



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

Annual Report 2021



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Mission Statement

The mission of the
International Protection Appeals Tribunal
is to provide an effective remedy within the
international protection system that is of the
highest quality and to do so in the most efficient,
sustainable and user-focussed manner, ensuring
compliance with
national, EU and international law.

Foreword by Tribunal Chairperson Hilkka Becker



I am pleased to present the 2021 Annual Report of the International Protection Appeals Tribunal to the Minister for Justice, Helen McEntee TD, and would like to express my sincere thanks to the Minister and her Department for their partnership and support throughout the year.

2021 continued to bring many challenges related to the COVID-19 pandemic and it fills me with great pride to be able to report on the work of the Tribunal as an essential service, which continued throughout the year, providing an effective remedy for applicants seeking to appeal decisions related to their applications for international protection. Everyone in the Tribunal played their part in the delivery of our mission in challenging circumstances: the admin team led by the Tribunal Registrar, Pat Murray, the rest of the Tribunal senior management team, Deputy Chairpersons Cindy Carroll and John Stanley and Assistant Principal Barry Crossan, and of course the Tribunal Members, all of whom I am most grateful to for their commitment and dedication.

Having concluded the year 2020 with 1,655 appeals on hand, the many innovations developed in-house and introduced by the Tribunal team such as the use of audio video technology for Tribunal hearings and electronic signatures for Tribunal decisions

enabled us to complete a total 1,228 appeals, reducing the caseload at the end of the year 2021 by nearly 30%.

As expressed in the Tribunal's Strategy Statement for 2021 – 2023, which was developed following a consultation process, including the first external consultation in the Tribunal's history, we strive to deliver excellence and be a model appellate decision-making authority.

In that regard, I look forward to continuing to lead the Tribunal throughout its ongoing modernisation, and working closely with the Department of Justice and our stakeholders in further developing and enhancing the quality of the Tribunal's service delivery and playing a part in realising the *Digital First* agenda.

The designation of the Tribunal as a body enabled to conduct remote hearings, allowing participation by means of electronic communications technology, has already enabled the Tribunal to conduct 676 audio video hearings in the course of the year. Embracing this change going forward, we are now set to have an ongoing parallel stream of remote and onsite hearings, which will support our efforts to return to pre-pandemic processing times, which were set to reach those recommended by the Advisory Group on the Provision of Support, including Accommodation to Persons in the International Protection Process in 2020.

A handwritten signature in black ink that reads "Hilkka Becker".

Hilkka Becker
Chairperson

1. Introduction

International protection applications lodged in EU+ countries had decreased in 2020 by an average of 31 % compared to 2019 due to the COVID-19 pandemic and related emergency measures. However, they increased again by a third, returning to pre-pandemic levels in 2021.

Similarly, while Ireland had seen the highest level of applications for international protection in more than a decade in 2019, with 4,781 applications made to the International Protection Office, these figures decreased as a result of the pandemic, bringing applications to a low of 1,566 in 2020 but rising again, like elsewhere, in 2021 to 2,649 applications, reaching 45% of pre-pandemic levels.

The impact of the pandemic on the number of appeals reaching the Tribunal, as the second instance appeal body, was felt more strongly in 2021 with a further decline of appeals received from 1,262 in 2020 to 768 in 2021. On the other hand, the Tribunal's output remained steady at 1,228, allowing it to reduce the number of pending appeals before it by close to 30%.

The majority of hearings conducted before the Tribunal in 2021 took place remotely by way of audio video technology, a vital step in ensuring ongoing access to the effective remedy provided by the Tribunal in line with Ireland's obligations under EU law. This was made possible through the dedication of the Tribunal staff and Members and the collaborative relationship of the Tribunal with its stakeholders in the International Protection Office and in the Legal Aid Board and the wider legal community who had been consulted prior to the introduction of this measure and who had participated in the piloting of the first audio video hearings from November 2020 onwards.

While the Tribunal did its utmost to hear all appeals pending before it without delay, scheduling a total of 2,169 hearings in 2021, there was a high level of postponements, on occasion multiple times, which was necessary in order to ensure compliance with pandemic related restrictions. The Tribunal nevertheless completed a total of 765 hearings throughout the year. 676 hearings were conducted through the use of audio video technology (A/V) and a further 89 hearings were conducted on-site at the Tribunal's premises. Another factor somewhat limiting progress in that regard was that until mid-year only cases not requiring an interpreter could be heard through A/V link but that was remedied once interpretation services specifically for this purpose had been procured by the Department of Justice.

Audio video technology also enabled the Tribunal to continue hold regular meetings with staff and Members, including for the provision of in-house training, and to continue engaging with its stakeholders, including the Tribunal Users' Group and the wider legal profession. Additionally, Tribunal Members benefitted from participation in expert panel discussions and judicial training provided by the European Asylum Support Office (EASO –

now EUAA) and some were engaged in the provision of such training via EASO's online platform.

The Tribunal has regularly apprised the Governance function of the Department of Justice on its output and issues affecting same. The Tribunal has also played an active role alongside other stakeholders in the international protection process by its participation in the Implementation Working Group regarding the recommendations of the Advisory Group on the Provision of Support, including Accommodation to Persons in the International Protection Process. The Chairperson and Registrar have attended regular meetings with this Group, identifying issues which cause unnecessary delay for applicants and working with the Group to resolve same by making suggestions which are practical and within the Tribunal's legislative remit. The Tribunal has also worked with the Department of Justice in the Departments' own End-to-End Review of the international protection process, seeking efficiency gains, for example through the planned introduction of a paperless system for international protection appeals.

The Tribunal at a glance:



