



ADMINISTRATIVE PRACTICE NOTE

APPEALS BEFORE THE INTERNATIONAL PROTECTION APPEALS TRIBUNAL

(Update – May 2022)

Contents

1. Introduction	2
2. Tribunal Sittings	2
3. Communications with the Tribunal	4
4. Initiating an Appeal to the Tribunal.....	5
4.1. The Notice of Appeal	5
4.2. Documents to be included with the Notice of Appeal	6
4.3. Grounds of Appeal	6
4.4. Request to hold an oral hearing	6
4.5. Specific requests for procedural supports.....	7
4.6. Notification of date of oral hearing	8
5. Statutory provisions for according priority to any application	8
6. Notice of Appeal pursuant to section 21 of the 2015 Act.....	8
7. Notice of Appeal pursuant to section 22 of the 2015 Act.....	9
8. Appeals pursuant to the European Union (Dublin System) Regulations, 2018	9
9. Appeals pursuant to the European Communities (Reception Conditions) Regulations 2018-2021	10
10. Taking evidence on oath or affirmation	10
11. Submission of material / documentation to the Tribunal	11
12. Adjournments and Postponements.....	13
13. Correction of Errors or Omissions by the Tribunal	13

1. Introduction

The Chairperson of the International Protection Appeals Tribunal (hereinafter ‘the Tribunal’), in furtherance of ensuring the efficiency of the functions of the Tribunal in accordance with fairness and natural justice, issues the following Administrative Practice Note (‘APN’). This APN shall be read in conjunction with the provisions of the International Protection Act 2015 (‘the 2015 Act’) and the International Protection Act 2015 (Procedures and Periods for Appeal) Regulations 2017 (‘the 2017 Regulations’), and all Guidelines issued by the Chairperson pursuant to section 63(2) of the 2015 Act. In the case of any ambiguity or conflict, the legislation shall take precedence. The previous version of this APN which entered into force on 31 July 2020 is hereby revoked.

While the previous APN specifically addressed circumstances arising due to the COVID-19 pandemic, issues relating to pandemic related measures are now addressed in the [News](#) section of the Tribunal website. In relation to matters of health and safety, the Tribunal is guided by advices from the Department of Justice’s Health and Safety Manager.

This APN may be amended from time to time as the need arises, and appellants, their legal representatives and presenting officers are advised to keep themselves apprised of any changes, which will be noted in the [News](#) section of the Tribunal website.

By setting out this APN, the Tribunal expects that all parties appearing before the Tribunal will be aware of its procedures. All parties appearing before the Tribunal should be aware that a failure to comply with the provisions of this APN may lead to unnecessary delays in the processing and determining of appeals, and may be considered a failure to co-operate within the meaning of sections 27 and 45 of the 2015 Act.

In accordance with the Tribunal’s values as set out in its [Strategy Statement 2021-2023](#), the Tribunal is committed to treating all parties who appear before it with respect, dignity and consideration. The Tribunal expects the same standards of behaviour from all parties appearing before it.

2. Tribunal Sittings

Tribunal hearings currently take place either on-site at the International Protection Appeals Tribunal premises, which are located at 6/7 Hanover Street East, Dublin 2, D02 W320, or online by way of an audio-video (‘AV’) link.

Pursuant to section 31(1)(a) of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020, a reference to the holding of a hearing by a ‘designated body’ such as the Tribunal shall

be construed as a reference to the holding of such a hearing by ‘remote hearing’, in other words a hearing in which (a) the participants are not all in the one place, and (b) one or more of the participants participate in the hearing by means of electronic communications technology. In that regard, a Tribunal Member may, of their own volition, or following the making of representations by a person concerned, be of the opinion that the hearing of a particular appeal remotely via AV link would be unfair to the person, or would otherwise be contrary to the interests of justice. Parties will be informed by the Tribunal whether their hearing will take place on-site or remotely by way of AV link.

All participants in the hearing are required to attend punctually to ensure that hearings can commence at the assigned time, whether the parties are attending on-site or online. Delays may impact adversely on other hearing participants and/or other appeal hearings scheduled for the same day.

