



An Binse um Achomhairc i dtaobh Cosaint Idirnáisiúnta

The International Protection Appeals Tribunal

Chairperson's Guidelines on Assigning and Re-assigning Appeals by the Registrar

1. Background:

- 1.1 This guidance is issued pursuant to S. 63(3)(a) of the International Protection Act 2015 to assist the Registrar of the Tribunal in performing their functions of assigning or re-assigning appeals pursuant to S.67(2) or (3).
- 1.2 The relevant statutory provisions are set out in Appendix 1.
- 2.2 The following terms have the same meaning as that contained in the International Protection Act 2015: "Business", "Family", "Tribunal", "member", "Registrar" "Unaccompanied child" and "Chairperson".

2. Assignment of Appeals

- 2.1 In assigning appeals to members of the Tribunal, the overriding objective is to ensure that the business of the Tribunal is managed efficiently and that the business assigned to each member is disposed of as expeditiously as may be consistent with fairness and natural justice.
- 2.2 Subject to the matters set out in paragraph 2.1 and paragraphs 3 to 7 of this Guidance Note, the Registrar should endeavour, insofar as is practicable, to assign and re-assign appeals fairly and proportionately amongst the Members.

3. Family Members:

- 3.1 Where there are several appeals which relate to the same family those appeals may be assigned to the same Member.
- 3.2 Where a member has previously dealt with an appeal relating to a family member of a current applicant, the appeal of the current applicant may be assigned to the Member who dealt with the previous appeal of the family member.

4. Unaccompanied Minors:

- 4.1 Were the appeal is made in respect of an unaccompanied minor the Registrar should use their best endeavours to ensure that the appeal is assigned to a

Member who has received appropriate training, as specified by the Chairperson, in dealing with such persons.

5. Appeals Involving Particular Sensitivities:

- 5.1 It is acknowledged that particular appeals may involve certain cultural, gender and/or other sensitivities, e.g. allegations of sexual assault or female genital mutilation.
- 5.2 Such appeals should be assigned to Members taking such sensitivities into account, insofar as it is practicable to do so.

6. Re-assignment of Appeals

- 6.1 Where a Member is unable or unwilling to decide an appeal, the Registrar may, in agreement with the Member, re-assign that appeal to another Member.
- 6.2 Where the Registrar cannot agree with a Member to re-assign an appeal the Registrar shall so inform the Chairperson who shall then decide whether to re-assign the Appeal pursuant to S. 63(4)(a).

7. Other Matters:

- 7.1 In assigning or re-assigning appeals between the various Members of the Tribunal the following matters should also be taken into account by the Registrar:-
- 7.1.1 A Member's availability,
- 7.1.2 A Member's ability to meet such timelines for the efficient dispatch of the business of the Tribunal, as may be determined by the Chairperson,
- 7.1.3 The grounds of the appeals set out in the notices of appeal,
- 7.1.4 The country of origin of applicants,
- 7.1.5 The provision of the International Protection Act 2015, (as amended), pursuant to which the appeals are made,
- 7.1.6 Whether the Member is disposing of the business of the Tribunal as expeditiously as may be consistent with fairness and natural justice,
- 7.1.7 Whether the Member has particular knowledge, or training, relevant to the issues raised in the appeal,
- 7.1.8 Any other matters relevant to the disposal of the business of the Tribunal efficiently and as expeditiously as may be consistent with fairness and natural justice.



Barry Magee
Chairperson

International Protection Appeals Tribunal

8. III. 17

Appendix 1
Statutory Provisions
International Protection Act 2015

**Functions of
chairperson of
Tribunal**

63. (1) The chairperson shall ensure 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.

(2) The chairperson may issue to the members of the Tribunal guidelines on the practical application and operation of the provisions or any particular provisions of this Part and on developments in the law relating to international protection.

(3) (a) The chairperson may, if he or she considers it appropriate to do so in the interest of the fair and efficient performance of the functions of the Tribunal, issue guidelines to the Registrar for the purpose of the performance of his or her functions of assigning or re-assigning appeals under section 67 (2) or (3).

(b) In issuing the guidelines referred to in *paragraph (a)*, the chairperson shall have regard to the following matters:

(i) the grounds of the appeals specified in the notices of appeal;

(ii) the country of origin of applicants;

(iii) any family relationship between applicants;

(iv) the ages of the applicants and, in particular, of persons under the age of 18 years in respect of whom applications are made;

(v) the provisions of this Act under which the appeals are made.

(4) The chairperson may —

(a) re-assign business from one member to a different member if, in the opinion of the chairperson, such re-assignment—

(i) is warranted by the inability or unwillingness to transact that business of the member to whom the business was originally assigned, and

(ii) where the business relates to an appeal, cannot be achieved by agreement between the Registrar and that member,

**Role of
members of
Tribunal**

65. (1) A member of the Tribunal shall, on behalf of the Tribunal, transact the business assigned to him or her under this Act.

(2) A member shall, in the performance of his or her functions under this Act—

(a) 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,

(b) conduct oral hearings in accordance with this Act and any regulations under section 41 (4),

(c) accord priority to an appeal to which section 63 (5) applies that is assigned to him or her,

(d) have regard to any guidelines issued by the chairperson under section 63 (2),

(e) prepare the report referred to in *paragraph (b) or (c) of section 63 (4)* and provide it to the chairperson when requested to do so,

(f) attend any meetings convened by the chairperson

under *subsection (6) or (7) of section 63* , unless it is impracticable to do so,

(g) provide such assistance to the chairperson in the performance by the chairperson of his or her functions under this Act as the chairperson may reasonably request, and

(h) comply with any direction given by the chairperson relating to training and the continued professional development of members.

Functions of Registrar

67. (1) The Registrar shall, in consultation with the chairperson—

(a) manage and control generally the staff and administration of the Tribunal, and

(b) perform such other functions as may be conferred on him or her by the chairperson.

(2) The Registrar shall assign to each member the appeals to be determined by him or her.

(3) Subject to *section 63 (4)(a)*, the Registrar may re-assign an appeal where the member to whom it was originally assigned is unable or unwilling to determine that appeal.

(4) In assigning or re-assigning an appeal to a member the Registrar shall have regard to—

(a) the need to ensure the efficient management of the work of, and the expeditious performance of its functions by, the Tribunal, consistent with fairness and natural justice, and

(b) any guidelines issued by the chairperson under *section 63 (3)(a)*.