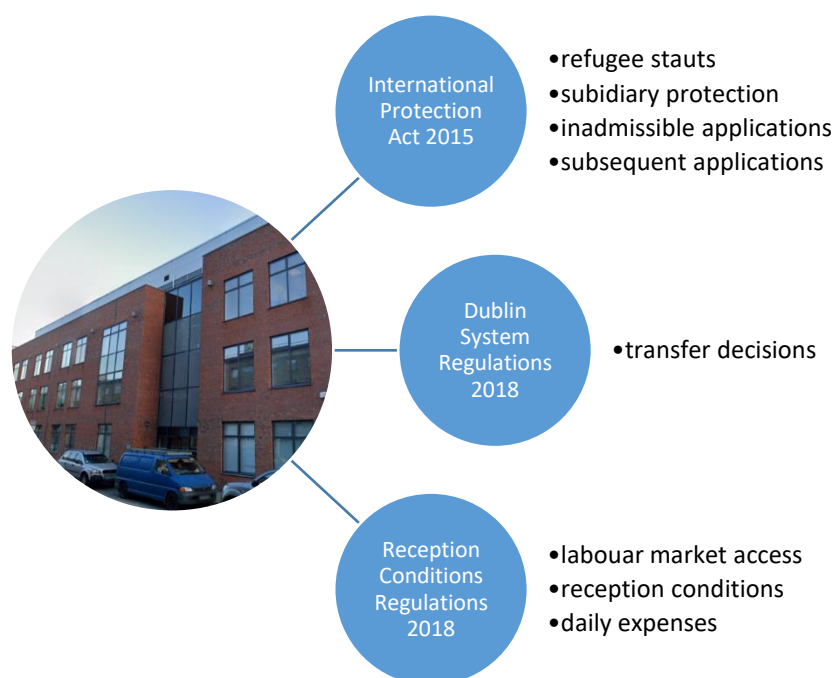
2. About the Tribunal

2.1. Establishment and jurisdiction

Part 10 of the International Protection Act 2015 provided for the establishing of the Tribunal as an appellate body providing an effective remedy for applicants for international protection in respect of recommendations of international protection officers. The functions of the members and staff of the Tribunal are also set out in Part 10 of the 2015 Act.

The Act, especially Parts 2, 3 (as amended), 4 and 6, set out the various legal rules within which the Tribunal operates when dealing with the appeals that are its predominant concerns. These legal rules have been supplemented by the Dublin System Regulations 2018, in respect of appeals concerning transfer orders made by an international protection officer under the Dublin III Regulation.

The Tribunal's jurisdictional mandate has also been added to by the Reception Conditions Regulations 2018, under which the Tribunal is the judicial authority for determining appeals from decisions made by officials of the Department of Justice, Department of Social Protection, or Department of Children, Disability, Equality, Integration and Youth, as the case may be.



All in all, the Tribunal's current legislative mandate is to determine appeals from first instance decisions in respect of:

- International protection – refugee status and subsidiary protection;

- Inadmissibility of an application for international protection;
- Consent to make a subsequent application for international protection;
- Transfer orders under the Dublin Regulation; and
- Reception conditions in the international protection process, including labour market access.

2.2. Membership of the Tribunal

In 2021, the Tribunal's Membership consisted of:

- the Chairperson, Hilkka Becker,
- two Deputy Chairpersons, John Stanley and Cindy Carroll, and

the whole-time Members, and part-time Members listed below. The latter are engaged on contracts for service to the Minister for Justice, whereas the Chairperson and Deputy Chairpersons are engaged on contracts of service.

Ordinary Members of the Tribunal consider appeals and make decisions in respect of the various matters that come before the Tribunal. All Members are either barristers or solicitors with a minimum of five years' professional experience appointed by the Minister based on selection by the Public Appointments Service, after holding a competition under section 47 of the Public Service Management (Recruitment and Appointments) Acts. This process ensures that Members have the required skills and expertise in respect of international protection and human rights law, and decision-making. Moreover, the three whole-time members are in a position to focus on decision-making on a full-time basis.

All Members receive extensive induction training when they are first appointed and all engage in regular training every year as set out in more detail further below in this report.

The Chairperson of the Tribunal is tasked with ensuring 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.

During the course of the year, 7 Tribunal Members, including the whole-time Members, were re-appointed for a second 3-year term. On the 31st of December 2021, the Tribunal had a Chairperson, two Deputy Chairpersons, three whole-time Tribunal Members and 45 part-time Members.

Everyone at the Tribunal was greatly saddened by the death of one of its long-standing and highly respected Members, Elizabeth O'Brien Scheer**, in November 2021. Elizabeth was appointed to the Tribunal's predecessor, the Refugee Appeals Tribunal, in 2004 and had continued working as a Tribunal Member since then, being re-appointed on several occasions and transitioning to the new Tribunal on 31st December 2016. She will be remembered as a tenacious, fair and diligent Member and will be missed by her friends and colleagues here at the Tribunal.

2.3. List of Tribunal Members

In addition to the Chairperson and two Deputy Chairpersons, the Tribunal had a total of three whole-time Members and 51 part-time Members during the year.

Whole-Time / Part-Time Members of the Tribunal	
1. Agnes McKenzie, BL (W/T)	2. Leonora Doyle, Solicitor
3. Ann Marie Courell BL	4. Majella Twomey BL
5. Bernadette McGonigle, Solicitor	6. Margaret Browne BL
7. Brian Cusack BL	8. Mark Byrne BL
9. Brid O'Flaherty BL	10. Mark William Murphy BL
11. Christopher Hughes BL	12. Mary Forde, Solicitor
13. Ciara McKenna-Keane BL	14. Michael Kinsley BL
15. Ciaran White BL	16. Michael McGrath SC
17. Clare O'Driscoll BL	18. Michael Ramsey BL
19. Colin Lynch, Solicitor	20. Michelle O'Gorman BL
21. Conor Keogh, BL	22. Moira Shipsey, Solicitor
23. Cormac Ó Dúlacháin SC	24. Morgan Shelly, BL
25. Denis Halton BL	26. Nicholas Russell, Solicitor
27. Elizabeth Mitrow, Solicitor	28. Oluwafemi Daniyan BL
29. Elizabeth O'Brien BL**	30. Patricia O'Connor, Solicitor
31. Emma Toal BL	32. Patricia O'Sullivan Lacy BL
33. Eoin Byrne BL	34. Paul Brennan, Solicitor
35. Evelyn Leyden, Solicitor	36. Paul Kerrigan, Solicitor
37. Finbar O'Connor, Solicitor	38. Rosemary Kingston O'Connell, Solicitor
39. Fiona McMorro w BL	40. Sharon Dillon-Lyons BL
41. Folasade Kuti-Olaniyan, Solicitor	42. Shaun Smyth BL
43. Ger O'Donovan BL	44. Shauna Gillan BL (W/T)
45. Joanne Williams BL	46. Simon Brady BL

47. John Buckley BL (W/T)	48. Stephen Boggs BL
49. John Noonan BL	50. Steven Dixon BL
51. Kevin Lenahan BL	52. Una Mc Gurk SC
53. Lalita Pillay BL	54. Zeldine O'Brien BL

A number of part-time Tribunal Members resigned during the year 2021 or were not re-appointed following completion of their 3-year term of office; and with that the number of ordinary Tribunal Members was reduced to 48 at the end of 2021.

3. The Tribunal's Vision, Mission and Strategy

In 2021, the Tribunal completed its strategic planning process for the coming three years and the Tribunal's Strategy Statement 2021 – 2023 was published in June 2021, which is available [HERE](#).



