications for discretionary visas may be made, which the Minister for Justice will consider having regard to general policy criteria, including humanitarian considerations.</p> <p>In practice, it is difficult for non-EEA nationals to obtain visas for family members. However, visas may be granted in humanitarian cases and the Minister may grant Irish travel documents to family members, including stateless family members, who do not hold passports.</p> <p>For non-protection related residence permit holders who are not issued a stateless declaration, an application for Irish citizenship may only be made after five years reckonable residence permission and is granted at the absolute discretion of the Minister for Justice.</p> <p>See further below SDS.15.b.</p>	<p>See general information on voting rights of non-EU legal residents, including asylum seekers: https://www.citizensinformation.ie/en/government_in_ireland/elections_and_referenda/voting/right_to_vote.html#l3cc3e</p> <p>See Student Grant Applications and Legislation: https://susi.ie/resources/ See also Student Support Eligibility Criteria: https://susi.ie/eligibility/</p> <p>See generally ISD Policy Document on Non-EEA Family Reunification: http://www.inis.gov.ie/en/INIS/Family%20Reunification%20Policy%20Document.pdf/Files/Family%20Reunification%20Policy%20Document.pdf</p> <p>Country expert own knowledge of dealing with cases.</p> <p>Country expert own knowledge of dealing with cases.</p>
SDS.15.b		Are stateless people otherwise able to access their rights under the 1954 Convention and other international law? Please state whether stateless people can access the below rights and	1954 Convention UNHCR, Handbook on Protection (2014) : The status granted to a stateless person in a State Party must reflect international standards. It is recommended that States grant recognised stateless people a	<p>See SDS.15.a. regarding stateless persons who are granted residence permits outside of the international protection process.</p> <p>Unless a stateless person is granted international protection or explicitly declared to be stateless, there is no entitlement to be</p>	<p>See ISD Information on Travel Document Applications: Applying for a Travel Document - Immigration Service Delivery (irishimmigration.ie)</p>

		<p>whether access is subject to any conditions:</p> <ul style="list-style-type: none"> - right to reside - travel document and identity document - work - healthcare - social security - education - housing - family reunification - right to vote - consular protection abroad. <p>If provided, please add a copy of an anonymised travel and/or identity document to question RES.4.a. (last page).</p>	<p>residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable. States parties are encouraged to facilitate the reunification of those with recognised statelessness status with their spouses and dependents. The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.</p> <p>1967 European Convention on Consular Functions: Article 46 International Law Commission’s 2006 Draft Articles on Diplomatic Protection: Article 8(1)</p>	<p>granted an Irish travel document, but one may be granted on a discretionary basis. There is an application fee of 55 EUR. Processing times for such applications are lengthy and, at a very minimum, take 16 weeks and may take much longer.</p> <p>The discretionary travel document that may be issued is in practice used as an identity document for travelling or engaging with other service such as banks, swearing legal documents. However, it is not an 'identity' document per se in that the DOJ does not necessarily accept that matters related to an individual's 'identity' are now resolved. Discretionary travel documents may often be issued for the express purpose of a person continuing to make efforts to try to obtain a national passport, e.g. to use the travel document to travel to an Embassy to address issues.</p> <p>If a person were recognised as stateless, the Irish Residence Permit (IRP) card should state 'stateless' in the nationality section. However, based on casework practice, in the absence of a formal stateless declaration, the IRP will usually state another nationality that the person may have been registered as by the International Protection Office, even where the person has said that they do not hold that nationality, and it may be implicitly accepted that they are not.</p> <p>If a stateless person is granted refugee status, a 1951 Convention document will be issued. In the absence of a formal stateless declaration, a 1954 Convention document is not issued. If a discretionary travel document is issued, the nationality section on the bio data page will usually just be left blank.</p> <p>There is no explicit guarantee regarding consular assistance.</p>	
<p>SDS.16.a</p>	<p>Temporary protection for people fleeing war (Group 2)</p>	<p>Does the State guarantee access to the territory to everyone fleeing Ukraine, regardless of nationality, documentation, or residence status? Please describe any barriers for stateless people, people with undetermined nationality, or undocumented people in accessing the territory.</p>	<p>EU Temporary Protection Directive (2001) EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine & European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine: Everyone fleeing the war in Ukraine should be guaranteed access to the territory.</p>	<p>No, access to the State is not guaranteed. In the immediate aftermath of the Russian full-scale invasion in February 2022, Ireland lifted entry visa requirements for Ukrainian nationals and confirmed that various documents may be used by prospective travellers to Ireland. The Department of Justice issued guidelines to carriers to allow boarding for passengers with National ID cards, birth certificates and internal passports. This guidance did not specifically refer to stateless people. There was no specific information on which documents were required for stateless and undocumented people to enter Ireland. Carriers were asked to accept government-issued identity documents instead of passports for people to travel to Ireland, including national ID cards, birth certificates, internal passports and expired passports (which are not usually acceptable for international travel). Irish immigration authorities requested that boarding is not refused to anyone without first contacting them. However, as of June 2024, newly arriving persons seeking temporary protection are required to hold biometric passports.</p> <p>No reports have been made to the Immigrant Council of Ireland regarding any possible stateless people from Ukraine who may have been refused access to the territory or who have been deemed ineligible for temporary protection.</p>	<p>ISD Important Information for Ukrainian nationals: Important Information for Ukrainian nationals - Immigration Service Delivery (irishimmigration.ie)</p>

<p>SDS.16.b</p>		<p>Does the State offer a temporary form of protection to stateless people, people with undetermined nationality, or undocumented people from Ukraine (through the EU Temporary Protection Directive or another mechanism)? Is temporary protection accessible to all stateless people who have fled Ukraine, regardless of their documentation status? If the State grants temporary protection more broadly than required by the EU TPD, or to people fleeing from another country other than Ukraine, please state so. Please describe any other barriers for stateless people, people with undetermined nationality, or undocumented people in receiving temporary protection, asylum, or other protection.</p>	<p>EU Temporary Protection Directive (2001) EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine & European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine: European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection. European countries and the European Commission should be vigilant and take action to address any segregation, discrimination, and antigypsyism, and ensure equal access to rights and protection for all those fleeing Ukraine.</p>	<p>Temporary protection is provided for under national law by section 60 of the International Protection Act 2015.</p> <p>Stateless people may apply for temporary protection in Ireland if they were beneficiaries of international protection or equivalent national protection in Ukraine, and their family members, or had permanent residence in Ukraine and cannot return to their country of origin. It is unclear whether people without identity documents are eligible and how they can apply for temporary protection other than through usual international protection procedures.</p> <p>No reports have been made to the Immigrant Council of Ireland regarding any possible stateless people from Ukraine who may have been refused access to the territory or who have been deemed ineligible for temporary protection.</p>	<p>Section 60 International Protection Act: https://www.irishstatutebook.ie/eli/2015/act/66/section/60/enacted/en/html#sec60</p> <p>S.I. 86 of 2022 Immigration Act 2004 (Visas)(Amendment) Order 2022: https://www.irishstatutebook.ie/eli/2022/si/86/made/en/print</p> <p>Department of Justice Guidance: FAQs – for Ukraine Nationals and Residents of Ukraine - Immigration Service Delivery (irishimmigration.ie)</p> <p>European Network on Statelessness, Country Briefing, Ireland: Information for stateless people and those at risk of statelessness fleeing Ukraine, May 2022: https://www.statelessness.eu/statelessness-ukraine-crisis</p>
<p>SDS.16.c</p>		<p>Are there longer-term solutions providing adequate protection for stateless people and/or others who were receiving temporary protection? [Section complete, proceed to DET]</p>	<p>ENS, Briefings on access to protection for stateless people fleeing Ukraine: The EU and European countries should ensure that longer-term solutions, including after the expiry of the EU TPD, are found and designed, including to provide adequate protection for stateless people and people with undetermined nationality. ECRE, Transitioning out of the Temporary Protection Directive (2024): Exit strategies from the TPD regime should ensure that no one, including stateless persons, is left behind after March 2025.</p>	<p>Beneficiaries of temporary protection have the permission to reside in Ireland for one year, which is currently automatically extended to March 2026.</p> <p>Currently, temporary protection is in line with measures at EU level and Ireland has not indicated what it intends to do, if anything, in terms of durable solutions.</p>	

Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	<p>Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered.</p> <p>Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.</p>	<p>ICCPR: Article 9 ECHR: Article 5 EU Return Directive: Article 15 UNHCR, Handbook on Protection (2014): Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. HRC, Report of the Special Rapporteur (2012): The obligation to always consider alternatives before resorting to detention should be established by law. International Detention Coalition (2015): Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>Various provisions of domestic statutory law (as well as various subsequent amendments and/or secondary regulations made thereunder) allow for immigration related detention in a number of situations, including:</p> <ul style="list-style-type: none"> - detention following refusal of permission to enter the State and during removal from the State - detention pending deportation from the State - detention of protection applicants. <p>There is no publicly available information regarding any consideration that immigration officers may give to consideration of alternatives prior to any decision to detain, and no requirement in law that detention must be a last resort.</p> <p>Whilst immigration related detention is permissible by law and does occur, it should be noted that there is no systemic practice of routinely detaining applicants for international protection and there is a general prohibition in respect of the detention of minors.</p> <p>Criticisms of Ireland's detention for immigration purposes primarily focus on Irish prison infrastructure and the lack of dedicated immigration detention facilities.</p> <p>In the recent UN Human Rights Council Ireland Review - 39th Session of Universal Periodic Review, Ireland stated that immigration detainees will be detained in prisons but held separately from other detainees.</p> <p>On 6 May 2022, the Minister for Justice officially opened the new Dublin Airport Garda Station, which includes facilities to detain up to four persons refused leave to land for periods of up to 24 hours within the boundary of the airport for enabling return on outbound flights without delay. There is no information published yet regarding use of these facilities.</p>	<p>The main statutory provisions are: Section 5 Immigration Act 1999: Immigration Act, 1999 (irishstatutebook.ie)</p> <p>Section 5 Immigration Act 2003: http://www.irishstatutebook.ie/eli/2003/act/26/enacted/en/print.html</p> <p>Section 7 Immigration Act 2004 http://www.irishstatutebook.ie/eli/2004/act/1/enacted/en/print.html</p> <p>Sections 20 and 68 International Protection Act 2015: http://www.irishstatutebook.ie/eli/2015/act/66/enacted/en/print.html</p> <p>Regulation 19, European Communities (Reception Conditions) Regulations 2018: http://www.irishstatutebook.ie/eli/2018/si/230/made/en/print</p> <p>For a comprehensive overview see the two leading civil society reports on immigration related detention: Kelly, M. Immigration Related Detention (ICCL, ICI & IPRT, 2005): https://www.iprt.ie/site/assets/files/5942/immigrationrelated_detention_report.pdf</p> <p>Immigration Detention and Border Control in Ireland (Nasc, 2018): https://nascireland.org/sites/default/files/Nasc-Immigration-Detention-Border-Control-in-Ireland.pdf</p> <p>Global Detention Project Overview of Ireland: https://www.globaldetentionproject.org/countries/europe/ireland</p> <p>Ireland Review - 39th Session of Universal Periodic Review: https://media.un.org/en/asset/k1y/k1y18xu1so</p> <p>See: http://www.justice.ie/en/JELR/Pages/PR22000082</p> <p>Government press release, Minister McEntee attends official opening of Dublin Airport Garda Station, May 2022: https://www.gov.ie/en/press-release/8740b-minister-mcentee-attends-official-opening-of-dublin-airport-garda-station/</p>
DET.1.b		<p>Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.</p>	<p>ICCPR: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7). ECtHR, Auad v. Bulgaria (2011): In cases of detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities' diligence in handling the deportation. EU Return Directive: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	<p>No. Immigration legislation provides that a foreign national who is the subject of a removal order may be removed to:</p> <ul style="list-style-type: none"> - to the State where they last embarked (whether by land, sea or air), if known - to the State of the person's original embarkation - to the State which issued the passport or travel document held by the person, if any - to the country of nationality of the person, so far as it appears to the immigration officer or the member of the Garda Síochána concerned, or - to any country to which the person is guaranteed entry. 	<p>Section 5(5) Immigration Act 2003: http://www.irishstatutebook.ie/eli/2003/act/26/section/5/enacted/en/html#sec5</p>

				Note also the Supreme Court of Ireland judgment in <i>Sibiya v. Minister for Justice</i> (Unreported, 7 February 2006) where it was held that there is no requirement for the country to which the person is to be deported to be named in the deportation order	<i>Sibiya v. Minister for Justice</i> See also Unreported Supreme Court of Ireland judgment of 7 February 2006. There is no available link to judgment but it is referenced in Stanley, J. Immigration and Citizenship Law (Thomson Reuters Ireland, 2017) at pp. 319-320.
DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal? Please describe the situation in law and in practice.	EU Return Directive : When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately. UN Working Group on Arbitrary Detention (2018) : When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary. ECtHR, Auad v. Bulgaria (2011) , Mikolenko v. Estonia (2009) , Mardonshoyev v. Russia (2019) , Gashkov and Satirov v. Russia (2022)	Although not explicit, under Irish law a person arrested and detained under the Immigration Act 2003 (if refused leave to land) may be detained only until such time (being as soon as practicable) as they are removed from the State and may not be detained for a period exceeding eight weeks in aggregate. This time limit is respected in practice, unless they are detained on an ongoing basis in accordance with the law.	Section 5(3)(a) Immigration Act 2003: https://www.irishstatutebook.ie/eli/2003/act/26/enacted/en/print#sec5 Section 5 Immigration Act 1999: https://www.irishstatutebook.ie/eli/1999/act/22/section/5/enacted/en/html#sec5 Section 20 International Protection Act, 2015: http://www.irishstatutebook.ie/eli/2015/act/66/enacted/en/html
DET.2.a	Identification of statelessness	Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	ECtHR, Auad v. Bulgaria (2011) ECtHR, Mikolenko v. Estonia (2009) : Detention may only be justified as long as deportation proceedings are being conducted with due diligence. UNHCR, Handbook on Protection (2014) : Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. CMW, General comment No. 5 (2021) : States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Equal Rights Trust, Guidelines (2012) : States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. ICJ, Migration and International Human Rights Law (2014) : The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.	It is possible for any person who is the subject of detention to make an application for international protection at any stage, if they wish to do so and, if statelessness is raised in the course of that application, it should be examined by State authority in the course of assessing the protection claim. However, as there is no SDP, there is no possibility of referring to a formal SDP in detention, which is especially relevant in the context of persons who do not make a protection application. In practice, issues related to statelessness may occasionally be examined in the District Court if a person is charged with immigration related offences, such as failure to provide evidence of identity/produce a passport and a court may strike out the charges. Individuals who have been issued with a deportation order are required to comply with reporting requirements, cooperate with efforts to establish their identity and to make arrangements to leave the State. If they fail to cooperate, they may be arrested and detained pending deportation. Occasionally, individuals identify that they have complied with reporting requirements but have nonetheless been detained. During the period of detention, they have cooperated with requests to meet with consular officials to establish their identity and have subsequently been released from detention as it was not possible to establish identity.	International Protection Act 2015: http://www.irishstatutebook.ie/eli/2015/act/66/enacted/en/print.html Country expert own experience of dealing with cases. Section 5 Immigration Act 1999 (as amended): http://www.irishstatutebook.ie/eli/1999/act/22/enacted/en/html
DET.2.b		Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021) : Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.	Ireland enacted the Reception Condition Regulations in June 2018 to give effect to the Recast Reception Conditions Directive. The Reception Conditions Regulations adopted in 2018 include a specific definition of vulnerable persons (which does not refer to stateless persons) and there is also reference to vulnerable groups in detention. Section 19(9) stipulates that when a vulnerable applicant is held in detention, “the Minister shall ensure, taking into account the person’s particular situation, including his or her	European Communities (Reception Conditions) Regulations 2018, S.I. No. 230 of 2018: http://www.irishstatutebook.ie/eli/2018/si/230/made/en/print

				<p>health, that: (a) the person is monitored regularly, and (b) he or she is provided with adequate support".</p>	
<p>DET.2.c</p>		<p>Are individual vulnerability assessments carried out before a decision to detain (or soon after)?</p>	<p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. EU Return Directive: Article 16(3) EU Return Handbook (2017): Attention should be paid to the specific situation of stateless persons. Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013): European entities should assess the situation of LGBTI persons in detention. PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.</p>	<p>Section 19(9) of the Reception Conditions Regulations stipulates that when a vulnerable applicant is held in detention, "the Minister shall ensure, taking into account the person's particular situation, including his or her health, that: (a) the person is monitored regularly, and (b) he or she is provided with adequate support".</p> <p>The Regulations provide that the Minister for Justice and Equality shall, within 30 days of an application, assess whether an applicant has special reception needs and, if so, the nature of those needs. However, in practice, to date the Department of Justice and Equality has not introduced a specific procedure which either assesses whether an individual is a vulnerable applicant or provides for needs arising from that vulnerability.</p> <p>In practice, it would appear that such assessments are not carried out in any systematic manner and it is still not clear where responsibility for such assessments lie. A pilot scheme was carried out in 2021 but there does not appear to be any published outcome of the pilot scheme. As it stands, while the Regulations prescribe the Minister for Justice, the Minister for Health and the Health Service Executive as responsible for conducting vulnerability assessments in the reception context, in practice it is not clear which authority has responsibility. Civil society organisations supporting protection applicants in their in-depth evaluation of the government's progress reports have highlighted that government commitments to develop 'Vulnerability Assessments' have not been progressed at all, with requests for information from key agencies yielding 'no evidence of the development of a formal system of referral' for vulnerable applicants. In January 2020, the Irish Refugee Council highlighted the absence of assessments being carried out. However, more recently, the International Protection Accommodation Service (IPAS) has published a Vulnerability Assessment Policy and it is reported that questionnaires are available to all international protection applicants.</p> <p>Civil society organisations have raised concerns regarding the (lack of) identification of vulnerable individuals, in particular identifying special reception needs at the beginning of the asylum procedure.</p> <p>The IPO does not collate or publish disaggregated statistics on the number of protection applicants belonging to vulnerable groups, nor has there been a commitment or concrete plan to date to establish a formal vulnerability identification mechanism in the context of the asylum procedures.</p> <p>It is worth noting that, when issuing a deportation order, the Minister must have regard to various matters, including age, nationality, personal and domestic circumstances, matters related to refoulement rights under ECHR, etc.</p>	<p>European Communities (Reception Conditions) Regulations 2018, S.I. No. 230 of 2018: http://www.irishstatutebook.ie/eli/2018/si/230/made/en/print</p> <p>See the AIDA Country Report, pp 46 referred to above in relation to this issue and the expressed view of the Irish Refugee Council: https://www.asylumineurope.org/sites/default/files/report-download/aida_ie_2019update.pdf</p> <p>Update to the AIDA country report https://asylumineurope.org/reports/country/republic-ireland/asylum-procedure/guarantees-vulnerable-groups/identification/#_ftn5</p> <p>Response of the Minister responsible noted at footnote 5 in that report https://www.kildarestreet.com/wrans/?id=2022-02-03a.295&s=vulnerability+assessment#g296.g</p> <p>Nasc, Working Paper on the Progress of Implementation of the McMahon Report, December 2017, available at: https://bit.ly/3dm40FE, 27.</p> <p>Irish Refugee Council, 'Refugee organisations highlight absence of vulnerability assessment in Irish asylum procedure', available at: https://bit.ly/3gTluLB.</p> <p>Vulnerability Assessment Policy: https://www.gov.ie/en/publication/58397-resident-welfare/</p> <p>See: UN Committee against Torture, Concluding observations on the second periodic report of Ireland, 11 August 2017, available at: http://bit.ly/2hPIVem, para. 12(b) to that effect.</p>

