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# Refugee Appeals Tribunal

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## Annual Report 2003

1 January 2003 to 31 December 2003  
Refugee Appeals Tribunal, 6/7 Hanover Street East, Dublin 2.  
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# TABLE OF CONTENTS

	<b>Page</b>
<b>1. Letter to the Minister for Justice, Equality and Law Reform</b>	<b>3</b>
<b>2. Introduction to the Tribunal</b>	<b>5</b>
<b>3. Recent Changes in Asylum Legislation</b>	<b>7</b>
<b>4. Task Statement and Critical Success Factors</b>	<b>10</b>
<b>5. Nature and Composition of the Tribunal</b>	<b>12</b>
<b>6. Appeal Operations and Support</b>	<b>14</b>
<b>7. Members of the Tribunal</b>	<b>18</b>
<b>8. Summary of the Work of the Tribunal</b>	<b>26</b>
<b>9. Contact with Other Organisations</b>	<b>46</b>
<b>10. Corporate Services</b>	<b>48</b>
<b>Appendices:</b>	
<b>Appendix 1</b>	<b>Legislation/ Statutory Instruments</b>
	<b>Relevant to the Tribunal</b>
	<b>54</b>
<b>Appendix 2</b>	<b>Appeals Process: Procedures</b>
	<b>55</b>
<b>Appendix 3</b>	<b>Members Fees Structure, 2003</b>
	<b>60</b>
<b>Appendix 4</b>	<b>Summarised Agenda for</b>
	<b>Bi-Annual Statutory Meetings, 2003</b>
	<b>62</b>

**By Hand**

Mr. Michael McDowell T.D.  
Minister for Justice, Equality and Law Reform  
Department of Justice, Equality and Law Reform  
94 St. Stephen's Green  
Dublin 2

Dear Minister,

**REFUGEE APPEALS TRIBUNAL**

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, 2003.

Mr P.J. Farrell retired as Chairperson of the Tribunal on the 2 December, 2003. Mr Farrell was the first Chairperson of the Refugee Appeals Tribunal and during his term of office the standards of practice he achieved were based on the highest international standards for Refugee Status Determination. In this regard, I would draw your attention to the training programme for Members specified at pages 20 to 23 of this report.

The immediate challenge for the Tribunal is to continue to maintain the high standards achieved and to implement the amendments to the Refugee Act, 1996, which came into force on 15 September, 2003.

The Tribunal's primary objectives are-

- provision of high quality Refugee Status Determination procedures that are fair, efficient and result in the delivery of timely Decisions
- development, with the co-operation and assistance of the Refugee Documentation Centre, of Internet access facilities to the highest quality Country of Origin Information sources and refugee legal sources
  
- provision, in co-operation with the United Nations High Commissioner for Refugees (UNHCR), of high quality intensive training for Members of the Tribunal, both on an individual basis and through seminars
  
- provision of seminars from academics and NGOs relevant to the refugee and asylum area
  
- provision of access by Members to a Members' Decisions database
  
- publication, in anonymised form, of Decisions of the Tribunal that are of legal importance
  
- extending the pilot programme for the taping of hearings to all hearing rooms
  
- ensuring, through training courses, seminars and meetings, the consistent application of the law.

I refer you, in particular, to Section 8 of the Annual Report which deals with a "Summary of the Work of the Tribunal" page 26 to 45.

I would like to thank the staff of the Tribunal, all of whom have been assigned to the Tribunal from your Department, for their dedication and efficiency in achieving so much in 2003.

I would also like to thank the Members of the Tribunal for their professional contribution to the Tribunal in 2003.

Yours sincerely,

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John Ryan  
Chairperson  
Refugee Appeals Tribunal  
22 March, 2004

## **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 on foot of the new legislation. The primary and secondary legislative changes, insofar as they affect the Tribunal, are outlined in Chapter 3.

### **2.2 Oral Hearings and Appeals on the Papers**

The majority of cases decided by the Tribunal are substantive and consideration of these appeals is generally by way of oral hearing, unless otherwise indicated by the applicant.

The Tribunal arranges hearings for 4 days a week in 7 hearing rooms. We normally schedule 5 cases a day for each available Member.

Other types of cases decided by the Tribunal are substantive on the papers, accelerated, manifestly unfounded, Dublin Convention and Dublin II Regulation.

### **2.3 Operational Development**

As with any relatively new organisation in the asylum area, the Tribunal continues to deal with a considerable number of new issues, particularly arising from the 2003 amended legislation. This necessitates continually reviewing and adjusting appeal procedures with a view to establishing best practice, ongoing recruiting, training and development of staff,

dealing with day to day legal issues, defending legal proceedings, redefining our key business units and their precise objectives and supporting the Members. Many administrative, policy and legal issues continue to arise. The aim is to continue to develop new strategies, as required, to implement the intention of the legislation.

### **3. Recent Changes in Asylum Legislation**

As already indicated, 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, was further amended by section 7 of the Immigration Act, 2003, which came into effect on 15 September, 2003. References in the Annual Report to “the Refugee Act, 1996 (as amended)”, “the 1996 Act” or “the Act”, are to the Act so amended. The stated intention of the Minister for Justice, Equality and Law Reform proposing these amendments was to provide a more comprehensive framework for the fair and expeditious processing of asylum applications.

Chief among the amendments which affect the work of the Refugee Appeals Tribunal are those relating to:

- The Burden of Proof: At appeals stage, the burden resides with the applicant to demonstrate that he/she is a refugee. The presumption that the applicant is not a refugee is a rebuttable one.
- Statutory credibility tests: The Tribunal is now required, in assessing the credibility of the applicant, to have regard to specific factors set out in the amended legislation.
- Safe Countries of Origin: The Minister in accordance with the provisions of the new Act, has, by Order dated 15 September, 2003, designated the following countries as safe countries of origin, viz Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovak Republic and Slovenia <sup>(1)</sup>.
- Prioritisation of appeals: The Minister, on 15 September, 2003, directed that, with effect from 15 September, 2003, 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 1996 Act<sup>(2)</sup>. On 11 December, 2003, the Minister directed the Chairperson to accord priority to asylum applications



made on or after 15 December, 2003, by persons who are nationals of Nigeria.<sup>(3)</sup>

- Replacement of the manifestly unfounded procedure with new criteria and shorter deadlines to appeal in some instances. Such appeals are dealt with on the papers. The Tribunal has no jurisdiction to remit such appeals to the Refugee Applications Commissioner for reconsideration, as it had under the manifestly unfounded procedure. The Tribunal may not set aside the Commissioner's negative Recommendation unless it is satisfied that the applicant is a refugee.
  
- Statutory duty on the applicant to co-operate in the determination of his/her appeal and with a specific provision that his/her appeal shall be deemed to be withdrawn in cases of non co-operation and/or failure to attend oral hearing without reasonable explanation, within a stated time limit.
  
- Implementation of Dublin II Regulation, that is, Council Regulation (EC) No 343/2003 <sup>(4)</sup>: The main change here is that an appeal by an applicant against a determination by the Refugee Applications Commissioner that he/she should have his/her application for refugee status transferred to another country party to the Regulation will not suspend the transfer of that application or his/her removal to the receiving country. In addition, the time limit for making an appeal under the Dublin II Regulation is 15 working days, as against 5 working days under the Dublin Convention.

The Act also provides that the Chairperson may publish Decisions.

The rationale underlining the legislative changes pertaining to the Tribunal is to facilitate the efficient management of the Tribunal and the expeditious disposal of its business in a fair, consistent and transparent manner.

Work procedures within the Tribunal were comprehensively reviewed and adapted to accommodate the changes embedded in the new Act. Work procedures are, as mentioned

earlier, in any event reviewed and adjusted, as necessary, on an ongoing basis. In addition, special training was provided to the Members on the provisions of the new Act - see Chapter 7.

The amendments to the Refugee Act, 1996 came into operation on 15 September, 2003<sup>(5)(6)</sup>. The new provisions apply to all applicants for refugee status who made application or who were interviewed by the Refugee Applications Commissioner on or after 15 September, 2003. Applicants who applied for refugee status and were interviewed by the Refugee Applications Commissioner prior to 15 September, 2003, were not affected by the amendments. Hence, from September, 2003, two sets of procedures were being applied in the Tribunal, the pre-15 September and post-15 September procedures. As at 31 December of 2003, there were 2,380 applicants within the Tribunal whose applications were being processed under the pre-15 September, 2003 procedures. The two procedures will continue for some time during 2004 until such time as all “pre-15 September” cases have been processed to finality.

Finally, Denmark is not party to the Dublin II Regulation. Accordingly, if an applicant’s case falls to be considered in Denmark, the case will be processed in accordance with the Dublin Convention (Implementation) Order, 2000 (S.I. No 343 of 2000).

Full details of all legislative instruments relevant to the Tribunal are set out in Appendix 1.

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<sup>(1)</sup> Refugee Act, 1996 (Safe Countries of Origin) Order, 2003 of 15 September, 2003, SI No. 422 of 2003

<sup>(2)</sup> Ministerial Direction, dated 15 September, 2003, in accordance with Section 12(1)(m) of the Refugee Act, 1996 (as amended)

<sup>(3)</sup> Direction by letter to Chairperson dated 11 December, 2003, in accordance with Sections 12(1)(b) and 12(1)(e) of the Refugee Act, 1996 (as amended)

<sup>(4)</sup> Refugee Act, 1996 (Section 22) Order, 2003, of 15 September, 2003, SI No. 423 of 2003

<sup>(5)</sup> Refugee Act, 1996 (Appeals) Regulations, 2003 of 15 September, 2003, SI No. 424 of 2003

<sup>(6)</sup> Immigration Act, 2003 (Section 7) (Commencement) Order 2003, SI No. 415 of 2003

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

The primary function of the Tribunal is to affirm or set aside a Recommendation made by the Refugee Applications Commissioner that a person should not be given a declaration as a refugee.

### **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 2003, 5,294 people appealed to the Tribunal representing approximately 93% of all appealable Recommendations made by the Refugee Applications Commissioner, compared to 86% in 2002. The Tribunal completed 5,031 cases during 2003.

### **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 in 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:-

1. the availability of the applicant and his/her legal representative for oral hearings
2. experienced and available Tribunal Members to consider and decide cases
3. the availability of Presenting Officers from the Office of the Refugee Applications Commissioner whose Recommendations at first instance are being appealed to the Tribunal
4. the availability of interpreters to interpret at oral hearings
5. trained and experienced administrative staff
6. 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
7. support for the preparation and issue of the Members' Decisions.