The Tribunal's Mission is to provide an effective remedy within the international protection system that is of the highest quality and to do so in the most efficient, sustainable and user-focussed manner, ensuring compliance with national, EU and international law. And it that regard, and in consideration of the stakeholder consultation carried out by the Tribunal in 2020, we have agreed the following strategic priorities:

1. **Ensure quality and consistency of decision-making.**
2. **Optimise efficiency of appeal processing.**
3. **Deliver a user-focused appeal service.**
4. **Communicate effectively with service users and other stakeholders.**
5. **Engage and strengthen the Tribunal's synergies across the international protection ecosystem.**

Strategic Priorities for 2021 – 2023:



4. Actions undertaken to ensure quality and consistency of decision making

4.1. Statutory Meetings

The Tribunal held a short Statutory Meeting of its Members on the 28th of May 2021 and the Annual Statutory Meeting on the 3rd of December 2021. At both meetings, Members were apprised of relevant legislative developments and developments within the Tribunal and they were afforded the opportunity to raise and discuss issues of concern.

4.2. Quality Audit System

The Tribunal has had a Quality Audit system in place since 2017. During 2021, the United Nations High Commissioner (UNHCR Ireland) was invited to take an active role in the auditing of decisions, which had been issued in the Quarter preceding the relevant Audit. They carried out this work alongside the Tribunal Deputy Chairpersons in order to evaluate the decisions and identify training needs for the purpose of ensuring the maintenance of high quality decision making.

The Tribunal also worked with the Research and Data Analytics Unit of the Department of Justice to develop the system further and make it more efficient and user-friendly.

4.3. Training provided for Tribunal Members

The provision of regular training to its Members is a priority in the Tribunal. During 2021, training was provided by the Chairperson, Deputy Chairpersons, part-time Tribunal members, UNHCR and the University of Warwick at compulsory full-day training sessions as well as during virtual 'Lunch & Learn' events.

The following issues were addressed:

- Inadmissibility Appeals and Subsequent Appeals
- Dublin III Appeals
- SOGI based claims
- Trauma and credibility
- Human trafficking
- Due process in remote hearings
- Witness memory capacity
- Building a rapport in the hearing room
- Working with interpreters
- Blocking the white noise
- Case law updates
- Findings from the Quality Audits

Participation by Tribunal Members in training and networking opportunities provided by relevant bodies at national, European and international level included the following:

- Immigration, Asylum, Citizenship Bar Association (IACBA – Ireland) – 2021 Conference
- King’s Inns Seminar *‘Managing Remote Hearings in quasi-judicial bodies: maintaining fairness and the interests of justice’*
- EU Asylum Agency (formerly EASO)
 - Professional Development Workshop on Qualification for international protection
 - Professional Development Workshop on Art 15(c) Qualification Directive
 - Professional Development Workshop on Exclusion from International Protection
 - Professional Development Workshop on Asylum Procedures and the Principle of Non-Refoulement
 - Expert Panel on *‘Balancing mutual trust and fundamental rights in inadmissibility cases: an increasing challenge for international protection judges?’*
 - Professional Development Workshop on Evidence and Credibility Assessment
 - High-Level EASO Expert Panel on *‘The asylum judge in search of European convergence: Protecting what and how?’*
- FAIR PLUS (Fostering Access to Immigrants’ Rights) transnational learning exchange between Irish and Czech judges and decision maker (funded by the EU Justice Programme (2014-2020))
- Refugee Law Initiative Conference: *‘Ageing Gracefully? The 1951 Refugee Convention at 70’*

A number of Tribunal Members are actively involved in providing training with the European Union Asylum Agency (formerly EASO). This training is subsequently provided to Tribunal Members internally. Tribunal members are also members of the International Association of Refugee and Migration Judges (IARMJ) and can benefit from training and networking opportunities through that association as well as from training provided the European Judicial Training Network (EJTN).

Tribunal Members use the Judicial Analyses produced by the IARMJ under contract to the EUAA (formerly EASO) on various topics in their everyday work and the Tribunal is honoured by the fact that some of its Members are involved in the production and editing of those materials.

Additionally, Tribunal Members are furnished with the ‘Tribunal Quarterly’, an internal periodical, which sets out recent case law from the Irish Courts, the Court of Justice of the European Union, European Court of Human Rights, United Kingdom and national courts across the European Union.

Research projects were also carried out on issues pertaining to international protection law, judicial ethics and gender – these will form part of the Tribunal’s training in 2022.

4.4. Chairpersons Guidelines issued in 2021

While no Chairperson's Guidelines were issued in 2021, work was commenced on a number of new Guidelines and the first of those, *Chairperson's Guideline No. 2022/1 on Taking Evidence from Appellants and Other Witnesses* was published in early 2022.

This Guideline is informed by the International Protection Act 2015, the International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017, Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, and Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status.

It also takes account of *Evidence and Credibility Assessment in the Context of the Common European Asylum System (CEAS) – A Judicial Analysis*, (IARMJ/EASO, 2018), *Vulnerability in the context of applications for international protection – A Judicial Analysis* (IARMJ/EASO, 2021), and the *UNHCR Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status* (December 2011), as well as relevant case law and academic commentary.

Importantly, the Guideline takes account of legal developments in light of the Criminal Justice (Perjury and Related Offences) Act 2021. It incorporates guidance in the above-mentioned Judicial Analyses, and also reflects that oral hearings may now also occur by A/V means.

All Chairperson's Guidelines are available on the website of the Tribunal at: www.protectionappeals.ie.

4.5. Judicial Review Monitoring

Following advice received from the Attorney General in 2016, it was decided that the Tribunal as an independent statutory body carrying out quasi-judicial functions, should attract the same legal principles as those applying to a District Court judge and that once the Tribunal has made a decision, it is *functus officio* and has no part in defending or supporting its decision in subsequent judicial review proceedings. The justification for a decision of the Tribunal is set out in the decision itself. Once a Member of the Tribunal has fulfilled the function of delivering a reasoned decision, he or she has no further function and it could be seen to impugn the independence of the Tribunal to seek to stand over its decisions should they be challenged subsequently. These principles apply in the public interest to maintain confidence in the judicial and equivalent systems.

The only circumstances in which these principles may not apply is where *mala fides* on the part of a Member of the Tribunal is alleged or systemic procedural challenges are made against the operations of the Tribunal. In all other cases, the principle that the party in whose interest an order has been made is the *legitimus contradictor* in judicial review proceedings challenging an order of a lower court or equivalent does apply. In the

circumstances of the International Protection Appeals Tribunal, the Minister is the party with an interest in the recommendation or decision and would therefore be the *legitimus contradictor*.

However, as a Respondent in judicial review challenges brought against any of its decisions, the Tribunal liaises with the Department of Justice Legal Services Support Unit (LSSU), the Chief State Solicitor's Office (CSSO) and the Attorney General's Office (AGO) in relation to the provision of relevant information and, in certain circumstances, observations. The Tribunal's Judicial Review Unit is situated within its administration / secretariat. It records and monitors progress of all judicial reviews, considers all legal documents received and co-ordinates responses with the Chairperson.

