



Chairperson's Guideline No. 2026/3

on Adjournments and Postponements of Appeal Hearings

1. Introduction

1.1 [The International Protection Act 2015 \(as amended\)](#) (hereinafter referred to as 'the Act') and the [International Protection Act 2015 \(Procedures and Periods for Appeals\) Regulations 2017](#) (as amended) (hereinafter referred to as 'the Appeals Regulations') set out various matters relating to the conduct of appeals before the 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 these guidelines.

1.2 This Guideline is informed by the Act, the Appeals Regulations, [Regulation \(EU\) 2024/1347](#) of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (hereinafter 'Qualification Regulation'), [Council Directive 2005/85/EC](#) on minimum standards on procedures in Member States for granting and withdrawing refugee status (hereinafter 'Asylum Procedures Directive'), and the [UNHCR Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status \(Reissued, February 2019\)](#). Consideration has also been given to relevant case law and academic commentary.¹

1.3 This Guideline is issued pursuant to s.63(2) of the Act.

2. Role of Members of the Tribunal

2.1 In accordance with [s.65\(2\)\(a\)](#) of the Act, a Member of the Tribunal shall, in the performance of his or her functions under the Act, 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.

¹ See also [Administrative-Practice-Note-February-2026-Update-27-2-26.pdf](#), [Equal Treatment Bench Book: February 2026 update](#).

2.2 A high volume of postponements and adjournments of scheduled hearings have the potential to hinder the Tribunal's efficient disposal of appeals.

2.3 In relation to appeals before the Tribunal, a 'postponement' has the meaning of a hearing being delayed to another date/time **before** it begins whereas an 'adjournment' has the meaning of a hearing being delayed to and continued on another date/time **after** it has begun.

3. **International Protection Act (Procedures and Periods for Appeals) Regulations 2017 (as amended)**

3.1 Regulation 6(1) of the Appeals Regulations provides that, unless a shorter notice period has been agreed by the parties, the Tribunal shall fix the date, time and location of an oral hearing and shall, not less than 10 working days or, in relation to an appeal to which section 43 of the Act applies, not less than 7 working days, send notice of the location, date and time for the oral hearing to the appellant and his or her legal representative (if any). The Tribunal is also obliged to send such notice to the Minister for Justice, Home Affairs and Migration.

3.2 As per Regulation 9 of the Appeals Regulations, following a request for an adjournment or postponement of a hearing or otherwise, the Tribunal may adjourn or postpone a hearing to a specified date where it is satisfied that it is in the interests of justice to do so.

4. **Adjournments and Postponements in the interests of justice**

4.1 When considering whether to adjourn or postpone the hearing of an appeal, and in assessing whether it is in the interests of justice to do so, Members of the Tribunal should take account of the decision of Barr J. in [A.P. \(Albania\) -v- Refugee Appeals Tribunal](#) [2014] IEHC 493, wherein he stated in relation to a request for an adjournment to remedy interpretation difficulties that had been made by an appellant that: *"(...) the RAT erred in not granting an adjournment to the applicant so that an interpreter who understood and spoke the applicant's dialect of Albanian could be found. (...)".*²

4.2 The High Court has also quashed a decision of the Tribunal because the Tribunal declined to give an adjournment so that the Applicant could call a witness. Although recognising that: *"(...) a Tribunal Member must enjoy very considerable flexibility in deciding whether to adjourn a case or to permit a case to be re-*

² Para 50.

opened and further evidence heard", and agreeing with Smyth J. in the case of *Mihalescu v. The Refugee Applications Commissioner & Anor* (unreported, High Court, 25 June 2002) that there was *"the possibility that applications for adjournments and re-opening might, in some circumstances, serve as a delaying tactic"*,³ Birmingham J. held that where *"material was in existence which was clearly potentially relevant and the combined effect of Tribunal rulings precluded the applicant from relying on it. (...), there was a material unfairness in refusing to hear the evidence of [the witness]"*.⁴

- 4.3 The Tribunal must have regard to its duty to cooperate with an Appellant in enabling that Appellant to put their case as fully as possible before the Tribunal. In the case of [T.U. -v- International Protection Appeals Tribunal & Anor](#) [2024] IEHC 73, the High Court determined that *"basic fairness and compliance with its duty to cooperate in the application, required the Tribunal member to offer that opportunity [a short adjournment of the hearing for a number of weeks] to the applicant, in light of the new evidence produced at hearing"*.⁵ This was in the context of important physical evidence which has proffered by the Appellant for the first time at hearing before the Tribunal. The Court quashed the Tribunal decision on the grounds that the Appellant ought to have been offered the opportunity to obtain a medical report.⁶
- 4.4 In contrast however, Tribunal Members should also bear in mind, as held by Mac Eochaidh in [L.H.C. \(a minor\) v. Refugee Appeals Tribunal & ors](#) [2014] IEHC 75, that: *"Where it is alleged in judicial review proceedings that an asylum claimant has been unfairly denied the opportunity to submit evidence (whether by reason of refusal of an adjournment or by some other decision) it seems (...) that the applicant must describe the substance of the excluded evidence and in addition must describe the prejudice caused by its exclusion. (...)"*.⁷ In the particular case, Mac Eochaidh J. held that: *'the applicant has failed to establish what new evidence would or could have been submitted and has failed to establish any prejudice that arose from the refusal of the adjournment'*.⁸ LHC was cited approvingly and applied in the more recent case of [OM v. International Protection Appeals Tribunal and Another](#) [2025] IEHC 51.
- 4.5 A postponement or adjournment should therefore be granted only where an