## **5. Nature and Composition of the Tribunal**

### **5.1 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.

### **5.2 Chairperson**

Mr PJ Farrell retired as Chairperson of the Tribunal on 2 December, 2003 and Mr John Ryan, B.L., and Member of the Tribunal, was appointed interim Chairperson with effect from 3 December, 2003.

### **5.3 Members of the Tribunal**

Ordinary Members of the Tribunal are appointed by the Minister under paragraph 2 of the Second Schedule of the 1996 Act, each of whom is required to have had not less than five years' experience as a practising barrister or practising solicitor before appointment. Their appointment is on a part-time basis for a period of three years. Each Member is independent in the performance of his/her function to consider and decide appeals. A list of Members who served during 2003 is outlined in Chapter 7 - page 18.

### **5.4 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. The number of staff approved by the Government to be assigned to the Tribunal is 147.

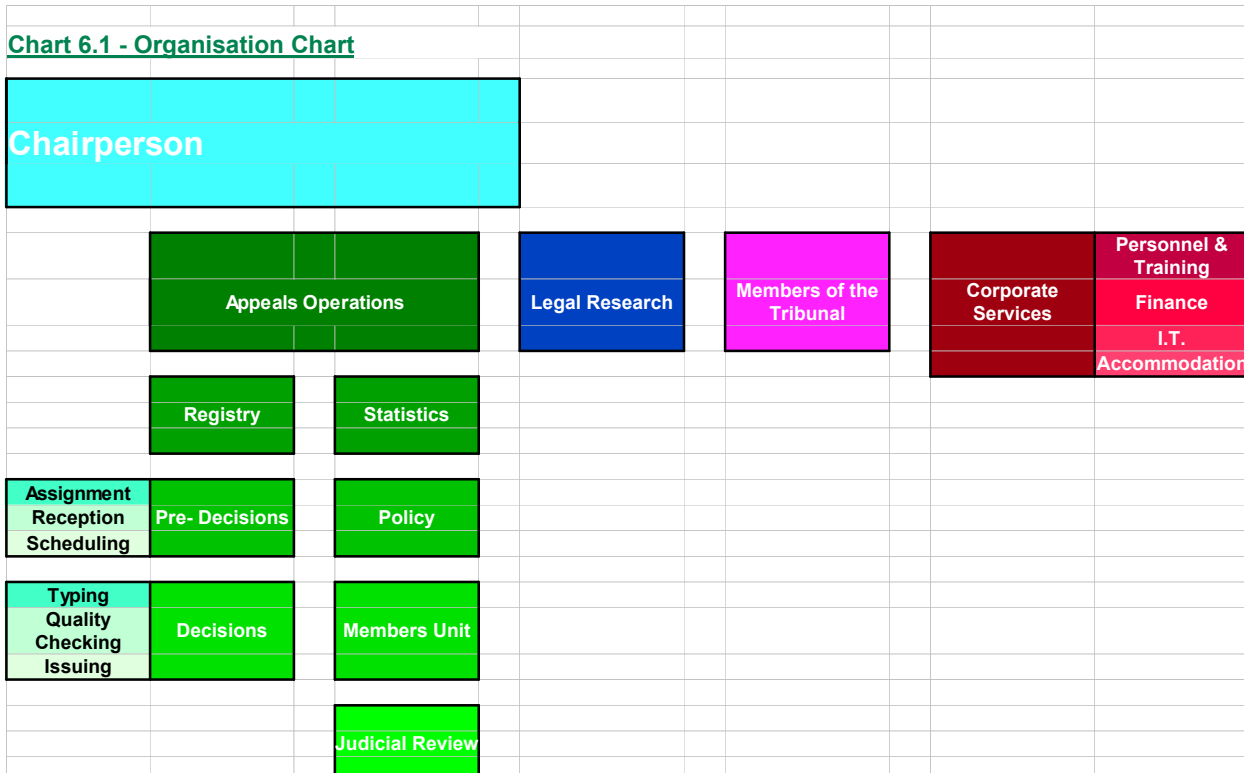
On 31 December, 2003, the staff complement was 132. The integration of new staff continues to be a major management task. The Tribunal gives priority to the training of its staff in the operation of the appeals process and also in other skills and competencies such as customer care, information technology and supervisory management.

The availability of experienced trained staff and effective managers continues to be essential to the future success of the Tribunal in their support role to the Members.

# 6. Appeal Operations and Support

## 6.1 General

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



Procedures on the Appeals Process are detailed in Appendix 2.

## 6.2 Operations and Support

### 6.2.1 The Registry Unit

The Registry Unit is responsible for receiving, checking, recording and processing all Notices of Appeal. The Unit is also responsible for receiving, checking, recording and processing all correspondence, including correspondence from the Refugee Applications



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 Registry Unit ensures timely receipt of the applicants’ files from the Commissioner’s Office when an appeal is received.

### **6.2.2 Appeals Processing Units: Pre-Decisions and Decisions Units**

These Units are responsible for the processing of all appeals against negative Recommendations of the Commissioner. The general process is divided into two discrete groups, the Pre-Decisions Unit and the Decisions Unit. The Pre-Decisions Unit arranges for the preparation of appeal case files, assignment of cases to Members by the Chairperson and also arranges the scheduling of cases for hearing, the servicing of oral hearings and the processing of correspondence and submissions. The Decisions Unit supports the Members in the recording, tracking, processing and issuing of Decisions in accordance with the Appeals Regulations.

### **6.2.3 Co-ordination and Statistics Unit / Policy Unit**

The Co-ordination and Statistics Unit is responsible for:-

- (a) establishing and managing a comprehensive statistical system to track the work of the Tribunal and for co-ordinating activity between the Tribunal, the Commissioner and other constituent parts of the asylum system
- (b) preparing a weekly and monthly statistical report for the Chairperson on the number of appeals received, cases assigned, decided and withdrawn
- (c) preparing a monthly report for the Chairperson which identifies any delays in the appeals process
- (d) liaising with the Department of Justice, Equality and Law Reform, the UNHCR and other external governmental and non-governmental bodies, and

- (e) providing briefing information, on request, drafting replies to Parliamentary Questions etc.

The Time and Motion Project was targeted as one of the main priorities for the Tribunal for 2003. The objective of the project was to take the “core work” of the Tribunal, that is, the processing from receipt of appeals to the issue of Decisions, in respect of three categories of appeal - Substantive, Manifestly Unfounded and Dublin Convention - and to reduce the time taken for that “core work” to 14/16 working weeks for Substantive appeals and to 25 working days for Manifestly Unfounded and Dublin Convention appeals. Substantial progress has been made towards reaching these targets. This has been realised by establishing a clear link between processing procedures, the individual Units, the Members, the staff, their job specifications, objectives and performance review of issues arising.

The amendments to the legislation redefined the appeal categories. Among these amendments was the requirement to accord priority to accelerated appeals.

The Policy Unit is mainly responsible for reviewing and developing our policy and procedures with the business objective of establishing best administrative practice in the processing of appeals. Projects undertaken by the Policy Unit during 2003 included the Time and Motion Project, input into the amendments to the Immigration Bill and the Regulations arising therefrom, analysis of adjournments incidence and, input into the EU Council Directive on Minimum Standards on Procedures in Member States for granting and withdrawing refugee status. The Unit also acts as a link between the Tribunal and the other agencies involved in the processing of asylum applications.

#### **6.2.4 Tribunal Members’ Unit**

This Unit is responsible for acting as a liaison with the Members and with the other units of the Tribunal. In addition, the primary function of the Unit is to ensure that the Country of Origin information made available to Members is current, objective and relevant to their caseload. It co-ordinates the day-to-day backup services for the Members which involves making all practical arrangements for the Members’ Training and Education programme,

including making arrangements for their attendance at domestic and foreign Conferences, and in collating the training/educational resource materials.

Major initiatives undertaken in 2003 by the Members' Unit are outlined in Chapter 7.

### **6.2.5 Judicial Review Unit**

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 robust reply with the Chairperson, the Attorney General's Office, the Chief State Solicitor's Office and the Members.

As at 31 December, 2003, the Tribunal had 160 judicial review cases on hands. The majority of cases concerned issues pertaining to the Members' decisions, for example, failure to take account of relevant consideration. Since the establishment of the Tribunal on 20 November, 2000 to 31 December, 2003, 197 matters arising from Judicial Review have been resolved, settled, withdrawn or judgment given.

### **6.3 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. These procedures are subject to change as new issues arise.

Four additional Members of the Tribunal received special UNHCR training in 2003 to hear such appeals. This brought the number of trained Tribunal Members to seven. Meetings with the Refugee Applications Commissioner, the Department and all other agencies involved with unaccompanied minors were held during the year.

As of 31 December, 2003 there were 220 appeals from Unaccompanied Minors on hand in the Tribunal.

The Chairperson appreciates the particular assistance given by Sunniva McDonagh, B.L., Rory MacCabe, S.C., Doreen Shivnen, B.L., Ben Garvey, B.L., Joseph Barnes, B.L., Michelle O'Gorman, B.L., and Paul McGarry, B.L., in dealing with the issues around unaccompanied minors and hearing those appeals.



## 7. Members of the Tribunal

### 7.1 Introduction

The Tribunal is grouped into divisions, each of which consists of one Member. On average, seven divisions sit and hear appeals on a daily basis, four days a week. The Members of the Tribunal are part-time and the majority of them have private legal practices. The Members are appointed by the Minister for a term of 3 years and must have been a practising Barrister or Solicitor for at least five years to qualify for appointment.

### 7.2 List of Members

The following is an alphabetical list of the Members of the Tribunal who served during 2003 and their date of appointment by the Minister.