DET.2.d		Are stateless people detained in practice?	As above.	There is no published data relating to the numbers of detained stateless persons. However, having regard to the available data and the overall relatively low numbers of international protection applicants in general, as well as the lack of systematic detention of protection applicants, etc. stateless persons are not routinely detained as a matter of practice. Generally, deprivation of liberty for immigration-related reasons in Ireland has been described as ‘the exception, rather than the rule’. This is confirmed by the Global Detention Project Overview.	See generally: Civil society reports on immigration related detention: Kelly, M. Immigration Related Detention (ICCL, ICI & IPRT, 2005): https://www.iprt.ie/site/assets/files/5942/immigrationrelated_detention_report.pdf Immigration Detention and Border Control in Ireland (Nasc, 2018): https://nascireland.org/sites/default/files/Nasc-Immigration-Detention-Border-Control-in-Ireland.pdf Global Detention Project Overview of Ireland: https://www.globaldetentionproject.org/countries/europe/ireland
DET.3.a	Procedural safeguards	Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?	<p>ICCPR: Article 9(4) ECHR: Article 5(4) EU Return Directive: Articles 12, 13 and 15(5) HRC, Report of the Working Group on Arbitrary Detention (2010): A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. CMW, General comment No. 5 (2021): States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. UNHCR, Detention Guidelines (2012): To guard against arbitrariness, maximum periods of detention should be set in national law. UNHCR, Handbook on Protection (2014): Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. UNGA, Body of Principles (1988): Anyone who is arrested shall be informed at the time of the reason for their arrest. Equal Rights Trust, Guidelines (2012): Stateless detainees shall receive their order of detention in writing and in a language they understand. To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. Detention should always be for the shortest time possible. International Commission of Jurists, Migration and International Human Rights Law: A Practitioners’ Guide (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it. ECtHR, Kim v. Russia (2014): The purpose of Article 5(4) ECHR is to guarantee to persons who are</p>	<p>In the context of refusal of permission to land/enter and removal/deportation, detained persons may not be detained for a period exceeding eight weeks in aggregate. However, various periods of time are excluded in calculating that eight-week period and in some circumstances detention can be extended with authorisation from the court. In the context of international protection, there is provision for a broader detention power, which does not contain a maximum time limit. It is simply required that the detention be reviewed and re-authorised by the District Court every 21 days. While this power of detention is not a general immigration detention power but more limited to protection applicants, it could apply to stateless people e.g. section 20(1)(c) provides for detention on the basis that the applicant "(c) has not made reasonable efforts to establish his or her identity,".</p> <p>If a person is refused entry to the State, they are entitled to be provided with the reasons for that decision in writing. Similarly, if the Minister proposes to deport a foreign national, the Minister must provide notice of the proposal and the reasons for it in writing.</p> <p>The legislation does not expressly set out that reasons for immigration detention must be provided. In practice a detention warrant is issued, which is also notice of the reasons for refusal.</p> <p>Not all detainees are brought before a court. In context of detained protection applicant, there is a requirement to review the detention every 21 days. A detained person may challenge detention by way of Habeus Corpus proceedings.</p> <p>There is no right of appeal against a decision to refuse entry and/or issue a removal order or deportation order. A person who wishes to challenge such a decision can, however, apply for judicial review in the High Court to challenge the lawfulness of that decision. It is not per se a challenge to the detention itself. However, where a person is detained following a decision to refuse entry to the State and challenged that decision, the court may, on application to it, determine whether the person shall continue to be detained or shall be released.</p> <p>There are two key obstacles to accessing effective remedies, including: - the lack of access to independent appeals procedures - the lack of access to civil legal aid and/or legal advice if refused entry to the State and are in detention.</p>	<p>Section 5(3) Immigration Act 2003: http://www.irishstatutebook.ie/eli/2003/act/26/section/5/enacted/en/html#sec5</p> <p>Section 5(3)(b)(iii) Immigration Act 2003: http://www.irishstatutebook.ie/eli/2003/act/26/section/5/enacted/en/html#sec5</p> <p>Section 20 International Protection Act, 2015: http://www.irishstatutebook.ie/eli/2015/act/66/enacted/en/html</p> <p>Section 5 of the Immigration Act 1999 (as amended): http://www.irishstatutebook.ie/eli/2015/act/66/enacted/en/html</p> <p>Section 4(4), Immigration Act 2004: http://www.irishstatutebook.ie/eli/2004/act/1/section/4/enacted/en/html#sec4</p> <p>Section 3(3) Immigration Act 1999: http://www.irishstatutebook.ie/eli/1999/act/22/enacted/en/html</p> <p>Section 20 International Protection Act 2015: http://www.irishstatutebook.ie/eli/2015/act/66/enacted/en/html</p> <p>Article 40.4 of the Irish Constitution.</p> <p>Section 5(4) Immigration Act 2004: http://www.irishstatutebook.ie/eli/2004/act/1/enacted/en/html</p> <p>See: Global Detention Project: Ireland: https://www.globaldetentionproject.org/countries/europe/ireland</p> <p>See also civil society reports:</p>

			<p>detained the right to judicial supervision of the lawfulness of the measure.</p> <p>ECtHR, Mardonshoyev v. Russia (2019): The length of the detention should not exceed that reasonably required for the purpose pursued.</p>	<p>Civil legal aid is not generally available and is not free, as any qualifying applicant must pay a contribution depending on their gross income and capital. Legal aid is not administered by detention facilities. This is consistently one of the primary sources of criticism regarding immigration related detention in Ireland.</p> <p>There is no statutory restriction against the provision of legal aid in return cases – in principle any civil law matter is eligible unless specifically excluded by the Act, subject to the applicant fulfilling a financial ‘means’ test and merits test.</p> <p>In respect of international protection and returns decisions, in principle the scope of legal aid extends to provision of pre-questionnaire and pre-interview advice and submissions, representation at Dublin III appeals and appeals against first instance decisions to refuse international protection. Individuals may apply for and be granted legal aid to make submissions to the Minister following the issuing of a deportation proposal or if applying to revoke a deportation order. There is no information available regarding how many such applications may have been made.</p> <p>In all cases, legal aid is not provided in judicial review proceedings and solicitors must advise clients to obtain immediate private legal representation to pursue this option.</p>	<p>Kelly, M. Immigration Related Detention (ICCL, ICI & IPRT, 2005): https://www.iprt.ie/site/assets/files/5942/immigrationrelated_detention_report.pdf</p> <p>Immigration Detention and Border Control in Ireland (Nasc, 2018): https://nascireland.org/sites/default/files/Nasc-Immigration-Detention-Border-Control-in-Ireland.pdf</p> <p>Email correspondence with Legal Aid Board. See also Legal Aid Board information regarding International Protection private practitioner scheme and Claim Form for Fees (CF1) by panel members: https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/international-protection/</p> <p>See also Information Note for Applicants: https://www.legalaidboard.ie/en/our-services/legal-aid-services/services-for-international-protection-applicants/services/general-information/legal-services.html</p> <p>See Legal Aid Board Best Practice Guidelines regarding Deportation: https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/international-protection/best-practice-guidelines/introduction.html</p> <p>See Department of Justice and Equality, Immigration in Ireland: Annual Review 2018: http://www.inis.gov.ie/en/INIS/Immigration-in-Ireland-Annual-Review-2018.pdf/Files/Immigration-in-Ireland-Annual-Review-2018.pdf</p> <p>See published letter of Irish Refugee Council on changes to international protection system and difficulties accessing legal aid: International Protection Procedure Changes Irish Refugee Council</p>
DET.3.b		Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	<p>Equal Rights Trust, Guidelines (2012): Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.</p>	<p>No. This is consistently one of the primary sources of criticism regarding immigration related detention in Ireland.</p>	<p>See: Global Detention Project: Ireland: https://www.globaldetentionproject.org/countries/europe/ireland</p> <p>See also civil society reports:</p> <p>Kelly, M. Immigration Related Detention (ICCL, ICI & IPRT, 2005): https://www.iprt.ie/site/assets/files/5942/immigrationrelated_detention_report.pdf</p> <p>Immigration Detention and Border Control in Ireland (Nasc, 2018): https://nascireland.org/sites/default/files/Nasc-Immigration-Detention-Border-Control-in-Ireland.pdf</p>
DET.3.c		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<p>Equal Rights Trust, Guidelines (2012): The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.</p>	<p>No. There are no published guidelines in this regard. In individual cases it is apparent that the State authority may have contacted consular officials to make enquiries regarding identity/nationality, etc. but there is no documented procedure. An individual may make a subject access request under FOI to try to ascertain what efforts the State authority has engaged in, but this may not yield any particular results.</p>	<p>Country expert experience dealing with individual cases.</p>
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their	<p>1954 Convention: Article 27</p> <p>UNHCR, Handbook on Protection (2014): Being undocumented cannot be used as a general justification for detention.</p>	<p>No. Persons released from detention are not issued with identification documents unless they have applied for international protection and are issued with a temporary residence certificate or, following an application, if they have been</p>	<p>Section 17 International Protection Act 2015: http://www.irishstatutebook.ie/eli/2015/act/66/enacted/en/print#sec17</p>

