



# Office of the Refugee Applications Commissioner

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Annual Report – 2010

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## Foreword by Refugee Applications Commissioner

I am pleased to introduce the tenth Annual Report of the Office of the Refugee Applications Commissioner (ORAC). 2010 was another challenging and interesting year for our organisation.

This Annual Report details the progress made in 2010 in delivering on the challenging goals and objectives contained in our Strategy Statement 2010-2012. It is the first report under this Strategy Statement and also the fourth Annual Report since I was appointed Commissioner in July 2007.

There were 1,939 applications for refugee status received in 2010 which represents a reduction of 27.9% in applications compared to 2009. Asylum application numbers are now at levels last seen in the mid-nineties.

During the year, significant progress continued to be made in the processing of applications. A total of 2,192 cases were finalised. Fewer cases were processed in 2010 as compared to previous years in line with the fall in asylum applications for the year and as a result of the transfer of a group of ORAC caseworkers to the Irish Naturalisation and Immigration Service (INIS) to deal with work priorities there.

At the end of the year, while there were 541 cases awaiting processing in the Office, only 67 cases were on hand for over 6 months.

In 2010, all applications processed under the Ministerial Prioritisation Directive (except for cases that could not be processed for medical and/or other compelling reasons) were scheduled for interview within 9 to 12 working days from the date of application and completed within a maximum of a further 8 working days, giving an average processing time of 17 to 20 working days from the date of application.

All other cases (except cases which could not be processed for medical or other compelling reasons) were processed to completion within 8 to 9 weeks for most of the year. In the final quarter, average processing times extended to 9 to 10 weeks which took account of the staff transfers to INIS to which I have previously referred.

The Office continued to make maximum use of the Council Regulation (EC) No 343/2003 (EU Dublin II Regulation), which determines the Regulation Contracting State responsible for processing an asylum application. 263 EU Dublin II Regulation determinations were made in 2010, as compared to 402 in 2009. The fall in cases processed was in line with the fall in asylum applications generally for the year.

The EURODAC fingerprinting framework also continued to support the operations of ORAC in 2010 in the context of the operation of the EU Dublin II Regulation. During the year, 1,515 sets of fingerprints of asylum applicants were sent to EURODAC with 208 hits confirmed, showing that these applicants had made applications in other contracting states.

The AVATS (Automated Visa Application and Tracking System) of the Irish Naturalisation and Immigration Service has also continued to be of assistance for processing purposes.



In 2010, I continued to be represented at appeal hearings before the Refugee Appeals Tribunal (RAT) and, in consultation with the RAT, ORAC ensured that the maximum number of hearings per week could be serviced by Presenting Officers.

Full use was also made of the Presenting Panel of legal graduates, established in February 2009 for the purposes of maximising ORAC's ability to service RAT hearings. This resulted in the virtual elimination of the backlog of cases in the Refugee Appeals Tribunal to be scheduled with 1,828 hearings being serviced by the Presenting Unit in 2010 and 3,190 in 2009.

I am also pleased to note that the number of new legal challenges against recommendations of the Office continued to remain relatively low, by comparison with the numbers received annually prior to 2009. This followed a key Supreme Court judgment in the Office's favour in January 2009, and a number of subsequent judgments at High Court level, which set out the legal principles determining appeals to the RAT as opposed to commencing judicial review proceedings. This led to the withdrawal of a significant number of cases during 2009, and a slowdown in the number of new applications for judicial review. The numerically small increase in case numbers in 2010 (from 92 in 2009 to 112 in 2010 – an increase of 20 cases), reflects the increased number of challenges taken in relation to the EU legal instruments on asylum. ORAC's ongoing review and enhancement of its procedures and processes as well as staff training and development also continue to be a factor in the decline of judicial reviews.

In line with our commitments as outlined in our Customer Service Action Plan 2010 - 2012, we continued to monitor the quality of the service we provided to our customers during the year. A Customer Survey was conducted in November/December 2010 which focused on the quality of the service we provide to callers to our Reception Unit, the results of which were very positive. These are outlined in some detail in this report. An internal survey was also conducted in the use of our IT systems.

The Single Procedure Transition Team continued its work of planning for the introduction of the Immigration, Residence and Protection Bill, 2010, subject to the approval of both Houses of the Oireachtas, which will see ORAC subsumed into the Irish Naturalisation and Immigration Service (INIS).

The work programme of the Transition Team included the development of the documentation, processes and policies required to implement the new legislation as well as the preparation of training manuals for staff in relation to the new systems and procedures.

ORAC continued to be represented on a series of Change Management Project Groups set up by INIS to prepare for the introduction of the new legislation.

I would once again like to express my appreciation to the staff in the Dublin Office of the United Nations High Commissioner for Refugees (UNHCR) for their ongoing assistance during the year with particular regard to the provision of training on refugee law and procedures.

I would also like to thank the staff in the Refugee Documentation Centre for their excellent co-operation and support and the Employee Assistance Service for its ongoing support for ORAC staff.



Finally, I would like to pay tribute to the staff of the Office (including the staff in the INIS Shared Services Unit and the Reporting and Analysis Unit) whose ongoing hard work, dedication and professionalism has enabled us to deliver on our objectives and core functions in 2010 and to meet our obligations under domestic and international law.

David Costello  
Commissioner



## Mission Statement

The Mission Statement of the Office of the Refugee Applications Commissioner in accordance with the Refugee Act, 1996 is:

- (i) *to investigate applications from persons seeking a declaration for refugee status and to issue appropriate recommendations to the Minister for Justice and Law Reform,*

*and*

- (ii) *to investigate applications by refugees to allow family members to enter and reside in the State and report to the Minister for Justice and Law Reform on such applications,*

and in so doing, to provide a high quality service to our customers through the implementation of policies and procedures which are fair and open, treating all applicants with courtesy and sensitivity.



## **Who is an Asylum Seeker?**

An asylum seeker is a person who seeks to be recognised as a refugee in accordance with the terms of the 1951 Geneva Convention relating to the status of refugees and the related 1967 Protocol, which provides the foundation for the international system of protection of refugees.

## **Definition of a Refugee**

The definition of a refugee in Irish law is “a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it...”.





## **Part 1**

### **Introduction**



## Part 1 - Introduction

### Legal Framework

Under the Refugee Act, 1996 two independent statutory offices were established in November 2000 to consider applications/appeals for refugee status and to make recommendations to the Minister for Justice and Law Reform on whether such status should be granted. These two offices are the Office of the Refugee Applications Commissioner (ORAC), which considers applications for a declaration as a refugee at first instance and the Refugee Appeals Tribunal (RAT) which considers applications for a declaration at appeal stage.<sup>1</sup>

The statutory functions of the Refugee Applications Commissioner are set out in the Refugee Act, 1996 as amended by the Immigration Act, 1999, the Illegal Immigrants (Trafficking) Act, 2000, the Immigration Act, 2003 and the Immigration Act, 2004. Throughout this report, the term "Refugee Act, 1996" means the Refugee Act, 1996 (as amended).

The Office also has regard or had regard, *inter alia*, to the following Statutory Instruments (S.I.) in the discharge of its business:

- S.I. No. 344 of 2000 - Refugee Act, 1996 (Places and Conditions of Detention) Regulations, 2000.
- S.I. No. 345 of 2000 - Refugee Act, 1996 (Application Form) Regulations, 2000.
- S.I. No. 346 of 2000 - Refugee Act, 1996 (Temporary Residence Certificate) Regulations, 2000.
- S.I. No. 415 of 2003 - Immigration Act, 2003 (Section 7) (Commencement) Order, 2003.
- S.I. No. 422 of 2003 - Refugee Act, 1996 (Safe Countries of Origin) Order, 2003.
- S.I. No. 423 of 2003 - Refugee Act, 1996 (Section 22) Order, 2003.
- S.I. No. 424 of 2003 - Refugee Act, 1996 (Appeals) Regulations, 2003.
- S.I. No. 714 of 2004 - Refugee Act, 1996 (Safe Countries of Origin) Order, 2004.
- S.I. No 518 of 2006 - European Communities (Eligibility for Protection) Regulations 2006.

### Functions of the Refugee Applications Commissioner

The Refugee Act, 1996 states that the Refugee Applications Commissioner shall be independent in the exercise of his or her functions which are of a statutory and non-statutory nature. The key statutory responsibilities are:

- to investigate applications from those who seek a declaration for refugee status and to issue appropriate recommendations to the Minister for Justice and Law Reform on such applications,

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<sup>1</sup>A detailed description of the asylum process is available on ORAC's website ([www.orac.ie](http://www.orac.ie)).



and

- to investigate applications by refugees to allow family members to enter and reside in the State and report to the Minister for Justice and Law Reform on such applications.

Under the Refugee Act, 1996 it is also the Commissioner's responsibility to:

- issue Temporary Residence Certificates to asylum seekers.
- comply with any Ministerial Directives concerning the prioritisation of certain categories of applicant.
- direct the presentation of the Commissioner's case to the Refugee Appeals Tribunal where recommendations made by the Commissioner are appealed to the Tribunal.
- furnish to the UNHCR, as well as relevant Government agencies, information as provided for in legislation.
- refer unaccompanied minors to the Health Service Executive in line with section 8(5) of the Refugee Act, 1996.

While ultimately responsible for fulfilling these statutory functions under the 1996 Act, the Commissioner may delegate these functions to any member of his staff.

The Commissioner also has non-statutory functions. These include:

- ensuring that all applications for refugee status at first stage are treated and processed in a fair, courteous and efficient manner.
- issuing directives on the practical application of the Refugee Act, 1996 and on procedures and standards of work.
- ensuring that adequate information on countries of origin of asylum seekers and international jurisprudence and practice in the area of asylum is available to staff.
- participating in international fora on asylum related matters.
- management of staff performance and training and development.
- dealing with press queries.
- preparation and management of the budget, the Strategy Statement and Business Plan for the organisation.

### Key Values of the Office

The key values that guide the work of the Office are:

- **Independence** - Independence of process and decision-making.
- **Fairness** - Fair procedures which are notified to asylum seekers.
- **Firmness** - Firmness in implementing statutory obligations.
- **Serving the key stakeholders** - Commitment to service to applicants and other stakeholders as part of our overall commitment to delivering efficient customer service.
- **Accessibility** - Accessibility of information and services to people with disabilities.



- **Commitment to Staff** - Recognising that staff are the most valuable resource of the Office and fostering an environment in which they can work effectively and develop their potential for the benefit of the Office specifically, and their career generally.
- **Commitment to excellence** - Performing work to a standard that will ensure high quality and timely outputs.
- **Openness** - Communicating with asylum seekers, the Minister for Justice and Law Reform, UNHCR, Non-Governmental Organisations and the public in a way which will instil confidence in the operation of the Office.
- **Efficiency in use of resources** - Ensuring efficiency in the use of available resources without compromising quality.
- **Partnership** - Adopting a consultative approach to workplace innovation and management of change and fostering a culture of participation, openness and mutual respect.

### Funding and Staffing for the Office

Funding for the Office of the Refugee Applications Commissioner is provided by the State through the Department of Justice and Law Reform. The 1996 Act provides that “members of the staff of the Commissioner shall be Civil Servants within the meaning of the Civil Service Regulation Act, 1956.”

The 1996 Act also provides that “The Commissioner may delegate to any members of the staff of the Commissioner any of his or her functions under this Act save those conferred by Section 7”.

All staff of ORAC other than Services staff are designated authorised officers on appointment.

### Reporting Requirements

The reporting requirements for the Commissioner - as set out in the 1996 Act - are as follows:

- to submit a report to the Minister for Justice and Law Reform on his/her activities not later than 3 months after the end of each year. The Minister will lay a copy of the Annual Report before each House of the Oireachtas.
- to provide to the Minister, on an ongoing basis, all necessary information to enable him/her to discharge his/her ministerial accountability and responsibility in relation to the Office.
- to keep all proper and usual accounts of all monies received or expended and all such special accounts (if any) as the Minister may direct.
- to submit these accounts to the Comptroller and Auditor General for audit on a date specified by the Minister. A copy or extracts from these accounts, together with the



report of the Comptroller and Auditor General, will be furnished to the Minister who will bring both before each House of the Oireachtas.

(The Office of the Refugee Applications Commissioner (ORAC) receives an annual allocation of funds for which the Secretary General of the Department of Justice and Law Reform is the Accounting Officer and the accounts of ORAC are included in the annual Departmental accounts.)



## **Part 2**

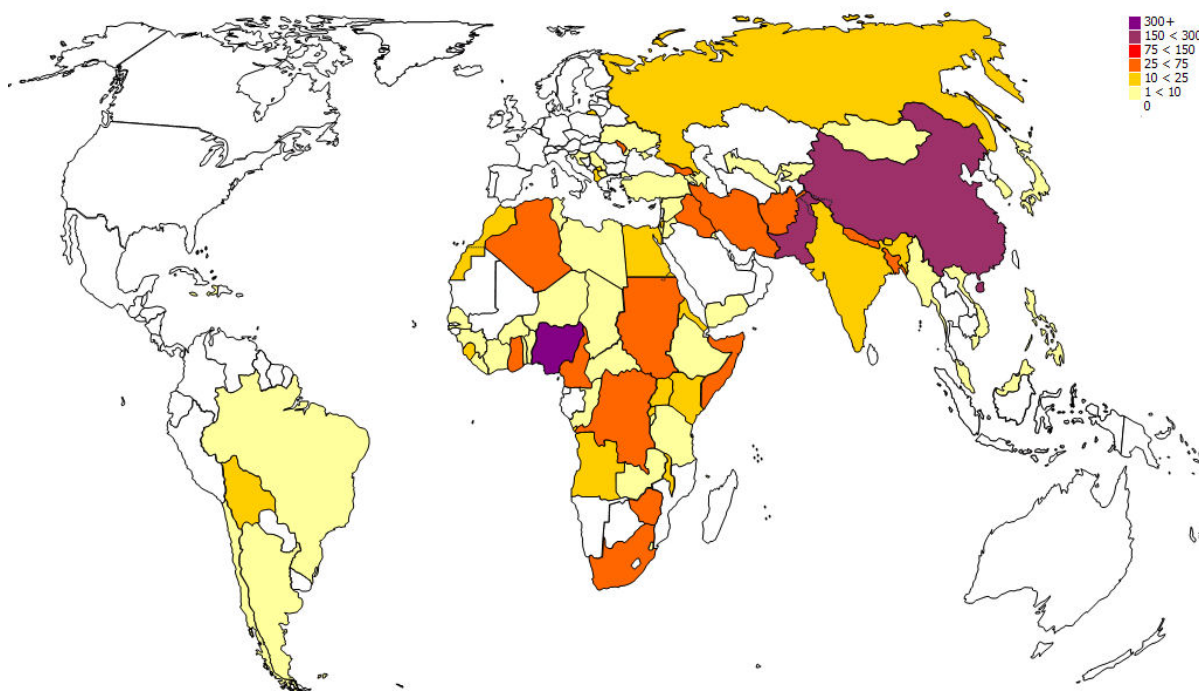
### **Key Developments in 2010**



## Part 2 - Key Developments in 2010

### Processing of Applications

- Asylum applications in 2010 again saw a significant fall for the second successive year. A total of 1,939 asylum applications were received. This was a decrease of 27.9% on the 2,689 applications received in 2009. The number of applications averaged 162 per month. The highest number of applications was recorded in January 2010 with 189. Asylum application numbers are now at levels last seen in the mid-nineties.
- The top five applicant countries for 2010 accounted for 49.3% of applications. As was the case in 2009, Nigeria was the top applicant country accounting for some 20% of all applicants. This was followed by China (11.8%), Pakistan (10.3%), the Democratic Republic of Congo (3.7%) and Afghanistan (3.6%). In 2009, the top five applicant countries were Nigeria, Pakistan, China, the Democratic Republic of Congo and Zimbabwe.



The above map shows the geographical spread of asylum source countries in 2010.

- Continuing the trend of recent years, we again saw a large number of countries with a small number of applications. For example, 3 or less applications were received from 31 countries. Overall, 33 countries had more than 10 applicants each.
- The ratio of male to female applications in 2010 at roughly 2-to-1 remained the same as that of previous years.
- At the end of 2010, of the 541 cases on hand, just 67 applications were over six months old. This effectively means that ORAC was, in the main, processing cases received in 2010.



- 2,192 cases were finalised, compared to 3,908 in 2009. However it should be noted that cases finalised constituted an increase of 13% over applications during the year. The number of recommendations made in 2010 was lower than in 2009 due to the fall in asylum applications generally and as a result of the transfer of a group of ORAC caseworkers to the INIS to deal with work priorities there.<sup>2</sup>
- In 2010, 6.9% of all applications were processed under the Ministerial Prioritisation Directive, which was introduced by legislation in September 2003. In effect, all prioritised applications (except those that could not be processed for health and/or other compelling reasons) were scheduled for interview within 9 to 12 working days from the date of application and completed within a further 8 working days, giving an average processing time of 17 to 20 working days from the date of application.
- In the context of a legal challenge, the Minister for Justice and Law Reform revoked the Prioritisation Directive in respect of Nigerian applicants from 1 March 2010.
- All other cases were processed to completion within 8 to 9 weeks for most of the year (except cases which could not be processed for medical, other compelling reasons or, for example, because of judicial review proceedings). In the final quarter of 2010 average processing times extended to 9 to 10 weeks. Processing times are determined by a range of factors such as the turnover of trained staff and the increasing complexity of the caseload.
- All asylum applicants are required to co-operate with the asylum process, in line with the provisions of the Refugee Act, 1996. Where applicants failed to co-operate, their cases were deemed withdrawn. In 2010, a total of 525 cases fell into the category of deemed withdrawn.
- 37 asylum applications were received from unaccompanied minors in 2010. This accounted for 1.9% of the total number of applications received. These applicants were scheduled for interview no later than 20 days from their date of application and recommendations were issued within a further 10 working days approximately, giving a total processing time of 6 weeks. The timeframe for the processing of applications from unaccompanied minors who were the subject of the Ministerial Prioritisation Directive was 5 weeks.
- Applications for asylum from applicants in detention continued to be prioritised in line with statutory requirements. A total of 130 applications were received from persons in detention, constituting 6.7% of all applications received in 2010.

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<sup>2</sup> As part of our continuing staff mobility policy, coupled with the need to deploy and use resources efficiently, additional numbers of experienced caseworkers moved to the Irish Naturalisation and Immigration Service (INIS) during the year to assist with the processing of subsidiary protection and leave to remain applications and other work priorities there. The organisation also saw a reduction of staff numbers due to a Government Incentivised Early Retirement Scheme and other reasons. For example, there were 36.8 staff assigned to the case processing area at the beginning of 2010. At the end of the year this had reduced to 19 - a reduction of over 48%. However, ongoing monitoring of processing timescales continued and action was taken to manage the interview schedule and keep delays to a minimum.





