
Refugee Appeals Tribunal



Annual Report



Annual Report 2016

1st January 2016 to 31st December 2016
Refugee Appeals Tribunal, 6/7 Hanover Street East, Dublin 2.
Tel. (01) 474 8400, Fax. (01) 4748410, Email: info@relappeal.ie

TABLE OF CONTENTS

	Page
Chairman's Letter to the Minister for Justice and Equality	3
1. Introduction	4
2. Tribunal Operations and Support	9
3. Membership of the Tribunal	14
4. Summary of the Work of the Tribunal for 2016	19
5. Other Activities	38
6. Personnel	41
Appendices:	
Appendix 1 Appeals Process: Procedures	44

Ms. Frances Fitzgerald T.D.
Minister for Justice and Equality
Department of Justice and Equality
51 St. Stephens Green
Dublin 2.

31st March 2017

Refugee Appeals Tribunal Annual Report 2016

Dear Tánaiste,

I am enclosing the Annual Report of the Tribunal for 2016.

As you are aware, the Refugee Appeals Tribunal was abolished on the commencement of the International Protection Act 2015 on the 31st of December 2016. Therefore, this is the last annual report of the Refugee Appeals Tribunal.

The International Protection Appeals Tribunal succeeded to the functions of the previous Tribunal and I therefore considered it appropriate to furnish you with this report.

In 2016 the Tribunal substantially increased the number of decisions issued by 82% to 1163. However, due to the increase of appeals received, the Tribunal ended the year with 554 more appeals on hands.

The number of staff provided by your Department to the Tribunal last year increased slightly by 3.2 full time equivalent persons. As I stated in last years' report, a substantial increase in staffing number will be required in order for the number of decisions issued to substantially increase. I am satisfied that the number of decisions issued last year represents the maximum capacity of the Tribunal at current staffing levels.

I would like to acknowledge the dedication and hard work of the Tribunal staff and Members over the past year.

Yours sincerely,

Barry Magee
Chairperson
International Protection Appeals Tribunal

1. Introduction

[1.1] Establishment

The Refugee Appeals Tribunal (“the Tribunal”) was established 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.

[1.2] Mandate

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.

The Mandate of the Refugee Appeals Tribunal was 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 was to affirm or set aside a recommendation made by the Refugee Applications Commissioner with regard to a declaration of a person as a refugee.

The Tribunal was 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.

[1.3] Mission Statement

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.

[1.4] Strategy Statement 2014-2017

In 2014, the Tribunal launched the Strategy Statement 2014-2017. This Strategic plan guided the Tribunal in drafting an annual Business Plan. The Annual Business Plan detailed how each Unit within the Tribunal worked towards achieving the goals and objectives set out in this Strategy Statement.

The Strategy Statement identified the following 5 high level goals as the key goals that the Tribunal focused on in the three year period from 2014 to 2017:

Goal 1 – To consider and decide Refugee, Protection and Dublin appeals to the highest professional standards.
--

Goal 2 – To achieve and maintain our quality standards by the training and development of Tribunal Members.
--

Goal 3 – To efficiently and actively manage cases in the Superior Courts to which the Tribunal is a party.

Goal 4 - To prepare for the changes to be introduced by forthcoming legislation.

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.

[1.5] Membership of the Tribunal

The Tribunal consisted of a Chairperson and such ordinary members as are appointed by the Minister for Justice and Equality.

Ordinary members were appointed by the Minister for Justice and Equality under Paragraph 2 of the Second Schedule of the 1996 Act. Details of members who served in 2016 are set out in Chapter 3. In November 2016 six member's contracts expired and they ceased to be members. There were no members appointed in 2016.

[1.6] Staff of the Tribunal

In accordance with the Second Schedule of the 1996 Act, the Minister may appoint such and so many persons to be members of the staff of the Tribunal as she/he considers necessary to assist the Tribunal in the performance of its functions. Members of the staff of the Tribunal are civil servants within the meaning of the Civil Service Regulation Act, 1956. Administrative staff were assigned to the Tribunal from the Department of Justice and Equality.

On 31st December, 2016 the staff complement was 31.5 (full-time equivalents).

[1.7] Applications for Protection

Applications for Refugee Status in Ireland had been steadily declining since their peak of 11,634 in 2002. In 2016 2,244 applications for asylum were received at first instance which is a decrease of 32% on 2015. The Tribunal

received a total of 2,174 appeals during 2016 (see Chapter 4). This represents a 57% increase on the 2015 figure.

In November 2013 the Tribunal was tasked with hearing appeals from refusals for Subsidiary Protection¹. 219 Subsidiary Protection Appeals were received during 2016.

[1.8] New Decision Template

At the start of 2014 the Tribunal introduced a new decision template for use by members. This template was developed in conjunction with UNHCR office in Dublin.

The function of the Template was to provide decision makers with a logical and legally robust framework within which to make their decision. The Template is not overly prescriptive and sets out the sequence of steps to be taken in the decision. It appears that the new decision template has continued to contribute to the low number of applications for Judicial Review against Tribunal decisions.

[1.9] Legislative Changes

The most significant legislative change in 2016 was the commencement on 31st December 2016, of the International Protection Act 2015². On this date the Refugee Appeals Tribunal was abolished and replaced by the International Protection Appeals Tribunal.

¹ See the European Union (Subsidiary Protection) Regulations 2013. S.I. 426 of 2013.

² No. 66 of 2015

[1.10] International Protection Appeals Tribunal

The International Protection Appeals Tribunal, [IPAT], succeeds to the functions of the RAT on commencement.

Where appeals were pending before the RAT on commencement the following provisions applied:

- Where a person has appealed a recommendation to refuse them Refugee status and that appeal has not been determined they are deemed to have made an application for international protection under the 2015 Act, with certain modifications, section 70(2). This means that their case has transferred from the Tribunal to the Department.
- Pending subsidiary protection and Dublin III appeals are retained and will be decided by the International Protection Appeals Tribunal.

