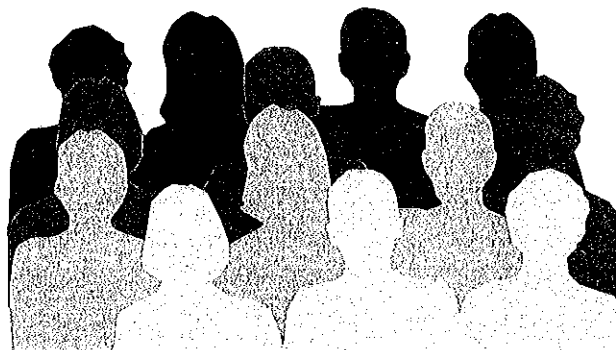


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# Refugee Appeals Tribunal

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## Annual Report



## Annual Report 2008

1 January 2008 to 31 December 2008

Refugee Appeals Tribunal, 6/7 Hanover Street East, Dublin 2.  
Tel. (01) 474 8400, Fax. (01) 4748410, Email: [info@refappeal.ie](mailto:info@refappeal.ie)

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By Hand

Mr. Dermot Ahern T.D.  
Minister for Justice Equality and Law Reform  
Department of Justice, Equality and Law Reform  
94 St. Stephens Green  
Dublin 2



Refugee  
Appeals Tribunal  
Binse Achomharc  
Dídeanaithe

**Refugee Appeals Tribunal**

Dear Minister,

In accordance with Paragraph 19 of the Second Schedule of the Refugee Act, 1996 (as amended), I enclose the statutory Annual Report of the Refugee Appeals Tribunal for the year ended 31 December, 2008.

I refer you to Section 8 of the annual report which deals with a summary of the work of the Tribunal. During 2008 the total number of Appeals completed by the Tribunal increased by 25% over the previous year, and the number of Decisions issued by 22%.

There are 35 ordinary Members of the Tribunal and I have put in place a continuous programme of training to keep Members up to date with developments in international law and practice relating to asylum. I am working closely with the UNHCR and I would like to acknowledge their contribution to Tribunal training programmes.

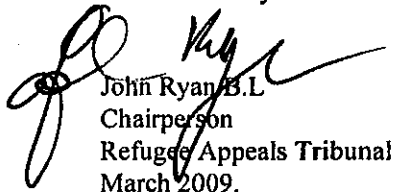
On the 13 November last the Tribunal launched the online decisions archive. This facility enables Applicant's legal representatives to access the Tribunal's data base of previous decisions from computers in their own offices. The facility is designed to ensure respect for the confidentiality of applicants. It has been running problem free and has eliminated delays in researching previous decisions and resulted in significant saving of staff resources.

The Tribunal is also actively putting in place all procedural changes required by the Immigration Protection and Residence Bill 2008 and has in place a transition plan.

I am particularly indebted to the staff of the Tribunal, all of whom have been assigned to the Tribunal from your Department for their dedication, hard work and efficiency in achieving so much in 2008.

I would also like to thank the Members of the Tribunal for their professional contribution to the Tribunal in 2008.

Yours sincerely

  
John Ryan B.L.  
Chairperson  
Refugee Appeals Tribunal  
March 2009.

## **2. Introduction to the Tribunal**

### **2.1 Commencement**

The Refugee Appeals Tribunal (“the Tribunal”) was established on 4 October, 2000, in accordance with Sections 14 and 15 of the Refugee Act, 1996 (as amended by section 11(1) of the Immigration Act, 1999 and section 9 of the Illegal Immigrants (Trafficking) Act, 2000), to consider and decide appeals against Recommendations of the Refugee Applications Commissioner that applicants should not be declared to be refugees. The Refugee Act, 1996 was implemented on 20 November, 2000 and the work of the Tribunal commenced on that date.

Substantial amendments were made to the Refugee Act, 1996 by the Immigration Act, 2003. The changes came into effect on 15 September, 2003. A number of Statutory Instruments were also made pursuant to the new legislation. Chapter 3 gives an outline of the significant features of current legislation insofar as they affect asylum appeals.

### **2.2 General**

The Tribunal is a statutorily independent body created and operating under the 1996 Act and exercises a quasi-judicial function. The Tribunal consists of a Chairperson and such number of ordinary Members of the Tribunal as the Minister for Justice, Equality and Law Reform, with the consent of the Minister for Finance, considers necessary for the expeditious dispatch of the business of the Tribunal.

### **2.3 Chairperson**

Mr John Ryan B.L., a Member of the Tribunal since 18 January 2001 was appointed Chairperson with effect from 13 September 2005.

### **2.4 Members of the Tribunal**

There are currently 35 Members of the Tribunal. They are appointed by the Minister for Justice, Equality & Law Reform under paragraph 2 of the Second Schedule of the 1996 Act. Additional details of Members who served in 2008 are set out in Chapter 6.

## **2.5 Staff of the Tribunal**

In accordance with the Second Schedule of the 1996 Act, the Minister may appoint such and so many persons to be members of the staff of the Tribunal as he considers necessary to assist the Tribunal in the performance of its functions. The staff of the Tribunal receive remuneration and are subject to other conditions of service as the Minister, with the consent of the Minister for Finance, determines. Members of the staff of the Tribunal are civil servants within the meaning of the Civil Service Regulation Act, 1956. Staff are currently assigned to the Tribunal from the Department of Justice, Equality and Law Reform.

On 31 December 2008, the staff complement was 99 (see Chapter 9).

### **3. Asylum Legislation Relevant to the Tribunal**

The legislation which forms the basis for consideration of asylum appeals is the Refugee Act, 1996, as amended by section 11(1) of the Immigration Act, 1999, Section 9 of the Illegal Immigrants (Trafficking) Act, 2000, and Section 7 of the Immigration Act, 2003 and the European Communities (Eligibility for Protection) Regulations 2006. References in the Annual Report to “the Refugee Act, 1996 (as amended)”, “the 1996 Act” or “the Act”, are to the Act so amended.

This legislation makes provision for both substantive appeals and accelerated appeals. It also provides for appeals of decisions made by the Commissioner pursuant to the Dublin II Regulation.

Principal features of the legislation are-

- **The Burden of Proof:**

At appeals stage, the burden resides with the applicant to demonstrate that he/she is a refugee.

- **Statutory credibility tests:**

The Tribunal is required, in assessing the credibility of the applicant, to have regard to specific factors set out in the amended legislation.

- **Accelerated procedures:**

These arise where a report of the Commissioner made pursuant to Section 13(1) of the Act includes a recommendation that an applicant should not be declared a refugee and includes any of the findings specified in Section 13(6) of the Act.

- **Co-operation:**

The legislation places a statutory duty on the applicant to co-operate in the determination of his/her appeal. His/her appeal shall be deemed to

be withdrawn in cases of non co-operation and/or failure to attend an oral hearing without reasonable explanation, within a stated time limit.

- **Implementation of Dublin II Regulation, (Council Regulation (EC) No 343/2003).**

The Dublin II regulation determines which Member State of the Dublin system is responsible for examining an asylum application.

- **Prioritisation of appeals:**

The Minister for Justice Equality and Law Reform has directed that priority be accorded to applications made by persons who are nationals of or have a right of residence in a country designated as safe under Section 12 of the Refugee Act 1996 (as amended). The Minister has also directed that priority be accorded to applicants from Nigeria.

All legislative instruments relevant to the Tribunal are listed in Appendix 1.

## **4. Task Statement and Critical Success Factors**

The primary function of the Tribunal is to consider and decide appeals against recommendations of the Refugee Applications Commissioner that Applicants should not be declared refugees.

### **4.1 Definition of a Refugee**

Section 2 of the 1996 Act (as amended) defines a “refugee” as a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

In 2008, 3,070 applicants appealed to the Tribunal representing 92% of all appealable Recommendations made by the Refugee Applications Commissioner, compared to 95% in 2007. The Tribunal completed 2,705 appeals during 2008.

### **4.2 Task Statement**

The Tribunal’s task statement is to establish who is a “refugee” and to do so:-

- fairly, in accordance with the law
- with respect for the dignity of the people we meet during the process
- quickly
- with the highest standard of professional competence
- in a spirit of openness to change as to how the appeals process is managed.

### **4.3 Critical Success Factors**

The objective of the Tribunal is to reach those asylum seekers who need and deserve international protection.

The success of the Tribunal in achieving its task depends on close management of a number of significant factors, in particular:-

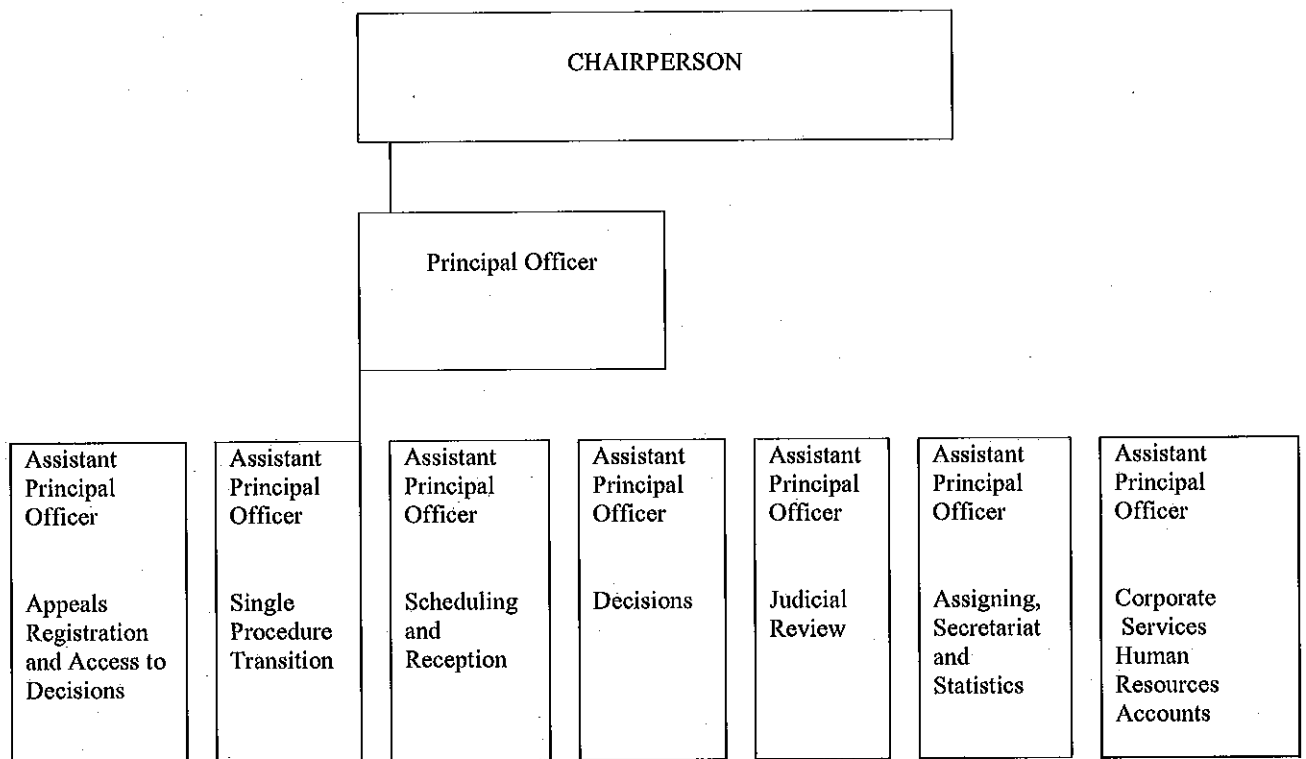
- the availability of the applicant and his/her legal representative for oral hearings
- trained experienced and available Tribunal Members to consider and decide appeals
- the availability of Presenting Officers from the Office of the Refugee Applications Commissioner whose recommendations at first instance are being appealed to the Tribunal
- the availability of interpreters to interpret at oral hearings
- trained and experienced administrative staff
- the scheduling of a significant number of hearings which involves a complex arrangement to ensure the attendance of Members, Presenting Officers, the applicant, legal representatives and interpreters
- The completion and issuing of the Members' Decisions.

## 5. Appeal Operations and Support

### 5.1 General

The Tribunal is divided into a number of Business Units to enable it to carry out its functions efficiently.

### ORGANISATION CHART



Procedures on the Appeal Process are detailed in Appendix 2.

## **5.2 Operations and Support**

### **5.2.1 The Appeals Registration Unit and Access to Decisions Unit**

The Appeals Registration Unit is responsible for receiving, checking, recording and processing all Notices of Appeal and correspondence including that from the Refugee Applications Commissioner (the Commissioner), the United Nations High Commissioner for Refugees ("the UNHCR"), legal representatives and applicants. As appropriate, correspondence is then directed to the relevant business unit within the Tribunal. The Appeals Registration Unit arranges receipt of the applicants' files from the Office of the Refugee Applications Commissioner's Office when an appeal is received. The Access to Decisions Unit enables legal representatives of asylum appellants to conduct research in the context of preparation for an appeal.

### **5.2.2 Assignment, Scheduling and Decisions Units**

These Units are responsible for the processing of all appeals against negative Recommendations of the Commissioner. The Assigning Unit arranges for the preparation of appeal case files, and formal assignment of cases to Members by the Chairperson. The Scheduling and Reception Units carry out the complex task of arranging the attendance of Members, Presenting Officers, the applicant, legal representatives and where appropriate interpreters, witnesses and HSE staff at hearings, the servicing of the oral hearings and the processing of correspondence and submissions. The Decisions Unit is responsible for preparing and issuing Decisions to the applicant, the legal representative (if any) and notifying the Refugee Applications Commissioner, the Minister for Justice Equality and Law Reform and the United Nations High Commissioner for Refugees (UNHCR) in accordance with the Appeals Regulations. The Unit is also responsible for recording and tracking of Decisions and processing of correspondence and queries from applicants, legal representatives and Members.

### **5.2.3 Secretariat and Statistics Unit**

The Secretariat and Statistics Unit is responsible for:-

- establishing and managing a comprehensive statistical system to monitor the work of the Tribunal

- co-ordinating activity between the Tribunal, the Commissioner and other constituent parts of the asylum system
- preparing a weekly and monthly statistical report on the number of appeals received, cases assigned, decided and withdrawn
- preparing a monthly report which identifies any delays in the appeals process
- liaising with the office of the representative of the United Nations High Commissioner for refugees and other external governmental and non-governmental bodies, and
- providing briefing information on request, drafting replies to Parliamentary Questions, replies to correspondence.

The Secretariat is responsible for acting as a liaison with the Members and with the other units of the Tribunal. It co-ordinates the day-to-day back-up services for the Members which includes ongoing Members' training and collating training/educational resource materials.

Training initiatives undertaken in 2008 by the Tribunal are outlined in Chapter 6.

#### **5.2.4 Judicial Review Unit & Legal Research**

This Unit considers the response to judicial review proceedings. It records and monitors progress of all judicial reviews, considers all legal documents received and co-ordinates a reply with the Chairperson, the Attorney General's Office, the Chief State Solicitor's Office and the Members.

In respect of appeal decisions completed in 2008 Judicial Review papers were filed in a total of 265 cases in which the Tribunal was a respondent as of 31<sup>st</sup> December 2008.

### **5.3 Unaccompanied Minors**

The Tribunal, in recognition of the sensitivities surrounding the processing of appeals in respect of unaccompanied minors has prepared special procedures to deal with such appeals.

Five of the Tribunal Members are trained to deal with unaccompanied minors.

As of 31 December 2008 there were 62 appeals from Unaccompanied Minors on hand in the Tribunal.

### **5.4 Members' Decision Data Base**

In 2008 the Tribunal developed an on-line system of access to previous Tribunal decisions. ( This arose from the Atanasov Supreme Court judgement which required the Tribunal to grant reasonable access to previous decisions). The system replaced an older database system established in response to the Atanasov judgement. This required legal representatives to visit the Tribunal and formally seek access to the database. The Tribunal went live with the new on line archive of Members' Decisions on 19 September, 2008. The new system required the development of a secure on-line system with registration available on request to legal representatives. This involved anonymising all decisions for the years 2006 to date and set-aside decisions back to the foundation of the Tribunal. The system has been welcomed by legal representatives and the UNHCR.

## **6. Members of the Tribunal**

### **6.1 Introduction**

The Members of the Tribunal are appointed by the Minister for Justice, Equality & Law Reform on a part-time basis for a term of 3 years. A member must have been a practising Barrister or Solicitor for at least five years to qualify for appointment.

### **6.2 List of Members**

The following is an alphabetical list of the Members of the Tribunal who held office during 2008.

David Andrews S.C.
Eamonn Barnes B.L.
Joseph Barnes B.L.
Bruce St. John Blake, Solicitor
Judy Blake B.L.
Olive Brennan B.L.
Eamonn Cahill S.C.
Bernadette Cronin S.C.
Samantha Cruess Callaghan B.L.
Sean Deegan B.L.
Ricardo Dourado B.L.
Donal Egan B.L.
Ben Garvey B.L.
David Goldberg S.C.
John Hayes, Solicitor
Patrick Hurley, Solicitor
Margaret Levey B.L.
Denis Linehan, Solicitor
Bernard McCabe B.L.
Paul McGarry B.L.
Susan Nolan, Solicitor
Elizabeth O'Brien B.L.
Michelle O'Gorman B.L.

Michael O’Kennedy S.C.
Anne Tait, Solicitor
Majella Twomey B.L.
Laura MacKenna B.L.
Conor Gallagher B.L.
Fergus O’Connor B.L.
Paul Gormley B.L.
Brendan Gogarty B.L.
Paul Christopher B.L.
Sean Bellew B.L.
Nehru Morgan Pillay B.L.
Emma Toal B.L.

### **6.3 Structure of Work of the Members of the Tribunal**

In accordance with paragraph 13 of the Second Schedule to the Refugee Act 1996 (as amended), cases are assigned to Members of the Tribunal by the Chairperson. Each file must first be examined by the Member, who establishes whether he/she believes it is necessary for further enquiries to be made of the Refugee Applications Commissioner (under Section 16(6) of the 1996 Act) or whether the observations of the Commissioner should be sought in relation to the grounds of appeal filed (under Section 16(7) of the 1996 Act). Where the applicant is entitled to request an oral hearing the Notice of Appeal may include a request to the Tribunal to direct the attendance of a witness before the Tribunal. The Member must determine in accordance with Section 16(11) of the 1996 Act whether this request should be granted.

Before deciding an appeal, the Member is specifically obliged under Section 16(16) of the 1996 Act to consider:-

- the notice of appeal
- the report of the Commissioner under Section 13
- any observations from the Commissioner and/or the UNHCR
- the evidence adduced at an oral hearing where relevant, and any representations made at the hearing
- any documents, representations in writing or other information furnished pursuant to Section 11 of the 1996 Act and any documents submitted with the appeal.

The Member then prepares a written Decision. The Decision is signed by the Member and issued to the applicant and his/her legal representative by the Tribunal.

## **6.4 Training and Seminars for Members of the Tribunal**

The 1996 Act requires the Chairperson to make provision for training programmes for Members of the Tribunal.

Training made available to the Members during 2008 is as follows:

### **Training Programme and Seminars for Members of the Tribunal 2008**

<b>Topic/Location</b>	<b>Date</b>
<b>Refugee Appeals Tribunal</b> Subsidiary Protection Speaker: Ms.Gladys MacPherson Venue: Refugee Appeals Tribunal	14/03/2008
<b>Refugee Appeals Tribunal</b> UK Experience of the Single Procedure and tips on decision writing Speaker: Mr Mark Ockleton & Mr Simon Boyle SC Venue: Refugee Appeals Tribunal	04/07/2008
<b>Refugee Appeals Tribunal</b> Decision Making by Tribunal Members Speaker: Ms Siobhan Stack BL Venue: Refugee Appeals Tribunal	03/10/2008
<b>Refugee Appeals Tribunal</b> Country of Origin Source Training Speaker: Mr James O'Sullivan & Mr Paul Daly Venue: Refugee Appeals Tribunal	07/11/2008

## **6.6 Statutory Meetings**

Paragraph 12 of the 2<sup>nd</sup> schedule of the Refugee Act '96 requires the Chairperson to convene a meeting of the Members of the Tribunal at least twice a year to review the work of the Tribunal. These Meetings took place as follows:

<b>First Statutory Meeting</b> Venue: Davenport Hotel	25/07/2008
<b>Second Statutory Meeting</b> Venue: Davenport Hotel	19/12/2008

## **6.7 Members' Fees**

An outline of the fees structure for Members is attached at Appendix 3.