The Tribunal closely follows the developments in the Superior Courts in respect of judicial reviews of its decisions. Whether the Court upholds or quashes a decision of the Tribunal, the Tribunal seeks to implement in its guidance to and training of its Members the jurisprudence of the Superior Courts. The particular ways in which the Tribunal does this include:

1. Clear summaries of the key insights from the jurisprudence, presented systematically in Quarterly Reviews for the benefit of Tribunal Members.
2. Implementation in Chairperson's Guidelines pursuant to s. 63(2) in respect of developments of the law of international protection.
3. Revision and updating of the guidance and training materials used for the professional development of Tribunal Members.
4. Revision and updating of the decision-making templates used by Tribunal Members.
5. Determining and shaping the training provided to Members internally.
6. Determining the external training relevant to Members.
7. Hosting workshops, discussion groups and 'lunch and learn' sessions on matters arising from the case law.
8. Updates on particular net issues from case law and opinions of counsel.
9. Revision and updating of the quality audit materials used for analysing members decisions with a view to identifying matters for continued improvement.

During 2020 the Tribunal consolidated and ordered all information available to it in respect of litigation against the Tribunal since came into being on the 31st of December 2016. This knowledge management project continued throughout 2021 and enables the Tribunal to systematically monitor relevant litigation in the Superior Courts for the purpose of further enhancing the quality and efficiency of its decision-making.

A *'Summary of judgments of the Irish Superior Courts relating to decisions of the International Protection Appeals Tribunal'*, was published on the Tribunal's website in 2021 and can be accessed on our Publications page [HERE](#).

Registrar's Executive Summary



The Tribunal started the year with 1,655 live appeals on hand. The number of International Protection Act 2015 and European Union (Dublin System) Regulations 2018 appeals submitted to the Tribunal in 2021 was 768. Additionally, the Tribunal received 12 appeals under the European Communities (Reception Conditions) Regulations 2018 during the course of the year, amounting to a total of 780 appeals reaching the Tribunal in 2021. This compares with a total of 1,262 appeals received in 2020 and 2,064 in 2019. The Tribunal ended 2021 with 1,180 appeals pending before it.

The number of appeals scheduled for hearing in 2021 stood at 2,169 a marked increase on 1,418 hearings scheduled in 2020. It must of course be noted that for large parts of 2020 and 2021, it was not possible to conduct oral hearings on-site at the Tribunal. For the majority of 2021, due to the COVID-19 pandemic it was not possible to conduct oral hearings on-site at the Tribunal. No on-site hearings took place between December 2020, and 6 October 2021, due to public health measures and on the advice of the Department of Justice's Health and Safety Manager. The Tribunal finished 2021 by recommencing a limited number of on-site hearings from the 6th of October 2021. There was a continuing high hearing postponement rate on all scheduled hearings throughout 2021 as an impact of COVID-19 and there were multiple postponements in some cases.

In response to the impact of COVID-19 on its ability to conduct hearings in 2020, the Tribunal developed and initiated a programme to enable appellants to access Tribunal hearings through an Audio Video Conferencing (A/V) platform, and it commenced A/V hearings in November 2020 with a small number of A/V hearings held that year on a pilot basis. The Tribunal was designated as a body under s.31 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 on the 31st of December 2020, enabling it to provide A/V hearings as the default position unless to do so would be unfair in the circumstances or otherwise contrary to justice.

The number of A/V Hearings conducted in 2020 was 3.

The number of A/V Hearings conducted in 2021 was 676

In 2021 the Tribunal completed a total of 1,228 appeals; a small increase when compared with 1,169 completed appeals in 2020. It should be noted that the pandemic had an impact on the entire year in 2021 whereas the impact in 2020 was mainly from Quarter 2 onwards.

A handwritten signature in blue ink, appearing to read 'Pat Murray'. The signature is fluid and cursive, written on a light-colored background.

Registrar

5. Registrar and administration of the Tribunal

The Tribunal Registrar, Pat Murray, in consultation with the Chairperson, is tasked to manage and control the staff and administration of the Tribunal, and to perform such other functions as may be conferred on him by the Chairperson.

The Registrar also has responsibility for assigning the appeals to be determined to Members of the Tribunal, having regard to the need to ensure the efficient management of the work of, and the expeditions performance of its functions by, the Tribunal, consistent with fairness and natural justice, and any Guidelines issued by the Chairperson.

Administrative staff are civil servants and currently assigned to the Tribunal from the Department of Justice in accordance with s.61 (4) of the International Protection Act 2015. The agreed administrative staffing complement for the Tribunal forms part of the Department of Justice's Oversight Agreement with the Tribunal and, for the reporting period, was 41. Additionally, the Tribunal Chairperson, Deputy Chairpersons and whole-time Tribunal Members are on contracts for service with the Department for their respective periods of appointment.

5.1. Tribunal Staff levels

IPAT STAFF LEVELS 31/12/2021	Persons	FTE	Agreed Oversight levels*
Chairperson (PO)	1	1	1
Deputy Chairperson (APO)	2	2	2
W/t Tribunal Member (APO)	3	3	3
SUB TOTAL	6	6	6
Principal Officer (Registrar)	1	1	1
Assistant Principal Officer	1	1	1
HEO/Administrative Officers	4	3.8	4
EXECUTIVE OFFICERS	7	6.6	8
CLERICAL OFFICERS	26	25.2	27
SUB TOTAL	39	37.6	41
TOTAL	45	45	47

* Note as of 31/12/2021 In addition to the above the Tribunal had 4 Temporary Clerical Officers

5.2. Tribunal staff development and training

Staff members attended all of the below training events, including training provided by One Learning on a wide range of subjects, and a number of the staff have availed of further education courses partly funded through the Department of Public Expenditure.

- MS Word Level 2 and 3
- MS Excel Level 1, 2 and 3
- MS Powerpoint Intro and Advanced
- Data Protection
- Freedom of Information
- General legislative updates
- Executive Officer Development
- Mentoring and Coaching of staff
- Wellbeing with Irish Osteoporosis Society
- Stress management
- Gender Workshop
- Effective Alternatives to Detention for Female Offenders
- Fire Warden and Fire Safety
- Bachelors of Law and Administration of Justice
- Professional Irish Level 4
- Diploma in Immigration & Asylum Law
- First Aid responder with Covid update
- State Protection
- IOM Ireland Capacity-Building Training in Cultural Competency and Understanding

Additionally, Tribunal staff members may attend training provided to Tribunal Members to further their understanding of the Tribunal's quasi-judicial decision-making role.