For those attending on-site, all persons must report directly to the security desk immediately upon arrival at the Tribunal premises. The security officer and Tribunal reception team will have a list of all expected parties and participants in each hearing, and will mark off names once those persons have arrived. Once they have identified themselves, legal practitioners, appellants, witnesses and interpreters will proceed straight to the assigned hearing room. If an appellant or witness arrives before or after their legal representative, they will be brought to the reception area before being escorted to the assigned hearing room. It is recommended that legal practitioners arrange, where possible, to meet appellants and witnesses before they arrive at the building itself. It should be noted that there are limited consultation facilities currently available at the Tribunal premises and these will be allocated strictly on a “first come, first served” basis and are available only for short consultations.

The presenting officers for the Minister for Justice must go to the assigned hearing room at the appointed time whether the hearing is onsite or online.

For those attending hearings online, all parties should log on to the hearing using the link which has been sent to them by the Tribunal in advance. All participants will also have been sent the Tribunal’s Technical Guidance to assist parties in logging in. It is recommended that appellants and their legal representatives ensure in advance that they are able to log into Webex, that they have a stable internet connection, and will not be overheard or disturbed during the hearing.

The Tribunal Member will enter the hearing room, whether on-site or online, at the appointed time.

If any participant is more than 15 minutes late, this delay may necessitate a postponement of the hearing because of the consequent effect that the delay may have on any other hearings scheduled for that day. Alternatively, the Tribunal may decide to proceed in the absence of

the party who is late, unless this would be contrary to the principles of fairness and natural justice.

Only persons actively involved in hearings will be permitted to attend at a Tribunal hearing, whether on-site or online. **There are no child-care facilities at the Tribunal.**

Appellants and/or their legal representatives must have notified the Tribunal of all proposed witnesses, and all legal representatives who will attend, whether in the notice of appeal or otherwise in writing in advance of the hearing, regardless of whether the hearing is on-site or online.

All parties to a hearing, whether on-site or online, are reminded of the necessity to behave appropriately, that is to dress appropriately, to refrain from eating, drinking (aside from water) and smoking or vaping. The Tribunal is committed to ensuring that its proceedings and all parties appearing before it are treated with respect and dignity.

Tribunal hearings currently take place on-site and online Monday – Friday throughout the year (save for public holidays). Any changes to this policy will be posted on the [News](#) section of the Tribunal website following consultation with Tribunal stakeholders.

3. Communications with the Tribunal

The Tribunal's telephone number is **01- 4748400**. This service is available from 9.00am – 5.00pm, Monday to Friday.

Documentation may be submitted to the Tribunal by way of email to the following address: info@protectionappeals.ie. Documentation may also be submitted by way of registered post to the **International Protection Appeals Tribunal, 6/7 Hanover Street East, Dublin 2, D02 W320**.

Appellants and their legal representatives are reminded to ensure that, either in the relevant Notice of Appeal or in a Schedule accompanying such Notice of Appeal, they list all the documents that accompany the notification of recommendation / decisions issued to them by the International Protection Office, or any other body whose decision is the subject of the appeal, as well as all other documents and / or records, upon which it is proposed to rely for the purposes of the appeal, indicating clearly the relevance of any documentation submitted (or parts thereof) to the appeal. Further directions will be given in respect of each of the Tribunal's five jurisdictions below.

All documents submitted directly to the Tribunal that are not in English or Irish must be accompanied by a translation by a certified translator, and it should also be noted whether the documents are original or copy documents. If documents have been received by the

appellant from their country of origin / country of former habitual residence, it is helpful if the envelope in which they were received is also submitted to the Tribunal.

All correspondence to the Tribunal must bear the relevant Person ID number and Tribunal reference.

It is the policy of the Tribunal to acknowledge receipt of all correspondence received. Proof of postage should be retained for all documents sent by registered post to the Tribunal. If documents are hand delivered to the Tribunal, this should be followed up with an email to info@protectionappeals.ie to confirm that hand delivery took place and to request a formal communication thereof. Where documentation is submitted to the Tribunal by way of email, a read-receipt should be requested and if such receipt is not received, a follow-up email should be sent.