## **7. Summary of the Work of the Tribunal for 2008**

### **7.1 Introduction**

The information is set out broadly in the order of the appeals process, as follows:

Appeals Received - Paragraph 7.3

Cases Scheduled for hearing - Paragraph 7.4

Appeals Completed - Paragraph 7.7

Appeals Outstanding - Paragraph 7.8

### **7.2 Executive Summary for 2008**

	<b>2007</b>	<b>2008</b>	<b>% change</b>
<b>Appeals Received</b>	2792	3070	10%
<b>Cases Scheduled</b>	2124	2464	16%
<b>Decisions Issued</b>	2009	2460	22%
<b>Completed Appeals</b>	2156	2705	25%
<b>Live Appeals on Hand at Year End</b>	3046	3412	12%

### **7.3 Appeals Received\***

Tables 7.3.1(a)(b) sets out the number of Substantive/Substantive 15-Day, Manifestly Unfounded/ Accelerated and Dublin II Regulation appeals received in the years 2007 and 2008.

\* See definitions Appendix 2

**Table 7.3.1(a) Total Appeals Received**

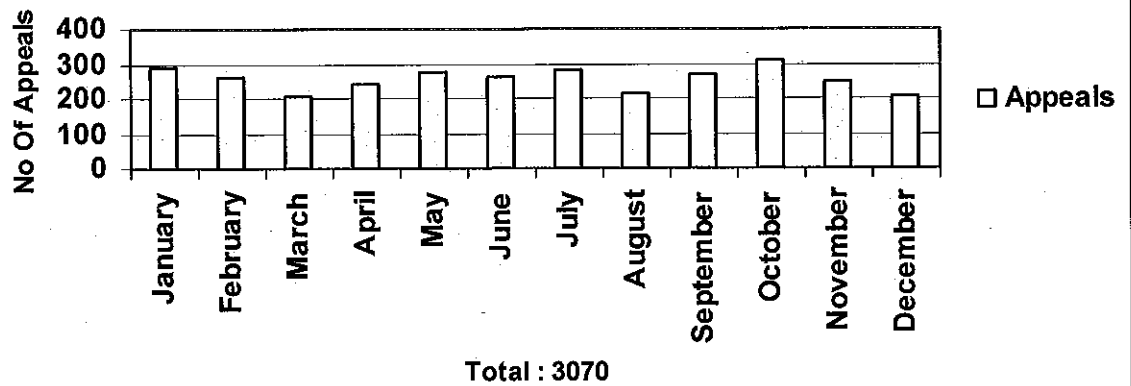
**Substantive/Substantive 15-Day, Manifestly  
Unfounded/Accelerated and Dublin II Regulation**

<b>Month</b>	<b>2007</b>	<b>2008</b>
January	349	289
February	245	259
March	227	209
April	164	238
May	224	278
June	229	264
July	271	282
August	275	211
September	205	270
October	205	311
November	256	249
December	142	210
<b>Total</b>	<b>2792</b>	<b>3070</b>

**Table 7.3.1(b) Summary - Total Appeals Received by Year and Type**

	<b>2007</b>	<b>2008</b>	<b>Increase (Decrease)</b>
Substantive/ Sub 15 Day	2366	2451	4%
Manifestly Unfounded/ Accelerated	212	441	108%
D II Regulation	214	178	(17%)
<b>Total</b>	<b>2792</b>	<b>3070</b>	<b>10%</b>

**Chart 7.3.1**  
**Appeals Received by Month for 2008**



**Table 7.3.2 Substantive/Substantive 15-Day Appeals Received**

<b>Month</b>	<b>2007</b>	<b>2008</b>
January	285	243
February	204	206
March	200	176
April	146	202
May	192	231
June	187	212
July	214	223
August	226	167
September	173	216
October	180	239
November	229	179
December	130	157
<b>Total</b>	<b>2366</b>	<b>2451</b>

**Table 7.3.3 Manifestly Unfounded/Accelerated Appeals Received**

<b>Month</b>	<b>2007</b>	<b>2008</b>
January	42	40
February	16	32
March	22	19
April	14	29
May	22	41
June	16	40
July	15	46
August	19	34
September	17	43
October	9	46
November	14	36
December	6	35
<b>Total</b>	<b>212</b>	<b>441</b>

**Table 7.3.4 Dublin Convention/Dublin II Regulation Appeals  
Received**

<b>Month</b>	<b>2007</b>	<b>2008</b>
January	22	6
February	25	21
March	5	14
April	4	7
May	10	6
June	26	12
July	42	13
August	30	10
September	15	11
October	16	26
November	13	34
December	6	18
<b>Total</b>	<b>214</b>	<b>178</b>

#### **7.4 Number of Appeals Scheduled for Hearing**

The preparation of the weekly schedule of hearings is complex. Cases can be scheduled for oral hearings only following an examination of the file by a Member of the Tribunal under Section 16(6) and (7) of the Act. An appeal file is extensive and includes the initial application for asylum, a detailed Questionnaire (51 sections/questions) which has been completed by the applicant, written notes of an Interview between the applicant and an officer of the Commissioner's Office, Section 11 (only under old procedures pre-15 September, 2003, cases) and Section 13 reports on the questionnaire and interview notes prepared by the Commissioner's Office, the Recommendation of the Commissioner, the Notice of Appeal itself, any observations made to the Tribunal by the Commissioner or by the UNHCR, country of origin information and other miscellaneous documents.

The oral hearing is held in private in accordance with Section 16(14) of the Refugee Act. Under Section 16(15) the UNHCR may be present at an oral hearing for the purpose of observing the proceedings. The parties in attendance at the oral hearing are the applicant, his/her legal representative, interpreter (if required), the Presenting Officer (authorised officer of the Refugee Applications Commissioner) and the Member of the Tribunal. Witnesses may also be present, subject to the approval of the Member.

**Table 7.4.1 Number of Hearings Scheduled**

<b>Month</b>	<b>2007</b>	<b>2008</b>
January	109	239
February	170	215
March	198	149
April	144	233
May	195	202
June	187	200
July	220	195
August	166	139
September	163	263
October	203	222
November	231	239
December	138	168
<b>Total</b>	<b>2124</b>	<b>2464</b>

Table 7.4.1 shows that a total of 2464 hearings were scheduled for 2008. This is an increase of 16% on 2007.

## **7.5 “No Shows” and Withdrawals**

### **7.5.1 Failure of applicant to attend oral hearing**

Where an applicant fails to attend an oral hearing without reasonable cause and fails to furnish to the Tribunal an explanation within 3 working days from the date of the oral hearing which satisfies the Tribunal that he or she had reasonable cause for not attending, then

(a) if the appeal is one to which Section 16(2A) of the original Act applies (pre-15 September 2003), the Tribunal affirms the recommendation of the Commissioner under section 13, or

(b) if the appeal is one to which Section 16(2A) of the amended Act applies (post-15 September 2003), the appeal is deemed withdrawn.

In 2008, the number of “No Shows” was 145 , which represented almost 6% of the total number of cases scheduled. However, in 29 (20 %) cases of “No Shows”, applicants were able to demonstrate to the Tribunal reasonable cause for not attending, and these were put back in the list to be scheduled again.

An applicant may withdraw his/her appeal at any stage in the process for a number of reasons, for example, marriage to an Irish or EU national, or voluntary repatriation to their country of origin. In the event of a withdrawal, the original Recommendation of the Commissioner stands. Table 7.5.1 sets out the number of “No Shows” and Withdrawals in 2007 and 2008.

**Table 7.5.1 Number of “No Shows” and Withdrawals in 2007 and 2008**

<b>Year</b>	<b>2007</b>	<b>2008</b>
<b>“No Shows”</b>	100	145
<b>Withdrawals</b>	147	245
<b>Total</b>	<b>247</b>	<b>390</b>

The table indicates an increase in the number of “no-shows” and withdrawals of 58% for 2008.

## **7.6 Postponements and Adjournments**

Table 7.6.1 outlines the number of postponements and adjournments.

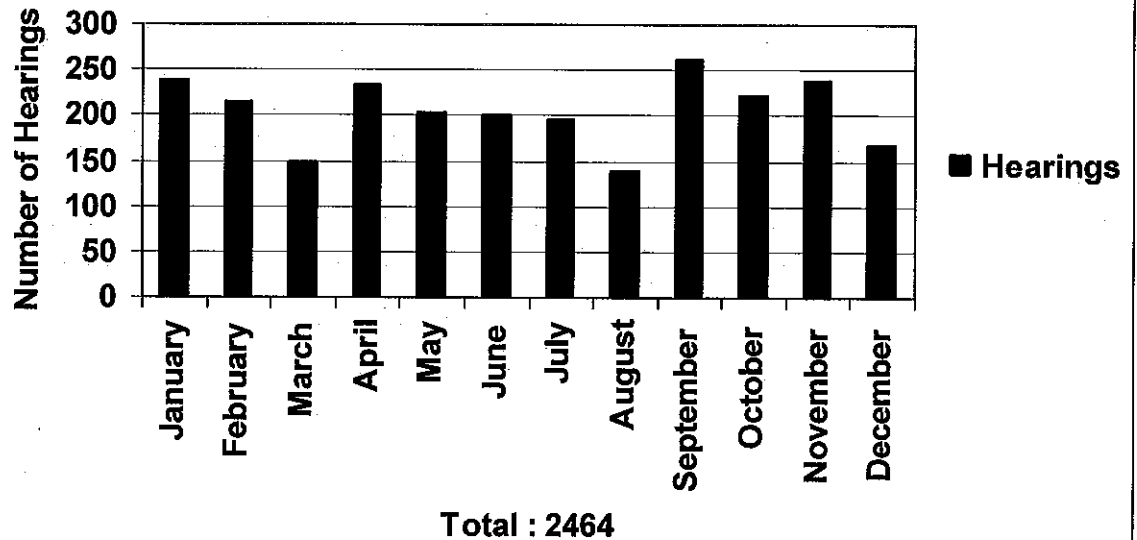
**Table 7.6.1 Number of Postponements and Adjournments**

<b>Year</b>	<b>2007</b>	<b>2008</b>
<b>Adjournments</b>	289	332
<b>Postponements</b>	356	263
<b>Total</b>	<b>645</b>	<b>595</b>

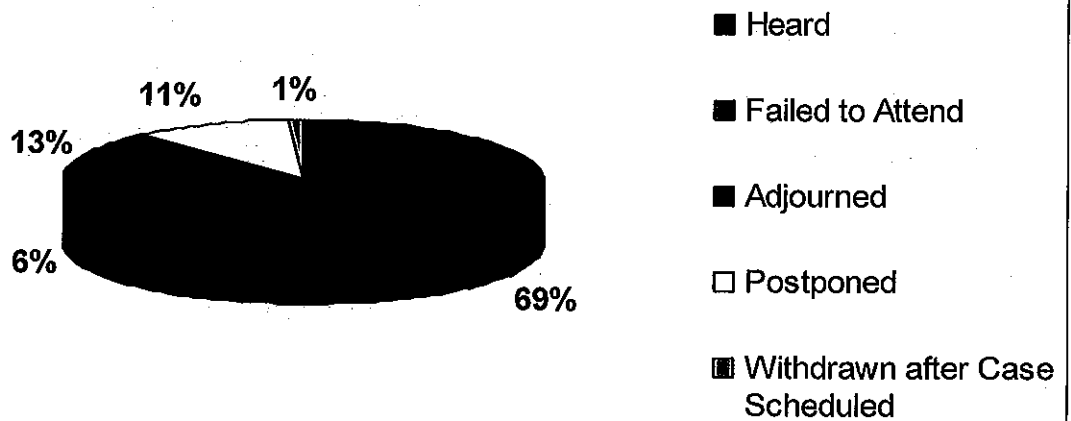
The table shows a decrease of 7.5% in the number of Postponements and Adjournments in 2008 compared to 2007.

It will be noted that in 2008, 24% of scheduled cases were either postponed or adjourned which is an improvement on the 2007 figure which was 30%.

**Chart 7.4.1 (a)**  
**Hearings Scheduled by Month for 2008**



**Chart 7.4.1 (b)**  
**Outcome Of Scheduled Cases for 2008**  
**Total : 2464**



## **7.7 Appeals Completed and Decisions of Members**

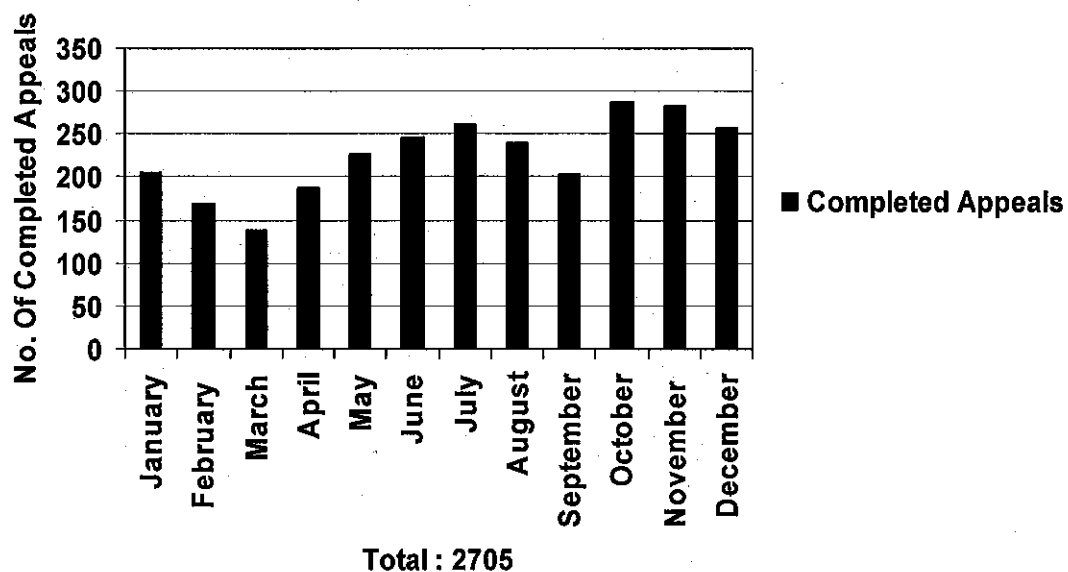
The Tribunal completed 2705 appeals from 1 January, 2008 to 31 December, 2008 (Table 7.7.1).

**Table 7.7.1 Total Completed Appeals**

<b>Month</b>	<b>2007</b>	<b>2008</b>
January	188	206
February	162	168
March	166	138
April	134	188
May	217	227
June	199	246
July	220	262
August	186	239
September	211	203
October	187	288
November	199	282
December	87	258
<b>Total</b>	<b>2156</b>	<b>2705</b>

The total of appeals completed includes withdrawals and shows a increase of nearly 25% in the number of appeals completed in 2008 compared to 2007.

**Chart 7.7.1**  
**Completed Appeals by Month for 2008**



Appeals completed under old procedures include Statutory Review, Dublin Convention Decisions, Withdrawals and “No-Shows”.

Appeals completed under new procedures include Statutory Review, Manifestly Unfounded/Accelerated and Dublin Convention Decisions, Withdrawals, “No-Shows” and Abandoned.

**Table 7.7.2 Substantive/Substantive 15-Day Completed Appeals**

<b>Month</b>	<b>2007</b>	<b>2008</b>
January	101	163
February	70	129
March	121	112
April	104	134
May	189	192
June	144	209
July	148	221
August	145	190
September	142	143
October	154	232
November	164	229
December	71	210
<b>Total</b>	<b>1553</b>	<b>2164</b>

Table 7.7.2 indicates that the total number of Substantive/Substantive 15-Day appeals completed in 2008 increased by 39% on the figure for 2007.

**Table 7.7.3 Manifestly Unfounded/Accelerated Completed Appeals**

Month	2007	2008
January	43	31
February	54	26
March	25	26
April	30	32
May	17	23
June	29	32
July	37	35
August	28	46
September	22	41
October	21	45
November	16	42
December	10	25
<b>Total</b>	<b>332</b>	<b>404</b>

Table 7.7.3 indicates that the number of Manifestly Unfounded/Accelerated appeals completed in the year 2008 increased by 22% on the previous year.

**Table 7.7.4 Dublin Convention/Dublin II Regulation - Completed Appeals**

Month	2007	2008
January	44	12
February	38	13
March	20	0
April	0	22
May	11	12
June	26	5
July	35	6
August	13	3
September	47	19
October	12	11
November	19	11
December	6	23
<b>Total</b>	<b>271</b>	<b>137</b>

Table 7.7.4 indicates that the number of Dublin Convention/Dublin II Regulation appeals completed in the year 2008 decreased by 49% on the previous year..

## **7.8 Appeals on Hand at 31st December, 2008**

### **7.8.1 Status of Appeals**

A total of 3412 live appeals was on hand as at the 31st December, 2008 compared to a 3046 appeals on hand at 31 December 2007, an increase of over 12%.

Table 7.8.1 gives a summary of the status of the appeals filed with the Tribunal as at 31 December, 2008 within the appeals process.

**Table 7.8.1 Summary of “live appeals” in the Tribunal at 31st December 2008**

<b>Total number of appeals on hand</b>	
Substantive/ Substantive 15 Day	3162
Manifestly unfounded/ Accelerated	192
Dublin convention/ Dublin II Regulation	58
<b>Total number of appeals on hand as at 31<sup>st</sup> December 2008</b>	<b>3412</b>

### **7.8.2 Live Appeals by Year of Appeal**

Table 7.8.2 shows the “live appeals” by year of receipt of appeal.

**Table 7.8.2 Live Appeals by Year of Appeal**

<b>Year of Appeal</b>	<b>Number of Live Appeals</b>
2004	13
2005	55
2006	411
2007	837
2008	2096
<b>Total</b>	<b>3412</b>

## **7.9 Length of Appeal Process**

### **7.9.1 Substantive Appeals**

A priority for the Tribunal is to reach those people in need of international protection quickly. In this regard analysis shows that

- The average length of “time taken” by the Tribunal to process and complete Substantive 15 day appeals was approximately 30 weeks based on a sample of 5943 cases.

### **7.9.2 Accelerated Appeals**

- The average length of time taken by the Tribunal to process and complete Accelerated appeals received was 9 weeks in 2008.
- The average length of time taken by the Tribunal to process and complete prioritised accelerated appeals from five countries, Nigeria, Romania, Bulgaria, Croatia and South Africa was 11 weeks.

