



**An Binse um Achomhairc i dtaobh Cosaint Idirnáisiúnta**  
**The International Protection Appeals Tribunal**

**Covid-19: Frequently Asked Questions – Updated Wednesday 25 March 2020**

**Q1. Are all Tribunal Hearings cancelled, for how long?**

**A1.** As of Friday 13 March 2020, all oral hearings scheduled to be heard up until 29 March 2020 had been postponed at least up until that date. As of today, the Tribunal will postpone all hearings currently scheduled up to and including 19 April 2020. The Tribunal will follow the advice issued by the HSE and the Chief Medical Officer of the State in making any decision to reschedule hearings. The Tribunal prioritises the health and safety of appellants, their legal representatives, Tribunal Members and staff and all stakeholders involved in the process.

**Q2. Can I opt to have my appeal determined without an oral hearing?**

**A2.** You can. When you submit your appeal, you can opt whether you wish your appeal to be determined by way of oral hearing. Any such request, if already made in your Notice of appeal, can be withdrawn by giving notice not later than 3 working days before the oral hearing (see section 42(2) of the International Protection Act 2015). An appellant may withdraw a request for an oral hearing by giving notice not later than 3 working days before the oral hearing. The decision whether or not to proceed in the absence of an oral hearing is that of the Tribunal Member to whom the appeal has been assigned, and the Tribunal Member will make that decision having considered whether or not it is in the interests of justice to proceed without an oral hearing. However, if you are considering this step **solely** on the grounds of Covid-19, you should consult your legal representative to ensure that it is in your best interests to proceed with your appeal without having an oral hearing.

**Q3. When will my appeal hearing be rescheduled?**

**A3.** The Tribunal's current position is that hearings will not be rescheduled until all restrictions necessitated by Covid-19 have been relaxed or removed in line with advice issued by the HSE and the Chief Medical Officer of the State. In general, the Tribunal is obliged to give all parties 20 working days' notice of a hearing date (Regulation 6(1) of the International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017). However, in the case of oral hearings which had to be postponed because of Covid-19, the Tribunal is seeking the consent of all parties to an appeal to an abridged notice period, being 10 working days' notice, in accordance with Regulation 6(3).

**Q4. I wish to make a new submission to be considered, will I email or post?**

**A4.** In view of Government advice to minimise social contact and in view of Government advice to stay at home where at all possible, you are advised to email submissions or similar documents to [info@protectionappeals.ie](mailto:info@protectionappeals.ie) Please ensure that you include relevant details in the covering email while

also observing GDPR requirements. Therefore, the covering email and subject line should refer to the appellant by Person ID and IPAP reference number only.

**Q5. I had my appeal hearing already, when will I get a decision?**

**A5.** The Tribunal has issued decisions up to and including 24 March 2020. However, in light of the fact that decisions issued by the Tribunal trigger statutory deadlines which are outside the control of the Tribunal, the Tribunal has suspended the issuing of decisions until further notice. This will be kept under review and any further developments will be posted on the Tribunal's website [www.protectionappeals.ie](http://www.protectionappeals.ie)

**Q6. I have a hearing scheduled for April, will it go ahead?**

**A6.** The current position is that hearings scheduled to be heard up until 19 April 2020 will not proceed. This is based on current information from the Government (24 March 2020). If you are concerned about hearings after that date (if scheduled) you are advised to contact [info@protectionappeals.ie](mailto:info@protectionappeals.ie), giving you client's Person ID, IPAP reference number and date of hearing in order to ascertain the most up to date position.

**Q7. Can I apply for the postponement of my hearing date?**

**A7.** That depends. If your appeal is scheduled to be heard imminently, the Tribunal itself may have already postponed the hearing and notified you accordingly. If the hearing is scheduled to take place at a later date, the Tribunal will be in touch to advise you in relation to your hearing and will inform you of any postponements, and you do not need to take any action. If your hearing has been scheduled for June 2020 or later, your request for a postponement will be noted but may not be considered until closer to the time. In considering whether to postpone a hearing, the Tribunal will always be guided by the principles of natural justice and fairness.

**Q8. I need to get some documents back from you urgently (birth cert, passport etc.)**

**A8.** If you wish to have documents returned which you submitted directly to the Tribunal, please make your request by email to [info@protectionappeals.ie](mailto:info@protectionappeals.ie). If you wish to have documents returned to you which you submitted to the International Protection Office, you will need to contact the International Protection Office at International Protection Office, 79-83, Lower Mount Street, Dublin 2 or at [info@ipo.gov.ie](mailto:info@ipo.gov.ie) In all cases, the covering email should set out the appellant's Person ID; any correspondence to the Tribunal should also include the IPAP reference number.

