



**Chairperson's Guideline No. 2025/3
on Appeals from Child Applicants**

1. Background and Preliminary Matters

- 1.1. The International Protection Act 2015, S.I. No. 116 of 2017 - International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017 and S.I. No. 62 of 2018 European Union (Dublin System) Regulations 2018, all set out various matters relating to the consideration of appeals before the International Protection Appeals Tribunal. This Guideline is intended to supplement the Act and Regulations and not to supplant them. In case of conflict, the provisions of the Act or relevant Regulation shall take precedence over this Guideline. This Guideline replaces the Chairperson's Guideline No: 2017/5 Appeals from Child Applicants dated 20 April 2017. This Guideline is issued pursuant to section 63(2) of the Act.
- 1.2. This Guideline applies to all Appeals involving a Child heard by the Tribunal, and to Children at all stages of their interaction with the Tribunal, from pre-hearing stage until a decision is made by a Member of the Tribunal.
- 1.3. This guideline is primarily informed by the UNHCR *'Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status'*¹, *'Guidelines on International Protection No. 8 Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees'*² issued 22 December 2009 as well as *'UN Committee on the Rights of the Child General Comments No. 12 (2009) on the right of the child to be heard'*³ (which emphasises that all Children have the right to express their views freely and to have those views considered and given due weight in accordance with their age and maturity) and *'General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration'*⁴ (which emphasises that when making decisions which affect a Child, their best interests must be considered). Consideration has also been given to the UNHCR *'Operational Guidance on Child Protection Core Programme Actions'* (January 2024)⁵, EASO *'Practical guide on the best interest of the*

¹ Available at: <https://www.unhcr.org/sites/default/files/legacy-pdf/5ddfc47.pdf>.

² Available at: <https://www.refworld.org/policy/legalguidance/unhcr/2009/en/71246>.

³ Available at: <https://www.refworld.org/legal/general/crc/2009/en/70207>.

⁴ Available at: https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf

⁵ Available at: <https://www.refworld.org/policy/opguidance/unhcr/2024/en/147496>.

child in asylum procedures' (2019)⁶, and UNHCR '*Best Interests Procedure Guidelines: Assessing and Determining the Best Interests of the Child*' (May 2021).⁷

2. Definitions

In this Guideline the terms listed below have the following meanings:

- "2017 Regulations" means S.I. 116 of 2017 - International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017 (as amended).
- "2018 Regulations" means S.I. 230 of 2018 – European Communities (Reception Conditions) Regulations 2018 as amended.
- "Act" means the International Protection Act 2015 and shall include, where the context so permits or requires, any secondary legislation made thereunder.
- "Appeal" means an Appeal made under the Act or under the Dublin Regulation.
- "Appellant" or "Applicant" means an applicant pursuing an Appeal and shall, where the context so admits or requires, include his or her representative, if any.
- "Child" means a person under 18 years of age, when appearing before the Tribunal, who is outside their country of origin and appearing before the Tribunal in relation to an Appeal, including those
 - accompanied by either/both parents or primary care giver and included within the scope of their parents'/guardians' appeal,
 - accompanied Children making an appeal in their own right,
 - Unaccompanied Minors, or
 - other Children who are giving evidence, whether written or otherwise, in the course of an appeal.
- "Dublin Regulations" means S.I. 62 of 2018 - European Union (Dublin System) Regulations 2018.
- "Tribunal" means the International Protection Appeals Tribunal established under the Act and shall, where the context so requires, include a Member assigned to determine an Appeal.
- "Unaccompanied Minor" means a person referred to in section 14 of the Act, who, at the date of hearing of their Appeal, remains in the custody of the TUSLA pursuant to the Child Care Act 1991.
- "UNCRC" means the 1989 United Nations Convention on the Rights of the Child and its applicable Protocols.
- "UNHCR" means the United Nations High Commissioner for Refugees.
- "UNHCR Handbook" means the UNHCR 'Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection' February 2019.