## **7.10 Country of Origin of Applicants 2008**

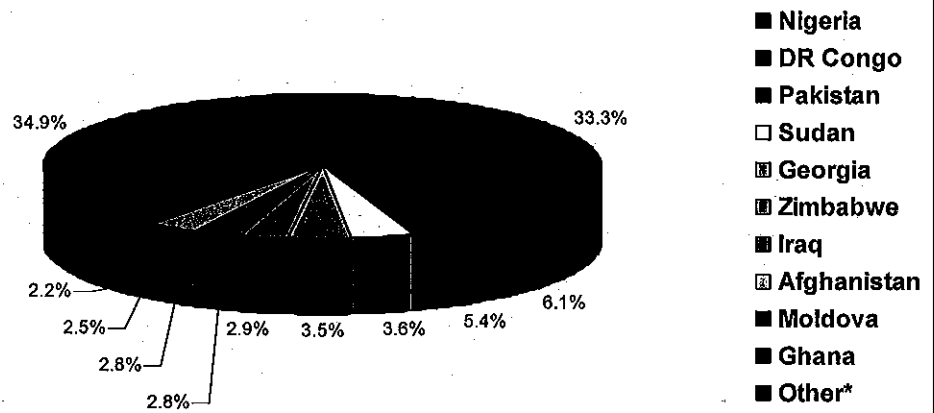
- Nigerian nationals represented the highest proportion of applications received by the Tribunal.
- *Nigerian nationals also represented the highest proportion of applicants in the case of Substantive/Substantive 15-Day appeals, followed by DR Congo, Pakistan, Sudan, and Gerogia.*
- *In Manifestly Unfounded/Accelerated appeals the highest representations of applicants were from Nigeria and South Africa.*
- *In Dublin Convention/Dublin II Regulation appeals the majority of applicants were from Eritrea and Pakistan.*

**Table 7.10.1 Substantive/Substantive 15-Day Appeals appeals, Manifestly Unfounded/ Accelerated appeals and Dublin Convention/Dublin II Regulation appeals received in 2008 by country of origin.**

<b>Nationality</b>	<b>Total Appeals Received</b>	<b>%</b>	<b>Substantive and Subst 15-Day</b>	<b>%</b>	<b>Manifestly Unfounded and Accelerated</b>	<b>%</b>	<b>Dublin Convention and Dublin II Regulation</b>	<b>%</b>
<b>Nigeria</b>	1021	33	884	36	117	27	20	11
<b>DR Congo</b>	186	6	161	6	11	2	14	8
<b>Pakistan</b>	167	5	114	5	17	4	36	20
<b>Sudan</b>	111	4	100	4	6	1	5	3
<b>Georgia</b>	107	3	89	4	6	1	12	7
<b>Zimbabwe</b>	88	3	72	3	13	3	3	2
<b>Iraq</b>	87	3	74	3	5	1	8	4
<b>Afghanistan</b>	85	3	67	3	11	2	7	4
<b>Moldova</b>	77	3	41	2	36	8	0	0
<b>Ghana</b>	69	2	61	2	8	2	0	0
<b>Other*</b>	1072	35	788	32	211	49	73	41
<b>Total</b>	3070	100	2451	100	441	100	178	100

\* Other covers 77 countries and includes Somalia, South Africa, Albania, Cameroon and Iran relation to all of which the number of applicants ranges between 1 and 64.

**Chart 7.10.1**  
**Appeals Received By Country of Origin for 2008**  
**Total : 3070**



## 7.11 Outcome of Appeals/Recommendations of the Refugee Applications Commissioner

88% of Recommendations made by the Commissioner, which were appealed to the Tribunal were upheld by the Tribunal in 2008. 12% of appeals were overturned.

Tables 7.11.1, 2 and 3 show the trend in the number of Recommendations made by the Commissioner which were affirmed on appeal by the Tribunal since 2001 (excluding withdrawals and abandoned cases).

**Table 7.11 .1 Analysis of Substantive/ Substantive 15-Day Decisions**

### Recommendations of Commissioner Affirmed

Year	Total	Affirmed	% Affirmed
2001	1942	1461	75%
2002	4698	3601	77%
2003	4486	3658	82%
2004	4235	3587	85%
2005	2452	2022	82%
2006	1594	1353	85%
2007	1406	1214	86%
2008	1924	1661	86%

**Table 7.11.2 Analysis of Manifestly Unfounded/ Accelerated Decisions**

### Recommendations of Commissioner Affirmed

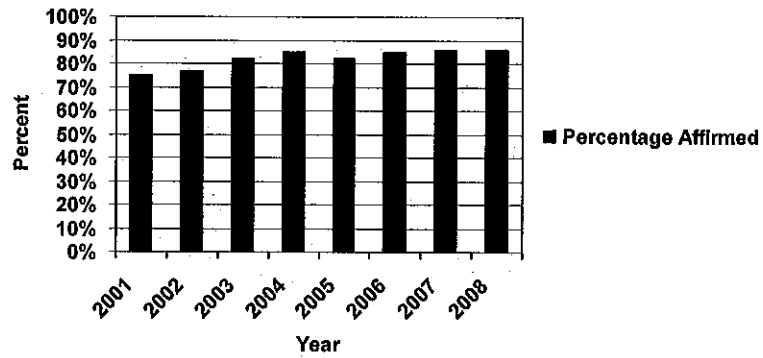
Year	Total	Affirmed	% Affirmed
2001	723	549	76%
2002	130	81	62%
2003	252	225	89%
2004	1893	1824	96%
2005	1469	1385	94%
2006	271	261	96%
2007	330	318	96%
2008	397	367	92%

**Table 7.11.3 Analysis of Dublin Convention/ Dublin II Regulation Decisions**

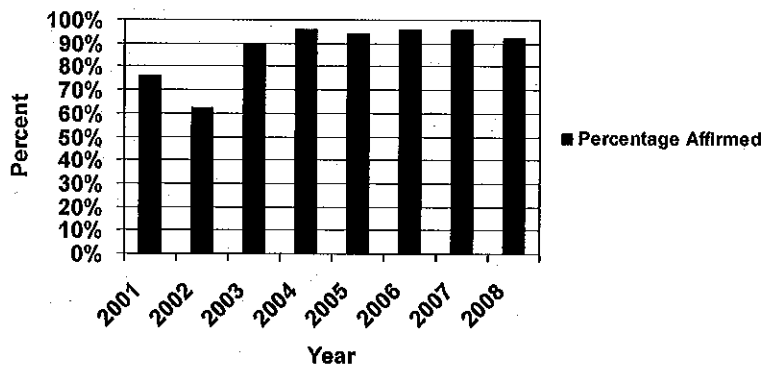
### Recommendations of Commissioner Affirmed

Year	Total	Affirmed	% Affirmed
2001	151	150	99%
2002	118	110	93%
2003	104	102	98%
2004	212	186	88%
2005	234	217	93%
2006	225	225	100%
2007	271	270	99%
2008	137	137	100%

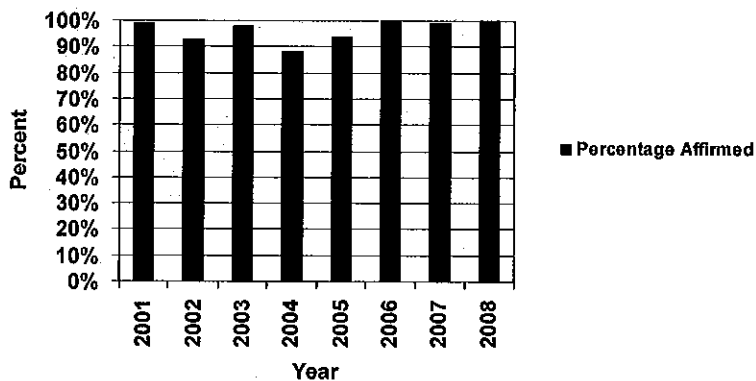
**Chart 7.11.1**  
**Analysis of Substantive/ Substantive 15 Day Decisions**  
**Recommendations of Commissioner Affirmed**



**Chart 7.11.2**  
**Analysis of Manifestly Unfounded/ Accelerated Decisions**  
**Recommendations of Commissioner Affirmed**



**Chart 7.11.3**  
**Analysis of Dublin Convention/ Dublin II**  
**Regulation Decisions**  
**Recommendations of Commissioner Affirmed**



**Table 7.11.4 Summary of Substantive/Substantive 15-Day and Accelerated Appeals by Nationality Affirmed and Set Aside from 1<sup>st</sup> January 2008 to 31<sup>st</sup> December 2008**

<b>Nationality</b>	<b>Affirmed</b>	<b>Set Aside</b>	<b>Total</b>	<b>Total Set Asides as % of Total Decisions</b>
Nigeria	804	57	861	7%
DR Congo	117	2	119	2%
Georgia	80	4	84	5%
Somalia	61	15	76	20%
Moldova	66	9	75	12%
Ghana	71	3	74	4%
Sudan	62	6	68	9%
Other*	767	197	964	17%
<b>Total</b>	<b>2028</b>	<b>293</b>	<b>2321</b>	<b>13%</b>

**\* Other covers 72 countries and includes Pakistan, Afghanistan, Iraq, South Africa and Cameroon.**

## **8. Contact with Other Organisations**

### **8.1 Introduction**

It is a specific objective of the Tribunal to develop and maintain good working relations with organisations with an interest in asylum and we have continued this policy in 2008.

### **8.2 Meetings**

Meetings were held with each of the following organisations, among others, during the year, viz

- United Nations High Commissioner for Refugees
- International Association of Refugee Law Judges
- Office of the Attorney General and Chief State Solicitors Office
- Office of the Refugee Applications Commissioner
- Refugee Legal Service
- Refugee Documentation Centre
- Department of Justice, Equality and Law Reform
- Spirasi

### **8.3 Agencies/Organisations Who Receive Tribunal Statistics**

Our monthly statistics were circulated to the following agencies/organisations during the year:

- American Embassy
- Amnesty International
- Comhlamh (Returned Development Workers)
- Department of the Environment, Heritage and Local Government
- Department of Justice, Equality and Law Reform
- Department of Social and Family Affairs
- Garda National Immigration Bureau
- Irish Congress of Trade Unions
- Irish Commission for Justice and Peace - Refugee Project
- Irish Refugee Council
- National Consultative Committee on Racism and Interculturalism
- Office of the Refugee Applications Commissioner
- Refugee Information Service
- Refugee Legal Service
- Vincentian Refugee Centre
- United Nations High Commissioner for Refugees
- The Irish Times
- The Irish Independent
- Health Service Executive
- SPIRASI – The Centre for the Care of Survivors of Torture (CCST)
- Refugee Documentation Centre
- The Irish Examiner

## **9. Corporate Services**

### **9.1 Personnel/Staffing**

As at 31st December 2008 the number of staff serving in the Tribunal was 99 (of whom 27 workshare). This corresponds to a net position of 89.1 full-time equivalents. The current breakdown of staff by grade is now as follows:

<b>Grade</b>	<b>Number of Posts</b>
Chairperson	1
Principal Officer	1
Assistant Principal Officer	7 (4 Workshare)
Higher Executive Officer	9 (1 Workshare)
Administrative Officer	0
Executive Officer	17 (3 Workshare)
Staff Officer	7 (4 Workshare)
Clerical Officer	51 (14 Workshare)
Services Officer	6

## **9.2 Staff Training**

Since January, 2008, the Tribunal's Training Unit has provided or facilitated a wide range of training courses for staff. Training courses availed of by administrative staff included;

- Induction Training
- Microsoft Excel (Intermediate)
- Microsoft Access (Intermediate)
- Microsoft Powerpoint
- Fire Warden Training
- Sign Language Training
- Gealeagras (Irish Language) Training
- Language Training
- Certificate Programme – State Agency and Civil Service Studies
- United Nations High Commissioner for Refugees Training
- Performance Management and Development Training
- Diploma in Justice Studies
- Time Management
- Interview Skills
- Train the Trainer

Details of training for Members are outlined in Chapter 6.

## **9.3 Accommodation**

The Tribunal occupies a substantial part of the premises at 6/7 Hanover St. East, Dublin 2. In addition to workspace for administrative staff, there are Hearing Rooms for appeals, Consulting Rooms for clients and their representatives, a Members' Room and canteen facilities for staff. Throughout 2008, we continued to upgrade our facilities.

## **9.4 Finance**

The Tribunal is funded by monies voted by the Dáil through the Vote for the Office of the Minister for Justice, Equality and Law Reform.

## **Expenditure 2008**

The table below sets out expenditure details for 2008

<b><u>Expenditure Heading (Non Pay)</u></b>	<b>Expenditure 2008 Provisional</b>
<b>Travel &amp; Subsistence</b>	<b>€15,933</b>
<b>Members Training</b>	<b>€58,124</b>
<b>Incidental Expenses</b>	<b>€251,700</b>
<b>Postal &amp; Communication Services</b>	<b>€140,145</b>
<b>Office Machinery &amp; Other Office Supplies</b>	<b>€126,814</b>
<b>Office &amp; Premises Expenses</b>	<b>€594,057</b>
<b>Members' Fees</b>	<b>€1,182,638</b>
<b>Legal Costs</b>	<b>€3,428,130</b>
<b>Consultancy Services (I.T.)</b>	<b>€56,498</b>
<b>Total</b>	<b>€5,854,039</b>

## **9.5 Customer Service Action Plan**

The Tribunal is committed to contributing to the Government initiative on Customer Service. The customer charter is available in very many of the languages of the clients of the Tribunal at our Reception area.

The office is open 5 days a week including lunchtime and is open to personal callers between the hours of 8.45a.m. and 5.30 p.m. Monday to Friday. A telephone enquiry service (tel. 01-4748400) is provided daily from 9.15 a.m. to 5.30 p.m. (5.15 p.m. on Fridays). In addition the Tribunal operates a helpdesk for users of the Tribunal's Decisions Archive. The helpdesk is open Monday to Friday from 9.00 am until 5.15pm. The dedicated helpdesk number is 01 – 4748523.

## **9.6 Information Technology**

Towards the end of November, 2007, the IT function was incorporated into the main IT Section of the Department of Justice, Equality & Law Reform. The Tribunal's IT requirements are now serviced centrally by DJELR.

### **9.7 Data Protection Act 1988**

The Tribunal is registered with the Data Protection Commissioner and is meeting its obligations under the Act in full.

### **9.8 Prompt Payments Act 1997**

The Tribunal incurred interest payments of €420.53 in 2008.

### **9.9 Health and Safety**

It is the policy of the Tribunal to ensure, in so far as is reasonably practicable, the safety, health and welfare of all its employees and those who have business on its premises. Health and safety issues are a priority for the Tribunal - this is reflected in the training provided to staff and the security measures at the Tribunal's premises which are continuously under review. A major security review was carried out in 2008, with an emphasis on Health and Safety issues and major works of a security nature in the entrance hall and reception area are for completion in 2009, aimed at increasing the safety and security of both staff and customers alike. The Tribunal has a Health & Safety Statement which is updated when required.

### **9.10 Ethics in Public Office Act, 1995**

The Chairperson is subject to the requirements of the 1995 Act and he completed appropriate statements of interest in 2008. All relevant staff holding prescribed positions have been made aware of their obligations under the Ethics in Public Office Acts 1995 to 2001 and have complied with the requirements.

## **Appendix 1:**

### **Legislation/ Statutory Instruments Relevant to the Tribunal**

- Refugee Act, 1996 (as amended by the Immigration Act, 1999 and Illegal Immigrants (Trafficking) Act, 2000) and the Immigration Act, 2003
- Refugee Act, 1996 (Appeals) Regulations, 2000, S.I. No. 342 of 2000
- Refugee Act, 1996 (Appeals) Regulations, 2002 S.I. No. 571 of 2002
- Refugee Act, 1996 (Appeals) Regulations, 2003, S.I. No. 424 of 2003
- Dublin Convention (Implementation) Order 2000, S.I. No. 343 of 2000
- Illegal Immigrants (Trafficking) Act 2000
- Refugee Act, 1996 (Section 22) Order 2003 (Dublin Convention II) S.I. No 423 of 2003
- United Nations Convention Relating to the Status of Refugees, 1951 (Geneva) and the 1967 Protocol (New York)
- Handbook on Procedures and Criteria for Determining Refugee Status, under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees (Re-edited, Geneva, 1992)
- Refugee Act 1996 (Safe Countries of Origin) Order, 2003 S.I. No 422 of 2003
- Ministerial Direction dated 15 September 2003 under section 12(1)(m) of the Refugee Act, 1996, as inserted by section 7 of the Immigration Act, 2003 – prioritisation of applications from designated safe countries of origin
- Ministerial Direction dated 11 December 2003 under Sections 12(1)(b) and 12(1)(e) of the Refugee Act, 1996, as inserted by section 7 of the Immigration Act, 2003 – prioritisation of asylum applications from Nigeria
- Refugee Act, 1996 (Safe Countries of Origin) Order, 2004 – S.I. No. 714 of 2004.
- European Communities (Eligibility for Protection) Regulations 2006 – S.I. No. 518 of 2006.

## **Appendix 2:**

### **Appeals Process: Procedures**

#### **2.1 Introduction/Oral Hearings/On the Papers**

The Tribunal in general deals with three types of appeals -Substantive, Accelerated and Dublin Convention/Dublin II Regulation. The type of appeal is determined at first stage by the Refugee Applications Commissioner.

Legal issues continued to arise on the interpretation of primary and secondary legislation and as a result of judicial reviews throughout the year. Procedures are accordingly reviewed on an on going basis and will continue to be adjusted, as necessary. Following is an outline of the salient features of the appeals procedures.

##### **Substantive/Substantive 15 day - Oral Hearing**

A Substantive appeal is one where the Applicant may seek an oral hearing. The hearing occurs before a Member of the Tribunal and generally involves the Applicant and his/her legal representative, an interpreter and a Presenting Officer from the Commissioner's office. Witnesses may also attend subject to the agreement of the Tribunal. Experience to date shows that on average an oral hearing takes 1½ - 2 hours. Section 16(14) of the 1996 Act requires that an oral hearing be held in private. However, the UNHCR can attend for the purposes of observing the proceedings (Section 16 (15) of the 1996 Act). In the event that an oral hearing is not sought, the Substantive appeal will be decided on the papers by a Member.

##### **Accelerated Appeals - No Oral Hearing**

These arise where a report of the Commissioner made in pursuant to Section 13(1) includes a recommendation that an applicant should not be declared a refugee and includes any of the findings specified in Section 13(6). Such appeals are determined without an oral hearing and have shorter time limits for lodging the Appeal.

### **Dublin II Regulation - No Oral Hearing**

Dublin II appeals arise under the Refugee Act 1996 (Section 22) Order 2003 (S.I. No. 423 of 2003) which came into operation on 15 September 2003 and replaces the Dublin Convention agreement between Member States of the European Communities.

### **Dublin Convention - No Oral Hearing**

Dublin Convention appeals arise under the Dublin Convention (Implementation) Order, 2000. The Dublin Convention is an agreement between the Member States of the European Communities which determines the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities. In Dublin Convention cases the Tribunal decides on appeals against a determination of the Commissioner that an application should be dealt with in another EU country.

## **2.2 Procedure for Lodging an Appeal**

When an Applicant receives a Recommendation from the Commissioner s/he is informed of the right to appeal and the requirement to do so within specific statutory time limits depending on the type of appeal:-

- **Substantive appeal cases** - Applicants have **15 working days** to complete and lodge the **Notice of Appeal**. These Applicants have the option of an oral hearing which they must request on the Notice of Appeal Form.
- **Accelerated appeal cases** - Applicants have **10 working days** to complete and lodge the **Notice of Appeal**. They do not have the option of an oral hearing.
- **Dublin Convention appeal cases** - Applicants have **5 working days** to complete and lodge the **Notice of Appeal**. They do not have the option of an oral hearing.

- **Dublin II Regulation** appeal cases - Applicants have **15 working days** to complete and lodge the **Notice of Appeal**.

They do not have the option of an oral hearing. The lodging of an appeal does not suspend the transfer of the application to the relevant country or the removal of the applicant to the applicant's country of origin.

In all instances the Applicant must specify the grounds of appeal in the Notice of Appeal Form, attach any supporting documentation, the submissions to be made and the authorities to be relied upon. The Tribunal has a discretion to direct the attendance of witnesses (if requested) in cases where the applicant requests an oral hearing.

### **2.3 Procedure for Accepting Appeals**

On receipt of the Notice of Appeal, the Tribunal considers whether it is within the prescribed time limit for the particular appeal type. If it is outside the time limit, the Applicant and his/her legal representative (if any) are notified in writing that the appeal has been rejected.

The Notice of Appeal is acknowledged to the Applicant and his/her legal representative (if any). The Commissioner and the UNHCR Dublin are notified by e-mail on the same day of receipt of the appeal, distinguishing the appeal type. The Commissioner is also requested to furnish to the Tribunal the Applicant's original file. Copies of the Notice of Appeal and all associated documents submitted to the Tribunal are furnished to the Commissioner, as required under Section 16(4) of the Act.

### **2.4 Procedure for Assigning Cases to Members for Decision Making**

The Chairperson assigns a case to a Member of the Tribunal as soon as possible after the appeal is accepted and the file received from the Commissioner. The Member examines each case to establish if any additional information is required and, in particular, whether further enquiries should be made under Section 16 (6) of the Act.

The Member may, under Section 16 (7) of the Act, seek the Commissioner's observations on matters arising in the Grounds of Appeal. Similar provisions exist for Dublin Convention/Dublin II Regulation appeals.

