



STATUTORY INSTRUMENTS.

S.I. No. 291 of 2026



INTERNATIONAL PROTECTION ACT 2026 (SECTION 53)
(REPRESENTATIVES FOR UNACCOMPANIED MINORS)
REGULATIONS 2026

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I, JIM O'CALLAGHAN, Minister for Justice, Home Affairs and Migration, in exercise of the powers conferred on me by section 53 of the International Protection Act 2026 (No. 9 of 2026), and having complied with the requirements of that section, hereby make the following regulations:

Citation

1. These Regulations may be cited as the International Protection Act 2026 (Section 53) (Representatives for Unaccompanied Minors) Regulations 2026.

Definitions

2. In these Regulations –

“Act of 2005” means the Health and Social Care Professionals Act 2005 (No. 27 of 2005);

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

“competent authority” means the person designated under section 43 of the Act of 2026 to perform the functions of the competent authority under Chapter 2 of Part 3 of that Act;

“continuing professional development” means further education or training (or both) to be undertaken by a representative and certain employees of a representative organisation, intended to develop on an ongoing basis the knowledge and skills of the representative or employee, as the case may be, in respect of the international protection system applicable in the State, international protection law, the rights of children and applicable child safeguarding standards, and shall be undertaken in modules, each of at least 30 minutes duration, by means (electronic or physical) of lecture, workshop, seminar, tutorial, group study, or a degree, diploma or certificate course, or the preparation of relevant written material;

“investigation officer” means an individual appointed by the competent authority under Regulation 7 to investigate a complaint by a relevant person against a representative organisation or a representative;

“occupational therapist” means a person whose name is for the time being entered in the register of members of the profession of occupational therapist established and maintained under section 36 of the Act of 2005;

“oversight body” means –

- (a) in relation to a registered teacher, the Teaching Council,
- (b) in relation to a guardian *ad litem*, the Minister for Children, Disability and Equality, and

- (c) in relation to any other registered professional referred to in these Regulations, the Health and Social Care Professionals Council;

“registered teacher” has the meaning it has in the Teaching Council Act 2001 (No. 8 of 2001);

“relevant person” means an unaccompanied minor in respect of whom a representative is designated or appointed;

“representative” means an individual appointed or designated as a provisional representative person or as a representative person;

“social care worker” means a social care worker whose name is for the time being entered in the register of members of the profession of social care worker established and maintained under section 36 of the Act of 2005;

“social worker” means a social worker whose name is for the time being entered in the register of members of the profession of social worker established and maintained under section 36 of the Act of 2005;

“speech and language therapist” means a person whose name is for the time being entered in the register of members of the profession of speech and language therapist established and maintained under section 36 of the Act of 2005.

Qualifications and experience for representatives

3. (1) The following persons may be appointed or designated under section 46 of the Act of 2026 or appointed under section 47 of that Act to perform the functions of a representative person or a provisional representative person:

- (a) a social care worker who has engaged in the practice of the profession of social care worker, as it relates to the provision of social care services to children, for a relevant period;
- (b) a social worker who has engaged in the practice of the profession of social worker, as it relates to the provision of social work services to children, for a relevant period;
- (c) a speech and language therapist who has engaged in the practice of the profession of speech and language therapist, as it relates to the provision of speech and language therapy services to children, for a relevant period;
- (d) an occupational therapist who has engaged in the practice of the profession of occupational therapist, as it relates to the provision of occupational therapy services to children, for a relevant period;
- (e) a registered teacher who has taught children for a relevant period;
- (f) an individual who has been appointed under section 26 or section 35C of the Child Care Act 1991 as a guardian *ad litem* on no fewer than 5 occasions in the two years immediately preceding the appointment or designation referred to in paragraph (1);
- (g) an individual who has been appointed under section 46(1)(b) or 47(2) of the Act of 2026 as a representative person on no fewer

than 5 occasions in the two years immediately preceding the appointment or designation referred to in paragraph (1).

(2) A representative organisation shall, before it appoints an individual to be a representative, verify that the individual has the qualifications and experience required under this Regulation.

