

EMN

European Migration Network



IRELAND

EU ASYLUM AND MIGRATION LEGISLATION: IRELAND'S PARTICIPATION

DECEMBER 2023



Funded by
the European Union



An Roinn Dlí agus Cirt
Department of Justice

EMN
European Migration Network



ESRI ECONOMIC & SOCIAL
RESEARCH INSTITUTE

EU asylum and migration legislation: Ireland's participation*

As of December 2023

*As set out under [Protocol 19](#) to the Treaty on the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), Ireland does not participate in the provisions of the Schengen *acquis* unless it notifies its intention to do so.

As set out under [Protocol 21](#) to the TEU and TFEU, Ireland does not participate in the adoption of measures related to the Area of Freedom, Security and Justice under Title V of Part Three of the TFEU unless it notifies its intention to do so.



Funded by
the European Union



An Roinn Dlí agus Cirt
Department of Justice

EMN
European Migration Network



ECONOMIC & SOCIAL
RESEARCH INSTITUTE

LEGISLATION	IRELAND OPT-IN?
CEAS-RELATED LEGISLATION	
Asylum Procedures Council Directive 2005/85/EC	Yes
Asylum Procedures Directive 2013/32/EU (recast)	No
Dublin Convention 1990	Yes
Dublin II Regulation Council Regulation 343/2003	Yes
Dublin III Regulation 604/2013	Yes
Eurodac Regulation Council Regulation 2725/2000	Yes
Eurodac Regulation 603/2013	Yes
Qualification Directive Council Directive 2004/83/EC	Yes
Qualification Directive 2011/95/EU (recast)	No
Reception Conditions Directive Council Directive 2003/9/EC	No
Reception Conditions Directive 2013/33/EU (recast)	Yes
Temporary Protection Council Directive 2001/55/EC	Yes
EASO Regulation (EU) 439/2010	Yes
EUAA Regulation (EU) 2021/2303	Yes
Relocation Council Decision 2015/1523/EU	Yes
Relocation Council Decision 2015/1601/EU	Yes
REGULAR MIGRATION LEGISLATION	
Family Reunification Directive Council Directive 2003/86/EC	No
Single Permit Directive 2011/98/EU	No
Blue Card Directive Council Directive 2009/50/EC	No
Blue Card Directive 2021/1883/EU (revised)	No
Long Term Residents Directive Council Directive 2003/109/EC	No
Long Term Residents Directive 2011/51/EU	No
Intra-Corporate Transfer Directive 2014/66/EU	No
Seasonal Workers Directive 2014/36/EU	No
Scientific Research Directive 2005/71/EC	Yes
Students and Researchers Directive Council Directive 2004/114/EC	No
Students and Researchers Directive 2016/801/EU	No

IRREGULAR MIGRATION AND RETURN LEGISLATION	
Return Directive Council Directive 2008/115/EC	No
Travel Documents for Returnees Regulation (EU) 2016/1953	No
Facilitation Directive Council Directive 2002/90/EC	Yes
Employer Sanctions Directive 2009/52/EC	No
VISAS AND BORDER CONTROL LEGISLATION	
Frontex Council Regulation (EC) 2007/2004	No
Rapid Border Intervention Teams Regulation (EC) 863/2007	No
European Border and Coast Guard (Frontex) Regulation (EU) 2016/1624	No
European Border and Coast Guard (Frontex) Regulation (EU) 2019/1896	No
European Border Surveillance System (Eurosur) Regulation (EU) 1052/2013	No
Eurosur Commission Implementing Regulation (EU) 2021/581	No
Schengen Borders Code Regulation 2016/399	No
Establishment, operation and use of the second generation Schengen Information System (SIS II) Regulation (EC) 1987/2006	No
Establishment, operation and use of the second generation Schengen Information System (SIS II) Council Decision 2007/533/JHA	Yes
SIS II for the return of illegally staying third country nationals Regulation (EU) 2018/1860	No
SIS II in the field of border checks Regulation (EU) 2018/1861	No
SIS II in the field of police cooperation and judicial cooperation in criminal matters Regulation (EU) 2018/1862	Yes
Visa Code Regulation (EC) 810/2009	No
Visa Code Regulation (EU) 2019/1155	No
Visa Information System (and amendments) Regulation (EU) 767/2008	No
Passenger Name Record (PNR) Directive 2016/681/EU	Yes
ETIAS Regulation (EU) 2018/1240	No
ECRIS-TCN Regulation (EU) 2019/816	No
Entry/Exit System (EES) Regulation (EU) 2017/2226	No
Interoperability Regulation (EU) 2019/817	No
Interoperability Regulation (EU) 2019/818	No
eu-LISA Regulation (EU) 2018/1726	Yes (certain aspects)
Financial Support for Border Management and Visa Policy Regulation (EU) 2021/1148	No
Customs Control Equipment Regulation (EU) 2021/1077	Yes