⁶ Available at: https://euaa.europa.eu/sites/default/files/Practical_Guide_on_the_Best_Interests_of_the_Child_EN.pdf

⁷ Available at: <https://www.refworld.org/policy/opguidance/unhcr/2021/en/122648>

3. Overarching Principles

- 3.1. The best interests of the Child shall be a primary consideration of the Tribunal during all dealings with a Child, both in relation to procedure and the substantive consideration of the appeal. These considerations must also fully take into consideration the Child's gender, sexual orientation, age, level of education, maturity, nationality, upbringing as well as their ethnic, cultural, social and linguistic background, their particular vulnerabilities, including mental or physical disability and any other particular characteristics or needs, brought to the attention of the Tribunal before or during the course of the proceedings. This Child-centred process must be implemented on an ongoing basis.
- 3.2. Notwithstanding paragraph 3.1 of this Guideline, when the Tribunal is determining an appeal, all elements of the definitions of "refugee" and "person in need of subsidiary protection" must be assessed.
- 3.3. The Tribunal acknowledges the objective of protection for Children from violence and exploitation such as would jeopardise a Child's right to life, survival and development in the context of observing and applying the definitions and requirements necessary to establish refugee status or the status of a person in need of subsidiary protection.
- 3.4. Children, particularly those who are unaccompanied, warrant special attention. Bearing in mind the best interests principle set out in the UNCRC, the Tribunal will treat Children first as Children, and secondly as international protection applicants.⁸
- 3.5. EU Member States are obliged to assess and give primary consideration to the best interests of the Child in all actions concerning Children.⁹ The Tribunal notes that Article 3 of the UNCRC requires that *"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration"* and also notes that Article 42A of the Irish Constitution has specific provision for Children.¹⁰

Pre-Hearing Matters

4. Prioritisation

The Tribunal will endeavour to prioritise appeals involving Children, in particular where the Child is an Unaccompanied Minor.

⁸ See for example, case [K.P. v. Hungary Application No. 82479/17](#) at para. 9: *"Lastly, the Court cannot ignore that at the time of his removal the applicant was an unaccompanied minor, and therefore in a situation of extreme vulnerability. It has previously emphasised in the context of Article 3 that this factor should take precedence over considerations relating to his or her status as an irregular migrant (see, for example, Khan v. France, no. 12267/16, § 74, 28 February 2019; N.T.P. and Others v. France, no. 68862/13, § 44, 24 May 2018; and compare R.N. v. Hungary [Committee], no. 71/18, § 10, 4 May 2023)."*

⁹ Recital 14 to the [Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status](#) provides that *"the best interests of the child should be a consideration of Member States"*.

¹⁰ See for example, [A.Z & ors \[2024\] IESC 35](#) in which the Supreme Court found that Article 42A.1 requires a decision maker to consider the best interests of an Irish citizen Child as a primary consideration [in arriving at the decision to revoke a deportation order] (*in that case*). The Court considered that while the Child's best interests are a primary consideration, this does not necessarily dictate the outcome, as in many cases there may be other important considerations which must be weighed in the balance in arriving at the decision.

5. Assignments

Pursuant to the Tribunal's existing assigning policy, where an appeal relates to an Unaccompanied Minor, the Chairperson will use their best endeavours to ensure that the appeal is assigned to a Member who has received appropriate training, as determined by the Chairperson, in dealing with such persons.¹¹

6. Members' Training

- 6.1. The Tribunal shall use its best endeavours to ensure that all Members and, as appropriate, support staff dealing with Child applicants, receive adequate Child-specific training relevant to their roles.
- 6.2. Child-specific training should include awareness training on age and gender vulnerabilities and on age appropriate and gender sensitive techniques in taking evidence from Children and techniques appropriate to the assessment and evaluation of claims involving displaced Children who may have suffered trauma and/or loss, and on accurately evaluating the reliability and significance of a Child's account.
- 6.3. These training measures will be reviewed and updated as required.

