



Last updated: February 2010

Ireland Detention Profile

- » [Detention Policy](#)
- » [Detention Infrastructure](#)
- » [Facts & Figures](#)

In the 1990s Ireland, long a major emigrant nation, became a net immigration one, spurred in part by its economic boom. The country also experienced rapid growth in the number of asylum seekers during this period, increasing from 362 in 1994 to a peak of 11,634 in 2002 (DoJ 2008). This unprecedented influx of migrants led to changes in Irish immigration and asylum policies. Despite its reputation for leniency towards immigrants, the country's recent economic downturn has created a more hostile environment for immigrant workers. Ireland detains several hundred people a year on immigration violations. The country does not have a dedicated immigration detention centre, so migrant detainees are confined in prisons.

Detention Policy

Ireland's principal immigration norms are provided in the Aliens Act 1946, the Immigration Act 1999, the Illegal Immigrants (Trafficking) Act 2000, the Immigration Act 2003, and the Immigration Act 2004, as well as subsequent amendments and regulations.

Grounds for the administrative detention of non-citizens include: refusal of entry ([Aliens Act 1946](#), Section 7); to ensure fulfilment of a deportation order (Immigration Act 1999, as amended by [Illegal Immigrants Act 2000](#), Section 10); asylum requests that require certain types of investigations ([Refugee Act 1996](#), Section 9.8); and unlawful presence in the country ([Immigration Act 1999](#), Section 5). In addition, authorities can order masters of vessels entering Irish territory to detain on board "any such non-national, whether seaman or passenger, whose application for a permission has been refused by an immigration officer" ([Immigration Act 2004](#), Section 7).

Police (Garda Síochána) and immigration officers are both legally authorised to arrest people suspected of immigration violations. The Minister for Justice, Equality, and Law Reform can also authorize medical inspectors to detain and examine suspected non-citizens arriving at or leaving the country ([Immigration Act 2004](#), Section 3.3).

Detainees are often kept for a brief initial period of time at a Garda Síochána (police) station before being either returned to the carrier on which they arrived, or transferred to one of the nine prisons specified in immigration regulations (Kelly 2005, p. 20; Immigration Act 2003 (Removal Places of Detention), Regulations 2005). (For more on sites of detention, see "[Detention Infrastructure](#)" below.)

Non-citizens who are refused entry must "as soon as practicable" be brought before a District Court judge to determine whether the person should be kept in detention. Although a person should be detained for no more than 21 days, a judge can decide to renew this 21-day period indefinitely (Refugee Act 1996, as amended by the [2003 Immigration Act](#)). There is no legal limit to the detention period (IRC 2008, p. 4).

If foreign nationals appealing deportation orders are able to comply with certain conditions—including remaining in a specified district or place, reporting to a Garda Síochána station, handing over travel documents, and providing a bond or guarantee from a third party—authorities can decide not to detain them (Immigration Act, Section 5:4)

Asylum seekers. Asylum seekers are generally not detained in Ireland. However, the [1996 Refugee Act](#) authorizes the Garda Síochána to detain an asylum seeker if there is reasonable cause to suspect that the person: poses a threat to national security or public order; has committed a serious non-political crime; has not made reasonable efforts to establish his or her true identity; intends to avoid removal from Ireland in the event of his or her application for asylum being transferred to a convention country; intends to enter another state without lawful authority; or without reasonable cause has destroyed his or her identity or travel documents or is in possession of forged identity documents.

Upon arrival, asylum seekers typically remain at a non-secure "reception centre" in Dublin for one to two weeks for orientation, voluntary health screening, and assistance with their asylum applications. They are subsequently sent to one of 48 "accommodation

centres,” which are dispersed around the county and managed by private companies. Accommodation centres provide asylum seekers with shelter, food, clothing, and a small cash allowance. Asylum seekers are free to come and go from these centres, but they must report regularly to the Reception and Integration Agency (RIA), which is part of the Department of Justice, Equality, and Law Reform (DoJ) (INIS 2005; RIA website).

New immigration bill. The Minister for Justice, Equality, and Law Reform introduced a new immigration bill in January 2008, titled the **Immigration, Residence and Protection Bill**, which is designed to replace all previously applied legislation on immigration (some of which dated back to 1935). The bill, which is expected to take effect in early 2010 and has been welcomed by many observers, is intended to provide a unified immigration code, improve the efficiency and transparency of the immigration system, and facilitate speedier asylum procedures (INIS 2008; UNHCR-Ireland 2009; Arnold 2009).

