

UNHCR Comments on the International Protection Bill 2026

UNHCR provides these comments on the [International Protection Bill 2026](#) in accordance with its mandate, as entrusted to it by the United Nations General Assembly to provide international protection to refugees and, together with governments, to seek durable solutions for them. UNHCR is also responsible for supervising the application of international conventions for the protection of refugees. The proposed reform of Ireland's asylum legislation presents an important opportunity to establish a fair, efficient and predictable asylum system that works for both refugees and Ireland. UNHCR welcomes the inclusion of updated provisions in some sections of the Bill in line with its previous observations on the General Scheme of the Bill in June 2025. However, there remain key areas of concern and gaps which are addressed in this note. These comments are without prejudice to any further observations or recommendations that UNHCR may submit in the future.

1. Legal Counselling, Legal Assistance and Representation

The current legislative text does not include provisions on free legal counselling, but UNHCR understands that amendments are due to be introduced at a later stage in the legislative process. Free legal counselling, and free legal assistance and representation should be available for all applicants at all stages of the asylum procedure, in line with the current practice and relevant international standards. With adequate resourcing for the Legal Aid Board, this would lead to better quality first-instance decisions and is likely to reduce the volume of appeals, resulting in a more efficient and cost-effective system. While the new asylum procedures envisaged in the Bill are intended to be more efficient, they also bring with them increased complexity, thereby increasing the need for timely access to a qualified legal representative, particularly for applicants with specific needs or vulnerabilities. In accordance with Article 18 of the Asylum Procedures Regulation and Article 20 of the Reception Conditions Directive, lawyers, including those in specialized organisations providing legal assistance and representation, should have access to applicants in all types of reception facilities, including in the asylum border procedure. In addition, access to legal aid should not be made conditional on the perceived merits of the case (for example a requirement to demonstrate '*tangible prospects of success*').

Recommendations:

- Introduce explicit provisions in the Bill guaranteeing free legal assistance and representation at all stages of the asylum procedure, including first instance and procedures determining the Member State responsible under the Asylum Migration Management Regulation.
- Include new provisions guaranteeing free legal assistance and representation for applicants subject to detention and with respect to reception appeals as set out in the Reception Conditions Directive.
- Include a new provision ensuring that lawyers, organizations providing legal advice and representation under national law, as well as by UNHCR, can access applicants held in all types of reception facilities, in detention and at borders, including the asylum border procedure.
- Ensure that the availability of legal assistance and representation is not subject to a merits test.
- Amend section 26 to ensure that applicants are informed of their right to legal assistance and representation in accordance with Article 8 of the Asylum Procedures Regulation and Article 19(1) of the Asylum Migration Management Regulation.

2. Independent Monitoring Mechanism:

UNHCR welcomes Part 12 of the Bill which establishes a Chief Inspector of Asylum Border Procedures as an independent national monitoring mechanism for asylum border procedures. Many aspects of this new role align with UNHCR's previous recommendations. However, UNHCR considers that the Chief Inspector should be equipped with stronger investigatory power and the ability to ensure effective enforcement of its findings, to guarantee compliance, accountability and the effective functioning of the mechanism. Some provisions in the current legislative text are not fully in conformity with guidance issued by the Fundamental Rights Agency including with respect to the operational autonomy of the Chief Inspector, safeguards relating to the power to remove him/her from office, and reporting requirements.

Recommendations:

- Amend section 198(1) to ensure that the Chief Inspector is mandated to monitor compliance with Union law during the screening process, in addition to the asylum border procedure in accordance with Article 10 of the Screening Regulation.
- Review Part 12 to ensure that the Chief Inspector has full operational autonomy and independence and adequate financial and human resources in line with [Fundamental Rights Agency guidance](#).
- Review Part 12 with respect to the compatibility of the Chief Inspector's role with the General Scheme of the Inspection of Places of Detention Bill, which is designed to create an independent national preventative mechanism as part of the ratification of the Optional Protocol to the UN Convention against Torture, and to ensure independence and complementarity with other monitoring bodies.
- Include a provision on funding which provides for a dedicated and direct budget line for the Chief Inspector in line with [Fundamental Rights Agency guidance](#).
- Strengthen the Chief Inspector's powers to ensure effective enforcement of its findings, including by requiring the Minister or other competent authorities to take appropriate action in response to identified concerns relating to the fundamental rights of applicants.
- Include a provision in section 209 permitting the Chief Inspector to publish investigative reports including recommendations in the interest of public transparency and independence.
- With respect to the removal of the Chief Inspector:
 - Amend section 196(2) to delete the words '*for stated reasons, including*';
 - Delete section 196(2)(d) on removal of the Chief Inspector for reason of it being '*in the best interests of the State*.'

3. Restrictions on movement, detention and alternatives to detention

UNHCR is aware that there are several amendments due to be introduced later in the legislative process with respect to detention, alternatives to detention and restrictions on freedom of movement. While UNHCR welcomes the reference to detention being a measure of last resort in section 24 and 168 it should be clarified that this is only after all non-custodial alternatives to detention have been duly considered in relation to both adults and children in line with Recital 33 and Article 10(2) of the Reception Conditions Directive. While noting that section 161 provides for judicial oversight by the District Court of the detention of persons subject to a return order, the International Protection Bill currently contains no provisions for judicial oversight of detention of applicants. Article 11 of the Reception Conditions Directive requires a speedy judicial review of the lawfulness of detention to be conducted, *ex officio* or upon the request of

an international protection applicant or both. This gap should be addressed in future amendments to ensure compliance with Article 11 of the Reception Conditions Directive. With respect to alternatives to detention, these should not be modelled on penal or criminal justice systems, such as electronic tagging and bracelets, as these are inherently punitive in nature.