<b>Member</b>	<b>DATE OF LETTER OF APPOINTMENT/ RE-APPOINTMENT</b>
David Andrews S.C.	05/06/02
Eamonn Barnes B.L	20/11/03
Joseph Barnes B.L	28/05/02
Conor Bowman B.L	23/11/00
Olive Brennan B.L.	30/04/03
Bruce St John Blake Solicitor	28/02/02
Eamon Cahill S.C	20/11/03
Bernadette Cronin S.C	23/11/03
Dympha Cusack B.L	23/11/00
Aidan Eames Solicitor	20/11/03
Donal Egan B.L	20/11/03
PJ Farrell Solicitor	18/10/00
Ben Garvey B.L	28/09/01
Veronica Gates B.L	11/12/00
John Hayes Solicitor	14/03/02
Patrick Hurley Solicitor	20/11/03
Her Honour Judge Gillian Hussey	23/05/02
Denis Linehan Solicitor	11/03/02
Rory MacCabe S.C	04/08/01
Sunniva McDonagh B.L	20/11/03
Paul McGarry B.L	29/01/02
Declan McHugh B.L	12/10/01
Con Murphy Solicitor	23/02/01
Jim Nicholson B.L	20/11/03
Michelle O'Gorman B.L	27/07/01
Michael O'Kennedy S.C	05/06/02
John Ryan B.L	23/01/01
Doreen Shivnen B.L	23/01/01
Anne Tait Solicitor	14/03/02

Joseph Ward B.L	06/02/01
Des Zaidan B.L	20/11/03

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

In accordance with paragraph 13 of the Second Schedule to the Act, cases are assigned to Members of the Tribunal by the Chairperson. This power may be delegated to a member of staff of the Tribunal by the Chairperson in accordance with paragraph 16 of the Second Schedule. However, the practice to date is that this provision has not been activated other than when the Chairperson is absent on annual leave. Each case 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), all this before a hearing is scheduled. 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 and the grounds of appeal including all supporting documentation and records, the report and recommendation of the Commissioner
- the report of the Commissioner under Section 13
- any observations from the Commissioner and/or the UNHCR
- the evidence adduced at the oral hearing 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 checked, signed by the Member and issued to the applicant and his/her legal representative. Significant

administrative support is required to achieve the objective of accepting, preparing and scheduling of appeals to the issuing of Decisions.

#### 7.4 Training and Information for Members of the Tribunal

The 1996 Act requires the Chairperson to make provision for training programmes for Members. Consistent and high quality decision making, comparable to international standards, is our objective.

A very comprehensive training programme was made available to the Members during 2003. Details of the programme are hereunder.

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

<b>Topic / Location</b>	<b>Date</b>
<p><b>Unaccompanied Minor Training:</b>  <i>Refugee Status Determination of Separated Children, Separated Children in Europe Programme</i>  <i>(Speaker: Ms Ciara Smyth, UNHCR Dublin)</i>  <i>Venue: Dublin</i></p>	<p>31/01/03            20/02/03</p>
<p><i>The Bar Council of Ireland</i>  <b>Refugee Law in Ireland</b>  <i>(Speakers: Ms Theresa Blake, B.L, Mr Conor Dignam, B.L, Ms Eileen Barrington, B.L, Michael McDowell, Minister for Justice, Equality &amp; Law Reform)</i>  <i>Venue: Dublin</i></p>	<p>25/01/03</p>
<p><i>University College Cork</i>  <b>Refugee Women and the Law: Gender, Interculturalism and Asylum in Ireland</b>  <i>(Speakers include: Ms Pia Prutz Phiri, UNHCR Dublin, Ms Deboradh Ankar, Harvard Human Rights Programme, Ms Merceye Peters, SPIRASI)</i>  <i>Venue: Cork</i></p>	<p>08/03/03</p>
<p><i>Trinity College Dublin</i>  <b>Judicial Review Seminar: All recent developments in Irish law and practice</b></p>	<p>29/03/03</p>



<i>(Speakers: Dr. Gerard Hogan, Dr. Hillary Delaney, Mr Conleth Bradley)</i>	
<i>International Institute of Humanitarian Law</i> <b>Refugee Law Course</b> <i>Venue: San Remo, Italy</i>	1-5/04/03
<b>Internal Flight Seminar</b> <i>(Speakers: Mr Mark Symes, Head of Advocacy, O’Keeffe Solicitors, London</i> <i>Ms Ciara Smyth, UNHCR Dublin)</i> <i>Venue: Refugee Appeals Tribunal, Dublin</i>	11/04/03
<b>Manifestly Unfounded Claims in The Asylum Process</b> <i>(Speakers: Prof. Jens Vedsted Hansen, Professor of Law at University of Aarhus, Denmark &amp; Prof Elsbeth Guild, Professor of European Migration Law at University of Nijmegen, Netherlands)</i> <i>Venue: Refugee Appeals Tribunal, Dublin</i>	28/04/03
<i>The Law Society London</i> <b>Advanced Workshop in Refugee Law</b> <i>(Speaker: Prof James Hathaway, University of Michigan)</i> <i>Venue: London</i>	30/04/03
<i>Refugee Studies Centre Oxford</i> <b>Palestinian Refugees and the Universal Declaration of Human Rights Workshop</b> <i>(Speaker: Dr. Randa Farah, Anthropologist, Ms Fiona McKay, Solicitor)</i> <i>Venue: Oxford</i>	11/05/03
<b>Dublin Convention Training</b> <i>(Speaker: Ms Emily Farrell B.L.)</i> <i>Venue: Refugee Appeals Tribunal, Dublin</i>	12/05/03
<i>Academy of European Law</i> <b>Shaping the Asylum Process in Europe</b> <i>What Role for the Judges in Asylum Procedures</i> <i>(Speakers include: Mr Allan Mackey, IARLJ, Mr Peter Cullen, Head of Section ERA)</i> <i>Venue: Trier</i>	21-23/05/03
<b>UNHCR Refugee Status Determination Training</b> <i>( Speaker: Mr Pericles Kortsaris UNHCR )</i> <i>Venue : Refugee Appeals Tribunal, Dublin</i>	6/6/03
<b>UNHCR Refugee Status Determination Training</b> <i>(Speaker: Mr Pericles Kortsaris UNHCR)</i> <i>Venue: Refugee Appeals Tribunal, Dublin</i>	13/06/03
<b>New Member Training</b> <i>(Speaker: Mr. Pericles Kortsaris, UNHCR)</i> <i>Venue: Refugee Appeals Tribunal, Dublin</i>	16-17/06/03

<p><i>National Network of Refugee Asylum Seekers</i></p> <p><b>Challenges facing Women Refugees</b></p> <p><i>(Speakers included: Ms Pia Prutz Phiri, UNHCR)</i></p> <p><i>Venue: Dublin</i></p>	18/06/03
<p><b>UNHCR Refugee Status Determination Training</b></p> <p><i>(Speaker: Mr Pericles Kortsaris UNHCR)</i></p> <p><i>Venue: Refugee Appeals Tribunal, Dublin</i></p>	20/06/03
<p><b>UNHCR Refugee Status Determination Training</b></p> <p><i>(Speaker: Mr Pericles Kortsaris UNHCR)</i></p> <p><i>Venue: Refugee Appeals Tribunal, Dublin</i></p>	01/08/03
<p><b>UNHCR Refugee Status Determination Training on the amended Refugee Act.</b></p> <p><i>(Speaker: Mr Pericles Kortsaris UNHCR)</i></p> <p><i>Venue: Refugee Appeals Tribunal, Dublin</i></p>	11/09/03 - 12/09/03
<p><b>Introductory Presentation on Immunisation Programme</b></p> <p><i>(Speaker: Dr Geraldine Commiskey, Chief Medical Officer for the Department of Justice, Equality and Law Reform)</i></p> <p><i>Venue: Refugee Appeals Tribunal, Dublin</i></p>	26/09/03
<p><b>Dublin Convention Training</b></p> <p><i>(Speaker: Mr George Trimble, Department of Justice, Equality &amp; Law Reform)</i></p> <p><i>Venue: Refugee Appeals Tribunal, Dublin</i></p>	06/10/03
<p><b>Dublin Convention Training</b></p> <p><i>(Speaker: Ms Emily Farrell B.L.)</i></p> <p><i>Venue: Refugee Appeals Tribunal, Dublin</i></p>	09/10/03
<p><b>UNHCR Refugee Status Determination training on the amended Refugee Act</b></p> <p><i>(Speaker: Mr Pericles Kortsaris UNHCR)</i></p> <p><i>Venue: Refugee Appeals Tribunal, Dublin</i></p>	07/11/03
<p><b>UNHCR “Country Profiling”</b></p> <p><i>(Speaker: Mr Pericles Kortsaris UNHCR)</i></p> <p><i>Venue: Refugee Appeals Tribunal, Dublin</i></p>	13/11/03
<p><b>UNHCR “Country Profiling ”</b></p> <p><i>(Speaker: Mr Pericles Kortsaris UNHCR)</i></p> <p><i>Venue: Refugee Appeals Tribunal, Dublin</i></p>	14/11/03
<p><i>International Institute of Humanitarian Law</i></p> <p><b>Refugee Law Course</b></p> <p><i>Venue: San Remo, Italy</i></p>	11/11/03- 15/11/03
<p><b>Training on Credibility Issues &amp; Country of Origin Information</b></p> <p><i>(Speakers: Mr Mark Symes, Head of Advocacy, O’Keeffe Solicitors, London &amp; Mr David Jones , Tenant at Chambers of Owen Davies, QC, London)</i></p>	21/11/03

<i>Venue: Refugee Appeals Tribunal, Dublin</i>	
<i>ELENA The European Legal Network on Asylum</i> <b>International Introductory Course on Refugee and Asylum Law</b> <i>(Lecturers: Professor James Hathaway, University of Michigan, Professor Walter Kalin, University of Bern)</i> <i>Venue: Portoroz, Slovenia</i>	04/12/03 - 07/12/03

A major new training initiative relating to the mentoring of new Members by existing Members was introduced during 2003. The programme, which will be available to all new Members in the future, consists of one to one practical assistance and advice by the senior Member on all aspects of the decision making process, including conduct of hearings. The purpose is to achieve the highest quality decision making. The Chairperson appreciates the commitment of Mr Ben Garvey , B.L., who was the first Member to act as Mentor.

The UNHCR has significant input into the Tribunal’s training for Members and the Chairperson pays tribute to Ms Pia Prutz Phiri, Representative in Ireland for the UNHCR and to Mr Pericles Kortsaris, Protection and Refugee Law Training Officer for the UNHCR for their contribution in this regard. The Chairperson hopes to work closely with the UNHCR to continue this and other projects in 2004.

## **7.5 Regular Meetings of Members**

In addition to the formal training outlined in 7.4, the Chairperson held regular meetings of Members in 2003. The purpose of such meetings is to share general knowledge and experience of the appeals process and procedures between Members. Mr Steve Karas, Principal Member of the Australian Refugee Review Tribunal, addressed one of the Members’ meetings in 2003.

## **7.6 Country of Origin Information**

The Tribunal maintains a library of primary sources of Country of Origin Information (COI) for the use of the Members. This is updated on an ongoing basis. In addition, the Members have Internet access and the most frequently used Websites have been set up as “favourites” for them.

The Refugee Documentation Centre, which operates under the aegis of the Legal Aid Board, maintains a collection of objective, verifiable and up-to date COI, to which the Members have access. The Centre also operates a query service, which is increasingly used by the Members. The Tribunal wishes to note with appreciation the invaluable contribution to the work of the Tribunal by the Refugee Documentation Centre.