TRAFFICKING LEGISLATION	
Residence Permits for Victims of Trafficking Council Directive 2004/81/EC	No
Anti-Trafficking Directive 2011/36/EU	Yes
MIGRATION MANAGEMENT LEGISLATION	
AMIF Regulation (EU) 2021/1147	Yes
AMIF Regulation (EU) 2022/585	Yes
Immigration Liaison Officers Regulation (EU) 2019/1240 (recast)	Yes

COMMON EUROPEAN ASYLUM SYSTEM (CEAS) LEGISLATION

COMMON EUROPEAN ASYLUM SYSTEM (CEAS) LEGISLATION		
Title	Ireland opt-in?	Irish transposing legislation
<p>Asylum Procedures¹ Directive 2005/85/EC ...on minimum standards on procedures in Member States for granting and withdrawing refugee status.</p>	<p>Yes</p>	<p>Current legislation The International Protection Act 2015 regulates the entry into and presence of persons in need of international protection in Ireland. It reformed the system for determining applications and introduced a single application procedure. The Act gives further effect to Council Directive 2005/85/EC.</p> <p>Acts and statutory instruments that also give further effect to Council Directive 2005/85/EC:</p> <ul style="list-style-type: none"> • Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020 on inadmissible applications and safe third countries. • European Communities (International Protection Procedures) Regulations 2022 (S.I. No. 541/2022) on additional clauses for prioritisation of applications (safe country of origin, countries from which there are a large number of applications) and accelerating the examination of an application. <p>Previous legislation The Refugee Act 1996, now repealed, provided for how applications for declarations of refugee status are made, investigated and determined in Ireland. Provision was also made for revocation of refugee status. The Act predated Council Directive 2005/85/EC but was broadly compatible with its requirements, with some limited amendments in statutory instruments in 2011:</p> <ul style="list-style-type: none"> • The European Communities (Asylum Procedures) Regulations 2011 (S.I. No. 51/2011) • The Refugee Act 1996 (Asylum Procedures) Regulations 2011 (S.I. No. 52/2011) <p>These statutory instruments were repealed and replaced by the International Protection Act 2015.</p>

¹ No longer in force at EU level.

<p>Asylum Procedures Directive 2013/32/EU (recast) ...on common procedures for granting and withdrawing international protection (recast).</p>	<p>No</p>	<p>N/A</p>
<p>Proposal for a Procedures Regulation 2020/611 ...establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU.</p>	<p>TBC</p>	<p>N/A</p>
<p>Dublin Convention 1990² Convention determining the state responsible for examining applications for asylum applications lodged in Member States of the European Communities</p>	<p>Yes</p>	<p>Dublin Convention (Implementation) Order 2000 (S.I. No. 343/2000) entered into force on 20 November 2000, replacing the Dublin Convention (Implementation) Order 1997 (S.I. No. 360/1997)</p>
<p>Dublin II Regulation (and amendments)³ Council Regulation 343/2003 ...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.</p>	<p>Yes</p>	<p>The Refugee Act 1996 (Section 22) Order 2003 (S.I. No. 423/2003) was made for the purpose of giving effect to Council Regulation (EC) No. 343/2003 and specified at reg. 2(2) the limited circumstances in which S.I. No. 343/2000 continued to apply.</p>

² No longer in force.

