

## IRELAND

### The applications

#### 1. The number of applications

According to the Central Authority for Ireland, they received 38 incoming return and 1 incoming access application in 1999, making a total of 39 incoming applications. Additionally, they made 21 outgoing return but no outgoing access applications in that year. Altogether, therefore, the Central Authority for Ireland handled 60 new applications in 1999.

#### 2. The Contracting States which made the applications

##### *(a) Incoming return applications*

Requesting States

	Number of Applications	Percent
UK - England and Wales	23	61
USA	7	18
Canada	2	5
Australia	1	3
Italy	1	3
Netherlands	1	3
UK - Scotland	1	3
UK - Northern Ireland	1	3
Slovenia	1	3
<b>Total</b>	<b>38</b>	<b>100</b>

The majority, 61%, of applications were made by England and Wales. Indeed, 25 of the 38 applications came from the United Kingdom jurisdictions. A similar trend has been found in relation to other neighbouring States, namely, Australia and New Zealand, and the USA and Mexico. Interestingly, Ireland only made 13 applications to England and Wales a proportion of just 9% of the 149 applications received by that State.

##### *(b) Incoming access application*

With only 1 application for access, the proportion of access to return applications at 3% was below the global norm of 17%. The access application was made by Hungary.

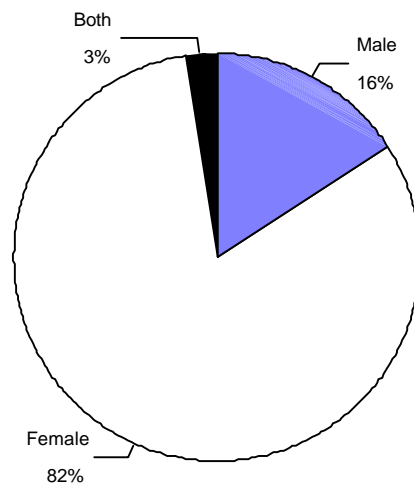
## The taking person / respondent

### 3. The gender of the taking person / respondent

#### (a) *Incoming return applications*<sup>1</sup>

Gender of the Taking Person

	Number	Percent
Male	6	16
Female	31	82
Both	1	3
<b>Total</b>	<b>38</b>	<b>100</b>



The table and chart above show that 82% of taking persons were females, this is higher than the global norm of 69%. It is, however, similar to the proportions of female taking persons in applications to neighbouring Scotland at 80%, and England and Wales at 79%.

#### (b) *Incoming access application*

The access application involved a female respondent.

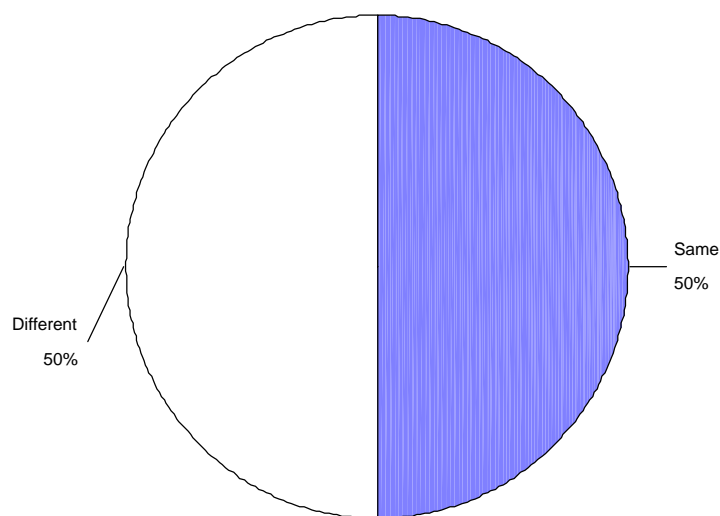
<sup>1</sup> One application involved two taking persons, one male and one female. Further details were not available.