During 2003, the Tribunal actively participated in an inter-agency Steering Group, chaired by the Legal Aid Board, which reviewed the information needs of the agencies and the capacity of the Refugee Documentation Centre to meet those needs. It is expected that the review will be completed in 2004.

In addition to the COI training courses attended by Members, as outlined in Section 7.4, staff of the Tribunal attended three COI meetings of the Intergovernmental Conference during the year viz.,

- the Multidisciplinary Workshop on Nigeria in Dublin Castle on 29 January
- the Working Group on Country of Origin Information in Geneva on 26 and 27 June
- a Workshop on Serbia, Montenegro, Bosnia, Herzegovina in Geneva on 27 and 28 November.

## **7.7 Law Researcher**

The Law Researcher is engaged in the following projects

1. Researching international best practice
2. Consideration of Practice Guidelines
3. Advice on new legislation
4. Bi-monthly Practice Information Sheet for Members
5. Publication of Decisions
6. Establishing a library

7. Develop Grounds of Appeal Database / what are our main grounds

### **7.8 Members Availability**

Availability of Members to take on oral hearings is critical to the successful scheduling and completion of appeals. However, Members are part time and the majority have private legal practices to be managed and their own client demands to be fulfilled. Reviews of contributions to the work of the Tribunal have been, and will continue to be, made available to Members. Availability of Members and timeliness of Decisions are very important. However, consistent and fair Decisions of the Tribunal are paramount to maintain the confidence of the public and the integrity of the asylum system.

### **7.9 Members' Fees**

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

### **7.10 Statutory Meetings**

As required by the 1996 Act, the Chairperson convened two Statutory meetings during the course of the year, on 29th May, 2003 and 11th December, 2003. Summarised Agenda for both meetings are attached at Appendix 4.

## **8. Summary of the Work of the Tribunal**

### **8.1 Introduction**

This Section of the Report outlines the work of the Tribunal from 1 January, 2003 to 31 December, 2003 and how we achieved some of our objectives of firstly, maintaining the number of cases scheduled at around 5,000 for the year, secondly, maintaining the number of Decisions made and issued to applicants at around 5,500 for the year and thirdly, reducing the time taken to deal with an appeal from the date of receipt of a Notice of Appeal to the date a Decision issues. The information is set out broadly in the order of the appeals process, as follows:

Appeals Received - Paragraph 8.3

Cases scheduled for hearing - Paragraph 8.4

Appeals Completed - Paragraph 8.8

Appeals Outstanding - Paragraph 8.9

### **8.2 Executive Summary for 2003**

	<b>2002</b>	<b>2003</b>	<b>% change</b>
<b>Appeals Received</b>	<b>5356</b>	<b>5294</b>	<b>- 1%</b>
<b>Cases Scheduled</b>	<b>5275</b>	<b>5400</b>	<b>+ 2%</b>
<b>Decisions Issued</b>	<b>4950</b>	<b>4841</b>	<b>- 2%</b>
<b>Completed Appeals</b>	<b>5549</b>	<b>5031</b>	<b>- 9%</b>

### 8.3 Appeals Received

Table 8.3.1 sets out the number of Substantive/Substantive 15 Day, Manifestly Unfounded/Accelerated and Dublin Convention/Dublin II Regulation appeals received in the years 2002 and 2003.

**Table 8.3.1 Total Appeals Received**

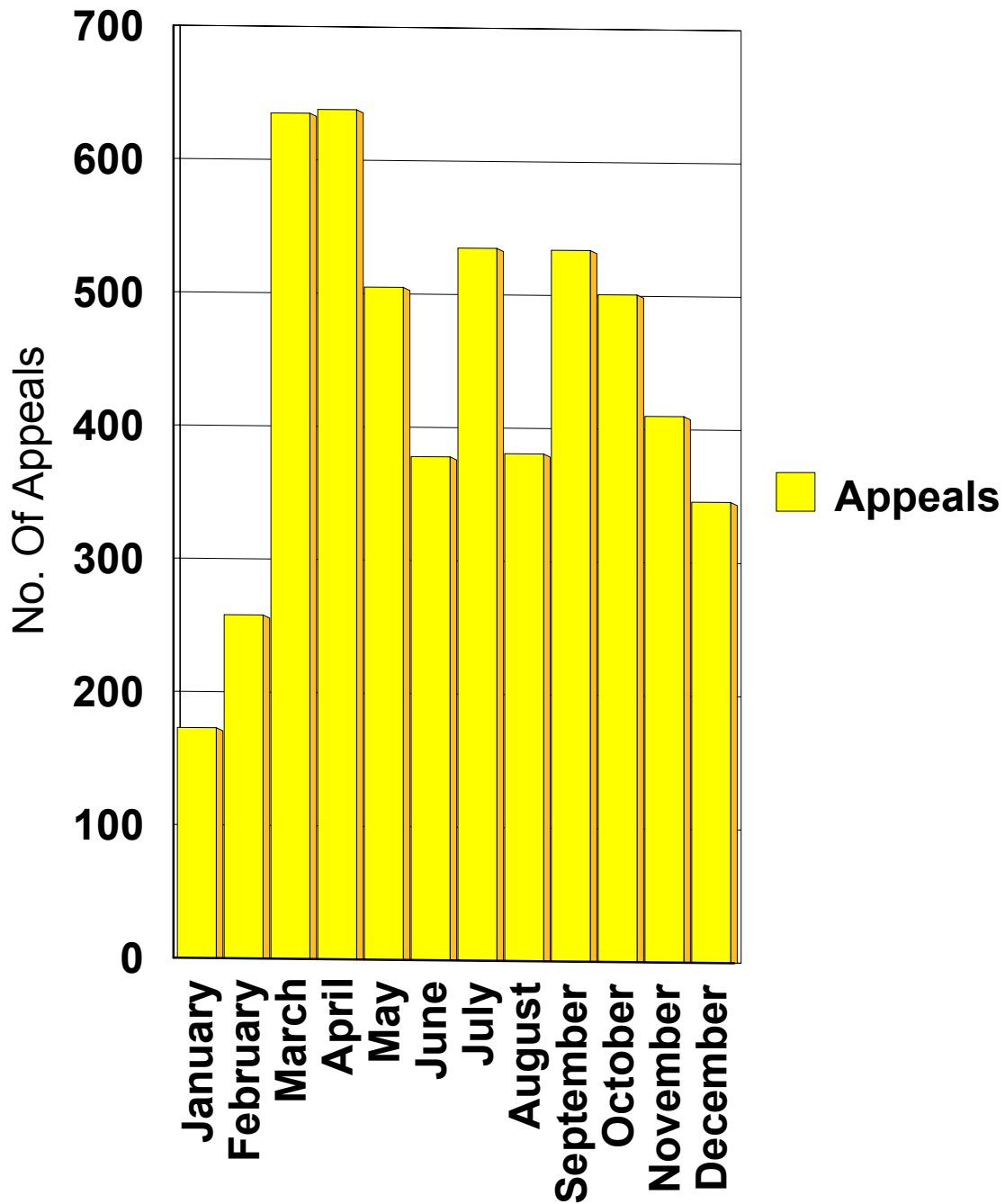
**Substantive/Substantive 15-day, Manifestly Unfounded/Accelerated and Dublin Convention/Dublin II Regulation**

<b>Month</b>	<b>2002</b>	<b>2003</b>
January	366	173
February	445	258
March	401	635
April	425	638
May	531	505
June	450	378
July	540	535
August	511	381
September	399	534
October	487	501
November	554	410
December	247	346
<b>Total</b>	<b>5356</b>	<b>5294</b>

Table 8.3.1 shows that a total of 5294 appeals were received in 2003 - a decrease of 1% on 2002.

# Chart 8.3.1

## Appeals Received By Month 2003



Total : 5294



**Table 8.3.2 Substantive/Substantive 15-day Appeals Received**

<b>Month</b>	<b>2002</b>	<b>2003</b>
January	338	153
February	431	244
March	382	600
April	407	605
May	523	466
June	432	354
July	523	506
August	488	353
September	395	505
October	469	401
November	533	285
December	230	238
<b>Total</b>	<b>5151</b>	<b>4710</b>

*(Substantive 15-day figures in Oct - Dec, 2003 totals only)*

*The decrease of 441 in substantive appeals received in 2003, as compared with 2002, reflects the changed composition of cases arising from the Immigration Act, 2003.*

**Table 8.3.3 Manifestly Unfounded/Accelerated Appeals Received**

<b>Month</b>	<b>2002</b>	<b>2003</b>
January	26	3
February	10	4
March	11	12
April	9	18
May	4	27
June	7	20
July	14	23
August	2	12
September	2	17
October	14	84
November	2	113
December	3	100
<b>Total</b>	<b>104</b>	<b>433</b>

*(Accelerated figures in Sept - Dec, 2003 totals only)*

*The increase of 329 in MU/ Accelerated appeals received in 2003, as compared with 2002, reflects the changed composition of cases arising from the Immigration Act, 2003.*

**Table 8.3.4 Dublin Convention/Dublin II Regulation Appeals Received**

<b>Month</b>	<b>2002</b>	<b>2003</b>
January	2	17
February	4	10
March	8	23
April	9	15
May	4	12
June	11	4
July	3	6
August	21	16
September	2	12
October	4	16
November	19	12
December	14	8
<b>Total</b>	<b>101</b>	<b>151</b>

*(Dublin II Regulation figures in Dec, 2003 total only)*

While the overall level of appeals received for 2003 shows a decrease of 1% on the 2002 figure, the composition varied as between substantive/substantive 15-Day appeals (a reduction of 9% on the 2002 level) and the manifestly unfounded/accelerated appeals (an increase of 316% on the 2002 figure). The change in composition was due to the changes in the asylum process arising from the Immigration Act, 2003, as outlined in Chapter 3.

#### **8.4 Number of Appeals Scheduled**

The preparation of the weekly schedule of hearings is complex. Cases can only be scheduled for oral hearings 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.