³ No longer in force. Amended by Regulation (EC) No 1103/2008.

<p>Dublin III Regulation (recast) (and amendments)⁴ Regulation 604/2013 ...establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).</p>	<p>Yes</p>	<p>As a regulation, it is directly applicable in Irish law, although the European Union (Dublin System) Regulations 2018 (SI No. 62 of 2018) give further effect to the Dublin III Regulation. This instrument revoked previous regulations (S.I. No. 525/2014 and SI No. 140/2016), which were made to give effect to the Dublin III Regulation. S.I. No. 525/2014 repealed The Refugees Act 1996 (Section 22) Order 2003 (S.I. No. 423/2003).</p>
<p>Proposal for an Asylum and Migration Management Regulation (ARMM) COM/2020/610 ... on asylum and migration management.</p>	<p>TBC</p>	<p>N/A</p>
<p>Eurodac Regulation⁵ Council Regulation 2725/2000 ...concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention.</p>	<p>Yes</p>	<p>Directly applicable in Irish law.</p>
<p>Eurodac Regulation (recast) Regulation 603/2013</p>	<p>Yes</p>	<p>Directly applicable in Irish law.⁶</p>

⁴ Corrected by Corrigendum OJ L 049, 25.2.2017, p. 50 (604/2013).

⁵ No longer in force at EU level.

⁶ Section 12(2) of the Data Protection Act 2018 provides that the Data Protection Commission shall monitor the lawfulness of processing of personal data in accordance with Regulation (EU) No 603/2013.

<p>on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013.</p>		
<p>Proposal for a Eurodac Regulation (recast) COM/2020/614 ... on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of the AMMR and Resettlement Regulation (proposals).</p>	TBC	N/A
<p>Qualification Directive⁷ Council Directive 2004/83/EC ...on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.</p>	Yes	<p>Current legislation The International Protection Act 2015 adopts the definitions in the 2004 Qualification Directive, and creates a single application procedure, including for assessing subsidiary protection at the same time as refugee status.</p> <p>European Union (Subsidiary Protection) Regulations 2017 (S.I. No. 409/2017) gives further effect to the Directive and provides transitional provisions for persons refused refugee status under the Refugee Act 1996 to apply for subsidiary protection status after the commencement of the International Protection Act 2015.</p> <p>Previous legislation⁸ The Directive was initially partially transposed by European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518/2006). This gave effect to the Directive's criteria for eligibility for subsidiary protection and provisions for International protection assessment criteria.</p> <p>In 2011, the European Communities (Eligibility for Protection) (Amendment) Regulations 2011 (S.I. No. 405/2011) amended S.I. No. 518/2006 to give further effect to the Directive, introducing a fee for travel documents for beneficiaries of subsidiarity protection.</p>

⁷ No longer in force at EU level.

⁸ Some of this legislation remains in force for matters relating to the Refugee Act 1996.

		<p>Although not expressly referring to the Qualification Directive (2004/83/EC), in July 2011, the Refugee Act 1996 (Travel Document and Fee) Regulations 2011 (S.I. No. 404/2011) introduced a fee for travel documents for refugees.</p> <p>The EU (Subsidiary Protection) Regulations 2013 (S.I. No. 426/2013). These Regulations gave further effect to the Qualification Directive.</p> <p>The European Union (Subsidiary Protection) (Amendment) Regulations 2015 (S.I. No. 137/2015). The 2015 Regulations gave effect to the Qualification Directive (2004/83/EC), inter alia, removing a definition “torture” from the 2013 Regulations which had been found defective by the Irish High Court.</p>
<p>Qualification Directive 2011/95/EU (recast)...on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast).</p>	<p>No</p>	<p>N/A</p>
<p>Proposal for a Qualification Regulation Regulation 2016/0223 (COD) ...on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive</p>	<p>TBC</p>	<p>N/A</p>