#### 4. The nationality of the taking person / respondent

##### *(a) Incoming return applications*

**Taking Person Same Nationality as Requested State**

	Number	Percent
Same Nationality	19	50
Different Nationality	19	50
<b>Total</b>	<b>38</b>	<b>100</b>



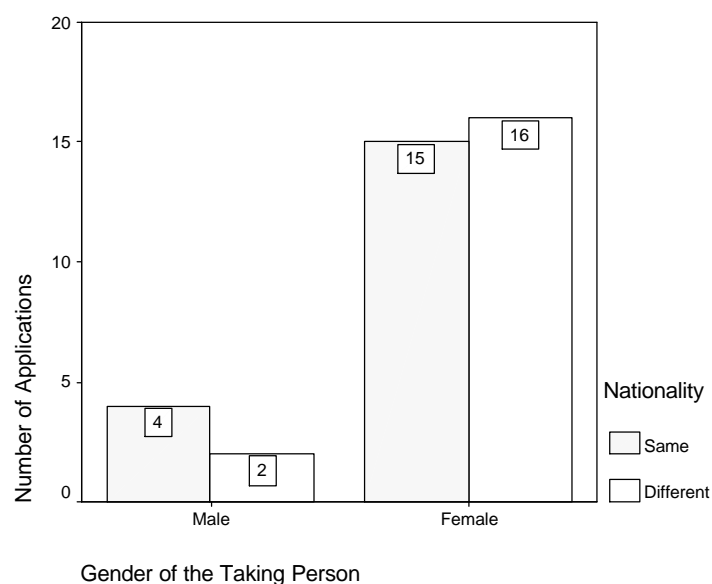
As can be seen from the chart and table above, 50% of taking persons had Irish nationality. This is similar to the global norm where 52% of taking persons had the nationality of the requested State.

##### *(b) Incoming access application*

The respondent in the access application did not have Irish nationality.

## 5. The Gender and Nationality of the Taking Person / Respondent Combined

### (a) Incoming return applications



The graph above, shows that males were more likely to be nationals of the requested State, (67%). Globally, 53% of male taking persons and 52% of females taking persons were nationals of the requested State.

## The children

### 6. The total number of children

There were 61 children involved in the 38 return applications and 1 child involved in the 1 access application. Altogether, therefore, 62 children were involved in new incoming applications received by Ireland in 1999.

### 7. Single children or sibling groups

#### (a) Incoming return applications

##### Single Child or Sibling Group

	Number	Percent
Single Child	20	53
Sibling Group	18	47
<b>Total</b>	<b>38</b>	<b>100</b>

#### Number of Children

	Number	Percent
1 Child	20	53
2 Children	14	37
3 Children	3	8
4 Children	1	3
<b>Total</b>	<b>38</b>	<b>100</b>

Globally, 63% of applications involved single children, in Ireland the proportion was lower at 53%. 11% of the applications involved sibling groups of more than 2 children, compared with a global norm of 7%.

#### ***(b) Incoming access application***

The access application related to a single child.

### **8. The age of the children**

#### ***(a) Incoming return applications***

#### Age of the Children

	Number	Percent
0-4 years	27	44
5-9 years	28	46
10-16 years	6	10
<b>Total</b>	<b>61</b>	<b>100</b>

The children involved in applications to Ireland were younger than the global norms with only 10% being aged over 10 years old, compared with a global norm of 21%. The proportion of children in the youngest age category, between 0 and 4 years, was 44% compared with a global norm of 38%.

#### ***(b) Incoming access application***

The child involved in the access application was also aged between 0 and 4 years old.

### **9. The Gender of the Children**

#### ***(a) Incoming return applications***

#### Gender of the Children

	Number	Percent
Male	35	57
Female	26	43
<b>Total</b>	<b>61</b>	<b>100</b>

Globally, 53% of the children involved in the applications were males. In applications to Ireland this proportion was higher at 57%.

**(a) Incoming access application**

The access application involved a female child.

