An Binse um Achomhairc i dtaobh Cosaint Idirnáisiúnta

The International Protection Appeals Tribunal

Chairperson's Guideline No. 2026/4

On the Responsible Use of Artificial Intelligence by Tribunal Members

1. Background

1.1 This Guideline is issued pursuant to section 63(2) of the International Protection Act 2015 (as amended) (hereinafter 'the 2015 Act'). It is informed by the Act, the International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017 (as amended), 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 Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (hereinafter 'EU AI Act').

1.2 This Guideline draws from Practice Directions and guidance documents drafted for the judiciary and the legal professions such as the European Commission for the Efficiency of Justice (CEPEJ), European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment (December 2018), CEPEJ Information note on the Use of Generative Artificial Intelligence (AI) by judicial professionals in a work-related context (2024), Judicial Council, Guidelines for Judges on the responsible use of Generative Artificial Intelligence (June 2024), the Law Society of Ireland, Use of generative artificial intelligence, Guidance for the legal profession (December 2025), the Bar of Ireland, *Ethical Toolkit: Ethical Use and Use Cases for Artificial Intelligence in Legal Practice* (April 2025), the European Agency for Fundamental Rights, Report on Digitalising Justice: A Fundamental Rights-based Approach (2025) and High Court Practice Direction (HC 142) on the Responsible Use of Generative Artificial Intelligence in Court Documents (July 2026).

2. Purpose

2.1 The purpose of this Guideline is to assist Tribunal Members in understanding the opportunities and risks associated with the use of Artificial Intelligence ('AI'), including generative AI systems.

2.2 This Guideline seeks to:

- protect the integrity of the appeals process;
- promote confidence in the administration of justice;
- ensure compliance with data protection obligations;
- provide practical guidance regarding appropriate and inappropriate uses of AI in Tribunal work.

2.3 Nothing in this Guideline affects the statutory independence of the Tribunal and its Members in the exercise of the functions of the Tribunal pursuant to section 61 of the 2015 Act and Article 39 of Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status.

3. Definitions

"Artificial intelligence (hereinafter 'AI')" is the broad field of computer science concerned with creating systems that can perform tasks that normally require human intelligence.

"Generative AI" is a form of AI which generates new content, which can include text, images, sounds and computer code.

"Agentic AI" is a form of artificial intelligence that can autonomously plan, make decisions and take actions to achieve a specified objective, often by using other software tools or information sources, subject to any limits or oversight imposed by its operator.

"AI tool" includes any software, service, application, agent, chatbot, generative AI system, machine-learning system, or automated decision-support tool that uses artificial intelligence to generate, analyse, summarise, classify, retrieve, process, translate, predict, or otherwise manipulate information. This definition applies whether the AI system is publicly available, provided by the employer, incorporated into commercial software, embedded in online services, or accessed through an AI agent acting on the user's instructions.

4. Use of AI by Tribunal Members

4.1 The use of AI by Tribunal Members is permissible and may be a time-saving tool, allowing Tribunal Members to work more efficiently with attendant benefits for the parties in reducing processing times.

4.2 Consistent with national and international judicial guidance, AI should be regarded as a supplementary tool that may assist a Tribunal Member with limited administrative and research tasks but cannot substitute for independent decision-making.

4.3 The assessment of appeals before the Tribunal involves legal judgement, factual evaluation, credibility assessment and the exercise of independent quasi-judicial adjudication. These functions are inherently human and must remain so.

5. Human responsibility

5.1 Tribunal Members remain solely responsible for all findings of fact, credibility assessment, assessment of future risk, evaluation of country information reports, legal analysis and conclusions contained in any decision.

5.2 AI tools must not be regarded as decision-makers, advisers or substitutes for independently exercised judgement.

5.3 The responsibility for every decision remains personal to the Tribunal Member. This means that all facts, quotes, citations, etc. in the decision must be personally verified by the Tribunal Member.