- During 2010, the key strategies to support the High Level Goals as outlined in ORAC's Strategy Statement 2010-2012 were effectively implemented. These included resources being utilised and deployed to deliver the maximum number of quality and legally robust decisions. The UNHCR and its expert trainers continued to provide excellent support to the Office as the need arose.
- ORAC continued to maintain and emphasise a high level of quality in the investigation and processing of asylum applications which was one of our High Level Goals as set out in our Strategy Statement 2010-2012. This was made possible by ongoing staff development, high quality training and mentoring. As well as a caseworker and supervisor checking and signing off on the vast majority of recommendations, we were also in a position to quality check up to 10% of all cases on a monthly basis. In addition, we reviewed the reasons behind all Refugee Appeals Tribunal set aside decisions and examined all Judicial Review case outcomes which were unfavourable to ORAC. ORAC's procedures were enhanced where necessary as a result of feedback from these review processes.
- In line with normal practice, refugee status determination (RSD) training was delivered to newly assigned staff during the year.
- We also regularly reviewed the profile of applicants and emerging trends in case type. Specialised training to staff also continued in order to equip them to deal sensitively and appropriately with vulnerable groups such as victims of trafficking and separated children seeking asylum.
- The Office also continued to work with the Anti Human Trafficking Unit of the Department of Justice and Law Reform and the Garda National Immigration Bureau (GNIB) to identify potential victims of human trafficking. We also continued to maintain ongoing contact with the Irish Naturalisation and Immigration Service (INIS) and the Garda National Immigration Bureau (GNIB) on various matters within our statutory framework in order to protect the integrity of the asylum process.
- In 2010, ORAC staff continued to participate in discussions in relevant EU Working Groups on amendments to the EU Asylum Procedures and EU Asylum Qualification Directives and the EU Dublin II and EURODAC Regulations. The former Regulation determines the EU State responsible for processing asylum applications made by third country nationals and the latter deals with, inter alia, the fingerprinting of such applicants.
- Over 90% of caseworkers continued to use laptops at substantive interview. This enhanced the quality of interview notes for applicants and their legal representatives and also enabled caseworkers to have direct access to the necessary Country of Origin Information (COI) and other reputable reports at the substantive interviews. Where applicants' statements ran contrary to the generally known facts and reputable information available in the public domain, interviewers were able to put these reports to the applicants at their interviews, and afford them the opportunity of commenting and making further submissions (if necessary) in advance of the final determination.
- During the year, ORAC continued to maximise use of the EU Dublin II Regulation determining the Contracting State responsible for processing an asylum application.



263 EU Dublin II Regulation determinations were made in the Office in 2010 as compared to 402 in 2009. This represents 12.0% of cases finalised during 2010 which compares with 10.3% in 2009. ORAC's emphasis on the use of the EU Dublin II Regulation continued to take into account visa or other residence histories where possible, not captured by the EURODAC fingerprinting system, and as provided for in EU law. This resulted in the detection of applicants who, having obtained a visa for another Contracting State to the Regulation, entered Ireland to make an asylum application while claiming to have no identity or travel documents. This gave rise to a greater proportion of determinations coming from visa or residence histories.

- Co-operation continued to develop with other Contracting States in relation to the EU Dublin II process.
- The issue of transfers to Greece under the EU Dublin II Regulation was considered by the High Court which sought a preliminary ruling in the matter from the European Court of Justice on 11 October 2010.
- The EURODAC fingerprinting network continued to support the work of ORAC during 2010 in the context of the operation of the EU Dublin II Regulation. During the year, 1,515 sets of fingerprints were taken and transmitted to EURODAC with 208 (14%) hits confirmed.
- As part of the application process for asylum, the fingerprints of applicants have been taken since November 2000. The destruction of 10-year-old fingerprints commenced during October 2010 in line with the requirements of the Refugee Act, 1996. 3,109 sets of fingerprints were destroyed by the end of December 2010. The fingerprints of applicants who, in the intervening years, had been granted citizenship would have already been destroyed under the terms of the 1996 Act.
- The AFIS (Automatic Fingerprint Identification System), which provides for an enhanced fingerprinting capacity in relation to asylum seekers, continued to be utilised by ORAC. AFIS contributes to ORAC's capability for the exchange of information with the EURODAC system and to identify multiple asylum applications. The AVATS (Automated Visa Application and Tracking System) of the Irish Naturalisation and Immigration Service, which is used in ORAC's Reception and Dublin Units, also assisted in the detection of applications for asylum where the applicant has obtained an Irish visa while no passport or relevant documentation was declared to ORAC.
- A significant number of applicants fail to produce a passport or other documentary evidence in support of their stated identity or nationality or any travel documents to show how they travelled to the State. At the same time some of these applicants indicate that they have travelled to the State by air, which would normally have required the presentation of identity documents at point of departure of flights, including the presentation of visas. The continued use of the EU Dublin II Regulation, EURODAC, AFIS and AVATS as well as enhanced co-operation with other EU States, particularly the United Kingdom, during 2010 continued to provide information on applicants with multiple identities and multiple asylum claims in the EU.



- The ORAC Investigations and Liaison Unit, established in 2009 to develop initiatives to help detect and prevent misuse of the State's asylum process, also assists in the investigation of credibility issues. While the principal statutory purpose of the Office is to investigate asylum applications in accordance with the domestic and EU statutory framework as well as relevant international conventions, one important influence on the outcome of an investigation is an applicant's credibility. The Unit also continued to act as a liaison point for other State agencies such as the Irish Naturalisation and Immigration Service, the Garda National Immigration Bureau, the Anti Human Trafficking Unit of the Department of Justice and Law Reform and other EU States. The Unit also provided appropriate support to ORAC case processing staff when preparing for interviews.
- 323 applications for Family Reunification were received in 2010, a decrease of 28.2% over the 2009 figure. During 2010, a review of Family Reunification Unit's operations was undertaken in order to maximise the efficiency and quality of the investigations process. The revised procedures led to the development of a more in-depth and comprehensive investigation in the context of the Refugee Act, 1996, being carried out into each application in order to bring the case to as near the point of decision as possible prior to being forwarded to the Minister for Justice and Law Reform for final decision. This meant that processing times from the receipt of the file from the Department of Justice and Law Reform to the issue of the Section 18 report under the Refugee Act, 1996 were extended during the year.
- In 2010, the Commissioner continued to be represented at appeal hearings before the Refugee Appeals Tribunal (RAT) by Presenting Officers or members of the Presenting Panel of barristers and solicitors. A high level of scheduling was maintained throughout the year, to meet the requirements of the Refugee Appeals Tribunal and in order to ensure the maximum number of hearings per week could be serviced. 1,828 hearings were serviced in 2010 as compared to 3,190 in 2009, which resulted in the virtual elimination of the backlog of cases in the Refugee Appeals Tribunal. The fall in cases serviced was the result of the reduction in the numbers of appeals available due to the high level of cases processed in 2009 and the reduction in asylum applications generally in the State.
- All new Presenting Officers assigned to the Unit, as well as Panel members, were fully trained in Refugee Status Determination procedures, caseworker specific training and training in the Presenting function before they were assigned cases before the Tribunal. Coaching and mentoring by experienced colleagues continued, as appropriate.
- All section 16(6) enquiries received by the Presenting Unit from the Refugee Appeals Tribunal were dealt with within the set timeframes. A total of 77 section 16(6) enquiries were received in 2010.
- The area of judicial review continued to pose a particular challenge for the organisation. However in line with positive trends in 2009, new cases received continued to be much lower than in 2008. 112 legal challenges<sup>3</sup> were received during

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<sup>3</sup> While the vast majority of legal challenges to ORAC are in the form of judicial reviews, a small number of others are also received namely injunctions and various types of summonses.



2010 (including 24 cases in relation to the EU Dublin II Regulation<sup>4</sup>) compared with 92 cases during 2009. The number of judicial reviews received in 2008 was 266. The fall in legal challenges was influenced by important jurisprudence of the High Court and the Supreme Court on the appropriateness of an appeal to the Refugee Appeals Tribunal as opposed to initiating judicial review proceedings. An interesting trend during the year was the increase in challenges based on the interpretation of EU law including the EU Asylum Procedures Directive and the EU Dublin II Regulation.

- As the lead cases in respect of these EU legal points had not been finalised by year end, the number of outstanding cases against ORAC remained similar to 2009. There were 191 outstanding legal challenges in 2010, in comparison with 190 cases at the end of 2009. However, this was significantly down on the position at the end of 2008 when some 488 cases were on hand.
- The expenditure under the legal costs subhead in 2010 was €1,201,902.02 which was a small increase of 6.3% in comparison with €1,130,946.00 in 2009. Much of the 2010 expenditure related to the period before 2010, and in many cases going back a number of years. Payments made by ORAC under this subhead are made on foot of Bills of Costs submitted to ORAC (following clearance by the Office of the Chief State Solicitor's Costs Accounting Section) by applicants' legal representatives in respect of, for example, judicial reviews settled or lost by ORAC. There are often considerable delays - sometimes several years - in the submission of Bills of Costs. Hence there is a variable time lag between the finalisation of cases before the courts and the submission of the Bills of Costs over which ORAC has no control.
- ORAC's legal policy is to strenuously defend all judicial reviews unless it is clear that an error has been made in a determination which justifies a settlement of the proceedings. In such an event, every effort is made to settle a case at the earliest possible opportunity in order to reduce any potential costs to the State. In addition, we have comprehensive quality assurance processes in place to reduce the possibility of judicial reviews being commenced (or lost) in the first instance.
- During 2010, ORAC continued to make use of Country of Origin (COI) Research systems and procedures, with necessary updates as required. The Caseworkers Shared Knowledge Database (CSK) was continually updated to provide a research resource for ORAC users involved in the asylum process. Following discussions with the case processing area, a review of the CSK Database commenced in the final quarter of 2010, including the development of the archiving facility. Use of the resources of the Refugee Documentation Centre (RDC) was maximised, in particular its e-library facility.
- ORAC continued to work closely with the Refugee Documentation Centre (RDC), meeting bilaterally at regular intervals during the year. Close contact is maintained with the RDC with a view to ensuring that the necessary COI is in place both for ongoing case processing under the Refugee Act, 1996 and for the introduction of the planned Single Procedure under the Immigration, Residence and Protection Bill,

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<sup>4</sup> Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.



2010. In addition, during 2010, the RDC began to provide research support to the Family Reunification Unit of ORAC.

- Where it was considered useful, language analysis testing continued to be carried out by ORAC either during the first instance refugee status determination process, or at the request of the Refugee Appeals Tribunal. Language analysis involves the examination of an applicant's speech in order to assess, as specifically as possible, whether an applicant could be placed in the geographical area or speech community they claimed to be from. Language analysis testing is a specialised service provided under contract to ORAC by reputable and professional international language analysis companies. The applicant attends for an interview, which is facilitated by ORAC, and involves the applicant speaking by telephone with a language analyst. The interview is recorded and analysed by a team of analysts and a linguist. Regardless of any language analysis testing, every applicant for asylum is given a full opportunity of presenting his/her case at a substantive interview. If the language analysis report indicates that the person is not from the area they claim, this becomes a credibility issue for exploration at substantive interview. The language analysis report, where requested, is used to assist with the overall evaluation of the asylum application and is considered in conjunction with all other elements of the asylum claim.
- Various internal procedures were updated during the year by the Policy and Procedures Unit. This Unit continued to ensure that the policies and procedures in operation in the organisation were legally robust, and in accordance with national and EU legislation. The Unit continued to develop procedures as required, and to review and revise existing procedures and make them available to staff in an accessible manner.
- On the 1st March 2010, arising from judicial review proceedings on hands in relation to the implementation of the EU Asylum Procedures Directive, the Minister revoked the Prioritisation Direction of 11 December 2003, which accorded priority to asylum applications made by persons who are nationals of Nigeria. The result was that from that date ORAC no longer accorded priority to any asylum applications made by Nigerian nationals.
- ORAC had input into the work and attended meetings of relevant international fora dealing with asylum and refugee matters such as Working Groups of the European Union, the Inter Governmental Consultations on Asylum, Refugee and Migration matters (IGC) based in Geneva, EU General Directors' Immigration Services Conference (GDISC) and Eurasil (European Network for Asylum Practitioners).
- The Commissioner also attended the inaugural meeting of the European Asylum Support Office (EASO) in November 2010. The Commissioner is Ireland's representative on the EASO Management Board. The aim of the EASO is to help to improve the implementation of the Common European Asylum system, to strengthen practical co-operation among Member States on asylum and to provide and/or coordinate the provision of operational support to Member States subject to particular pressure on their asylum and reception systems.





## Human Resources/Training and Internal Support Services

- The HR and Staff Support Strategy (2009-2010) continued to be implemented with a wide range of commitments being finalised or progressed. Progress on implementation of this Strategy was monitored in the context of the Business Planning process. A Progress Report was prepared and circulated to the Partnership Committee and Staff in 2010. Work on the third HR and Staff Support Strategy to cover the period 2011-2013 was completed during the year. This Strategy will continue to provide a framework for the organisation until the Immigration, Residence and Protection Bill, 2010 is enacted and ORAC is subsumed into the Irish Naturalisation and Immigration Service (INIS).
- The implementation of ORAC's second Training and Development Strategy (2009-2011) continued and a wide range of commitments were finalised or progressed. The purpose of this strategy is to continue to set clear goals and objectives for the provision and development of the knowledge, skills and competencies required to assist staff in achieving the objectives of the organisation and also to provide for their personal development needs.
- All members of staff continued to participate in the Performance Management and Development System (PMDS) process during 2010.
- In 2010, ORAC continued to prioritise the needs of its staff in the areas of job specific development and training in a cost effective manner. In total, 457 training units were provided to staff in the organisation during the year.
- A wide variety of training was provided. In addition to refugee status determination training, separated children training was provided to staff by the UNHCR in conjunction with the HSE, RLS and RAT. The objective of this training was to equip staff to deal sensitively and appropriately with unaccompanied minors during the refugee status determination process. The delivery of specialised training to staff to equip them to deal sensitively and appropriately with other vulnerable groups such as victims of trafficking also continued as required.
- With the support of the Department of Justice and Law Reform's Employee Assistance Officer, the peer support project for ORAC caseworker staff continued in 2010.
- During the year, work also continued in the Single Procedure Transition Team on the development of a comprehensive training programme in preparation for the commencement (subject to the approval of both Houses of the Oireachtas) of the Immigration, Residence and Protection Bill, 2010.
- 'Lunch and Learn' sessions for staff were provided in 2010 on a variety of work related and general issue topics. Worklife Balance Day was promoted on 1 March 2010.
- The pilot eWorking Scheme continued during 2010.



- The staffing resources of the Office were kept under ongoing review at both unit and organisational level and a reallocation and reorganisation of resources took place internally on a number of occasions to meet changing business needs. As a result of the fall in asylum applications and the continuing need to deploy and use resources efficiently throughout the wider INIS organisation, 31 staff were redeployed to INIS and to the Department of Justice and Law Reform during 2010. In addition, staff were redeployed to the Department of Social Protection. None of these staff were replaced.
- Two staff availed of the Special Civil Service Incentive Career Break Scheme in 2010 and a further two staff availed of the Civil Service Career Break Scheme. In addition, four staff retired during the year and two further staff members resigned their posts. None of these staff were replaced.
- Two staff members continued to be seconded to the INIS Reporting and Analysis Unit (RAU). The purpose of the INIS RAU is to support INIS (including ORAC) generally in relation to the provision of statistical information for management, operational and strategic planning purposes.
- Two staff members continued to be seconded to the AISIP Information Technology Project for INIS.
- ORAC again took part in the Department of Justice and Law Reform's Legal Interns Programme. This programme aims to provide legal and other graduates with a better understanding of public sector issues and broaden their experience while at the same time assisting the Department and agencies from a legal perspective. Five legal interns were assigned to ORAC for various periods during the year on temporary assignments.
- ORAC also took part in the FÁS Work Placement Programme with one Work Placement Graduate taking up duty on a six month assignment. This programme allows unemployed graduates gain valuable work experience while at the same time assisting the Department and agencies from a legal perspective.

## Customer Service

- Our Customer Service Survey in 2010 focused on the quality of the service provided to those calling to our Reception Unit and was carried out over a 4 week period in November/December 2010. All callers to our Public Office were invited to participate in the survey.
- The results of the survey indicated inter alia that:
  - 100% of respondents said they were treated with courtesy and respect.
  - 98% of those who answered the question '*Were you satisfied with the quality of the service you received?*' indicated that they were very satisfied/satisfied with the quality of the service they received.
  - 98% of respondents found staff helpful/very helpful.



- The main findings of the survey can be found on the ORAC website ([www.orac.ie](http://www.orac.ie)).
- The Customer Service Action Plan was monitored to ensure that we continue to meet our customer service obligations. The Action plan can be viewed at [www.orac.ie/customer-service](http://www.orac.ie/customer-service).
- ORAC continued to participate in the Civil Service-wide Quality Customer Service Network during the year.

### **Croke Park Agreement**

- During 2010, as part of the Public Service Agreement 2010-2014, ORAC drafted an organisational Action Plan which was submitted to the Department of Justice and Law Reform and placed on the ORAC website in December 2010. This Action Plan sets out various actions the organisation will take in the areas of Business Process Improvement, Staffing and Structures and improved customer service in the period covered by the Agreement.

### **Partnership**

- Social Partnership continued to be a feature of ORAC's dealings with staff and trade unions during 2010. A variety of initiatives were included for discussion including workplace learning, promoting diversity and work life balance, managing change, as well as building the capabilities of managers, staff and trade unions to proactively introduce and manage change which all contributed to successfully embedding social partnership in the workplace.
- The eighth ORAC Partnership Committee was formed in September 2010 and met once before the end of the year. The previous Committee met on 5 occasions during the year.

### **Information Technology**

- ORAC continued to input as required into preparatory work for the development of the AISIP (Asylum and Immigration Strategic Integration Programme) IT system both at Project Board and expert group level. This included input into the change management process and the development of work processes whereby AISIP will integrate with existing IT systems.

### **Corporate Developments**

- A new Strategy Statement, covering the period 2010-2012, was published at the start of 2010. As with the previous strategy statement, it focuses on the direction ORAC will take - in the context of High Level Goals and strategic objectives - in advance of the enactment of the Immigration, Residence and Protection Bill, 2010 under which ORAC will be subsumed into the Irish Naturalisation and Immigration Service (INIS).





- Business Planning in 2010 was again a high priority for the organisation. As in previous years, risk management and risk assessment were key elements of ORAC's business planning process. The Business Planning process included holding regular senior management and unit meetings to highlight work priorities and assess progress.
- Business Plans include objectives and outputs for all Units arising from the commencement of the Immigration, Residence and Protection Bill, 2010, once it is enacted. Change management risk registers continued to be reviewed in the context of the key challenges and associated risks for each area.
- ORAC continued to give a high priority to health and safety matters in 2010. A Health and Safety Policy Statement continues to enable the Office to meet its responsibilities to staff and customers under health and safety legislation. It involves a number of ongoing initiatives which include:
  - the appointment and training of staff as Fire Wardens and training of staff in First Aid and use of Cardiac Defibrillators.
  - staff awareness of health and safety matters.
  - the review and enhancement of office security and safety procedures for optimum safety of ORAC's staff and customers.

### **Communications and Change Management**

- Work continued in the Single Procedure Transition Team based in ORAC on preparations for the enactment and commencement of the Immigration, Residence and Protection Bill. The Minister for Justice and Law Reform published a revised version of the Bill in July 2010 which further develops and enhances certain provisions contained in the previous Immigration, Residence and Protection Bill, 2008.
- The Single Procedure Transition Team's Work Programme includes the development of the documentation, processes and policies required to implement the new legislation as well as the preparation of training manuals for staff in relation to the new systems and procedures.
- A regular Change Management Bulletin was published for ORAC staff to keep them up-to-date on business developments.
- Our Customer Charter includes commitments in relation to consultation, specifically through a Customer Liaison Panel for NGOs. In this regard, a meeting of the Customer Service Liaison Panel took place in November 2010.