(3) In this Regulation –

- (a) “relevant period” means, in relation to an appointment or designation referred to in paragraph (1), a period of not less than 2 years occurring within the 5 years immediately preceding the appointment or designation concerned, and
- (b) a reference in subparagraph (a) to a period of not less than 2 years includes a reference to periods which, when taken together, amount to such a period.

Initial and continuous training of representatives and employees of representative organisations

4. (1) Prior to a representative being first appointed or designated as a representative, the competent authority shall –

- (a) require the representative to complete appropriate training in respect of the international protection system applicable in the State, international protection law, the rights of children and applicable child safeguarding standards, or
- (b) confirm that the representative has previously completed substantially equivalent training.

(2) A representative shall be required to undertake continuing professional development for a minimum of eight hours during each year for which he or she is appointed in respect of a relevant person.

(3) Training under paragraphs (1) and (2) shall, in particular, include relevant training (if any) developed by the Asylum Agency.

(4) A representative required to undertake continuing professional development pursuant to this Regulation shall maintain a written record of the hours of continuing professional development undertaken by him or her (including written verification thereof) in order to demonstrate his or her compliance with this Regulation.

(5) A representative organisation shall ensure that its employees undertake continuing professional development appropriate to each employee’s function within the organisation and shall maintain a written record of the hours of continuing professional development undertaken by the employees concerned.

(6) The written record and written verification referred to in paragraphs (4) and (5) shall be produced by the representative or representative organisation, as the case may be, at the request of the competent authority or an investigation officer appointed under Regulation 7.

Standards for representative organisations and representatives

5. (1) A representative shall in the performance of his or her functions under section 50 of the Act of 2026 and the EU acts –

- (a) act with honesty and integrity,
- (b) act with due skill, care, and diligence,
- (c) cooperate in good faith with the Determining Authority, the Minister, the competent authority, the Child and Family Agency, the Tribunal and, where applicable, an investigation officer appointed under Regulation 7,
- (d) cooperate in good faith with a legal representative who is assisting a relevant person in respect of whom the representative has been appointed or designated, as the case may be, and
- (e) report to the competent authority and, where applicable, the representative organisation –
 - (i) any conflict of interest arising in relation to acting as a representative in respect of a relevant person,
 - (ii) any issue that may affect his or her registration with, or authorisation by, an oversight body, and
 - (iii) any investigation into, or conviction for, a criminal offence.

(2) A representative shall make himself or herself available to be present for such procedures under the Act of 2026 or the EU acts in relation to the relevant person that require the presence of the representative.

(3) A representative shall keep a record, in summary form, of –

- (a) the performance of the representative’s functions on behalf of a relevant person under section 50 of the Act of 2026,
- (b) information he or she provides to a relevant person, and
- (c) information concerning procedures under the Act of 2026 and the EU acts provided –
 - (i) by other persons to a relevant person in accordance with the Act of 2026 or the EU acts, and
 - (ii) in the presence of the representative.

(4) A representative organisation shall –

- (a) cooperate in good faith with the Determining Authority, the Minister, the competent authority, the Child and Family Agency, the Tribunal and, where applicable, an investigation officer appointed under Regulation 7,
- (b) cooperate in good faith with a legal representative who is assisting a relevant person in respect of whom the representative organisation has been appointed or designated, as the case may be,

- (c) ensure that representatives appointed by the organisation act in accordance with the standards set out in paragraphs (1), (2) and (3), and
 - (d) where the representative organisation is required to appoint a replacement representative in accordance with section 48 of the Act of 2026, make such an appointment as soon as possible.
- (5) A representative organisation shall, in relation to a representative appointed in accordance with section 47 of the Act of 2026, keep a record of –
- (a) the appointment concerned,
 - (b) the time and date of the appointment,
 - (c) the relevant qualifications and experience of the representative, and
 - (d) the relevant training completed by the representative.

Monitoring, measuring and evaluation of performance

6. (1) The competent authority shall monitor, measure and evaluate the performance by representative organisations and representatives of their functions under the Act of 2026 and the EU acts.