6. Fair Procedures and Fundamental Rights

6.1 Any use of AI must be compatible with:

- Bunreacht na hÉireann;
- the Charter of Fundamental Rights of the European Union;
- the European Convention on Human Rights and Fundamental Freedoms;
- the International Protection Act 2015 (as amended);
- the Asylum Procedures Directive 2005/85/EC;
- the Qualification Regulation (EU) 2024/1347;
- General Data Protection Regulation (EU) 2016/679 (‘GDPR’);
- the Data Protection Act 2018;
- the EU AI Act.

6.2 Particular vigilance is required in international protection proceedings where decisions may significantly affect applicants' rights to life, liberty, family unity and protection from *refoulement*.

6.3 Particular care must be taken when handling special category data, criminal offence data, casework data and information relating to vulnerable individuals. Personal information such as, applicants' or witnesses' names, addresses, health conditions, convictions, or specific vulnerabilities must not be entered into an AI tool . The use of AI does not remove a Tribunal Member's obligations under the Data Protection Act 2018, the GDPR or the EU AI Act.

6.4 Under the EU AI Act, AI systems used in the administration of justice are classified as high-risk, reflecting their potential impact on fundamental rights and fair trial guarantees, and are therefore subject to enhanced regulatory requirements. The Tribunal should have regard to these standards given its role in the administration of justice and its status as a 'court or tribunal' within the meaning of Article 267 TFEU.

7. Use of AI by practitioners and lay litigants

7.1 The use of AI in the preparation of any document submitted to the Tribunal should be disclosed, per the Tribunal's Administrative Practice Note, Section 13:

"Tribunal Members may request confirmation that legal professionals have independently verified the accuracy of any research or case citations generated using AI if they have any concerns regarding the materials provided to the Tribunal. Similarly, for unrepresented parties, if it appears that AI may have been used to prepare submissions or other documents by an unrepresented party, the Tribunal Member may inquire whether AI has been used and in what manner and may ask what checks for accuracy have been undertaken.

Information provided by an AI tool may be inaccurate, incomplete, misleading or out-of-date. Legal practitioners are required to ensure that all materials submitted to the Tribunal are checked before they are submitted to the Tribunal to ensure that they are accurate, appropriate and authoritative. Where any such materials have been prepared using AI tools, even in part, it must be disclosed to the Tribunal that AI tools have been used in preparation of the submissions."

7.2 Members should remain alert to the possibility that submissions, witness statements or legal arguments may have been prepared using AI.

7.3 Where concerns arise, Members may:

- Enquire as to whether AI has been used;
- Seek clarification regarding the extent of its use;
- Require verification of citations or authorities;
- Request confirmation that all materials have been independently checked by a human.

7.4 Members should ensure that appellants and their legal representatives are aware of the rules on AI contained in the Tribunal's Administrative Practice Note. Parties remain responsible for the accuracy of all materials submitted.

7.5 The use of AI does not diminish a legal practitioner's professional obligations.

8. Declaration for expert reports

As is also required in cases before the District Court in line with Practice Direction D32, all expert reports provided to the Tribunal, including but not limited to medico-legal reports, should contain the following declaration:

"I declare that, save as otherwise expressly stated, Generative Artificial Intelligence has not been used for the purposes of generating the substantive content of this report which reflects my own opinions, knowledge and evidence."

9. Risks Associated with Generative AI

There are many risks involved with the use of AI, Tribunal Members should be aware of the following risks in particular:

'Hallucinations': Generative AI tools may generate information which appears convincing on its face but is inaccurate, fabricated, misleading or entirely false. No AI-generated authority or quotation should be relied upon without independent verification from the original source.

Automation bias: Generative AI tools are designed to supply confident answers. Studies show that humans tend to defer to machine-generated output, wrongly assuming accuracy.

Bias: AI systems may reproduce or amplify biases contained within training data. Members should be conscious that international protection decision-making frequently concerns race, religion, ethnicity, sexuality, political opinion and other protected characteristics. AI-generated outputs should therefore be assessed critically for assumptions, stereotypes or cultural bias.

Confidentiality and Data Protection: Information entered into AI systems could be retained, analysed or used in future model development. Tribunal Members remain responsible for ensuring that confidential information is protected at all times.