## **Part 3**

### **Progress on 2010 - 2012 Strategy Statement High Level Goals**



## Part 3

### Progress on 2010 - 2012 Strategy Statement High Level Goals

#### High Level Goal 1

**To investigate applications for refugee status and for family reunification within minimum timeframes.**

##### *Strategy Statement 2010-2012 Objectives*

- To achieve optimum productivity in processing applications for a declaration for refugee status within minimum timeframes and in the order of priority designated by the Minister for Justice and Law Reform.*
- To achieve the full and efficient application of the EU Dublin II Regulation having due regard to the criteria for determining the Contracting State responsible for processing asylum applications.*
- To achieve optimum productivity in processing applications for family reunification within minimum timeframes.*
- To prepare and plan for the introduction of a Single Procedure and address fully and effectively any amendments to the Refugee Act, 1996 as they arise.*

#### Progress on goals and objectives in 2010

##### **Processing of asylum applications**

- A total of 1,939 applications were received in 2010. The month with the highest number of applications was January, with 189. The monthly average was 162 applications. The total for 2010 compares with 2,689 applications for 2009, a decrease of 27.9%.
- At the end of 2010, of the 541 applications on hand, 67 were over six months old. This effectively means that in the main ORAC was processing cases received in 2010.
- The top five applicant countries for 2010 accounted for 49.3% of applications. They were Nigeria (20%), followed by China (11.8%), Pakistan (10.3%), the Democratic Republic of Congo (3.7%) and Afghanistan (3.6%). In 2009, the top five applicant countries were Nigeria, Pakistan, China, the Democratic Republic of Congo and Zimbabwe. As with the previous year there were a large number of countries with a small number of applications. For example, 3 or less applications were received from 31 countries. Overall, 33 countries had more than 10 applicants each.



- In the main, all prioritised applicants, except those whose cases could not be progressed for health and/or other compelling reasons, were processed within 17 to 20 days during 2010. Prioritisation arises from an order of the Minister for Justice and Law Reform under the relevant provision of the Refugee Act, 1996. In 2010, 6.9% of all applications were processed under the Ministerial Prioritisation Directive. In the context of judicial review proceedings on the compatibility of an aspect of the Refugee Act, 1996 with EU law, the Minister revoked the Directive in respect of Nigerian applicants with effect from 1 March 2010. As a result, the number of applications processed in this manner was greatly reduced. Nevertheless, prioritised applications (except for cases that could not be processed for medical and/or other compelling reasons) were scheduled for interview within 9 to 12 working days from the date of application and completed within a maximum of a further 8 working days, an average processing time of 17 to 20 working days from the date of application.
- Non-prioritised applicants were, for most of 2010, processed within 8 to 9 weeks. Again, this would not include applicants whose cases could not be progressed for health and/or other compelling reasons. The average processing time extended slightly in the last quarter of the year for this category of applicants to 9 to 10 weeks, arising in part from the transfer of additional staff from ORAC to INIS.
- In line with ongoing practice to ensure the effective and efficient use of resources, the interview schedule continued to be proactively managed to ensure that the maximum number of interviews were scheduled.
- In line with our obligations under the Refugee Act, 1996, ORAC continued to prioritise applications from persons in detention. These applicants were given their initial interview, in so far as it was possible, three days from the date of application and were scheduled for their substantive interviews on average 20 working days from the date of application. Cases were finalised within a further 4 to 5 working days, giving an average processing time of 28 working days in total. 130 applications were received from persons in places of detention in 2010. This constitutes 6.7% of all applications received during the year. ORAC continued to liaise with the Irish Prison Service and the Garda National Immigration Bureau to ensure the efficient processing of these applications. 36 cases were processed to finality while the applicant remained in detention. The remainder were scheduled for interview in ORAC as they had been released from detention prior to their interview date.
- In 2010, 37 applications were received from unaccompanied minors seeking asylum which accounts for 1.9% of the total number of applications received. These applicants were scheduled for interview within 20 working days from their date of application and recommendations were issued within a further 10 working days approximately, giving a total processing time of 6 weeks. The timeframe for the processing of applications from unaccompanied minors who were the subject of the Ministerial Prioritisation Directive was 5 weeks.
- In 2010, ORAC utilised interpretation and translation services in about 76 languages. Where it was not possible to source interpretation for certain rare languages locally, telephonic interpretation was used. However, ORAC made every effort to minimise the use of telephonic interpretation in favour of having the interpreter present at the



interview. Procedures in place with the interpretation and translation service providers ensured the prompt processing of applications at each stage of the asylum process. These procedures were kept under review during the year and were augmented by regular contact with the service providers. In the final quarter of the year, Requests for Tenders were sought for the provision of both interpretation and translation services in a process overseen by the Irish Naturalisation and Immigration Service to which ORAC contributed.

- In line with usual practice in the organisation, refugee status determination (RSD) training was delivered to all new staff during the year. Training takes account of the Irish and EU legislative framework, the policies and procedures in place in the organisation, national and international jurisprudence, as well as the complexity and diversity of the current case load. ORAC staff also attended inter-agency training organised and facilitated by UNHCR in relation to the processing of asylum applications from separated children. Due to the complexity of the cases concerned, there continued to be a necessity to afford a number of applicants more than one substantive interview, including where applicants submitted new and/or additional information or documentation subsequent to their application.
- The use of focused interviewing of applicants continued to be utilised as a priority along with efficient and timely decision making having due regard to our statutory obligations to asylum seekers. This involved cases being researched and prepared prior to the substantive interviews, resulting in interviewers and decision makers having the most up-to-date reputable country of origin material, relevant refugee case law and emerging jurisprudence available to them at the required time.
- Priority was also given to the use of laptops for recording the details of the substantive interviews with an electronic wi-fi facility, enabling caseworkers to have access to the necessary country of origin information (COI) and other reputable information directly at interviews. The benefit of such an approach is that where applicants' statements run contrary to the generally known facts and reputable information available in the public domain, caseworkers are able to put these reports to the applicants at the interviews, thus affording them the opportunity of commenting and making further submissions (if necessary) in advance of the final determination.
- Caseworkers continued to be provided with central country of origin information (COI) support by the Refugee Documentation Centre. This allowed resources to be utilised, for example, to source country of origin information for pre-interview research, as well as the updating of ORAC's COI Databases. These initiatives, including the use of laptops, continued to provide caseworkers with the competency to conduct focused interviews particularly in cases where the applicants' questionnaires were returned incomplete or only provided limited details on reasons for seeking refugee status.
- The COI and research systems in place in ORAC continued to be reviewed in 2010. Based on information supplied by the Refugee Documentation Centre, the Research (COI) and Legal Analysis Unit co-ordinated the creation of 106 country of origin packs by ORAC caseworkers. ORAC sent 318 queries to the RDC during 2010, while the use of the e-library continued to grow. In ongoing preparation for the introduction of the Single Procedure, the Unit also liaised with the RDC to develop



and keep up-to-date COI on topics relevant to, for example, subsidiary protection and leave to remain considerations.

- ORAC also met the Refugee Documentation Centre (RDC) bilaterally at regular intervals. The RDC also agreed to provide research support to the Family Reunification Unit of ORAC to assist in processing applications from refugees to have family members join them in the State.
- ORAC continued to participate in meetings of the RDC Steering Group which brings together all of the RDC's client agencies.
- ORAC staff also participated in meetings of other relevant bodies, such as the EU Eurasil Group and the Inter Governmental Consultations on Asylum, Refugee and Migration matters (IGC) based in Geneva at which developments and international best practice to do with country of origin information were discussed.
- ORAC continued to use language analysis during the year to assist in establishing an applicant's claim as to their stated ethnic or geographic background. Language analysis reports are used to assist with the overall evaluation of the asylum application and are considered with all other elements of the asylum claim. Language analysis may also be requested by the Refugee Appeals Tribunal under section 16(6) of the Refugee Act, 1996.
- As part of ORAC's quality assurance process, feedback continued to be provided to ORAC Case Processing Units by the Presenting Unit on the outcome of hearings before the Refugee Appeals Tribunal where the Commissioner's recommendation to refuse status was set aside. In addition, relevant feedback to Case Processing is provided on an ongoing basis where recommendations have been upheld by the Tribunal. Any necessary changes in procedures arising from this process were implemented.

## **EU Dublin II Regulation**

- During 2010, ORAC continued to maximise the use of the EU Dublin II Regulation. This Regulation determines the Contracting State responsible for processing an asylum application. ORAC continued to make full use of visa and residence histories of applicants as well as fingerprinting hits under the EURODAC Regulation in many Dublin II determinations. In addition, where the time limits under the EU Dublin II Regulation may have expired, visa and residence information has also been of considerable use in substantive asylum interviews in assessing the veracity of claims.
- 263 determinations were made in ORAC in 2010 under the Dublin II process compared to 402 in 2009. While this represents a decrease in absolute numbers, the use of Dublin II as a proportion of cases finalised increased from 10.3% in 2009 to 12.0% in 2010.
- 1,515 sets of fingerprints were taken and transmitted to EURODAC during 2010 with 208 hits confirmed. The fingerprints of all applicants over 14 years of age are taken and transmitted to EURODAC.



- As part of the application process for asylum, the fingerprints of applicants have been taken since November 2000. The destruction of 10-year-old fingerprints commenced during October 2010 under the terms of the Refugee Act, 1996. 3,109 sets of fingerprints were destroyed by the end of December 2010. The fingerprints of applicants who, in the intervening years, had been granted citizenship would have already been destroyed under the terms of the 1996 Act.
- Co-operation continued in 2010 with other Contracting States in relation to the operation of the EU Dublin II Regulation process allowing ORAC to make determinations in respect of 12.0% of all cases finalised, which represents a 16.5% increase on 2009.
- In line with 2009 timelines, processing times for EU Dublin II cases were in the region of 27 days in 2010.
- Full use continued to be made of the INIS AVATS (Automated Visa Application and Tracking System) for the purpose of checking the reliability of information provided by asylum applicants. AFIS (Automated Fingerprint Identification System) was also fully maximised as a means of taking applicants' fingerprints and communicating speedily with the EURODAC fingerprint network.

### **Family Reunification**

- In 2010, 323 applications for Family Reunification were received, a decrease of 28.2% over the 2009 figure. During the year, the Family Reunification Unit in ORAC undertook a review of operations in order to maximise the efficiency and quality of the investigation process. This review led to a more in-depth and comprehensive investigation being carried out into each application in order to bring the case to as near the point of decision as possible, having due regard to ORAC's investigatory role under the Refugee Act, 1996. Under the Refugee Act, 1996, ORAC has responsibility for investigating applications for family reunification whereas the decision on such applications is a matter for the Minister for Justice and Law Reform.

### **Management of the introduction of change including the Single Procedure**

- Work continued on preparations for the introduction of the Immigration, Residence and Protection Bill, 2010 which, subject to enactment by the Oireachtas, provides for the introduction of a Single Procedure whereby all grounds for an applicant remaining in the State (protection or otherwise) will be addressed together. It will also result in ORAC being subsumed into the Irish Naturalisation and Immigration Service (INIS).
- The Single Procedure Transition Team continued to progress its preparatory work of developing the documentation, processes and policies required to implement the Single Procedure. This included documentation such as the application forms, standard letters, applicant questionnaires and information leaflets required by the new legislation. The Unit met with other areas of ORAC to progress this work.





- Change management support and training arrangements were also progressed to prepare staff to effectively adapt to their role in the new legislative framework.
- Change management risk registers were maintained in each Unit in ORAC to take account of the introduction of the Single Procedure and other organisational changes resulting from the new legislation. These outline the key challenges for each ORAC Unit, the associated risks and the actions needed to address these risks and are reviewed by management on an ongoing basis.
- Planning continued within the Judicial Review Unit to prepare for the range of legal challenges for which it will have responsibility arising from the introduction of the new legislation. As part of this process, the Unit now has lead responsibility for most legal challenges to ORAC, including those relating to the EU Dublin II process. The Unit also continued to maintain close links with other INIS units dealing with legal challenges.
- ORAC continued to be represented on a series of Change Management Project Teams set up by the Director General of INIS to implement the provisions of the new legislation. ORAC representatives were involved in the development of reports and recommendations by the various project teams. The work of the project teams will enable INIS to effectively implement the new legislative provisions on commencement, subject to enactment by the Houses of the Oireachtas.
- During 2010, in parallel with the work required for the change process, ORAC continued to fulfil its statutory obligations under the Refugee Act, 1996.
- ORAC also continued to ensure that staff in the organisation were kept updated on developments in relation to the legislative process as well as change management and business transformation issues generally. A regular newsletter was compiled and issued to ORAC staff for this purpose.
- As far as was practicable, ORAC also ensured that non-governmental organisations dealing with asylum seekers were kept updated on relevant developments. For example, the introduction of the Single Procedure was included as an agenda item on the Customer Service Liaison Panel meeting in November 2010.





## High Level Goal 2

**To maintain the highest standard of investigation and decision-making.**

### *Strategy Statement 2010-2012 Objectives*

- *To maintain a consistently high quality in the investigation and processing of applications.*
- *To maintain open and fair procedures.*

### **High quality investigation and processing of applications**

- During the year, the organisation continued to enhance its work processes with a view to maintaining quality and timely decision making. We also continued to review and update, where necessary, our procedures in relation to the investigation and determination of asylum applications. The maintenance of fair and transparent procedures within our legislative framework was also a continuing priority.
- Quality up-to-date and accurate country of origin information (COI) continued to contribute to quality decision-making and to pre-interview research. ORAC developed, modified and updated its COI data, with the ongoing assistance of the Refugee Documentation Centre (RDC), in order to ensure that reputable research was available to address issues with applicants at their substantive interview and afterwards in decision-making as part of the process of compiling a recommendation on whether a claim for refugee status should be granted.
- In advance of the introduction of the Single Procedure, we also liaised with the RDC to develop, and keep up-to-date, COI on topics relevant to subsidiary protection and leave to remain considerations.
- ORAC continued to work closely with UNHCR on a range of matters such as training, and other issues in relation to our current statutory framework and in the context of preparations for the new legislative requirements. ORAC staff attended inter agency training on processing asylum applications from separated children which was organised and facilitated by the UNHCR. The role of UNHCR in our process continues to be greatly valued.
- As a direct result of the wide variety and complexity of the caseload ORAC has to process, as well as new and emerging trends in applications, the provision of central support, mentoring and guidance to staff continued to be a priority. Caseworkers and their managers were provided with in-house one to one and group mentoring on various topics relating to asylum law and emerging jurisprudence and, in the context of the investigation of certain applications, the EU Dublin II Regulation process.



- In relation to customer service, all correspondence from applicants, customers, and stakeholders was immediately tracked, acknowledged and responded to within 20 working days in line with ORAC's commitments in our Customer Service Action Plan. A correspondence tracking system was used for this purpose.
- Maintaining high quality in the investigation and processing of asylum applications continued to be a priority for ORAC in line with our High Level Goals as set out in ORAC's Strategy Statement 2010-2012.
- In 2010 ORAC continued to modify and enhance its own in-house refugee status determination (RSD) training modules and delivered the following training to staff involved in the processing of asylum applications:
  - RSD training to newly assigned caseworkers.
  - Specific training with regard to the implementation of certain aspects of the Refugee Act, 1996.
  - Mentoring caseworkers on a one to one basis in relation to conducting interviews, quality report writing, guidance on country specific issues, dealing with victims of trafficking and other gender sensitive cases.
- The psychological support system available to caseworkers and their managers continued to operate. This process, assisted by the Employee Assistance Service, enables the provision of the necessary assistance to caseworkers involved in the RSD process including staff who deal with victims of torture and other vulnerable groups.
- ORAC continued to liaise regularly with other key stakeholders including the Irish Naturalisation and Immigration Service (INIS), the Health Service Executive (HSE), the Refugee Legal Service (RLS), the Garda National Immigration Bureau (GNIB), the Reception and Integration Agency (RIA), the Department of Health and Children and the Irish Prison Service, as well as non-governmental organisations.
- During 2010, the Quality Assurance Advisory Group continued its work of keeping processes and procedures under review and providing feedback to caseworkers. It also reviewed set aside decisions from the Refugee Appeals Tribunal and judicial review judgments for the same purpose. This Group is made up of representatives of all main ORAC Units such as Case Processing, Judicial Review and Presenting.
- Under the Refugee Act, 1996, applicants are not recommended for refugee status if there are grounds to suspect that they have been guilty of serious crimes such as crimes against humanity, war crimes and/or serious non-political crimes prior to their arrival in this State. These are regarded as potential "exclusion clause cases". During 2010, the exclusion clause was considered in a total of 20 cases but not applied to any. Caseworkers in ORAC and the Presenting Officers acting for ORAC at the Refugee Appeals Tribunal have received specialised training to identify such cases. The procedures in relation to the application of the exclusion clause were reviewed and updated.
- A main priority for ORAC is to provide quality translation and interpretation services which was provided in 76 languages during 2010. Where it was not possible to source interpreters of certain rare languages locally, telephonic interpretation was



used. However, ORAC made every effort to minimise the use of telephonic interpretation in favour of having the interpreter present at the interview. Quality control and other procedures in place with the interpretation and translation service providers ensured the prompt processing of applications at each stage of the asylum process. These procedures were kept under review during the year and were augmented by regular meetings with the service providers. In the final quarter of the year, “Requests for Tenders” were sought for the provision of both interpretation and translation services. This process was led by the Irish Naturalisation and Immigration Service.

- Following the introduction of the eVisa system in the Irish Embassy offices in Nigeria, two training sessions were arranged for ORAC staff to enable them to understand the system and how it could contribute to the effective operation of the asylum determination process.
- Training for new members of the Presenting team was carried out in 2010. Training was provided by the in-house training team in refugee status determination, caseworker specific training and country of origin information research.
- All section 16(6) enquiries received from the Refugee Appeals Tribunal were dealt with within the set time frames. A total of 77 section 16(6) enquiries were received in 2010.
- As previously mentioned, a feedback mechanism ensured that ORAC decision makers were made aware of the issues arising from judicial review challenges and appeals before the Refugee Appeals Tribunal and also the outcomes of such cases.
- Senior management and staff also received legal updates prepared by the Research (COI) and Legal Analysis Unit, on relevant Irish, UK, EU and international judgments.
- 112 legal challenges were received during 2010 (including 24 cases in relation to the EU Dublin II Regulation) compared with 92 cases during 2009. However, the overall downward trend, in comparison with the volume of legal challenges taken prior to 2009, continued into 2010. This was partially counterbalanced by the increased number of challenges taken in relation to interpretation of the EU Asylum Directives and to the return of asylum seekers to Greece under the EU Dublin II Regulation<sup>5</sup>. The Judicial Review Unit continued to review its caseload management practices with a view to achieving value for money for the State in co-operation with the Chief State Solicitor’s Office and Counsel.
- Where there was an error or omission in ORAC's procedures which might have had a bearing on the outcome of an investigation, in the interests of fairness and efficiency a judicial review was not contested. ORAC’s policy was to reach a mutually agreeable settlement without delay in such cases preferably prior to a judicial review being instituted. However, where ORAC considered otherwise, it fully contested judicial reviews in order to protect the integrity of the asylum process.