7. Information Provision

- 7.1. The Tribunal shall ensure that the process by which their appeal will be determined is explained to a Child in a language and in a way they can understand. This includes information about their right to privacy and confidentiality enabling them to express their views without coercion, constraint or fear of retribution. Appropriate communication methods may need to be identified and selected prior to the commencement of the hearing. If necessary, videos, images and/or icons may be used to convey complex information.
- 7.2. Without prejudice to 7.1, it is highly probable that any Child appearing before the Tribunal will be legally represented and will have a guardian present.

8. Gender

A Child's request to have their appeal dealt with by a Member and/or interpreter of the same/different gender will be accommodated, where possible, in accordance with the best interests of the Child.

9. Legal Assistance and Representation

- 9.1. Children have the right to legal representation throughout their appeal. In the unlikely event that a Child is without legal representation at Tribunal stage, they will be strongly advised by the Tribunal to obtain legal assistance and representation.
- 9.2. In the event that a Child is not legally represented before the Tribunal, the Tribunal will facilitate a postponement of any hearing and/or extend the time for the making of submissions in accordance with the 2017 Regulations until the Child has obtained legal assistance and representation.

¹¹ See [Chairperson's Guideline No. 2025/1 on Assigning and Re-Assigning Appeals to Members of the Tribunal by the Registrar](#).

- 9.3. In circumstances where a Child declines the opportunity to be legally represented, the Tribunal must consider, where appropriate, after hearing from the Child's carer/guardian and any other relevant expert, whether or not it is in the best interests of the Child to participate in the proceedings without legal assistance and representation. This will be considered in the context of the Tribunal's duty to safeguard vulnerable persons.

10. Interpreters

- 10.1. Where a hearing takes place and appropriate communication cannot otherwise be ensured, Children will be provided with an interpreter, who is able to ensure appropriate communication between the Child and the Tribunal.
- 10.2. The Tribunal shall ensure, to the best of its ability, that the interpreter is competent and effective, that the Child is comfortable in the presence of the interpreter and that there is adequate understanding between both parties.
- 10.3. If concerns arise in relation to matters set out in 10.2, the Tribunal will pause the hearing to clarify matters and, if necessary, postpone the hearing to a later date.¹²

11. Scheduling

- 11.1. Hearings involving Children, particularly young Children, may take longer to complete. The Tribunal will be cognisant of this when scheduling hearings.
- 11.2. Where necessary, the Tribunal will schedule for hearings involving Children to be shorter in time than hearings involving adults and, where appropriate, will adjourn such hearings more frequently in accordance with the best interests of the Child.
- 11.3. Where possible, the Tribunal will avoid postponements of hearings involving Children, noting that postponements may have a detrimental impact upon witness recall.

At the Hearing

12. Layout of Hearing Room

- 12.1. The hearing room layout will be as informal as possible. It may be appropriate to arrange the room in an interview style as opposed to a more formal hearing room style.
- 12.2. Where seating arrangements allow, the Tribunal will endeavour to be on the same physical level as the Child, to facilitate easier eye contact and nonverbal communication.
- 12.3. Adequate space will be provided in the hearing for support persons, for example legal representatives, guardians and/or relatives, to sit alongside the Child. If the Tribunal determines that the Child is uncomfortable in the presence of any support person, the Tribunal may continue the appeal without that person present.

¹² For further information, please see para. 10 of the [Chairperson's Guideline No. 2022/1 on Taking Evidence from Appellants and Other Witnesses](#).

13. Format of Hearings

- 13.1. Hearings are *inter partes* and inquisitorial in nature. The Tribunal will explain these concepts to the Child at the beginning of the appeal.
- 13.2. The Tribunal will inform Children that questions are permitted, that they may take their time in answering, that they must inform the Tribunal if they do not understand a question or a statement and that breaks may be taken at their request.
- 13.3. Hearings are confidential and Children will be assured of this prior to the beginning of the hearing. The nature of this confidentiality will be explained to the Child.

