



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

Covid-19: Frequently Asked Questions – Updated Tuesday 4 August 2020

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Is the Tribunal now hearing appeals?

A. While the Tribunal will continue to follow the advice issued by the HSE and the Chief Medical Officer of the State in making any decision to reschedule hearings, the Tribunal has begun scheduling hearings, with the first hearings set to commence on Thursday 6 August 2020. The Tribunal has scheduled a reduced number of appeals each day to begin with and hearing times are staggered to allow for appropriate social distancing and to enable rooms to be cleaned between hearings. The Tribunal will continue to prioritise the health and safety of appellants, their legal representatives, Tribunal Members and staff and all stakeholders involved in the process. The Tribunal has updated its Administrative Practice Note and all legal representatives are advised to familiarise themselves with this document. A Public Notice has also been put up on the Tribunal website for the assistance of Tribunal users.

May I ask to have my appeal determined without an oral hearing?

A. You may. 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 Any such request, if already made in your Notice of appeal, can be withdrawn by giving notice not later than 3 working days before the oral hearing (see section 42(2) of the International Protection Act 2015).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 because 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.

When will my appeal hearing be rescheduled?

A. The Tribunal's current position is that hearings which were scheduled to be heard in March, April and May 2020 will, where possible, be afforded priority when appeals are being scheduled for hearing. This is now possible as 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 may seek the consent of all parties to an appeal to an abridged notice period, being 10 working days' notice, in accordance with Regulation 6(3).

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

A. 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 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. However, as there is now a staff presence in the Tribunal premises, albeit on a limited scale, submissions may also be submitted by post.

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

A. The Tribunal has, in the week starting 25 May 2020, begun to issue decisions. The Tribunal recognises that appellants are anxiously awaiting their decisions and will do its utmost to issue all decisions on hand. However, the issuing of the decisions by the Tribunal must take place within the continuing strict social distancing guidelines advocated by the HSE and Chief Medical Officer, and therefore these administrative functions may have been carried out at a slower pace than usual, particularly in light of the fact that the current Government advice is that people continue to work from home save for essential tasks. Any further developments will be posted on the Tribunal's website www.protectionappeals.ie

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

A. If you wish to have documents returned which you submitted directly to the Tribunal, please make your request by email to 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. 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.

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

A. 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. However, it should be noted that the Tribunal will consider applications for the acceptance of late appeals **on a case by case basis** pursuant to the legal test under the relevant regulation, and the previous blanket Covid-19 policy will no longer apply.

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. The Tribunal will consider the extraordinary circumstances of Covid-19 as one of the ground for extending time for the submission of appeals where those circumstances are a factor in an appeal being late, but **excessive and unreasonable delay** will also be considered.

Will appeals be accepted electronically?

A. Yes. If you look at the Tribunal website, www.protectionappeals.ie, under the heading “How to Appeal” provision is made to scan a Notice of Appeal by email to info@protectionappeals.ie. The most important issue is that the statutory requirements are fulfilled (see question 7 above).

Will IPAT conduct hearings by video-link?

A. The Tribunal is now preparing to conduct some hearings by way of an online platform and has received submissions and representations from its stakeholders on the issue. The Tribunal is particularly conscious that all hearings must be conducted fairly. In determining how to proceed with hearings, the Tribunal is conscious that hearings must cater for appellants and their legal representatives, that an officer of the Minister may wish to be present, and that witnesses and interpreters may be required to attend too. All parties are entitled to a fair hearing.

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

A. 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 7 above for information in relation to processing late appeals.

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

A. The Tribunal is working to deal with all appeals received within the restraints of the COVID-19 measures. Appellants are requested, where at all possible, to submit scanned copies of their Notice of Appeal. Although the administrative staff are restricted in their access to the Tribunal's premises every effort is being made to deal with appeals notified. Post is checked daily. If an appellant has any concerns, please contact the Tribunal at info@protectionappeals.ie. All Tribunal operations are kept under review and any further developments will be posted on the Tribunal's website 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)).

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

A. 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 to get an answer to that question.