		statelessness status) and protected from re-detention?	<p>CMW, General comment No. 5 (2021): There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released.</p> <p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention.</p> <p>Equal Rights Trust, Guidelines (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	issued with a Travel Document. If they apply for another form of residence permission, they will receive written acknowledgement of that but will not receive a residence card until the application is approved. This can, depending on the nature of the application made, take a while (usually +12 months). There is no express protection against re-detention but in practice it is not an issue that arises regularly.	
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	<p>CJEU, Kadzoev, C-357/09 PPU (2009): After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release.</p> <p>Equal Rights Trust, Guidelines (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	<p>There are no specific rights provided for. It will depend on the situation and whether the individual has submitted an application for international protection, whether they have applied for residence and/or whether there is a deportation order in force.</p> <p>If the applicant has applied for international protection, they are entitled to the protections afforded by the Reception Conditions Regulations.</p> <p>Generally, a person who has submitted an application for a non-protection residence permit is not entitled to access social benefits pending a decision, although they may be granted some supports on a discretionary basis by a community welfare officer.</p> <p>A deportation order will remain in force until such time as the Minister for Justice determines an application to revoke the deportation order and, similar to above, a person may be provided some supports on a discretionary basis.</p>	<p>European Communities (Reception Conditions) Regulations 2018, S.I. No. 230 of 2018: http://www.irishstatutebook.ie/eli/2018/si/230/made/en/print</p> <p>Exceptional needs payments: https://www.citizensinformation.ie/en/social_welfare/social_welfare_payments/supplementary_welfare_schemes/exceptional_needs_payments.html</p>
DET.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements? Please also describe whether the child's right to a nationality, and their enjoyment of other fundamental rights in the country of return, are taken into consideration before a decision to return a child is made.	<p>UNHCR, Handbook on Protection (2014): Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.</p> <p>UNCRC, MKAH v Switzerland, no 95/2019 (2021): The State in which a stateless child applies for international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC).</p>	Ireland has no formal bilateral readmission agreements with any third countries other than an agreement with Nigeria, which is not yet formally ratified by the Nigerian authorities.	<p>See: Quinn, E. Strategies Used to Support Return Policy in Ireland National Policy and Practice on Entry Bans and Ireland's Use of Readmission Agreements Strategies Used to Support Return Policy in Ireland National Policy and Practice on Entry Bans and Ireland's Use of Readmission Agreements (EMN, 2015) https://emn.ie/files/p_201507210418562015_IE%20strategies%20to%20support%20return%20online.pdf</p> <p>Immigration Act 1999, section 3</p>
DET.5.b		Are you aware of cases of stateless people being returned under such agreements?		No.	

Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	<p>1954 Convention: Article 32</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p>CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p>ENS (2013): The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should lower legal and practical hurdles to citizenship and establish pathways for naturalisation that are equally accessible to women and men.</p>	<p>In general, applications for Irish nationality by naturalisation may be made by foreign nationals on completion of a five-year 'reckonable residence' period (lawful residence excluding residence as an international student or time spent in the asylum procedure (unless granted refugee status)).</p> <p>In respect of refugees and stateless people, the required residence period is reduced, and applications may be made after three years, although nationality is granted on a discretionary basis.</p> <p>Documentary proofs of residence may include: bank statements showing direct debits for wages, utility bills, wages payslips, employment details, rental agreements or other proofs of home ownership, revenue documentation, utility bills, evidence of enrolment of school children, letters from sports/social clubs, evidence of GP registration, etc.</p> <p>For a stateless person who has not been granted refugee status, they will not be able to avail of the reduced three-year period unless they are able to provide the Minister for Justice with a stateless declaration, which the same Minister for Justice will refuse to issue during any application process. Although two persons are known to have been issued with stateless declarations in 2014 (see UNHCR Scoping Paper), the Minister for Justice and Equality, in reply to a Parliamentary Question in June 2014 has stated that there are “no immediate plans to introduce a formal determination procedure” in Ireland, as it is “necessary to avoid a situation where Ireland, as a small country, could become a destination for stateless persons seeking access to a determination process” and has also verbally confirmed that no further statelessness declarations will be issued.</p>	<p>See generally INCA Act 1956 Act (as amended) and, in particular, sections 15 and 16: Revised Acts (lawreform.ie)</p> <p>For documentary proofs of residence, see information published Department of Justice Guidance Document: Citizenship-Guidance-Document-April-2024.pdf (irishimmigration.ie)</p>
PRS.1.b		Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.	<p>CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.</p>	<p>Yes, in order to be eligible to apply, there is a statutory requirement for all applicants for Irish nationality to be of 'good character'. However, there is no further published guidance as to how this requirement is interpreted and applied by the Minister for Justice. After applying, a comprehensive background/police check is undertaken. Applicants are frequently refused for minor offences, including minor road traffic matters. There is no right of appeal. This issue has been the subject of some litigation before the superior courts challenging decisions of the Minister to refuse applications on this basis, including most recently the Irish Court of Appeal in <i>M.N.N. v Minister for Justice</i> (13 July 2020).</p>	<p>Section 15(1)(b) INCA 1956 (as amended) and section 8 Immigration Act 2003</p> <p>Judgment available at: https://beta.courts.ie/acc/alfresco/2711753c-2505-42df-958d-ec9387d9bf2d/2020_IECA_187%20(Unapproved).pdf/pdf#view=fitH</p>
PRS.1.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children. Are there any direct or indirect barriers to naturalisation caused by	<p>1954 Convention: Article 32</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p>CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p>UNHCR, Background Note on Discrimination in</p>	<p>All applicants must pay the initial application fee of 175 EUR. Refugees and stateless people (if recognised as such) are not required to pay the further 950 EUR if granted.</p> <p>The Minister for Justice has granted Irish nationality to some individuals who have asserted they are stateless and ISD has waived the requirement to provide evidence of identity during the application process. However, the fee waiver for stateless people was not applied, as the applicant could not produce a</p>	<p>See ISD information re. citizenship fees: Become an Irish citizen by naturalisation - Immigration Service Delivery (irishimmigration.ie)</p> <p>See: https://www.oireachtas.ie/en/debates/debate/dail/2014-06-12/</p>

		discriminatory laws, policies, or practices?	<p>Nationality Laws and Statelessness (2021): States should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation.</p> <p>HRC, Resolution 53/16 on the right to a nationality (2023): States should refrain from enacting or maintaining discriminatory nationality legislations, policies, and practices with a view to avoiding statelessness, and eliminating discrimination against all women and girls in the acquisition of nationality.</p>	<p>stateless determination certificate, which the Minister for Justice refuses to issue to stateless person.</p> <p>There are no English or other language tests for any applicants for Irish nationality.</p> <p>Regardless of the category of applicant, all applications for Irish nationality by naturalisation are granted at the absolute discretion of the Minister.</p>	Country expert own knowledge based on dealing with applications.
PRS.2.a	Stateless born on territory	<p>Is there a provision in law for stateless children born on the territory to acquire nationality, regardless of sex, gender, or residence status of their parents?</p> <p>[If yes, continue to PRS2b. If no, proceed to PRS2i]</p>	<p>1961 Convention: Article 1</p> <p>CRC: Article 7</p> <p>ECN: Article 2</p> <p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless.</p> <p>HRC, CCPR General comment No. 17 (1989): States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born.</p> <p>HRC, Resolution 53/16 on the right to a nationality (2023): States should facilitate the acquisition of nationality by children born on their territories or to their nationals abroad who would otherwise be stateless.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should implement the CEDAW and uphold their obligations under the CRC, to ensure the child’s right to acquire their parents’ nationality without discrimination on the basis of sex or residency status, and review and reform nationality laws and practices relating to nationality that discriminate on any prohibited grounds, including on the basis of sex or gender.</p> <p>European Parliament resolution (2018): The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.</p> <p>European Parliament Resolution (2019): States should find a solution to the issue of stateless children within and outside the EU. The European Commission should promote the child’s right to acquire a nationality.</p> <p>Human Rights Committee, D.Z. v. Netherlands (2020): States must adopt every appropriate measure to ensure that every child has a nationality when they are born.</p> <p>UNCRC, MKAH v Switzerland, no 95/2019 (2021): Article 7 CRC requires States to take positive action to implement the right to acquire a nationality.</p>	<p>Yes. Section 6(3) of the Irish Nationality and Citizenship Act 1956 (as amended) provides that "A person born in the island of Ireland is an Irish citizen from birth if he or she is not entitled to citizenship of any other country."</p>	<p>Available at: Revised Acts (lawreform.ie)</p>
PRS.2.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory:</p>	<p>This is not clear. There is no published guidance regarding the statutory provisions and how a child can access the entitlement. Unlike other citizenship applications related to foreign birth or naturalisation, etc. there is no specific application form to be used in this particular situation.</p>	<p>Section 28 Irish Nationality and Citizenship Act 1956 (as amended): Revised Acts (lawreform.ie)</p> <p>Berkeley solicitors, ‘Stateless child born in Ireland granted a certificate of nationality’, 28 August 2020:</p>

			<p>either automatic acquisition upon birth or upon application.</p> <p>ENS, No Child Should Be Stateless (2015): The 1961 Convention and the European Convention on Nationality oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.</p>	<p>Citizenship legislation provides that any person who claims to be an Irish citizen may apply to the Minister for Justice for a certificate of nationality stating that the applicant is, at the date of the certificate, an Irish citizen; and the Minister, if satisfied that (a) the applicant is an Irish citizen, and (b) the issue of the certificate is necessary in all the circumstances of the case, may issue a certificate of nationality to him accordingly. There is no published information on how many applications for certificates of nationality have been made and whether any such applications related to stateless children. At least two cases have been reported of stateless children born in Ireland who were issued certificates of nationality under section 28 of the Irish Nationality and Citizenship Act 1956. However, in a written response to a Parliamentary Question regarding data on the number of such applications made, the Minister for Justice stated that no such applications had been made.</p> <p>A child that is otherwise entitled to Irish nationality at birth would generally just make an application for an Irish passport and provide documentary evidence to support the birth right entitlement. However, there is no published guidance regarding an application for an Irish passport where the birthright criteria are not met, and an applicant is relying on the 'stateless saver' provision (i.e. on the fact that they are 'not entitled to nationality of any other country' per section 6(3) referred to above).</p> <p>There is no reference to stateless children in the Passports Act 2008 or in the general guidance regarding passport applications.</p>	<p>https://berkeleysolicitors.ie/stateless-child-born-in-ireland-granted-a-certificate-of-nationality/</p> <p>See recent blog post of Berkeley solicitors regarding a further stateless child issued a certificate of nationality in July 2021: https://berkeleysolicitors.ie/tag/stateless-in-ireland/</p> <p>Passports Act 2008: http://www.irishstatutebook.ie/eli/2008/act/4/enacted/en/print.html</p>
PRS.2.c	Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.	No public information in this regard.		
PRS.2.d	Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012) : The test is not an inquiry into whether a child's parents are stateless. ENS, No Child Should Be Stateless (2015) : Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.	No.	Section 6(3) of the INCA 1956 (as amended): Revised Acts (lawreform.ie)	
PRS.2.e	Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	UNHCR, Guidelines on Statelessness No. 4 (2012) : A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities, but in the case of children the State assumes a greater share of the	There is no available published information or guidance regarding State practice in this regard. It is considered likely that any application on this basis would be considerably scrutinised and that a child (or parent/guardian acting on their behalf) would have to provide evidence that efforts had been made to acquire nationality of their parents' country of nationality/birth/habitual residence and/or were not entitled to nationality of their parents' country of nationality/birth/habitual residence.	Country expert practice.	

