

# **Refugee Appeals Tribunal**

## **Strategy Statement 2014-2017**

### **1. Introduction to the Tribunal**

[1.1] The Refugee Appeals Tribunal (“the Tribunal”) was established as an independent statutory body on 4 October, 2000, in accordance with Sections 14 and 15 of the Refugee Act, 1996 (as amended by section 11(1) of the Immigration Act, 1999 and section 9 of the Illegal Immigrants (Trafficking) Act, 2000), to consider and decide appeals against Recommendations of the Refugee Applications Commissioner that applicants should not be declared to be refugees. The Refugee Act, 1996 was implemented on 20 November, 2000 and the work of the Tribunal commenced on that date.

### **2. Mandate**

[2.1] Section 2 of the 1996 Act (as amended) defines a “refugee” as ‘ a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it’.

[2.2] The Mandate of the Refugee Appeals Tribunal is to investigate appeal applications from persons seeking a declaration of refugee status, and to issue appropriate recommendations to the Minister for Justice and Equality. The primary function of the Tribunal is to affirm or set aside a recommendation made by the Refugee Applications Commissioner with regard to a declaration of a person as a refugee.

[2.3] The Tribunal is also tasked with determining appeals under the Dublin procedure, which determines the appropriate European country to determine an asylum application, as well as Subsidiary Protection appeals.

### **3. Mission Statement**

[3.1] The Tribunal will strive to determine all appeals:

- fairly;
- with respect for the dignity of applicants;
- in accordance with the law;
- efficiently;
- with the highest standard of professional competence;
- in a spirit of openness and transparency in how the appeals process is managed.

#### **4. Values and Principles underpinning the operation of the Tribunal**

[4.1] The Tribunal is committed to carrying out its duties in accordance with the following key values:-

- the independence of the Tribunal;
- the operation of fair procedures;
- consistency in decision making;
- a commitment to excellence;
- a commitment to staff;
- efficiency in the use of resources without compromising quality;
- openness and transparency in dealing with all our stakeholders in a manner which will instil confidence in the operation of the Tribunal;
- valuing the individual, by encouraging Members and staff to understand and appreciate cultural differences;
- sensitivity, courtesy and respect for the dignity of all asylum/protection seekers;
- accountability in our work.

#### **5. Context for the period of the Strategy**

##### ***Applications for Protection***

[5.1] Applications for Refugee Status in Ireland have been steadily declining since their peak of over 11,000 in 2002. There were 946 applications in 2013 which is very similar to the 2012 figure of 956. This has resulted in a consequential reduction in the number of appeals that the Tribunal has received with 651 appeals being received in 2013.

[5.2] In November 2013 the Tribunal was also tasked with hearing appeals from refusals for Subsidiary Protection. This will result in an additional number of appeals being required to be heard by the Tribunal in 2014.

[5.3] It is anticipated that the number of appeals required to be heard by the Tribunal in the period of this Strategy Statement, 2014 – 2017 will not dramatically increase or decrease.

##### ***Legislative Changes***

[5.4] It is anticipated that there will be several important legislative changes that will impact on the work of the Tribunal.

[5.5] The most significant of these will be the introduction of the Immigration Protection and Residency Bill. It has recently been indicated that the Government intends to enact this legislation in 2014. One of the most significant changes for the Tribunal in this legislation is the introduction of a single procedure for the determination of eligibility for Refugee Status and Subsidiary Protection.

[5.6] The other major anticipated legislative change is the proposed enactment of the Freedom of Information Bill which will bring the Tribunal under its provisions.

[5.7] At the time of writing, both of these pieces of legislation are pending before the Dáil. As a consequence the final text is not yet known, however this strategy statement has been drafted with their policy objectives in mind.

## **6. Implementation and Review of Strategy Statement**

[6.1] This Strategic plan will guide the Tribunal in drafting an annual Business Plan. The annual Business Plan will detail how each Unit within the Tribunal will work towards achieving the goals and objectives set out in this Strategy Statement. The Annual Business Plan will also form the basis for defining the role profiles of staff in the Performance Management Development System.