Lack of Transparency: AI systems may not explain how a particular answer has been produced or identify the sources upon which it is based. This may make it difficult to assess the reliability, completeness or provenance of an output.

Out-of-Date Information: AI systems may rely upon information that is incomplete, superseded or no longer accurate. Members should not assume that AI-generated information reflects the current state of the law, country conditions or official guidance.

Oversimplification: AI may summarise complex evidence, legal principles or factual material in a manner that omits important qualifications, nuances or contextual information. Members should be cautious when relying upon AI-generated summaries. Summarisation is not a neutral act – summarising law or facts for the salient points for decision-making is a particular skill honed through experience. Asking an AI tool to summarise something will create a different summary each time – depending on the tool or the user, or the exact prompt given.

10. Prohibited Uses

10.1 A Tribunal Member should not use AI:

(a) To decide an appeal: An AI tool must never determine whether an appeal should be allowed or dismissed.

(b) To assess credibility: An AI tool must never used to evaluate credibility of an appellant or witness.

(c) To determine risk on return: An AI tool must never be used to assess risk on return.

(d) To undertake legal analysis: Members should not rely upon AI to formulate or validate legal reasoning, interpret legislation, resolve legal questions or identify legal authorities which cannot be independently verified.

(e) To draft findings of fact: AI should not be instructed to generate findings regarding disputed evidence.

(f) To weigh evidence: AI should not be instructed to evaluate, compare or assign weight to competing items of evidence.

(g) To recommend an outcome: AI should not be asked how an appeal should be determined or what conclusion should be reached on any issue arising in an appeal.

10.2 Members should not upload draft decisions or documents from appeal files to any AI tool. The protection of confidential quasi-judicial deliberations is paramount.

11. Potentially Appropriate Uses

Subject to compliance with this Guideline, AI may assist Members with:

- **limited administrative, organisational or research tasks** through the careful use of specific prompts, sorting data, for example; and
- **summarising information** such as country information, a judgment or a portion of a textbook, ensuring that the summarised passage carries the same meaning as the original content.

12. Special Rules for Tribunal Casework

12.1 Because the Tribunal deals with highly sensitive international protection claims, additional safeguards apply to the use of AI tools at the Tribunal. Therefore, Members should not use AI tools other than within the Tribunal's digital workspace platform.

12.2 Furthermore and in particular, Members must not input the following into any AI tool:

- names;
- dates of birth;
- addresses;
- passport numbers;
- appeal numbers or personal ID numbers;
- family details;
- medical information;
- criminal history;
- information concerning vulnerabilities;
- interview records;
- hearing recordings;
- witness statements/affidavits.

12.3 Where an AI tool is used for a permitted purpose, information should first be anonymised to a standard that prevents identification of the appellant or any third party.

13. Country Information

13.1 Text generated by an AI tool does not constitute country information ('COI').

13.2 AI generated text should not be used as a substitute for established COI sources, such as country reports produced by the EUAA and UNHCR and relevant international human rights organisations. The Chairperson's Guideline No: 2024/1 – Guidance Note on Country Information provides further guidance in this regard.

13.3 The limitations and risks of using modern AI systems in COI research and the importance of informed and responsible application to maximize benefits without compromising the integrity of information is also highlighted in a UNHCR Research Paper on Unlocking Artificial Intelligence's Potential in COI Research (Research Paper No. 44) from February 2025.

13.4 Any factual information suggested by an AI tool must be independently verified by a human against authoritative sources.

14. Practical Checklist

Before using AI, Members should ask:

- Is this task administrative rather than adjudicative?
- Am I disclosing any personal data or confidential information?
- Could the particular use of AI affect the fairness of proceedings?
- Could the particular use of AI affect my independence?
- Can I independently verify every output?
- Would I be comfortable disclosing this use of AI at hearing or in a decision itself?
- Does this use maintain meaningful human control?

If the answer to any of these questions is "No", the AI tool should not be used.

This guideline will be continuously reviewed given the rapid pace of change in this area.



Hilkka Becker
Chairperson
International Protection Appeals Tribunal

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