			burden of proof. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected. Human Rights Committee, D.Z. v. Netherlands (2020) : The burden of proof must be shared between the claimant and the authorities of the contracting State to obtain evidence and to establish the facts as to whether an individual would otherwise be stateless.		
PRS.2.f	Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	1961 Convention : Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012) : States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all. CRC : Articles 3 & 7 Committee on the Rights of the Child, Concluding observations on the Netherlands (2015) : Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions. ECN : Article 6(2)(b)	No. In addition to the provisions of section 6(3) which provides for an entitlement to Irish nationality for a child born in Ireland that would otherwise be stateless, in the absence of any successful 'application' on this basis, it would also be possible for an application for Irish nationality by naturalisation to be submitted on their behalf after five years 'reckonable residence' in Ireland. Residence permission for children is derived through their parents and certain periods of time are not deemed reckonable including time spent in Ireland without a formal residence permission, time spent as an international student or as an asylum seeker. Applications are granted on a discretionary basis.	Section 15(1)(a)(ii) Irish Nationality and Citizenship Act: Revised Acts (lawreform.ie)	
PRS.2.g	Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	Committee on the Rights of the Child, Concluding observations on Czech Republic (2011) : The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State. ENS, No Child Should Be Stateless (2015) : Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.	No. However, see PRS. 2.f. above.		
PRS.2.h	What are the age limits and fees (if any) for making an application for nationality for a stateless person born on the territory?	1961 Convention : Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012) : Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. Where Contracting States grant nationality to individuals who would otherwise be stateless upon application, they are encouraged to accept such applications free of charge. ENS, No Child Should Be Stateless (2015) : Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.	No age limits and no fees are prescribed by the legislation.	Section 6(3) INCA 1956 (as amended): Revised Acts (lawreform.ie)	
PRS.2.i	Are there specific provisions to protect the right to a nationality of children born to refugees?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities. UNHCR, Best Interests Procedure Guidelines: Assessing and Determining the Best Interests of the	No. Until recently, it was the practice of the Department of Foreign Affairs (DFA) Passport Office to issue an Irish passport to children born to refugees in Ireland irrespective of whether the usual criteria for birth right nationality were met (i.e. that one parent is an Irish national or that one parent meets three years reckonable residence in Ireland prior to birth)(section 6A Irish Nationality and Citizenship Act 1956 (as amended). The statutory basis for this was unclear but it was considered that section 6A(2)(d)(i) applied. This	Section 6A2(d)(i) INCA 1956 (as amended): Revised Acts (lawreform.ie)	

			<p>Child (2021): The best interests principle applies to all children within the territory of the State, irrespective of their status.</p>	<p>provision sets out that section 6A does not apply if a person is born in the island of Ireland to "parents at least one of whom was at the time of the person's birth a person entitled to reside in the State without any restriction on his or her period of residence (including in accordance with a permission granted under section 4 of the Act of 2004)". Following the refusal of the DFA Passport Office to issue a passport to a child born to parents holding subsidiary protection status, a legal challenge was brought by way of judicial review proceedings by the child's parents in respect of the refusal to issue a passport. Pending the determination of the case, the DFA Passport Office has stopped issuing passports to children born to refugees also.</p> <p>In February 2024, the High Court upheld the decision of the DFA to refuse the passport application, determining that subsidiary protection is not an open-ended right of residence expressing the view that the renewal of subsidiary protection is subject to a person continuing to have a declaration of subsidiary protection (i.e. their renewal is contingent on them still fulfilling the conditions required to be a subsidiary protection holder), and there not being relevant circumstances of national security or public order which would prevent the State from renewing. She states that the relevant provisions in the International Protection Act 2015 do not give subsidiary protection holders a right to mandatory renewal of their permission and it is in fact conditional on these two possibilities.</p> <p>The case is now the subject of a 'leapfrog' appeal to the Irish Supreme Court. The case was listed for hearing in early November 2024 and judgment is awaited.</p>	<p>T.R.I (a minor) v Minister for Foreign Affairs et al [2024] IEHC 96 available at: pdf (courts.ie)</p>
PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	<p>1961 Convention: Article 2 ECN: Article 6(1)(b)</p>	<p>Yes, in theory. The legislation provides that "Every deserted newborn child first found in the State shall, unless the contrary is proved, be deemed to have been born in the island of Ireland to parents at least one of whom is an Irish citizen."</p> <p>However, similar to PRS.2.b. there is no published guidance regarding the statutory provisions and how a child would access the entitlement. Unlike other nationality applications related to foreign birth or naturalisation, etc. there is no specific application form to be used in this particular situation.</p>	<p>Section 10 INCA 1956 (as amended): Revised Acts (lawreform.ie)</p>
PRS.3.b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.</p>	<p>See above. The statutory provision refers to 'newborn child' but there is no apparent time limit within which the entitlement must be asserted.</p>	<p>Section 10 INCA 1956 (as amended): Revised Acts (lawreform.ie)</p>
PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.</p>	<p>There are no provisions in Irish law regarding revocation of nationality granted at birth. Revocation is only a possibility for certificates of naturalisation. See further below at PRS.8.b.</p>	<p>Section 19 INCA 1956 (as amended): Revised Acts (lawreform.ie) See also section 3(b) of the of the Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024</p>

PRS.4.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	<p>1961 Convention: Article 5</p> <p>European Convention on the Adoption of Children (2008): Article 12</p> <p>ENS, No Child Should Be Stateless (2015): Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.</p>	No.	
PRS.4.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	<p>ECN: Article 6(4)(d)</p> <p>European Convention on the Adoption of Children (2008): Article 12</p> <p>Committee on the Rights of the Child, Concluding Observations on Switzerland (2015): Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.</p>	Yes. The legislation provides that upon an adoption order being made, within the meaning of section 3 (1) of the Adoption Act 2010 or an intercountry adoption effected outside the State being recognised within the meaning of that Act" in a case in which the adopter or, where the adoption is by a married couple, either spouse is an Irish citizen, the adopted child, if not already an Irish citizen, shall be an Irish citizen." There are no age limits.	Section 11 INCA 1956 (as amended): Revised Acts (lawreform.ie)
PRS.5.a	Ius sanguinis	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	<p>1961 Convention: Article 4</p> <p>UNHCR, Guidelines on Statelessness No. 4 (2012): Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.</p>	Yes, including for children born abroad to Irish nationals by naturalisation. However, they must apply for Foreign Birth Registration rather than simply apply for an Irish passport. During the pandemic, Foreign Birth Registration was suspended temporarily but processing resumed on 15 November 2021. Applications can take more than two years to be processed.	Section 7 INCA 1956 (as amended): Revised Acts (lawreform.ie) Department of Foreign Affairs, Foreign Birth Registration: https://www.dfa.ie/citizenship/born-abroad/registering-a-foreign-birth/
PRS.5.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<p>ECtHR, Genovese v. Malta (2011): The State must ensure that the right to nationality is secured without discrimination.</p> <p>CEDAW, Gen. Rec. 32 (2014): Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed.</p> <p>UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness (2024): Nationality laws which do not grant women equality with men in conferring nationality to their children are a cause of statelessness.</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 4</p> <p>HRC, Resolution 53/16 on the right to a nationality (2023): States should eliminate discrimination against all women and girls in the conferral of nationality on their children.</p>	<p>Although the statutory provisions are gender neutral and refer to 'parent', there are some possible risks arising in practice due to the current lack of legislation/comprehensive regulation of all forms of assisted human reproduction, including surrogacy and reciprocal IVF. This may have consequences particularly for some children, particularly of same sex couples, born outside of the State and if the Irish parent is not a birth parent.</p> <p>The Supreme Court case (<i>A, B and C v Minister for Foreign Affairs and Trade</i>) on this issue was delivered in May 2023. The Irish Human Rights and Equality Commission acted as amicus curiae. The case concerned A and B, a same sex couple who lived in England and had a child through gestational surrogacy. The child, C, was conceived using eggs donated by an anonymous donor inseminated with sperm from B. The surrogate, D, was named as C's mother on the birth certificate, along with B as the child's father. The couple, A and B, obtained an order from the courts of England and Wales recognising A as C's parent, with a new birth certificate issued. Whereas B is a British citizen, A is both a British and Irish citizen.</p> <p>A and B then applied for an Irish passport for their child. Under section 7(1) of the INCA1956 (as amended), a person is an Irish national if at the time of their birth, either parent was an Irish national. They were notified of the Minister's intention to refuse the passport application because A was not the child's father at the time of birth. The applicants sought an order of mandamus in the High Court to direct the Minister to decide whether a passport should be issued to C. In the High Court, Barrett J. agreed with the applicants that C was an Irish national. The Minister appealed this to the Supreme Court.</p>	<p>Children and Family Relationships Act 2015: http://www.irishstatutebook.ie/eli/2015/act/9/enacted/en/html</p> <p>The issue has received some recent media attention: https://www.thejournal.ie/parental-rights-legislation-limbo-noteworthy-5148504-Jul2020/</p> <p>See also information published by LGBT Ireland on this issue: https://lgbt.ie/important-information-on-the-children-and-family-relationships-act-cfra-2015/</p> <p>Supreme Court, <i>A, B and C v the Minister for Foreign Affairs and Trade</i>: pdf (courts.ie)</p> <p>Health (Assisted Human Reproduction) Act 2024: Health (Assisted Human Reproduction) Act 2024 – No. 18 of 2024 – Houses of the Oireachtas</p>