The other significant changes at appeal stage include the following:

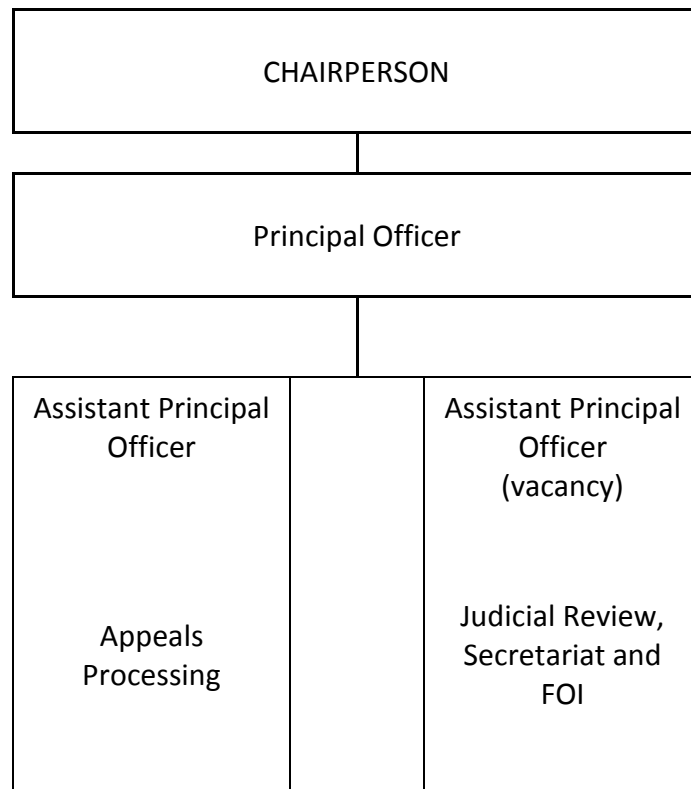
- A new appeal from a decision that an application is 'inadmissible', [section 21(6)].
- A new appeal from a refusal to permit a subsequent application for protection, [section 22(8)].
- The appointment of two 'Deputy Chairpersons', [section 62(1)(b)].
- The appointment of a 'Registrar'. [section 66].
- The appointment of 'Full Time Members of Tribunal', [section 62(1)(c)].

2. Tribunal Operations and Support

[2.1] General

The administrative structure of the Tribunal is set out below.

ORGANISATION CHART



Appeal Procedures are detailed in Appendix 1.

[2.2] Appeals Processing/Administration

Appeals Registration and Assigning

Appeals Registration and Assigning involves:

- receiving, checking, recording and processing all Notices of Appeal and correspondence, including correspondence from the Refugee Applications Commissioner (the Commissioner), the United Nations High Commissioner for Refugees (“the UNHCR”), legal representatives and applicants,
- arranging receipt of the applicants’ files from the Office of the Refugee Applications Commissioner when an appeal is received,
- preparation of appeal case files, and
- formal assigning of cases to Members by the Chairperson.

Scheduling and Reception

Scheduling involves arranging the attendance of Members, Presenting Officers, the Applicant, legal representatives and where appropriate interpreters, witnesses and HSE staff at hearings. Reception duties include the servicing of oral hearings and the processing of correspondence and submissions.

Decisions

This involves:

- Preparing and issuing Decisions to the applicant, the legal representative (if any) and notifying the Refugee Applications Commissioner, the Minister for Justice and Equality and the United Nations High Commissioner for Refugees (UNHCR) in accordance with the Appeals Regulations
- Recording and tracking of Decisions
- Processing of correspondence and queries from applicants, legal representatives and Members
- Redacting Members’ Decisions and uploading to the ROMDA webpage (ROMDA Refugee Office Members’ Decisions Archive is a web based database of previous Tribunal Decisions see - Appendix 2.8) and maintaining the webpage.

[2.3] Secretariat

The Secretariat was responsible for:-

- Co-ordinating activity between the Tribunal, the Commissioner and other constituent parts of the asylum system
- Liaising with the Office of the Representative of the United Nations High Commissioner for Refugees and other governmental and non-governmental bodies and
- Providing information on Tribunal matters and responding to correspondence.

The Secretariat co-ordinated the day-to-day back-up services for the Members which include ongoing Members' training and collating training/educational resource materials. Training initiatives undertaken in 2016 by the Tribunal are outlined in Chapter 3. Further information concerning Human Resources/Personnel is contained in Chapter 6.

[2.4] Judicial Review

The Judicial Review Unit considered the response to judicial review proceedings. It records and monitors progress of all judicial reviews, considers all legal documents received and co-ordinates a response with the Chairperson, the Attorney General's Office, the Chief State Solicitor's Office and the Members.

At the start of 2016 the Tribunal had 156 active Judicial Reviews on hand. This compares to 455 cases at the start of 2015. The number of new Judicial Reviews filed in 2016 was 84. A significant number of these relate to a legal issue in respect of the correct interpretation of the Dublin III Regulation.

During 2016 96 Judicial Reviews were determined. Of these the Applicant was unsuccessful in 59. A proportion of the 59 were withdrawn by the Applicant prior to the case coming on for hearing. In the 37 cases in which the applicant

was successful, the Tribunal settled 8 and the remaining 29 were determined by the court following a hearing.

At the end of the year the Tribunal had 146 active Judicial Reviews on hands. Of these, 122 were waiting for a court outcome. This figure of 122 can be further broken down as follows:

Awaiting Hearing Date	87
Hearing Date Fixed	22
Heard – Judgment Awaited	11
Supreme Court	2

In agreement with the Department it was decided that as and from the commencement of the International Protection Act 2015, the Tribunal would no longer participate in judicial reviews save for exceptional circumstances, such as where allegations of *male fides* are made.