## **2.5 Procedure in relation to Oral Hearings**

Where an Applicant has requested an oral hearing, the Tribunal must give not less than 7 working days notice of the date of oral hearing to both the Applicant and his/her legal representative (if any). In practice, the notice given exceeds the statutory requirement and the aim of the Tribunal is to give 2 weeks' notice to all Applicants. The Commissioner, UNHCR and witnesses (if any) are notified at the same time as the Applicant. The hearing is held in private and conducted through an interpreter, where necessary and possible. The hearing is intended to be conducted without undue formality and in such a manner as to ensure that the proceedings are fair and transparent and proceeds with due expedition.

## **2.6 Procedure in Relation to Withdrawals**

At any stage during the process, an Applicant may withdraw an appeal by sending a notice of withdrawal to the Tribunal. In the event of a withdrawal, the original Recommendation of the Commissioner stands.

## **2.7 Procedure for issuing Decisions**

An appeal against the recommendation of the Refugee Applications Commissioner is dealt with under Section 16(2) of the Refugee Act 1996 (as amended). Decisions of the Tribunal concerning the three types of appeal - Substantive, Accelerated (on papers only) and those falling under the Dublin II Regulation - are notified to the applicant, the legal representative (if any), the Refugee Applications Commissioner and the Minister for Justice, Equality and Law Reform. Notification of the making of the decision is communicated to the representative of the United Nations High Commissioner for Refugees. In line with procedure following the issuing of a Decision, the applicant's file is then forwarded to the Minister for further processing. These procedures apply to Decisions of the Tribunal whether affirming or setting aside the recommendation of the Refugee Applications Commissioner.

All Applicants receive a copy of the Tribunal's 'Information Leaflets for Applicants on Appeals Procedures - (one document for each type of appeal)' from the Office of the Refugee Applications Commissioner (ORAC) with the issue of the Commissioner's Recommendation on their case.

*Copies are also available in 24 languages on request from the Refugee Appeals Tribunal,*

*6/ 7 Hanover Street East Dublin 2.*

*Telephone 01-474 8400*

### Appendix 3:

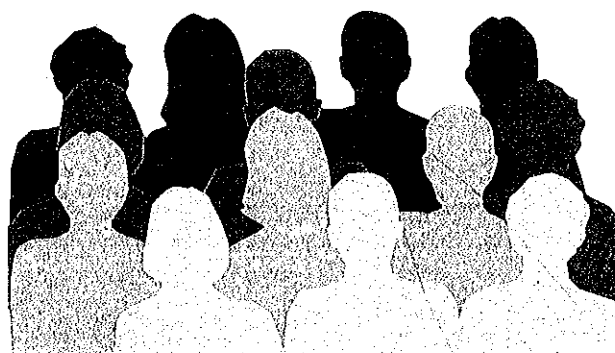
#### Members' Fee Structure 2008

Type	Fee (€)
<b>Substantive</b>	
Oral Hearing	€575
Oral Hearing - Husband & Wife similar cases	€860
Oral Hearing - Husband & Wife different cases	€1,150
On Papers	€300
On Papers - Husband & Wife similar cases	€450
On Papers - Husband & Wife different cases	€600
No Show/Withdrawal	€165
<b>Accelerated Appeal</b>	
Determination	€300
Husband & Wife similar cases	€450
Husband & Wife different cases	€600
Withdrawal	€165
<b>Dublin Convention/Regulation/Manifestly Unfounded</b>	
Determination	€200
Husband & Wife similar cases	€300
Husband & Wife different cases	€400
Withdrawal	€165

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# An Binse Achomhairc do Dhídeanaithe

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## Tuarascáil Bhliantúil



## Tuarascail Bhliantuil 2008

1 Eanáir 2008 go dtí 31 Nollaig 2008

An Binse Achomhairc do Dhídeanaithe, 6/7 Sráid Hanover Thoir,  
Baile Átha Cliath 2.

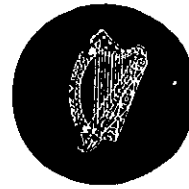
Teil. (01) 474 8400, Faics. (01) 4748410, R-phost:  
[info@refappeal.ie](mailto:info@refappeal.ie)

## **CLÁR ÁBHAIR**

	<b>Leathanach</b>
<b>Litir chuig an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí</b>	<b>3</b>
<b>An Binse a chur in Aithne</b>	<b>4</b>
<b>Reachtaíocht Tearmainn a Bhaineann leis an mBinse</b>	<b>6</b>
<b>Ráiteas Tasc agus Iachtóirí Tábhachtacha Rathúlachta</b>	<b>8</b>
<b>Oibríochtaí Achomhaire agus Tacaíocht</b>	<b>10</b>
<b>Comhaltaí an Bhinse</b>	<b>14</b>
<b>Achoimre ar Obair an Bhinse don Bhliain 2008</b>	<b>19</b>
<b>Teagmháil le hEagraíochtaí Eile</b>	<b>40</b>
<b>Seirbhísí Corparáideacha</b>	<b>42</b>

## **Aguisíní:**

<b>Aguisín 1</b>	<b>Reachtafocht/ Ionstraimí Reachtúla a Blaineann leis an mBinse</b>	<b>46</b>
<b>Aguisín 2</b>	<b>Air Próiseas Achomhairc: Nósanna Imeachta</b>	<b>48</b>
<b>Aguisín 3</b>	<b>Struchtúr Táillí Comhaltas, 2008</b>	<b>53</b>



# Refugee Appeals Tribunal Binse Achomharc Dídeanaithe

**De Láimh**

An tUasal Dermot Ahern, T.D.  
An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí  
An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí  
94 Faiche Stiabhna  
Baile Átha Cliath 2

## An Binse Achomhairc do Dhídeanaithe

A Aire, a chara,

Cuirim faoi iamh an Tuarascáil Bhliantúil reachtúil ón mBinse Achomhairc do Dhídeanaithe don bhliain dar chríoch an 31 Nollaig, 2008 de réir Mhír 19 den Dara Sceideal d'Acht na nDídeanaithe, 1996 (arna leasú).

Dírím d'aird ar Roinn 8 den tuarascáil bhliantúil ina ndéileáiltear le hachóimre ar obair an Bhinse. Le linn 2008 tháinig ardú de 25% ar líon na nAchomharc a chur an Binse i gcrích I gcomparáid leis an mbliain roimhe seo.

Tá 35 Gnáthchomhalta ar an mBinse agus tá clár leanúnach oiliúna curtha i bhfeidhm agam le Comhaltaí a thabhairt cothrom le dáta maidir le forbairtí sa dlí agus sa chleachtas idirnáisiúnta a bhaineann le tearmann. Táim ag oibriú go dlúth le UNHCR agus is mian liom aitheantas a thabhairt dóibh as an méid a chuir siad le clár oiliúna an Bhinse.

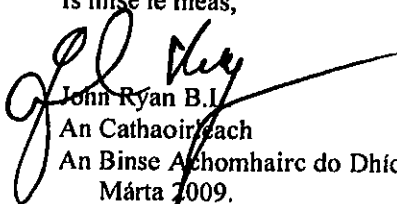
Sheol an Binse a chartlann cinntí ar líne 13 Samhain na bliana seo caite. Cuireann sé seo ar chumas ionadaithe dlí Iarratasóirí rochtain a bheith acu ó ríomhairí ina gcuid oifigí féin ar bhunachar sonraí an Bhinse maidir le cinntí a bhí déanta roimhe seo. Tá an tsaoráid seo leagtha amach le homós do rúndacht na n-Iarratasóirí a chinntiú. Táthar ag reáchtáil na saoráide gan dochar agus tá deireadh curtha le moill maidir le taighde a dhéanamh ar chinntí roimhe seo agus tá sábháilt mór déanta ar acmhainní foirne.

Tá na hathruithe ar na nósanna imeachta go léir a éilítear faoin mBille um Inimirce, Cónaí agus Cosaint 2008 á gcur i bhfeidhm go gníomhach freisin ag an mBinse agus tá plean idirthréimhse i bhfeidhm.

Táim faoi chomaoín, go háirithe ag foireann an Bhinse, a bhfuil gach duine díobh sannta don Bhinse ó do Roinnse, as a dtiomantas, as a n-obair chrua agus as a n-éifeachtúlacht sa mhéid a baineadh amach sa bhliain 2008.

Ba mhaith liom buíochas a ghabháil freisin le Comhaltaí an Bhinse as an méid a chuir siad, ar bhonn gairmiúil, leis an mBinse sa bhliain 2008.

Is mise le meas,

  
John Ryan B.I.  
An Cathaoirleach  
An Binse Achomhairc do Dhídeanaithe  
Márta 2009.

## **2. An Binse a chur in Aithne**

### **2.1 Tosach Feidhme**

Bunaíodh an Binse Achomhairc do Dhídeanaithe (“an Binse”) an 4 Deireadh Fómhair, 2000, de réir Ailt 14 agus 15 den Acht Dídeanaithe, 1996 (arna leasú le halt 11(1) den Acht Inimircce, 1999 agus alt 9 den Acht um Inimircigh Neamhdhleathacha (Gáinneáil), 2000), chun achomhairc i gcoinne Moltaí ón gCoimisinéir Iarratas Dídeanaithe nár chóir a dhearbhu gur dídeanaithe iarratasóirí, a bhreithniú agus a chinneadh. Cuireadh Acht na nDídeanaithe, 1996 i bhfeidhm an 20 Samhain, 2000 agus cuireadh tús le hobair an Bhinse an dáta sin.

Rinneadh leasuithe substaintiúla ar Acht na nDídeanaithe, 1996 leis an Acht Inimircce, 2003. Tháinig na hathruithe in éifeacht an 15 Meán Fómhair, 2003. Rinneadh roinnt Ionstraimí Reachtúla freisin de bhun na reachtaíochta nua. Tugtar léiriú ar ghnéithe suntasacha na reachtaíochta reatha i gCaibidil 3 sa mhéid is a nbeidh tionchar acu ar achomhairc tearmainn.

### **2.2 Ginearálta**

Is comhlacht atá neamhspleách go reachtúil é an Binse, a cruthaíodh agus a oibríonn faoi Acht 1996 agus a fheidhmíonn feidhm ghar-bhreithiúnach. Tá Cathaoirleach ar an mBinse agus cibé líon de ghnáthchomhaltaí is dóigh leis an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, le toiliú an Aire Airgeadais, is gá ar mhaithe le dlús a chur le gnó an Bhinse.

### **2.3 An Cathaoirleach**

Ceapadh an tUasal John Ryan B.L. Comhalta den Bhinse ó 18 Eanáir 2001 mar Chathaoirleach le héifeacht ón 13 Meán Fómhair 2005.

### **2.4 Comhaltaí an Bhinse**

Tá 35 Comhalta ag an mBinse faoi láthair. Is é an tAire Dlí agus Cirt agus Athchóirithe Dlí a cheapann iad faoi mhír 2 den Dara Sceideal den Acht 1996. Tá

mionsonaí na gComhaltaí breise a d'fhreastail i rith na bliana 2008 le fáil i gCaibidil 6.

## **2.5 Foireann an Bhinse**

De réir an Dara Sceideal d'Acht 1906, féadfaidh an tAire cílé daoine agus cibé méid daoine is dóigh leis nó léi is gá a cheapadh chun bheith ina gcomhaltaí d'fhoireann an Bhinse chun cabhrú leis an mBinnse a fheidhmeanna a chomhlíonadh. Gheobhaidh foireann an Bhinse luach saothair agus beidh siad faoi réir coinníollacha seirbhíse eile a chinnsídh an tAire le toiliú an Aire Airgeadais. Is státseirbhísigh iad foireann an Bhinse de réir bhrí Acht Rialuithe na Stát-Sheirbhíse, 1956. Tá foireann sannta don Bhinse faoi láthair ón Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

99 an líon foirne a bhí ann an 31 Nollaig, 2008 (féach Caibidil 9).

### **3. Reachtaíocht Thearmainn a Bhaineann leis an mBinse**

Is é Acht na nDídeanaithe, 1996, arna leasú le halt 11(1) den Acht Inimisce, 1999, alt 9 den Acht um Inimircigh Neamhdhleathacha (Gáinneáil), 2000, agus alt 7 den Acht Inimisce, 2003 agus Rialachán na gComhphobal Eorpach (Incháilitheacht do Chosaint) 2006 an reachtaíocht is bonn le hachomhaire thearmainn a mheas. Is tagairtí don Acht arna leasú amhlaidh na tagairtí sa Tuarascáil Bhliantúil do “Acht na nDídeanaithe 1996 (arna leasú)”, “Acht 1996” nó “an tAcht”.

Déantar foráil leis an reachtaíocht seo maidir le hachomhaire shubstainteacha agus achomhaire luathaithe araon. Déantar foráil leis freisin maidir le hachomhaire i gcoinne cinntí a bheidh déanta ag an gCoimisinéir de bhun Rialachán II Bhaile Átha Cliath.

Seo a leanas príomhghnéithe na reachtaíochta-

- **Dualgas Cruthúnais:**

Ag céim an achomhaire, tá sé de dhualgas ar an iarratasóir a léiriú gur dídeanaí é nó í.

- **Tástálacha creidiúnachta reachtúla:**

Ta sé de cheangal ar an mBinse, le linn creidiúnacht iarratasóra a mheas, féachaint do fhachtóirí sonracha a leagtar amach sa reachtaíocht leasaithe.

- **Nósanna Imeachta luathaithe:**

Bascraíonn siad seo i gcás ina mbeidh moladh i dtuarascáil ón gCoimisinéir, arna déanamh de bhun Alt 13(1), nár chóir a dhearbhlú.

gur dídeanaí iarratasóir agus ina mbeidh aon cheann de na torthaí a shonraítear in Alt 13(6).

- **Comhoibriú:**

Cuireann an reachtaíocht leasaithe dualgas reachtúil ar an iarratasóir comhoibriú le linn a achomharc nó a hachomharc a bheith á chinnteadh. Measfar a achomharc nó a hachomharc a bheith tarraingthe siar i gcás nach gcomhoibríonn sé nó sí agus/nó má mhainníonn sé nó sí bheith i láthair ag éisteacht ó bhéal gan míniú réasúnach, laistigh de theorainn ama sonraithe.

- **Rialachán I Bhaile Átha Cliath a Chur i bhFeidhm (Rialachán (CE) Uimh. 343/2003 ón gComhairle).**

Cinntear le Rialachán II Bhaile Átha Cliath cén Ballstát de chóras Bhaile Átha Cliath a bheidh freagrah as iarratas ar thearmann a scrúdú.

- **Tíortha Bunaidh Sábháilte:**

Féadfaidh an tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, tar éis dul i gcomhairle leis an Aire Gnóthaí Eachtracha, le hordú tír a ainmniú mar thír bhunaidh shábháilte. D'ainmnigh an tAire, de réir fhorálacha an Achta, An Bhulgáir, An Chipir, Poblacht na Seice, An Eastóin, An Ungáir, An Laitvia, An Liotuáin, Málta, An Pholainn, An Rómáin, Poblacht na Slóvaice, An tSlóivéin, An Afraic Theas agus An Chróit mar tíortha bhunaidh shábháilte.

- **Tosaíocht a thabhairt d'achomhairc:**

Tá ordú tugtha ag an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí go dtabharfar tosaíocht d'iarratais a dhéanfaidh daoine ar náisiúnaigh iad de thír a ainmnítear mar thír shábháilte faoi Alt 12 den Acht Dídeanaíthe 1996 (mar a leasaíodh) nó a mbeidh cead cónaithe acu inti. Tá sé ordaithe ag an Aire freisin go dtabharfaí tosaíocht d'iarratasóirí ón Nigéir. Leagtar amach na hionstraimí reachtúla go léir a bhaineann leis an mBinse in Aguisín 1.

## **4. Ráiteas Tasc agus Fachtóirí Tábhachtacha Rathúlachta**

Is í príomhfheidhm an Bhinse ná achomhaire arna dhéanamh ag an gCoimisinéir Iarratas Dídeanaithe nár chóir dearbhú mar dhídeandaí a thabhairt do dhuine a mheas agus a chinneadh.

### **4.1 Sainmhíniú ar Dhídeanaí**

Mínítear “dídeanaí” in alt 2 den Acht 1996 (arna leasú) mar dhuine atá, de bharr eagla a bhfuil bonn léi go ndéanfar géarleanúint a imirt air nó uirthi ar chúiseanna cine, creidimh nó náisiúntachta, nó ar chúiseanna comhaltais i ngrúpa sóisialach ar leith nó tuairimí polaitíochta a bheith aige nó aici, lasmuigh de thír a náisiúntachta agus nach bhfuil sé nó sí in ann nó, de bharr na heagla sin, nach bhfuil sé nó sí toilteanach leas a bhaint as cosaint na tíre sin; nó duine, nach bhfuil náisiúntacht aige nó aici agus atá lasmuigh de thír a iarghnáthchónaithe nó a hiarghnáthchónaithe, nach bhfuil in ann nó, de bharr na heagla sin, nach bhfuil toilteanach filleadh uirthi.

Sa bhliain 2008, rinne 3,070 duine achomharc chun an Bhinse a fhreagraíonn do 92% de na Moltaí inachomharc a rinne an Coimisinéir Iarratas Dídeanaithe, i gcomparáid le 95% sa bhliain 2007. Chuir an Binse 2,705 cás i gcrích i rith 2008.

### **4.2 Ráiteas Tasc**

Is é ráiteas tasc an Bhinse ná a dheimhniú cé duine is “dídeanaí” agus é a dhéanamh:-

- go cothrom, de réir dlí
- le meas ar dhíniú na ndaoine a mbuailfimid leo sa phróiseas
- go gasta
- ar ard-leibhéal inniúlachta gairmiúla
- ar mhodh ina nglacfar le hathrú, ar an gcaoi a ndéanfar an próiseas achomhaire a bhainistiú.

### **4.3 Fachtóirí Tábhachtacha Rathúlachta**

Is é cuspóir an Bhinse ná teacht ar an lucht iarrtha tearmainn a dteastaíonn cosaint idirnáisiúnta uathu agus a bhfuil sé tuillte acu.

Braitheann mar a éireoidh leis an mBinse na tascanna atá aige a bhaint amach ar bhainistiú cúramach roinnt fachtóirí suntasacha, go háirithe:-

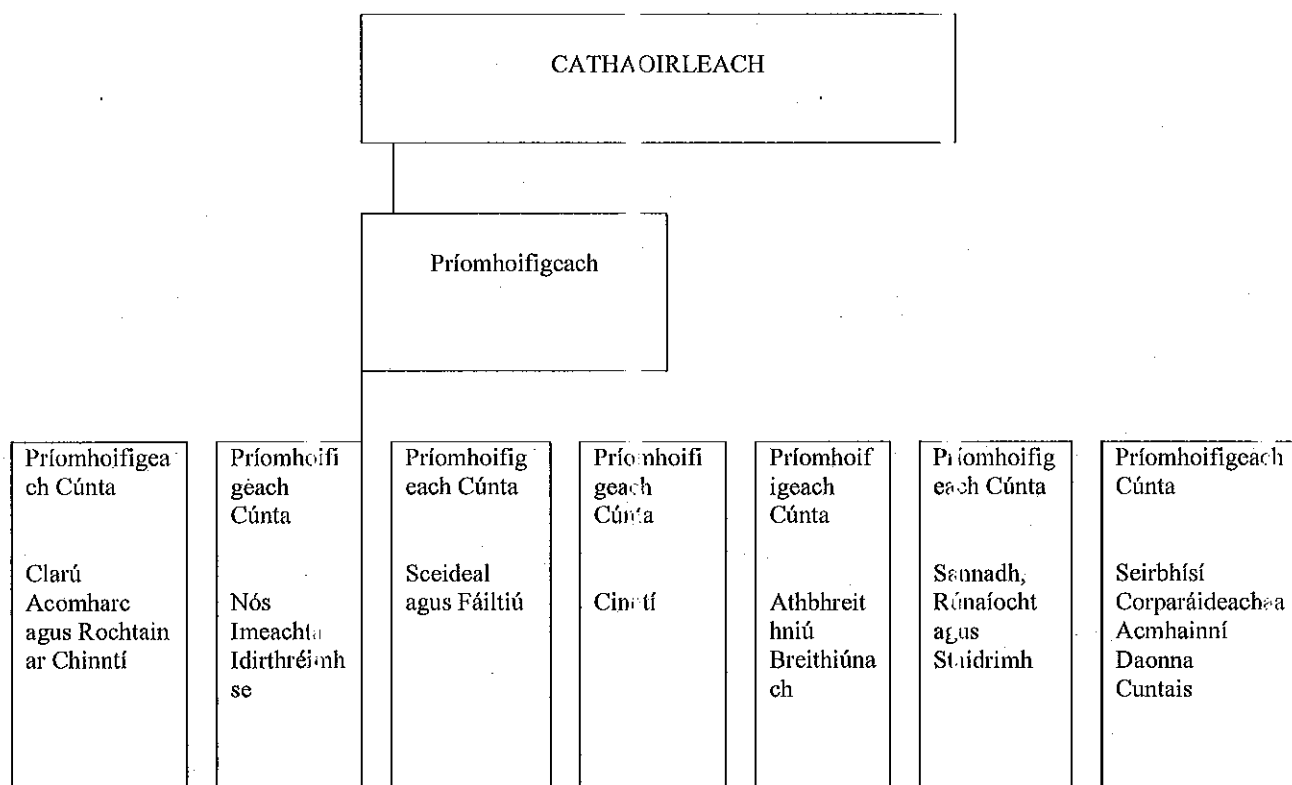
- an t-iarratasóir agus a ionadaí nó a hionadaí dlíthiúil a bheith ar fáil le haghaidh éisteachtaí ó bhéal
- Comhaltaí den Bhinse a bheidh oilte agus a mbeidh taithí acu a bheith ar fáil chun achomhairc a bhreithniú agus a chinneadh
- na hOifigigh Láithreachais ó Oifig ar Choimisinéara Iarratais do Dhéanaithe a mbeidh a mholtaí nó a moltaí ar an gcéad ásc á n-achomhairc chuig an mBinse a bheith ar fáil
- ateangairí a bheith ar fáil chun ateangaireacht a dhéanamh ag éisteachtaí ó bhéal
- foireann riaracháin a bheidh oilte agus a mbeidh taithí acu
- sceidealú líon mór éisteachtaí lena mbaineann socrú casta chun a chinntiú go mbeidh Comhaltaí, Oifigigh Láithreachais, an t-iarratasóir, ionadaithe dlíthiúla agus ateangairí i láthair
- Cinntí na gComhaltaí a chríochnú agus a eisiúint.