All correspondence relating to an appeal should be communicated via the Tribunal. **Legal representatives, appellants, witnesses, interpreters and Presenting Officers must not attempt to contact Tribunal Members directly.**

The Tribunal does not accept documentation submitted by way of fax. This is to ensure compliance with the Tribunal's obligations under the General Data Protection Regulation (EU) 2016 / 679 ('GDPR').

The Tribunal is aware of its responsibilities pursuant to GDPR legislation. Any person who becomes aware of a potential data breach in any document or email to or from the Tribunal is requested to notify the Tribunal immediately.

4. Initiating an Appeal to the Tribunal

4.1. The Notice of Appeal

Section 41(2)(b) of the 2015 Act requires an appeal to the Tribunal in respect of a claim for international protection to be brought by notice **in writing within the period prescribed and specifying, in writing, the grounds of appeal**. The relevant Notice of Appeal is to be found in Schedule 1 to the 2017 Regulations and the prescribed time limits within which an appeal shall be brought to the Tribunal are set out at Regulation 3 of the 2017 Regulations. The procedure under which a 'late appeal' may be accepted is set out at Regulation 4 of the 2017 Regulations.

The appellant must sign the Notice of Appeal. Where the appellant has not signed the Notice of Appeal, it is invalid and will not be accepted by the Tribunal.

The position in relation to an appeal which has been lodged outside the prescribed time period is governed by the 2017 Regulations, and in particular Regulation 4 thereof.

4.2. Documents to be included with the Notice of Appeal

Furthermore, Regulation 5(2) of the 2017 Regulations contains an obligation to include with the Notice of Appeal copies of the documents listed therein, except for any documents furnished by the Minister to the Tribunal pursuant to section 44 of the Act of 2015. Presenting officers are reminded to ensure that all documents referred to in the section 39 Report are before the Tribunal, and they are also requested to ensure that requests made by the Tribunal Member dealing with the appeal pursuant to section 44(2) or (3) of the 2015 Act have been addressed prior to the oral hearing.

Please note that the Tribunal does not have the facilities to view the contents of either USB sticks, similar devices or DVDs / CDs. The Tribunal does have limited access to YouTube videos, however the relevance and provenance of such material must be clearly stated to the Tribunal.

4.3. Grounds of Appeal

The grounds upon which an appellant seeks to rely must be specified in writing and should be pleaded with specificity, as per section 41(2)(b) of the 2015 Act. While the grounds may be augmented in later submissions, any Notice of Appeal which does not specify the legal and factual grounds upon which the appeal is based will be invalid and **will not be accepted** by the Tribunal.

Specific requirements, such as gender and dialect must be identified in the Notice of Appeal. These issues, as well as the legal and factual grounds of appeal advanced may be relevant when the Registrar is assigning files to members pursuant to section 67(2) of the 2015 Act.

4.4. Request to hold an oral hearing

Appellants are also required to indicate in the Notice of Appeal whether they wish the Tribunal to hold an oral hearing as per section 41(2)(b) of the 2015 Act. Save in the case of an accelerated appeal, the Tribunal is obliged by section 42(1)(a) of the International Protection Act 2015 to hold an oral hearing for an applicant where he or she has requested an oral hearing in his or her notice of appeal. The Tribunal also holds an oral hearing if it, based on consideration by the Member to whom the appeal has been assigned, is of the opinion that it is in the interests of justice to do so (section 42(1)(b)).

If an appellant does not request an oral hearing and the Tribunal is not of the opinion that it is necessary in the interests of justice to hold an oral hearing, an appeal may be determined without an oral hearing (section 42(3)). In other words, while an appellant may prefer to proceed without an oral hearing, they may still be required to attend an oral hearing if the Tribunal Member to whom their appeal has been assigned is of the opinion that an oral

hearing is necessary to carry out their functions as an effective remedy pursuant to Article 39 of Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status.