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<sup>5</sup> Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.



- The number of outstanding judicial reviews against ORAC, which had been significantly reduced following the Supreme Court judgment<sup>6</sup> in this Office's favour in January 2009 in comparison with the volume of legal challenges on hands prior to 2009, remained relatively static during 2010. There were 191 outstanding legal challenges in 2010, in comparison with 190 cases at the end of 2009. This is mainly due to the volume of cases which await finalisation of lead cases concerning EU Council Directive 2005/85/EC<sup>7</sup> and Council Regulation (EC) No. 343/2003<sup>8</sup>.
- ORAC continued to offer internships to graduates in 2010, and five legal interns availed of this opportunity. These interns assisted with the enhancement of our processes and procedures in various parts of the organisation. A legal support officer was also employed under a FÁS scheme. The Commissioner is extremely grateful for their input to the organisation.
- ORAC also participated in asylum-related working groups of the Inter Governmental Consultations on Asylum, Refugee and Migration matters (IGC) in Geneva and the European Union Network of Asylum Practitioners (Eurasil) in Brussels. ORAC staff also attended a number of meetings of EU Council working parties which examined new EU legislation on asylum procedures, conditions for qualification as a refugee, the EU Dublin II process and the EURODAC fingerprinting process.
- ORAC provided material in relation to various international studies in the asylum area, including a research study by the European Union Agency for Fundamental Rights (FRA) on access to justice for asylum seekers, as well as attending a number of conferences on refugee law issues.
- The Commissioner was appointed to the Management Board of the European Asylum Support Office (EASO) and attended the first meeting in November 2010. The aim of the EASO is to help to improve the implementation of the Common European Asylum system, to strengthen practical co-operation among Member States on asylum and to provide and/or coordinate the provision of operational support to Member States subject to particular pressure on their asylum and reception systems.

### Open and Fair Procedure

- Applicants continued to be informed about their entitlements once an application for refugee status was made. Applicants are provided with a comprehensive Information Leaflet (in their own language where possible) about the asylum process in Ireland. Applicants are also informed orally and in writing (in their own language where possible) about how to access legal advice and make contact with the UNHCR.

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<sup>6</sup> A.K. v The Refugee Applications Commissioner (Unreported ex tempore, Supreme Court, 28<sup>th</sup> January 2009)

<sup>7</sup> Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.

<sup>8</sup> Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.



- ORAC also continued to keep its processes and procedures under review to ensure, as far as practicable, that they operated in an open and transparent manner.
- Applicants are also required to complete a detailed questionnaire in advance of the substantive interview (provided to them in their own language where possible) about their claims for refugee status. Applicants continued to be encouraged by ORAC to seek legal advice before completing these questionnaires and to make all possible documentation in support of their claim available in advance of substantive interviews.
- ORAC continued to recognise the special needs of vulnerable applicants such as unaccompanied minors and to deal with these applicants in a professional and sensitive manner. Specific procedures and guidelines for caseworkers are in place which take into consideration any specific factors and circumstances. In developing these guidelines, account was taken of international best practice, including the UNHCR's Separated Children in Europe Programme - A Statement of Good Practice and the EU Children First Programme.
- ORAC also has procedures in place to deal with cases where an applicant highlighted a gender-related issue in a questionnaire or other information material provided. ORAC always endeavoured to ensure that the interviewer and the interpreter (if applicable) were the same gender as the applicant, subject to availability of caseworkers and interpreters.
- ORAC continued to prioritise the provision of a high standard of interpretation services to all asylum applicants which was provided where necessary and possible through a contracted service provider. The provision of this service, together with a service for the accurate translation of documents, is essential for an open and fair asylum process.
- ORAC continued to verify the accuracy of a percentage of translated documents on a regular and independent basis as part of a quality assurance initiative with service providers.
- Feedback in relation to the interpretation service at interviews was also provided to the service provider at regular operational meetings.
- ORAC continued to work closely with the Refugee Documentation Centre (RDC), using its e-library to access key COI databases such as the UNHCR Protection Information Section's Refworld database ([www.refworld.org](http://www.refworld.org)) and the European Country of Origin Information Network ([www.ecoi.net](http://www.ecoi.net)) database as well as a range of other COI resources.
- Continued use of language analysis was also made during the year. Language analysis involves the examination of an applicant's speech in order to assess, as specifically as possible, whether an applicant could be placed in the geographical area or speech community he or she claimed to be from. A recording is made of an applicant's speech, which is analysed and a language expert then prepares a report under the supervision of a linguist. The findings of language analysis are used to assist with the overall evaluation of the asylum application and are always considered with all other



elements of the asylum claim. Language analysis may also be requested by the Refugee Appeals Tribunal under section 16(6) of the Refugee Act, 1996.



## High Level Goal 3

**To contribute to the preservation of the integrity of the asylum process.**

### *Strategy Statement 2010-2012 Objectives*

- *To identify as quickly as possible, in an effective and fair manner, those applicants who come within the definition of a refugee contained in section 2 of the Refugee Act, 1996.*
- *To detect and minimise abuse of the asylum process.*
- *To represent the Commissioner at appeal hearings at the Refugee Appeals Tribunal.*
- *To develop our own policies and procedures to preserve the integrity of the asylum system.*

### **Section 2 of the Refugee Act, 1996**

- The main statutory function of ORAC during the year continued to be to identify applicants who came within the definition of a refugee as set out in section 2 of the Refugee Act, 1996, in a timely and fair manner. The processing timeframe set out in ORAC's Strategy Statement 2010-2012 in respect of such applications was achieved in relation to applicants covered by the Ministerial Prioritisation Directive. Such applications were scheduled for interview within 9 to 12 working days from the date of application and completed within a maximum of a further 8 working days, an average processing time of 17 to 20 working days from the date of application.
- Average processing time for all other cases was 8 to 9 weeks for most of the year. However, this stretched to 9 to 10 weeks in the final quarter of the year due to a number of factors including the transfer of additional staff to INIS to deal with work priorities there.
- Applications from unaccompanied minors were scheduled for interview within 20 working days from the date of their application and the decisions in these cases normally issued within a further 10 working days, making a total processing time of approximately 6 weeks from the date of application. The timeframe for processing unaccompanied minors who were the subject of the Ministerial Prioritisation Directive was 5 weeks from the date of application.
- ORAC also prioritised applications from applicants in detention in line with requirements under the Refugee Act, 1996. Applicants in detention were given their preliminary interview within 3 working days of the date of their application in so far as possible. Such applications were scheduled for their substantive interview on average within 20 working days from the date of application, and completed within a





further 4 to 5 working days, giving an average processing time of 28 working days in total.

- During 2010, the Caseworkers Shared Knowledge Database (CSK) was continually updated to provide a research resource for ORAC users involved in the asylum process. The Research (COI) and Legal Analysis Unit within ORAC continued to build and maintain a collection of objective and up-to-date COI for users to access, with the valued assistance of the Refugee Documentation Centre (RDC).
- ORAC contributed to the preparation of a “Request for Tenders” for the supply of Temporary Residence Certificate cards, outlining its requirements in relation to the design of the card. The tender process is being dealt with by the INIS Shared Services Unit.
- ORAC maintained close liaison with the Reception and Integration Agency in order to maintain an updated address list for applicants.
- ORAC continued to implement its procedures to assist in determining whether applicants were over or under 18 years of age.

### **Detect and Minimise Abuse**

- The Office continued to fine-tune its procedures with a view to ensuring that any misuse of the asylum process was detected or minimised, and that the integrity of that process continued to be protected. A variety of initiatives were undertaken for this purpose including specific caseworker training, the exchange of information in line with legislation with other bodies and EU States and the use of various information technology systems such as EURODAC, AFIS and AVATS.
- ORAC's Investigations and Liaison Unit established in 2009, to develop initiatives to help detect and prevent abuses of the State's asylum system, continued to monitor trends and liaise with other State agencies such as the Irish Naturalisation and Immigration Service, the Garda National Immigration Bureau, the Anti Human Trafficking Unit of the Department of Justice and Law Reform as well as other Government Departments and EU States, particularly the UK.
- Applicants are required by law to co-operate with the asylum process. In situations where applicants failed to cooperate (e.g. not attending for interview on the appointed date without showing reasonable cause); not advising the Commissioner of a change of address or not providing information relevant to their application), their cases were deemed withdrawn under the provisions of the Refugee Act, 1996. 525 applications were deemed withdrawn in 2010, 142 of which were the result of the transfer of the applications under the EU Dublin II process.
- A significant number of applicants usually indicate that they travelled to the State by air, which would have required the presentation of identity documents, including visas at point of departure. However, at ORAC many such applicants produce no passport or other documentary evidence of their stated identity or nationality or any travel documents to show how they travelled to the State. The use of procedures and





systems such as the EU Dublin II Regulation, EURODAC, the AFIS (fingerprinting) and AVATS (visa) systems as well as enhanced co-operation with other EU States particularly the United Kingdom, often gives rise to information on these applicants, which would otherwise not be available due to the lack of documentation presented.

- ORAC also continued to make use of language analysis during the year.
- Where ORAC had concerns and doubts about the authenticity of identity documentation, they were referred to the Garda Technical Bureau (GTB) for examination.
- At the request of the Refugee Appeals Tribunal, a number of section 16(6) enquiries were made to the Garda National Immigration Bureau (GNIB) and the Garda Technical Bureau by the Presenting Unit to analyse various documents including identity documents such as passports or national identity documents.
- Arrangements to deal with potential trafficking cases continued in 2010. This involved liaison, for example, with the Anti Human Trafficking Unit of the Department of Justice and Law Reform and the Garda National Immigration Bureau.
- The internal reporting arrangements within ORAC in relation to human trafficking cases were also reviewed and updated.
- Maximum use continued to be made during the year of the EU Dublin II Regulation and EURODAC fingerprints process in order to determine which applicants were liable for processing in another Contracting State.
- Access to AVATS (Automated Visa Application and Tracking System) in the Reception and Dublin Units of ORAC continued to be utilised to assist in the detection of applicants who made a visa application to enable them travel to the State, but who subsequently withheld this information in their asylum application. In 2010, 181 persons with a valid Irish visa were detected as traveling to the State and subsequently claiming asylum. This figure represents 9.3% of asylum applications received in 2010.

### **Represent the Commissioner at appeal hearings at the Refugee Appeals Tribunal**

- In 2010, in line with the fall in asylum applications the number of appeal hearings scheduled for service by ORAC's Presenting team decreased compared with the previous two years. A total of 1,828 appeals were serviced in 2010 compared with 3,190 cases in 2009.
- Scheduling of hearings was conducted in co-operation with the Refugee Appeals Tribunal. Cases were scheduled in a manner that took into consideration the potential for postponements and adjournments thus providing for maximisation of output of the Presenting Unit.
- All new Presenting Officers assigned to the Unit were fully trained in RSD procedures, COI Research, caseworker specific training and training in the Presenting



function before they were assigned cases before the Tribunal. Coaching and mentoring by experienced colleagues continued.

- All section 16(6) enquiries received from the Refugee Appeals Tribunal were dealt with within the set time frames. A total of 77 section 16(6) enquiries were received and responded to in 2010.
- The panel of barristers, solicitors and law graduates, established in 2009, continued to support the Commissioner at hearings before the Refugee Appeals Tribunal. Members of this panel are paid a fee on a "case completed" basis and were concerned with a specific backlog of RAT cases.
- The volume of work available to this panel reduced significantly by the end of 2010 in view of the substantial progress made in eliminating RAT backlogs by both the panel and ORAC presenting officers in 2009 and 2010.

### **Policies and procedures to preserve the integrity of the asylum system**

- During 2010, the Policy and Procedures Unit continued to keep ORAC's key procedural and policy instructions up-to-date. This enables all ORAC staff to have easy access to the policies and procedures in relation to their area of operation.
- The Quality Assurance process continued to be emphasised with feedback provided to caseworkers and amendments made to internal procedures on foot of the outcome of judicial reviews and decisions of the Refugee Appeals Tribunal.
- ORAC also inputted into the work and attended meetings of relevant international fora dealing with asylum and refugee matters such as Working Groups of the European Union, the Inter Governmental Consultations on Asylum, Refugee and Migration matters (IGC) based in Geneva, EU General Directors' Immigration Services Conference (GDISC) and Eurasil (European Network for Asylum Practitioners). The Commissioner also attended the inaugural meeting of the European Asylum Support Office (EASO) in November 2010. The Commissioner is Ireland's representative on the EASO Management Board.



## High Level Goal 4

### To maintain excellent customer service.

#### *Strategy Statement 2010-2012 Objectives*

- *To deliver high quality customer service.*
- *To provide clear information to customers regarding the asylum process.*
- *To provide a comprehensive and effective complaints procedure.*

#### High quality customer service

- ORAC strives on an ongoing basis to ensure that all its customers are provided with a professional, efficient and high quality service, in line with our Customer Service Action Plan 2010-2012 and Customer Charter.
- Each year the Customer Service Centre of the Office of the Refugee Applications Commissioner (ORAC), under the terms of its Customer Service Charter, conducts surveys to determine the views of our customers on the various services provided by ORAC. The external survey this year related to the quality of the service provided to callers to ORAC's Reception Unit.
- The results of the survey were very positive as can be seen by the fact that:

All respondents said they were treated with courtesy and respect.

98% of those who answered the question: '***Were you satisfied with the quality of the service you received?***' indicated that they were very satisfied/satisfied with the quality of the service they received.

98% of respondents found staff very helpful/helpful.

Of those who indicated that they used an interpreter and who answered the follow-on question asking if they were happy with the interpreter, 100% stated they were.

Of the 46 people who responded to the question in relation to the quality of the information received, 98% were very satisfied/satisfied with the quality of the information they received.

Of the 45 people who responded to the question about the waiting area, 98% were satisfied/very satisfied with it.

- As in previous years, all correspondence received in the organisation was tracked and generally replied to within 20 working days of receipt. This is in line with



commitments in both the ORAC Customer Charter and Customer Service Action Plan.

- In line with ORAC's internal communications strategy, regular unit meetings were held to ensure that staff were fully updated on organisational developments.
- The Customer Service Liaison Panel met in November 2010 to discuss a number of matters with representatives of NGOs working with asylum seekers and refugees.
- The organisation developed internal procedures on arrangements for dealing with third parties, who are not asylum seekers or their representatives, contacting the office.
- ORAC continued to meet with other relevant agencies, including the HSE and RLS in order to exchange views on the efficient and effective operation of the asylum process.
- The Customer Service Centre handled 14,300 enquiries during the year. For more information, see Table A at Appendix 5.

### **Clear information to customers**

- The Customer Service Centre continued to provide a telephone answering service from Monday to Friday each week from 09.15 to 17.30.
- The nature of the comprehensive information material provided to applicants on the asylum process is outlined elsewhere in this report.

### **Customer Complaints Procedure**

- ORAC's customer complaints procedure is outlined in its Customer Charter and Customer Service Action Plan and continues to be kept under review to ensure that it operates in an effective manner.



## High Level Goal 5

**To efficiently and effectively manage our organisation and its resources having particular regard to the development of our staff.**

### *Strategy Statement 2010-2012 Objectives*

- To ensure our strategic business planning and individual performance planning frameworks support optimum performance by the organisation.*
- To manage human resources to meet the business needs of the organisation and the development needs of staff.*
- To make optimum use of ICT solutions to support the business needs of the organisation.*
- To ensure effective use of financial resources.*
- To effectively manage the services and facilities of the Office.*
- To build a strong commitment to new ways of working through Partnership.*
- To provide quality corporate support to the ORAC to discharge its statutory and non-statutory functions and also to effectively monitor the Office's communications, both internal and external.*

### **Business Planning**

- Business planning is a key element of the ORAC management process and enables the organisation to highlight priorities in terms of resources available and to assess work progress at regular intervals. Business Plans were drafted by all Units at the start of the year and were reviewed quarterly. Any required adjustments were made as appropriate.
- A strong emphasis on the prompt and efficient processing of asylum applications, family reunification applications, appeals before the Refugee Appeals Tribunal and EU Dublin II Regulation cases continued to be highlighted in Unit Business Plans in 2010. The Plans also included commitments in respect of Quality Assurance and Customer Service.
- In order that the organisation could identify potential risks in advance and to ensure that mitigations and controls continued to be put in place to minimise the impact on ORAC, its customers and stakeholders, the organisation again continued with risk management assessment as part of business planning. This early identification of potential organisational risks is a well established feature of ORAC's business planning.



- Risk Registers for each Unit's Business Plan were monitored quarterly and appropriate action was taken where necessary.
- Change management risk registers which were developed for each Unit in ORAC continued to be monitored. These risk registers provide details of the key challenges for each area in the run up to and following the implementation (subject to Oireachtas approval) of the Immigration, Residence and Protection Bill, 2010, as well as the associated actions needed to minimise the impact of these risks.

### Human Resources/Training

- The HR and Staff Support Strategy (2009-2010) continued to be implemented with a wide range of commitments being finalised or progressed. Progress on the implementation of the Strategy was monitored in the context of the business planning process. A Progress Report was prepared and circulated to the Partnership Committee and staff in 2010. Work on the third HR and Staff Support Strategy to cover the period 2011-2013 was completed during the year. This Strategy will continue to provide a framework for the organisation until the Immigration, Residence and Protection Bill, 2010, is enacted and ORAC is subsumed into the Irish Naturalisation and Immigration Service (INIS).
- The implementation of ORAC's second Training and Development Strategy (2009-2011) continued and a wide range of commitments were finalised or progressed. Progress on implementation is monitored and reported on at monthly management meetings, in the quarterly Business Plan updates and in the Annual Report. The purpose of this strategy is to continue to set clear goals and objectives for the provision and development of the knowledge, skills and competencies required to assist staff in achieving the objectives of the organisation and also to provide for their personal development training needs.
- All members of staff continued to participate in the Performance Management and Development System (PMDS) process during 2010. The benefits of PMDS for staff members, managers and the organisation include providing clarity on roles and priorities, improving performance and contributing to a systematic approach to personal development. The purpose of the PMDS is to manage each staff member's work performance, development and career in the context of achieving individual, divisional and overall organisational goals.
- With the support of the Department of Justice and Law Reform's Employee Assistance Officer, the Peer Support project continued in 2010. The objective of peer support, which was introduced in 2003, is to ensure that ORAC has the necessary systems in place to assist staff who deal with applicants who are the victims of torture or other forms of degrading treatment in their countries of origin.
- ORAC continued to provide training in Refugee Status Determination to staff as required. Separated Children Training was also provided to staff by the UNHCR, to equip staff to deal sensitively and appropriately with unaccompanied minors during the refugee status determination process. The training was also attended by staff from the HSE, RLS and RAT.



