

IMMIGRATION, RESIDENCE AND PROTECTION BILL 2007

BILL

entitled

AN ACT TO RESTATE AND 5 MODIFY CERTAIN ASPECTS OF THE LAW RELATING TO THE ENTRY INTO PRESENCE IN AND REMOVAL FROM THE STATE OF CERTAIN FOREIGN NATIONALS AND OTHERS, INCLUDING FOREIGN NATIONALS IN NEED OF PROTECTION FROM THE RISK OF SERIOUS HARM OR PERSECUTION ELSEWHERE AND TO PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

(...)

PART 7

Protection

(...)

Protection of identity of applicants.

85.—(1) The Minister and the Tribunal and their respective officers shall take all practicable steps to ensure that the identity of applicants is kept confidential.

(2) No matter likely to lead members of the public to identify a person as an applicant under this Act shall, without the consent of that person, be published in a written publication available to the public or be broadcast.

(3) If any matter is published or broadcast in contravention of *subsection (2)*, the following persons, namely—

(a) in the case of a publication in a newspaper or periodical, any proprietor, an editor and any publisher of the newspaper or periodical,

(b) in the case of any other publication, the person who publishes it, and

(c) in the case of matter broadcast, any person who transmits or provides the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of the editor of a newspaper, shall be guilty of an offence.

(4) Where a person is charged with an offence under *subsection*

(3) it shall be a defence to prove that at the time of the alleged offence he or she was not aware, and neither suspected nor had reason to suspect, that the publication or broadcast in question was of such matter as is mentioned in *subsection (2)*.

(5) In this section—

“broadcast” means the transmission, relaying or distribution by wireless telegraphy of communications, sounds, signs, visual images or signals intended for direct reception by the general public whether such communications, sounds, signs, visual images or signals are actually received or not;

“written publication” includes a film, a sound track and any other record in permanent form (including a record that is not in a legible form but which is capable of being reproduced in a legible form) but does not include an indictment or other document prepared for use in particular legal proceedings.

(...)