14. Introduction of Hearing

- 14.1. Before the hearing begins, the Tribunal will explain each step of the appeal process in a manner that the Child easily understands.
- 14.2. This introduction will include, but is not limited to:
 - the purpose of the hearing;
 - an introduction of each person in the room, and the role they play (e.g. the Tribunal's own role, witnesses, legal representatives, support persons, UNHRC representatives etc);
 - the role of the interpreter and how the Child should best work with the interpreter;
 - the format of the hearing; and,
 - the possible outcomes of the hearing.
- 14.3. The Tribunal will also take time to clarify the format of the hearing for the Child and outline clear working rules for the hearing.
- 14.4. Where a Child has attained the age of 18 years at the time of a hearing, the Tribunal will nevertheless have regard to the age at which any allegations of persecution or serious harm occurred and the age at which the claimant's claim was initially considered. The Tribunal will treat evidence produced when the claimant was a Child as the evidence of a Child, applying all relevant policies and procedures relevant to the treatment of the claim of a Child.
- 14.5. Where a Child dependant turns 18 years prior to the conclusion of proceedings, they should continue to be treated as a dependant for the purposes of the proceedings unless that is against their wishes. The Tribunal will ascertain from the former Child how they wish to be considered.
- 14.6. The Tribunal will inform the Child as to how and when the Child will receive the Tribunal's decision in respect of the appeal. It is important to mention this at the outset to put the Child's mind at rest. The Tribunal will return to this aspect at the conclusion of the hearing.

15. Questioning Style and Terminology

Questioning of the Child will be approached in a sensitive manner and will take the Child's age, gender, maturity and any other relevant characteristic or particular vulnerability such as mental and/or physical disability into account. The Tribunal is aware that Children cannot be expected to give adult-like accounts of their experiences, and that the experience of trauma can affect a Child's ability to pass on information during interviews. The Tribunal notes that it must take account of what

it is reasonable to expect a Child to know in their position, taking into account their relevant circumstances.

16. Shared Burden

- 16.1. In adult asylum claims, while the burden of proof generally remains with the applicant, the duty to ascertain and evaluate all relevant facts is shared between the applicant and the examiner. However, it may be necessary for the Tribunal to assume a greater share of the burden in cases involving Child applicants, in accordance with paragraph 196 of the UNHCR Handbook.¹³
- 16.2. This may be of particular relevance in cases involving accompanied Children. In certain circumstances the will of the accompanied Child may conflict with their parents/guardians, or their parents/guardians may fail to put forward Child-specific criteria on their Child's behalf. In such cases, the Tribunal will consider whether the best interests of the Child are being served in accordance with paragraph 3.1 of this Guideline. It may be necessary for the Tribunal to consider such a Child's appeal on a distinct and separate basis.

17. Breaks

- 17.1. The Tribunal may decide to take frequent breaks, for example every 30 minutes, when dealing with Children. The Tribunal recognises that a Child may feel inhibited from asking for a break.
- 17.2. A full formal break in proceedings may not be necessary in every instance but a brief recess may be sufficient.

18. Right to be Heard

- 18.1. The Tribunal will ensure that the Child can participate effectively throughout the hearing. The views and wishes of the Child will be sought and considered throughout the Tribunal's decision-making process, including where an appeal is decided without an oral hearing. A Child's own account of their experience is often essential for the identification of their individual protection requirements.
- 18.2. A Child's view will be heard and given due weight, in accordance with their age and maturity, when decisions affecting them are being made.
- 18.3. The Tribunal will allow the Child to participate and give testimony via a medium appropriate for their age. This may include drawing, writing, as well as oral testimony.
- 18.4. The Tribunal will ensure that a Child is not exposed to unnecessary, repetitious or inappropriate examination by any representative, including the Child's own, or by the Tribunal itself. In doing so, the Tribunal should expect the parties to narrow the evidence and examination in chief and cross-examination to matters in dispute and which it would be appropriate to put to the Child.¹⁴

¹³ See also para. 73 of the UNHCR Handbook.

¹⁴ See also, [Netherlands, Council of State \[Afdeling Bestuursrechtspraak van de Raad van State\], Applicants v the Minister for Asylum and Migration, 202404661/1/V1, 20 August 2025](#) in which the Dutch Council of State noted that while there is no absolute obligation to always hear directly accompanied minors without independent asylum motives, Children must be given an effective opportunity to express their views. This includes the right to request a personal interview, which must be considered taking into account their best interests and supported by case-specific justification if refused.