5.3. COVID-19 – Contingency Planning and Actions

As previously stated earlier in this report, the Tribunal, as an essential service, continued to conduct business by processing appeals - accepting new notices of appeal, scheduling oral hearings and finalising and issuing decisions throughout the pandemic in 2021.

For the majority of 2021, due to the COVID-19 pandemic, it was not possible to conduct oral hearings on-site at the Tribunal. Due to public health measures and on the advice of the

Department of Justice Health and Safety Manager, no on-site hearings took place between December 2020 and the 6th of October 2021. The Tribunal finished 2021 by recommencing a limited number of on-site hearings from the 6th of October 2021.

The Tribunal operated a staff roster system throughout 2021 and the Tribunal Senior Management Team and Staff remained flexible as to how this operated, reacting to pertaining restrictions and public health advice as it evolved throughout the pandemic. For example, staff who were required to undertake essential tasks that could not be completed remotely were advised to travel at off peak commute times and to only remain on the premises for the shortest time possible and then working remotely for the remainder of the day. The support of the staff of the Tribunal and their cooperation in relation to the Tribunal's contingency arrangements throughout the year was exemplary. The Tribunal Senior Management Team monitored the operations and were satisfied with the effective balancing of remote and on-site work and were confident that this is operated most effectively and, above all, safely.

As part of its COVID-19 contingency planning, the Tribunal developed and initiated a programme to enable appellants, their legal representatives and the Presenting Officers for the Minister for Justice, to access Tribunal hearings through the use of audio video (A/V) technology and it commenced A/V hearings in November 2020, with a small number of such hearings conducted on a pilot basis that year. The Tribunal was designated as a body under section 31 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 on the 31st of December 2020, enabling it to provide A/V hearings as the default position unless to do so would be unfair in the circumstances or otherwise contrary to justice. A temporary interpreter service contract was subsequently awarded by the Department of Justice in May 2021, which enabled the Tribunal to conduct A/V hearings in languages other than English . The A/V programme has proven to be very successful and the Tribunal conducted a total of 676 A/V hearings in 2021.



6. Financial Report

The Tribunal is funded by monies voted by the Dáil through the Vote for the Office of the Minister for Justice. Costs incurred by the Tribunal, including staff salaries, fees payable to Members of the Tribunal, interpretation and translation costs, legal costs and all accommodation, utilities and other running and maintenance costs, are approved by and funded directly from the Department.

The Tribunal shares the Hanover Street premises with a number of other offices / agencies, including Department of Justice offices. Some of the costs attributed to the Tribunal below are costs associated with the premises as a whole, including running costs, pay and costs for service officers, postage etc.

Category	Expenditure in 2021
IT Costs	€187,482.00
Legal Costs	€467,436.45
Members Fees	€490,021.62
Membership of Professional Bodies	€3,588.75
Office and Premises Expenses	€3,002.14
Office Machinery and Other office Supplies	€13,274.34
Postal and Communications Services	€20,257.24
Publications	€2,146.95
Salaries and Wages	€2,129,087.28
Training	€660.00
Translation/Interpretation	€18,030.98
Grand Total	€3,334,987.75

6.1. Fees Paid to Part-Time Members of the Tribunal

Member of Tribunal	Fees for 2021
Brian Cusack, B.L.	€9,982.00
Brid O'Flaherty, B.L.	€30,709.00
Christopher Hughes, B.L.	€20,080.00
Ciara McKenna-Keane, B.L	€9,869.00
Ciaran White, B.L.	€4,264.00
Clare O'Driscoll, B.L.	€16,493.00
Colin Lynch, Solicitor	€7,197.00
Conor Keogh, B.L.	€5,605.00
Cormac Ó Dúlacháin, S.C.	€14,491.00
Elizabeth Mitrow, Solicitor	€4,137.00
Elizabeth O'Brien, B.L.	€1,705.00
Emma Toal, B.L.	€5,866.00
Eoin Byrne, B.L.	€22,409.00
Evelyn Leyden, Solicitor	€3,904.00
Finbar O'Connor, Solicitor	€8,520.00
Fiona McMorrow, B.L.	€1,347.00
Folasade Kuti-Olaniyan, Solicitor	€3,292.00
Joanne Williams, B.L.	€13,045.00
John Noonan, B.L.	€31,793.00
Kevin Lenahan, B.L.	€17,794.00
KIERAN FALVEY *	€1,904.00
Lalita Pillay, B.L.	€2,689.00
Leonora Doyle, Solicitor	€15,296.00
Majella Twomey, B.L.	€17,527.62

Margaret Browne, B.L.	€16,023.00
Mark Byrne, B.L.	€35,751.00
Mark William Murphy, B.L.	€5,119.00
Mary Forde, Solicitor	€8,039.00
Michael Kinsley, B.L.	€3,175.00
Michael McGrath, S.C.	€7,550.00
Michelle O'Gorman, B.L.	€730.00
Moir Shipsey, Solicitor	€2,224.00
Nicholas Russell, Solicitor	€26,665.00
Patricia O'Connor, Solicitor	€1,949.00
Patricia O'Sullivan Lacy, B.L.	€12,569.00
Paul Kerrigan, Solicitor	€19,409.00
Rosemary Kingston O'Connell, Solicitor	€245.00
Sharon Dillon-Lyons, B.L.	€9,496.00
Shaun Smyth, B.L.	€6,699.00
Simon Brady, B.L.	€8,446.00
Stephen Boggs, B.L.	€18,582.00
Steven Dixon, B.L.	€28,642.00
Una McGurk, S.C.	€1,522.00
Zeldine O'Brien, B.L.	€7,271.00
Grand Total	€490,024.62

*(former member, fee note received for 2015 decision)

7. Statistics 2021

7.1. Summary – Tribunal Caseload 2021

2021	
Appeals Received	768
Cases Scheduled	2169
Decisions Issued	1080
Total Appeals Completed	1228
Live Appeals on Hand at Year End	1180