## 5. Oibríochtaí Acomhairc agus Tacaíocht

### 5.1 Ginearála

Tá an Binse roinnte ina roinnt Aonad Gnó chun a chur ar a chuma na fheidhmeanna a chomhlíonadh go héifeachtúil.

### Cairt Eagrúcháin



Tá nósanna imeachta ar an bPróiseas Acomhairc sonraithe in Aguisín 2.

## **5.2 Oibríochtaí agus Tacasacht**

### **5.2.1 An tAonad Clárúcháin Achomhairc agus an tAonad Rochtain ar Chinntí**

Ta an tAonad freagrach as an gcomhfhreagras go léir, lena n-áirítear comhfhreagras ón gCoinisinéir Iarratas Dídeanaithe (an Coimisinéir), Ard-Choimisinéir na Náisiún Aontaithe um Dhídeanaithe (“an UNHCR”), ionadaithe dlí agus iarratasóirí a fháil, a sheiceáil, a thaifeadadh agus a phróiseáil. De réir mar is cuí, tabharfar an comhfhreagras don aonad gnó ionchuí laistigh den Bhinse. Déanann an tAonad Clárúcháin Achomhairc socrú go bhfaightear comhaid na n-iarratasóirí ó Oifig an Choimisinéara tar éis an t-achomhairc a fháil. Cuireann an tAonad Rochtain ar Chinntí ar chumas ionadaithe dlí na n-achomhaircóirí tearmann dul i mbun taighde i ndáil le hullmhúcháin achomhairc.

### **5.2.2 Sannadh, Sceidealú agus an tAonad Cinntí**

Tá na hAonaid seo freagrach as na hachomhairc go léir i gcoinne Moltaí diúltacha ón gCoimisinéir a phróiseáil. Déanann an tAonad Sannata na socuithe chun comhaid na gcásanna achomhairc a ullmhú, agus cásanna a shannadh do Chomhaltaí ón gCathaoirleach. Déanann na hAonaid Sceidealaithe agus Fáiltithe an tasc casta maidir le freastal Chomhaltaí, Oifigigh Láithreachais, an t-iarratasóir, ionadaithe dlí agus nuair is cuí ateangairí, finnéithe agus foireann an HSE ar éisteachtaí, éisteachtaí ó bhéal a sheirbhísiú agus comhfhreagras agus aighneachtaí a phróiseáil, a shocrú. Tá an tAonad Cinntí freagrach as ullmhú agus as eisiúint Cinntí don iarratasóir, don ionadaí dlí (más ann), agus as an gCoimisinéir Iarratas Dídeanaithe agus an tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí agus Ard-Choimisinéir na Náisiún Aontaithe um Dhídeanaithe (UNHCR), a chur ar an eolas de réir na Rialachán a bhaineann le hAchomhairc. Tá an tAonad freagrach freisin as Cinntí a thaifeadadh agus a rianú agus as comhfhreagras agus as ceisteanna ó iarratasóirí, ó ionadaithe dlí agus ó Chomhaltaí a phróiseáil.

### **5.2.3 An tAonad Rúnaíochta agus Staidrimh**

Tá an tAonad Comhordaithe agus Staidrimh freagrach as:-

- córas staidrimh cuimsitheach a bhunú agus a bhainistiú chun cuntas a choinneáil ar obair an Bhinse

- chun gníomhaíocht idir an Binse, an Coimisinéir agus codanna éagsúla eile den chóras tearmainn a chomhordú
- tuarascáil sheachtainiúil agus mhíosúil staidrimh a ullmhú maidir le líon na n-achomharc a fuarthas, na cásanna a sannadh, a cinneadh agus a tarraingtíodh siar
- tuarascáil mhíosúil a ullmhú ina sainithneofar aon mhoilleanna sa phróiseas achomhairc
- idirchaidreamh a dhéanamh le hoifig ionadaí Ard-Choimisinéara na Náisiún Aontaithe um Dhídeanaíthe agus le comhlachtaí eachtracha eile rialtasacha agus neamhrialtasacha, agus
- faisnéis achoimreach a sholáthar de réir mar a iarrtar, freagraí ar Cheisteanne Parlaiminte a dhíríochtú, freagraí ar chomhfhreagtas.

Tá an Rúnaíocht freagrach as gníomhú chun idirchaidreamh a dhéanamh le Comhaltaí agus le haonaid eile an Bhinse. Comhordaíonn sí seirbhísí cúltaca ó lá go lá do Chomhaltaí lena n-áirítear oiliúint leanúnach na gComhaltaí agus cuireann ábhair acmhainní oiliúna/oideachais i dtoll a chéile.

Léirítear na tionscnaimh oiliúna ar thug an Binse fúthú sa bhliain 2008 i gCaibidil 6.

#### **5.2.4 An tAonad Athbhreithnithe Breithiúnach & Taighde Dlí**

Déanann an tAonad seo freagraí ar imeachtaí athbhreithnithe breithiúnach a mheas. Déanann sé monatóireacht ar dhul chun cinn na n-imeachtaí athbhreithnithe breithiúnach go léir agus iad a thairgeadh, déanann sé na doiciméid dhlíthiúla go léir a fhaightear a mheas agus comhordaíonn sé freagra leis an gCathaoirleach, Oifig an Ard-Aighne, Oifig Phríomh-Aturnae an Stáit agus na Comhaltaí.

Comhdáilodh páipéir Athbhreithnithe Breithiúnach i lfon iomlán de 265 cás ina raibh an Binse ina fhreagróir i ndáil le cinntí achomhairc a cuireadh i gcrích amháil an 31 Nollaig 2008.

### **5.3 Mionaoisigh neamhchuideachtaithe**

Mar aitheantas gur gá a bheith cúramach i ndáil le hachomhairc mhionaoisigh neamhchuideachtaithe a phróiseáil, tá nósanna imeachta speisialta ullmhaithe ag an mBinse chun déileáil le hachomhairc den sórt sin.

Tá cúigear de Chomhaltaí an Bhinse oilte chun déileáil le mionaoisigh neamhchuideachtaithe.

Amháil an 31 Nollaig, 2008 bhí 62 achomharc ó Mhionaoisigh Neamhchuideachtaithe ar láimh ag an mBinse.

### **5.4 Bunachar Sonraí Cinntí Comhaltaí**

Sa bhliain 2008 d'fhorbair an Binse córas ar líne lena bhféadfaí rochtain a fháil ar chinntí a rinne an Binse roimhe seo. (D'eascair sé seo as breithiúnas na Cúirte Uachtaraí Atanasov a chuir de cheangal ar an mBinse rochtain réasúnach a chur ar fáil ar chinntí roimhe seo). Tháinig an córas seo in áit córas bunachair sonraí a bhí níos sine a bunaíodh mar fhreagra ar bhreithiúnas Atanasov. Chuir sé seo de cheangal ar ionadaithe dlí cuairt a thabhairt ar an mBinse agus rochtain a lorg go foirmiúil ar an mbunachar sonraí. Chuaigh an Binse beo lena chartlann nua de Chinntí na gComhaltaí ar líne an 19 Meán Fómhair, 2008. D'éiligh an córas nua go ndéanfaí forbairt ar chóras slán ar líne lena mbeadh clárú ar fáil d'ionadaithe dlí arna iarraidh. Mar chuid de sin rinneadh anaithnidiú ar gach cinneadh ó 2006 go dtí anois agus cinntí a cuireadh ar ceal chomh fada le bunú an Bhinse. Tá fáilte curtha roimh an gcóras ag ionadaithe dlí agus ag UNHCR.

## 6. Comhaltaí an Bhinse

### 6.1 Réamhrá

Is é an tAire Dlí agus Cirt, Comhionannais & Athchóiriú Dlí a cheapann Comhaltaí an Bhinse ar bhonn páirtainseartha do théarma 3 bliana. Caitheann comhalta a bheith ina Abhcóide nó ina Aturnae le tithí cúig bliana ar a laghad ag cleachtadh le bheith cáilithe lena c(h)eachadhl.

### 6.2 Liosta de na Comhaltaí

Seo a leanas liosta aibíteach de Chomhaltaí an Bhinse a bhí i seilbh oifige i rith na bliana 2006.

David Andrews S.C.	
Eamon Barnes B.L.	
Joseph Barnes B.L.	
Bruce St. John Blake, Aturnae	
Judy Blake B.L.	
Olive Brennan B.L.	
Eamon Cahill S.C.	
Bernadette Cronin S.C.	
Samantla Cruess Callaghan B.L.	
Sean Deegan B.L.	
Ricardo Dourado B.L.	
Donal Egan B.L.	
Ben Garvey B.L.	
David Goldberg S.C.	
John Hayes, Aturnae	
Patrick Hurley, Aturnae	
Margaret Levey B.L.	
Denis Linchan, Aturnae	
Bernard McCabe B.L.	
Paul McGarry B.L.	
Susan Nolan, Aturnae	
Elizabeth O'Brien B.L.	

Michelle O’Gorman B.L.	
Michael O’Kennedy S.C.	
Anne Tait, Solicitor	
Majella Twomey B.L.	
Laura MacKenna B.L.	
Conor Gallagher B.L.	
Fergus O’Connor B.L.	
Paul Gormley B.L.	
Brendan Gogarty B.L.	
Paul Christopher B.L.	
Sean Bellew B.L.	
Nehru Morgan Pillay B.L.	
Emma Toal B.L.	

### **6.3 Struchtúr Oibre Chomhaltaí an Bhinse**

De réir mhír 13 den Dara Sceideal d’Acht na nDídeanaithe 1996 (arna leasú), is é an Cathaoirleach a shannfaidh cásanna do Chomhaltaí an Bhinse. Ní foláir go ndéanfaidh an Comhalta scrúdú ar gach comhad, ar dtús, agus is é nó í a gheobhaidh amach an gá a thuilleadh fiosrúcháin a dhéanamh leis an gCoimisinéir Iarratas Dídeanaithe (faoi alt 16(6) d’Acht 1996) nó ar cheart tuairimí an Choimisinéara a lorg i ndáil le forais an achomhaire a comhdáil (faoi Alt 16(7) d’Acht 1996). I gcás ina mbeidh an t-iarratasóir i dteideal éisteacht ó bhéal a iarraidh, féadfaidh iarratas ar an mBhinse chun ordú d’fhinné a bheith i láthair os comhair an Bhinse a bheith san Fhógra Achomhairc. Ní mór go gcinntídh an Comhalta cibé acu ar cheart an t-iarratas seo a dheonú nó nár cheart de réir Alt 16 (11) d’Acht 1996.

Sula gcinntfidh sé nó sí achomharc, tá sé d'oibleagáid go sonrach ar an gComhalta faoi Alt 16(16) d'Acht 1996 iad seo a leanas a mheas:-

- an fógra achomhairc
- tuarascáil an Choimisinéara faoi Alt 13
- aon tuairimí ón gCoimisinéir agus/nó ón UNHCR
- an fhianaise a tugadh ar aird ag éisteacht ó bhéal más iomchuí, agus aon uirill a rinneadh ag an éisteacht
- aon doiciméid, uirill i scríbhinn nó faisnéis eile a tugadh de bhun Alt 11 d'Acht 1996 agus aon doiciméid a cuireadh faoina bhráid nó faoina bráid leis an achomharc.

Ansin ullmhóidh an Comhalta Cinneadh i scríbhinn. Déanfaidh Comhalta an Cinneadh a shíniú agus eiseofar é chuig an iarratasóir agus a iona laí nó a hionadaí dlíthiúil.

#### **6.4 Oiliúint agus Seimineár do Chomhaltaí an Bhinse**

Ceanglaítear ar an gCathaoirleach le hAcht 1996 socrú a dhéanamh chun clár oiliúna a sholáthar do Chomhaltaí an Bhinse.

Mar seo a leanas a bhí an oiliúint a cuireadh ar fáil do na Comhaltaí le linn na bliana 2008:

**Cláir Oiliúna agus Seimineáir do Chomhaltaí an Bhinse  
2008**

<b>Ábhar/Ionad</b>	<b>Dáta</b>
<b>An Binse Achomhairc do Dhídeanaithe</b> Cosaint Fochuideachta Cainteoir: Ms. Gladys MacPherson Ionad: An Binse Achomhairc do Dhídeanaithe	14/03/2008
<b>An Binse Achomhairc do Dhídeanaithe</b> Taithí na Ríochta Aontaithe maidir le Nós Imeachta Aonair agus leideanna i ndáil le cinntí a scríobh Cainteoir: Mr Mark Ockleton & Mr Simon Boyle SC Ionad: An Binse Achomhairc do Dhídeanaithe	04/07/2008
<b>An Binse Achomhairc do Dhídeanaithe</b> Ag Déanamh Cinntí le Comhaltaí an Bhinse Cainteoir: Ms Siobhan Stack BL Ionad: An Binse Achomhairc do Dhídeanaithe	03/10/2008
<b>An Binse Achomhairc do Dhídeanaithe</b> Foinse Oiliúna maidir le Tír Bhunaidh Cainteoir: Mr James O'Sullivan & Mr Paul Daly Ionad: An Binse Achomhairc do Dhídeanaithe	07/11/2008

## 6.6 Cruinnithe Reachtúla

Cuirteann Mír 12 den Dara Sceideal d'Acht na nDídeanaithe, 1996 de cheangal ar an gCathaoilreach cruinniú de Chomhaltaí an Bhinse a thionóil faoi dhó sa bhliain ar a laghad le hobair an Bhinse a aibhreithniú. Mar a leanas a tionóladh na Cruinnithe sin:

<b>An Chéad Chruinniú Reachtúil</b> Ionad: Óstán Davenport	25/07/2008
<b>An Dara Cruinniú Reachtúil</b> Ionad: Óstán Davenport	19/12/2008

## 6.7 Táillí Comhaltaí

Tá léiriú ar an struchtúr táillí do Chomhaltaí i gceangal le hAguisín 3.

## 7. Achoimre ar Oibair an Bhinse don Bhliain 2008

### 7.1 Réamhrá

Tá an fhaisnéis leagtha amach go leathan in ord an phróisis achomhairc, mar a leanas:

Na hAchomhairc a Fuarthas – Mír 7.3

Na cásanna ar leagadh amach sceideal chun iad a éisteacht – Mír 7.4

Na hAchomhairc a Cuireadh i gCrích – Mír 7.7

Na hAchomhairc atá le hÉisteacht – Mír 7.8

### 7.2 Achoimre Fheidhmitheach don bhliain 2008

	2007	2008	% athrú
<b>Na hAchomhairc a Fuarthas</b>	2792	3070	10%
<b>Na Cásanna ar leagadh amach Sceideal dóibh</b>	2124	2464	16%
<b>Na Cinntí a Eisíodh</b>	2009	2460	22%
<b>Na hAchomhairc a Cuireadh i gCrích</b>	2156	2705	25%
<b>Na hAchomhairc atá beo atá ar láimh ag Deireadh na Bliana</b>	3046	3412	12%

### 7.3 Na hAchomhairc a Fuarthas

Leagtar amach i dTáblaí 7.3.1(a)(b) líon na hAchomhairc Substainteach/Substainteach 15-Lá, Gan Bhunús go Fol'asach/ Luathaithe agus faoi Rialachán II Bhaile Átha Cliath a fuarthas sna blianta 2007 agus 2008.