19. Note Taking

- 19.1. The Tribunal will try to minimise note taking in order to maintain an open hearing environment and facilitate questions from the Child applicant. However, it recognises that an accurate and complete record of the proceedings is desirable.
- 19.2. The Tribunal will explain to the Child in advance that note taking will occur, while at the same time emphasising that the Child is free to talk while this note taking is going on. This point will be emphasised in hearings involving young Children who may cease talking in order not to disrupt the Tribunal Member's note taking.

20. Concluding the Hearing

- 20.1. The Tribunal will allow a reasonable amount of time at the end of each hearing for questions and give the Child an opportunity to seek clarification of any outstanding issues.
- 20.2. The Tribunal will ask if the Child has any other information that they would like to add.
- 20.3. At the end of each hearing with a Child, the Tribunal will explain the next steps in the appeals process in a manner that the Child easily understands.
- 20.4. The Tribunal will explain the possible outcomes of the appeal in a supportive and pragmatic manner and avoid raising a Child's hopes unnecessarily. The Tribunal will remind the Child of how and when the Child will receive the decision of the Tribunal, and that it will maintain confidentiality.

Post-Hearing & Substantive Consideration of a Child's Appeal

21. Assessment of Credibility and Benefit of Doubt

- 21.1. The Tribunal recognises the fact that, in general, a Child's recollection and understanding a situation can vary from adult comprehension of the same situation. Children's ability to observe, understand, recall and express events and timelines differ from that of adults.¹⁵ A Child's age and maturity at the time the relevant events took place, at the time of the interview at first instance and at the time of the Tribunal hearing must be considered.
- 21.2. Children may have a limited knowledge of the circumstances of their flight from their country of origin or the reasons that motivated that flight. The Tribunal will not draw adverse credibility findings based on lack of specific information alone.
- 21.3. The Tribunal is cognisant of the fact that Children may be afraid to speak freely and/or may seek to avoid situations or answering questions that remind them of traumatic experiences. Any reticence on the part of Child applicants for these reasons will not adversely affect their credibility.
- 21.4. Where the Child's account appears broadly credible, they will be given the benefit of the doubt in relation to their evidence to the Tribunal, unless there are good reasons to the contrary.

¹⁵ UNHCR, 'Technical Guidance – Child-Friendly Procedures' (2021) p. 14.

22. Well-Founded Fear of Persecution with Respect to Children

22.1. The Tribunal is aware of Child-specific grounds for an asylum application as referred to in the UNHCR Handbook at page 150. These include (but are not limited to):

- female genital mutilation;
- forced labour;
- Child trafficking;
- forced marriage;
- Child prostitution;
- Child pornography;
- family and domestic violence; and
- recruitment of Child soldiers.

22.2. The Tribunal recognises that actions, which may not constitute persecution when experienced by an adult, could satisfy the persecution element of the refugee definition when experienced by a Child. In considering the protection needs of a Child, it should be understood that Children are necessarily more vulnerable to the effects of torture and other forms of serious harm, and because they are in the critical stages of physical and psychological development, they may suffer graver consequences than similarly situated adults. The Tribunal notes that a Child's awareness of any forward looking 'fear' and the reasons for it will depend on the Child's individual level of maturity and understanding.

22.3. The principle of the best interests of the Child requires that the harm experienced in the past and/or feared upon return be assessed from the Child's perspective. An accurate assessment of the harm (and whether it constitutes persecution or serious harm) requires both an up-to date analysis and knowledge of Child-specific facts and circumstances in the country of origin, including existing Child protection services. This assessment may include an analysis as to how the Child's rights or interests are, or will be, affected by the harm.

22.4. If necessary, the Tribunal Member may require further inquiries to be made by the Minister pursuant to section 44(2) of the Act or may request additional submissions to be made on behalf of the Child.

23. Confidentiality

23.1. In accordance with section 26 of the Act, the Tribunal shall take all practicable steps to ensure the identity of applicants is protected.