- Along with the delivery of operational training in areas such as refugee status determination, country of origin information and casework specific induction, training in the following areas was delivered: interculturalism, mock hearings, EU Dublin II Regulation, eVisas, documentation fraud awareness, assertiveness skills, time management, coaching skills for jobholders, coaching skills for managers, leadership skills, practical writing skills, conflict management, disability awareness, negotiation skills, stress management, speed reading, MS Excel, MS Word, MS Powerpoint and SPSS statistical software.
- Comprehensive staff induction programmes continued to be provided to all new ORAC staff.
- In total, 457 training units were provided to staff in the organisation during the year. An Annual Training Plan for 2010 was drawn up and circulated to all staff which took account of both organisational training priorities and individual training needs identified through the PMDS cycle.
- The work programme of the Single Procedure Transition Team also included the development of a comprehensive training programme in preparation for the introduction of the protection aspects of the Immigration, Residence and Protection Bill, 2010, once approved by the Houses of the Oireachtas.
- The staffing resources of the Office were kept under continuous review at both unit and organisational level and a reallocation and reorganisation of resources took place internally, and on an INIS-wide basis, throughout the year to meet changing business needs.
- As a result of the fall in asylum applications and the continuing need to deploy and use resources efficiently, 31 staff members were redeployed to the INIS and to the Department of Justice and Law Reform during 2010. In addition, two staff members were redeployed to the Department of Social Protection. These staff were not replaced.
- Two staff availed of the Special Civil Service Incentive Career Break Scheme in 2010 and a further two staff availed of the Civil Service Career Break Scheme. In addition, four staff retired during the year and two further staff members resigned their posts. None of these staff were replaced.
- Two staff members continued to be seconded to the INIS Reporting and Analysis Unit (RAU). The purpose of the INIS RAU is to support INIS (including ORAC) generally in relation to the provision of statistical information for management, operational and strategic planning purposes.
- Two staff members continued to be seconded to the AISIP IT Project.
- The provision of “Lunch and Learn” sessions for staff continued in 2010 on a variety of work related and general issue topics.





- During 2010, support continued to be provided to managers (and other nominated staff) on devolved HR functions.
- ORAC again took part in the Department of Justice and Law Reform's Legal Interns Programme. This programme aims to provide legal and other graduates with a better understanding of public sector issues and broaden their experience while at the same time assisting the Department and agencies from a legal perspective. Five legal interns were recruited for different periods on temporary assignment and were assigned to a variety of research work in the Office.
- ORAC also took part in the FÁS Work Placement Programme. One Work Placement Graduate took up duty on a six month assignment.
- As part of ORAC's work to ensure compliance with the Disability Act, 2005, and arising from the Equality Implementation Plan for ORAC, the Office continued to deliver disability awareness training to key frontline staff.
- Regular liaison was maintained with the Employee Assistance Officer in relation to work related issues experienced by staff. In addition, Personnel Clinics were held where members of the Staff Support Unit were available to answer any staff queries.
- Worklife Balance Day was promoted on 1 March 2010. A wide range of worklife balance schemes are available to staff including worksharing, termtime, flexitime and parental leave.

### Information Technology and Statistics

- ORAC also continued to input as required into preparatory work for the development of the Asylum and Immigration Strategic Integration Programme (AISIP) both at Project Board and expert group level including, in particular, the change management process for AISIP. AISIP is expected to go live at the end of 2011.
- The Department's CITRIX IT system continued to provide support for ORAC's information databases including Management Live.
- Further training was provided to staff on the use of Intelliview software for use with the Legal Challenges Database. Intelliview software supports the generation of statistical reports from the Management Live database.
- The Country of Origin Information System (e-library), which launched in late 2007 as part of the AISIP project, continued to be of benefit to ORAC. The system provides facilities for the maintenance of and access to electronic information including COI reports, Country Information Packs, anonymised COI query responses, library catalogue and legal materials. It also provides for management of the Refugee Documentation Centre's lending library and management of the receipt and processing of queries received in relation to asylum applications from RDC's clients. The RDC is continuing to arrange for software enhancements to the system in order to increase the flexibility of its search capacity. A number of software upgrades took place in 2010.





- Contracting States to the EU Dublin II Regulation communicate through a secure electronic communications system known as DubliNET. The IT Division of the Department of Justice and Law Reform also continued to support this system in 2010.

### **Financial Resources**

- ORAC continued to apply appropriate internal and external financial controls in 2010 to ensure expenditure was within budget and in compliance with Financial Policy Procedures and Public Procurement Guidelines. Expenditure was also monitored to ensure value for money.
- ORAC's expenditure outturn for 2010 is set out in Appendix 6 of this report.

### **Decentralisation**

- While ORAC was not included in the decentralisation programme during the year, staff were transferred to and from the organisation in the context of decentralisation arrangements.

### **Internal Support Services**

- ORAC's shared services function (organisation and financial support) continued to be provided by the INIS Shared Services Unit which includes former ORAC staff.
- The copying/registry function of the Administration and Arrangements Unit continued to provide a key support service to the Office by copying 1,590 files, logging 15,334 files in and out of Registry and dealing with 2,962 Helpdesk queries during 2010. The unit, in conjunction with other units in ORAC, with a view to achieving maximum efficiencies in the use of staff and resources, also reviewed and streamlined its work practices for copying, constructing and moving case files.

### **Partnership**

- The Partnership process continues to be a key element in the management of change and modernisation within the organisation. ORAC's eighth Partnership Committee was formed in September 2010 and met once before the end of the year. The previous Committee met on five occasions during the year and discussed a variety of issues.
- The ORAC Social Committee, which was established as a Partnership Committee Working Group in 2006 to promote social activities in ORAC, ran a number of very successful events during the year.
- Following a number of successful events held during the year, the Local Community Fundraising Committee presented a cheque for €1,000 to the local conference of the St. Vincent de Paul on 12 December 2010.



## Corporate Developments

- ORAC's 2010-2012 Strategy Statement continues to set a clear direction for the Office's activities in the lead up to the planned new statutory arrangements in the Immigration, Residence and Protection Bill, 2010, (subject to enactment) under which ORAC will be subsumed into the Irish Naturalisation and Immigration Service (INIS).
- ORAC's Health and Safety Policy Statement continues to enable the Office to meet its responsibilities to staff and customers under health and safety legislation. It involves a number of ongoing initiatives which include:
  - Appointment and training of staff as Fire Wardens and training of staff in First Aid and use of Cardiac Defibrillators.
  - Staff awareness of health and safety matters.
  - Review and enhancement of Office security and safety procedures for optimum protection of ORAC's staff and customers.

## Energy Usage

From 2010, all Government Departments and Offices are required to report annually on their energy usage and actions taken to reduce energy consumption.

The Office achieved a saving of approximately 8% on its energy usage in 2010 compared with 2009. Gas and electricity were the only forms of energy used in our Timberlay House building and the energy savings achieved during the year were as a result of, inter alia, staff initiative and monitoring of the light and heat systems. A more detailed breakdown of our energy usage can be found in Appendix 7.



## **Part 4**

### **Appendices**



## **Appendix 1**

### **ORAC Management Staffing Structure**



## Appendix 1

### ORAC Management Staffing Structure

<b>Commissioner</b>			
<b>Principal Officer**</b>			
Assistant Principal Officer	Assistant Principal Officer	Assistant Principal Officer	Assistant Principal Officer
Staff Support & Training Unit*	Corporate & Customer Service Centre*  Family Reunification Unit*	Judicial Review Unit*  Research (COI) and Legal Analysis Unit *	Presenting Unit *  Reporting and Analysis Unit (ORAC aspects)*
<b>Principal Officer</b>			
Assistant Principal Officer	Assistant Principal Officer	Assistant Principal Officer	Assistant Principal Officer
Case Processing Units	EU Dublin Regulation Unit  Investigation & Liaison Unit	Administration & Arrangements Unit  Reception Unit	Policy & Procedures Unit  Single Procedure Transition Team

\* These Units report directly to the Commissioner.

\*\* 1 Principal Officer vacancy.



## **Appendix 2**

### **Overview of Units of ORAC**



## **Appendix 2 - Overview of Units of ORAC**

### **1. Administration and Arrangements Unit**

The functions of the Unit are:

- to arrange the scheduling of interviews for asylum applicants.
- to arrange for interpretation and translation services.
- to manage the interview waiting area.
- to issue recommendation notifications to asylum applicants and relevant parties following the investigation of asylum applications.
- to process deemed withdrawn cases.
- to provide administrative support to the Case Processing Units.
- to process correspondence in relation to the Case Processing Units.
- to manage file movement and file copying in ORAC.

### **2. Case Processing Unit**

Case Processing is the core function of ORAC and involves the investigation of claims for refugee status, on a case by case basis. The primary objective of the Case Processing Units is the fair, timely and efficient investigation of applications for a declaration of refugee status and the making of legally robust recommendations on such applications. The investigation includes the individual interviewing of applicants, the objective research of the claims made and the making of recommendations as to whether an application should be 'granted' or 'refused'.

### **3. Corporate and Customer Service Centre**

The role of the Corporate Office is to oversee the provision of quality administrative and secretarial support to the Refugee Applications Commissioner and his senior Management Team to enable him to discharge his statutory and non-statutory functions. The office co-ordinates material in response to requests from, *inter-alia*, other parts of the Irish Naturalisation and Immigration Service (INIS), Government Departments/agencies and the media; prepares all corporate documents and is responsible for their circulation. The Customer Service Centre is responsible for the development and monitoring of customer service structures, the management of customer service enquiries and liaising with other organisations (governmental and non-governmental).

### **4. EU Dublin Regulation Unit**

This Unit deals with the implementation of the EU Dublin II Regulation. The Unit is responsible for determining whether asylum applications should be transferred for examination to other Contracting States and deals with requests from other Contracting States to transfer applicants for asylum to this State.

### **5. Family Reunification Unit**

Family Reunification Unit examines applications made by refugees for permission for certain members of their family to be allowed to enter and reside in the State and provides a report in this regard to the Minister for Justice and Law Reform.

### **6. Investigation and Liaison Unit**

The Investigation and Liaison Unit is responsible for developing initiatives to assist in protecting the integrity of the asylum system.



## **7. Judicial Review Unit**

The Judicial Review Unit prepares the ORAC response to applications for judicial review (including leave applications), for first instance recommendations and/or procedures.

## **8. Policy and Procedures Unit**

The role of this Unit is to act as a central knowledge resource and to lead the development and ongoing review of ORAC policy and procedures in relation to the management and investigation of asylum applications. The Unit also co-ordinates and provides the appropriate training for staff in relation to the refugee status determination process.

## **9. Presenting Unit**

The role of the Presenting Unit is to represent the Refugee Applications Commissioner at appeal hearings before the Refugee Appeals Tribunal, to respond at appeal hearings to the issues raised in the appellant's appeal and to assist the Member of the Tribunal in reaching a fair and just decision. The Unit provides statutory responses under sections 16(6) and 16(7) of the Refugee Act, 1996. The Unit also supports the Commissioner's Presenting Panel.

## **10. Reception Unit**

The Reception Unit deals with the acceptance and processing of asylum applications when first received in ORAC including taking of fingerprints and undertaking decisions in respect of the EURODAC fingerprinting system.

## **11. Reporting and Analysis Unit**

The Reporting and Analysis Unit (RAU) is responsible for providing statistical and management information and for the compilation and circulation of periodic statistical reports. The ORAC RAU is part of the INIS RAU.

## **12. Research (COI) and Legal Analysis Unit**

This Unit is responsible for:

- COI/Research for case processing support purposes.
- Management of the Language Analysis function.
- Legal analysis/research work in relation to judicial reviews and other legal work which is undertaken for the Commissioner, and
- Support to the Quality Assurance function within ORAC.

## **13. Single Procedure Transition Team**

The Single Procedure Transition Team (SPTT) is responsible for the development of the procedures and policies as well as the training programmes required to facilitate the implementation, when enacted, of the Immigration, Residence and Protection Bill, 2010. The Bill will result in the introduction of a Single Procedure for the consideration of refugee, subsidiary protection and leave to remain type matters.

## **14. Staff Support and Training**

The role of the Staff Support and Training Unit is to coordinate and facilitate the delivery of training to staff and to provide other staff support functions. The Unit works closely with other Units and in-house trainers to ensure that the training needs are identified and that the training delivered meets organisational requirements by being relevant and job specific.





## **Appendix 3**

### **Applications/Processing Statistics**



Table 1. Number of applications per year from 1992 to 2010

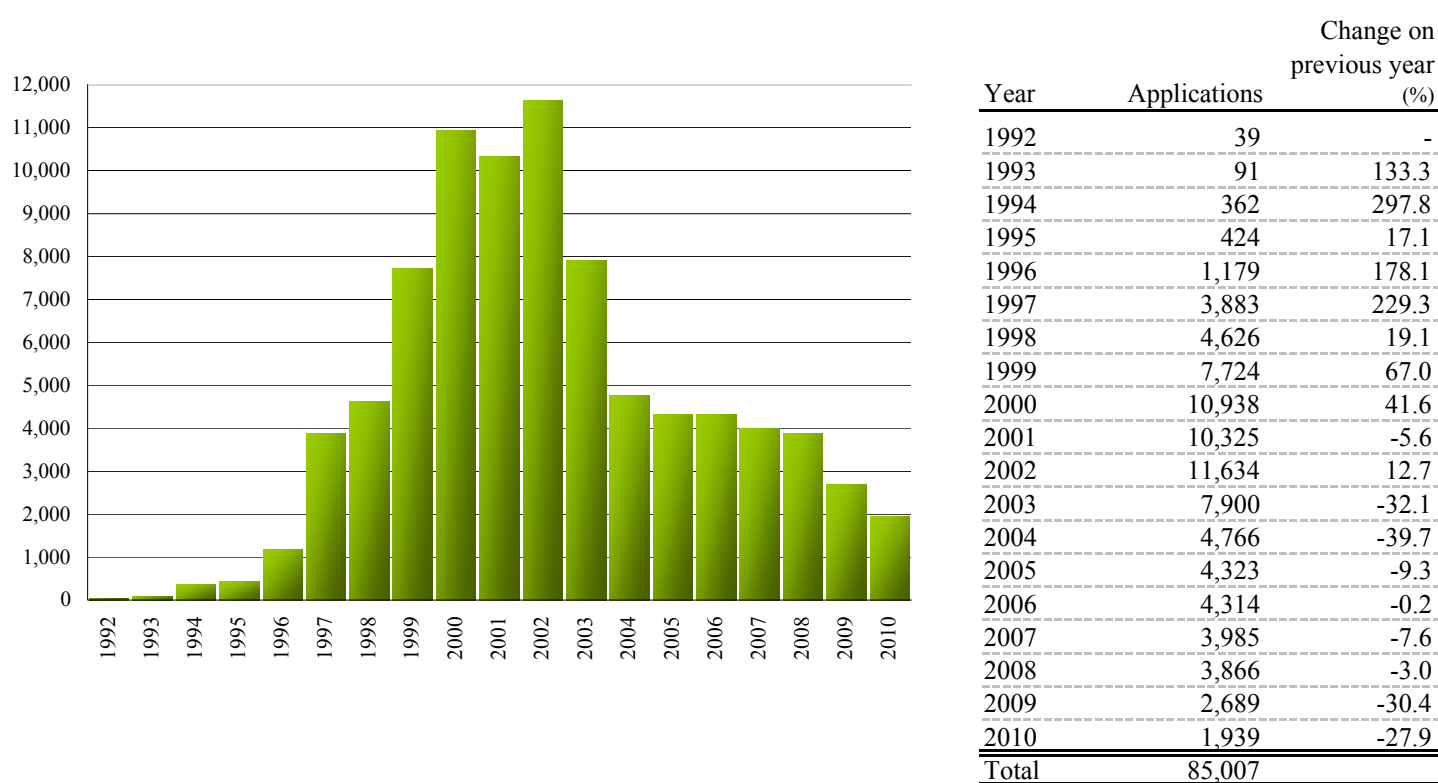


Table 2. Applications received by month and year

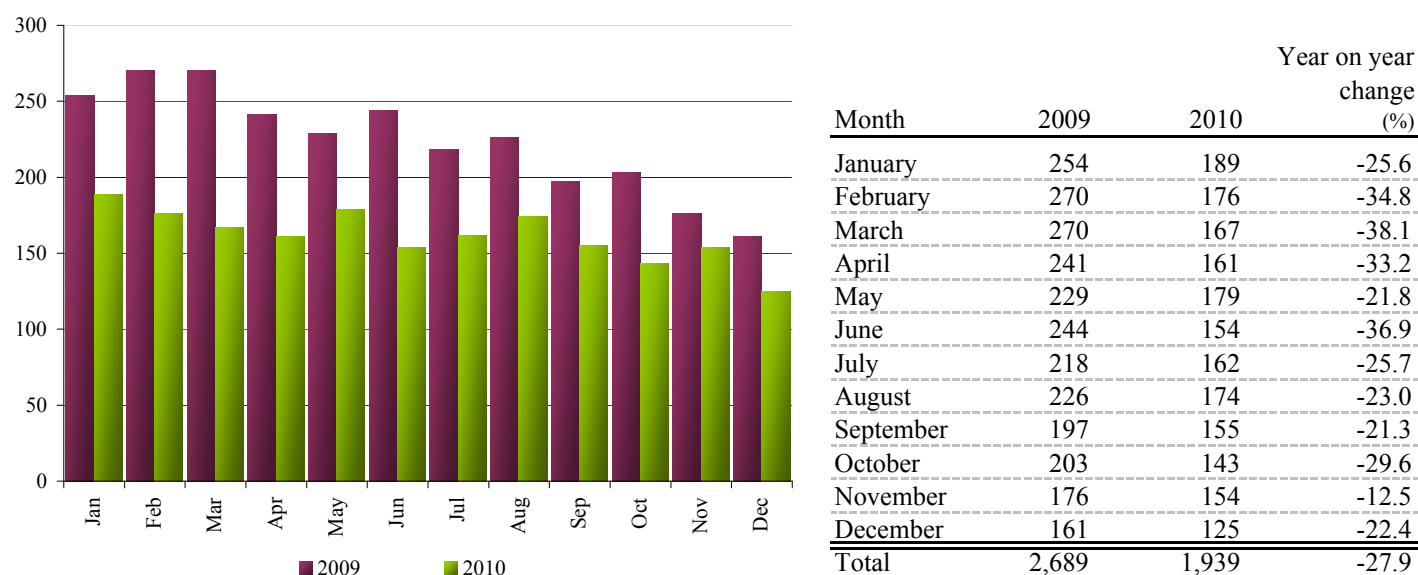
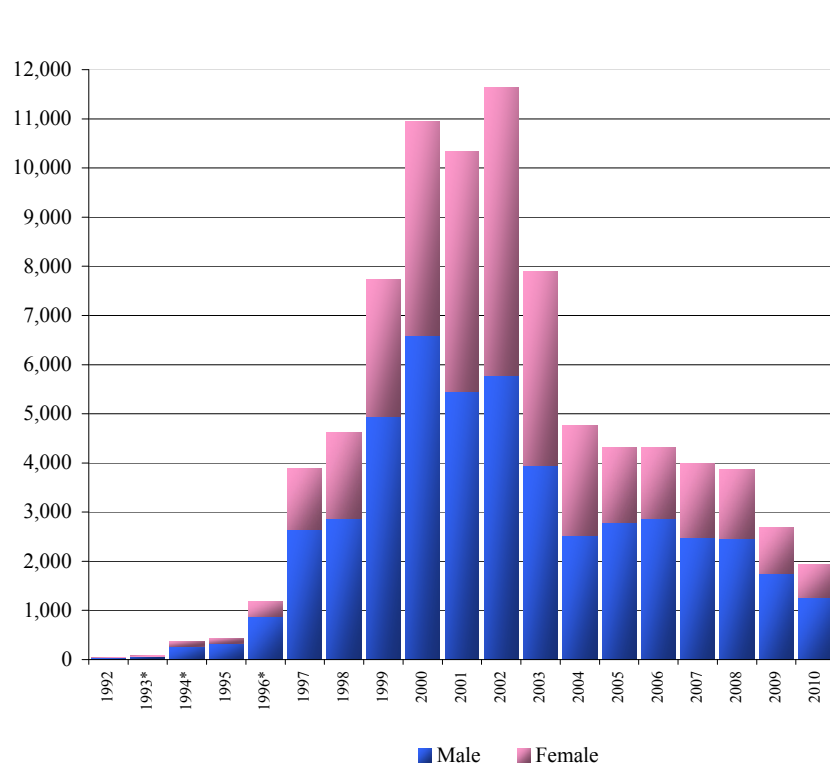