The justice minister has stated that the bill is not intended to “allow the detention of asylum seekers” and that “detention could only be introduced on foot of a Government decision and primary legislation.” However, the final version of the bill could expand the authority to detain at points of entry and authorize the detention of asylum seekers until they can be issued with a resident permit (IRC 2008, p. 4).

Criticisms. Observers have criticized Ireland’s practice of confining immigration detainees in prisons. The Council of Europe’s Committee on the Prevention of Torture (CPT), in its report on a 2006 visit to Ireland, noted: “[A] prison is by definition not a suitable place in which to detain someone who is neither suspected nor convicted of a criminal offence. In those cases where it is deemed necessary to deprive persons of their liberty for an extended period under aliens legislation, they should be accommodated in centres specifically designed for that purpose, offering material conditions and a regime appropriate to their legal situation and staffed by suitably qualified personnel. The CPT’s delegation was able to observe for itself the difficulties that a prison, such as Limerick, faced when having to accommodate foreigners in a carceral environment. For example, it met a man from Liberia who had been brought from Shannon airport to Limerick prison on a Friday night and by Tuesday morning he had already attempted to commit suicide twice and was being kept naked in a special observation cell, with only a blanket to cover him. Prison managers and officers, in the various establishments visited by the delegation, all agreed that they were not appropriately equipped or trained to look after immigration detainees. The Committee calls upon the Irish authorities to review urgently the current arrangements for accommodating persons detained for immigration offences” (CPT 2007).

The Irish government responded: “The Irish authorities would point to the fact that detention associated with immigration related matters is used to the least extent possible and generally speaking such persons are held in detention for a relatively short period of time when the need does arise. Therefore, the number of deportees detained at any particular time pending removal from the State is low. The Irish authorities would again point out that persons held on immigration related matters, including those with deportation orders are, unless the subject of a conviction, in general kept apart from convicted persons while in detention. The Irish Naturalisation and Immigration Service (INIS) is in ongoing discussions with the Irish Prison Service in relation to detention facilities for immigration offenders at the proposed new prison at Thornton Hall with the aim of providing a separate purpose built facility for immigration offenders at the new complex that conforms to best international standards. The number of persons detained on immigration related matters outside of the greater Dublin area is small and they will, where practicable, continue to be detained for the shortest possible period” (Government of Ireland 2007).

Detention Infrastructure

Ireland does not have a dedicated immigration facility. Rather, non-citizens subject to administrative detention are confined in police stations and a select group of prisons, which are operated by the Irish Prison Service. The sites authorized for this type of detention are listed in **Immigration Act 2003 (Removal Places of Detention) Regulations 2005**. Sites include “every Garda station,” Castlerea Prison, Cloverhill Prison, Cork Prison, Limerick Prison, Midlands Prison, Mountjoy Prison (including Mountjoy’s Dóchas Centre female prison), Saint Patrick’s Institution for juveniles, the Training Unit (Glengarriff Parade), and Wheatfield Prison.

Ireland has used one additional prison in recent years, the Arbour Hill prison in Dublin, to confine people on immigration-related charges despite the fact that it does not appear to be officially sanctioned for this purpose in Irish regulations. According to the Irish Prison Service, Arbour Hill, which the Global Detention Project codes as an ad hoc immigration detention site, held a single immigration detainee during 2007 (Irish Prison Service 2007).

The Global Detention Project codes one of these facilities, the Training Unit, as a semi-secure detention site because it is a low-security facility that allows for temporary release of detainees. The Irish Prison Service describes the facility as a “semi-open, low security

prison for males aged 18 years and over, with a strong emphasis on work and training" (Irish Prison Service, "[Training Unit](#)"). According to a 1975 statute on temporary release at the Training Unit, the facility governor or officer in charge can "release temporarily for a specified period persons detained therein" when certain conditions are met, including that: "(a) the person shall keep the peace and be of good behaviour during the period of release, (b) the person shall be of sober habits, (c) the person shall not communicate with, or publish or cause to be published any matter by means of, newspapers, or any other publishing medium or engage in public controversy" ([S.I. No. 250/1975](#)).

More than 90 percent of immigration detainees are held in either the Cloverhill Prison, which holds men, or the Dóchas Centre at Mountjoy Prison, which holds women. In 2005, the Human Rights Council found Cloverhill Prison and the Dóchas Centre to be inappropriate for the detention of immigrants and asylum seekers. While they were granted the same benefits as the other prisoners, such as access to health care, psychological assistance and sport activities, both prisons were found to be overcrowded. The HRC also criticised the policy of mixing immigration detainees with people who had committed criminal offences (O’Riordan 2007, p. 18-19).