(2) Without prejudice to the generality of paragraph (1), the matters that shall be monitored, measured and evaluated, periodically and no less than once in every year, are the following:

- (a) that the representative organisation continues –
 - (i) to be independent in the performance of its functions,
 - (ii) not to have any interests that conflict, or could potentially conflict, with the interests of unaccompanied minors,
 - (iii) to have the resources and capacity to satisfy the requirements under section 46(3)(c), (d) and (e) of the Act of 2026,
 - (iv) to comply with the obligations under section 47(1) of the Act of 2026 in respect of each designation of that representative organisation under section 46(1)(a) of that Act,
 - (v) to comply with the obligations under section 47(2) of the Act of 2026 in respect of each appointment of that representative organisation under section 46(1)(b) of that Act, and
 - (vi) to comply with the obligation under section 48 of the Act of 2026 to change the representative appointed in respect of a relevant person only where necessary;
- (b) the number and type of complaints made against the representative organisation and investigated under Regulation 7;
- (c) that the representative –

- (i) satisfactorily performs his or her functions in accordance with section 50 (1) and (2) of the Act of 2026,
 - (ii) is independent in the performance of his or her functions,
 - (iii) does not have any interests that conflict, or could potentially conflict, with the interests of unaccompanied minors,
 - (iv) complies with section 50(3)(c) to (e) of the Act of 2026, and
 - (v) complies with Regulation 5(1) to (3);
- (d) the number and type of any complaint made against the representative and investigated under Regulation 7.

(3) In monitoring, measuring and evaluating the performance of representative organisations and representatives under paragraph (2), the competent authority may take into account statements of a relevant employee of:

- (a) the Child and Family Agency;
- (b) the Tribunal;
- (c) the Determining Authority.

Complaints procedures

7. (1) A relevant person may, in relation to a representative or a representative organisation appointed or designated in respect of him or her, lodge a complaint to the competent authority in relation to the performance by the representative or representative organisation, as the case may be, of his, her or its functions under the Act of 2026 or the EU acts.

(2) Where a relevant person wishes to lodge a complaint, the competent authority shall –

- (a) arrange for him or her to lodge the complaint in confidence and safety,
- (b) ensure that the relevant person, taking into account his or her age and maturity, has an opportunity to describe, orally or in writing, the reasons for the complaint, and
- (c) where appropriate, arrange for the relevant person to be assisted by a legal representative, member of staff of the Child and Family Agency, interpreter or other appropriate person.

(3) For the purposes of assisting the relevant person to lodge a complaint under this Regulation, the competent authority may request further information from the relevant person and the competent authority shall ensure that the relevant person has the opportunity to provide the information in accordance with the requirements set out in paragraph (2).

(4) Where a complaint is lodged in accordance with this Regulation, the competent authority shall appoint an investigation officer to investigate the complaint.

(5) The investigation officer may decide not to investigate a complaint if, after carrying out a preliminary investigation, the investigation officer is satisfied that –

- (a) the subject matter of the complaint is trivial or the complaint is vexatious or was not made in good faith,
- (b) the matter to which the complaint relates has been resolved, or
- (c) an informal resolution would substantially resolve the matter to which the complaint referred.

(6) An investigation officer shall, as soon as possible after taking a decision under paragraph (5), inform the relevant person of the decision and the reasons for it.

(7) For the purposes of investigating a complaint lodged in accordance with this Regulation, the investigation officer may request further information from the relevant person and where the relevant person is requested to provide further information, the investigation officer shall ensure that he or she has the opportunity to provide the information in accordance with the requirements set out in paragraph (2).

(8) Where it does not prejudice the right of a relevant person to submit a complaint in confidence and safety, the investigation officer may –

- (a) inform the representative or representative organisation of the fact of a complaint against him, her or it, and
- (b) request further information from the representative or representative organisation, as the case may be, concerned.

(9) Pending the outcome of an investigation under this Regulation, a replacement representative may be appointed or designated in respect of the relevant person concerned in accordance with section 48 of the Act of 2026.

(10) For the purposes of carrying out an investigation, and where it does not prejudice the right of a relevant person to submit a complaint in confidence and safety, the investigation officer may –

- (a) interview the relevant person, representative, employees of the representative organisation or relevant employees of the Child and Family Agency, the Determining Authority or the Tribunal, or
- (b) require a person interviewed under subparagraph (a), other than the relevant person, to give to the investigation officer such assistance and information and to produce to the investigation officer any books, documents or records that are in that person's power, possession or procurement, as the investigation officer may reasonably require for the purposes of clarifying any matter raised during the interview.