7.2. Summary – Types of Appeals received in 2021

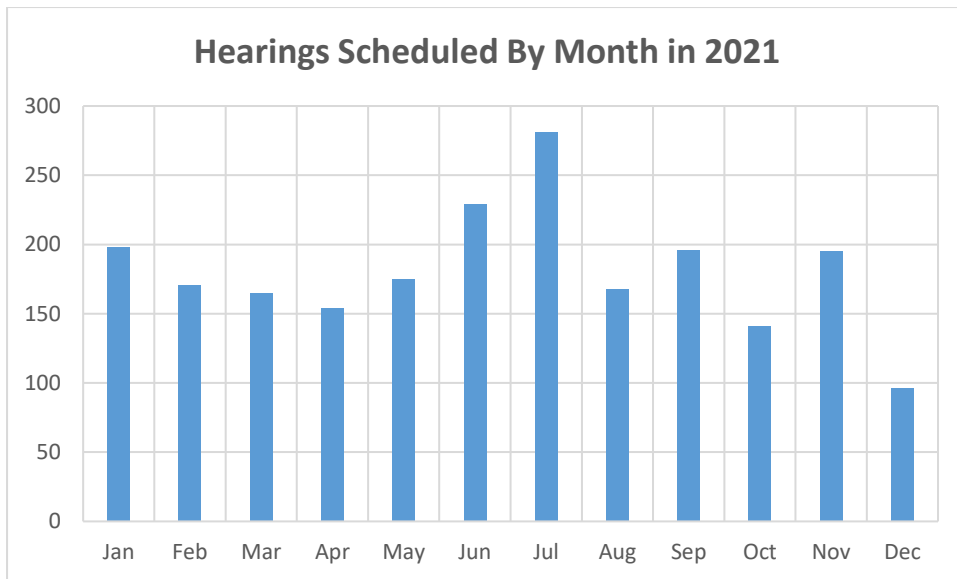
Appeal Type	Appeals Received
All International Protections Appeals	722
Dublin III	16
Inadmissible Appeal	5
Subsequent Appeal	13
Reception Conditions	12
Grand Total	768

7.3. All Appeals Received in 2021

All appeals received 2021						
Month	All International Protections appeals	Dublin III Regulation Appeals	Inadmissibility Appeals Received (s.21)	Subsequent Appeals Received (s.22)	Reception Conditions Appeals	Grand Total
Jan	51	0	3	1	4	59
Feb	71	1	1	3	0	76
Mar	97	6	0	0	1	104
Apr	60	2	0	0	1	63
May	63	1	0	2	1	67
Jun	67	0	0	1	1	69
Jul	55	1	0	3	2	61
Aug	35	3	1	0	2	41
Sep	41	2	0	0	0	43
Oct	72	0	0	2	0	74
Nov	63	0	0	0	0	63
Dec	47	0	0	1	0	48
Grand Total	722	16	5	13	12	768

7.4. Number of Hearings Scheduled in 2021 (table and Chart)

Month	No of Hearings Scheduled
Jan	198
Feb	171
Mar	165
Apr	154
May	175
Jun	229
Jul	281
Aug	168
Sep	196
Oct	141
Nov	195
Dec	96
Grand Total	2169



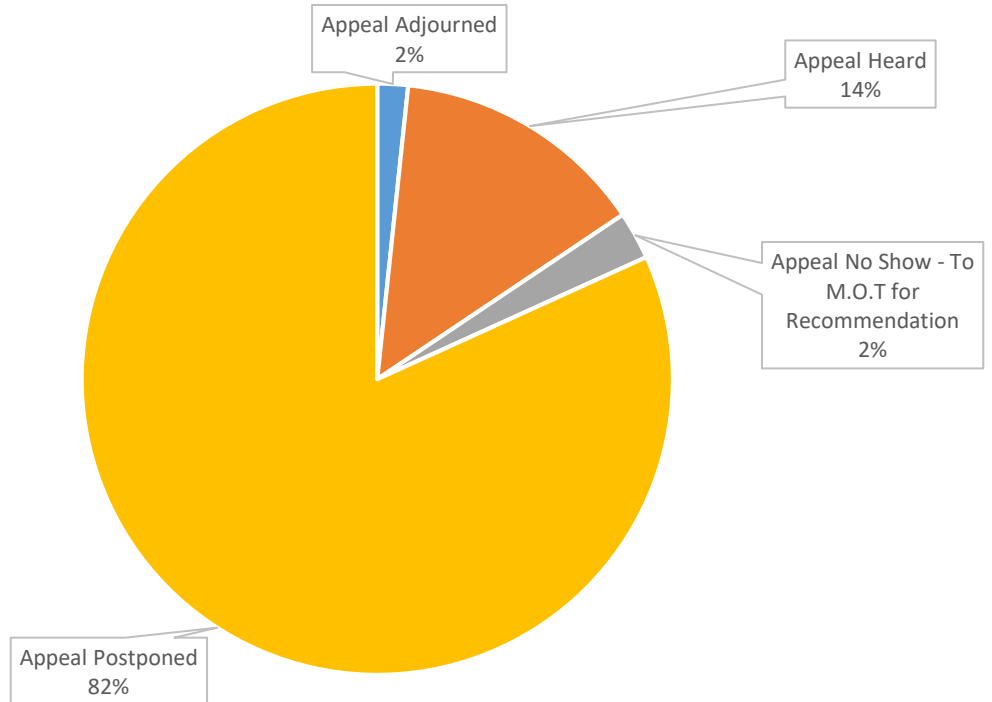
7.5. 'No Shows' and Withdrawals/Deemed Withdrawals

2021	No of Appeals
No Shows	49
Appeals Withdrawn/Deemed Withdrawn	148

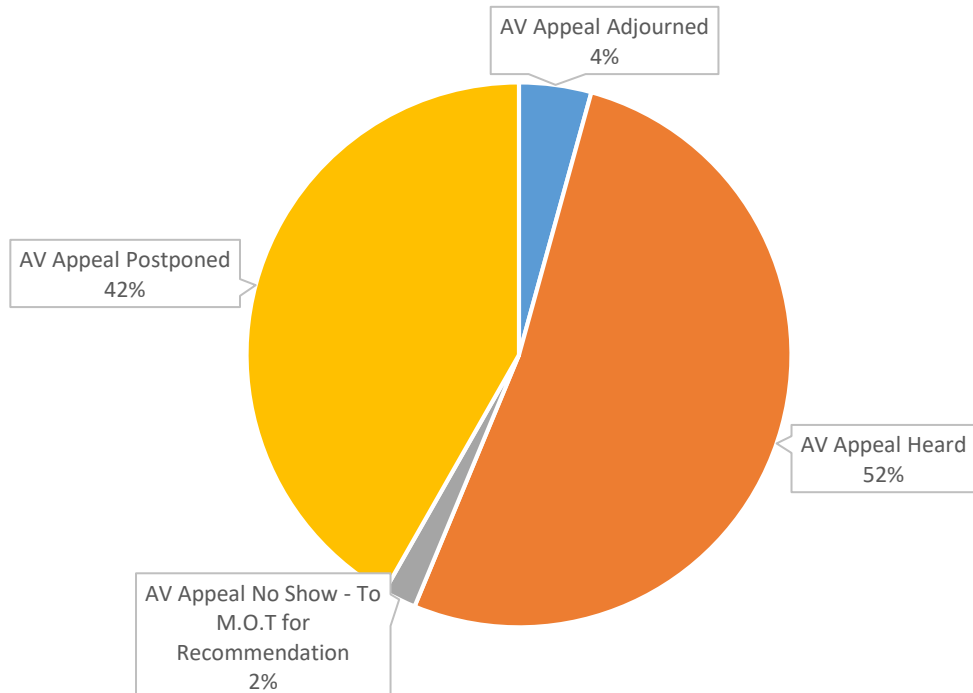
7.6. Number of Postponements and Adjournments (incl. pie chart of outcome for scheduled cases)