[2.5] Legal Costs

The Tribunal is supported by the offices of the Attorney General and the Chief State Solicitor in the defence of judicial reviews. The Tribunal was liable to pay the costs of applicants who successfully apply for judicial review in the High Court.

The legal costs incurred by the Tribunal since 2008 are set out in the following table.

Year	Expenditure
2008	€3,428,130
2009	€4,523,622
2010	€4,363,114
2011	€3,168,952

2012	€1,427,510
2013	€1,625,971
2014	€2,688,787
2015	€1,833,385
2016	€2,696,339

The 2016 figure covers some 75 cases which gives an average cost of €35,951 per case. However, this figure does not include the legal costs of the State. It should be noted that these figures reflect the year in which the costs were paid and not necessarily the year in which the case was finalised.

The expense to the State in defending judicial reviews emphasises the benefit of investing in the training of Members to ensure the production of legally robust decisions.

In cases where the Tribunal successfully defends a judicial review it will normally obtain an order that the unsuccessful applicant pay their legal costs. However, there is usually little prospect of the Tribunal recovering costs from unsuccessful applicants.

3. Membership of the Tribunal

[3.1] Introduction

The Members of the Tribunal were appointed by the Minister for Justice and Equality on a part-time basis for a term of 3 years. A Member must have been a practising Barrister or Solicitor for at least five years to qualify for appointment.

[3.2] List of members

The following is a list of the ordinary Members of the Tribunal who held office during 2016.

Bernard McCabe, BL
Doireann Ní Mhuircheartaigh, BL
Evelyn Leyden, Solr.
Hilkka Becker, Solr.
John Cheatle, BL
Terence Coghlan, BL
Michelle O’Gorman, BL
Conor Gallagher, BL
Moira Mullaney Shipsey, Solr.
Majella Twomey, BL
Elizabeth O’Brien, BL
Mark Byrne, BL
Mark White, BL
Shane McCarthy, Solr.
Helen Johnson, BL
Emma Toal, BL
Patrick Hurley, Solr.
Bernadette McGonigle, Solr.

Kieran Falvey, BL.
Louis Dockery, Solr.
Rory de Bruir, BL.
Anne Colley, Solr.
Olive Brennan, BL.
Una McGurk, SC.
Kim Walley, Solr.
Shauna Ann Gillan, BL.
Paul Brennan, Solr.
Mark William Murphy, BL.
Brian Cusack, BL.
Byron Wade, BL.
Agnes McKenzie, BL.
Ann Marie Courell, BL.
Patricia O'Connor, Solr.
Caroline Counihan, BL.
Marguerite Fitzgerald, Solr.

[3.4] Training for Members of the Tribunal

Once a Member is appointed it is necessary for them to undergo an intensive period of training prior to being in a position to commence hearing appeals. This involves formal training, delivered in conjunction with the UNHCR, on all aspects of Refugee Status Determination. It is also necessary for the Members to be trained on use of the Tribunal's IT systems which permits remote access for the Members. The Tribunal also facilitates new Members 'sitting in' on other Tribunal hearings to become familiar with how hearings are conducted. This induction process is vital to ensure that new Members are fully capable of properly hearing and deciding cases assigned to them. The consequence of this

induction process is that a new member is not in a position to commence issuing decisions for a number of months after their appointment.

There were no new appointments to the Tribunal in 2016 and so no initial training was required to be delivered. As can be seen from section 5.3 the Tribunal members attended various conferences and engaged in other training activities throughout 2016.

[3.5] Statutory Meetings

Paragraph 12 of the 2nd schedule of the Refugee Act 1996 requires the Chairperson to convene a meeting of the Members of the Tribunal at least twice a year to review the work of the Tribunal. The following meetings took place:

Date	Venue
22 nd of July	Clayton Hotel, Cardiff Lane
16 th of December	Clayton Hotel, Cardiff Lane

[3.6] Members' Fees

The scale of fees which determines the amount payable for each type of appeal is shown below.

Type	2016
Substantive Appeal	€
Oral Hearing	476
Oral Hearing - Husband & Wife similar cases	714
Oral Hearing - Husband & Wife different cases	952
On Papers	248
On Papers - Husband & Wife similar cases	372
On Papers - Husband & Wife different cases	496
No Show / Withdrawal	137
Adjournment / Postponement	0
Accelerated Appeal	
Determination	248
Husband & Wife similar cases	372

Husband & Wife different cases	496
Dublin Regulation	
Oral Hearing	315
Oral Hearing – Husband and Wife similar case	473
Oral Hearing - Husband & Wife different cases	630
On Papers	166
On Papers – Husband & Wife similar cases	249
On Papers– Husband & Wife different cases	332
No Show / Withdrawal	137

[3.7] Members' Fees paid and Decisions completed in 2016

Member's fees paid and number of decisions completed for 2016 is set out in the following table.

Member	Fees €	Decisions
Barry Magee ³	Nil	29
Agnes McKenzie	4,239	12
Anne Colley	3,717	8
Ann Marie Courell	7,825	16
Bernadette McGonigle	5,171	17
Bernard McCabe	7,092	24
Brian Cusack	3,945	9
Byron Wade	10,225	25
Conor Gallagher	35,414	98
Doireann Ní Mhuircheartaigh	2,400	6
Elizabeth O'Brien	31,811	84
Emma Toal	24,675	73
Evelyn Leyden	2,993	6

³ The Chairperson does not receive fees for deciding cases.