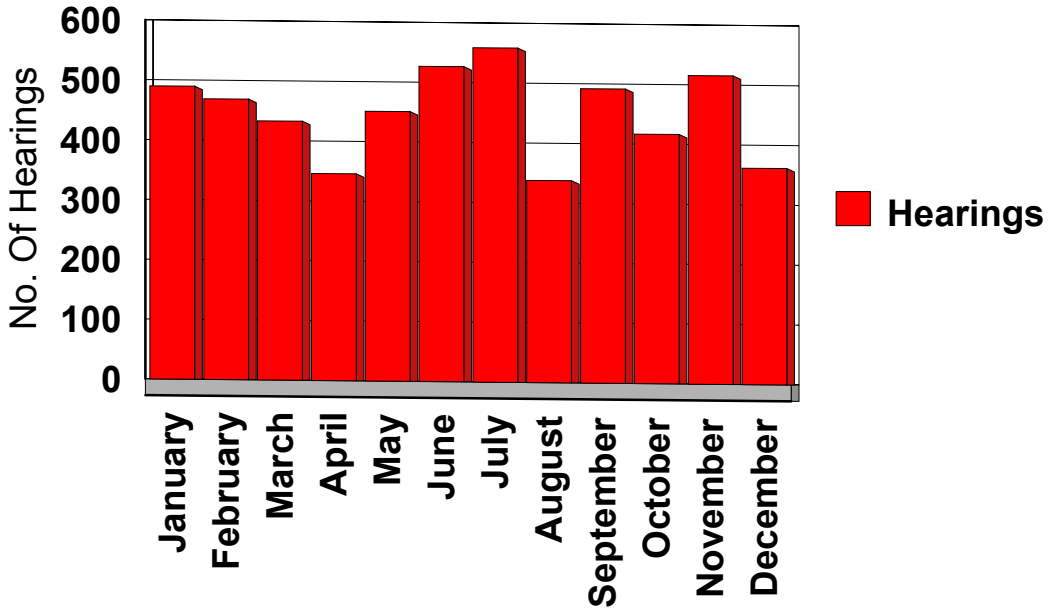
The oral hearing is held in private in accordance with Section 16(14) of the Refugee Act. Under Section 16(15) the UNHCR may be present at an oral hearing for the purpose of observing the proceedings. The parties in attendance at the oral hearing are the applicant, his/her legal representative, interpreter (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. The arrangements for every case are made about 3 to 4 weeks in advance of the hearing.

**Table 8.4.1 Number of Hearings Scheduled**

<b>Month</b>	<b>2002</b>	<b>2003</b>
January	391	490
February	426	469
March	402	433
April	416	346
May	477	451
June	421	527
July	558	559
August	351	338
September	492	492
October	460	417
November	521	516
December	360	362
<b>Total</b>	<b>5275</b>	<b>5400</b>

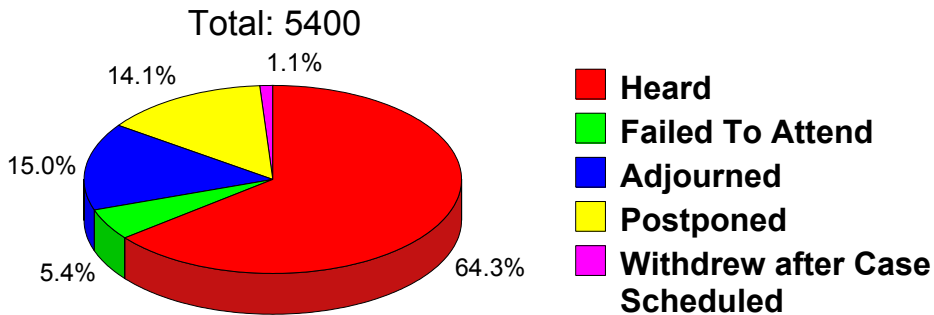
Table 8.4.1 shows that a total of 5,400 hearings were scheduled for 2003. This is an increase of 2% on 2002.

**Chart 8.4.1 (a)**  
**Hearings Scheduled By Month for 2003**



Total Scheduled 5400

**Chart 8.4.1 (b)**  
**Outcome Of Scheduled Cases**  
**For 2003**



Percentage Of Scheduled Cases

## **8.5 Conduct of Appeals outside Dublin**

In November, 2003, the Tribunal completed a third review of conducting regional appeal hearings. It was concluded that given the current geographical spread of applicants we could not justify the application of resources at the present time to regional hearings. The matter will be reviewed again in 2004.

## **8.6 “No Shows” and Withdrawals**

### **8.6.1 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), 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), the appeal is deemed withdrawn.

In 2003, the number of “No Shows” was 291 , which represented 5% of the total number of cases scheduled. However, in 83 (29%) cases of “No Shows”, applicants were able to demonstrate to the Tribunal reasonable cause for not attending, and were rescheduled.

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 8.6.1 sets out the number of “No Shows” and Withdrawals in 2002 and 2003.

**Table 8.6.1 Number of “No Shows” and Withdrawals in 2002 and 2003**

<b>Year</b>	<b>2002</b>	<b>2003</b>
<b>“No Shows”</b>	381	291
<b>Withdrawals</b>	599	190
<b>Total</b>	<b>980</b>	<b>481</b>

Table 8.6.1 shows a significant reduction in the number of withdrawals in 2003.

## **8.7 Adjournments and Postponements**

Table 8.7.1 outlines the number of adjournments and postponements.

**Table 8.7.1 Number of Adjournments and Postponements**

<b>Year</b>	<b>2002</b>	<b>2003</b>
<b>Adjournments</b>	578	812
<b>Postponements</b>	678	763
<b>Total</b>	<b>1256</b>	<b>1575</b>

The table shows a significant increase in the number of Adjournments and Postponements in 2003 compared to 2002.

It will be noted that in 2003, 29% of scheduled cases were either adjourned or postponed (the figure for 2002 was 24%). An in-depth analysis completed in 2003 of the reasons why adjournments and postponements are sought shows the main reasons as being:-

- health issues
- legal representatives failing to attend or being unavailable

- late submission of documentation/ untranslated documents
- requests for doubles hearings e.g., husband and wives to be heard together, where they are at different stages in the asylum process
- unavailability of interpreters, particularly in the rarer languages
- previous hearing overran allotted time.

This analysis will enable management to identify causes that if anticipated at an early stage could help the Tribunal to reduce the number of adjournments and postponements.

**8.8 Appeals Completed and Decisions of Members**

The Tribunal completed 5031 appeals from 1 January, 2003 to 31 December, 2003 (Table 8.8.1).

**Table 8.8.1 Total Completed Appeals**

<b>Month</b>	<b>2002</b>	<b>2003</b>
January	575	469
February	481	470
March	400	374
April	366	407
May	481	375
June	504	400
July	431	460
August	419	352
September	578	454
October	472	445
November	506	465
December	336	360
<b>Total</b>	<b>5549</b>	<b>5031</b>

The total of appeals completed includes withdrawals and the reduction in the number of cases completed in 2003 compared to 2002 is mainly due to the reduction in the number of withdrawals referred to in paragraph 8.6.1.

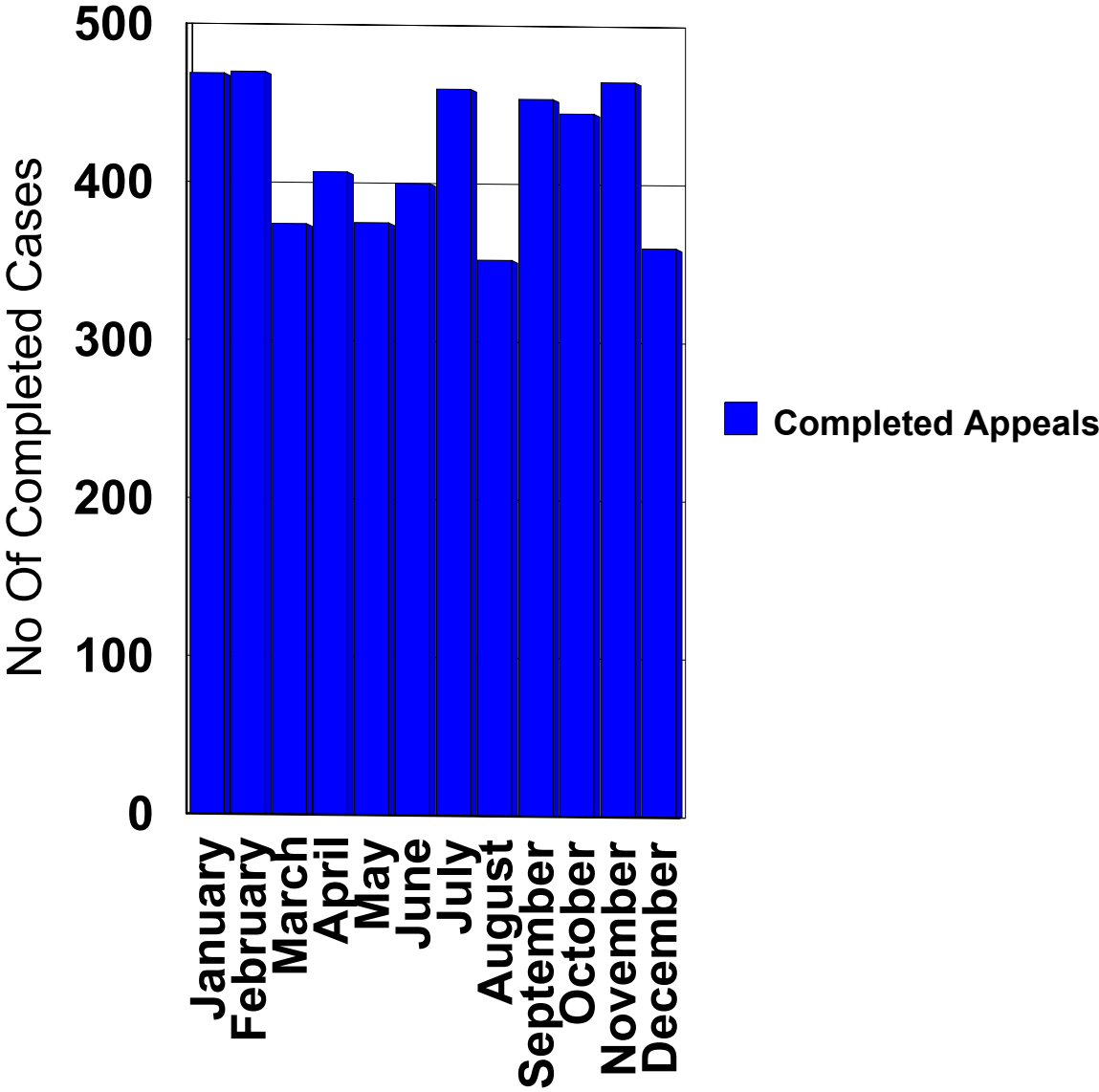
Appeals completed under old procedures include Substantive, Manifestly Unfounded, Dublin Convention Decisions, Withdrawals and “No-Shows”.