Similarly, any restrictions on freedom of movement should be strictly necessary, proportionate and based on an individual assessment, considering a person's individual circumstances, including any special reception needs in line with Article 9 of the Reception Conditions Directive. Measures must not amount to *de facto* detention, and applicants should retain general freedom of movement unless a narrowly defined ground for restriction clearly applies.

Recommendations:

- **Review forthcoming amendments to restrictions on movement, detention and alternatives to detention to ensure compliance with international human rights standards.**
- **Include a provision providing for a speedy judicial review of the lawfulness of detention to be conducted *ex officio* and upon the request of the applicant in line with Article 11 of the Reception Conditions Directive.**
- **Amend section 126 to ensure it meets the requirements of Article 9 of the Reception Conditions Directive including with respect to:**
 - **Issuing an individual decision which is proportionate and takes into account the individual situation of the applicant including special reception needs**
 - **Ensuring access to an appeal on a restriction of movement decision**
- **Reinsert the guiding principle in Head 122(1) of the General Scheme of the International Protection Bill that a person should not be arrested for the sole reason that he or she has applied for international protection or on the basis of his or her nationality.**
- **Include a provision prohibiting the detention of children**
- **Reinsert Head 122(14)(c) of the General Scheme of the International Protection Bill providing that a detained asylum-seeker is entitled to have notification of his/her detention and place of detention sent to UNHCR. This should apply to all detention provisions introduced in the Bill.**

4. Vulnerability assessments

UNHCR welcomes the inclusion of preliminary vulnerability checks in the Bill, which is an important step towards the early identification of applicants with special reception or procedural needs. Early

screening and effective identification can support timely interventions and help direct applicants into the most appropriate procedure. However, preliminary vulnerability checks cannot replace the comprehensive assessments required under Article 25 of the Reception Conditions Directive and Article 20 of the Asylum Procedures Regulation. A preliminary check is only a screening tool and can miss non-visible, evolving or undisclosed vulnerabilities. A layered and continuous approach to identification is therefore essential to ensure the proper identification of applicants with special reception or procedural needs. While noting the Minister's indication that amendments will be brought forward to give effect to the Reception Conditions Directive, further provisions are required to ensure full compliance with EU obligations and the availability of adequate safeguards for vulnerable applicants, including where such needs arise at a later stage of the procedure.

Recommendations:

- **Insert explicit provisions requiring a separate, comprehensive assessment of special reception needs as required under Article 25 of the Reception Conditions Directive.**
- **Provide for a parallel and distinct assessment of the need for special procedural guarantees as required under Article 20 of the Asylum Procedures Regulation.**
- **Introduce a statutory duty to re-assess where special reception or procedural needs emerge at a later stage.**
- **Amend section 28(6) by deleting the words “*or the entirety*” to ensure preliminary checks may contribute to, but cannot replace, the full assessment required under EU law.**

5. Family reunification

UNHCR understands that provisions on family reunification, while not addressed in the current legislative text, are expected to be introduced at a later stage in the legislative process. Family unity is an essential right of refugees and other beneficiaries of international protection as reflected in international and regional human rights law. UNHCR understands that future amendments may provide for family reunification for adult refugees with a three-year waiting period and a proof of self-sufficiency requirement. UNHCR cautions against the imposition of such a waiting period. Being reunited with family members who remain behind is one of the most pressing issues of concern for refugees and worry about family members may adversely affect their psychological well-being. This has an adverse effect on the ability to integrate, become active members of the community and rebuild their lives. Prolonged separation of family members can also have devastating consequences for family members who may face similar risks of persecution and harm.

UNHCR also cautions against the imposition of financial self-sufficiency tests. Such financial requirements may keep families separate and be a real obstacle to family unity. Due to their specific situation, refugees and other beneficiaries of international protection often face specific challenges in seeking to meet financial requirements and should benefit from a more favourable family reunification regime.¹ UNHCR therefore recommends that refugees and other beneficiaries of international protection be exempted from stringent requirements, or at a minimum, benefit from flexible, less stringent conditions that ensure respect for the right to family life and the principle of family unity. Heads 91-92 of the General Scheme contained provisions on family reunification including for dependent adult children, without such restrictions, but these provisions were not retained in the International Protection Bill 2026.

Recommendation:

- **Re-insert Head 91 and Head 92 of the General Scheme of the International Protection Bill 2025 concerning family reunification of beneficiaries of international protection into the International Protection Bill 2026.**

Further information:

[UNHCR Observations on the General Scheme of the International Protection Bill 2025](#)

[UNHCR Advocacy Brief: Independent National Monitoring Mechanisms under the European Union Pact on Migration and Asylum, September 2025](#)

[UNHCR Advocacy Brief: Legal counselling, legal assistance, and representation under the European Union Pact on Migration and Asylum, September 2025](#)

[UNHCR Advocacy Brief: Restrictions of movement, detention and alternatives to detention under the European Union Pact on Migration and Asylum, September 2025](#)

[UNHCR Advocacy Brief: Screening and identification of persons with vulnerabilities under the European Union Pact on Migration and Asylum, September 2025](#)

[UNHCR RBE, Statelessness and the EU Pact on Migration and Asylum, February 2025](#)

¹ UNHCR, *Executive Committee Conclusion No. 24 (XXXII) on Family Reunification*, 1981; Council of Europe: Parliamentary Assembly, *Recommendation 1686 (2004) Human mobility and the right to family reunion ('CoE PACE 2004 Recommendation on Human Mobility')*, 23 November 2004, <https://www.refworld.org/docid/583ed1c77.html> ; UNHCR, *Guidelines on international legal standards relating to family reunification for refugees and other beneficiaries of international protection*, December 2024, <https://www.refworld.org/policy/legalguidance/unhcr/2024/en/149243>