Helen Johnson	372	7
Hilkka Becker	23,793	61
Kim Walley	9,253	18
Majella Twomey	35,975	101
Mark Byrne	53,113	184
Mark William Murphy	952	4
Michelle O’Gorman	4,259	16
Moira Mullaney Shipsey	14,109	37
Olive Brennan	32,229	108
Patrick Hurley	9,514	33
Paul Brennan	411	4
Rory de Bruir	10,766	23
Shane McCarthy	1,428	3
Shauna Ann Gillan	38,094	106
Terence Coghlan	1,950	5
Una McGurk	11,196	29
Totals	386,921	1,146

Payments may relate to decisions completed in previous years.

Appeals were assigned to Members by the Chairperson in accordance with the Chairpersons published guidance note of October 2013.

4. Summary of the Work of the Tribunal for 2016

[4.1] Introduction

In 2016 the Tribunal had 35 ordinary members who had completed their induction process and had conducted appeal hearings. There were no new appointments made during 2016.

It is the Tribunal's experience that it can take up to six months for a newly appointed member to be fully trained and in a position to deal with a significant number of appeals.

[4.2] Executive Summary for 2016

The Tribunal was able to continue with the increase in the number of hearings scheduled (up 57%), decisions issued (up 82%) and appeals completed (up 50%), during 2016. However due to the continuing increase in appeals received (up 57%) and resource constraints, the year ended with 554 more appeals on hand than at the start of the year.

Table 4.2

Summary of the Work of the Tribunal

	2015	2016	% change
Appeals Received	1386	2174	57
Cases Scheduled	799	1255	57
Decisions Issued	640	1163	82
Completed Appeals	1015	1524	50
Live Appeals on Hand at Year End	1685	2342	39

[4.3] Appeals Received

Tables 4.3.1(a) & (b) sets out the number of Substantive 15-Day, Accelerated, Dublin Regulation and Subsidiary Protection appeals received in the years 2015 and 2016.

Table 4.3.1(a)

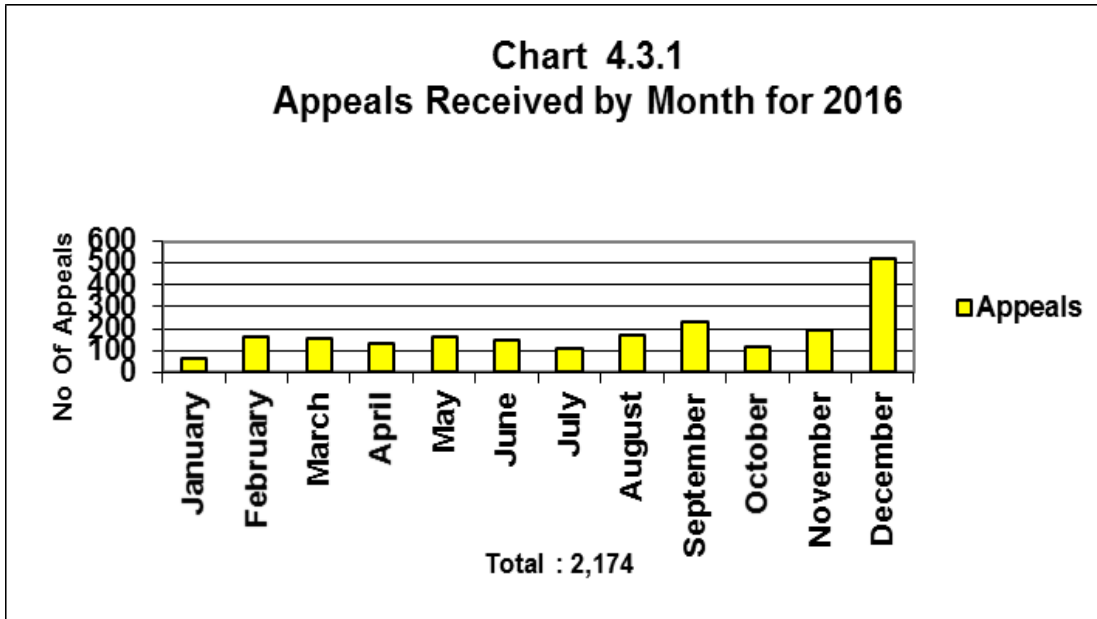
Total Appeals Received

Month	2015	2016
January	95	67
February	132	160
March	159	157
April	89	129
May	127	166
June	102	148
July	120	111
August	93	173
September	129	235
October	130	114
November	115	193
December	95	521
Total	1386	2174

Table 4.3.1(b)

Summary – Total Appeals Received by Year and Type

	2015	2016	% Change
Sub 15 Day	716	1551	117
Accelerated	43	8	-81
Dublin III	171	396	132
Subsidiary Protection	456	219	-52
Total	1,386	2174	57



**Table 4.3.2
Substantive/Substantive 15-Day Appeals Received**

Month	2015	2016
January	43	21
February	92	65
March	108	89
April	46	74
May	64	82
June	56	85
July	41	78
August	38	131
September	68	181
October	75	87
November	48	165
December	37	493
Total	716	1551

**Table 4.3.3
Accelerated Appeals Received**

Month	2015	2016
January	4	0
February	4	2
March	8	2
April	3	1
May	5	0
June	0	1
July	3	1
August	1	0
September	7	0
October	2	0
November	6	1
December	0	0
Total	43	8

**Table 4.3.4
Dublin Regulation Appeals Received**

Month	2015	2016
January	0	17
February	1	39
March	0	48
April	5	35
May	27	66
June	27	35
July	23	22
August	15	31
September	9	53
October	13	16
November	31	14
December	20	20
Total	171	396

Table 4.3.5

Subsidiary Protection Appeals Received

Month	2015	2016
January	48	29
February	35	54
March	43	18
April	35	19
May	31	18
June	19	27
July	53	10
August	39	11
September	45	1
October	40	11
November	30	13
December	38	8
Total	456	219