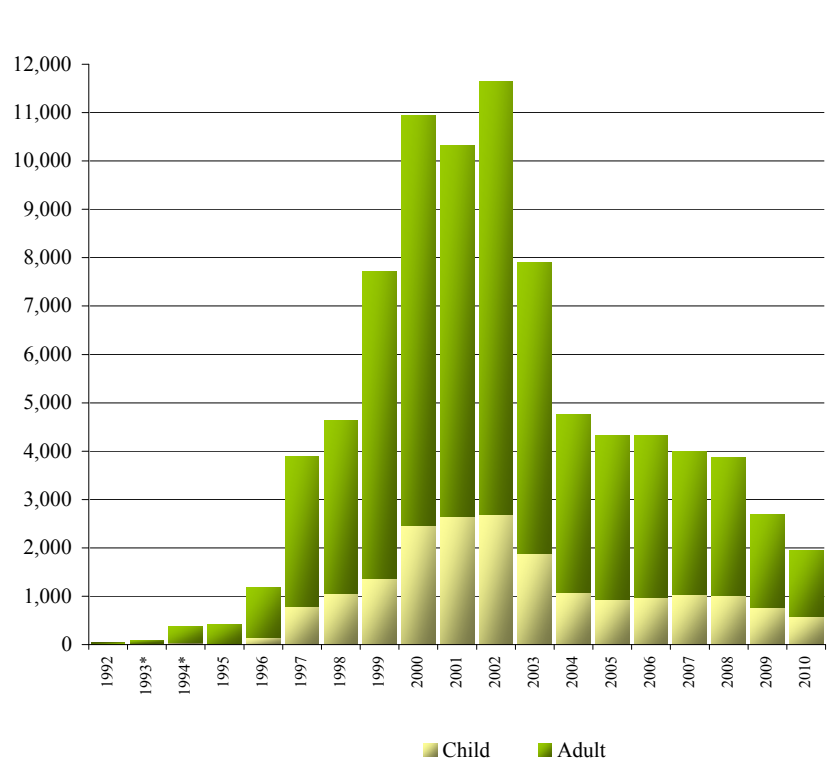
Table 3. Applications per year from 1992 to 2010 by gender



Year	Male	Female	Total	Male to Female ratio
1992	31	8	39	3.9
1993*	58	28	91	2.1
1994*	264	97	362	2.7
1995	334	90	424	3.7
1996*	875	299	1,179	2.9
1997	2,643	1,240	3,883	2.1
1998	2,869	1,757	4,626	1.6
1999	4,958	2,766	7,724	1.8
2000	6,602	4,336	10,938	1.5
2001	5,447	4,878	10,325	1.1
2002	5,773	5,861	11,634	1.0
2003	3,944	3,956	7,900	1.0
2004	2,521	2,245	4,766	1.1
2005	2,778	1,545	4,323	1.8
2006	2,875	1,439	4,314	2.0
2007	2,478	1,507	3,985	1.6
2008	2,469	1,397	3,866	1.8
2009	1,758	931	2,689	1.9
2010	1,265	674	1,939	1.9
<b>Total</b>	<b>49,942</b>	<b>35,054</b>	<b>85,007</b>	<b>1.4</b>

\* The totals in respect of these years include cases where 'Gender' was not recorded.

Table 4. Applications per year by age grouping

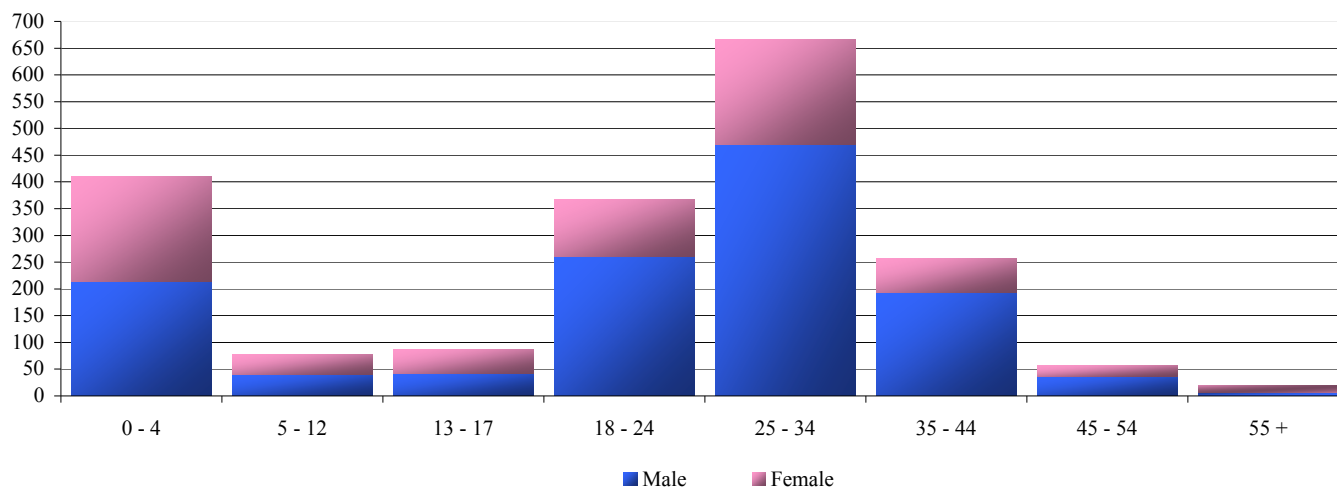


Year	Child [0 - 17]	Adult [18+]	Total	Adult to Child ratio
1992	6	33	39	5.5
1993*	18	68	91	3.8
1994*	31	330	362	10.6
1995	27	397	424	14.7
1996	138	1,041	1,179	7.5
1997	791	3,092	3,883	3.9
1998	1,063	3,563	4,626	3.4
1999	1,370	6,354	7,724	4.6
2000	2,456	8,482	10,938	3.5
2001	2,653	7,672	10,325	2.9
2002	2,678	8,956	11,634	3.3
2003	1,895	6,005	7,900	3.2
2004	1,071	3,695	4,766	3.5
2005	926	3,397	4,323	3.7
2006	964	3,350	4,314	3.5
2007	1,025	2,960	3,985	2.9
2008	1,016	2,850	3,866	2.8
2009	764	1,925	2,689	2.5
2010	573	1,366	1,939	2.4
<b>Total</b>	<b>19,465</b>	<b>65,536</b>	<b>85,007</b>	<b>3.4</b>

\* The totals in respect of these years include cases where 'Age' was not recorded.



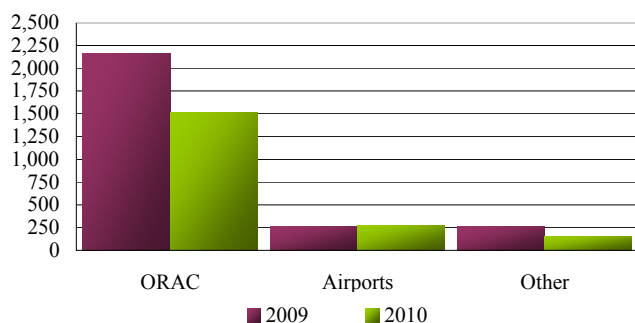
Table 5. Age stated by applicants 2010



Age Group	Male	Female	Total	Total (%)	Male to Female ratio
0 - 4	214	196	410	21.1	1.1
5 - 12	40	37	77	4.0	1.1
13 - 17	42	44	86	4.4	1.0
18 - 24	261	106	367	18.9	2.5
25 - 34	471	195	666	34.3	2.4
35 - 44	193	64	257	13.3	3.0
45 - 54	37	20	57	2.9	1.9
55 +	7	12	19	1.0	0.6
<b>Total</b>	<b>1,265</b>	<b>674</b>	<b>1,939</b>		<b>1.9</b>

Percentages may not add up to 100% due to rounding.

Table 6. Places of application by year

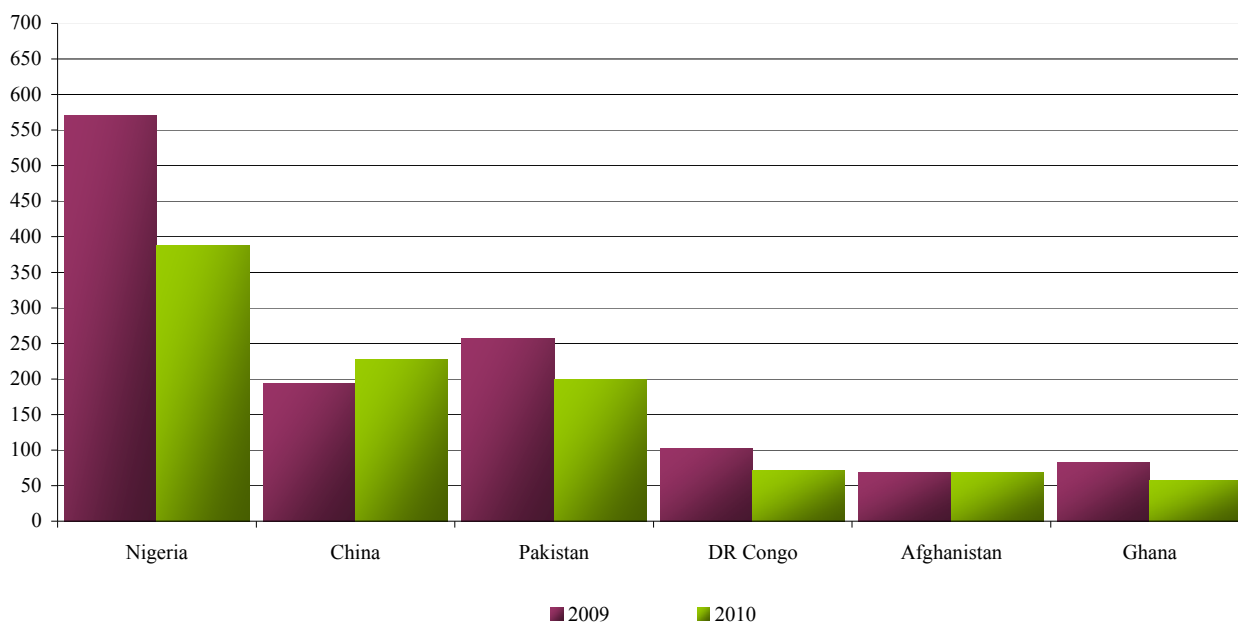


Place of application	2009		2010	
	Applications	%	Applications	%
ORAC	2,167	80.6	1,519	78.3
Airports	260	9.7	273	14.1
Other	262	9.7	147	7.6
<b>Total</b>	<b>2,689</b>		<b>1,939</b>	

Percentages may not add up to 100% due to rounding.



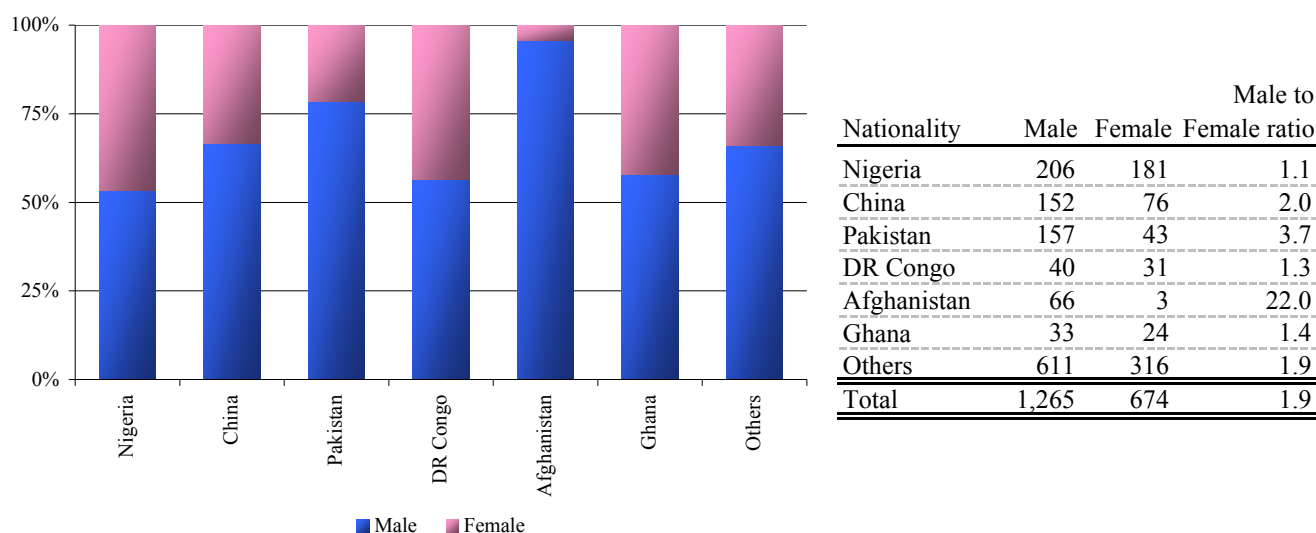
Table 7. Top six stated countries of origin 2010 and comparison with 2009



Nationality	2009		2010		Year on year change (%)
	Applications	%	Applications	%	
Nigeria	570	21.2	387	20.0	-32.1
China	194	7.2	228	11.8	17.5
Pakistan	257	9.6	200	10.3	-22.2
DR Congo	102	3.8	71	3.7	-30.4
Afghanistan	68	2.5	69	3.6	1.5
Ghana	82	3.0	57	2.9	-30.5
Others	1,416	52.7	927	47.8	-34.5
<b>Total</b>	<b>2,689</b>		<b>1,939</b>		

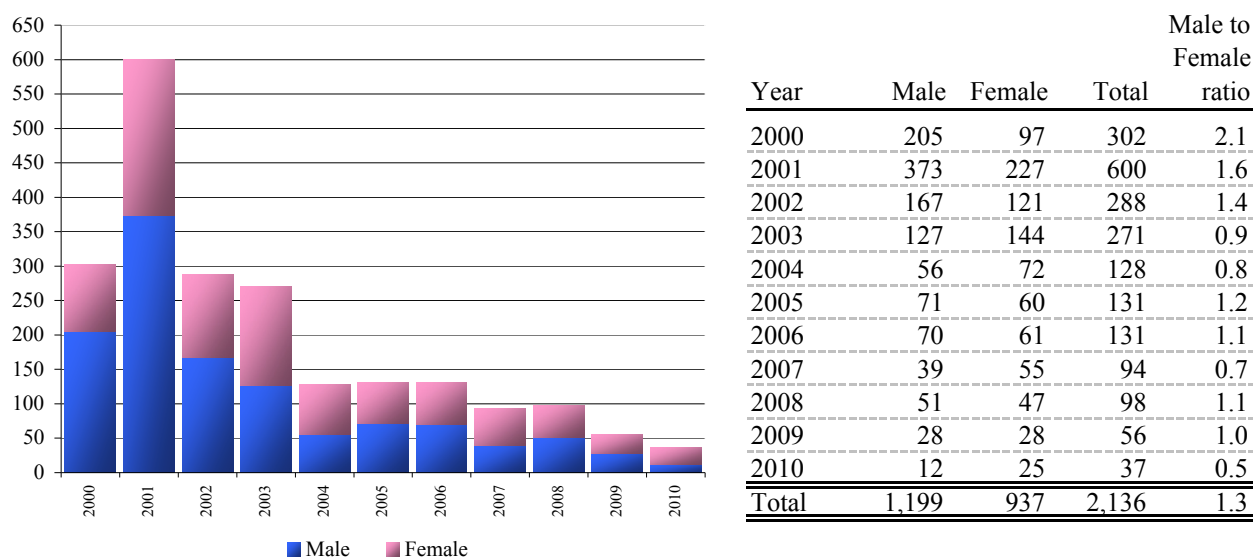
Percentages may not add up to 100% due to rounding.

Table 8. Top six stated countries of origin 2010 by gender

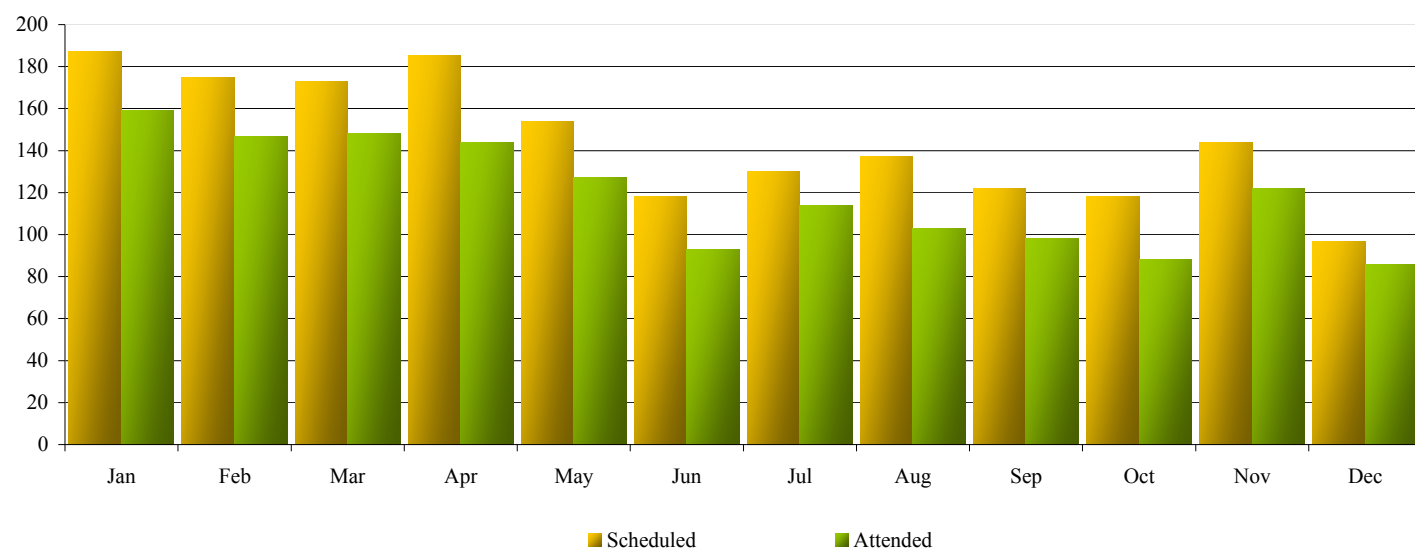




**Table 9. Applications from unaccompanied minors, 2000 to 2010 by gender**



**Table 10. Interviews scheduled and attended 2010**

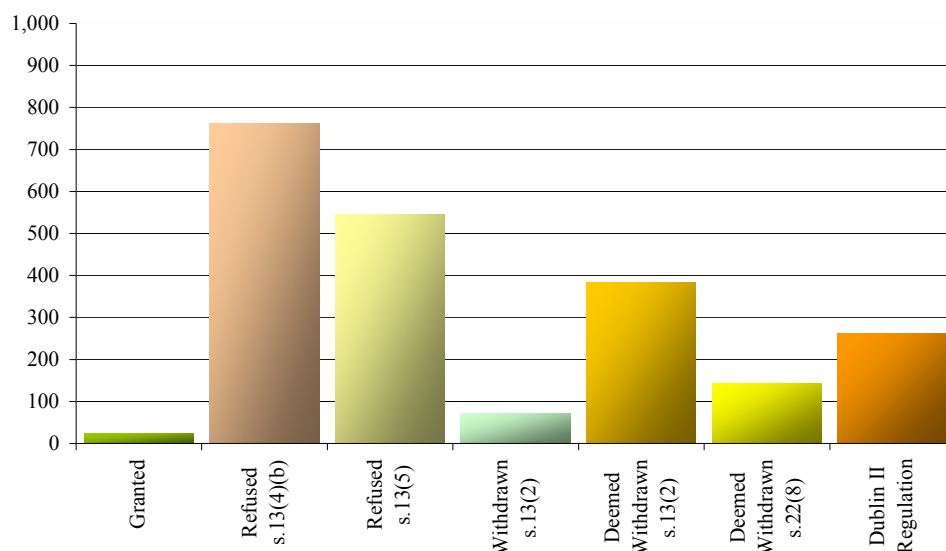


Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Scheduled*	187	175	173	185	154	118	130	137	122	118	144	97	1,740
Attended	159	147	148	144	127	93	114	103	98	88	122	86	1,429
% Attended	85.0	84.0	85.5	77.8	82.5	78.8	87.7	75.2	80.3	74.6	84.7	88.7	82.1

\* Each month ORAC over-schedules allowing cancellations to be substituted with another active interview, thus preventing the loss of an interview slot. The above figures relate to the amount of interviews that ORAC had the capacity to service.