Appellants are advised that, in accelerated appeals pursuant to section 43 of the 2015 Act, where there is no automatic entitlement to an oral hearing on request, the determination as to whether, exceptionally, an oral hearing is necessary in the interest of justice is a matter for the Tribunal Member dealing with the appeal. Any submissions as to why an oral hearing is deemed necessary by an appellant must be clearly made at the time the Notice of Appeal is submitted and while any such submissions will be taken into consideration, parties should not expect the Tribunal to engage on correspondence on the issue. In other words, in the case of an accelerated appeal, the Tribunal may determine, without further notice, that an oral hearing is not required and, while the refusal of same will be addressed in the final decision of the Tribunal, the Tribunal might not contact the appellant / their legal representative between the acceptance of the appeal and the issuing of the decision on the appeal for international protection.

The Tribunal considers that what is required is that an appellant must have an opportunity to make his or her case. Whether an oral hearing is required in the interests of justice will depend on the nature of the case made (see: [VJ v Minister for Justice and Equality and Ors \[2019\] IESC 75](#), unreported, Supreme Court, 31 October 2019).

4.5. Specific requests for procedural supports

Specific details in relation to the necessity for an interpreter should be set out in the Notice of Appeal, i.e. the language and, where relevant, the dialect required to ensure appropriate communication between the appellant and / or witness and the Tribunal at the hearing. Please note in that regard that the communication need not necessarily take place in the language preferred by the appellant or witness if there is another language which they may reasonably be supposed to understand and in which they are able to communicate.

Any other particular requirements should also be set out in the Notice of Appeal, e.g. an appellant with hearing difficulties, mobility difficulties, or a request for a Tribunal Member and / or interpreter and / or presenting officer to be of a particular gender.

Every effort will be made to accommodate reasonable requests of this nature, which should be made as soon as possible in advance of the hearing of an appeal.

4.6. Notification of date of oral hearing

Regulation 6(1) of the 2017 Regulations provides for notice of the date of an oral hearing to be sent to an appellant, his or her legal representatives and a copy of same to the Minister not less than 20 working days prior to the hearing date itself.

This notice period may be shortened on agreement between all parties, as provided for in Regulation 6(3) of the 2017 Regulations.

5. Statutory provisions for according priority to any application

Section 63(5) of the 2015 Act provides that the Chairperson (a) may accord priority to an appeal when he or she is of the opinion that it is in the interests of justice to do so, and (b) that the Chairperson shall accord priority to an appeal that is the subject of a request by the Minister for Justice under section 73(1), following a consultation with the Minister in this latter category.

It is also open to an appellant before the Tribunal to seek prioritisation of the hearing of their appeal, and such a request will be facilitated where, in the opinion of the Chairperson, it is in the interests of justice to do so.

6. Notice of Appeal pursuant to section 21 of the 2015 Act

Section 21 of the 2015 Act deals with applications for international protection that have been deemed inadmissible by an International Protection Officer. An appeal to the Tribunal against a recommendation that an application be determined to be inadmissible will take place without an oral hearing (Section 21(7)(a) of the 2015 Act). For that reason, appellants are advised to submit in a timely manner, together with the Notice of Appeal (Schedule 2 to the 2017 Regulations), all documentation upon which they wish the Tribunal to rely.

While the Tribunal may seek further information in appeals of this type, an appellant should not expect that there will in fact be any communication between the Tribunal and an appellant from the time the Notice of Appeal and any supporting documentation or submissions are lodged until the time the decision is made.

7. Notice of Appeal pursuant to section 22 of the 2015 Act

Section 22 of the 2015 Act deals with subsequent applications. An appeal to the Tribunal against a recommendation by an International Protection Officer that the Minister for Justice refuse to give consent to the making of a subsequent application will take place without an oral hearing (section 22(9)(a) of the 2015 Act). Appellants are advised to submit all relevant material for the consideration of the Tribunal in a timely manner, together with the Notice of Appeal (Schedule 3 of the 2017 Regulations).

While the Tribunal may seek further information in appeals of this type, an appellant should not expect that there will in fact be any communication between the Tribunal and an appellant from the time the Notice of Appeal and any supporting documentation or submissions are lodged until the time the decision is made.