**Q9. I wish to make an appeal to the International Protection Appeals Tribunal? How do I do this?**

**A9.** The procedures for making an appeal to the Tribunal are set out in sections 41 and 43 of the International Protection Act 2015 and in the International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017 (Regulations 3-5, and the Schedules annexed to the Regulations). There are certain statutory requirements – the appeal must be submitted within the appropriate time period, it must contain grounds of appeal, and it must be signed by the appellant. If these requirements cannot be fulfilled due to Covid-19, you should submit the Notice of Appeal anyway to the Tribunal, noting what statutory requirements have not yet been fulfilled. The Tribunal

will accept the appeal as **a notice of intention to appeal only** and you will need to comply with the statutory requirements within a reasonable time after the COVID-19 restrictions have been lifted.

In relation to appeals under the European Union (Dublin System) Regulations 2018, the relevant procedure for appeals is set out under Regulation 6, and the approach set out above should be followed.

In relation to appeals under the European Communities (Reception Conditions) Regulations 2018, the relevant procedure for appeals is set out under Regulation 21 (with the procedure for late appeals at Regulation 22), and the appropriate forms are to be found at Schedule 7 and Schedule 8 respectively. The approach set out above should again be followed.

While all appeals to the Tribunal must be made within strict time limits, the Tribunal does have the power to extend the time for filing appeals in certain circumstances. As is currently posted on our website, the Tribunal will consider the extraordinary circumstances of Covid-19 as a weighty ground for extending time for the submission of appeals where those circumstances are a factor in an appeal being late.

**Q10. Will appeals be accepted electronically?**

**A10.** Yes. If you look at the Tribunal website, [www.protectionappeals.ie](http://www.protectionappeals.ie), under the heading “How to Appeal” provision is made to scan a Notice of Appeal by email to [info@protectionappeals.ie](mailto:info@protectionappeals.ie). The most important issue is that the statutory requirements are fulfilled (see question 9 above).

**Q11. Will the Tribunal continue to issue decisions during the COVID-10 pandemic?**

**A11.** The Tribunal has issued decisions up to and including 24 March 2020. However, as the issuing of decisions by the Tribunal triggers statutory deadlines regarding submissions to other bodies, the Tribunal has suspended the issuing of decisions until further notice. This will be kept under review and any further developments will be posted on the Tribunal’s website [www.protectionappeals.ie](http://www.protectionappeals.ie)

**Q12. Will IPAT conduct hearings by video-link?**

**A12.** For the time being, there are no plans to conduct hearings by way of video link. However, the Tribunal will keep the situation under review and all efforts will be made to conduct the Tribunal’s business as expeditiously as may be consistent with fairness and natural justice. In that regard, the Tribunal is particularly conscious that hearings must be conducted in as fair a manner as possible and that they include a number of stakeholders , including appellants, their legal representatives, an officer of the Minister for Justice and Equality, witnesses and interpreters.

**Q13. I can’t contact my solicitor, or I don’t have a solicitor, and I want to submit an appeal, what should I do?**

**A13.** You may send the Notice of Appeal yourself, and set out the contact details of your solicitor, if you have one. Your appeal will be treated as a **notice of intention to appeal** and your solicitor will be requested to complete the appeal within a reasonable period of time after the Covid-19 restrictions have been lifted. See answer to question 9 above for information in relation to processing late appeals.

**Q14. Are appeals that do not have oral hearings, e.g. inadmissible appeals, subsequent appeals, some Dublin appeals, Reception Conditions appeals, going ahead?**

**A14.** It depends. If the issuing of a Tribunal decision in any appeal triggers a statutory deadline with another body, the Tribunal has suspended the issuing of decisions until further notice. This will be kept under review and any further developments will be posted on the Tribunal's website [www.protectionappeals.ie](http://www.protectionappeals.ie) Decisions in relation to the European Communities (Reception Conditions) Regulations 2018 will be issued if a valid Notice of Appeal is received – this is because there is a statutory deadline for the Tribunal which cannot be extended (Regulation 21(4)(a)).

**Q15. I recently received an appeal decision. Will I receive a Ministerial letter regarding my protection status?**

**A15.** The Tribunal is not in a position to answer that question. You will need to contact the Ministerial Decisions Unit, Department of Justice and Equality, 13-14 Burgh Quay, Dublin 2 or [MDUinfo@justice.ie](mailto:MDUinfo@justice.ie) to get an answer to that question.