

Refugee Appeals Tribunal

Strategy Statement 2011 - 2013

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Introduction to the Tribunal

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

Substantial amendments were made to the Refugee Act, 1996 by the Immigration Act, 2003. The changes came into effect on 15 September, 2003. A number of Statutory Instruments were also made pursuant to the new legislation. The Appendix to this document contains a list of relevant legislation.

Values and Principles underpinning the operation of the Tribunal

The Tribunal is committed to carrying out its duties in accordance with the following key values:-

- independence of the Members of the Tribunal in the decision making process;
- fair procedures which are regularly reviewed and communicated to asylum seekers in a language they understand and which are available to interested parties;
- consistency in implementing statutory obligations;
- commitment to excellence by performing work to a standard which will ensure the production of high quality and timely outputs;
- commitment to staff by adopting an environment in which they can work effectively and develop their potential for the benefit of the Tribunal and their career;
- efficiency in the use of resources without compromising quality;
- openness in communication with all our customers, in particular asylum/protection seekers, their advocates, the Minister for Justice and

Equality, other Government agencies, UNHCR, non - Governmental Organisations and the general public, in a manner which will instil confidence in the operation of the Tribunal;

- valuing the individual, by encouraging staff to understand and appreciate cultural differences;
- sensitivity, courtesy and respect for dignity in all our dealings with asylum/protection seekers;
- application of fair and equal standards of treatment to all groups in society
- transparency and accountability in our work.

Mission Statement and Mandate

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’.

The Mission Statement and Mandate of the Refugee Appeals Tribunal is to investigate appeal applications from persons seeking a declaration of refugee status, and to issue appropriate recommendations to the Minister for Justice and Equality. The primary function of the Tribunal is to affirm or set aside a recommendation made by the Refugee Applications Commissioner with regard to a declaration of a person as a refugee. In so doing it will do so:-

- fairly, in accordance with the law;
- with respect for and sensitivity towards 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.

Implementation and Review of Strategy Statement

The implementation of this Strategy Statement will be reflected in the first instance in the annual production of the Business Plan for the Tribunal where each Unit within the Tribunal will implement strategies and work towards achieving goals to fulfil those of the Strategy Statement. The Business Plan in turn will form the basis for defining the role profiles of staff in the Performance Management Development System.

Foremost in mind will be the delivery of a quality customer service by achieving improved efficiency and effectiveness through identifying and meeting customer interests and needs and meeting our commitments as set out in our Customer Service Action Plan.

Critical Success Factors underpinning the Strategy Statement

The achievement of our objectives is conditional upon a number of factors, but in particular:-

- the availability of an appropriate level of staff;
- experienced and available Tribunal Members to consider and decide cases;
- financial resources;
- the availability of the applicant and his/her legal representative for oral hearing;
- the availability of Presenting Officers from the Office of the Refugee Applications Commissioner whose Recommendations at first instance are being appealed to the Tribunal;
- the availability of interpreters to interpret at oral hearings;
- trained and experienced administrative staff;
- the scheduling of a sufficient number of hearings which involves a complex arrangement to ensure the presence of Members, Presenting Officers, the Applicant, legal representatives and interpreters.

High Level Goals of the Refugee Appeals Tribunal

The following objectives of the Refugee Appeals Tribunal have been identified for the coming two years:-

- To investigate appeal applications for refugee and subsidiary protection status with optimum efficiency and within minimum time frames;
- To continue to improve the standard of decision making;
- To contribute to maintaining the integrity of the Asylum/Protection process;
- To ensure value for money in the management of our organisation and resources.

Strategies

- Provide high quality determination procedures by continually developing our systems to ensure fair, efficient status determination and delivery of timely Decisions;
- Review procedures in the Decisions and JR Units using Business Process Engineering techniques;
- To ensure that no delays occur in the processing of cases;
- Ensure that Decisions are suitably redacted and put on webpage within three months;
- Maintain and further develop the webpage, as Complete development of and introduce Member availability calendar and scheduling database;
- Progress development of file scanning database;
- Progress consideration of a comprehensive case management system;
- Examine introduction of an on line mechanism for appeal submission;
- Continued monitoring of quality of Members' Decisions to ensure the consistent application of the law in Refugee/Protection Appeals;