<p>2003/109/EC concerning the status of third-country nationals who are long-term residents.</p>		
<p>Reception Conditions Directive⁹ Council Directive 2003/9/EC ...laying down minimum standards for the reception of asylum seekers.</p>	No	N/A
<p>Reception Conditions Directive 2013/33/EU (recast)...laying down standards for the reception of applicants for international protection (recast).</p>	Yes	<p>Transposed by European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230 of 2018).</p> <p>This Regulation was amended by the European Communities (Reception Conditions) (Amendment) Regulations 2021 (S.I. No. 52/2021), which shortened the waiting time before labour market access was granted and lengthened the validity of the grant.</p> <p>It was further amended by European Communities (Reception Conditions) (Amendment) (No.2) Regulations 2021 (S.I. No. 178/2021) to extend labour market access to applicants notified of a transfer decision under the Dublin Regulations (following the Court of Justice of the European Union decision in joined cases C-322/19 and C-385/19) .</p>
<p>Proposal Reception Directive 2016/0222 (COD) (recast) ...laying down standards for the reception of applicants for international protection (recast).</p>	TBC	N/A
<p>Temporary Protection Council Directive 2001/55/EC</p>	Yes	Current legislation

⁹ No longer in force at EU level.

...on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

Section 60 of the [International Protection Act 2015](#) sets out the legal framework for temporary protection in Ireland, as well as the entitlements of beneficiaries of temporary protection.

Multiple implementation measures were also taken following the activation of the Temporary Protection Directive through [Council Decision 2022/382](#) on 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine. These included, among others,:

- the Immigration Act 2004 (Visas) (Amendment) Order 2022 ([S.I. No. 86 of 2022](#)) removing visa requirements for Ukrainian citizens
- Part 2 of the [Civil Law \(Miscellaneous Provisions\) Act 2022](#) which put in place a legal framework for the Accommodation Recognition Payment (standards for dwellings were put in place in Civil Law (Miscellaneous Provisions) Act 2022 (Part 2) (Eligible Dwelling Standards) Regulations 2022 ([S.I. No. 377/2022](#)))
- Part 3 of the [Civil Law \(Miscellaneous Provisions\) Act 2022](#) which amends the Childcare Support Act 2018 to add beneficiaries of temporary protection to the categories of persons who may apply for financial support under the national Affordable Childcare Scheme
- Part 5 of the [Civil Law \(Miscellaneous Provisions\) Act 2022](#) which provided the legal base to enable data sharing between the Department of Justice and the Department of Social Protection for the purpose of the single service point (which provided temporary protection registration, PPSNs and income supports)
- European Union (Planning and Development) (Displaced Persons From Ukraine Temporary Protection) Regulations 2022 ([S.I. No. 306/2022](#)) which exempted development or adaptation of properties from planning requirements where they were for the purpose of providing accommodation to beneficiaries of temporary protection
- Part 7 of the [Civil Law \(Miscellaneous Provisions\) Act 2022](#) to allow for the recognition of driving licences held by beneficiaries of temporary protection

Previous legislation

By [Decision 2003/690/EC](#) this Directive was deemed to apply to Ireland. No transposition measures were necessary as it was considered the [Refugee Act 1996](#) already provided the framework for implementation.

<p>EASO¹⁰ Regulation (EU) 439/2010 ... establishing a European Asylum Support Office.</p>	<p>Yes</p>	<p>Directly applicable in Irish law.</p>
<p>EUAA Regulation (EU) 2021/2303 ... on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010.</p>	<p>Yes</p>	<p>Ireland fully participates and is bound by this measure as of 20 August 2023 (Commission Decision 2023/1576)</p>
<p>Relocation¹¹ Council Decision (EU) 2015/1523 ...establishing provisional measures in the area of international protection for the benefit of Italy and of Greece.</p>	<p>Yes</p>	
<p>Relocation¹² Council Decision (EU) 2015/1601 ...establishing provisional measures in the area of international protection for the benefit of Italy and Greece.</p>	<p>Yes</p>	
<p>Proposal Resettlement Regulation 2016/0225 (COD) establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014.</p>	<p>TBC</p>	<p>N/A</p>

¹⁰ No longer in force.