**Tábla 7.3.1(a) Iomlán na nAchomhairc a Fuarthas**

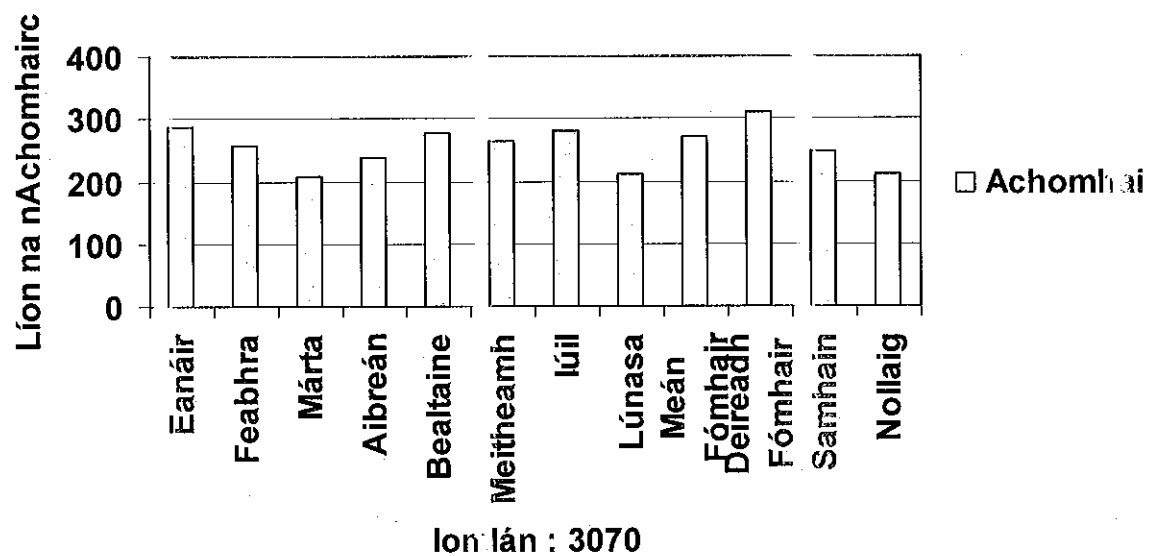
**Substainteach/Substainteach 15-Lá, Gan Bhunús go  
Follasach/Luathaithe agus Rialachán II Bhaile Átha Cliath**

<b>Mí</b>	<b>2007</b>	<b>2008</b>
Eanáir	349	289
Feabhra	245	259
Márta	227	209
Aibreán	164	238
Bealtaine	224	278
Meitheamh	229	264
Iúil	271	282
Lúnasa	275	211
Meán Fómhair	205	270
Deireadh	205	311
Fómhair		
Samhain	256	249
Nollaig	142	210
<b>Iomlán</b>	<b>2792</b>	<b>3070</b>

**Tábla 7.3.1 (b) Achoimre - Líon Iomlán na nAchomhairc a fuarthas  
de réir Bliana agus Cineál**

	<b>2007</b>	<b>2008</b>	<b>Ardú (Laghdú)</b>
Substainteach/ Substainteach 15 Lá	2366	2451	4%
Gan bhunús go Follasach/Luathaithe	212	441	108%
Rialachán II BÁC	214	178	(17%)
<b>Iomlán</b>	<b>2792</b>	<b>3070</b>	<b>10%</b>

**Cairt 7.3.1**  
**/achomhairc a Fuathas de réir Míosa do 2008**



**Tábla 7.3.2 Líon na nAchomharc Substainteach/Substainteach 15-Lá a Fuarthas**

Mí	2007	2008
Eanáir	285	243
Feabhra	204	200
Márta	200	170
Aibreán	146	202
Bealtaine	192	231
Meitheamh	187	212
Iúil	214	223
Lúnasa	226	167
Meán Fómhair	173	210
Deireadh Fómhair	180	235
Samhain	229	179
Nollaig	130	157
<b>Iomlán</b>	<b>2366</b>	<b>2458</b>

**Tábla 7.3.3 Líon na nAchomharc Gan Bhunús go Follasach/Luathaithe a Fuarthas**

Mí	2007	2008
Eanáir	42	40
Feabhra	16	32
Márta	22	19
Aibreán	14	29
Bealtaine	22	41
Meitheamh	16	40
Iúil	15	46
Lúnasa	19	34
Meán Fómhair	17	43
Deireadh Fómhair	9	46
Samhain	14	36
Nollaig	6	35
<b>Iomlán</b>	<b>212</b>	<b>441</b>

**Tábla 7.3.4 Líon na nAcho nharc faoi Choinbhí isiún Bhaile Átha Cliath/Rialachán II Bhaile Átha Cliath a Fuair as**

<b>Mí</b>	<b>2007</b>	<b>2008</b>
Eanáir	22	6
Feabhra	25	21
Márta	5	14
Aibreán	4	7
Bealtaine	10	6
Meitheamh	26	12
Iúil	42	13
Lúnasa	30	10
Meán Fómhair	15	11
Deireadh Fómhair	16	26
Samhain	13	34
Nollaig	6	18
<b>Iomlán</b>	<b>214</b>	<b>178</b>

#### **7.4 Líon na gCásanna ar Leagadh Amach Sceideal chun iad a Éisteacht**

Tá ullmhúchán sceideal seachtainiúil chun cásanna a éisteacht casta. Ní féidir sceideal a leagan amach d'éisteachtaí ó bhéal nó go mbeidh scrúdú déanta ar an gcomhad ag Comhalta den Bhinne faoi Alt 16(6) agus (7) den Acht. Bíonn comhad achomhairc forleathan agus bíonn an t-iarratas tionscanta ar thearmann ann, Ceistiúchán sonraitheach (51 alt/ceisteanna) a bhíonn comhlánaithe ag an iarratasóir, nótaí scríofa d'Agallamh idir an t-iarratasóir agus oifigeach d'oifig an Choimisinéara, Alt 11 (faoi shean nósanna imeachta i gcásanna roimh 15 Meán Fómhair, 2003 agus sin anháin) agus tuarascálacha Alt 13 maidir leis an gceistiúchán agus na nótaí agallamh a ullmhaíonn Oifig an Choimisinéara, Moladh an Choimisinéara, an Fógra Achomhairc féin, aon tuairimí a bheidh tugtha ag an gCoimisinéir nó ag an UNHCR don Bhinne, faisnéis i dtaobh an tír bhunaigh agus doiciméid ilgnéitheacha eile.

Seoltaí an éisteacht ó bhéal go príobháideach de réir Alt 16(14) d'Acht na nDídeanaithe. Faoi Alt 16(15) féadfaidh an UNHCR a bheith i láthair ag aon éisteacht ó bhéal chun na himeachtaí a fheiceáil. Is iad na páirtithe a bhíonn i láthair ag an éisteacht ó bhéal ná an t-iarratasóir, a ionadaí nó a hionadaí dlíthiúil, ateangaire (más gá), an tOifigeach Láithreachais (oifigeach údaraithe de chuid an Choimisinéara

Achomhairc do Dhídeanaithc) agus an Comhalta den Bhinse. Féadfaidh finnéithe a bbeith i láthair freisin, faoi réir cheadú an Chomhalta.

**Tábla 7.4.1 Líon na nÉisteachtaí ar Leagadh Amach Sceideal chun iad a Éisteacht**

<b>Mí</b>	<b>2007</b>	<b>2008</b>
Eanáir	109	239
Feabhra	170	215
Márta	198	149
Aibreán	144	233
Bealtaine	195	202
Meitheamh	187	200
Iúil	220	195
Lúnasa	166	139
Meán Fómhair	163	263
Deireadh Fómhair	203	222
Samhain	231	239
Nollaig	138	168
<b>Iomlán</b>	<b>2124</b>	<b>2464</b>

Léirítear i dTábla 7.4.1 gur leagadh amach sceideal chun 2464 cás a éisteacht i 2008. Sin ardú 26% ar 2007.

## **7.5 “Mainneachtain Freastal” and Tarraingt Siar**

### **7.5.1 Mainneachtain iarratasóra freastal ar éisteacht ó bhéal**

Má mhainníonn iarratasóir freastal ar éisteacht ó bhéal gan chúis réasúnach agus má mhainníonn sé nó sí náisiú a thabhairt don Bhinse laistigh de 3 lá oibre ó dháta na héisteachta ó bhéal a shásaíonn an Binse go raibh cúis réasúnach aige nó aici gan freastal, ansin

(a) más achomharc an t-achomharc a mbaineann Alt 16 (2A) den Acht bunaidh leis (roimh 15 Meán Fómhair 2003) daingneoidh an Binse moladh an Choimisinéara faoi alt 13, nó

(b) más achomharc an t-achomharc a mbaineann Alt 16 (2A) den Acht arna leasú leis (tar éis 15 Meán Fómhair 2003) measfar an t-achomharc a bheith tarraingthe siar.

I 2008, 145 an líon cásanna ina raibh “Mainneachtain Freastal”, a d’fhreagair do 6% de líon iomlán na gcásanna a raibh sceideal leagtha amach chun iad a éisteacht. I 29 (20 %) de na cásanna ina raibh “Mainneachtain Freastal” áfach, thaispeáin na hiarratasóirí don Bhinse go raibh cúis réasúnach ann nár fhreastail siad agus cuireadh ar ais ar an liosta iad agus rinneadh athshocrú.

Féadfaidh iarratasóir a achomharc nó a hachomharc a tharraingt siar tráth ar bith sa phróiseas ar chúiseanna éagsúla, mar shampla, i gcás náisiúnach Éireannach nó den AE a phósadh, nó dul ar ais go dtí an tír bhunaidh go saorálach. I gcás ina dtarlóidh tarraingt siar, seasfaidh Moladh bunaidh an Choimisinéara. Leagtar amach i dTábla 7.5.1 líon na gcásanna ina raibh “Mainneachtain Freastal” agus Tarraingt Siar sna blianta 2007 agus 2008

**Tábla 7.5.1 Líon na gcásanna ina raibh “Mainneachtain Freastal” agus Tarraingt Siar i 2007 and 2008**

Bliain	2007	2008
“Mainneachtain Freastal”	100	145
Tarraingt Siar	147	245
Iomlán	247	390

Léiríonn an tábla ardú ar líon na gcásanna ina raibh “mainneachtain freastal” agus tarraingt siar de 58% do 2008.

## 7.6 Líon na gcásanna a Cuireadh ar Ceal agus ar Atráth

Léiríonn Tábla 7.6.1 líon na gcásanna a cuireadh ar ceal agus ar atráth.

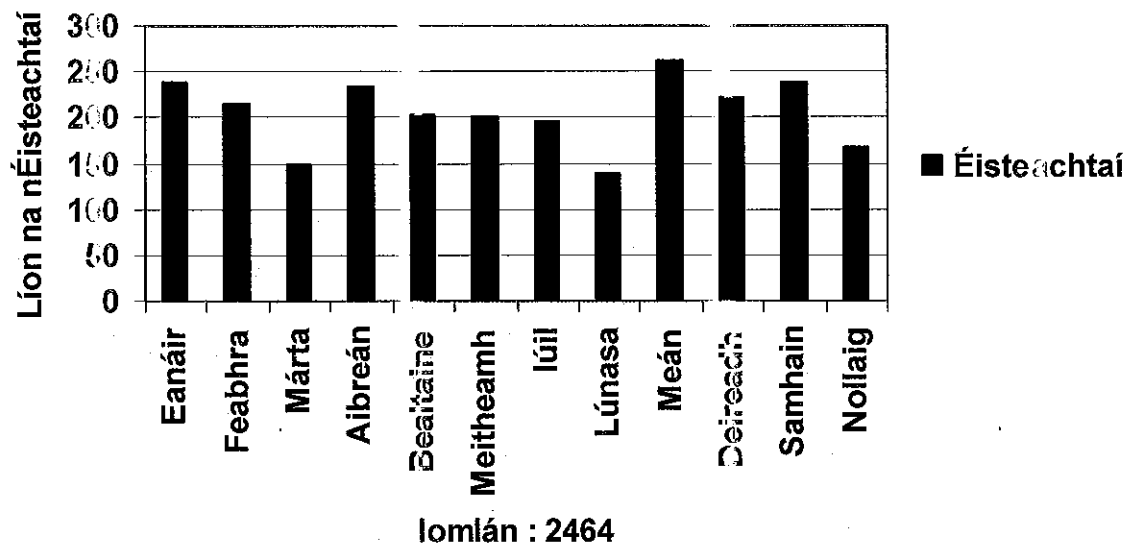
**Tábla 7.6.1 Líon na gcásanna a Cuireadh ar ceal agus ar Atráth.**

Bliain	2007	2008
Curtha ar Ceal	289	332
Curtha ar Atráth	356	263
Iomlán	645	595

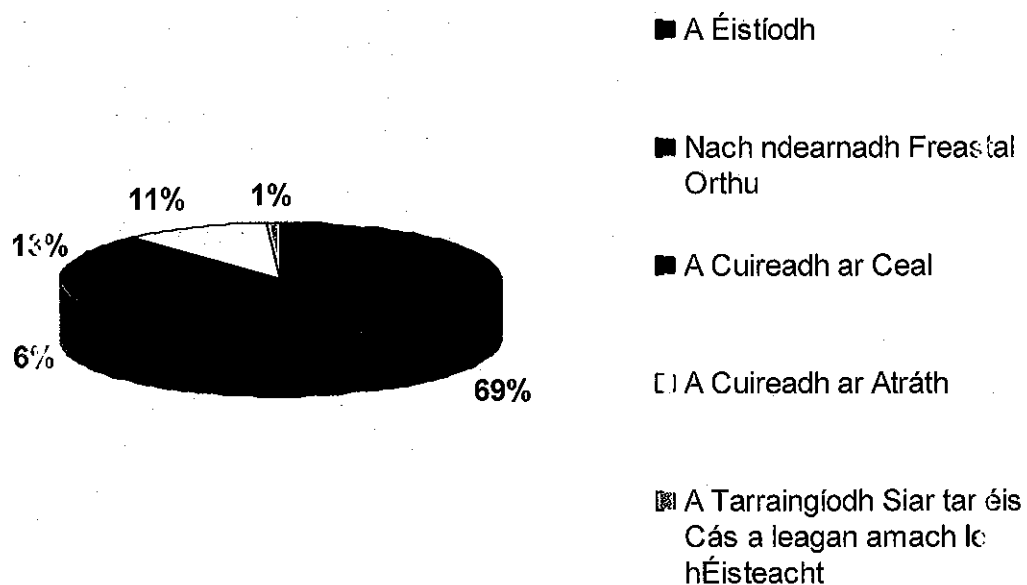
Léiríonn an tábla laghdú 7.5% ar líon na gcásanna a Cuireadh ar Ceal agus ar Atráth i 2008 i gcomparáid le 2007.

Nótálfar gur cuireadh 24% de na cásanna a raibh sceideal leagtha amach dóibh ar ceal nó ar atráth i 2008 agus is feabhar é sin ar fhigiúr 2007 de 30%.

**Cairt 7.4.1 (a)**  
**Éisteachtaí Leagtha Amach de réir Míosa do 2008**



**Cairt 7.4.1 (b)**  
**Toradh Cásanna a Leagadh Amach do 2008**  
**Iomlán: 2124**



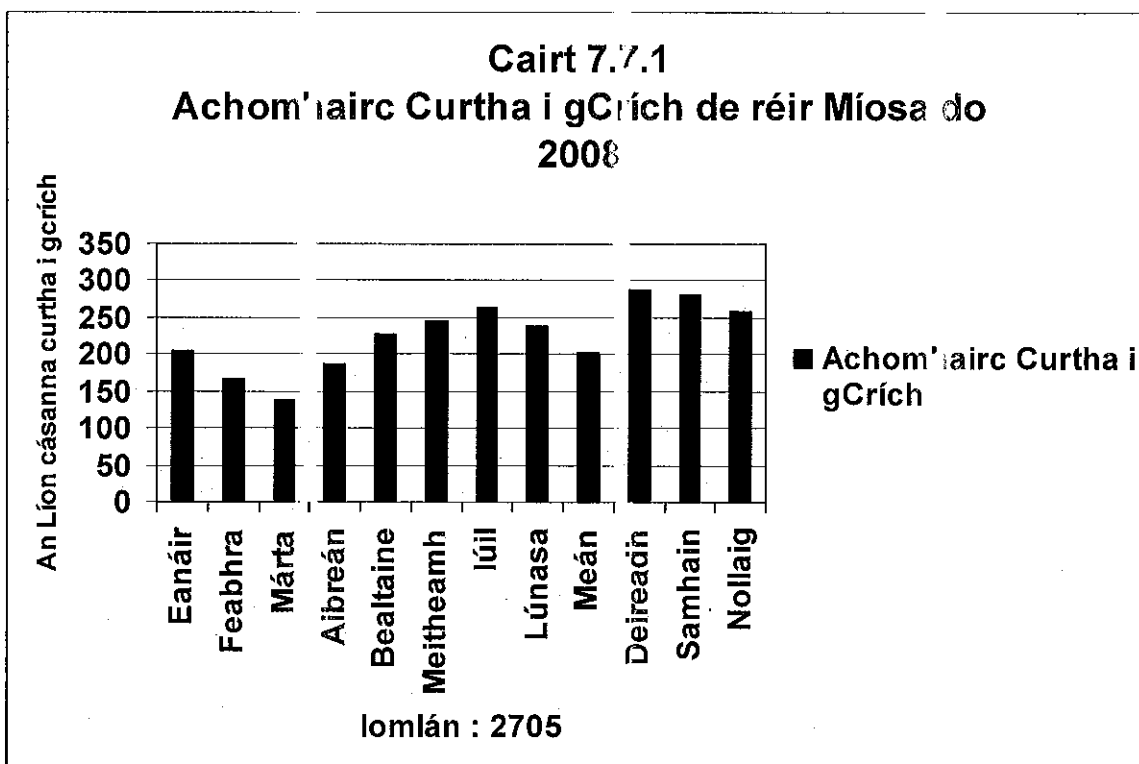
## 7.7 Líon na nAchomharc a Cuireadh i gCrích agus Cinntí na gComhaltaí

Chuir an Binse 2705 achomharc i gcrích ón 1 Eanáir, 2008 go 31 Nollaig, 2008 (Tábla 7.7.1).

**Tábla 7.7.1 Líon Iomlán na nAchomharc a Cuireadh i gCrích**

Mí	2007	2008
Eanáir	188	206
Feabhra	162	168
Márta	166	138
Aibreán	134	188
Bealtaine	217	227
Meitheamh	199	246
Iúil	220	262
Lúnasa	186	239
Meán Fómhair	211	203
Deireadh Fómhair	187	288
Samhain	199	282
Nollaig	87	258
<b>Iomlán</b>	<b>2156</b>	<b>2705</b>

Áirítear san iomlán achomharc a tugadh chun críche cinn a tarraingíodh siar agus léirítear ardú de bheagnach 25% ar an líon achomharc a tugadh chun críche i 2008 i gcomparáid le 2007.



Tá achomhaire Shubstainteacha, Gan Bhunús go Follasach, Cinntí faoi Choir bhinsiún Bhaile Átha Cliath, cásanna a Tarraingíodh Siar agus ina raibh “Mainneachtain Freastal” ar áireamh sna hachomhaire a cuireadh i gcrích faoi na sean nósanna imeachta.

Tá achomhaire Shubstainteacha/Shubstainteacha 15-Lá, Gan Bhunús go Follasach/Luathaithe, Cinntí faoi Choirbhinsiún Bhaile Átha Cliath/Rialachán II Bhaile Átha Cliath, cásanna a Tarraingíodh Siar agus ina raibh “Mainneachtain Freastal” ar áireamh sna hachomhaire a cuireadh i gcrích faoi na nósanna imeachta nua.

**Tábla 7.7.2 Líon na nAchomharc Substainteach/Substainteach 15-Lá a Cuireadh i gCrích**

<b>Mí</b>	<b>2007</b>	<b>2008</b>
Eanáir	101	163
Feabhra	70	129
Marta	121	112
Aibreán	104	134
Bealtaine	189	192
Meitheamh	144	209
Iúil	148	221
Lúnasa	145	190
Meán Fómhair	142	143
Deireadh Fómhair	154	232
Samhain	164	229
Nollaig	71	210
<b>Iomlán</b>	<b>1553</b>	<b>2164</b>

Léiríonn Tábla 7.7.2 gur tháinig ardú 39% ar líon iomlán na n-achomharc Substainteach/Substainteach 15-Lá a cuireadh i gcrích i 2008 i gcomparáid leis an bhfigiúr don bliain 2007

**Tábla 7.7.3 Líon na nAchomharc Gan Bhunús go Follasach /Luathaithe a Cuireadh i gCrích**

<b>Mí</b>	<b>2007</b>	<b>2008</b>
Eanáir	43	31
Feabhra	54	26
Márta	25	26
Aibreán	30	32
Bealtaine	17	23
Meitheamh	29	32
Iúil	37	35
Lúnasa	28	46
Meán Fómhair	22	41
Deireadh Fómhair	21	45
Samhain	16	42
Nollaig	10	25
<b>Iomlán</b>	<b>332</b>	<b>404</b>

Léiríonn Tábla 7.7.3 gur tháinig ardú 22% ar líon na n-achomharc Gan Bhunús go Follasach/Luathaithe a cuireadh i gcrích i 2008 i gcomparáid leis an mbliain roimhe sin.

**Tábla 7.7.4 Coinbhinsiún Bhaile Átha Cliath/Rialachán II Bhaile Átha Cliath - Achomhairc a Cuireadh i gCrích**

Mí	2007	2008
Eanáir	44	12
Feabhra	38	13
Márta	20	0
Aibreán	0	22
Bealtaine	11	12
Meitheamh	26	5
Iúil	35	6
Lúnasa	13	3
Meán Fómhair	47	19
Deireadh Fómhair	12	11
Samhain	19	11
Nollaig	6	23
<b>Iomlán</b>	<b>271</b>	<b>137</b>

Léiríonn Tábla 7.7.4 gur tháinig laghdú 49% ar líon na n-achomhairc ó Choinbhinsiún Bhaile Átha Cliath/Rialachán II Bhaile Átha Cliath a cuireadh i gcrích i 2008 i gcomparáid leis a mbliain roimhe sin.

## 7.8 Achomhairc a bhí ar Láimh an 31 Nollaig, 2008

### 7.8.1 Stádas na nAchomhairc

Bhí 3412 achomhairc a bhí fós ar marthain ar láimh an 31 Nollaig, 2008 i gcomparáid le 3046 achomhairc a bhí ar láimh ar an 31 Nollaig 2007, méadú d'os cionn 12%.

Tá achoimre i dTábla 7.8.1 ar stádas na n-achomhairc a bhí comhdaithe leis an mBinse amhail an 31 Nollaig, 2008 laistigh den phróiseas achomhairc.