[4.4] Number of Appeals Scheduled for Hearing

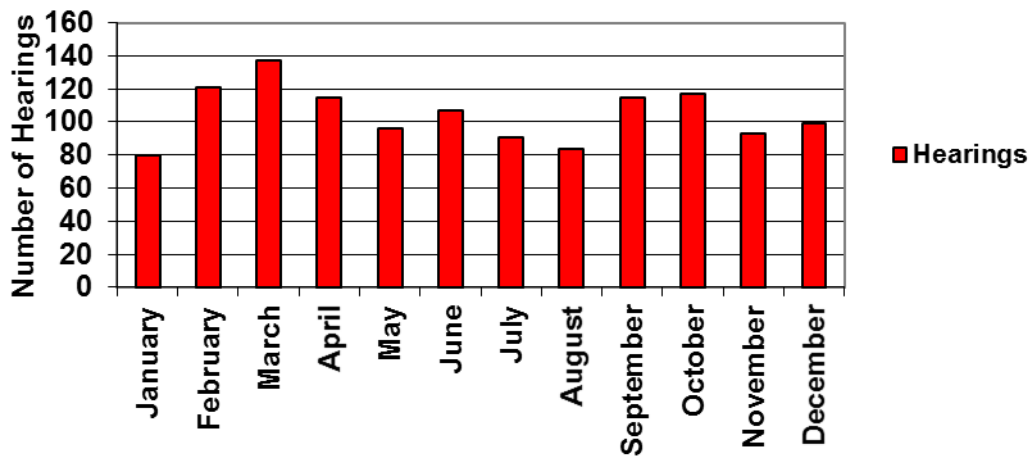
The number of appeals scheduled for hearing increased in 2016 compared to 2015. This was due to the Tribunal having 35 members available to conduct hearings during 2016. As is explained in section [4.1] it takes a number of months until a new member is fully trained and in a position to take on a full case load. This increase reflects the capacity of Members appointed in 2015 being able to undertake a greater number of appeals.

Table 4.4.1

Number of Hearings Scheduled

Month	2015	2016
January	52	80
February	39	121
March	51	137
April	46	115
May	65	96
June	101	107
July	74	91
August	46	84
September	77	115
October	97	117
November	85	93
December	66	99
Total	799	1255

Chart 4.4.1
Hearings Scheduled by Month for 2016



Total : 1,255

[4.5] “No Shows” and Withdrawals

Where an applicant fails to attend an oral hearing without reasonable cause and fails to furnish to the Tribunal an explanation within 3 working days from the date of the oral hearing which satisfies the Tribunal that he or she had reasonable cause for not attending, then the appeal is deemed withdrawn.

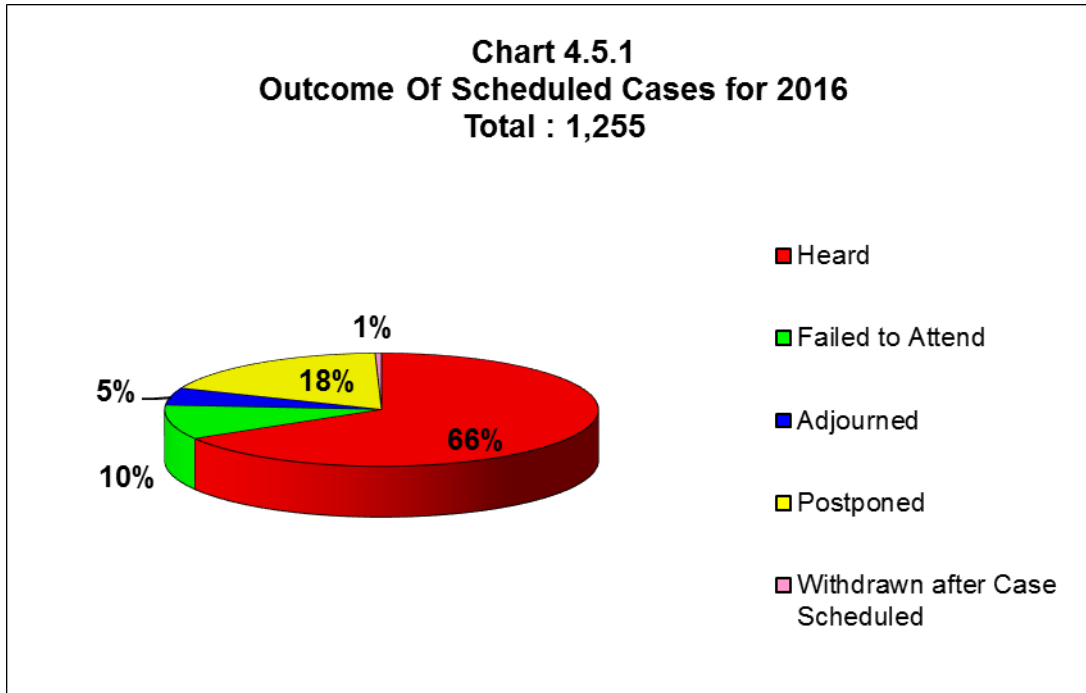
In 2016, the number of “No Shows” was 123 , which represented just under 10% of the total number of cases scheduled.

An applicant may withdraw his/her appeal at any stage in the process for a number of reasons, for example, marriage to an Irish or EU national, or voluntary repatriation to their country of origin. In the event of a withdrawal, the original Recommendation of the Commissioner stands. Table 4.5.1 sets out the number of “No Shows” and Withdrawals in 2015 and 2016.