Appeals completed under new procedures include Substantive/Substantive 15-Day, Manifestly Unfounded/Accelerated and Dublin Convention/ Dublin II Regulation Decisions, Withdrawals and “No-Shows”.



# Chart 8.8.1

## Completed Appeals By Month 2003



Total : 5031

**Table 8.8.2 Substantive/Substantive 15-Day Completed Appeals**

<b>Month</b>	<b>2002</b>	<b>2003</b>
January	520	440
February	431	460
March	393	355
April	345	382
May	473	338
June	483	374
July	415	437
August	411	318
September	544	433
October	468	426
November	484	399
December	322	283
<b>Total</b>	<b>5289</b>	<b>4645</b>

Table 8.8.2 indicates that the total number of Substantive/Substantive 15-day appeals completed in 2003 decreased by 12.2% on the figure for 2002 due mainly to the reduction in the number of withdrawals-see paragraph 8.6. 1. This decrease is partly offset by the increase in Accelerated appeals completed towards the end of 2003 under the new procedures.

**Table 8.8.3 Manifestly Unfounded/Accelerated Completed Appeals**

<b>Month</b>	<b>2002</b>	<b>2003</b>
January	27	5
February	35	5
March	3	7
April	14	12
May	5	17
June	8	21
July	9	17
August	7	27
September	13	18
October	0	11
November	15	56
December	2	72
<b>Total</b>	<b>138</b>	<b>268</b>

Table 8.8.3 indicates that the number of Manifestly Unfounded / Accelerated appeals completed in the year 2003 increased by 94% on the previous year (Accelerated appeals in

November - December 2003 totals only). The increase is due to the change in the composition of appeals received in the later months of 2003.

**Table 8.8.4 Dublin Convention - Completed Appeals**

<b>Month</b>	<b>2002</b>	<b>2003</b>
January	28	24
February	15	5
March	4	12
April	7	13
May	3	20
June	13	5
July	7	6
August	1	7
September	21	3
October	4	8
November	7	10
December	12	5
<b>Total</b>	<b>122</b>	<b>118</b>

Table 8.8.4 indicates that the number of Dublin Convention appeals completed in the year 2003 decreased by 3% on 2002. There were no Dublin II Regulation (new provisions) appeals cases completed in 2003.

## 8.9 Appeals on Hand at 31st December, 2003

### 8.9.1 Status of Appeals

A total of 2836 live appeals were on hand as at the 31st December, 2003.

Table 8.9.1 gives a summary of the status of the appeals filed with the Tribunal as at 31 December, 2003 within the appeals process.

**Table 8.9.1 Summary of “live appeals” in the Tribunal at 31st December 2003**

<b>Total Number of Appeals on Hand</b>	<b>2836</b>
Post-hearing cases (Total number of substantive/ substantive 15-day appeals heard and Members Decisions in preparation for issue)	979
Cases scheduled for hearing	420
Awaiting scheduling (files cleared for hearings by the Members)	817
Manifestly Unfounded/ Accelerated appeals	187
Dublin Convention/ Dublin II Regulation appeals	58
<b>Number of appeals being actively processed</b>	<b>2461</b>
Registry	95
Pre-hearing stage (in preparation for scheduling)	235
Judicial Review cases (ORAC and RAT stage)	45
<b>Total number of appeals on hand at the Tribunal on 31 December, 2003</b>	<b>2836</b>

This indicates that of the 2836 “live appeals”, 2461 (87%) are at an advanced stage of processing while the majority of the balance of “live appeals” were received in the Tribunal in November and December, 2003.

### 8.9.2 Live Appeals by Year of Appeal

Table 8.9.2 shows the “live appeals” by year of receipt of appeal.

**Table 8.9.2 Live Appeals by Year of Appeal**

<b>Year of Appeal</b>	<b>Number of Live Appeals</b>
1999	9
2000	5
2001	57
2002	366
2003	2399
<b>Total</b>	<b>2836</b>

The non-completion of appeals for the years 1999, 2000, 2001 and 2002 is due primarily to cases being adjourned generally and because of Judicial Review proceedings etc.

## **8.10 Length of Appeal Process**

### **8.10.1 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 appeals received between 1 January and 31 December 2003 was approximately 16 weeks based on a sample of 1598 cases.
- Under the administrative procedures (Hope Hanlan), prior to the establishment of Tribunal, a sample of Substantive appeals took on average 36 weeks to complete.
- For the first year of the Tribunal, a sample based on 500 cases took on average 24 weeks.

Tracking appeals through the appeal system and calculating “time taken” is being developed on an ongoing basis in tandem with IT development of the appeals database. The objective of the Tribunal is to reduce the time taken to between 14 to 16 weeks to process and complete Substantive appeals. We have achieved a 16 week processing time and are continuously improving our processing systems in order to reach the 14 week target. However, high quality, consistent and fair decision making continue to be our priority.

### **8.10.2 Accelerated Appeals**

The average length of time taken by the Tribunal to process and complete Accelerated appeals received was 5 weeks.

### 8.11 Country of Origin of Applicants 2003

- Nigerian nationals represented the highest proportion of applicants in the case of **Substantive/ Substantive 15 Day Appeals** appeals. The other highest representations were from Romania, Moldova, DR Congo, Czech Republic, Croatia and Ghana respectively.
- In **Manifestly Unfounded/ Accelerated** appeals the highest representations of applicants were from Romania, Nigeria, Czech Republic and Poland, respectively.
- In **Dublin Convention/ Dublin II Regulation** appeals the majority of applicants were from Romania, Nigeria, and Czech Republic, respectively.

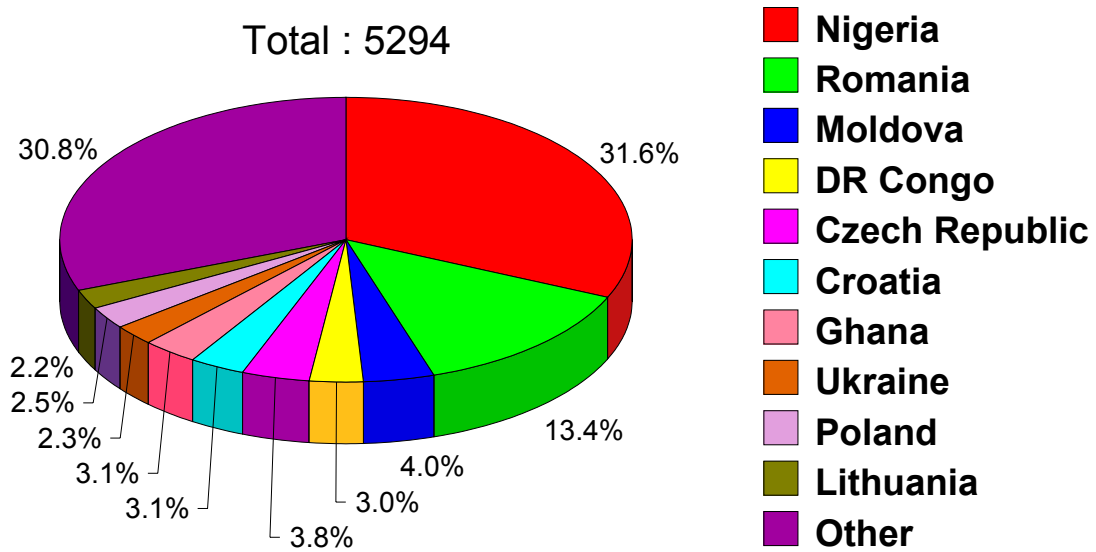
**Table 8.11.1 Substantive/ Substantive 15 Day Appeals appeals, Manifestly Unfounded/ Accelerated appeals and Dublin Convention / Dublin II Regulation appeals received in 2003 by country of origin.**

Nationality	Total Appeals Received	%	Substantive and Subst 15-Day	%	Manifestly Unfounded and Accelerated	%	Dublin Convention and Dublin II Regulation	%
<b>Nigeria</b>	1675	32	1556	33	100	23	19	12
<b>Romania</b>	709	13	526	11	144	33	39	25
<b>Moldova</b>	212	4	201	4	8	2	3	2
<b>DR Congo</b>	161	3	157	3	0	0	4	3
<b>Czech Republic</b>	203	4	153	3	41	10	9	6
<b>Croatia</b>	164	3	164	4	0	0	0	0
<b>Ghana</b>	166	3	154	3	8	2	4	3
<b>Ukraine</b>	124	2	117	3	6	1	1	1
<b>Poland</b>	133	3	100	2	33	8	0	0
<b>Lithuania</b>	117	2	90	2	27	6	0	0
<b>Other*</b>	1630	31	1492	32	66	15	72	48
<b>Total</b>	<b>5294</b>	100	<b>4710</b>	100	<b>433</b>	100	<b>151</b>	100

\*Other includes Zimbabwe, Cameroon, Russia, Angola and South Africa in relation to all of which the number of applicants ranges between 1 and 117.



### Chart 8.11.1 Appeals Received By Country Of Origin For 2003



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

82% of Recommendations made by the Commissioner, which were appealed by way of oral hearing, were upheld by the Tribunal in 2003. 18% of appeals were overturned.

Tables 8.12.1, 2 and 3 show the trend in the number of Recommendations made by the Commissioner which were affirmed on appeal by the Tribunal since the establishment of the Tribunal (**excluding withdrawals**).