**Tábla 7.8.1 Achoimre ar líon na “nAchomhairc atá ar marthain” sa mBinse amhail an 31 Nollaig 2008**

Líon iomlán na nAchomhairc ar Láimh	
Substainteach/Substainteach 15-Lá	3162
Gan bhunús go Follasach/Luathaithe	192
Coinbhinsiún Bhaile Átha Cliath/Rialachán II Baile Átha Cliath	58
<b>Líon iomlán na n-achomhairc a bhí ar láimh amhail an 31 Nollaig, 2008</b>	<b>3412</b>

### 7.8.2 Achomhairc atá ar Marthain de réir Bhlianta na nAchomhairc

Léiríonn Tábla 7.8.2 na “nAchomhairc atá ar marthain” de réir na mblianta a bhfuarthas iad.

**Tábla 7.8.2 Achomhairc atá ar Marthain de réir Bhlianta na nAchomhairc**

Bliain na nAchomhairc	Líon na nAchomhairc ar Marthain
2004	13
2005	55
2006	411
2007	837
2008	2096
<b>Iomlán</b>	<b>3412</b>

## 7.9 Fad an Phróisis Achomhairc

### 7.9.1 Achomhairc Shubstainteacha

Is tosaíocht é don BInse teacht chomh fada leis na daoine sin a dteastáil cosaint idirnáisiúnta uathu go gasta. Maidir le seo, léiríonn anailís

- bunaithe ar 5943 cás, gur 30 seachtain an meán-fhad “ama a tóg sé” ar an mBinse chun achomhairc Substainteacha 15 lá a fuarthas a phróiseáil agus chur i gcrích.

### 7.9.2 Achomhairc Luathaithe

- 9 seachtaine an meán-fhad ama a thóg sé ar an mBinse achomhairc Luathaithe a phróiseáil agus a chur i gcrích i 2008.
- 11 seachtaine an meán-fhad ama a thóg sé ar an mBinse achomhairc luathaithe a phróiseáil agus a chur i gcrích ó chúig cinn de thíortha, An Nigéir, An Rómáin, An Bhulgáir, An Chróit agus An Afraic Theas.

## 7.10 Tír Bhunaidh Iarratasóirí don Bliain 2008

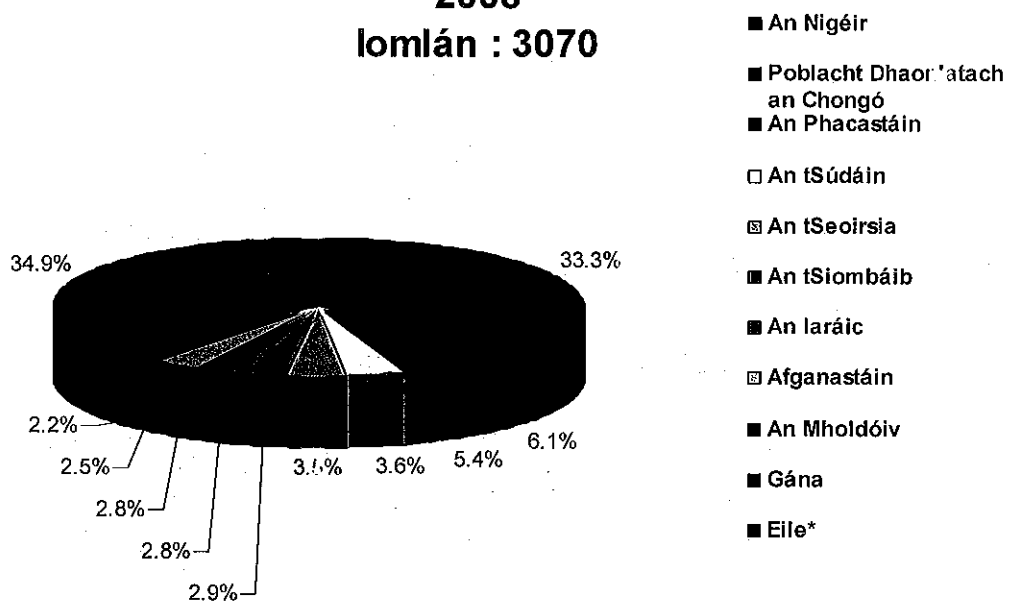
- Ba ó náisiúnaigh Nigéireacha a fuair an Binse an líon is mó iarratas.
- *D'fhreagair náisiúnaigh Nigéireacha don líon is mó iarratasóirí i gcás achomhairc Substainteach/Substainteach 15-Lá agus bhí Poblacht Dhaonlathach an Chongó, An Phacastáin, An tSúdáin agus An tSeoirsia agus teacht ina ndiaidh sin.*
- *Maidir le hachomhairc Gan Bhunús go Follasach/ Luathaithe ba ón Nigéir agus ón Afraic Theas a tháinig an líon is mó iarratasóirí.*
- *Maidir le hachomhairc faoi Choinbhinsiún Bhaile Átha Cliath/Rialachán II Bhaile Átha Cliath ba ón Eiritré agus ón bPacastáin a tháinig formhór na n-iarratasóirí.*

**Tábla 7.10.1 Achomhaire Shubstainteacha/Shubstainteacha 15-Lá, achomhaire Gan Bhunús go Follasach/ Luathaithe agus achomhaire faoi Choinbhinsiún Bhaile Átha Cliath/Rialachán II Bhaile Átha Cliath a fuarthas i 2008 de réir tíortha bunaidi.**

Náisiúntacht	Iomlán na nAchomharc a Fuarthas	%	Substainteach agus Subst 15-Lá	%	Gan Bhunús go Follasach agus Luathaithe	%	Coinbhinsiún Bhaile Átha Cliath agus Rialachán II Bhaile Átha Cliath	%
An Nigéir	1021	33	884	36	117	27	20	11
Poblacht Dhaonlathach an Chongó	186	6	161	6	11	2	14	8
An Phacastáin	167	5	114	5	17	4	36	20
An tSúdáin	111	4	100	4	6	1	5	3
An tSeoirsia	107	3	89	4	6	1	12	7
An tSiombáib	88	3	72	3	13	3	3	2
An Iaráic	87	3	74	3	5	1	8	4
Afganastáin	85	3	67	3	11	2	7	4
An Mholdóiv	77	3	41	2	36	8	0	0
Gána	69	2	61	2	8	2	0	0
Eile*	1072	35	788	32	211	49	73	41
Iomlán	3070	100	2451	100	441	100	178	100

Clúdaíonn Eile\* 77 tír lena n-áirítear An tSomáil, An Afraic Theas, An Albáin, Camarún agus An Iaráin a raibh idir 1 agus 64 iarratasóir ann ina leith go léir.

**Cairt 7.10.1**  
**Achomhairc Faighte de réir na Tíre Bunaidh do**  
**2008**  
**Iomlán : 3070**



## 7.11 Toradh Achomhairc/Mholtaí an Choimisinéara Iarratas Fáideanaithe

Sheas an Binse le 88% de na Moltaí a rinne an Coimisinéir, a ndearnadh achomharc ina gcoinne chuig an mBinse i 2008. D'iompaigh ar Binse 12% de na hachomhairc.

Taispeánann Táblaí 7.11.1, 2 agus 3 an claonadh i líon na Moltaí a rinne an Coimisinéir ar dhaingniú an Binse iad ar achomharc ó 2001. (níl cása na a tarraingíodh siar ná cása na tréigthe san áireamh).

**Tábla 7.11.1 Anailís ar Chinntí ar Achomhairc**  
**Shubstainteacha/Shubstainteacha 15-Lá**

**Moltaí ón gCoimisinéir a Daingníodh**

Bliain	Iomlán	Daingnithe	% Daingnithe
2001	1942	1461	75%
2002	4698	3601	77%
2003	4486	3658	82%
2004	4235	3587	85%
2005	2452	2022	82%
2006	1594	1353	85%
2007	1406	1214	86%
2008	1924	1661	86%

**Tábla 7.11.2 Anailís ar Chinntí ar Achomhairc Gan Bhunús go Follasach/  
Luathaithe**

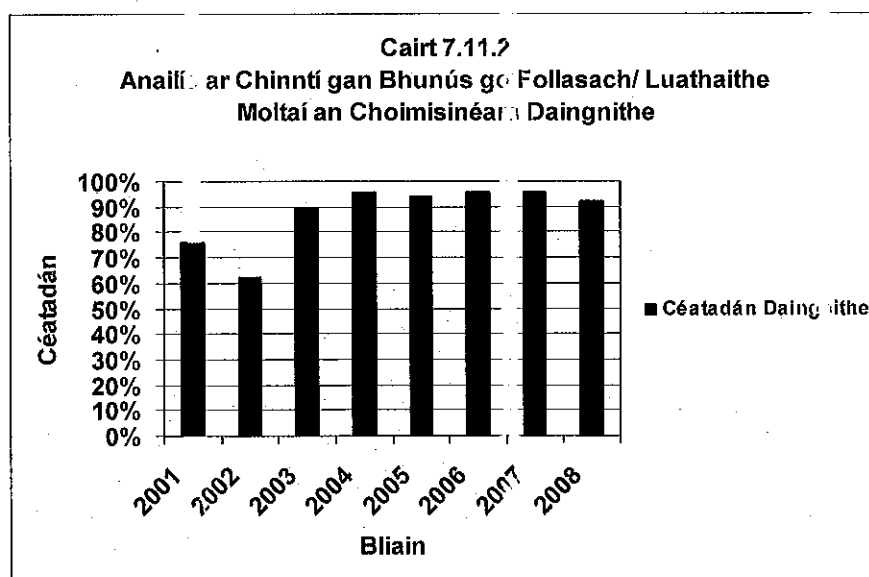
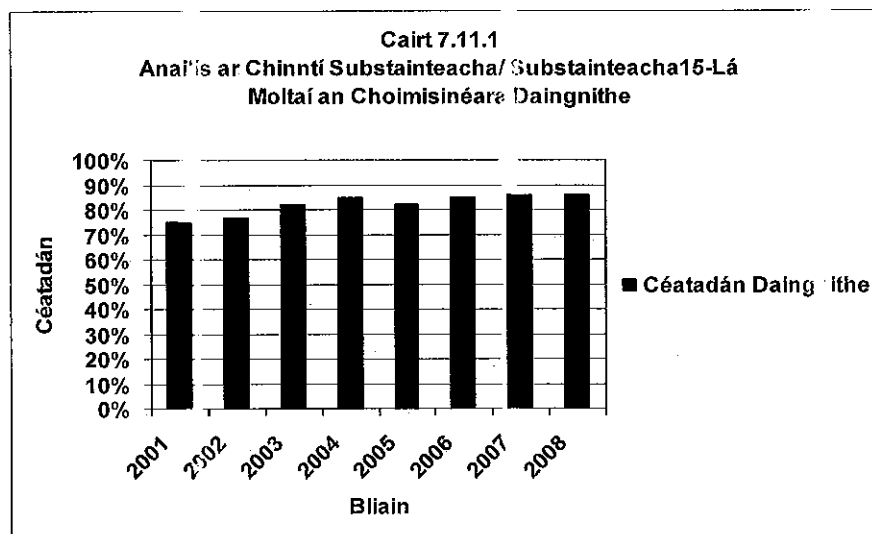
**Moltaí ón gCoimisinéir a Daingníodh**

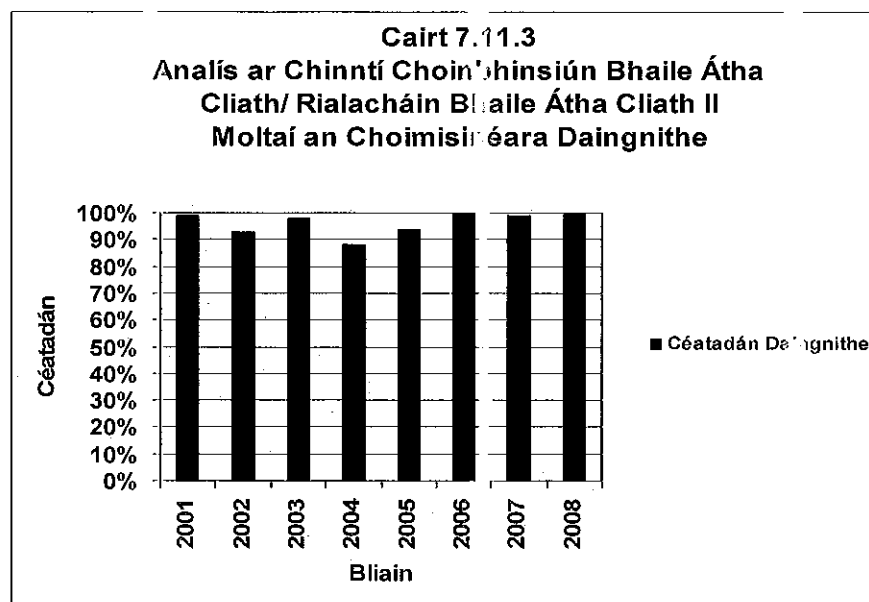
Bliain	Iomlán	Daingnithe	% Daingnithe
2001	723	549	76%
2002	130	81	62%
2003	252	225	89%
2004	1893	1824	96%
2005	1469	1385	94%
2006	271	261	96%
2007	330	318	96%
2008	397	367	92%

**Tábla 7.11.3 Anailís ar Chinntí faoi Choinbhinsiún Bhaile Átha Cliath /  
Rialachán II Bhaile Átha Cliath**

**Moltaí ón gCoimisinéir a Daingníodh**

Bliain	Iomlán	Daingnithe	% Daingnithe
2001	151	150	99%
2002	118	110	93%
2003	104	102	98%
2004	212	186	88%
2005	234	217	93%
2006	225	225	100%
2007	271	270	99%
2008	137	137	100%





**Tábla 7.11.4 Acl-oimre ar Achomhairc Shubstainteacha/Shubstainteacha 15-Lá agus Achomhairc Luathaithe de réir Náisiúntachta a Daingníodh agus a Cuireadh ar Ceal ón 1ú Eanáir 2008 go dtí 31ú Nollaig 2008**

Náisiúntacht	Daingnithe	Curtha ar Ceal	Iomlán	Iomlán na nAchomhairc a Cuireadh ar Ceal mar % d'Iomlán na gCinntí
An Nigéir	804	57	861	7%
Poblacht Dhaonlathach an Chongó	117	2	119	2%
An tSeoirsia	80	4	84	5%
An tSomáil	61	15	76	20%
An Mholdóiv	66	9	75	12%
Gána	71	3	74	4%
An tSúdáin	62	6	68	9%
Eile*	767	197	964	17%
<b>Iomlán</b>	<b>2028</b>	<b>293</b>	<b>2321</b>	<b>13%</b>

Clúdaíonn Eile\* 72 tír lena n-áirítear An Phlacastáin, An Afganastáin, An Iaráic, An Afraic Theas agus Camarún.

## **8. Teagmháil le hEagraíochtaí Eile**

### **8.1 Réamhrá**

Aidhm shonrach de chuid an Bhiúise forbairt agus cothabháil a dhéanamh ar chaidreamh maith oibre le heagraíochtaí ar leas leo d'ideanaithe nó de bhun ceanglas reachtúil agus leanamar leis an bpolasaí sin in 2008.

### **8.2 Cruinnithe**

Tionóladh cruinnithe leis na heagraíochtaí seo a leanas, i measc eagraíochtaí eile, i rith na bliana, eadhon

- Ard-Choimisinéir na Náisiún Aontaithe um Dhídeanaithe
- Cumann Idirnáisiúnta na mBreithiúna Dlí Dídeanaithe
- Oifig an Ard-Aighne agus Oifig Phríomh-Atornae an Stáit
- Oifig an Choimisinéara Iarratas Dídeanaithe
- Seirbhís Dlí do Dhídeanaithe
- An Lárionad Doiciméadachta do Dhídeanaithe
- An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí
- Spírasi

### **8.3 Gnómhairescúil/Eagraíochtaí a fhaigheann Staidrimh Bíse**

Scaipeadh ár staidrimh mhíósúla ar na gnómhairescúil/eagraíochtaí seo a leanas i rith na bliana:

- Ambasad Mheiriceá
- Amnesty International
- Comhlámh (Oibrithe Forbartha a Fhilleann)
- An Roinn Comhshaoil, Oidhreacht agus Rialtais Áitiúil
- An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí
- An Roinn Gnóthaí Sóisialacha agus Teaghlaigh
- Biúró Náisiúnta an Gharda Síochána um Inimircí
- Comhar Ceardchumann na hÉireann
- Coimisiún na hÉireann um Cheartas agus Síocháin – Tionscadal Dídeanaithe
- Comhairle Dídeanaithe na hÉireann
- An Coiste Comhairleach Náisiúnta ar Chiníochas agus Idirchultúrachas
- Oifig an Choimisinéara Iarratas Dídeanaithe
- Seirbhís Faisnéise do Dhídeanaithe
- Seirbhís Dlí do Dhídeanaithe
- Ionad Dídeanaithe Vincentian
- Ard-Choimisinéir na Náisiún Aontaithe um Dhídeanaithe
- The Irish Times
- The Irish Independent
- Feidhmeannacht na Seirbhíse Sláinte
- SPIRASI – Centre for the Care of Survivors of Torture (CCST)
- An Lárionad Doiciméadachta do Dhídeanaithe
- The Irish Examiner

## 9. Seirbhísí Corparáideacha

### 9.1 Pearsanra/an Fhoireann

Amhail an 31 Nollaig 2008 ba é an líon foirne a bhí ag fónamh don Bhinse ná 99 (27 díobh ag Roinnt Oibre). Is ionann sin agus stáid ghlan de 89.1 post lánaimseartha.

Is mar seo a leanas a bhristear síos an fhoireann de réir gráid faoi láthair:

Grád	An Líon Post
An Cathaíreallach	1
Príomhoifigeach	1
Príomhoifigeach Cúnta	7 (4 Roinnt Oibre)
Ard-Oifigeach Feidhmiúcháin	9 (1 Roinnt Oibre)
Oifigeach Riaracháin	0
Oifigeach Feidhmiúcháin	17 (3 Roinnt Oibre)
Oifigeach Foirne	7 (4 Roinnt Oibre)
Oifigeach Cléireachais	51 (14 Roinnt Oibre)
Oifigeach Seirbhísí	6

## **9.2 Oiliúint Foirne**

Tá raon leathan cúrsaí oiliúna curtha ar fáil nó éascaithe don fhoireann trí Aonad Oiliúna an Bhinse ó Eanáir na bliana 2008. Tá siad seo a leanas sa áireamh sna cúrsaí oiliúna a bhair comhaltaí foirne riaracha in leas astu;

- Oiliúint Ionadachtúcháin
- Microsoft Excel (Idirmheánach)
- Microsoft Excel (Idirmheánach)
- Microsoft Powerpoint
- Oiliúint Maoir Thine
- Oiliúint sa Teanga Chomharthaíochta
- Oiliúint Ghac leagrais (Gaeilge)
- Oiliúint Teanga
- Clár Teastais - Staidéar ar Ghníomhairíachtaí Stáit agus an Státs-irbhís.
- Ard-Choimisinéir na Náisiún Aontaithe um Oiliúint Dhídeanaíth
- Oiliúint ar Bhainistiú & Forbairt Feidhmiúcháin
- Dioplóma i Staidéir Dlí agus Cirt
- Bainistíocht Ama
- Scileanna Agallaimh
- Oiliúint do na hOiliúnaithe

Tá mionsonraí oiliúna do Chomhaltaí léirithe i gCaibidil 6.

## **9.3 Cóiríocht**

Tógann an Binse suas cuid mhaith den áitreacht ag 6/7 Sr Hanover Thoir, Baile Átha Cliath 2. Chomh maith leis an spás oibre don fhoireann riaracháin tá Seomraí Éisteachta ann d'Achomhairc, Seomraí Comhairle do chliaint agus a gcuid uiriollaí, seomra na gComhaltaí agus saoráidí ceantín don fhoireann Leanamar ar aghaidh i rith na bliana 2008 lenár saoráidí a uasghrádú.

## **9.4 Airgeadas**

Maoinítear an Binse trí airgead a vótáladh sa Dáil trí an Vóta d'Oifig an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

## **Táillí na gComhaltaí agus Táillí Dlí**

Leagtar amach mionsonraí caiteachais do 2008 sa tábla thíos.