(11) Where the relevant person is interviewed under paragraph (10)(a), the investigation officer shall ensure that the relevant person has the opportunity to attend the interview in accordance with the requirements set out in paragraph (2).

- (12) The investigation officer shall –
- (a) determine the complaint to be well-founded and require it be resolved by –
 - (i) the cessation of the appointment or designation of the representative in relation to the relevant person who lodged the complaint,
 - (ii) the termination of the appointment or designation of the representative organisation in relation to the relevant person who lodged the complaint, or
 - (iii) an action to be taken by the representative or representative organisation, other than providing financial compensation to the relevant person who lodged the complaint, to be specified in writing, which resolves the complaint,

or

- (b) determine the complaint not to be well-founded.

(13) The investigation officer shall –

- (a) set out, in writing, the reasons for the determination under paragraph (12), and
- (b) notify the competent authority and the relevant person who lodged the complaint of the determination.

(14) Where, in the course of investigating a complaint, an investigation officer suspects that a criminal offence is being, or has been, committed the investigation officer shall inform a member of An Garda Síochána of his or her suspicion.

Termination of appointment and designation in certain circumstances

8. (1) Where an appointing body exercises the power under section 48 of the Act of 2026 to appoint a representative in the place of a representative appointed or designated in respect of a relevant person, the appointing body shall notify the representative who has been replaced of the following:

- (a) the reason for exercising the power under section 48 to replace the representative;
- (b) the time and date of the replacement;
- (c) that any information in the possession of the representative that relates to the appointment or designation concerned shall be sent to the appointing body as soon as possible and deleted from the records of that representative.

(2) Where paragraph (1) does not apply and the appointment or designation of a representative or a representative organisation ceases in accordance with section 51 of the Act of 2026, the competent authority shall notify the representative and, where applicable, the representative organisation of the following:

- (a) the reason under section 51 of the Act of 2026 for the cessation;
- (b) the time and date of the cessation;
- (c) that any information in the possession of the representative or representative organisation, as the case may be, that relates to the appointment or designation concerned shall be sent to the competent authority as soon as possible and deleted from the records of the representative or representative organisation, as the case may be.

(3) Where applicable, a notification under paragraph (1) shall include information relating to the following:

- (a) where section 51(1)(h)(i) of the Act of 2026 applies, the manner in which the representative did not adequately perform his or her functions under that Act or the EU acts;
- (b) where section 51(1)(h)(ii) of the Act of 2026 applies, the reasons for the investigation officer determining that a complaint lodged against the representative should be resolved by the cessation of the appointment or designation of the representative;
- (c) where section 51(1)(h)(iii) of the Act of 2026 applies, the manner in which the representative does not satisfy a requirement set out in section 50(3)(a) or (b) of that Act.

(4) Where applicable, a notification under paragraph (2) shall include information relating to the following:

- (a) where section 51(2)(b) of the Act of 2026 applies, the manner in which the representative organisation no longer satisfies one or more of the matters specified in section 46(3)(a) to (f) of that Act;
- (b) where section 51(2)(c) of the Act of 2026 applies, the reasons for the investigation officer determining that a complaint lodged against the representative organisation should be resolved by the termination of the appointment or designation of that representative organisation.

(5) In this Regulation, “appointing body” means –

- (a) where the competent authority appointed or designated the representative concerned in accordance with section 46(1) of the Act of 2026, the competent authority, or
- (b) where a representative organisation appointed the representative concerned in accordance with section 47 of the Act of 2026, the representative organisation.



GIVEN under my Official Seal,
18 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 prescribe, for the purposes of section 53 of the International Protection Act 2026, the qualifications and experience, the continuous training, the standards of behaviour, the monitoring, measuring and evaluation of performance, the complaints procedure and the procedures related to the cessation of appointment of representative persons, provisional representatives and representative organisations under Chapter 2 of Part 3 of that Act.

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

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r-phost: publications@opw.ie

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