¹¹ No longer in force.

¹² No longer in force. Amended by Council Decision (EU) 2016/1754.

<p>Proposal Screening Regulation COM/2020/612 ... introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817.</p>	TBC	N/A
<p>Proposal Instrumentalisation Regulation COM/2021/890 ... addressing situations of instrumentalisation in the field of migration and asylum.</p>	TBC	N/A

REGULAR MIGRATION LEGISLATION

Migration management legislation		
Title	Ireland opt-in?	Irish transposing legislation
Single Permit Directive 2011/98/EU ...on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.	No	N/A
Blue Card Directive Council Directive 2009/50/EC ...on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.	No	N/A
Blue Card Directive 2021/1883/EU (revised) ...on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC.	No	N/A
Intra-Corporate Transfer Directive 2014/66/EU ...on the conditions of entry and residence of third-country nationals in the framework of an intracorporate transfer	No	N/A

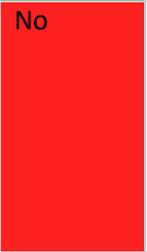
<p>Seasonal Workers Directive 2014/36/EU...on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.</p>	No	N/A
<p>Long Term Residents Directive Council Directive 2003/109/EC ...concerning the status of third-country nationals who are long-term residents</p>	No	N/A
<p>Long Term Residents Directive 2011/51/EU...amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection Text with EEA relevance</p>	No	N/A
<p>Family Reunification Directive Council Directive 2003/86/EC ...on the right to family reunification</p>	No	N/A
<p>Scientific Research Directive 2005/71/EC¹³...on a specific procedure for admitting third-country nationals for the purposes of scientific research</p>	Yes	This Directive is transposed through a series of administrative measures . These include a Scheme of Accredited Research Organisations . EURAXESS Ireland manages the operation of the hosting agreements.

¹³ No longer in force at EU level.

<p>Students and Researchers Directive Council Directive 2004/114/EC... on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service</p>	<p>No</p>	<p>N/A</p>
<p>Students and Researchers Directive 2016/801/EU... on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast).</p>	<p>No</p>	<p>N/A</p>

IRREGULAR MIGRATION AND RETURN LEGISLATION

Irregular migration and return legislation		
Title	Ireland opt-in?	Irish transposing legislation
Return Directive Council Directive 2008/115/EC ...on common standards and procedures in Member States for returning illegally staying third-country nationals.	No	N/A
Proposal Return Directive 2018/0329 (COD) ...on common standards and procedures in Member States for returning illegally staying third-country nationals (recast).	TBC	N/A
Travel Documents for Returnees Regulation (EU) 2016/1953 ...on European travel documents for the return of illegally staying third-country nationals.	No	N/A
Facilitation Directive Council Directive 2002/90/EC ...defining the facilitation of unauthorised entry, transit and residence.	Yes	The Criminal Justice (Smuggling of Persons) Act 2021 gives effect to the Directive and the related Council Framework Decision. It aims prevent and combat the smuggling of persons and facilitate cooperation with other states. It defines unauthorized entry, transit and residence in the State.

