

# Young People and the asylum/protection process

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## What does the term asylum seeker mean?

An asylum seeker is a person who has made an application for refugee and/or subsidiary protection status. The term “protection applicant” or “international protection applicant” is the new legal term used in the International Protection Act 2015. You will see the term “international protection applicant” on official documents. In Ireland, we now use the legal term “applying for international protection” rather than the “applying for asylum”.

## What does the term refugee mean?

The term refugee has a legal meaning in Ireland:

*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.*

More simply, a refugee is a person who can show:

1. They have left their country, and
2. that they have good reason to believe that they would be persecuted if they are returned to their country of nationality, and
3. the persecution would be based on one of the following reasons race, religion, nationality, membership of a particular social group or political opinion, and
4. The authorities (police, courts or government for example) will not or cannot protect them

All four of these criteria must be met.

## What is persecution?

The law gives some examples of things which may be considered persecution. These are:

- a. acts of physical or mental violence, including acts of sexual violence;
- b. legal, administrative, police or judicial measures, or a combination of these measures, that are in themselves discriminatory or are implemented in a discriminatory manner;
- c. prosecution or punishment that is disproportionate or discriminatory;
- d. denial of judicial redress resulting in a disproportionate or discriminatory punishment;
- e. prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or war crimes, crimes against the peace or crimes against humanity;
- f. acts of a gender-specific or child-specific nature.

It is not necessary to show that you have already experienced persecution before coming to Ireland, instead you must show why you fear any of these things if you return to your country.

## What does a person eligible for subsidiary protection mean?

Subsidiary protection is another form of international protection in Ireland. In Ireland, when you apply for international protection, you apply for refugee status and subsidiary protection status at the same time. Your application for subsidiary protection will be examined at the same time. If you're not given refugee status, you may be given subsidiary protection status.

Subsidiary protection is given to someone who:

1. does not qualify as a refugee
2. who can show substantial grounds that they face a real risk of suffering serious harm if they return to their country
3. They cannot or will not be able to get help from their country's authorities (government, courts, police)

Serious harm includes the death penalty or execution, torture or inhuman or degrading treatment or punishment of an applicant or serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

## Am I allowed to live in Ireland during my international protection application?

Yes, there is a legal right to claim asylum in Irish, EU and international law. The Irish law is the International Protection Act, 2015. After you make an application for international protection, you should be given a temporary residence card (TRC). This card proves that you have made an application for international protection.

## I have been called to go to an interview. What questions will I be asked?

You will be asked questions about your experience in your country of origin and why you left that country. You will be asked for more information about the questionnaire you filled out when you first came to Ireland and applied for international protection.

## Do I have to live in direct provision accommodation during the application process?

No, there is no legal requirement to live in a direct provision centre. Some people live with family members who are already living in Ireland. However, you will not get the weekly direct provision allowance or any financial supports if you move out of direct provision accommodation.

## Can I get a job while I wait for a decision on my application?

If you haven't received a first instance decision on your application within 9 months you can apply for a 'labour market access permission'. Once you have a labour market access permission you can work in a full-time or part-time position. There are some categories of jobs that you cannot do, (for example you cannot join the Irish army, the Garda Síochána or the civil service) but you will be eligible to apply for most jobs.

For more information see our right to work leaflet.

### Can I get a driving licence?

At the moment, international protection applicants are not able to get driving licences. However, the Minister for Transport is examining this issue and that may change?

### Am I allowed to go to college or university?

There is no legal reason why you would not be able to go to college or university however in practice many young people we meet cannot afford the fees to attend. International fees can be many thousands of euro each year.

Some young people may be eligible to access the [Pilot Support Scheme](#), the only State funded programme that pays tuition and other fees for asylum seekers. If you do not qualify for the Pilot Support Scheme, several universities and Institutes of Technology are now offering 'Sanctuary Scholarships'. They may have a very limited number of free places however demand is very high and not everyone is successful.

### What is the Pilot Support Scheme?

The pilot student support scheme was introduced in 2015. It allows prospective students who are in the international protection system, but who do not have a deportation order, and who satisfy the residence requirements to apply for grants.

Applicants will be required to meet the following criteria:

- Must not have a final decision on their international protection application;
- Have obtained their Leaving Certificate;
- Have been accepted on an approved post-leaving certificate course or an approved undergraduate course;
- Have at least three academic years in the Irish school system by 31 August 2019; and
- Have been part of an application for protection or leave to remain for a combined period of three years as at 31 August 2019.

### Are there any other educational supports available?

If you have a labour market access permission, you may be able to access further education or training. These are more often FETAC Level 4 or Level 5 course.

To see what course are available to you, you should contact your local INTREO Centre, Local Employment Service or the Education and Training Board (ETB).

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