



**Chairperson's Guideline No. 2023/1
on Assigning and Re-Assigning Appeals to Members of the Tribunal by the Registrar**

1. Background:

- 1.1 This Guideline is issued pursuant to section 63(3)(a) of the International Protection Act 2015 (hereinafter 'the Act') to assist the Registrar of the Tribunal in performing their functions of assigning or re-assigning appeals to Members of the Tribunal pursuant to section 67(2) or (3) of the Act. It replaces the 'Chairperson's Guidelines on Assigning and Re-Assigning Appeals by the Registrar' of 8th March 2017.
- 1.2 This Guideline is issued also in order to take particular account of the requirements contained in S.I. No. 230/2018 - European Communities (Reception Conditions) Regulations 2018 implementing Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) (hereinafter 'the 2018 Regulations').
- 1.3 This Guideline is intended to supplement the Act and the Regulations and not to supplant them. In case of conflict, the provisions of the Act and the Regulations shall take precedence over this guideline. The relevant statutory provisions are set out in **Appendix 1**.
- 1.4 The following terms have the same meaning as that contained in the International Protection Act 2015: 'Business', 'Family', 'Tribunal', 'Member', 'Registrar', 'Unaccompanied child' and 'Chairperson'. The term 'vulnerable person' has the same meaning as that contained in the 2018 Regulations.

2. Assignment of Appeals

- 2.1 In assigning appeals to Members of the Tribunal, the overriding objective is to ensure that the business of the Tribunal is managed efficiently and that the business assigned to each member is disposed of as expeditiously as may be consistent with fairness and natural justice.

2.2 Subject to the matters set out in paragraph 2.1 and paragraphs 3 to 7 of this Guidance Note, the Registrar should endeavour, insofar as is practicable, to assign and re-assign appeals fairly and proportionately amongst the Members.

3. Family Members:

3.1 Where there are several appeals which relate to the same family those appeals may be assigned to the same Tribunal Member.

3.2 Where a Tribunal Member has previously dealt with an appeal relating to a family member of a current appellant, the appeal of the current appellant may be assigned to the Tribunal Member who dealt with the previous appeal of the family member.

4. Special Procedural Guarantees:

4.1 Applicants whose ability to benefit from the rights and comply with the obligations provided for in the Act is limited due to individual circumstances shall be considered to be in need of special procedural guarantees.

4.2 In this regard, it is acknowledged that the term 'vulnerable person' includes a reference to a person who is a minor, an unaccompanied minor, a person with a disability, an elderly person, a pregnant woman, a single parent of a minor, a victim of human trafficking, a person with a serious illness, a person with a mental disorder, and a person who has been subjected to torture, rape or other form of serious psychological, physical or sexual violence.

4.3 Appeals from 'vulnerable persons' should be assigned to Members taking such sensitivities into account, insofar as it is practicable to do so.

5. Unaccompanied Minors:

4.1 Where the appeal is made in respect of an unaccompanied minor the Registrar should use their best endeavours to ensure that the appeal is assigned to a Tribunal Member who has received appropriate training, as specified by the Chairperson, in dealing with such persons.

4.2 Particular regard shall be had to the requirements contained in Recital 14 to Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status

(hereinafter 'APD') which provides that "*the best interests of the child should be a primary consideration of Member States*".

6. Re-assignment of Appeals

6.1 Where a Member is unable or unwilling to decide an appeal, the Registrar may, in agreement with the Member, re-assign that appeal to another Member.

6.2 Where the Registrar cannot agree with a Member to re-assign an appeal the Registrar shall so inform the Chairperson who shall then decide whether to re-assign the Appeal pursuant to section 63(4)(a) of the Act.

7. Prioritisation of Appeals

7.1. The Chairperson, in exercise of her function under section 63(5)(a) of the Act may prioritise an appeal when she is of the opinion that it is in the interests of justice to do so. In that regard, the Registrar, in assigning or re-assigning the appeal in question, shall have regard to this Guideline.

7.2. Priority will be accorded to any appeal subject of a request by the Minister for Justice under section 73(1)(b) of the Act.

7.3. Accordingly, and with effect from 13th December 2022, each appeal from international protection applicants from countries designated as safe countries of origin as specified in the Schedule to the International Protection Act 2015 (Safe Countries of Origin) Order 2018 (S.I. No. 121/2018) whose applications for international protection were made on or after 8th November 2022 will be given priority.

8. Other Matters:

8.1 In assigning or re-assigning appeals between the various Members of the Tribunal the following matters should also be taken into account by the Registrar:-

8.1.1. A Member's availability,

8.1.2. A Member's ability to meet such timelines for the efficient dispatch of the business of the Tribunal, as may be determined by the Chairperson,

8.1.3. The grounds of the appeals set out in the notices of appeal,

8.1.4. The country of origin of applicants,

- 8.1.5. The provision of the International Protection Act 2015, (as amended), pursuant to which the appeals are made,
- 8.1.6. Whether the Member is disposing of the business of the Tribunal as expeditiously as may be consistent with fairness and natural justice,
- 8.1.7. Whether the Member has particular knowledge, or training, relevant to the issues raised in the appeal, and
- 8.1.8. Any other matters relevant to the disposal of the business of the Tribunal efficiently and as expeditiously as may be consistent with fairness and natural justice.