8. Appeals pursuant to the European Union (Dublin System) Regulations, 2018

The appeals procedure pursuant to the European Union (Dublin System) Regulations, 2018 (hereinafter 'the Dublin System Regulations'), S.I. No. 62 of 2018, is to be found at Regulation 6 of those Regulations, with late appeals covered at Regulation 7.

The appeal against a transfer decision made by an international protection officer is an appeal in fact and in law. The issue to be considered by the Tribunal is that of the transfer of the appellant to another Member State of the European Union or a state that participates in the EU Regulation by virtue of an agreement with the European Union. Therefore, submissions should deal with matters arising under the Dublin System Regulations and Regulation (EU) 604 / 2013 (hereinafter 'the Dublin III Regulation').

Pursuant to Regulation 6(2)(b) of the Dublin System Regulations, the Notice of Appeal ([available on the Tribunal website](#)) shall specify the grounds of appeal, and indicate whether the appellant wishes the Tribunal to hold an oral hearing for the purpose of the appeal.

If an extension of time to make the appeal is necessary, the appropriate section on the Notice of Appeal must be completed in addition to the grounds of appeal.

In common with all appeals to the Tribunal, particularised substantive grounds of appeal are required and the Notice of Appeal must be signed by the Appellant.

9. Appeals pursuant to the European Communities (Reception Conditions) Regulations 2018-2021

The Tribunal may determine appeals pursuant to Regulation 21 of the European Communities (Reception Conditions) Regulations 2018 (hereinafter ‘the 2018 Reception Conditions Regulations’) against a decision of a review officer which has been made under Regulation 20.

An appeal against a decision of a review officer under Regulation 20 must be made within 10 working days of the date of the notice of the decision. Late appeals are dealt with in Regulation 22. All first level appeals and / or reviews must have been exhausted before an appeal to the Tribunal is lodged pursuant to Regulation 21.

Copies of all documents referred to in the appeal must be submitted with the Notice of Appeal by the Appellant or his / her legal representative (Schedule 7 of the Reception Conditions Regulations, late appeals must also include the Notice at Schedule 8). In particular, the **decision of the review officer** which is the subject of the appeal must be submitted to the Tribunal **by the appellant**.

The appellant must sign both the Schedule 7 Notice of Appeal and (where applicable) the Schedule 8 Application for an extension of time within which to bring the appeal. As the decision should issue within 15 working days of receipt of the Notice of Appeal, time is of the essence in the submission of documentation and the appeal will be determined on the material submitted by the Appellant. If all documentation is not received with the Notice of Appeal as provided for in Regulation 21(2)(b), the appeal will not be regarded as a valid appeal.

10. Taking evidence on oath or affirmation

Pursuant to section 42(8)(d) of the 2015 Act, and in line with the [Chairperson’s Guideline 2022/1 on Taking Evidence from Appellants and other Witnesses](#), the Tribunal may require all persons (over the age of 14) giving evidence before it to give that evidence on oath. Appellants and other witnesses whom the Tribunal requires to give evidence in this manner will be given the opportunity to affirm if they are a non-believer or if the taking of an oath is incompatible with the person’s belief.

The following religious texts are available in the Tribunal premises: Old Testament Bible, New Testament Bible, Quran. In the case of online hearings, appellants and other witnesses may take the oath on the appropriate e-book.

It should be noted, and legal representatives are requested to inform their clients appearing before the Tribunal accordingly, that proceedings before the Tribunal are ‘judicial or other proceedings’ to which the provisions of the Criminal Justice (Perjury and Related Offences) Act 2021 apply.

11. Submission of material / documentation to the Tribunal

In accordance with Regulation 6(4) and (5) of the 2017 Regulations, all material to be relied on by a party before the Tribunal in an international protection appeal where there is an oral hearing must be submitted not later than 10 working days prior to an oral hearing. These provisions apply to both the appellants and their legal representatives and to presenting officers.