**Table 11. Cases finalised 2010**



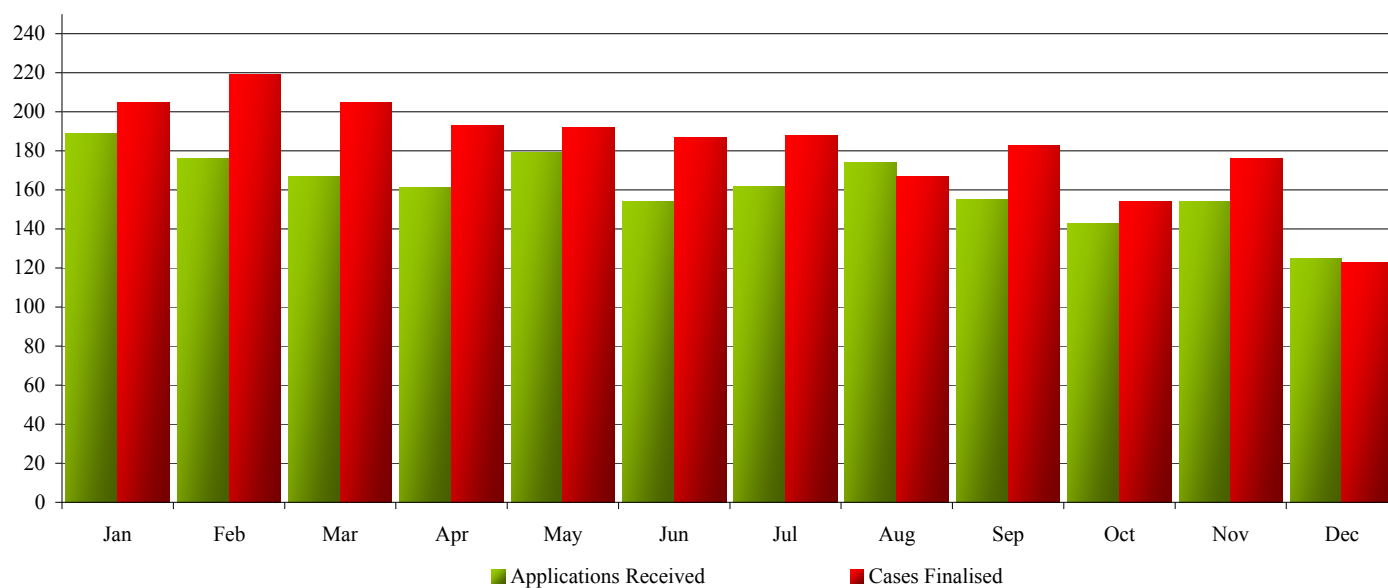
Category	Total (%)
Granted	1.1
Refused s.13(4)(b)	34.8
Refused s.13(5)	24.9
Withdrawn s.13(2)	3.2
Deemed Withdrawn s.13(2)	17.5
Deemed Withdrawn s.22(8)	6.5
Dublin II Regulation	12.0
<b>Total cases finalised</b>	<b>2,192</b>

Sections refer to those of the Refugee Act, 1996.

<b>Grant</b>	<i>The Commissioner has made a recommendation that the applicant be granted refugee status.</i>
<b>Refused s.13(4)(b)</b>	<i>The Commissioner has made a recommendation that the applicant should not be granted refugee status. An appeal to the Refugee Appeals Tribunal must be taken within 15 days.</i>
<b>Refused s.13(5)</b>	<i>The Commissioner has made a recommendation that the applicant should not be granted refugee status and has included in his report a finding under section 13(6). An appeal to the Refugee Appeals Tribunal must be taken within 10 days.</i>
<b>Refused s.13(2)</b>	<i>The Commissioner has made a recommendation that the applicant should not be granted refugee status where an application has been withdrawn or deemed to be withdrawn.</i>
<b>s. 22(8)</b>	<i>Cases finalised under section 22(8) relate to applicants transferred under the Dublin II Regulation in respect of which determinations were made by ORAC.</i>
<b>Dublin II Regulation</b>	<i>Where it is established that the applicant's claim for refugee status should be determined in another Contracting State under the Dublin II Regulation.</i>

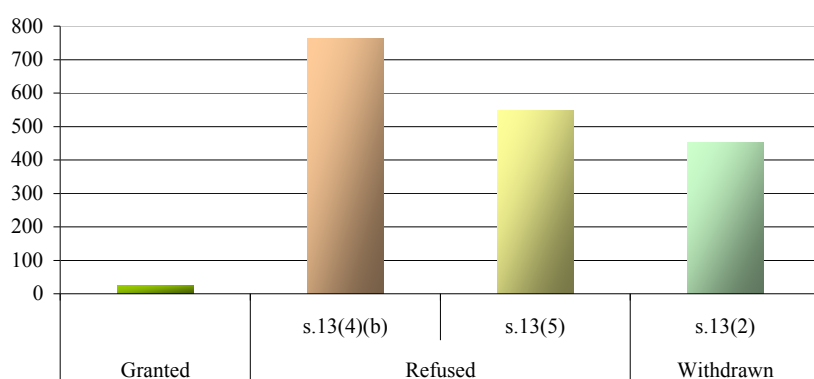


Table 12. Comparison of applications received and cases finalised 2010



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Applications Received	189	176	167	161	179	154	162	174	155	143	154	125	1,939
Cases Finalised	205	219	205	193	192	187	188	167	183	154	176	123	2,192

Table 13. Recommendations issued 2010



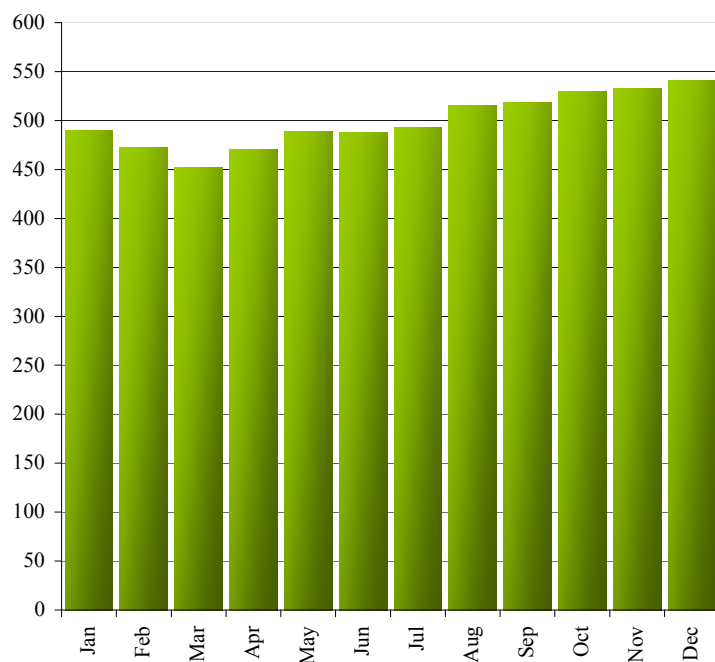
Recommendation*	Total (%)
Granted	1.3
Refused s.13(4)(b)	42.7
s.13(5)	30.6
Withdrawn s.13(2)	25.4
<b>Total recommendations made</b>	<b>1,787</b>

\* Excludes cases processed under the Dublin II Regulation.  
Sections refer to those of the Refugee Act, 1996.



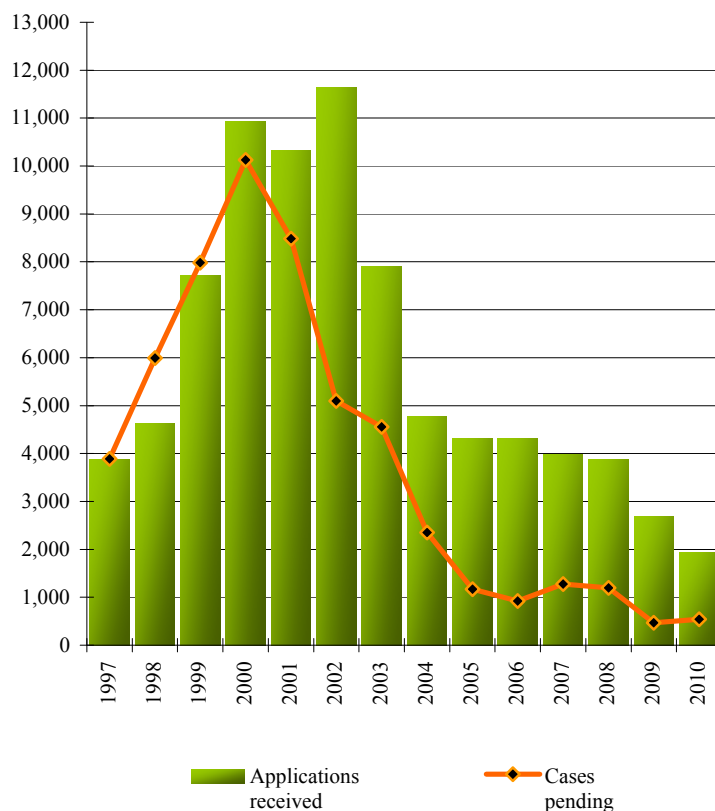


Table 14. Applications outstanding as at 31/01/10 to 31/12/10



Month	Cases pending	Change on previous month (%)
January	490	-
February	472	-3.7
March	452	-4.2
April	471	4.2
May	489	3.8
June	488	-0.2
July	493	1.0
August	515	4.5
September	519	0.8
October	530	2.1
November	533	0.6
December	541	1.5

Table 15. Comparison of yearly applications received and those outstanding at year end



Year	Applications received	Cases pending	Change in cases pending (%)
1997	3,883	3,886	-
1998	4,626	5,993	54.2
1999	7,724	7,985	33.2
2000	10,938	10,127	26.8
2001	10,325	8,483	-16.2
2002	11,634	5,094	-40.0
2003	7,900	4,554	-10.6
2004	4,766	2,350	-48.4
2005	4,323	1,169	-50.3
2006	4,314	924	-21.0
2007	3,985	1,279	38.4
2008	3,866	1,196	-6.5
2009	2,689	470	-60.7
2010	1,939	541	15.1

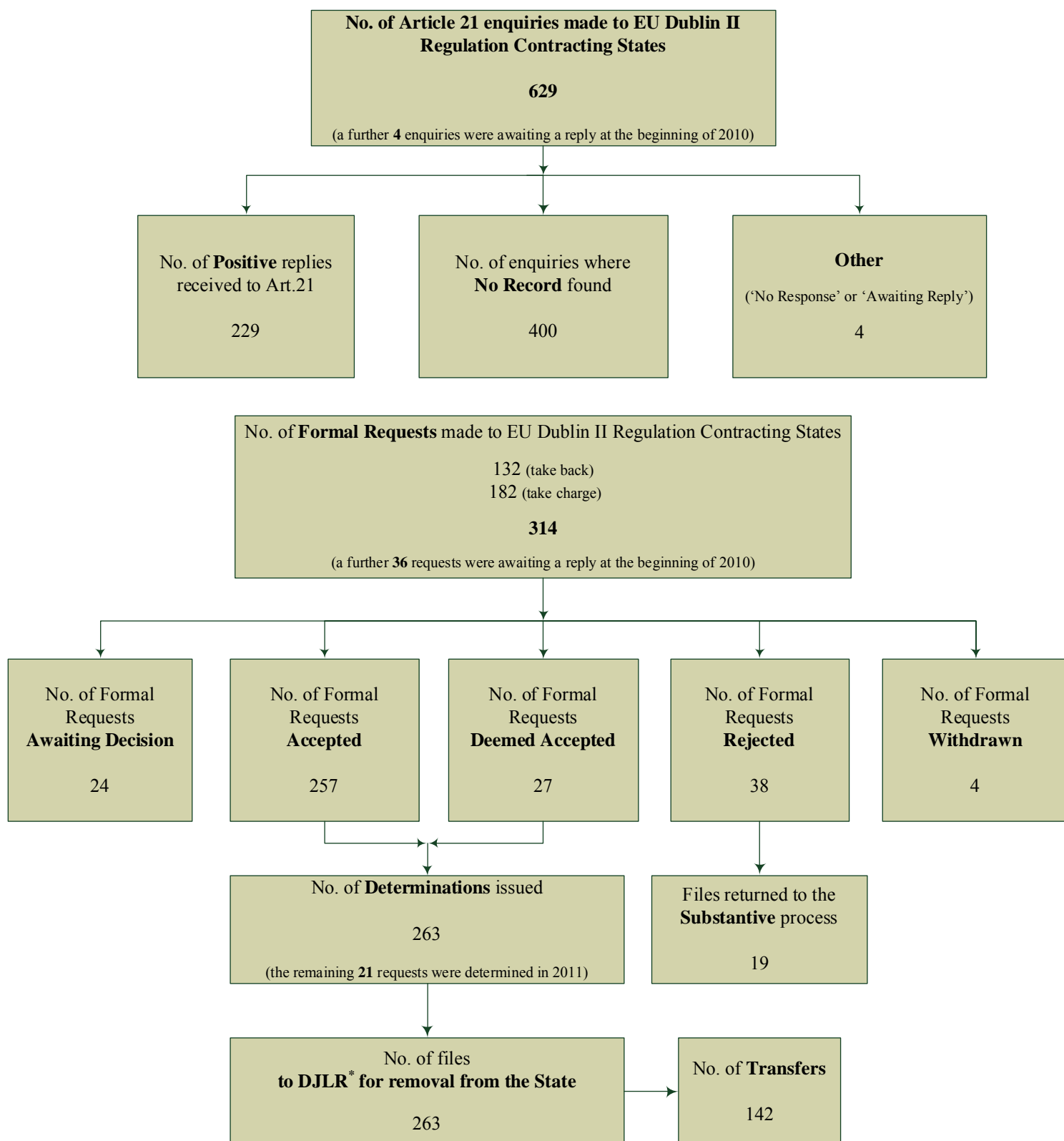


## **Appendix 4**

### **EU Dublin II Regulation Statistics**



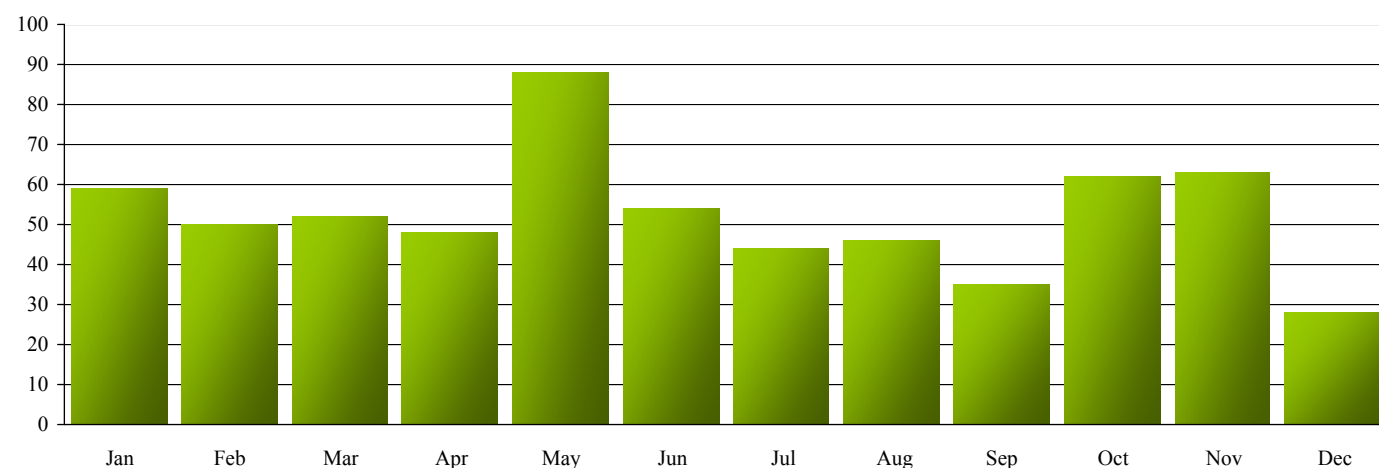
## Statistics for the EU Dublin II Regulation for the period of 01/01/2010 to 31/12/2010



\* Department of Justice & Law Reform

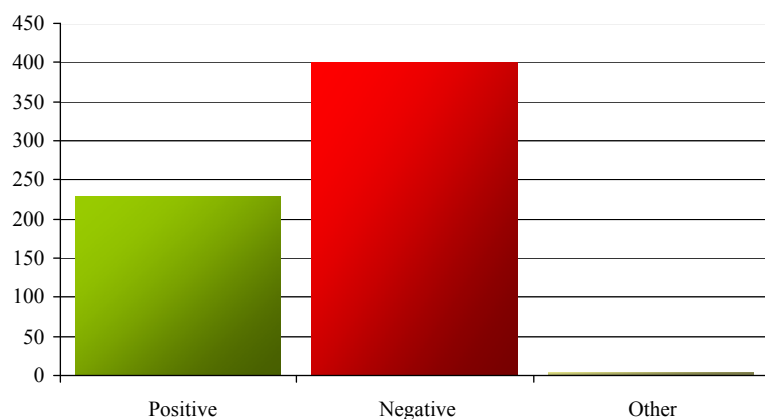


Table 1. Article 21 enquiries to EU Dublin II Contracting States - 2010



Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Requests	59	50	52	48	88	54	44	46	35	62	63	28	629

Table 2. Replies received in 2010 to Article 21 enquiries to other EU Dublin II Contracting States



	Replies	Total (%)
Positive	229	36.2
Negative	400	63.2
Other	4	0.6
<b>Total</b>	<b>633</b>	

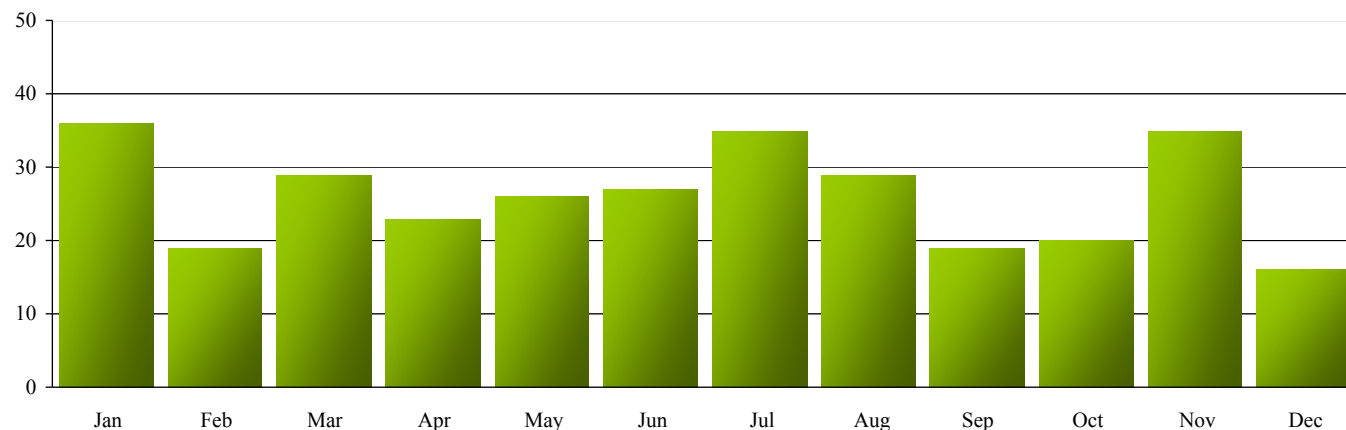
Percentages may not add up to 100% due to rounding.