Hilikka Becker

Chairperson

International Protection Appeals Tribunal

25th January 2023

Appendix 2

International Protection Act 2015 (Safe Countries of Origin) Order 2018 (S.I. No. 121/2018)

I, CHARLES FLANAGAN, Minister for Justice and Equality, in exercise of the powers conferred on me by subsection (1) of section 72 of the International Protection Act 2015 (No. 66 of 2015), and being satisfied, in accordance with the section and in relation to each country specified in the Schedule to the following order, as to the matters specified in subsection (2) of the said section 72, hereby order as follows:

1. (1) This Order may be cited as the International Protection Act 2015 (Safe Countries of Origin) Order 2018.

(2) This Order comes into operation on 16 April 2018.

2. The countries specified in the Schedule to this Order are each designated as a safe country of origin for the purposes of the International Protection Act 2015 (No. 66 of 2015).

SCHEDULE

- **Bosnia and Herzegovina**
- **Former Yugoslav Republic of Macedonia**
- **Georgia**
- **Kosovo**
- **Montenegro**
- **Republic of Albania**
- **Republic of Serbia**
- **Republic of South Africa**

GIVEN under my Official Seal, 16 April 2018.

CHARLES FLANAGAN, Minister for Justice and Equality.

EXPLANATORY NOTE (This note is not part of the Instrument and does not purport to be a legal interpretation.) This Order lists the countries designated as safe countries of origin for the purposes of processing applications for international protection made by nationals of those countries under the International Protection Act 2015.

(g) provide such assistance to the chairperson in the performance by the chairperson of his or her functions under this Act as the chairperson may reasonably request, and

(h) comply with any direction given by the chairperson relating to training and the continued professional development of members.

Functions of Registrar

67. (1) The Registrar shall, in consultation with the chairperson—

(a) manage and control generally the staff and administration of the Tribunal, and

(b) perform such other functions as may be conferred on him or her by the chairperson.

(2) The Registrar shall assign to each member the appeals to be determined by him or her.

(3) Subject to section 63 (4)(a), the Registrar may re-assign an appeal where the member to whom it was originally assigned is unable or unwilling to determine that appeal.

(4) In assigning or re-assigning an appeal to a member the Registrar shall have regard to—

(a) the need to ensure the efficient management of the work of, and the expeditious performance of its functions by, the Tribunal, consistent with fairness and natural justice, and

(b) any guidelines issued by the chairperson under section 63 (3)(a).

(4) The chairperson may —

(a) re-assign business from one member to a different member if, in the opinion of the chairperson, such re-assignment—

(i) is warranted by the inability or unwillingness to transact that business of the member to whom the business was originally assigned, and

(ii) where the business relates to an appeal, cannot be achieved by agreement between the Registrar and that member,

**Role of
members of
Tribunal**

65. (1) A member of the Tribunal shall, on behalf of the Tribunal, transact the business assigned to him or her under this Act.

(2) A member shall, in the performance of his or her functions under this Act—

(a) ensure that the business assigned to him or her is managed efficiently and disposed of as expeditiously as is consistent with fairness and natural justice,

(b) conduct oral hearings in accordance with this Act and any regulations under section 41 (4),

(c) accord priority to an appeal to which section 63 (5) applies that is assigned to him or her,

(d) have regard to any guidelines issued by the chairperson under section 63 (2),

(e) prepare the report referred to in *paragraph (b) or (c) of section 63 (4)* and provide it to the chairperson when requested to do so,

(f) attend any meetings convened by the chairperson under *subsection (6) or (7) of section 63*, unless it is impracticable to do so,

Appendix 1

<p style="text-align: center;">Statutory Provisions International Protection Act 2015</p>

**Functions of
chairperson of
Tribunal**

63. (1) The chairperson shall ensure that the functions of the Tribunal are performed efficiently and that the business assigned to each member is disposed of as expeditiously as may be consistent with fairness and natural justice.

(2) The chairperson may issue to the members of the Tribunal guidelines on the practical application and operation of the provisions or any particular provisions of this Part and on developments in the law relating to international protection.

(3) (a) The chairperson may, if he or she considers it appropriate to do so in the interest of the fair and efficient performance of the functions of the Tribunal, issue guidelines to the Registrar for the purpose of the performance of his or her functions of assigning or re-assigning appeals under section 67 (2) or (3).

(b) In issuing the guidelines referred to in *paragraph (a)*, the chairperson shall have regard to the following matters:

(i) the grounds of the appeals specified in the notices of appeal;

(ii) the country of origin of applicants;

(iii) any family relationship between applicants;

(iv) the ages of the applicants and, in particular, of persons under the age of 18 years in respect of whom applications are made;

(v) the provisions of this Act under which the appeals are made.