2021	No of Appeals
Appeal Adjourned	16
Appeal Postponed	781
AV Appeal Adjourned	52
AV Appeal Postponed	507
Grand Total	1356

Outcome For On Site Scheduled Cases for 2021



Outcome For AV Scheduled Cases for 2021



7.7. Total number of decisions issued

Month issued in 2021	No of decisions issued
Jan	44
Feb	40
Mar	102
Apr	53
May	64
Jun	91
Jul	85
Aug	95
Sep	101
Oct	120
Nov	154
Dec	131
Grand Total	1080

7.8. All Decisions Issued 2021

All Appeals Decided in 2021						
Month	All International Protections appeals	Dublin III Regulation Appeals	Inadmissibility Appeals Received (s.21)	Subsequent Appeals Received (s.22)	Reception Conditions Appeals	Grand Total
Jan	37	2	1	4	0	44
Feb	36	0	0	1	3	40
Mar	85	2	5	8	2	102
Apr	35	1	0	3	14	53
May	48	2	3	8	3	64
Jun	89	0	1	1	0	91
Jul	78	1	0	4	2	85
Aug	87	1	2	2	3	95
Sep	94	0	3	3	1	101
Oct	113	5	0	2	0	120
Nov	153	1	0	0	0	154
Dec	128	1	1	1	0	131
Grand Total	983	16	16	37	28	1080

7.9. Summary of pending appeals at 31st December 2021

Appeal Type	Number pending
All International Protection Appeals	1144
Dublin III	17
Subsequent Appeal	13
Inadmissible Appeal	6
Reception Condition Appeals	0
Grand Total	1180

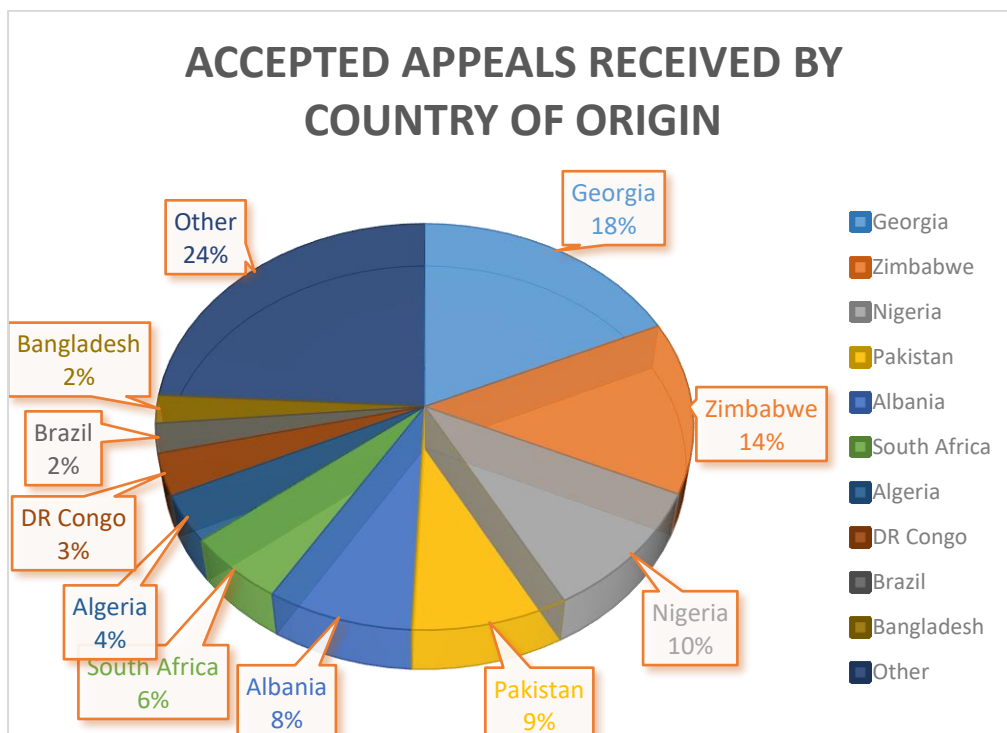
7.10. Length of Appeal Process

Average and Median Processing Times in months (for decisions issued in 2021 from 'Appeal Accepted' date to 'Appeal Decision' date)		
Appeal Type	Average	Median
Accelerated IP Appeal	12.1	11.9
Dublin III	18.8	14.7
Inadmissible Appeal	19.7	18.3
SP Appeal - Legacy	25.7	26.6
Subsequent Appeal	10.1	8.7
Substantive IP Appeal	15.4	14.7
Substantive IP Appeal <i>Asylum only</i>	11.9	10.8
Substantive IP Appeal <i>SP only</i>	20.2	20.6
Total	14.7	13.5

Average and Median Processing Times in months (for appeals lodged in 2021 and with decisions in 2021 only – from ‘Appeal Accepted’ date to ‘Appeal Decision’ date)		
Appeal Type	Average	Median
Accelerated IP Appeal	5.2	4.5
Dublin III	5.2	5.2
Inadmissible Appeal	4.1	3.9
Subsequent Appeal	3.4	2.5
Substantive IP Appeal	5.9	5.7
Substantive IP Appeal Asylum only	6.2	5
Total	5.7	5.2