23.2. The Tribunal recognises that applicant confidentiality is all the more vital when the applicant is a Child seeking international protection. Care will be taken by the Tribunal not to disclose information that could endanger the Child and/or their family members in their country of origin.

24. Tribunal Decisions Archive

24.1. Notwithstanding paragraph 23 of this Guideline, the Tribunal publishes all decisions, both granted and refused by the Tribunal, in the Tribunal Decisions Archive.¹⁶ All

¹⁶ [Decisions Archive](#).

decisions in the online archive are redacted to exclude any information that may lead to the identification of applicants.

- 24.2. Pursuant to the Tribunal's existing Policy, it may not be possible to place certain decisions in the Archive in circumstances where the Chairperson of the Tribunal is of the opinion that the identity of an applicant, or their family, cannot be sufficiently protected by redacting information from the decision.

A handwritten signature in black ink, reading 'Hilikka Becker'. The signature is fluid and cursive, with the first name 'Hilikka' written in a more compact, stylized manner and the last name 'Becker' in a more extended, flowing script.

Hilikka Becker

Chairperson

International Protection Appeals Tribunal

30 October 2025

Appendix

Guidance on Questioning Style and Terminology

N.B. Legal representatives of the Child and Presenting Officers for the Minister are requested to apply standards similar to those set out in this Appendix when questioning a Child in Tribunal proceedings.

1. The Tribunal should formulate questions that are easy for the Child to understand and respond to using simple vocabulary.
2. The Tribunal will use a mixture of open-ended and direct questions when questioning a Child.
3. The Tribunal will use questioning techniques, such as summarising areas covered during the hearing and signposting future topics for discussion, where appropriate.
4. The Tribunal will bear in mind any cultural sensitivities that may affect a Child's verbal or non-verbal communication, for example use of eye contact with an adult.
5. Where practicable, the Tribunal will avoid legal terminology when questioning Child applicants. Concepts such as 'persecution' and 'well-founded fear' will be explained to the Child before commencing the hearing and repeated as necessary. The Tribunal may use alternative phrases to facilitate better understanding.
6. The Tribunal will check that the Child understands the question being posed. Caution will be exercised when using questions such as 'are you sure you understand?', as Children may answer positively, even when they have not understood, out of a desire to please. One such approach is to ask the Child to explain to the Tribunal what it is that the Child thinks they have understood.
7. Where a Child uses a particular phrase or colloquialism, the Tribunal will clarify what the Child means and have them define concepts in their own words wherever possible.
8. The Tribunal, where practicable, will avoid the use of idioms and colloquialisms when questioning a Child.
9. Names and places should be repeated on a frequent basis throughout questioning.
10. The Tribunal will endeavour to ask one short question at a time, particularly when questioning younger Children.
11. The Tribunal will phrase questions positively where possible and seek to avoid negatives, e.g. 'Didn't you go to the village?'
12. The Tribunal will endeavour to avoid questions beginning with 'I suggest to you ...', 'I believe you told us ...', 'Isn't it a fact...'
13. The Tribunal will seek to avoid tag questions, e.g. 'You hid in the bedroom, didn't you?' as such questions are unduly suggestive/leading.
14. The Tribunal will endeavour to avoid using 'Do you remember?' questions.
15. The Tribunal will seek to clarify meaning and reduce inconsistencies by making inquiries beginning with 'Tell me more about that...' , 'What do you mean when you say ... ?'
16. The Tribunal will speak slowly and give Children enough time to answer, and will not interrupt merely because a Child has paused in the giving of testimony.

17. The Tribunal will remain aware that concept words are problematic, particularly for young Children, e.g. 'How many times?', "What did you do before X?"
18. The Tribunal will be alert to the fact that teenagers may be at greater risk of miscommunication because of higher expectation of their ability to understand formal language.
19. The Tribunal will be cognisant of the fact that Children who are upset may function at a lower level of communication.
20. The Tribunal will be cognisant that what appears to be an unusual response from a Child to a point or question posed may be quite natural within the minor's own culture, family or educational background, and will, if appropriate, explore the answer further with the Child to obtain clarification.