- Provide, in co-operation with the United Nations High Commissioner for Refugees (UNHCR) and outside sources, high quality intensive training for Members of the Tribunal both on an individual basis and through seminars and conferences;
- Network with equivalent organisations in other jurisdictions;
- Process legal papers promptly;
- Consult with relevant parties including Members of the Tribunal where appropriate;
- Provide coherent instruction to the Chief State Solicitors Office in a timely fashion
- Develop and improve liaison and interaction with Chief State Solicitors Office and other stakeholders in the asylum process;
- Migrate from existing case management database to new Lotus Notes based database in keeping with overall IT strategy;
- Examine, review and update, as necessary, structures, documentation, procedures and IT requirements to comply with the provisions of the Immigration, Residence and Protection (IRP) Bill;
- Put in place transitional arrangements to deal with the legacy cases after implementation date;
- Put in place training programmes for Members of the Tribunal and staff on the new legislation;
- Ensure that staff fully participate in Performance Management Development System (PMDS) and have a deeper appreciation of the Strategic Management Initiative;
- Maintain and enhance progress to date with regard to meeting the demand for training and development arising under the PMDS;
- Expand staff training and development programmes, within budgetary constraints, to encourage all staff to reach their full potential and to acquire appropriate qualifications;
- Fully co-operate with and support any modernisation plans in the asylum/protection area, including information technology and eGovernment initiatives;
- Provide a professional and efficient service to our client groups and individual customers, with particular attention to our Customer Service Action Plan;
- Monitor the standard of accommodation for the Tribunal and ensure that the Health and Safety of all staff is paramount;
- Operate new sick leave regulations;
- Rationalise accommodation;
- Set up change management committee comprising staff and management.

Performance Indicators

- Improvements in the processing times and quality of all appeal cases;
- Completion of reviews of procedures in Decisions Unit and JR Unit;
- Satisfactory operation of the webpage containing the redacted;
- Completion of project development work;
- Usage of new initiatives by Members and solicitors;
- Access by Members to the RDC facility;
- Cases distributed relevant to Members efficiency and expertise;

- Number of courses, seminars and conferences attended by Members;
- Establishment of comprehensive training and development programmes which allow Members to complete tasks assigned to them to the highest standard;
- Procedures for redacting updated, as necessary and communicated to staff redacting Decisions;
- Training for Members and staff in use of new IT initiatives, e.g., Members calendar and scheduling database;
- Chief State Solicitors Office is facilitated in their task;
- Decisions to settle or contest cases as appropriate are made promptly;
- Costs are kept to a minimum;
- Lotus Notes database operational and appropriate staff training completed;
- Preparation for and participation by Members and staff in initiatives designed to give effect to IRP Bill;
- Structures, documentation, procedures, IT requirements and transitional arrangements in place by implementation date of IRP Bill;
- Timely and effective training provided to Members and staff;
- Effective training in PMDS for all staff and timely completion of all PMDS forms by staff;
- Staff attendance at appropriate courses;
- Full co-operation with and support for eGovernment initiatives;
- Professional and efficient delivery of service to clients and feedback from them is positive;
- Effectiveness of appeal framework and good working relationship with all our customers and staff;
- Health and safety issues resolved;
- Staff aware of sick leave regulations;
- Redeployment of staff, as necessary, in light of changing workloads.

May, 2011

Appendix

Legislation/ Statutory Instruments Relevant to the Tribunal

Refugee Act, 1996 (as amended by the Immigration Act, 1999 and Illegal Immigrants (Trafficking) Act, 2000) and the Immigration Act, 2003

Refugee Act, 1996 (Appeals) Regulations, 2000, S.I. No. 342 of 2000

Refugee Act, 1996 (Appeals) Regulations, 2002, S.I. No. 571 of 2002

Refugee Act, 1996 (Appeals) Regulations, 2003, S.I. No. 424 of 2003

Illegal Immigrants (Trafficking) Act 2000

Dublin II Regulation – Council Regulation (EC) 343 of 2003

Refugee Act, 1996 (Section 22) Order 2003 S.I. No 423 of 2003

United Nations Convention Relating to the Status of Refugees, 1951 (Geneva) and the 1967 Protocol (New York)

Handbook on Procedures and Criteria for Determining Refugee Status, under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees (Re-edited, Geneva, 1992)

Refugee Act 1996 (Safe Countries of Origin) Order, 2003, S.I. No 422 of 2003

Ministerial Direction dated 15 September 2003 under section 12(1)(m) of the Refugee Act, 1996, as inserted by section 7 of the Immigration Act, 2003 – prioritisation of applications from designated safe countries of origin

Refugee Act, 1996 (Safe Countries of Origin) Order, 2004, S.I. No. 714 of 2004.

European Communities (Eligibility for Protection) Regulations 2006, S.I. No. 518 of 2006.

European Communities (Asylum Procedures) Regulation 2011, SI No.51 of 2011