7.11. Substantive International Protection Appeals accepted in 2021 by country of origin. (table and Chart)

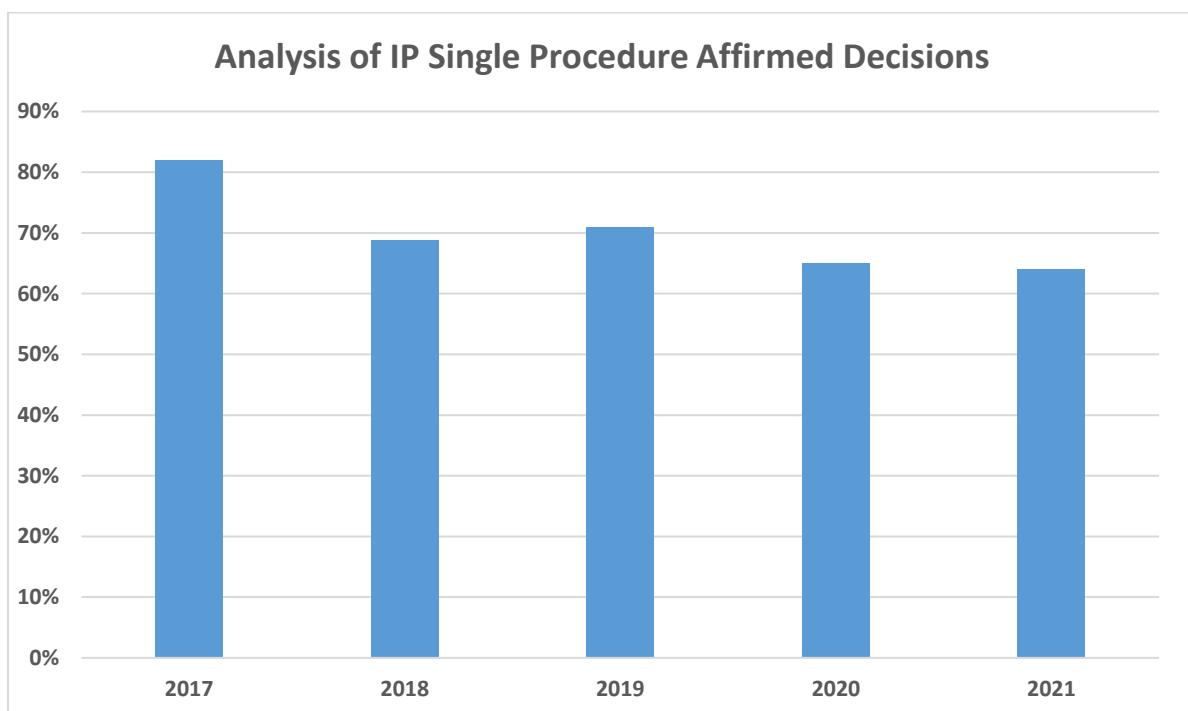
Nationality	Total %
Georgia	18%
Zimbabwe	14%
Nigeria	10%
Pakistan	9%
Albania	8%
South Africa	6%
Algeria	4%
DR Congo	3%
Brazil	2%
Bangladesh	2%
Other	24%
Grand Total	100%



7.12. International Protection Single Procedure Appeals 2021 (outcome of appeals)

International Protection Appeals 2021			
Granted/Set Aside – Asylum	Granted/Set Aside - Subsidiary Protection (SP)	Total Affirmed	Total Decisions
330	21	625	976
34%	2%	64%	100%

7.13. Analysis of Single Procedure International Protection recommendations affirmed 2017 to 2021



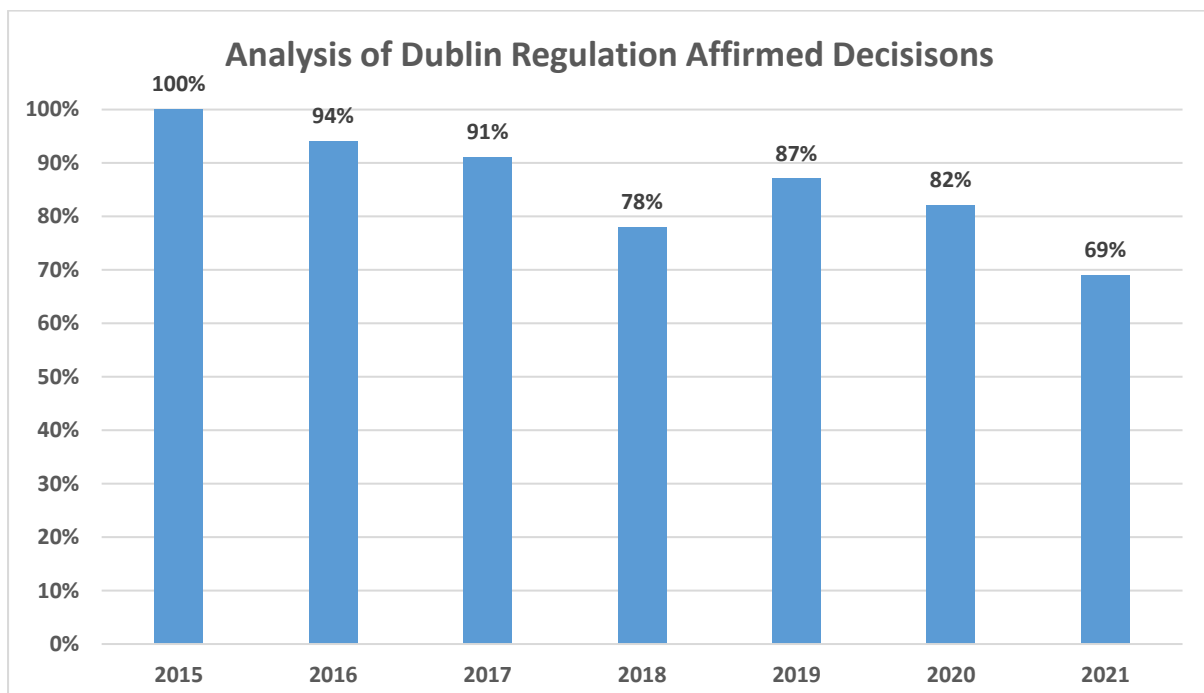
7.14. Summary of International Protection Appeals accepted in 2021 by country of nationality – affirmed and set aside in 2021

Nationality	Grand Total	Granted/Set Aside	Refused/Affirmed	Set Aside % of Total Decisions	Affirmed % of Total Decisions
Zimbabwe	161	88	73	55%	45%
Georgia	114	20	94	18%	82%
South Africa	103	36	67	35%	65%
Pakistan	101	42	59	42%	58%
Nigeria	90	38	52	42%	58%
Albania	89	24	65	27%	73%
DR Congo	38	21	17	55%	45%
Malawi	35	9	26	26%	74%
Brazil	34	4	30	12%	88%
Algeria	23	2	21	9%	91%
Other	187	66	121	35%	65%
Grand Total	975	350	625	36%	64%

7.15. Dublin III Regulation Decisions affirmed and set aside in 2021

Appeal Type	Affirmed		Set Aside		Total	
	No of Decisions	%	No of Decisions	%	No of Decisions	%
Dublin III	11	69%	5	31%	16	100%

7.16. Analysis of Dublin Regulation Decisions 2015 to 2021



7.17. Inadmissibility decisions affirmed (s.21)

Appeal Type	Affirmed		Set Aside		Total	
	No of Decisions	%	No of Decisions	%	No of Decisions	%
Inadmissible Appeal	10	63%	6	38%	16	100%

7.18. Subsequent application decisions affirmed (s.22)

Appeal Type	Affirmed		Set Aside		Total	
	No of Decisions	%	No of Decisions	%	No of Decisions	%
Subsequent Appeal	20	54%	17	46%	37	100%