**Table 8.12 .1 Analysis of Substantive/ Substantive 15 Day Decisions  
Recommendations of Commissioner Affirmed**

<b>Year</b>	<b>Total</b>	<b>Affirmed</b>	<b>% Affirmed</b>
2000	1,547	1,153	75%
2001	1,942	1,462	75%
2002	4702	3603	77%
2003	4483	3658	82%

**Table 8.12.2 Analysis of Manifestly Unfounded/ Accelerated Decisions  
Recommendations of Commissioner Affirmed**

<b>Year</b>	<b>Total</b>	<b>Affirmed</b>	<b>% Affirmed</b>
2000	1,448	1,332	92%
2001	723	548	76%
2002	130	81	62%
2003	254	225	89%

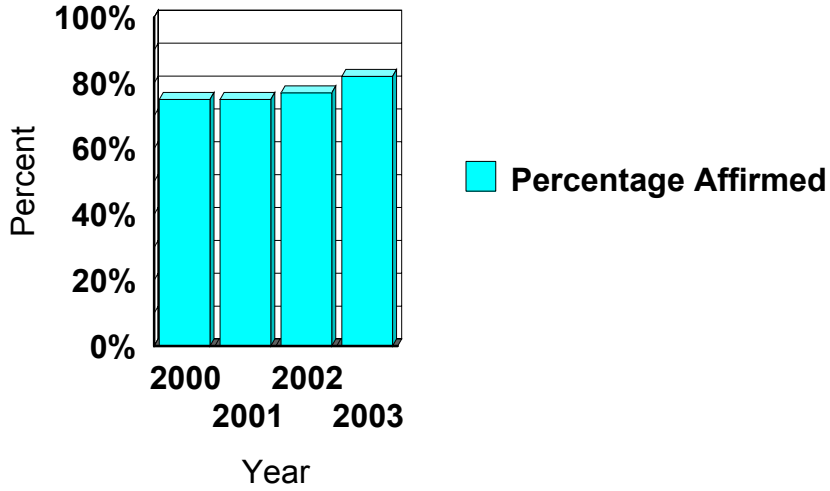
**Table 8.12.3 Analysis of Dublin Convention/ Dublin II Regulation Decisions  
Recommendations of Commissioner Affirmed**

<b>Year</b>	<b>Total</b>	<b>Affirmed</b>	<b>% Affirmed</b>
-------------	--------------	-----------------	-------------------

151	
118	
104	

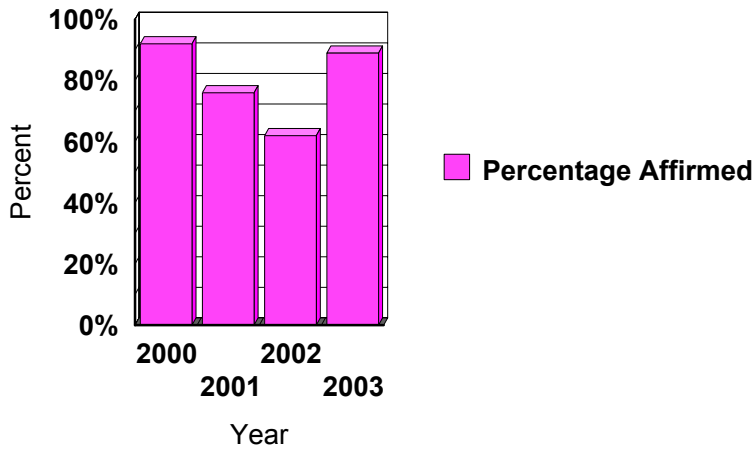
### Chart 8.12.1

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



### Chart 8.12.2

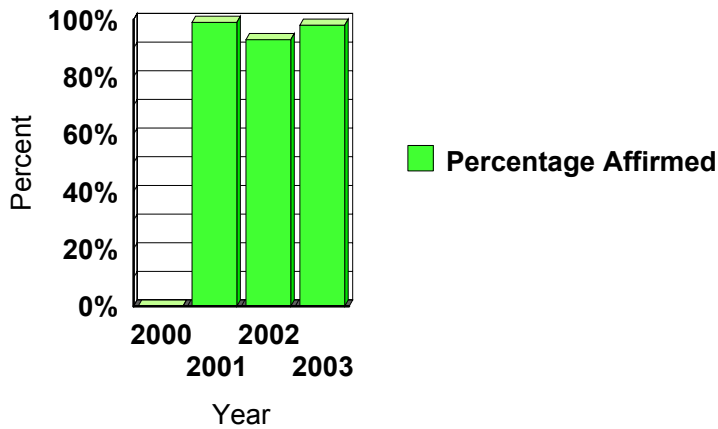
**Analysis of Manifestly Unfounded/Accelerated Decisions  
Recommendations of Commissioner Affirmed**



There were no Dublin Convention Appeals in 2000.

### Chart 8.12.3

Analysis of Dublin Convention/Dublin II Regulation Decisions  
Recommendations of Commissioner Affirmed



**Table 8.12.4 Summary of Substantive/Substantive 15-Day Appeals by Nationality Affirmed and Set Aside**

**Substantive/Substantive 15-Day Affirmed and Set Asides by Nationality - January 2003 to December 2003**

<b>Nationality</b>	<b>Affirmed</b>	<b>Set Aside</b>	<b>Total</b>	<b>Total Set Asides as % of Total Decisions</b>
Nigeria	1228	101	1329	8%
Romania	404	37	441	8%
Moldova	158	51	209	24%
Croatia	132	45	177	25%
Dr Congo	83	59	142	42%
Zimbabwe	92	49	141	35%
Czech Republic	100	21	121	17%
Other	1461	462	1923	24%
<b>Total</b>	<b>3658</b>	<b>825</b>	<b>4483</b>	<b>18%</b>

**\* Other includes Ukraine, Poland, Ghana, South Africa and Algeria.**

## **9. Contact with Other Organisations**

### **9.1 Introduction**

On commencement of the Tribunal, we made it a specific objective to make contact with and have good working relations with all those organisations who engaged with the Tribunal during the appeal process generally or pursuant to a statutory requirement and we have continued this policy in 2003.

### **9.2 Meetings**

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

Department of Justice, Equality and Law Reform  
International Association of Refugee Law Judges  
Irish Refugee Council  
Office of the Attorney General and Chief State Solicitors Office  
Office of the Refugee Applications Commissioner  
Refugee Legal Service  
Refugee Documentation Centre  
United Nations High Commissioner for Refugees  
Eastern Regional Health Authority

### **9.3 Agencies Who Receive Tribunal Statistics**

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

- Amnesty International
- A Part of Ireland Now
- Comhlamh, (Returned Development Workers)

- Department of the Environment and Local Government
- Department of Foreign Affairs
- Department of Justice, Equality and Law Reform
- Department of Social and Family Affairs
- Eastern Regional Health Authority
- FAS Asylum Seeker Unit
- 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
- Reception and Integration Agency
- Refugee Legal Service
- Refugee Language Support Unit
- Spiritan Asylum Services Initiative
- Vincentian Refugee Centre
- United Nations High Commissioner for Refugees

## 10. Corporate Services

### 10.1 Personnel / Staffing

Turnover of staff since the establishment of the Tribunal through promotions, transfers, career breaks and family friendly policies is a matter of concern for the efficient management of the Tribunal.

The approved sanction of staff is 147. As at 31st December 2003 the number serving was 132 (of which 19 Workshare) resulting in the net position of 125. 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	6 (1 Workshare)
Higher Executive Officer	9
Administrative Officer	2
Executive Officer	16 (3 Workshare)
Staff Officer	9 (2 Workshare)
Clerical Officer	83 (13 Workshare)
Services Officer	5

On appointment, all new staff receive a comprehensive information pack and presentation to assist and accelerate their integration into the Tribunal.

Additionally, all newly recruited staff receive Induction training which consists of;

- Overviews of the Civil Service, the Department of Justice, Equality and Law Reform, the Asylum Division and the Refugee Appeals Tribunal.
- A Presentation by a representative of the UNHCR of the work undertaken by them.
- Detailed training on Customer Care.

Included in the Tribunal's Sustaining Progress Action Plan is a commitment to attain specified levels regarding multicultural staffing, given the ethnic diversity of our clients.



There is also a commitment to ensuring that staffing levels within the Tribunal are fully compliant with requirements regarding the employment of staff with disabilities.

## **10.2 Training**

Since January, 2003, the Tribunal's Training Unit has provided or facilitated 204 training days. Training courses available to administrative staff included

- Induction Training
- IT and Keyboard Skills
- Supervisory Management
- "Bullying and Harassment" in the Workplace
- Sign Language Training
- Smart (Speed) Reading
- Business Letter Writing
- Planning for Retirement
- Presentation Skills
- UNHCR Training
- Human Resource Management Certificate Programme (Co-sponsored by the Institute of Public Administration and the Chartered Institute of Personnel & Development)
- Gaeleagras (Irish Language) Training
- French Language
- Refugee Women's Conference
- Legislative Training
- Delivering Excellence in Risk Diagnosis and Management.

The Tribunal's Training Unit staff have participated in a "Training for Trainers" course, facilitated by the Department of Justice, Equality and Law Reform Training Unit, and also in the Institute of Public Administration's Training for Trainers programme.

## **10.3 Performance Management and Development System (PMDS)**

The Tribunal's Personnel Unit facilitate and manage the ongoing implementation of Performance Management Development System (PMDS). Having undergone specialist training, the Tribunal's own Training Unit delivered on time all PMDS training to Tribunal staff during 2003 and continue to provide this training in the context of the induction process. PMDS is an outworking and implementation of the Strategic Management Initiative which is ongoing throughout the Civil Service Departments and Agencies.

A comprehensive Training and Development Programme for all grades of staff has been developed by the Tribunal's Training Unit. The aim of this programme is to facilitate staff accomplishing the business objectives of the Tribunal to the highest professional standard, while simultaneously facilitating their personal and career development.

#### **10.4 Accommodation**

The premises at 6/7 Hanover St. East, Dublin 2 was purpose built and the Tribunal occupies a substantial part of it. In addition to workspace for administrative staff, there are 7 Hearing Rooms for appeals, Consulting Rooms for clients and their representatives, a Members' Room and canteen facilities for staff and Members. Throughout 2003, we continued to upgrade our facilities.

#### **10.5 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. We have established financial procedures and systems suitable to an organisation of the nature and size of the Tribunal. The provision for 2003 was settled at €3,540,507 euro (excluding salaries). Expenditure incurred during 2003 amounted to approximately €3,095,000 euro.

<b>Expenditure Heading (Non Pay)</b>	<b>Expenditure 2002 Euro</b>	<b>Expenditure 2003 Euro</b>
<b>Travel and Subsistence</b>	<b>€22,496</b>	<b>€16,752</b>
<b>Training</b>	<b>€73,097</b>	<b>€25,230</b>
<b>Miscellaneous</b>	<b>€17,226</b>	<b>€13,350</b>

<b>Conference Expenses</b>	<b>Nil</b>	<b>€11,668</b>
<b>Refreshments</b>	<b>Nil</b>	<b>€1,742</b>
<b>Publications</b>	<b>Nil</b>	<b>€1,518</b>
<b>Office &amp; Computer Equipment - Assets</b>	<b>€79,943</b>	<b>€77,723</b>
<b>Equipment Maintenance &amp; Supplies - Non Assets</b>	<b>€133,848</b>	<b>€99,174</b>
<b>Postage</b>	<b>€563,018</b>	<b>€639,656</b>
<b>Telecommunications</b>		
<b>Office Premises - Maintenance &amp; Expenses</b>		
<b>Furniture &amp; Fittings - Assets</b>	<b>€38,294</b>	<b>€17,840</b>
<b>Consultancy</b>	<b>Nil</b>	<b>€5,929</b>
<b>Library &amp; Legal Research / Support</b>	<b>€3,860</b>	<b>€1,289</b>
<b>Legal Costs</b>	<b>€1,719,048</b>	<b>€1,905,750</b>
<b>Translation / Interpretation</b>	<b>€235,116</b>	<b>€277,420</b>
<b>Total</b>	<b>€2,885,946</b>	<b>€3,095,041</b>

## **10.6 Customer Service Action Plan**

The Tribunal is committed to contributing to the current Government initiative on Customer Service. The focus of the current initiative is on equality and diversity. The theme of equality and diversity is particularly appropriate to the Tribunal and provides special challenges in the formulation of a Customer Service Action Plan. The role of the Tribunal clearly requires us to be efficient, fair and to respect the diverse cultures we engage with in our day-to-day work.