Table 4.5.1

Number of “No Shows” and Withdrawals in 2015 and 2016

Year	2015	2016
“No Shows”	51	123
Withdrawals	1	6
Total	52	129



[4.6] Postponements and Adjourndments

Table 4.6.1
Number of Postponements and Adjourndments

Year	2015	2016
Adjourndments	83	62
Postponements	159	230
Total	242	292

A postponement occurs prior to the date of the hearing. An adjourndment takes place at the hearing. 23% of scheduled cases were either postponed or adjournded which is lower than the 2015 figure which was 30%.

[4.7] Appeals Completed and Decisions of Members

The Tribunal completed 1,524 appeals including withdrawals from 1 January, 2016 to 31 December, 2016. This represents a 50% increase on 2015.

Table 4.7.1

Total Completed Appeals

Month	2015	2016
January	48	93
February	91	136
March	64	108
April	66	131
May	84	171
June	102	111
July	121	154
August	67	116
September	114	122
October	90	100
November	90	180
December	78	102
Total	1015	1524

**Chart 4.6.1
Completed Appeals by Month for 2016**

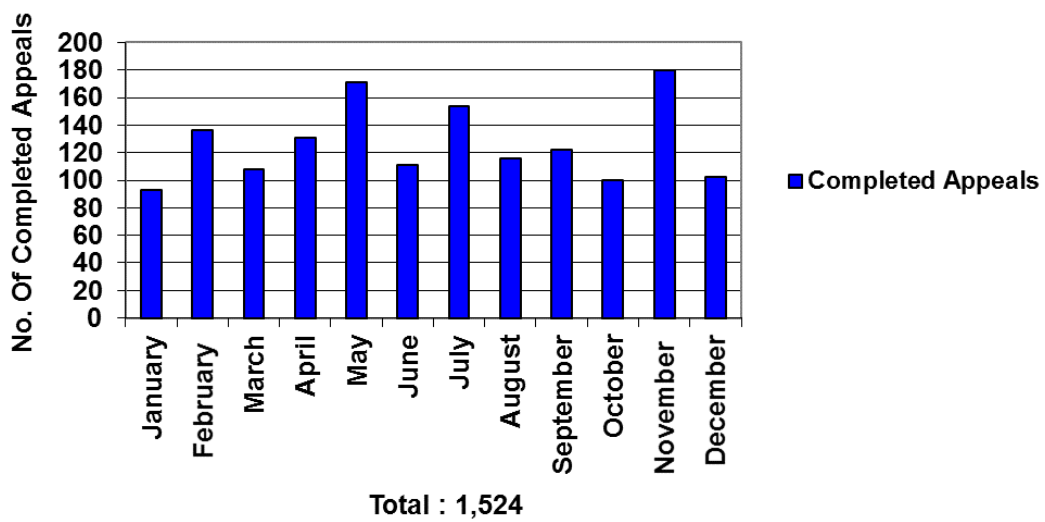


Table 4.7.2
Total Decisions Issued

Month	2015	2016
January	22	72
February	65	79
March	34	74
April	31	100
May	56	145
June	72	82
July	79	113
August	45	88
September	61	92
October	70	81
November	57	147
December	48	90
Total	640	1163

Table 4.7.3
Substantive 15-Day Completed Appeals

Month	2015	2016
January	30	58
February	54	63
March	40	43
April	41	64
May	45	80
June	54	39
July	70	80
August	33	38
September	69	66
October	54	55
November	58	82
December	44	37
Total	592	705

Table 4.7.4**Accelerated Completed Appeals**

Month	2015	2016
January	4	5
February	9	8
March	1	6
April	7	9
May	23	14
June	3	2
July	14	2
August	6	4
September	13	2
October	16	0
November	8	6
December	1	5
Total	105	63

Table 4.7.5**Dublin Regulation - Completed Appeals**

Month	2015	2016
January	0	7
February	1	26
March	0	29
April	0	25
May	7	30
June	13	17
July	7	20
August	7	39
September	3	8
October	2	10
November	2	29
December	3	36
Total	45	276

**Table 4.7.6
Subsidiary Protection - Completed Appeals**

Month	2015	2016
January	14	23
February	27	39
March	23	30
April	18	33
May	9	47
June	32	53
July	30	52
August	21	35
September	29	46
October	18	35
November	22	63
December	30	24
Total	273	480

[4.8] Appeals on Hand at 31st December, 2016

A total of 2,239 live appeals were on hand as at the 31st December, 2016 compared to 1,685 appeals on hand at 31 December, 2015 an increase of 33%.

**Table 4.8
Summary of “live appeals” in the Tribunal at 31st December 2016**

Total number of appeals on hand	
Substantive 15 Day	1884
Accelerated	4
Dublin Regulation	252
Subsidiary Protection	202
Total number of appeals on hand as at 31st December 2016	2342

[4.9] Length of Appeal Process

The median length of time taken by the Tribunal to process and complete Substantive 15 day appeals was approximately 90 weeks based on a sample of 486 cases. It was 41 weeks for Accelerated Appeals based on a sample of 40 cases and 54 weeks for Subsidiary Protection Appeals based on a sample of 364 cases.

[4.10] Country of Origin of Applicants 2016

Pakistani nationals represented the highest proportion of applications received by the Tribunal. Pakistan nationals represented the highest proportion of applicants in the case of Substantive/Substantive 15-Day appeals, followed by Nationals of Nigeria, Albania, Bangladesh and Zimbabwe.

