



STATUTORY INSTRUMENTS.

S.I. No. 259 of 2026



INTERNATIONAL PROTECTION ACT 2026 (SECTION 119) (WARRANT
OF DETENTION AND STANDARDS OF TREATMENT OF PERSONS IN
DETENTION) REGULATIONS 2026

S.I. No. 259 of 2026

INTERNATIONAL PROTECTION ACT 2026 (SECTION 119) (WARRANT OF DETENTION AND STANDARDS OF TREATMENT OF PERSONS IN DETENTION) REGULATIONS 2026

I, JIM O'CALLAGHAN, Minister for Justice, Home Affairs and Migration, in exercise of the powers conferred on me by sections 3 and 119(10) of the International Protection Act 2026 (No. 9 of 2026), hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the International Protection Act 2026 (Section 119) (Warrant of Detention and Standards of Treatment of Persons in Detention) Regulations 2026.

(2) These Regulations shall come into operation on 12 June 2026.

Interpretation

2. In these Regulations –

“Act of 2026” means the International Protection Act 2026 (No. 9 of 2026);

“detained accompanied minor” means a minor detained in accordance with subsections (3) and (5) of section 119;

“detained person” means a person in detention;

“detained unaccompanied minor” means a minor detained in accordance with subsections (4) and (5) of section 119;

“detention” means detention under section 119;

“detention facility” means a facility in which detained persons are detained and includes such facilities as stand prescribed in Regulations made under subsection (5)(c)(i) of section 119;

“person in charge”, in relation to a detention facility, means the officer of the Minister or member of An Garda Síochána for the time being in charge of the detention facility;

“section 119” means section 119 of the Act of 2026.

Form of warrant

3. A warrant referred to in subsection (7) of section 119 shall be in the form provided for in the Schedule.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 16th June, 2026.

Best interests

4. The best interests of the child shall be a primary consideration in the application of these Regulations to detained accompanied minors and detained unaccompanied minors.

Person in charge

5. (1) The person in charge of a detention facility shall have responsibility for the application of these Regulations in respect of each detained person in the detention facility.

(2) For the purposes of paragraph (1), the person in charge of a detention facility shall visit, or arrange for the visit of, each detained person in the detention facility from time to time and make any necessary inquiries.

(3) The person in charge of a detention facility shall maintain, or cause to be maintained, a record in respect of each detained person in the detention facility.

(4) Where a detained person has special reception needs, the person in charge shall ensure that the nature of such needs are taken into account during the detention of the person, including the results of any assessment of the person under Part 2 or section 81 of the Act of 2026.

(5) Where any signs or statements by, or behaviour of, a detained person indicate that the detained person may have special reception needs, such needs shall be taken into account during the person's detention.

(6) Where the detained person is a minor, an indication, for the purposes of paragraph (5) may include any of the following:

- (a) where applicable, statements from the minor's parents or the adult taking responsibility for the minor;
- (b) where designated or appointed, as the case may be, statements from the representative person or the provisional representative person of the minor;
- (c) the statements and views of the minor in accordance with the minor's age or maturity.

(7) The person in charge of a detention facility shall ensure, in relation to each room where a detained unaccompanied minor is detained that –

- (a) having regard to the age of the minor, there is an adequate number of competent and suitable staff in the room while the minor is detained, and
- (b) the number of detained unaccompanied minors in the room does not exceed the reasonable capacity of the room.

(8) In this Regulation, “special reception needs” means special reception needs as referred to in Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024¹ laying down standards for the reception of applicants for international protection (recast).

¹ OJ L, 2024/1346, 22.5.2024

Record under Regulation 5(3)

6. A record under Regulation 5(3) in respect of each detained person in a detention facility shall be made of –

- (a) the name, address and age of the person,
- (b) the reasons, including the grounds, on which the detention is based,
- (c) the date, time and place of arrest of the person and identity of the arresting immigration officer or member of An Garda Síochána, and
- (d) the time the person arrived at, and left, the detention facility.

Guarantees for detained persons

7. (1) A detained person shall be provided with information, as soon as practicable after arrival at a detention facility and in a language the person understands or is reasonably supposed to understand, regarding the rules applicable to the detention facility.

(2) Without prejudice to section 119(9), a detained person shall be provided with information regarding his or her rights and obligations under the Act of 2026 as apply to the person for the period of his or her detention.

(3) A detained person shall be afforded sufficient facilities within the detention facility to ensure that the person has access to, and can communicate privately with, his or her legal representative, his or her provisional representative person (if any), his or her representative person (if any), representatives of the High Commissioner or such other person representing a relevant non-governmental organisations that the Minister has recognised as acting on behalf of applicants.

(4) A detained person shall be provided with such food and drink as are necessary for the period of his or her detention and, in any case, with at least one main meal where his or her detention is for a period of at least 7 hours.

(5) A detained person shall have access to open air spaces.

(6) A detained accompanied minor and a detained unaccompanied minor shall have access to age-appropriate leisure activities, including play and recreational activities.

SCHEDULE
INTERNATIONAL PROTECTION ACT 2026, SECTION 119

WARRANT OF DETENTION

WHEREAS..... of, being an applicant for international protection within the meaning of the International Protection Act 2026, was arrested by me pursuant to section 119 of the said Act on the day of 20...at am/pm;

AND WHEREAS, it is necessary to detain the said under the following grounds as set out in section 119 of the said Act, and for the following reasons:

- it is necessary for the purposes of determining or verifying the identity or nationality of the applicant/minor/unaccompanied minor* ,
- I am satisfied that a requirement under section 113 cannot be applied in relation to the applicant/minor/unaccompanied minor effectively*
- the minor in the applicant’s custody is detained in accordance with section 119 (3)*
- I have assessed that the detention is in the minor’s best interests*
- I have assessed that the detention is in the unaccompanied minor’s best interests and safeguards the unaccompanied minor*

AND WHEREAS I have considered the following alternatives to detention as set out in section 113 of the said Act, and I have decided they cannot be applied effectively for the reasons set out below:

.....

THIS IS TO AUTHORISE YOU to whom this warrant is addressed to detain the said in your custody

Dated and issued this day of 20...

At a.m./p.m. *

Signed

Member of An Garda Síochána / Immigration Officer*

To: The officer of the Minister for Justice, Home Affairs and Migration or
member of An Garda Síochána for the time being in charge of

.....

**Delete if inapplicable*



GIVEN under my Official Seal,

12 June, 2026.

JIM O'CALLAGHAN,
Minister for Justice, Home Affairs
and Migration.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations provide for the standards of treatment of persons detained under section 119 of the International Protection Act 2026 and prescribe the form of a warrant for the detention of such persons.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

€ 3.00