Additionally, the customer charter is available in all the languages of the clients of the Tribunal at our Reception area.

The Tribunal provides services at 6/7 Hanover Street East, Dublin 2. The office is open 5 days a week including lunchtime and is open to personal callers between the hours of 9.15 a.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).

## **10.7 Information Technology**

The I.T. Unit of the Tribunal is responsible for all matters related to Information Technology, electronic communications, swipe card security within the building and developing and enhancing the I.T. infrastructure. The I.T. Unit has responsibility for monitoring the external e-mail sent/received to/from the Tribunal via its own Firewall. The Unit has developed an I.T. training programme for newly recruited staff, thus helping them to become familiar with the desktop products used by the organisation. Almost all staff have received Lotus 123 Training.

The Tribunal is participating fully with the Department of Justice, Equality and Law Reform and relevant agencies in the development of a high level Information Management and Information Technology Strategic Plan for asylum services generally in Ireland which is being conducted by Accenture.

### ***Upgrading of computer system.***

In keeping with modernisation initiatives the Refugee Appeals Tribunal is committed to ensuring that its IT system is as advanced as possible and compatible with the core Department and other Agencies. In late 2003 it was decided to upgrade the system in conjunction with consultants Price Waterhouse-Coopers. It was agreed that this upgrade would commence in early 2004.

## **10.8 Web Site**

The Tribunal's web site ([www.gov.ie/refappeal](http://www.gov.ie/refappeal)) was completed in 2002 and was updated in 2003. We publish extracts from our Annual Report, the Executive Summary of our Business Plan and our Customer Service Action Plan on the web site. Our I.T. Unit continues to review web sites of other organisations which conduct business similar to the Tribunal. The web site will be updated again in 2004.

## **10.9 Data Protection Act 1988**

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

## **10.10 Prompt Payments Act 1997**

We incurred interest payments of €203.33 euro in 2003.

## **10.11 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, the establishment of a Health and Safety Committee and the security measures at the Tribunal's premises which are continuously under review. During the course of 2003 a number of new Health and Safety initiatives were introduced. Health and Safety procedures will be fully reviewed early in 2004.

## **10.12 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 2003. All relevant staff holding prescribed positions have been made aware of their obligations under the Ethics in Public Office Acts 1995 to 2001.

## **10.13 Projects Promoted by Corporate Services in 2003**

During the year the Tribunal promoted the Equality Authority's '**National Anti-Racism Awareness**' Programme. Posters were displayed in public areas and promotional leaflets were issued to staff. Additionally, the Tribunal participated in the Civil Service '**Family Friendly Day**' by creating an awareness of the various initiatives available to staff by manning an information desk and displaying all pertinent literature.

## **10.14 Sustaining Progress**

With the introduction in 2003 of Sustaining Progress (Social Partnership Agreement) 2003-2005, Corporate Services co-ordinated the Tribunal's response by producing the required Action Plan and First Progress Report, and also by managing the implementation of ongoing commitments contained in the plan. Representatives of the Tribunal attended a meeting in November 2003 with the Sustaining Progress Performance Verification Group and outlined the extent to which progress in the implementation of the Action Plan was made between April and October of 2003. On the basis of progress made in the various initiatives in the plan, Tribunal staff were awarded the initial benchmarking salary increase proposed in the Agreement.

## **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, SI 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
- 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 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 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

## **Appendix 2**

### **Appeals Process: Procedures**

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

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

The amendments to the Refugee Act, 1996 came into operation on 15 September, 2003.

Legal issues continued to arise on the interpretation of the legislation (pre and post 15 September) and the Regulations throughout the year. As a result, the procedures have been amended and will continue to be adjusted, as necessary. Following is an outline of the salient features of the appeals procedures.

#### **Substantive - 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 (if any), 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 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.

#### **Manifestly Unfounded/Accelerated Appeal - No Oral Hearing**

The principle underpinning a Manifestly Unfounded appeal was that the application for a declaration of refugee status was so obviously unfounded it was dealt with under a separate, speedier procedure. The grounds on which such applications were considered to be Manifestly Unfounded are set out in Section 12(4) of the Refugee Act, 1996 (as amended by the Immigration Act, 1999 and the Illegal Immigrants (Trafficking) Act 2000). Since 15



September, 2003, an appeal against a recommendation of the Commissioner to which Section 13(5) of the amended Act applies must be dealt with as soon as possible and, if necessary, before any other appeal. Manifestly Unfounded/ Accelerated appeals were /are dealt with on the papers only and no oral hearing was/is afforded to the Applicant. There is no provision for Manifestly Unfounded appeals under the new Act.

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

Dublin II Regulation appeals arise under the Refugee Act 1996 (Section 22) Order 2003 which came into operation on 15 September, 2003. This replaces the Dublin Convention agreement between Member States of the European Communities with the exception of Denmark and with Iceland and Norway. If the applicant's case falls to be considered by Denmark the case proceeds in accordance with the Dublin Convention (Implementation) Order, 2000.

### **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. Further, 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, as referred to in Chapter 3.

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).

### **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), which has been previously referred to in part 7.3 of this report. 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 3 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**

Because of the changes in legislation two procedures operated in 2003.

In accordance with Section 16(17) of the 1996 Act, the Decision of the Tribunal is communicated to the Applicant and his/her legal representative (if any) for both Substantive and Manifestly Unfounded appeals. Following the implementation of the Refugee Act 1996 (Appeals Regulations), S.I. No. 571 of 2002, Applicants now receive a copy of the Member's

Decision recommending a declaration of refugee status given at the appeals stage. The original file, with a copy of the Decision is transmitted to the Minister. The UNHCR receives a daily list of Decisions, for all Substantive and Manifestly Unfounded cases.

Where the Member decides to set-aside the Recommendation of the Commissioner in a Substantive case, the Tribunal recommends to the Minister that the Applicant be given a declaration as a refugee. In a Manifestly Unfounded case when the Recommendation of the Commissioner is set aside, the Commissioner is notified and the file is remitted to the Commissioner for further investigation under Section 11 of the 1996 Act.

A Dublin Convention appeal is determined in accordance with the criteria set out in Articles 4 to 8 of the Dublin Convention. Where the Tribunal sets-aside a Determination of the Commissioner, a notice in writing is sent to the Applicant and legal representative (if any) and the application is returned to the Commissioner for examination. Where the Tribunal affirms a Determination of the Commissioner, a copy of the Decision is sent to the Applicant and the original file is sent to the Minister for further action.

The Refugee Act, 1996 was further amended by the Immigration Act, 2003 with the introduction of new legislation on 15 September, 2003. Cases falling under this legislation are Accelerated 10 day appeal, Substantive 15 day appeal and Dublin II Regulation. Issuing procedures in Accelerated 10 day appeal cases are as in Manifestly Unfounded cases except that the original file is sent to the Minister for further action regardless of a set-aside or affirmed decision of the Tribunal. The procedures for issuing in Substantive 15 day appeal cases are as in “old” Substantive cases and in Dublin II Regulation cases the issuing procedures do not differ from Dublin Convention cases.

**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 Determination on their case.**

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

***6 / 7 Hanover Street East Dublin 2.***

## Appendix 3:

### Members' Fees Structure 2003

	<b>Euro</b>
<b>Substantive Appeal</b>	
with oral hearing	€385.00
with oral hearing husband and wife cases similar	€580.00
with oral hearing husband and wife cases different	€770.00
on papers	€240.00
on papers husband and wife cases similar	€360.00
on papers husband and wife cases different	€480.00
for no show at Hearing/Adjournment/Withdrawal	€150.00
<b>Manifestly Unfounded Appeal</b>	
Manifestly Unfounded Appeal	€150.00
Husband and wife with cases similar	€225.00
Husband and wife with different cases	€300.00
Withdrawal	€150.00
<b>Accelerated Appeal</b>	
Accelerated Appeal	€150.00
Husband and wife with cases similar	€225.00
Husband and wife with different cases	€300.00
Withdrawal	€150.00
<b>Dublin II Regulation Appeal</b>	
Dublin II Regulation Appeal	€150.00
Husband and wife with cases similar	€225.00
Husband and wife with different cases	€300.00
Withdrawal	€150.00

**Dublin Convention Appeal**

Dublin Convention	€150.00
Husband and wife with cases similar	€225.00
Husband and wife with different cases	€300.00
Withdrawal	€150.00

## **Appendix 4**

### **Summarised Agenda for Bi-annual Statutory Meetings, 2003**

#### **First Statutory Meeting**

**29 May, 2003**

1. Decisions made to 30 April, 2003.
2. Consistent and fair determination process
  - Affirm/ set aside rates
  - Quality decision making
  - Passive and active training
  - Legal Researchers
  - Practice Information
  - COI
  - Thursday Lunch
3. Judicial Review
  - Number of cases
  - Comments on Proceedings by Members
  - Fees- Members
  - Costs -State
  - Internal lawyer
4. Members Contracts
  - Case load
  - November, 2003
5. Freedom of Information Act - update
6. EU Draft Directive -update
7. Time and Motion Review / Length of Appeal Process
8. Unaccompanied Minors / “Separated Children”
  - Concern of Members
  - Possible legal proceedings
9. Publication of Decisions - selective
10. Internal Flight/Recent Seminar/Note/Judicial Review/ Certification
11. Media/Seminars/IRC Research/General stance



12. Administrative Issues
  - Financial Resources
  - Staff Resources
13. A.O.B.

## **Second Statutory Meeting**

**11 December, 2003**

1. Refugee Act, 1996, as amended by the Immigration Act, 1999, the Illegal Immigrants (Trafficking) Act, 2000 and the Immigration Act, 2003. Discussion re amendments.
2. Irish Refugee Council Report, dated September, 2003 - Asylum in Ireland: The Appeal Stage
3. Spirasi Reports- General Discussion
4. A.O.B.

