

STATUTORY INSTRUMENT

S.I. No. 55 of 2005

Immigration Act 1999 (Deportation) Regulations 2005

Published by the Stationery Office, Dublin

To be purchased directly from the Government Publications Sales Office,
Sun Alliance House, Molesworth Street, Dublin 2,

or by mail order from

Government Publications, Postal Trade Section, 51 St Stephen's Green, Dublin 2
(Tel: 01 6476834/35/36/37; Fax: 01 6476843)

or through any bookseller.

Price: €0.76

PRN No.: A5/0140

S.I. No. 55 of 2005

Immigration Act 1999 (Deportation) Regulations 2005

I, Michael McDowell, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 7 of the Immigration Act 1999 (No. 22 of 1999) hereby make the following regulations:

1. —These Regulations may be cited as the Immigration Act 1999 (Deportation) Regulations 2005.
2. —In these Regulations "the Act" means the Immigration Act 1999 (No. 22 of 1999) as amended by the Illegal Immigrants (Trafficking) Act 2000 (No. 29 of 2000) and the Immigration Act 2004 (No. 1 of 2004).
3. —The Immigration Act 1999 (Deportation) Regulations 2002 (S.I. No. 103 of 2002) are hereby revoked.
4. —The form set out in the First Schedule to these Regulations is hereby prescribed for the purposes of section 3(7) of the Act.
5. —Each place listed in the Second Schedule to these Regulations and every Garda Síochána station is a place prescribed for the purposes of section 5(1) of the Act.
6. —Immigration officers and members of the Garda Síochána are hereby authorised to deport a person from the State under the Act.
7. —Where an immigration officer or member of the Garda Síochána arrests a person pursuant to section 5(1) of the Act and where he or she proposes to detain the person in a prescribed place, he or she shall, in writing, inform the Member in Charge, in the case of a Garda Síochána station, or the Governor, in any other case, of the arrest and direct that the person be detained until further notice.

FIRST SCHEDULE

DEPORTATION ORDER

WHEREAS it is provided by subsection (1) of section 3 of the Immigration Act 1999 (No. 22 of 1999) that, subject to the provisions of section 5 (prohibition of *refoulement*) of the Refugee Act 1996 (No. 17 of 1996) and the subsequent provisions of the said section 3, the Minister for Justice, Equality and Law Reform may by order require a non-national specified in the order to leave the State within such period as may be specified in the order and to remain thereafter out of the State;

WHEREAS ...[insert name of person].... is a person in respect of whom a deportation order may be made under subsection (2) [insert applicable paragraphs] of the said section 3;

AND WHEREAS the provisions of section 5 (prohibition of *refoulement*) of the Refugee Act 1996 and the provisions of the said section 3 are complied with in the case of[insert name of person];

NOW, I,, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by the said subsection (1) of section 3, hereby require you the said[insert name of person] to leave the State [within the period ending on the date specified in the notice served on or given to you under subsection (3)(b)(ii) of the said section 3, pursuant to subsection (9)(a) of the said section 3] * [within the period ending on the date specified by me in the notice served on or given to you with a copy of this order] ** and to remain thereafter out of the State.

* Delete in the case of a person for whom a notice under subsection 3(b)(ii) is not required.

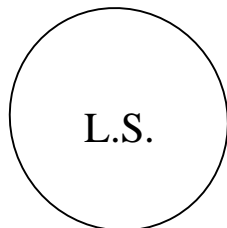
** Delete in the case of a person for whom a notice under section 3(b)(ii) is required.

GIVEN UNDER my Official Seal, this (insert date).

Minister for Justice, Equality
and Law Reform.

SECOND SCHEDULE

Castlerea Prison
Cloverhill Prison
Cork Prison
Limerick Prison
The Midlands Prison
Mountjoy Prison
Saint Patrick's Institution, Dublin
The Training Unit, Glengarriff Parade, Dublin
Wheatfield Prison, Dublin



GIVEN under my Official Seal,
this 3rd day of February 2005

Michael McDowell TD
Minister for Justice, Equality and Law Reform.

Explanatory Note

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

This Order was made for the purpose of updating the list of prescribed places of detention for the purpose of section 5(1) of the Immigration Act 1999 (as amended) by the removal of the Central Mental Hospital, Dundrum, from that list.