<p><u>Council Framework Decision 2002/946/JHA</u>... on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.</p>		
<p><u>Employer Sanctions Directive 2009/52/EC</u> ...providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.</p>		<p>No N/A</p>

VISAS AND BORDER CONTROL LEGISLATION

Visas and border control legislation		
Title	Ireland opt-in?	Irish transposing legislation
<p>Frontex Council Regulation (EC) 2007/2004¹⁴ ... establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex).</p>	No	<p>N/A</p> <p>Despite non-participation, the Directive provided for cooperation with Ireland under Article 12.</p>
<p>Rapid Border Intervention Teams Regulation (EC) 863/2007¹⁵ ...establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers.</p>	No	N/A
<p>European Border and Coast Guard (Frontex) Regulation (EU) 2016/1624/EU¹⁶</p>	No	<p>Regulation (EU) 2016/1624 provides that Frontex should facilitate the organisation of specific activities in which the Member States may avail themselves of the expertise and facilities which Ireland may be willing to offer, on terms to be decided on a case-by-case basis by the management board. To that end, representatives of Ireland may be invited to attend meetings of the management board which allow them</p>

¹⁴ No longer in force.

¹⁵ No longer in force.

¹⁶ No longer in force.

		to participate fully in the preparation of such specific activities. Most notably, this can include returns. Article 51 of Regulation (EU) 2016/1624 sets out cooperation by Frontex with Ireland.
<p>European Border and Coast Guard (Frontex) Regulation (EU) 2019/1896... on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624.</p>	No	<p>N/A</p> <p>Alike its predecessor, the Regulation provides that Frontex should facilitate the organisation of specific activities in which the Member States may avail themselves of the expertise and facilities which Ireland may be willing to offer, on terms to be decided on a case-by-case basis by the management board. To that end, representatives of Ireland may be invited to attend meetings of the management board which allow them to participate fully in the preparation of such specific activities.</p> <p>Article 70 of Regulation (EU) 2019/1896 sets out cooperation between Frontex and Ireland. Ireland’s coordination with Frontex is similar to what was described above for the 2016 regulation, but with the addition of information exchange for Eurosur (the European Border Surveillance System) (on the basis of bilateral or multilateral agreements).</p> <p>Article 12(3) provides for the facilitation of the exchange of information relevant to Frontex’s tasks with Ireland.</p>
<p>European Border Surveillance System (Eurosur) Regulation 1052/2013¹⁷</p>	No	N/A
<p>Eurosur Commission Implementing Regulation (EU) 2021/581...on the situational pictures of the European Border Surveillance System (Eurosur).</p>	No	N/A
<p>Schengen Borders Code Regulation 2016/399</p>	No	N/A

¹⁷ No longer in force, repealed by European Border and Coast Guard Regulation 2019/1896.

...on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).		
Schengen Information System (SIS II) Regulation (EC) 1987/2006¹⁸ ... on the establishment, operation and use of the second generation Schengen Information System (SIS II).	No	N/A
Schengen Information System (SIS II) Council Decision 2007/533/JHA¹⁹ ... on the establishment, operation and use of the second generation Schengen Information System (SIS II).	Yes	Part 3 of the Criminal Justice (Miscellaneous Provisions) Act 2009 implemented Council Decision 2007/533/JHA.
SIS II Regulation (EU) 2018/1860 ...on the use of the Schengen Information System for the return of illegally staying third-country nationals.	No	N/A
SIS II Regulation (EU) 2018/1861 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No	No	N/A

¹⁸ No longer in force

¹⁹ No longer in force

1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU.		
SIS II Regulation (EU) 2018/1862 ... on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU.	Yes	Directly applicable in Irish law.
Visa Code Regulation (EC) No 810/2009	No	N/A
Visa Code Regulation (EU) 2019/1155	No	N/A
Visa Information System (and amendments)²⁰ Regulation (EU) 767/2008 ... concerning the visa information system (VIS) and the exchange of data between Member States on short-stay visas (VIS regulation).	No	N/A

²⁰ Amended by Regulation (EC) No 810/2009; Regulation (EU) No 610/2013; Regulation (EU) 2017/2226; Regulation (EU) 2019/817; Regulation (EU) 2021/1134; Regulation (EU) 2021/1152.