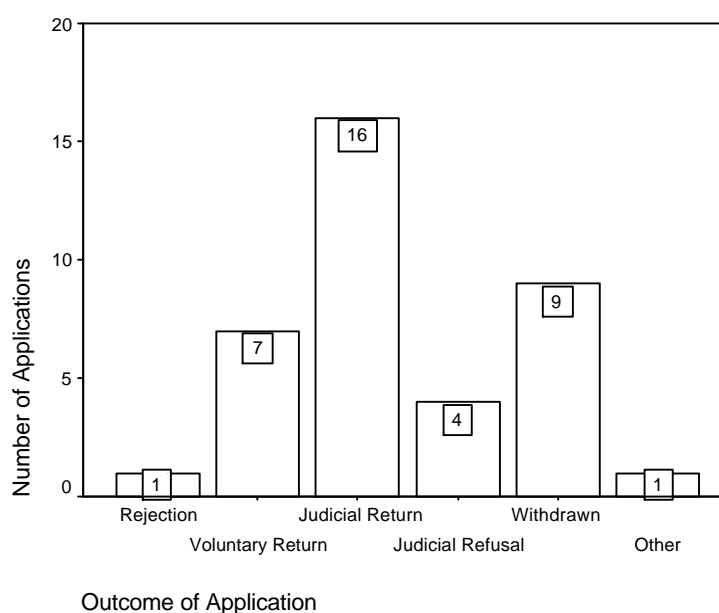
**The outcomes**

**10. Overall outcomes**

**(a) Incoming return applications**

**Outcome of Application**

	Number	Percent
Rejection	1	3
Voluntary Return	7	18
Judicial Return	16	42
Judicial Refusal	4	11
Withdrawn	9	24
Pending	0	0
Other	1	3
<b>Total</b>	<b>38</b>	<b>100</b>



A high proportion of applications, 42%, resulted in a judicial return. Combining judicial and voluntary returns the overall return rate was 61%, which is higher than the global rate of 50%. Of the 20 applications which went to court, 16, 80%, resulted in a return order, which is higher than the global norm of 74%. There was also a high proportion of applications which were withdrawn, 24% compared with a global norm of 14%. The refusal rate at 11% was identical to the global rate, while there was only 1 rejection. No applications were still pending.

### **(b) Incoming access application**

The access application was forwarded to the legal aid board to be pursued under domestic legislation.

## **11. The reasons for rejection and judicial refusal**

### **(a) Incoming return applications**

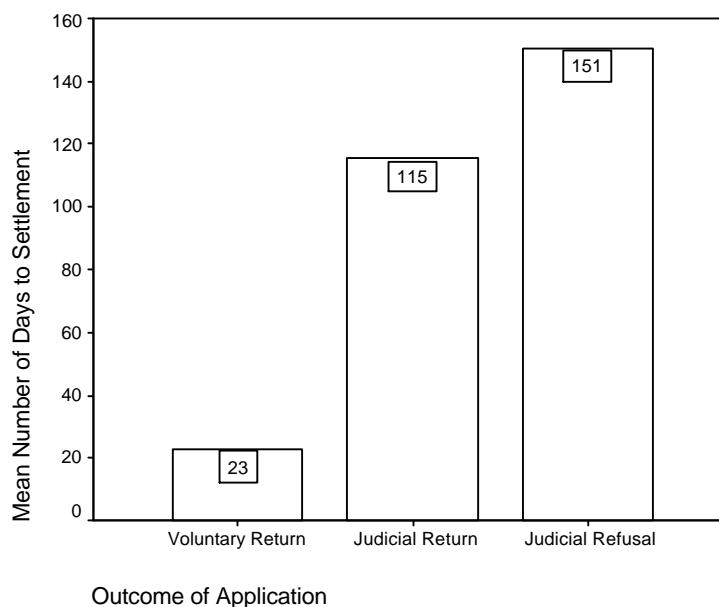
The 1 rejected application was rejected because the child was located in another country.

In 2 of the judicially refused applications the court ordered retention with agreement. A third application was refused because the applicant had no rights of custody and in the fourth case the reason was not stated as the judgment had not been received by the Central Authority.

## **Speed**

## **12. The time between application and outcome**

### **(a) Incoming return applications**



The graph above shows the mean number of days from application to settlement for each of the three stated outcomes. The mean average speed of voluntary returns at 23 days is much quicker than the global norm of 84 days. The time taken to reach judicial decisions both for return and for refusal to return was similar to the global norms of 107 days and 147 days respectively. It is to be noted that no applications were still pending and it appears that the system in Ireland operates relatively quickly.

	Outcome of Application		
	Voluntary Return	Judicial Return	Judicial Refusal
Mean	23	115	151
Median	22	102	141
Minimum	1	15	81
Maximum	47	343	239
<b>Number of Cases</b>	<b>4</b>	<b>16</b>	<b>4</b>

The table above shows the number of cases in each category for which we had timing, the mean and median averages and the minimum and maximum number of days for that outcome to be reached. This gives a more informative picture of the system in Ireland.

***(b) Incoming access application***

No information was available regarding the time taken in the access case. It had been passed to the legal aid board to be pursued as a domestic application.

**13. Appeals**

***(a) Incoming return applications***

Two cases were the result of appeals, one ending in return and the other ending in refusal to return. Both appeal decisions upheld the first instance decisions made in the cases. The return took 211 days and the refusal took 191 days from application to final decision. Globally, judicial returns on appeal took a mean average of 208 days from application to conclusion, while judicial refusals on appeal took 176 days.