³ N. (J.J v. Minister for Justice, Equality and Law Reform & Anor [2009] 1 IR 146, [2008] 214, para. 11

⁴ Ibid., para. 12.

⁵ Para 49.

⁶ Para. 48.

⁷ Para.11.

⁸ Para. 12.

appellant or the Minister establishes that prejudice will arise from the refusal of same.

5. **Adjournments and Postponements in the context of pending judicial reviews of the underlying IPO recommendation**

- 5.1 Furthermore, when considering whether to adjourn or postpone the hearing of an appeal on the basis of pending judicial reviews of the underlying IPO recommendation pursuant to [s.39 of the Act](#), a Member of the Tribunal should have regard to the decision of MacEochaidh in [H.T.K. \(a minor\) -v- Minister for Justice, Equality and Law Reform & anor](#) [2016] IEHC 43 wherein he ruled that: *"(...) the R.A. T. may only stay an appeal if so ordered by the High Court. Appeals must be processed notwithstanding a judicial review challenging the decision of the Commissioner unless an applicant obtains an injunction staying the appeal. Such application must of course be made on notice to the R.A.T. but I cannot imagine that the Tribunal would appear, much less participate at the injunction hearing".*⁹
- 5.2 The High Court more recently considered this issue in [NA v The Chief International Protection Officer](#) [2018] IEHC 499 where Humphreys J. held that: *"the balance of convenience and justice leans massively against a stay in cases such as these. The only exception would be for test cases where there is public interest in the issue being determined as a test case and therefore a corresponding public interest in such test cases not becoming moot".*¹⁰ Referencing the HTK case, the Court noted that: *"Then there is the benefit for the tribunal itself, which can organise and carry out its statutory mission if there is no stay. It is clear from the judgment of MacEochaidh J. in H.T.K. v. Minister for Justice and Equality [2016] IEHC 43 (Unreported, High Court, 15th January, 2016) that the tribunal is obliged to process any appeal made to it in the absence of any court order to the contrary".*¹¹¹²
- 5.3 The Supreme Court in [AB -v- The Chief International Protection Office & ors](#) [2026] IESC 29 emphasised the Tribunal's role as an effective remedy to applicants for international protection who are unsuccessful at first instance. Donnelly J. reiterated that the focus of judicial review is to address barriers to the disposition of an applicant's underlying claim in accordance with law. The requirement to exhaust an adequate alternative remedy is the default position

⁹ Para. 23.

¹⁰ Para. 5.

¹¹ Para. 4.

¹² See also *RH (Albania) v The Chief International Protection Officer & anor* [2018] IEHC 559.

in any application for judicial review, and this applies even to breaches of natural and constitutional justice unless those breaches amount to a fundamental denial of justice such that the hearing cannot be said to be a hearing at all, or where fundamental requirements have been ignored. Judicial review may be the appropriate remedy in instances where there is a failure at an institutional level to provide a functioning system in which an application for international protection may be adjudicated upon.¹³ Donnelly J. stated that: *“An individual breach (or even a series of individual breaches) is not evidence that the system has failed; it is merely evidence that the system did not work in that particular case. The remedy for such failures of the IPO in individual cases is the fully effective alternative remedy to the Tribunal”*.¹⁴ The Court emphasised that instances of a fundamental denial of justice will be *“exceptional and rare”*.¹⁵

- 5.4 AB was recently applied by the High Court in [AS -v- Chief International Protection Officer & Anor](#) [2026] IEHC 422 in which the Court was satisfied that that there was a systemic or persistent error on the part of the IPO, amounting to a fundamental denial of justice arising from a fundamental flaw in the decision-making process, which undermined the rule of law, in the authentication of certain identification documents. That systemic issue operated to exclude the Applicant’s judicial review application from the scope of AB.¹⁶

6. Requests for and Decisions on Postponements and Adjournments

- 6.1 Any request for a postponement of a hearing, whether made by or on behalf of an appellant or by the Minister, should be made in writing. Where a request for an adjournment or postponement of a hearing is made on the date of or on occasion of the hearing in question, any such request should also be made in writing to the Tribunal to info@protectionappeals.ie.



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¹³ Para. 94.

¹⁴ Para. 96.

¹⁵ Para. 97.

¹⁶ Para. 93.