				<p>The Supreme Court held that A was not C’s parent for section 7(1) of the INCA 1956 (as amended). While the order issued by the courts of England and Wales recognising A as the parent of the child could be recognised in principle by the private international law of the State, the interpretation of the term ‘parent(s)’ in Irish law depends on the language, context and objective of the specific piece of legislation. The term parent that is used in section 7(1) of the 1956 Act was held to refer only to the genetic father of the child and the birth mother.</p> <p>The applicants advanced various arguments under the Constitution and the European Convention of Human Rights (ECHR), according to which C would be entitled to Irish nationality. The Court held that even if well placed, it is not possible to construe the term ‘parent’ in section 7(1) to include A, because it would alter the legislative scheme from which it was enacted. It was held that the Court was not in a position to grant the applicants’ orders to strike down the provisions of s. 7(1) on grounds of unconstitutionality for the reasons put forward in the case and this declaratory relief was not sought by the applicants. Similarly, the Court, for the same reasons, was not able to grant a declaration of incompatibility under the 2003 Act.</p> <p>In 2024, the Health (Assisted Human Reproduction) Bill was enacted and makes provisions for the intending parent/s to apply for parental orders. This may assist to address previous gaps in the law but, as only recently enacted, there is no information yet available whether the gaps have been addressed.</p>	
<p>PRS.6.a</p>	<p>Birth registration</p>	<p>Does the law provide that all children are registered immediately upon birth regardless of ethnicity, disability, illness, the migration or residence status, sexual and/or gender identity of their parents, or other characteristics?</p>	<p>CRC: Article 7 ICCPR: Article 24(2) ECHR: Article 8 CoE, Recommendation CM/Rec(2009)13 (2009): Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown. UNHCR, Guidelines on Statelessness No. 4 (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7 UN Sustainable Development Goal 16.9 CRC, General comment No. 15 (2013): Universal free birth registration is a prerequisite for barriers to children’s access to health services to be identified and eliminated. Joint general recommendation No. 31 CEDAW and No. 18 CRC (2019): A national system of compulsory, accessible and free birth registration should be established in order to effectively prevent harmful practices. European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on States to overcome discrimination against rainbow persons and families. UNHCR, Best Interests Procedure Guidelines (2021): The best interests procedures involve the referral of children to multisectoral services, based on the</p>	<p>Registration is a legal requirement in Ireland, and it is required to register the birth of a child no later than three months after his or her birth.</p>	<p>Section 19 Civil Registration Act 2004: http://www.irishstatutebook.ie/eli/2004/act/3/enacted/en/html</p>

			<p>specific needs of the child and their family, including birth registration.</p> <p>UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p> <p>HRC, Resolution 52/25 on birth registration (2023): States must register all births without discrimination of any kind. Efforts should be made to register all children as early as possible, but not later than one year after their birth.</p> <p>HRC, Resolution 53/16 on the right to a nationality (2023): States should identify and remove physical, administrative, procedural and any other barriers that impede access to registration, establish or strengthen existing institutions at all levels responsible for birth registration, and remove policies requiring proof of marriage for a parent to register their child's birth.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should uphold the equal right to register births and access birth certificates without discrimination, including on the basis of sex, gender, or marital status.</p> <p>Standing Committee of European Doctors (2024): Doctors must be enabled to practice free from undue interference of administration.</p>		
<p>PRS.6.b</p>		<p>Are all children issued with birth certificates upon registration, regardless of ethnicity, disability, illness, their or family members' residence status/documentation, or parents' sexual or gender identity? If no, please describe legal status of documentation issued.</p>	<p>HRC, Resolution 20/04 on the right to a nationality (2012): Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members.</p> <p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.</p> <p>CRC, General Comment No. 7 (2005): States parties should take all necessary measures to ensure that all children are registered at birth. This can be achieved through a universal, well-managed registration system that is accessible to all and free of charge. An effective system must be flexible and responsive to the circumstances of families.</p> <p>HRC, Resolution 53/16 on the right to a nationality (2023)</p> <p>HRC, Resolution 52/25 on birth registration (2023)</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023)</p> <p>ECtHR, G.T.B. v. Spain (2023): States have a positive obligation to assist the child in obtaining a birth certificate and identity documents.</p>	<p>Following notification of the birth to the birth registration office, a birth certificate is generally issued within two weeks.</p>	<p>Country expert casework practice.</p>

PRS.6.c	Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	CRC: Articles 3 & 7	No. The form to register the child's birth seeks information regarding the child's parents' nationality but does not record the child's nationality.	Birth Registration Form: file:///C:/Users/Spare/Downloads/71831_c8d6228ba2fd497dae0e0ba6274e77ff.pdf
PRS.6.d	If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines, competent authority, and whether the child's best interests are taken into consideration.	CRC: Articles 3 & 7 1961 Convention: Articles 1 & 4 UNHCR, Guidelines on Statelessness No. 4 (2012) : States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years. HRC, CCPR General comment No. 17 (1989) : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. UNHCR, Best Interests Procedure Guidelines (2021) Human Rights Committee, D.Z. v. Netherlands (2020)	For children who are entitled to Irish nationality, this is generally done by way of an application for an Irish passport, if such an application is made. There is no other State procedure for determining nationality of children. There is also no requirement to have an identity card, as Ireland does not issue them.	Country expert casework practice.
PRS.6.e	Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)?	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed. Global Compact for Safe, Orderly and Regular Migration : States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration. Global Compact on Refugees : States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents. European Parliament Resolution (2018) : Calls on Member States to take immediate corrective measures to stop discriminatory birth registration. European Parliament, Resolution on LGBTIQ rights in the EU (2021) : Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents. HRC, Resolution 52/25 on birth registration (2023) UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021) : All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed. Court of Justice of the European Union, V.M.A. v Bulgaria, Case C-490/20 (2021) : Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a	There are reports in a small number of cases of obstacles for children being born outside of the jurisdiction to Irish parents through assisted human reproduction or surrogacy being unable to avail of Irish citizenship due to current gaps in the legal recognition of parentage in respect of a parent who is not a birth parent or biologically related to the child. In 2024, the Health (Assisted Human Reproduction) Act was published, which makes provisions for the intending parent/s to apply for parental orders. This may assist to address previous gaps in the law but, as only recently enacted, there is no information yet available whether the gaps have been addressed. See above at PRS.5.b regarding the Supreme Court case on nationality rights of surrogate children.	See for example the report regarding 'Baby Sofia' born in Spain to a Polish and Irish parents and the related CJEU preliminary ruling from in Case C-2/21: https://ilga-europe.org/news/rainbow-families-have-the-right-to-move-and-reside-freely-eu-court-reiterates/ Health (Assisted Human Reproduction Bill 2024 Health (Assisted Human Reproduction) Act 2024 – No. 18 of 2024 – Houses of the Oireachtas A, B and C v the Minister for Foreign Affairs and Trade: pdf(courts.ie)

			national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex. ECtHR, Mennesson v. France (2014) : States must grant legal recognition of parent-child relationship legally established abroad for children born through surrogacy. ECtHR, D.B. and others v. Switzerland (2022) : Domestic law must provide a possibility of recognition of a legal parent-child relationship between the child born abroad through surrogacy to a same-sex couple and the intended parent.		
PRS.6.f		Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC and Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC : Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children’s personal data, in particular biometric data, should only be used for child protection purposes. CoE, ECRI General Policy Recommendation No. 16(2016) : States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.	No. Data sharing between public bodies is provided for and regulated by the Data Sharing and Governance Act 2019. Per section 13, a public body may disclose personal data to another public body, only where the personal data concerned is disclosed for the purpose of the performance of a function of the first or second mentioned public body, and for one or more specific purposes set out in the legislation, including to verify the identity of a person, to establish the entitlement of a person to the provision of a service being delivered and to facilitate the administration, supervision and control of a service, programme or policy delivered or implemented or being delivered or implemented. Although data sharing is permitted and may deter some undocumented persons from seeking to access some services, there is no reported evidence that it acts as a deterrent to individuals seeking to access maternity or other health services, registering the birth of children, etc.	
PRS.6.g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. HRC, Resolution 20/04 on the right to a nationality (2012) : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child. HRC, Resolution 52/25 on birth registration (2023) CRC, General Comment No 7 (2005) : States should facilitate late registration of birth and ensure that children who have not been registered have equal access to health care, protection, education and other social services. CRC, General comment No. 20 (2016) : The lack of birth registration can result in significant additional complications during adolescence. Adolescents who have not been registered at birth or immediately after should be provided with free late birth certificates and civil registration. Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023) : States should reduce or remove administrative and financial barriers, such as late registration fees, that inhibit or delay registration.	Yes, there is a statutory requirement to register a birth within three months. See PRS.5.a. It is also possible to register a birth late on application. The legislation provides that the Chief Registrar shall not register a birth more than 12 months after the date of birth unless the consent in writing has been obtained from the Superintendent Registrar. Enquiry submitted to the Late Registration Unit regarding the legislation/admin procedure and response awaited.	
PRS.6.h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please	As above	It is also possible to register a birth late on application to the Chief Registrar. Enquiry submitted to the Late Registration Unit regarding the legislation/admin procedure and response awaited.	