[6.2] The Tribunal's desire to deliver a quality customer service is set out in our revised Customer Service Action Plan.

[6.3] The Annual Report of the Tribunal will report against key performance indicators that will be included in the business plans of each business unit.

[6.4] The Strategy Statement is for a period of three years, but will be reviewed annually as part of the drafting of the Annual Business Plan, to ensure that it remains relevant in relation to ongoing policy developments.

## **7. Critical Success Factors underpinning the Strategy Statement**

[7.1] The achievement of our goals and objectives are conditional upon a number of factors, including:-

- the availability of an appropriate level of staff;
- experienced and available Tribunal Members to consider and decide cases;
- financial resources;
- resources to meet Training needs and to participate at EU and International meetings;
- trained and experienced administrative staff;
- Continual enhancement of IT systems to meet ongoing needs and challenges;
- the scheduling of a sufficient number of hearings which involves a complex arrangement to ensure the presence of Members, Presenting Officers, the Applicant, legal representatives and interpreters;
- the availability of the applicant and his/her legal representative for oral hearing;
- the availability of Presenting Officers from the Office of the Refugee Applications Commissioner whose Recommendations at first instance are being appealed to the Tribunal;
- the availability of interpreters to interpret at oral hearings.

[7.2] Some of these factors are external to the Tribunal in the sense that the Tribunal has little control in relation to them. While the Tribunal has limited ability to control such external factors, it will seek to minimise the extent to which such external factors can impact negatively on the work of the Tribunal.

## **8. Structure of the Strategy Statement**

[8.1] This Strategy Statement outlines five High Level Goals which will guide the work of the Tribunal over the next three years. It identifies the Strategic Objectives which are the necessary components of the High Level Goal. It also identifies the strategic actions which will be undertaken to achieve the objectives and goals.

## **9. High Level Goals**

[9.1] The following 5 high level goals have been identified as the key goals that the Tribunal will focus on in the three year period from 2014 to 2017.

<b>Goal 1</b> – To consider and decide Refugee, Protection and Dublin appeals to the highest professional standards.
<b>Goal 2</b> – To achieve and maintain our quality standards by the training and development of Tribunal Members.
<b>Goal 3</b> – To efficiently and actively manage cases in the Superior Courts to which the Tribunal is a party.
<b>Goal 4</b> - To prepare for the changes to be introduced by forthcoming legislation.
<b>Goal 5</b> - To ensure the good administration of the Tribunal to the highest professional standards with a particular focus on achieving value for money in the deployment of the Tribunal's physical and human resources.

## High Level Goal 1:

To consider and decide Refugee, Protection and Dublin appeals to the highest professional standards.

### Strategic Objectives to support goal

1. Ensure the consistent application of the law and Tribunal guidelines in Refugee, Protection and Dublin appeal Decisions.
2. Determine cases in a timely and efficient manner while ensuring quality, fairness and impartiality.
3. Monitor the standard of Tribunal Members' Decisions.

### Strategic Actions to Achieve objectives

- Network with equivalent organisations and expert bodies in other jurisdictions and provide reports to Members and staff of relevant developments in respect of asylum and protection issues.
- Establish and develop consultations with user groups and stakeholders.
- Develop, implement and monitor a quality assurance system and periodically assess the quality of Member's Decisions.
- Develop policies and procedures to standardise consideration of appeals applications and decision making, thereby ensuring all applicants are dealt with fair, open and impartial procedures.

## High Level Goal 2:

### To achieve and maintain quality standards by the training and development of Tribunal Members

#### Strategic Objectives

1. Provide appropriate training to Members of the Tribunal to equip them with the knowledge and skill to deliver high quality, fair, consistent and legally robust Decisions.
2. Enhance Members' knowledge of developments in law at national and European level.
3. Contribute to development of Members' expertise by Tribunal participation in activities of relevant bodies at European and International level.
4. Develop a procedure for assessing the quality of Tribunal decisions.