Moreover, in accordance with Regulation 6(5), the Tribunal shall not consent to a party lodging additional documents in an international protection appeal where there is an oral hearing following the expiry of the prescribed period unless:

- (a) the documents concerned are relevant and of probative value;
- (b) the documents concerned provide new evidence or information; and
- (c) the party concerned, with reasonable effort, could not have lodged the documents concerned prior to 10 working days before the date fixed for the oral hearing.

In accordance with Regulation 6(4), the late submission of documents may only be permitted with the written consent of the Tribunal, or on the direction of the Tribunal.

As stated already, it should be clearly noted whether documents are original or copy documents, and all documents to be relied upon should be submitted in English or Irish or with an English translation of same.

All written submissions setting out and elaborating on the grounds of appeal in all international protection appeals should be submitted in **electronic Word format**. This will facilitate the Tribunal Member in the finalising of their decision and co-operation with this request is greatly appreciated.

In ease of both the Appellant and the Tribunal, it is recommended that submissions address as relevant those matters within its jurisdiction, which the Tribunal will address:

- (i) Introduction, to include chronology;
- (ii) Nationality;

- (iii) Factual background and identification of those facts which the Appellant believes to be material;
- (iv) Nature of persecution / serious harm feared;
- (v) Convention ground or nexus;
- (vi) Objective evidential basis of the future risk of persecution;
- (vii) State protection;
- (viii) Internal protection alternative;
- (ix) Grounds upon which serious harm, in the context of subsidiary protection, is feared;
- (x) State protection and / or IPA if different from above;
- (xi) Exclusion (if relevant)
- (xii) Submissions addressing *de novo* arguments which may not have been addressed at first instance (if applicable);
- (xiii) Conclusion.

When drafting submissions, presenting officers may address the issues which are of concern to their role pursuant to section 42(6)(b) of the 2015 Act.

Written submissions in the context of other types of appeal will vary according to the nature of the appeal, but should address all relevant legal issues within the Tribunal's jurisdiction.

Country information (hereinafter referred to as 'COI'), where possible, is to be submitted **in electronic format** only in all appeals. If COI is referenced in written submissions, a hyperlink to that document online should be inserted. **The exact portion of the COI on which the Appellant relies should be cited (page number, paragraph number) and the relevance to the appeal of that portion of the COI should be set out clearly.**

The Tribunal would find it of great assistance if an **index in soft copy Word format** of all documentation and COI submitted by an appellant to the Tribunal with full titles and dates of each document, were emailed to the Tribunal no later than 10 working days before the oral hearing.

If the appeal is to proceed without an oral hearing, the documentation and index should be submitted with the Notice of Appeal. While the Tribunal **may** seek further information in appeals of this type, an appellant should not expect that there will in fact be any communication between by the Tribunal to them from the time the Notice of Appeal is lodged until the time the decision is made.

12. Adjournments and Postponements

The issue of adjournments and postponements in relation to international protection appeals and appeals pursuant to the Dublin Regulations where there is an oral hearing is addressed in Regulation 9 of the 2017 Regulations and the [Chairperson's Guideline 2018/2 on Adjournments and Postponements of Appeal Hearings](#).

Any request for a postponement shall be made in writing, and the Tribunal may grant an application for a postponement where it is satisfied that it is in the interests of justice to do so.

If an appellant seeks a postponement of an appeal before the Tribunal because of pending judicial review proceedings, his or her appeal will typically only be postponed if there is a relevant Court Order in place.

If an application for a postponement is made on medical grounds, medical certification of same may be sought.

13. Correction of Errors or Omissions by the Tribunal

Pursuant to Regulation 10(1) of the 2017 Regulations, the Tribunal is empowered to 'correct any error or omission' in any decision made by it under the 2015 Act.

While the Tribunal may correct errors or omissions in a decision, it is not authorised to set aside a decision in full and to hold a rehearing after the decision has been made (see: [N.D. \(Albania\), \[2020\] IEHC 451, 22 September 2020](#)).

Appellants and their legal representatives are encouraged to contact the Tribunal should they be of the view that a matter in a decision issued by the Tribunal requires correction by way of application of this limited 'slip rule'.