In a 2007 response to concerns raised by the Council of Europe’s Committee on the Prevention of Torture (CPT) regarding the use of prisons to hold immigration detainees, the Irish government stated that it was considering establishing a purpose-built detention facility. It stated, “The Irish Naturalisation and Immigration Service (INIS) is in ongoing discussions with the Irish Prison Service in relation to detention facilities for immigration offenders at the proposed new prison at Thornton Hall with the aim of providing a separate purpose built facility for immigration offenders at the new complex that conforms to best international standards. The number of persons detained on immigration related matters outside of the greater Dublin area is small and they will, where practicable, continue to be detained for the shortest possible period” (Government of Ireland 2007).

Facts & Figures

Until recently, Ireland was a net emigration country. In 1995, however, Ireland became an immigration country. By 2006, the country’s net immigration reached approximately 70,000 (CSO 2009, p.1). Rising unemployment rates and fallout from the global economic crisis have since seen net migration rates fall swiftly. In the 12 months leading up to April 2009, emigration increased to an estimated 65,100, while the number of immigrants entering the country over the same period declined to 57,300, making Ireland a net emigration country for the first time since 1995 (CSO 2009, p.1).

In 2008, 1,034 people were apprehended for suspected immigration violations in Ireland, and 961 persons were detained in prisons under Immigration Laws (Irish Prison Service 2009, p. 7, 22-23). Nearly 800 of the detainees were imprisoned for less than 8 days, and the average daily number of persons in custody for immigration-related issues was 17 during that year. The number of persons detained in prison in 2008 decreased by 16 percent from the previous year—2007—when 1,145 persons had been detained (Irish Prison Service 2009, p.7; 2008, p.8).

These figures reveal a downward trend in the numbers of people detained and the length of their detention. In 2003-2004, a total of 2,798 people were detained in prison for immigration-related violations and in 2004, approximately two thirds of migrant detainees were in held in custody for longer than 51 days (Kelly 2005, p.6).

Ireland’s asylum system processes up to 4,000 asylum seekers every year (UNHCR Ireland Website). A total of 9,574 non-EU nationals were granted refugee status in Ireland between 1992 and 2008, with an overall recognition rate of 10 percent. The total number of asylum seekers in Ireland has dropped in recent years (Ruhs 2009). Ireland granted a total of 1,760 positive decisions in the year 2008 (including refugee status, subsidiary protection, and humanitarian protection). Nearly 5,500 claims were rejected (Eurostat 2009, p.3). At the end of 2008 there were 4,612 pending asylum cases in the country (UNHCR 2009). A total of 2,689 refugee applications were lodged in 2009, with the majority of applicants coming from Nigeria, Pakistan, China, the Democratic Republic of Congo, and Zimbabwe (RIA 2009, p.2-3).

In 2008, 162 “deportation orders” were issued to non-EU countries; 271 “transfer orders” were issued to other European states under the Dublin II Regulation; 561 people were received assistance for voluntarily returning to their countries; and 140 “removal orders” were issued, resulting in 40 removals. In all, a total of 1,034 people were either deported or returned in 2008 (DoJ 2008, p.30).

Non-EU nationals constituted more than half the number of immigrants between 2001 and 2004. Since the accession of the ten new EU member states in 2004, EU nationals have dominated the immigrant influx, constituting 54 percent of immigrants in 2007. In recent years, Ireland has established more stringent immigration policies that favour highly skilled migrants from non-EU countries. The Employment

Permits Bill 2003 allows anyone from the EU unlimited access to the Irish labour market, except nationals from Romanian and Bulgarian. However, since 2008, the immigration rate has slowed significantly and economic problems have led to stricter immigration policies (Ruhs 2009).