#### Strategic Actions to Achieve objectives

- Provide, in co-operation with the United Nations High Commissioner for Refugees (UNHCR) and other bodies, high quality training for Tribunal Members in Refugee Status Determination, RSD, and related areas.
- Provide training to Members in the use of Tribunal IT systems.
- Continually address the training needs of Members by reference to Tribunal Decision monitoring.
- Provide guidelines to Members on Tribunal procedures and on the application of the law in RSD at both National and European level.
- Provide information to Tribunal Members on relevant developments at European and International level.
- Develop appropriate systems to keep Tribunal members up to date with ongoing legal developments.
- Develop appropriate mechanisms for the sharing of information between members.

### **High Level Goal 3:**

**To efficiently and actively manage cases in the Superior Courts to which the Tribunal is a party**

#### **Strategic Objectives**

1. To work closely with Chief State Solicitor's Office and Counsel in formulating a speedy response to all legal challenges.
2. To actively manage the Tribunal's judicial review caseload in collaboration with the Attorney General's and Chief State Solicitor's Offices.
3. To minimize the costs to the State arising from legal challenges to Tribunal Decisions.

#### **Strategic Action to Achieve objectives**

- Actively manage the Tribunal's response to legal challenges in close co-operation with the Chief State Solicitor's Office and Counsel.
- Process legal papers promptly and within established timeframes.
- Provide clear instructions to the Chief State Solicitors Office in a timely fashion.
- Establish appropriate systems to provide feedback to Members and staff on issues which gave rise to judicial review and take steps to prevent them reoccurring.
- Continually monitor case-load by reference to value for money considerations and in particular legal costs incurred.

## High Level Goal 4:

**To prepare for the changes to be introduced by forthcoming legislation**

### **Strategic Objectives to support goal**

1. Ensure Tribunal's practices and procedures are tailored to meet the new requirements.
2. Ensure Tribunal staff and Members are trained and aware of required changes.
3. Liaise with Irish Naturalisation and Immigration Service (INIS) and relevant parties regarding proposed and planned legislative changes.

### **Strategic Action to Achieve objectives**

- Review and update all documentation, procedures and IT requirements to comply with the provisions of incoming legislation.
- Provide comprehensive training programme for the administrative staff and Members of the Tribunal in cooperation with the UNHCR and competent authorities in preparation for forthcoming legislative changes.
- Maintain co-operation and liaison with relevant agencies and stakeholders regarding preparation for the new legislative framework.
- Communicate with relevant stakeholders to inform them of any relevant developments or changes in procedures.

## High Level Goal 5:

**To ensure the good administration of the Tribunal to the highest professional standards with a particular focus on achieving value for money in the deployment of the Tribunal's physical and human resources**

### Strategic Objectives to support goal

1. Manage the work of the Tribunal by ensuring that business objectives are met in the most efficient and cost effective manner.
2. Manage the organization and resources in line with best management practice and with particular regard to the skills development of Members and staff.
3. Monitor delivery of a quality customer service.
4. Ensure there is an appropriate Risk Management Framework in operation for the Tribunal.

### Strategic Action to Achieve objectives

- Monitor Tribunal performance to ensure value for money.
- Periodically review the organisational structure of the Tribunal, ensuring optimum effectiveness of individual business units in achievement of efficient outcomes.
- Ensure compliance with the 'Code of Practice for the Governance of State Bodies'.
- Review policies and procedures regularly to ensure they are effective and relevant.
- Review Tribunal policy on public access to Tribunal documents, including the decisions database.
- Ensure Role profile and Goal Setting of each staff member is monitored under the Performance Management and Development System.
- Continually develop staff by provision of appropriate training and support.
- Provide a high quality service to our customers and treat all customers with impartiality, respect, courtesy and confidentiality.
- Liaise on continuous basis with relevant stakeholders.
- Continually review the content of the Tribunal website, to ensure it contains relevant and up to date information.