		describe the procedure including the competent authority and procedural deadlines.			
PRS.7.a	Reducing <i>in situ</i> statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 7	Information regarding birth registration is readily available from the State authority, published on the Citizenship Information Service and information regarding birth registration requirements is generally provided to parents at the time of birth, if in a clinical setting. Medical social workers also assist parents with the process as may be required.	See: https://www.citizensinformation.ie/en/birth_family_relationships/after_your_baby_is_born/registering_birth_your_baby.html Information provided to expectant parents at the Rotunda maternity hospital: https://rotunda.ie/caring-for-baby/
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless or without their nationality confirmed/determined? Please provide details and source of information.	1961 Convention : Article 9 UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4 HRC, Recommendations of the Forum on Minority Issues (2019) : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	No, most reported instances of statelessness/risk of statelessness occur among migrant/refugee populations in Ireland, including Roma, persons born in former USSR, and persons from particular communities such as Rohingya or Bidoon.	See generally: UNHCR Scoping Paper: Statelessness in Ireland, 2014: https://www.refworld.org/pdfid/5448b6344.pdf UNHCR Mapping Statelessness in Ireland, 2022: 2022_Statelessness_Ireland-print (2).pdf (unhcr.org)
PRS.7.c		Has the State implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	1961 Convention UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Actions 1 & 8 UNHCR, Good Practices Paper - Action 1 (2022) : States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality. UN Guiding Principles on Internal Displacement (1998) : Principle 20 HRC, Resolution 53/16 on the right to a nationality (2023) : States should undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities, including those in hard-to-reach areas or nomadic persons, are aware of and able to exercise their rights, including the right of everyone to a nationality. Measures taken should be developed, designed, implemented and reviewed with the effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities. HRC, Resolution 52/25 on birth registration (2023) Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023) : States should conduct public awareness-raising campaigns, establish accessible civil registration units, and implement outreach programmes in remote and marginalised communities. States should sensitise and train health workers and civil registry officials with regard to statelessness and in a gender-sensitive manner. ENS, Statelessness and the prohibition on discrimination against Romani communities (2023) : States must protect against arbitrary differential treatment and implement non-discriminatory policies to prevent the further marginalisation of persons already in a position of vulnerability. States	No.	

			should adopt and implement effective policies and measures to combat intersecting forms of discrimination, including in relation to Romani people who are also stateless or without their nationality confirmed/determined.		
PRS.8.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	<p>1961 Convention: Article 8 & 9 ECN: Article 7(3) UDHR: Article 15(2) Principles on Deprivation of Nationality and the Draft Commentary: Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 & 6 HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009): para. 23 UNHCR Guidelines on Statelessness No.5 (2020): the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification). ILEC Guidelines (2015): Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable. CoE, PACE Resolution 2263 (2019): States should repeal any laws that would allow arbitrary deprivation of nationality; provide for safeguards against statelessness; abolish or refrain from introducing administrative procedures allowing for the deprivation of nationality not based on a criminal conviction; refrain from depriving minors of their nationality. ECtHR, Usmanov v. Russia (2020): A decision on deprivation of nationality must assess the consequences for the person and whether the measure is arbitrary. CJEU, Rottmann (2010): Decisions withdrawing nationality must be afforded a reasonable period of time in order to try to recover the nationality of their Member State of origin. CJEU, JY (2022): Decisions to revoke an assurance that nationality will be granted must be proportionate and consistent with EU law. CJEU, Tjebbes (2019): The loss of nationality must respect the principle of proportionality and national authorities must perform an individual assessment of the consequences for the applicants.</p>	<p>Yes. Irish law provides that Irish citizenship granted by naturalisation may be revoked if the Minister for Justice is satisfied –</p> <p>(a) that the issue of the naturalisation certificate was procured by fraud, misrepresentation whether innocent or fraudulent, or concealment of material facts or circumstances, or</p> <p>(b) that the person to whom the naturalisation certificate was granted has, by any overt act, failed in their duty of fidelity to the nation and loyalty to the State, or</p> <p>(c) that the person to whom it is granted has been ordinarily resident outside the State (otherwise than in the public service) for a continuous period of seven years and without reasonable excuse has not during that period registered annually in the prescribed manner their name and a declaration of their intention to retain Irish citizenship with an Irish diplomatic mission or consular office or with the Minister, or</p> <p>(d) that the person to whom it is granted is also, under the law of a country at war with the State, a citizen of that country, or</p> <p>(e) that the person to whom it is granted has by any voluntary act, other than marriage or entry into a civil partnership, acquired another citizenship.</p> <p>Although section 19(2) provides that "Before revocation of a certificate of naturalisation the Minister shall give such notice as may be prescribed to the person to whom the certificate was granted of his intention to revoke the certificate, stating the grounds therefor and the right of that person to apply to the Minister for an inquiry as to the reasons for the revocation", there is no explicit safeguard ensuring that Irish nationality will not be revoked if the revocation would result in statelessness.</p> <p>In addition to the statutory provisions in relation to revocation of Irish nationality granted by naturalisation, there are also statutory provisions relating to the refusal to issue an Irish passport and/or cancellation and surrender of passports that have been issued. This may happen, for example, where the Passport Office has issued a passport in error to a child born in Ireland but who did not qualify for nationality at birth as a parent was not an Irish national and/or did not fulfil the necessary residence criteria prior to the child's birth. Although there is an appeal procedure, there is no explicit safeguard to protect against statelessness pending the conclusion of the legal process. In the High Court, Humphreys J held that where the Minister proposes cancelling a passport, fair procedures may require that advance notice of that intention is given along with an opportunity to make representations as to why the passport should not be cancelled, e.g., if the child was to be rendered stateless by the cancellation.</p>	<p>Section 19 INCA 1956 (as amended): Revised Acts (lawreform.ie)</p> <p>Sections 12, 18 and 19 Passports Act 2008: http://www.irishstatutebook.ie/eli/2008/act/4/enacted/en/print#sec12</p> <p>Islam v Minister for Justice [2019] IEHC 559: https://beta.courts.ie/acc/alfresco/24a5d17f-2fd5-4d67-96b8-024524c827ac/2019_IEHC_559_1.pdf/pdf#view=fitH</p>
PRS.8.b		Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial	<p>1961 Convention: Article 8(4) ECN: Articles 10 to 13 ECHR: Article 8 Charter of Fundamental Rights: Article 7 Principles on Deprivation of Nationality: Principle 7. Deprivation of nationality must be carried out in</p>	<p>If a person who receives Ministerial notice regarding intended revocation of nationality wishes to apply for an Inquiry, the application for an Inquiry will be referred to a Committee of Inquiry, which is required to report its findings to the Minister. The Minister for Justice and/or ISD does not publish information regarding the Committee of Inquiry procedures. A person who has</p>	<p>Section 19 (3) INCA 1956 (as amended): Revised Acts (lawreform.ie)</p> <p>See also: Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024</p>

		<p>oversight, appeal, time limit, subject to prior sentencing)? Please state if deprivation of nationality is only ever carried out in pursuance of a legitimate purpose, is provided for by law, is necessary, proportionate, in accordance with procedural safeguards, and in accordance with the right to respect for private and family life. Please also state if a reasonable period of time is afforded to allow recovery of the nationality of the State of origin in case of withdrawal of nationality.</p>	<p>pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation. ILEC Guidelines (2015): The consequences of a decision to deprive somebody of their nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore. CoE, PACE Resolution 2263 (2019): States should abolish or refrain from introducing administrative procedures allowing for the deprivation of nationality not based on a criminal conviction; refrain from depriving nationals of their nationality. ECtHR, Usmanov v. Russia (2020) CJEU, Rottmann (2010) CJEU, JY (2022) CJEU, Tjebbes (2019)</p>	<p>been notified of an intention to revoke nationality may request a copy of the procedures and the procedures are available under Freedom of Information.</p> <p>In June 2024, the Minister for Justice confirmed that the Irish Government intended to bring forward legislation amending the legislative provisions regarding revocation of nationality. In July 2024, the Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024 was enacted. The law provides that, where one of the grounds allowing for revocation of Irish nationality by naturalisation exists, the Minister shall give notice of intention to revoke nationality. The person to whom the notice is given may make representations in writing within 28 days. If the Minister then decides to proceed with the revocation, the person affected may request within 14 days that an Inquiry is held. Grounds for revocation include “insufficient fidelity to the state”. Various organisations including the Irish Human Rights and Equality Commission have expressed concerns that the law puts naturalised Irish nationals at risk of statelessness and “does not provide the procedural safeguards required to meet the high standards of natural justice”, due to the lack of clarity on the appropriate threshold for the Minister to initiate a revocation process, the short and unreasonable timeframes for a naturalised nationals facing revocation of citizenship to engage in the process, the control that the Minister has in establishing and filling positions on a Committee of Inquiry, and the extent to which procedural safeguards can be circumscribed when issues of national security are raised.</p> <p>Until recent years, there were no known /published details regarding any cases where Irish nationality was revoked. Notwithstanding, the provisions regarding revocation have long been questioned as being dubious from a constitutional perspective with leading academic constitutional lawyers proffering the view that “The constitutionality of this provision seems highly questionable, partly because of the drastic nature of revocation of citizenship and the consequent question whether anyone other than a judge in a court could order it and partly because the criterion here set up is so vague that it invites an unpredictable, subjective application of a kind hostile to the concept of ‘due process’ or ‘due course of law’.”</p> <p>Since 2018, the Minister for Justice has exercised the revocation procedures in a number of cases, which remain ongoing before the Irish Superior Courts. In October 2020, the Irish Supreme Court ruled that the current revocation procedure under section 19 of the Irish Nationality and Citizenship Act 1956 is unconstitutional. The Supreme Court noted that an individual facing the prospect of revocation of a certificate of naturalisation must be entitled to a process which provides minimum procedural safeguards including an independent and impartial decision-maker (Damache v Minister for Justice [2020] ISEC 63). The Irish Human Rights and Equality Commission noted that the outcome of this case may have an effect on a large number of other cases.</p> <p>It is understood that to date, five revocations of naturalisation have taken place arising from voluntary revocation or information coming to light regarding identity, which were effectively</p>	<p>For details on Committee of Inquiry, see: Single Person Committee of Inquiry set up to review refusals of Irish Citizenship where National Security concerns arise - Immigration Service Delivery (irishimmigration.ie) Country expert experience.</p> <p>Revocation of Irish Citizenship - Immigration Service Delivery (irishimmigration.ie)</p> <p>'Law to strip citizenship to be enacted before Dáil break', RTE, 18th June 2024: Law to strip citizenship to be enacted before Dáil break (rte.ie)</p> <p>Section 3(b) Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024.</p> <p>Hogan and Whyte in JM Kelly: The Irish Constitution (2003)</p> <p>See link Irish Times article Carolan, M. Supreme Court to decide legality of process to revoke Irish citizenship [16/06/2020: https://www.irishtimes.com/news/crime-and-law/courts/high-court/supreme-court-to-decide-legality-of-process-to-revoke-irish-citizenship-1.4280953#:~:text=The%20Supreme%20Court%20has%20reserved%20judgment%20on%20a,who%20became%20a%20naturalised%20Irish%20citizen%20in%202008.</p> <p>The judgment of the lower courts is available at: https://beta.courts.ie/acc/alfresco/790861e8-22ef-44de-9e1b-8401147bed00/2019_IHC_444_1.pdf/pdf#view=fitH</p> <p>Damache v Minister for Justice [2020] ISEC 63), available at https://www.courts.ie/acc/alfresco/9f6e2c6d-eb77-4c9f-ad57-ffe7ffc65f6/2020_IESC_63.pdf/pdf#view=fitH http://www.justice.ie/en/JELR/Pages/PQ-11-12-2018-238</p> <p>https://www.irishimmigration.ie/how-to-become-a-citizen/revocation-of-irish-citizenship/</p>
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				uncontested. There have been several proposals to revoke naturalisation issued in recent years, but the determination of those cases was effectively suspended awaiting the outcome of the Damache case and it is not known how these cases have been dealt with since the judgment, and prior to the recently introduced amendments to section 19 by section 3(b) of the 2024 Act.	
PRS.8.c		Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		Yes, see above at PRS.8.a. and PRS.8.b. It is not known whether they have been applied where it resulted in statelessness and there is no published information.	
PRS.8.d		Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	1961 Convention : Article 7 ECN : Articles 7 and 8	Renunciation is provided for by law, which provides that "If an Irish citizen of full age is or is about to become a citizen of another country and for that reason desires to renounce citizenship, he or she may do so, if ordinarily resident outside the State, by lodging with the Minister a declaration of alienage in the prescribed manner, and, upon lodgement of the declaration or, if not then a citizen of that country, upon becoming such, shall cease to be an Irish citizen." While there is no explicit safeguard protecting against statelessness, the provision does envisage that there is no cessation in respect of Irish nationality until the person concerned has become a national of another country.	Section 21 INCA 1956 (as amended): Revised Acts (lawreform.ie)
PRS.8.e		Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	Principles on Deprivation of Nationality Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards. UNHCR Guidelines on Statelessness No.5 (2020) : Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct. CoE, PACE Resolution 2263 (2019) : States should review provisions allowing for deprivation of nationality on terrorism grounds in light of international human rights obligations, refrain from applying this measure and envisage and prioritise wider use of other counter-terrorism measures.	No.	See INCA 1956 (as amended): https://www.irishimmigration.ie/wp-content/uploads/2019/11/Irish-Nationality-and-Citizenship-Act-1956-Reference-Version.pdf
PRS.8.f		Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	ICCPR : Article 26 1961 Convention : Article 9 ECN : Article 5 Principles on Deprivation of Nationality : Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals. CoE, PACE Resolution 2263 (2019) : States should not discriminate between citizens on the basis of the way	Yes. The provisions on deprivation of nationality affect only naturalised Irish nationals, not Irish nationals by birth, so are considered discriminatory	Section 19 INCA 1956 (as amended): Revised Acts (lawreform.ie)