<p>Passenger Name Record (PNR) Directive 2016/681 ...on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.</p>	<p>Yes</p>	<p>European Union (Passenger Name Record Data) Regulations 2018 (S.I. No. 177 of 2018).</p>
<p>European Travel Information and Authorisation System (ETIAS) Regulation 2018/1240/EU ...establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226.</p>	<p>No</p>	<p>N/A</p>
<p>ECRIS-TCN Regulation 2019/816/EU ...establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726.</p>	<p>No</p>	<p>N/A</p>
<p>Entry/Exit System (EES) Regulation (EU) 2017/2226 ...establishing an Entry/Exit System (EES) to register entry and exit data and refusal of</p>	<p>No</p>	<p>N/A</p>

<p>entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011.</p>		
<p>Interoperability Regulation (EU) 2019/817 ...on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA.</p>	No	N/A
<p>Interoperability Regulation (EU) 2019/818 ...on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816</p>	No	N/A

<p>eu-LISA Regulation (EU) 2018/1726 ... on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011</p>	<p>Yes (certain aspects)</p>	<p>Given its participation in Eurodac, DubliNet, and its partial participation in SIS, Ireland can participate in operational matters of the Agency related to these instruments.</p> <p>Council Decision 2019/1749 authorised Ireland to take part in matters related to the operational management of the VIS, the parts of SIS in which Ireland does not take part, the EES and ETIAS.</p>
<p>Financial Support for Border Management and Visa Policy Regulation (EU) 2021/1148</p>	<p>No</p>	<p>N/A</p>
<p>Customs Control Equipment Regulation (EU) 2021/1077</p>	<p>Yes</p>	<p>Directly applicable in Irish law.</p>

TRAFFICKING LEGISLATION

Trafficking legislation		
Title	Ireland opt-in?	Irish transposing legislation
<p>Residence Permits for Victims of Trafficking Council Directive 2004/81/EC ...on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.</p>	No	N/A
<p>Anti-Trafficking Directive 2011/36/EU ...on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA</p>	Yes	<p>Most of the criminal law measures in the Anti-Trafficking Directive were already implemented by the Criminal Law (Human Trafficking) Act 2008. However, the Anti-Trafficking Directive provides for the criminalisation of two additional forms of exploitation not covered by existing legislation, i.e., trafficking for the purposes of forced begging and trafficking for criminal activities. In order to criminalise these offences, the Criminal Law (Human Trafficking) (Amendment) Act 2013 was enacted.</p> <p>The European Union (Prevention and Combating of Human Trafficking) (National Rapporteur) Regulations 2020 (S.I. No. 432/2020) assigns a national rapporteur on trafficking as referred to in Article 19 of Directive 2011/36/EU. The Regulations assign IHREC as national rapporteur.</p>
<p>Proposal Anti-Trafficking Directive COM/2022/732 ... amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims</p>	TBC	N/A

MIGRATION MANAGEMENT LEGISLATION

Migration management legislation		
Title	Ireland opt-in?	Irish transposing legislation
AMIF Regulation (EU) 2021/1147... establishing the Asylum, Migration and Integration Fund.	Yes	Ireland notified the Commission of its participation in AMIF on 7 February 2022, and the Commission confirmed the participation of Ireland in AMIF in Decision (EU) 2022/507 of 29 March 2022. Ireland therefore participates in AMIF as of 7 February 2022.
AMIF Regulation (EU) 2022/585... amending Regulations 2014/514, 2014/516 and 2021/1147	Yes	Ireland notified the Commission on 14 July 2022 of its wish to participate in the Regulation. The Commission confirmed the participation of Ireland in Commission Decision (EU) 2022/1928 on 11 October 2022.
Immigration Liaison Officers (recast) Regulation (EU) 2019/1240... on the creation of a European network of immigration liaison officers (recast)	Yes	Directly applicable in Irish law.



emn.ireland@esri.ie



www.emn.ie



[@EMNIreland](https://twitter.com/EMNIreland)



European Migration Network Ireland



Funded by
the European Union



An Roinn Dlí agus Cirt
Department of Justice

EMN
European Migration Network



**ECONOMIC & SOCIAL
RESEARCH INSTITUTE**