Note:

The total of 633 replies includes 4 where the enquiry was sent prior to 2010.

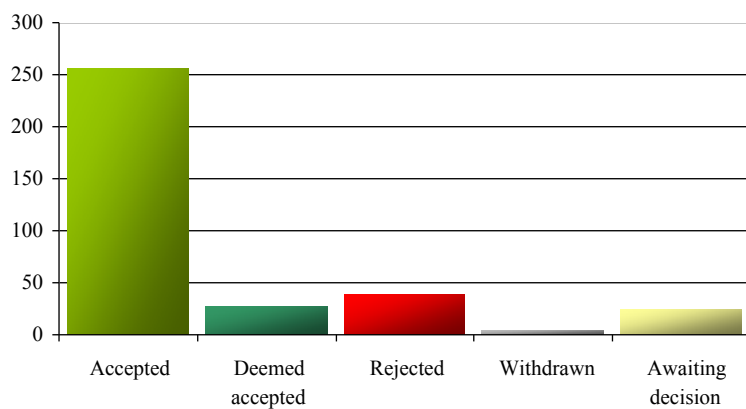


**Table 3. Formal requests to EU Dublin II Contracting States - 2010**



Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Requests	36	19	29	23	26	27	35	29	19	20	35	16	314

**Table 4. Replies received in 2010 to formal requests made to other EU Dublin II Contracting States**



	Replies	Total (%)
Accepted	257	73.4
Deemed accepted	27	7.7
Rejected	38	10.9
Withdrawn	4	1.1
Awaiting decision	24	6.9
<b>Total</b>	<b>350</b>	

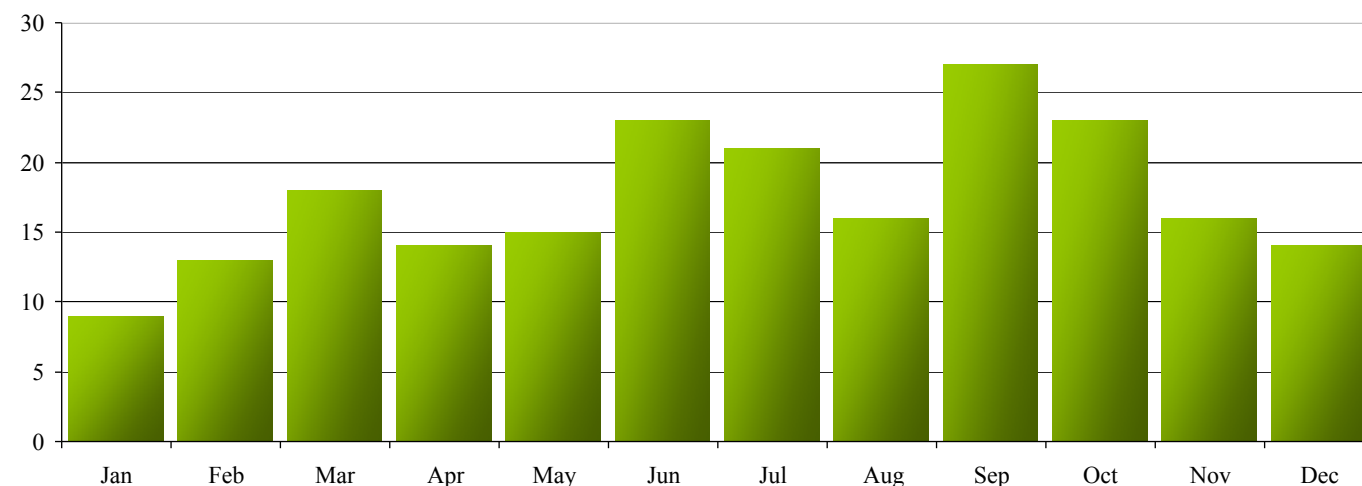
Percentages may not add up to 100% due to rounding.

Note:

The total of 350 replies includes 36 where the request was sent prior to 2010.



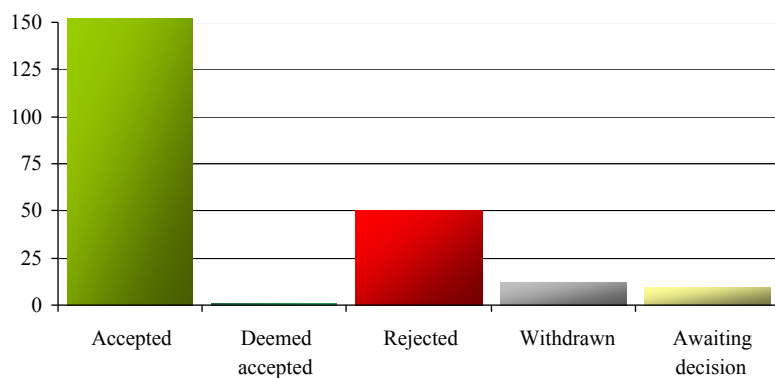
**Table 5. Formal requests from other EU Dublin II Contracting States to Ireland - 2010**



Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Requests	9	13	18	14	15	23	21	16	27	23	16	14	209

Note: Total of 209 includes 190 'take back' requests and 19 'take charge' requests.

**Table 6. Replies to formal requests from other EU Dublin II Contracting States to Ireland - 2010**



	Replies	Total (%)
Accepted	152	67.9
Deemed accepted	1	0.4
Rejected	50	22.3
Withdrawn	12	5.4
Awaiting decision	9	4.0
<b>Total</b>	<b>224</b>	

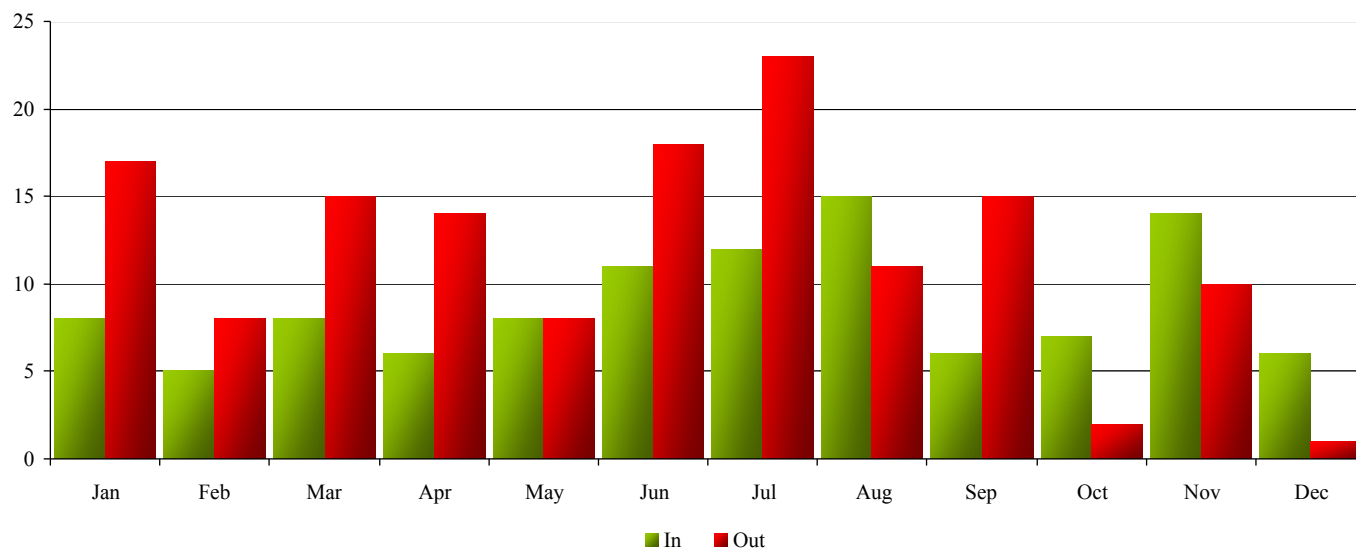
Percentages may not add up to 100% due to rounding.

Note:

The total of 224 replies includes 15 where the request was received prior to 2010.



**Table 7. Transfers under EU Dublin II Regulation in 2010**



Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
In	8	5	8	6	8	11	12	15	6	7	14	6	106
Out	17	8	15	14	8	18	23	11	15	2	10	1	142



## **Appendix 5**

### **Information on Requests Handled by Customer Service Centre and Copying/Registry in 2010**





## Appendix 5

### Information on Requests Handled by Customer Service Centre and Copying/Registry in 2010

**Table A**

<b>Category</b>	<b>No. Processed</b>
Letters and Faxes	7,993
Telephone Enquiries	2,845
E-mail Enquiries	3,462
<b>Total</b>	<b>14,300</b>

**Table B**

<b>Category</b>	<b>No. Processed</b>
Enquiries	2,962
Files copied	1,590
File movement transactions	15,334
<b>Total</b>	<b>19,886</b>

*Note: The total number in relation to files copied refers to the number of actual files photocopied, but does not reflect the fact that in the majority of cases four copies of each file are produced.*



## **Appendix 6**

### **Financial Data**



## Profile of Pay Expenditure for the Office of the Refugee Applications Commissioner: 1<sup>st</sup> January - 31<sup>st</sup> December, 2010.

The pay figure for the Office of the Refugee Applications Commissioner is amalgamated with the Reception and Integration Agency, the Refugee Appeals Tribunal, as well as Headquarters areas of the Irish Naturalisation and Immigration Service of the Department of Justice and Law Reform under Subhead D.1 of Justice Vote 19. The outturn for pay for Subhead D.1 of the Department of Justice and Law Reform was €28.680m\*, of which €6.922m\* was used by ORAC.

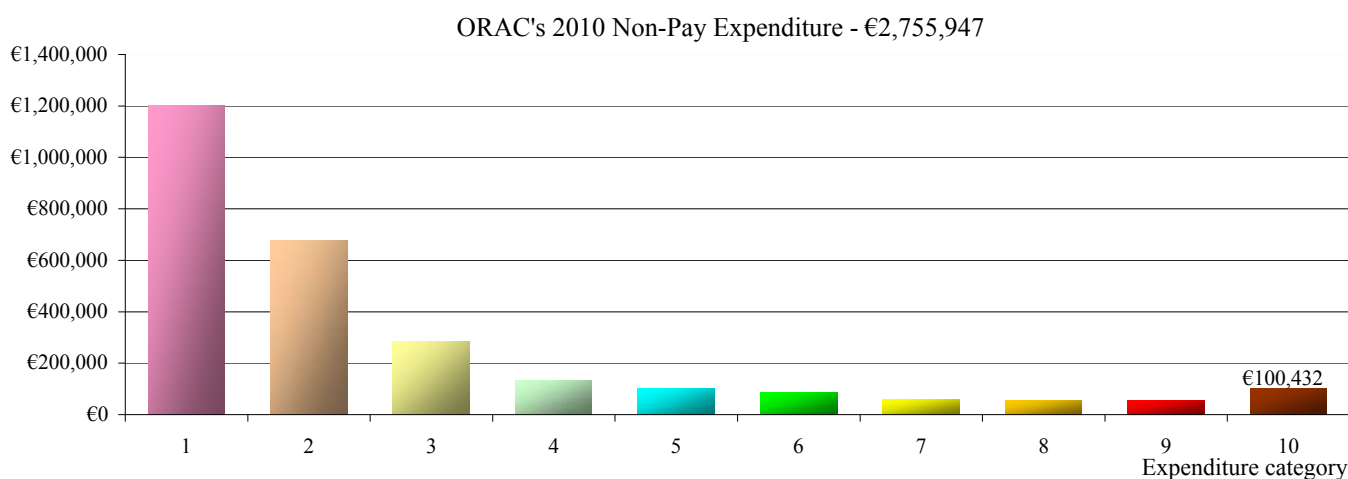
## Profile of Non-Pay Expenditure for the Office of the Refugee Applications Commissioner: 1<sup>st</sup> January - 31<sup>st</sup> December, 2010.

	Description	Amount	Total (%)
1.	Legal Costs	€1,201,902	43.6
2.	Translation & Interpretation	€677,505	24.6
3.	General Premises Expenses	€286,204	10.4
4.	Miscellaneous	€134,212	4.9
5.	Heat Light & Fuel	€103,528	3.8
6.	IT Maintenance/Consumables	€85,211	3.1
7.	Staff Training & Development	€56,631	2.1
8.	Postage	€56,334	2.0
9.	Telecommunications	€53,988	2.0
	Stationery**	€27,125	1.0
	Travel Total (Home and Foreign)**	€21,861	0.8
	Photocopying & Related Total**	€19,167	0.7
	Land & Buildings**	€13,105	0.5
	Travel Agent Costs**	€6,247	0.2
10.	Office Equipment**	€4,647	0.2
	Library & Legal Research**	€2,737	0.1
	Publications**	€2,316	0.1
	Medical Costs**	€1,871	0.1
	Advertising**	€696	0.0
	Legal Expenses**	€660	0.0
	<b>Total*</b>	<b>€2,755,947</b>	

Percentages may not add up to 100% due to rounding.

\* As confirmed by Financial Management Unit, Department of Justice & Law Reform, 13 Jan 2011

Please note that this figure is subject to change until the 2010 Appropriation Account has been published for the Justice Vote.



\*\* The totals in respect of these item codes are too small to individually represent on the chart.



## **Appendix 7**

### **Overview of Energy Usage 2010**



## Appendix 7

### Overview of Energy Usage 2010

In 2010 ORAC consumed **636000 MWh** of Energy, consisting of

256000 MWh of Electricity  
380000 MWh of Gas

This compares to **689000 MWh** of Energy used in 2009

278000 MWh of Electricity (Represents saving of 22000 MWh)  
411000 MWh of Gas (Represents saving of 31000 MWh)

This represents a saving of approximately 8% on total energy usage.

#### **Actions Undertaken in 2010 to save energy were:**

Posters concerning energy saving placed in appropriate areas.

Stickers reminding staff about saving electricity put on PCs and at light switches.

Emails issued regarding saving energy and closing down computers and other equipment efficiently during Bank Holiday periods.

Heating temperatures monitored and heating system turned off during summer months.

Outside expert advice taken on how to reduce energy consumption.

#### **Actions Planned in 2011 to save energy**

Participation in OPW "Optimising Power @ Work" Campaign (Saving 10% annually).

Continue initiatives taken in 2010.



## **Glossary of Terms**



## Glossary of Terms

**Country of Origin Information (COI)** Country of Origin Information (COI) consists of many types of information such as legislation, news reports, maps, official documents, *e.g.* passports and work permits. It is used as an aid to determining the substance of applications for declarations of refugee status.

**Declaration of Refugee Status** As referred to in section 17 of the Refugee Act, 1996, where the Minister gives to the applicant concerned, following a recommendation by the Refugee Applications Commissioner, or following a decision of the Refugee Appeals Tribunal to set aside the recommendation of the Commissioner, a statement in writing that he/she is a refugee.

**EU Dublin II Regulation** which came into operation on 1 September, 2003 replaces the Dublin Convention. This Regulation provides a mechanism for determining which Contracting State is responsible for examining an application for refugee status.

**EURASIL** (European Union Network for asylum practitioners/Réseau de l'UE pour les praticiens de l'asile) A forum for asylum practitioners in the EU to exchange information on asylum issues such as refugee status determination and country of origin information systems.

**EURODAC** A system for the electronic exchange of fingerprints between Contracting States.

**Intergovernmental Consultations on Migration, Asylum and Refugees (IGC)** This is an informal, non-decision making forum (based in Geneva) for intergovernmental information exchange and policy debate on issues of relevance to the management of international migratory flows. The IGC brings together sixteen participating states, the United Nations High Commissioner for Refugees, the International Organisation for Migration and the European Commission.

**Refugee Act 1996** The principal legislation dealing with refugees and asylum seekers is the Refugee Act, 1996, which entered into force in November 2000. The 1996 Act incorporates the 1951 Geneva Convention relating to the status of refugees into domestic law. It provides for the establishment of ORAC as well as the Refugee Appeals Tribunal and sets out a framework for the determination of asylum applications. (The 1996 Act has been amended by the Immigration Act, 1999, the Illegal Immigrants (Trafficking) Act, 2000, the Immigration Act, 2003 and the Immigration Act, 2004).

**Refugee Legal Service** The Refugee Legal Service is a service offered by the Legal Aid Board and provides legal services to applicants seeking declarations of refugee status.

**UN Refugee Convention** The United Nations Convention relating to the status of refugees signed in 1951 is an international instrument to define the legal status of refugees. The Convention was adopted by a Conference of Plenipotentiaries of the UN on 28 July, 1951, and entered into force on 21 April, 1954. The principles contained in the 1951 Convention form the basis of Irish refugee legislation.

**United Nations High Commissioner for Refugees (UNHCR)** The Office of the United Nations High Commissioner for Refugees (UNHCR) was established as of 1 January 1951. The 1951 Convention specifically notes that the UNHCR is charged with the task of



supervising international conventions providing for the protection of refugees and ensuring the effective co-ordination of measures taken to deal with this matter in co-operation with the various Contracting States.