			in which they have acquired nationality, in order to avoid indirect discrimination against minorities.		
PRS.8.g		Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.	<p>1961 Convention: Article 6 CRC: Articles 2(2), 7 and 8 CEDAW: Article 9(1) Principles on Deprivation of Nationality: States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).</p>	<p>No.</p> <p>Although not directly related to deprivation of nationality of a parent/spouse, in June 2022, the Irish Supreme Court issued a judgment in joined cases regarding revocation/ refusal to issue a new Irish passport to children who derived nationality through a parent holding refugee status declarations, which were subsequently revoked on grounds that the relevant parent provided false and misleading information during the protection process. Consequently, the children who derived Irish nationality through their parents' established residence status, were deemed not to be Irish nationals as the criteria were no longer met, as the Irish authorities deemed the refugee status to be void <i>ab initio</i>. The Supreme Court rejected that position and held that the revocation did not render the parents' status void <i>ab initio</i> having regard to the Minister's discretion to refuse to revoke, if he or she considers it appropriate to do so and that neither the statutory framework for the revocation of citizenship nor the statutory framework for the revocation of refugee status provided for retrospective revocation. Consequently, a declaration of refugee status is valid unless and until revoked. Although there is not yet information available on the implications of this Supreme Court judgment, it could potentially be interpreted as meaning that any rights that derive from the person's refugee status until its revocation also remain valid, including the child's automatic acquisition of Irish nationality. It is likely that it would not affect an important number of people and the issues arising after the judgment are very complex.</p>	<p>Supreme Court judgment in M v The Minister for Foreign Affairs [2022]IESC 25: https://caselaw.statelessness.eu/caselaw/ireland-um-v-minister-foreign-affairs-and-trade-others Full judgment: https://caselaw.statelessness.eu/sites/default/files/decisions/M%20v-%20The%20Minister%20for%20Foreign%20Affairs%20%26%20ano r%20%5B2022%5D%20IESC%2025.pdf</p>

Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		<p>An outline synopsis of relevant High Court judgments is contained in the UNHCR Scoping Paper 2014.</p> <p>Supreme Court, A, B, C v Minister for Foreign Affairs, 9 May 2023, https://www.courts.ie/acc/alfresco/d2f91f33-75a6-4b89-b779-e87c317192e1/2023_IESC_10_(Murray_J).pdf/pdf#view=fitH</p> <p>See also more recent decision of the Court of Appeal in FF v Minister for Justice, Equality and Law Reform [2017] IECA 273. A summary of the case is available at p.81 here: https://emn.ie/files/p_20181129024054Annual%20Report%20on%20Migration%20and%20Asylum%202017_online_cover.pdf</p> <p>See also the High Court decision in BDR v Refugee Appeals Tribunal [2016] IEHC 274. A summary of the case is available at p. 65 here: https://emn.ie/files/p_20171121105707Annual%20Report%20on%20Migration%20and%20Asylum%202016_online.pdf</p> <p>Supreme Court decision in Damache v Minister for Justice [2020] ISEC 63.</p>	<p>See pp. 21-26 of the Scoping Paper: https://www.refworld.org/pdfid/5448b6344.pdf</p> <p>A, B, C v Minister for Foreign Affairs, 9 May 2023, https://www.courts.ie/acc/alfresco/d2f91f33-75a6-4b89-b779-e87c317192e1/2023_IESC_10_(Murray_J).pdf/pdf#view=fitH</p> <p>FF v Minister for Justice, Equality and Law Reform [2017]: http://courts.ie/Judgments.nsf/0/CBF185AC945F1300802581D0005C6163</p> <p>BDR v Refugee Appeals Tribunal [2016] https://www.refworld.org/pdfid/5bb244524.pdf</p> <p>Damache v Minister for Justice [2020] ISEC 63: https://www.courts.ie/acc/alfresco/9f6e2c6d-eb77-4c9f-ad57-ffe7ffc65f6/2020_IESC_63.pdf/pdf#view=fitH</p> <p>See also, UNHCR Mapping Statelessness in Ireland, 2022: 2022_Statelessness_Ireland-print_(2).pdf (unhcr.org)</p>
RES.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or people with undetermined nationality? If yes, please describe.	UNHCR, Handbook on Protection (2014) : Applicants must have access to legal counsel.	Yes, but very limited. Free legal services may be provided by Independent Law Centres, the Immigrant Council of Ireland Independent Law Centre and the Irish Refugee Council Independent Law Centre. Both organisations are charitable organisations but regulated by the Law Society of Ireland as legal service providers employing solicitors. Services of Independent Law Centres must be provided free of charge to services users. Independent Law Centres do not draw down legal aid contracts for the provision of legal aid services. Except for international protection applications, civil legal aid is generally not available in practice for other immigration related cases. On civil legal aid generally, see above at DET.3.a.	<p>Immigrant Council of Ireland: https://www.immigrantcouncil.ie/home?page=1</p> <p>Irish Refugee Council: https://www.irishrefugeecouncil.ie/Listing/CaUtegoriy/law-centre</p>
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		Apart from media articles, NGO submissions to international committees, blog posts, EMN annual reports, etc. there are limited publications regarding statelessness in Ireland. We are not aware of any academic literature.	
RES.4.a.	Examples of identity and travel documents	Please insert pictures of anonymised identity and/or travel documents issued to stateless people in your country (if applicable). If the country issues several documents, please specify what each document is.			

			<p>New IRP card</p> <p>From Tuesday 1 March 2022, a new version of the Irish Residence Permit (IRP) card is being introduced for all non-EEA nationals who are registered to live, work or study in Ireland.</p>  	<p>Old IRP card</p> <p>The old version of the IRP cards (see example below) will remain valid until the expiry date that is printed on the card or until 31 May 2022, whichever is the later.</p>  	
<p>1951 Convention Travel document</p> <p>Source: Department of Justice, Immigration website: https://www.irishimmigration.ie/</p> <p>Note: the IRP cards in these examples are not for stateless people. If a person were recognised as stateless, the card should state 'stateless' in the nationality section. However, unless a person has been issued a formal stateless declaration, based on casework practice, it will often state another nationality that the person may have been registered as by the International Protection Office, even where the person has said that they do not hold that nationality and it may be implicitly accepted that they are not.</p> <p>If a person is formally declared a refugee, they will be issued a 1951 Refugee Convention travel document. If a person is formally declared stateless, they will be issued a 1954 Convention travel document. If a person is issued a discretionary travel document, the nationality section of the bio data page may be left blank. Travel documents are issued with blue covers, whereas national Irish passports are issued with burgundy cover.</p> <p>No 1954 Convention travel document has been issued in Ireland (if a stateless person is granted refugee status, they would be issued a 1951 Convention travel document). In a case, a stateless person was issued a discretionary travel document pending statelessness determination and the nationality field was left blank.</p>					