<b>Ceannteideal Caiteachais (Neamhphá)</b>	<b>Caiteachas 2008 Sealadach</b>
<b>Taisteal &amp; Cothabháil</b>	<b>€15,933</b>
<b>Oiliúnt Comhaltaí</b>	<b>€58,124</b>
<b>Costais Theagmhais</b>	<b>€251,700</b>
<b>Seirbhísí Poist &amp; Cumarsáide</b>	<b>€140,145</b>
<b>Innealra Oifige &amp; Solárhairtí Eile Oifige</b>	<b>€126,814</b>
<b>Costais Oifige &amp; Áite bh</b>	<b>€594,057</b>
<b>Táillí Comhaltaí</b>	<b>€1,182,638</b>
<b>Costais Dlí</b>	<b>€3,428,130</b>
<b>Seirbhísí Sainchomhairleoireachta</b>	<b>€56,498</b>
<b>Iomlán</b>	<b>€5,854,039</b>

## **9.5 Plean Gnímh maidir le Seirbhís do Chustaiméirí**

Tá an Binse tiomanta cur le tionscnamh an Rialtais maidir le Seirbhís do Chustaiméirí. Tá an chart chustaiméirí ar fáil i ngach teanga de chliaint an Bhinse ag an ionad Fáiltithe.

Tá an oifig ar oscailt 5 lá sa tseachtain, lena n-áirítear am lóin agus tá an oifig ar oscailt do chuairteoirí idir 8.45 a.m. agus 5.30 p.m. ó Luan go hAoine. Cuirtear seirbhís fiosruithe teileafóin (teil. 01-4748400) ar fáil go laethúil ó 9.15 a.m. go 5.30 p.m. (5.15 p.m. Dé hAoine). Chomh maith leis sin feidhíonn an Binse deasc chabhrach d'úsáideoirí Chartlann Chiontí an Bhinse. Bíonn an deasc chabhrach ar oscailt ó Luan go hAoine ó 9.00 am go 5.15pm. Is í uimhir thiomanta na deisce cabhrach ná 01 – 4748523.

## **9.6 Teicneolaíocht Faisnéise**

Ag teacht ag deireadh Shambain 2007 rinneadh an fheidhm TF a ionchorprú sa bpríomh-Rannóg TF sa Roinn Dlí agus Cirt,

Comhionannais & Athchóirithe Dlí. Déantar riachtanais TF an Bhinse a sholáthar go lárnach anois tuáil an Roinn.

### **9.7 An tAcht um Chosaínt Sonraí 1988**

Tá an Binse cláraithe leis an gCoimisinéir Cosanta Sonraí agus tá a cheanglais faoi Acht á gcomhlíonadh go hiomlán ag an mBinse.

### **9.8 An tAcht um Íocaíochtaí Iomarcaíochta 1997**

Thabhaigh an Binse íocaíochtaí tús de €420.53 sa bhliain 2008.

### **Sláinte agus Sábháilteacht**

Is é polasáí an Bhinse sábháilteacht, sláinte agus leas a fhostaithe go léir agus na ndaoine sin a mbíonn i mbun gnó ar a áitreabh a chinntiú, a mhéid is féidir le réasúin. Is tosaíocht don Bhinse iad saincheisteanna sláinte agus sábháilteachta – léirítear é sin san oiliúint a chuirtear ar fáil don fhoireann agus sna bearta slándála atá in áitreabh an Bhinse agus atá á n-athbhreithniú go leanúnach. Rinneadh athbhreithniú mór slándála in 2008 le béim ar cheisteanna Sláinte agus Sábháilteachta agus críochnófar móroibreacha de chineál slándála sa halla iontrála agus san áit fáiltithe in 2009 le súil cur le slándáil agus sábháilteachta na foirne agus na gcustaiméirí. Tá Ráiteas Sláinte & Sábháilteachta ag an mBinse, déantar é a thabhairt cothrom le dáta nuair is gá.

### **9.10 An tAcht um Chaighdeán in Oifigí Poiblí, 1995**

Tá an Cathaoirleach faoi réir cheanglais Acht 1995 agus chuir sé na ráitis sainleasa chuí i gcrích i 2008. Tá na comhaltaí iomchuí go léir atá i seilbh post forordaithe curtha ar an eolas maidir lena n-oibleagáidí faoi na hAchtanna um Eitic in Oifigí Poiblí 1995 go 2001 agus tá a gceanglais comhlíonta acu.

## **Aguisín 1:**

### **Reachtaíocht/ Ionstraimí Reachtúla a Bhaineann le an mBinse**

- Acht na nDídeanaithe, 1996 (arna leasú ag an Acht Inimirce, 1999 agus an Acht um Inimircigh Neamhdhleathacha (Gáinneáil), 2000), agus an Acht Inimirce, 2003
- Refugee Act, 1996 (Appeals) Regulations, 2000, S.I. No. 342 of 2000
- Na Rialacháin um Acht na nDídeanaithe, 1996 (Achomhairc), 2002 I.R. Uimh. 571 de 2002
- Refugee Act, 1996 (Appeals) Regulations, 2003, S.I. No. 424 of 2003
- An tOrdú um Choinbhinsiún Bhaile Átha Cliath (Cur i n'Ánómh) 2000, I.R. Uimh. 343 de 2000
- An Acht um Inimircigh Neamhdhleathacha (Gáinneáil) 2000
- An tOrdú um Acht na nDídeanaithe 1996 (Alt 22), 2003 (Coinbhinsiún Bhaile Átha Cliath) I.R. Uimh. 423 de 2003
- Coinbhinsiún na Náisiún Aontuithe a Bhaineann le Stádas Dídeanaithe, 1951 (An Ghinéiv) agus Prótacal 1967 (Nua Eathrac)
- Lámhleabhar ar Nósanna Imeachta agus Critéir chur Stádas Dídeanaithe a Chinneadh, faoi Choinbhinsiún 1951 agus Prótacal 1967 a bhaineann le Stádas Dídeanaithe (Curtha in Eagar arís, sa Ghinéiv i 1992)
- An tOrdú um Acht na nDídeanaithe 1996 (Tíortha Sábháilte Tionscnaimh) 2003 I.R. Uimh. 422 de 2003
- Treoir ón Aire dar dáta an 15 Meán Fómhair 2003 faoi alt 12(1)(m) d'Acht na nDídeanaithe, 1996, arna chur isteach ag alt 7 den Acht Inimirce, 2003 – tosaíocht a thabhairt d'iarratais as tíortha a ainmnítear mar tíortha sábháilte tionscnaimh
- Treoir ón Aire dar dáta an 11 Meán Fómhair 2003 faoi Ailt 12(1)(b) agus 12(1)(e) d'Acht na nDídeanaithe, 1996, arna chur isteach ag alt 7 den Acht Inimirce, 2003 – tosaíocht a thabhairt d'iarratais as an Nigéir

- An tOrdú um Acht na nÍdeanaithe 1996 (Tíortha Sábháilte Tionscnaimh) 2004 – I.R. Uimh. 714 de 2004
- Rialacháin na gComhphobal Eorpach (Incháilitheacht do Chosaint) 2006 – I.R. Uimh. 518 de 2006

## **Aguisín 2:**

### **An Próiseas Achomhairc: Nósanna Imeachta**

#### **2.1 Réamhrá/Éisteachtaí ó Bhéal/Ar na Páipéir**

Tríd is tríd, déileálann an Bhinse le trí chineál achomhairc – Substainteach, Luathaithe agus achomhairc faoi Choinbhinsiún Bhaile Átha Cliath/Rialachán II Bhaile Átha Cliath. Déanann an Coimisinéir Iarratas Dídeanaithe an cineál achomhairc a bhíonn i gceist a chinneadh ag an gcéad chéim.

Lean saincheistanna dlíthiúla ag teacht chun cinn i léirmhíniú ar reachtaíocht phríomhúil agus thánaisteach agus mar thoradh ar athbhreithnithe breithiúnacha i rith na bliana. Athbhreithnítear nósanna imeachta dá réir sin ar bhonn leanúnach agus leanfar ar aghaidh á gcoigeartú de réir mar is gá. Seo a leanas léiriú de ghnéithe suntasacha nósanna imeachta na n-achomhairc.

#### **Éisteacht ó Bhéal – Achomhairc Substainteach/Substainteach 15-Lá**

Is ionann achomhairc Substainteach agus achomhairc inar féidir le Iarratasóir éisteacht ó bhéal a lorg. Bíonn an éisteacht ar siúl ós comhair Chomhalta den Bhinse agus de ghnáth bíonn baint ag an Iarratasóir agus a ionadaí nó a hionadaí dlíthiúil, ag ateangaire agus ag Oifigeach Láithreachais ó oifig an Choimisinéara leis. Féadfaidh finnétithe a bheith i láthair freisin, faoi réir cheadú an Bhinse. Léiríonn taithí go dtí seo go dtógann éisteacht ó bhéal 1½ - 2 uair an chloig ar an meán. Éilítear le hAlt 16(14) d'Acht 1996 go dtionólfar éisteacht ó bhéal go príobháideach. Mar sin féin, féadfaidh an UNHCR a bheith i láthair chun féachaint ar na himeachtaí (Alt 16 (15) d'Acht 1996). Sa chás nach lorgófar éisteacht ó bhéal, cinnfidh Comhalta an t-achomhairc Substainteach ar na páipéir.

#### **Achomhairc Luathaithe – Gan Éisteacht ó Bhéal**

Eascraíonn siad seo i gcás ina mbeidh moladh i dtuarascáil ón gCoimisinéir, arna déanamh de bhun Alt 13(1), nár chóir a dhearbú gur dídeanaí iarratasóir agus ina mbeidh aon cheann de na torthaí a shonraítear in Alt 13(6). Cinntear achomhairc den sórt sin gan éisteacht ó bhéal agus bíonn teorainneacha ama níos giorra i gceist chun an tAchomhairc a thaiscádh.

## **Rialachán II Bhaile Átha Cliath – Gan Éisteacht ó Bhéal**

Eascraíonn achomhairc Bhaile Átha Cliath 11 faoi Acht na nDídanaithe 1996 (Alt 22) Ordú 2003 (IR Uimh. 423 de 2003) a tháinig i bhfeidhm an 15 Meán Fómhair 2003 agus tagann in áit chomhaontú Choinbhinsiún Bhaile Átha Cliath idir Bhallstáit na gComhphobal Eorpach.

## **Coinbhinsiún Bhaile Átha Cliath – Gan Éisteacht ó Bhéal**

Eascraíonn achomhairc faoi Choinbhinsiún Bhaile Átha Cliath faoin Ordú um Choinbhinsiún Bhaile Átha Cliath (Cur i nGníomh), 2000. Is comhaontú é Choinbhinsiún Bhaile Átha Cliath idir Bhallstáit na gComhphobal Eorpach trína gcinntear an Stát atá freagrach as iarratais ar thearmann a thaisctear i gceann de Bhallstáit na gComhphobal Eorpach a scrúdú. I gcásanna faoi Choinbhinsiún Bhaile Átha Cliath, cinneann an Binse achomhairc in aghaidh chinneadh an Choimisinéara gur chóir déileáil le hiarratas i dtír eile den AE.

## **2.2 An Nós Imeachta maidir le Achomharc a Thaisceadh**

Nuair a fhaigheann Iarratasóir Moladh ón gCoimisinéir cuirtear in iúl dó nó di go bhfuil ceart achomhairc ann agus go gceanglaítear go ndéanfar é laistigh de theorainneacha ama reachtúla sonraithe a bhraitheann ar chineál an achomhairc:-

- Cásanna lena mbaineann **achomharc substainteach - 15 lá oibre** atá ag iarratasóirí **Fógra Achomhairc** a chomhlánú agus a thaisceadh. Bíonn an rogha ag na hIarratasóirí seo éisteacht ó bhéal a fháil ach é a bheith iarrtha ar Fhoirm an Fhógra Achomhairc.
- Cásanna lena mbaineann **Achomharc luathaithe - 10 lá oibre** atá ag iarratasóirí **Fógra Achomhairc** a chomhlánú agus a thaisceadh. Níl an rogha acu éisteacht ó bhéal a fháil.
- Cásanna lena mbaineann **Coinbhinsiún Bhaile Átha Cliath - 5 lá oibre** atá ag iarratasóirí **Fógra Achomhairc** a chomhlánú agus a thaisceadh. Níl an rogha acu éisteacht ó bhéal a fháil.

- Cásanna lena mbaineann **Rialachán II Bhaile Átha Cliath** -

**15 lá oibre** atá ag iarratasóirí **Fógra Achomhairc** a

chomhlánú agus a thaisceadh. Níl an rogha acu éisteacht ó bhéal a fháil. Ní bheidh fionraí ar aistriú an iarratais go dtí an tír lena mbaineann nó aistriú an iarratasóra go dtí tír bhunaidh an iarratasóra de bharr achomhairc a bheith taiscthe.

I ngach uile cás, ní mór don iarratasóir forais an achomhairc a shonrú san Fhoirm Fógra Achomhairc, agus aon doiciméadacht tacaíochta, na haighneachtaí a bheidh le déanamh agus na húdaráis ar féidir brath orthu a bheith i gceangal léi. Féadfaidh an Binse a ordú d'fhinnéithe (má iarrtar sin) a bheith i láthair i gcásanna ina n-iarrfaidh an t-iarratasóir éisteacht ó bhéal.

### **2.3 Nós Imeachta chun Achomhairc a Ghlacadh**

Nuair a fhaigheann an Binse Fógra Achomhairc, measfaidh an Binse cibé acu an bhfuil nó nach bhfuil sé laistigh den teorainn ama fhorordaithe don chineál áirithe achomhairc sin. Má tharlaíonn go bhfuil sé lasmuigh den teorainn ama, cuirfear in iúl don iarratasóir agus dá ionadaí nó dá hionadaí dlíthiúil (más ann) i scríbhinn gur diúltaíodh don achomhairc.

Tabharfar admháil maidir leis an bhFógra Achomhairc don iarratasóir agus dá ionadaí nó dá hionadaí dlíthiúil (más ann). Cuirfear in iúl don Choimisinéir agus don UNHCR i mBaile Átha Cliath an lá céanna trí ríomhphost go bhfuarthas an t-achomhairc, agus sonrófar cineál an achomhairc. Iarrtar ar an gCoimisinéir comhad bunaidh an Iarratasóra a chuir faoi bhráid an Bhinse freisin. Tabharfar cóipeanna den Fhógra Achomhairc agus de na doiciméid gaolmhara go léir a chuirfear faoi bhráid an Bhinse don Choimisinéir, mar a cheanglaítear le hAlt 16(4) den Acht.

### **2.4 Nós Imeachta chun Cásanna a Shannadh do Chomhaltaí chun Cinní a Dhéanamh**

Déanfaidh an Cathaoirleach cás a shannadh do Chomhalta den Bhinse chomh luath agus is féidir tar éis an t-achomhairc a ghlacadh agus an comhad a fháil ón

gCoimisinéir. Déanfaidh an Comhalta gach cás a scrúdú chun a fháil amach an dteastóidh aon fhaisnéis bhreise, agus, go háirithe ar chóir a thuilleadh fiosrúchán a dhéanamh faoi Alt 16 (6) den Acht. Féadfaidh an Comhalta, faoi Alt 16 (7) den Acht, tuairimí an Choimisinéara a lorg maidir le nithe a éireoidh as na Forais Achomhaire. Baineann forálacha comchosúil le hachomhaire faoi Choinbhinsiún Bhaile Átha Cliath/ Rialachán II Bhail. Átha Cliath.

## **2.5 Nós Imeachta i nÁil le hÉisteachtaí ó Bhéal**

I gcás ina n-iarrfaidh Iarratasóir éisteacht ó bhéal, ní mór don Bhinse fógra 7 lá oibre ar a laghad a thabhairt maidir le dáta na héisteachtaí ó bhéal don Iarratasóir agus dá ionadaí nó dá hionadaí dlíthiúil (más ann). Is é cleachtas an Bhinse fógra níos mó ná a cheanglaítear go reachtóil a thabhairt agus tá sé mar aidhm ag an mBinse fógra 2 sheachtain a thabhairt do gach Iarratasóir. Cuirfean an Coimisinéir, an UNHCR agus na finnétithe (más ann) ar an eolas an tráth céanna a chuirfean an tIarratasóir ar an eolas. Seolfar an éisteacht go príobháideach agus trí ateangaire, i gcás inar gá agus inar féidir sin a dhéanamh. Tá sé i gceist éisteachtaí a sheoladh ar shlí nach mbeidh ró-fhoirmiúil agus a chinnteoidh go mbeidh na himeachtaí cóir agus trédhearcach agus go rachaidh na himeachtaí ar aghaidh leis an dlús is gá.

## **2.6 Nós Imeachta i nÁil le hAchomhaire a Tharraingt Siar**

Féadfaidh Iarratasóir achomharc a tharraingt siar ag céim ar bith den phróiseas trí fhógra maidir leis an tarraingt siar a sheoladh chuig an mBinse. I gcás ina dtarlóidh tarraingt siar, seasfaidh Moladh bunaidh an Choimisinéara.

## **2.7 Nós Imeachta chun Cinntí a Eisiúint**

Déileáiltear le hachomharc i gcoinne mholadh ón gCoimisinéir Iarratas Dídeanaithe faoi Alt 16(2) d'Acht na nDídeanaithe 1996 (arna leasú). Cuirtear Cinntí ar Bhinse maidir leis na trí chineál achomhaire – Substainteach, Luathaithe (ar pháipéir amháin) agus iadsan a thagann faoi Rialachán II Bhail. Átha Cliath –in iúl don iarratasóir, don ionadaí dlíthiúil (más ann), an Coimisinéir Iarratas Dídeanaithe agus an tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí. Cuirtear fógra maidir le cinneadh a bheith déanta chuig ionadaí an Ard-Choimisinéara na Náisiún Aontaithe do Dhídeanaithe. Ag teacht leis an nós imeachta a leanann Cinneadh a eisiúint, cuirtear comhad an

iarratasóra ar aghaidh chuig an Aire chun é a phróiseáil a thuilleadh. Tá feidhm ag na nósanna imeachta seo maidir le Cinntí ón mBhinse cibé acu an ag daingniú moladh ón gCoimisinéir Iarratas Dídeanaithe nó á chur ar ceal a bheidh sé.

Gheobhaidh gach Iarratasóir cóip de 'Bhileoga Faisnéise maidir le Nósanna Imeachta Achomhairc d'Iarratasóirí - (doiciméad amháin le haghaidh gach cineál achomhairc)' an Bhinse ó Oifig an Choimisinéara Iarratas Dídeanaithe (ORAC) i dteannta eisiúint Mholadh an Choimiséara ar a gcás.

*Tá cóipeanna ar fáil freisin i 24 teanga ach iad a iarraidh ar an mBhinse Achomhairc do Dhídeanaithe,*

*6/7 Sráid Hanover Thoir, Baile Átha Cliath 2.*

*Teileafón (01) -4748400*

### Aguisín 3:

#### Struchtúr Táillí Comhalta' 2008

Cineál	Táille (€)
<b>Substainteach</b>	
Éisteacht ó Bhéal	€575
Éisteacht ó Bhéal – Céilí Fir & Mná – cásanna comhchosúla	€860
Éisteacht ó Bhéal – Céilí Fir & Mná – cásanna éagsúla	€1,150
Ar Pháipéir	€300
Ar Pháipéir – Céilí Fir & Mná cásanna comhchosúla	€450
Ar Pháipéir – Céilí Fir & Mná cásanna éagsúla	€600
Mainneachtain Freastal / Tarraingt Siar	€165
<b>Achomhairc Luathaithe</b>	
Cinneadh	€300
Céilí Fir & Mná cásanna comhchosúla	€450
Céilí Fir & Mná cásanna éagsúla	€600
Tarraingt Siar	€165
<b>Coinbhinsiún Bhaile Átha Cliath/Rialachán/Gan Bhunús go Follasach</b>	
Cinneadh	€200
Céilí Fir & Mná cásanna comhchosúla	€300
Céilí Fir & Mná cásanna éagsúla	€400
Tarraingt Siar	€165