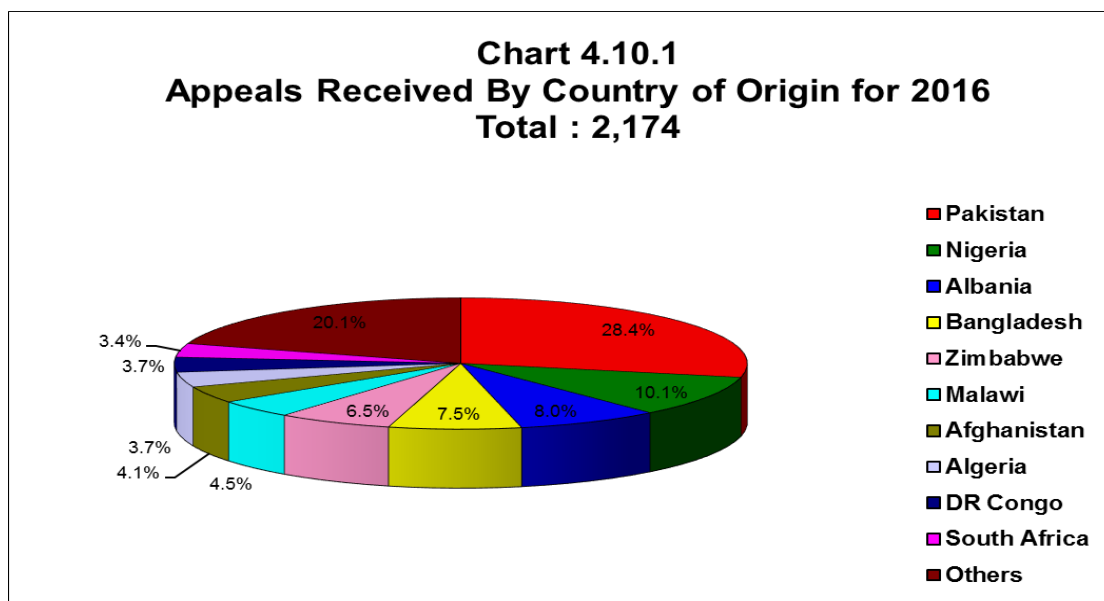
In Accelerated appeals the highest representations of applicants were from Nigeria and Pakistan.

In Dublin Regulation appeals 80% of applicants were from Pakistan or Bangladesh.

Table 4.10.1 Substantive/Substantive 15-Day appeals, Accelerated appeals and Dublin appeals received in 2016 by country of origin.

Nationality	Total Appeals Received	%	Substantive 15-Day	%	Accelerated	%	SP	%	Dublin III	%
Pakistan	618	28	380	25	1	12	34	16	203	51
Nigeria	220	10	171	11	3	38	29	13	17	4
Albania	175	8	145	9	0	0	20	9	10	3
Bangladesh	162	8	103	7	0	0	6	3	53	13
Zimbabwe	141	6	117	8	0	0	23	11	1	1
Malawi	97	5	79	5	1	12	17	8	0	0
Afghanistan	90	4	52	3	0	0	3	1	35	9
Algeria	80	4	49	3	0	0	18	8	13	3
DR Congo	80	4	64	4	0	0	10	5	6	2
South Africa	73	3	64	4	0	0	9	4	0	0
Other*	438	20	327	21	3	38	50	23	58	15
Total	2174	100	1551	100	8	100	219	100	396	100

* Other covers 62 countries and includes India, Georgia, Ukraine, Brazil and China in relation to all of which the number of applicants ranges between 1 and 69.



[4.11] Outcome of Appeals/Recommendations of the Refugee Applications Commissioner

Tables 4.11.1, 2 and 3 show the trend in the number of Recommendations made by at first instance which were affirmed on appeal by the Tribunal since 2001. These figures do not include withdrawals or abandoned cases.

Table 4.11 .1

Analysis of Substantive/ Substantive 15-Day Decisions

Year	Total	Affirmed	% Affirmed
2001	1942	1461	75
2002	4698	3601	77
2003	4486	3658	82
2004	4235	3587	85
2005	2452	2021	82
2006	1594	1354	85
2007	1406	1212	86
2008	1919	1656	86
2009	2672	2422	91
2010	2045	1922	94
2011	872	809	93
2012	446	401	90
2013	454	404	89
2014	173	93	54
2015	408	240	59
2016	539	351	65