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Ireland Detention Profile

List of Detention Sites

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Name	Status (Year)	Location	Facility Type	Security	Authority	Management	Capacity	Reported Single Day Pop.	Demographics & Segregation
Arbour Hill	In use (2007)	Arbour Hill, Dublin	Prison	Secure	Irish Naturalisation and Immigration Service / Department of Justice, Equality, and Law Reform	Irish Prison Service	148 (2010) (criminal and immigration detainees)		Adult males (2010)
Castlerea Prison		Harristown, Castlerea, Co. Roscommon	Prison	Secure	Irish Naturalisation and Immigration Service / Department of Justice, Equality, and Law Reform	Irish Prison Service	351 (2010) (criminal and immigration detainees)		Adult males (2010)
Cloverhill Prison	In use (2008)	Clondalkin, Dublin	Prison	Secure	Irish Naturalisation and Immigration Service / Department of Justice, Equality, and Law Reform	Irish Prison Service	431 (2010) (criminal and immigration detainees)	110 (November 2005) (criminal and immigration detainees)	Adult males (2010)
Cork Prison	In use (2008)	Cork City	Prison	Secure	Irish Naturalisation and Immigration Service / Department of Justice, Equality, and Law Reform	Irish Prison Service	272 (2010) (criminal and immigration detainees)		Adult males (2010)
Dochas Centre (Mountjoy Female Prison)	In use (2008)	Dublin	Prison	Secure	Irish Naturalisation and Immigration Service / Department of Justice, Equality, and Law Reform	Irish Prison Service	85 (2010) (criminal and immigration detainees)		Adult females (2010)
Limerick Prison	In use (2008)	Limerick	Prison	Secure	Irish Naturalisation and Immigration Service / Department of Justice, Equality, and Law Reform	Irish Prison Service	310 (2010) (criminal and immigration detainees) 275 males / 20 females		Adult males and females. Sex segregation (2010).
Mountjoy Prison		Dublin	Prison	Secure	Irish Naturalisation and Immigration Service / Department of Justice, Equality, and Law Reform	Irish Prison Service	590 (2010) (criminal and immigration detainees)		Adult males (2010)
Saint Patrick's Institution		Dublin	Prison-juvenile	Secure	Irish Naturalisation and Immigration Service / Department of Justice, Equality, and Law Reform	Irish Prison Service	217 (2010) (criminal and immigration detainees)		Adult males (2010)
The Midlands Prison	In use (2007)	Portlaoise, Laois.	Prison	Secure	Irish Naturalisation and Immigration Service / Department of Justice, Equality, and Law Reform	Irish Prison Service	516 (2010) (criminal and immigration detainees)		Adult males (2010)
The Training Unit, Glengarriff Parade		Glengarriff Parade, Dublin	Prison	Semi-secure (SSC)	Irish Naturalisation and Immigration Service / Department of Justice, Equality, and Law Reform	Irish Prison Service	107 (2010) (criminal and immigration detainees)		Adult males (2010)
Wheatfield Prison	In use (2008)	Clondalkin, Dublin	Prison	Secure	Irish Naturalisation and Immigration Service / Department of Justice, Equality, and Law Reform	Irish Prison Service	430 (2010) (criminal and immigration detainees)		Adult males (2010)

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(This is only a partial list. More detailed information is available upon request.)

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Map of "In Use" Detention Sites

For more detailed information, see the complete [List of Detention Sites](#).

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Country View

1. [Arbour Hill](#)
2. [Cloverhill Prison](#)
3. [Cork Prison](#)
4. [Dochas Centre \(Mountjoy Female Prison\)](#)
5. [Limerick Prison](#)
6. [Midlands Prison](#)
7. [Wheatfield Prison](#)

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- » [Government Agencies](#)
- » [International Organisations](#)
- » [NGOs and Research Institutions](#)
- » [Media](#)

Government Agencies

Irish Naturalisation and Immigration Service (INIS)
www.inis.gov.ie

Refugee Appeals Tribunal
www.refappeal.ie

Reception & Integration Agency
www.ria.irlgov.ie

International Organisations

International Organisation for Migration – Ireland
www.iomdublin.org

International Organisation for Migration – Ireland Country Information
<http://www.iom.int/jahia/Jahia/activities/europe/western-europe/ireland>

UN High Commissioner for Refugees - Ireland
www.unhcr.ie

UN High Commissioner for Refugees – Ireland Country Information
<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48e926>

NGOs and Research Institutions

Akidwa (network of African and migrant women living in Ireland)
www.akidwa.ie

Amnesty International – Irish Section
www.amnesty.ie

Doras Luimni
www.dorasluimni.org

The Irish Council for Civil Liberties (ICCL)
www.iccl.ie

Integrating Ireland

<http://www.integratingireland.ie/>

Irish Human Rights Commission

www.ihrc.ie

Refugee Legal Service

www.legalaidboard.ie

Irish Red Cross

www.redcross.ie

Irish Refugee Council

www.irishrefugeecouncil.ie

The Irish Immigrant Support Centre (NASC)

www.nascireland.org

Irish Catholic Bishops' Conference Refugee & Migrant Project

www.catholicbishops.ie/refugees

SPIRASI

www.spirasi.ie

Media

The Irish Examiner

<http://www.irishexaminer.com/>

The Irish Independent

<http://www.independent.ie/>

The Irish Times

<http://www.irishtimes.com/>

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