**Chart 4.11.1
Analysis of Substantive/ Substantive 15 Day Decisions
Recommendations of Commissioner Affirmed**

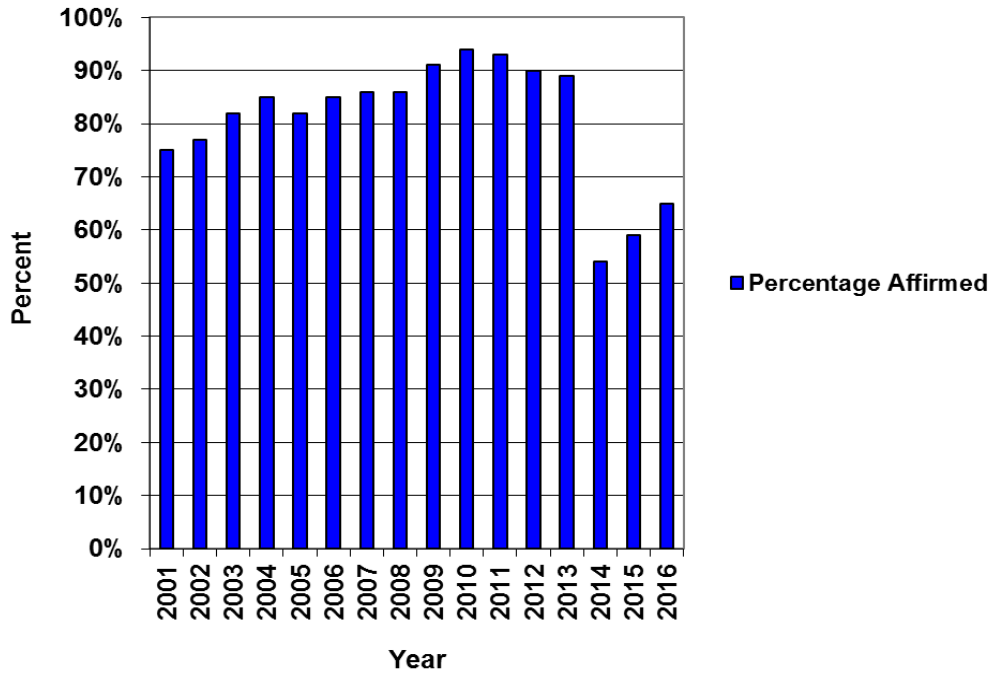


Table 4.11.2

**Analysis of Manifestly Unfounded/ Accelerated Decisions
Recommendations of Commissioner Affirmed**

Year	Total	Affirmed	% Affirmed
2001	723	549	76
2002	130	81	62
2003	252	225	89
2004	1893	1824	96
2005	1468	1385	94
2006	271	261	96
2007	330	318	96
2008	398	368	92
2009	583	565	97
2010	643	637	99
2011	366	358	98
2012	205	205	100
2013	114	110	96
2014	33	22	67
2015	79	65	82
2016	52	38	73

**Chart 4.11.2
Analysis of Manifestly Unfounded/ Accelerated Decisions
Recommendations of Commissioner Affirmed**

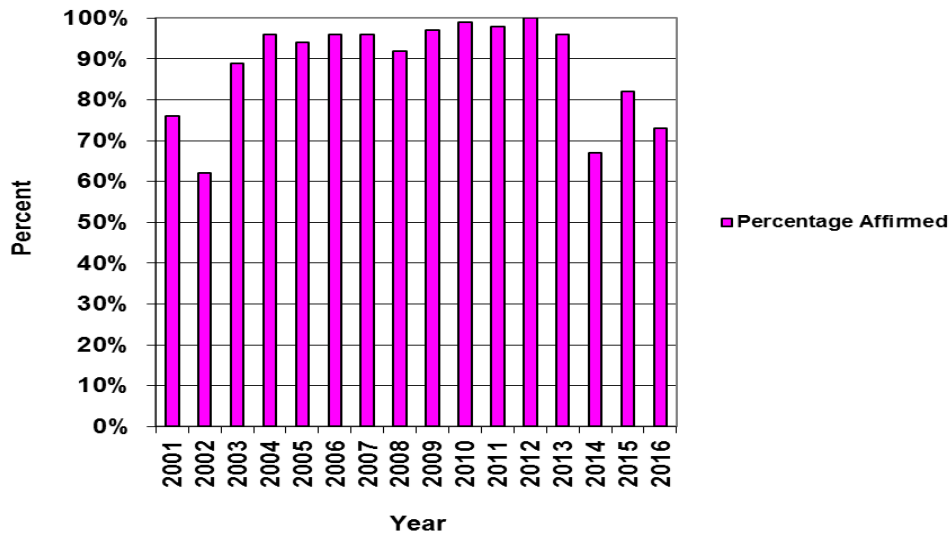


Table 4.11.3

**Analysis of Dublin Regulation Decisions
Recommendations of Commissioner Affirmed**

Year	Total	Affirmed	% Affirmed
2001	151	150	99
2002	118	110	93
2003	104	102	98
2004	212	186	88
2005	233	216	93
2006	225	225	100
2007	270	269	99
2008	137	137	100
2009	171	171	100
2010	93	93	100
2011	87	82	94
2012	40	38	95
2013	15	14	93
2014	36	35	97
2015	29	29	100
2016	193	182	94

**Chart 4.11.3
Analysis of Dublin Regulation Decisions
Recommendations of Commissioner Affirmed**

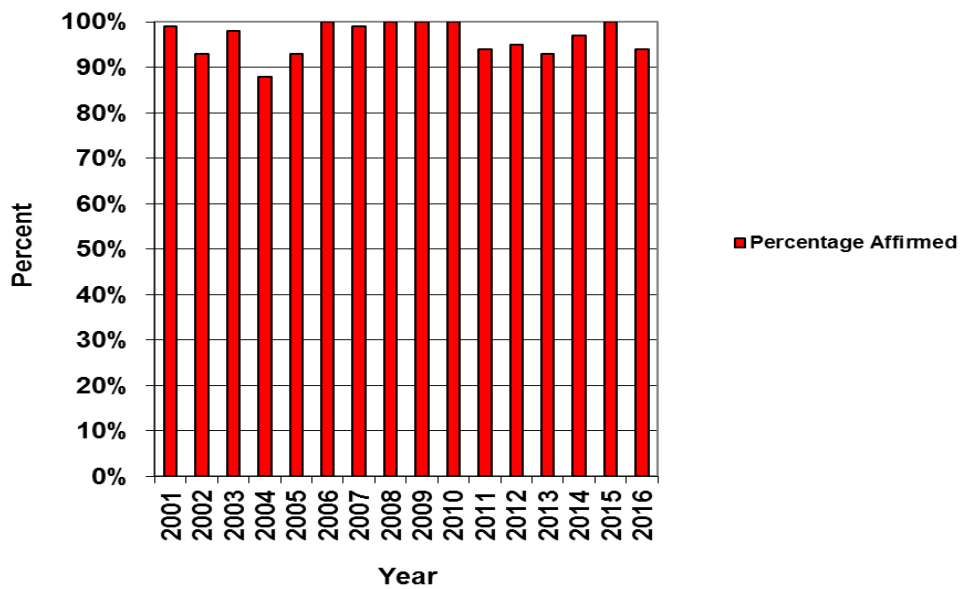


Table 4.11.4

**Analysis of Subsidiary Protection Decisions
Recommendations of Commissioner Affirmed**

Year	Total	Affirmed	% Affirmed
2014	13	10	77
2015	124	82	66
2016	379	278	73

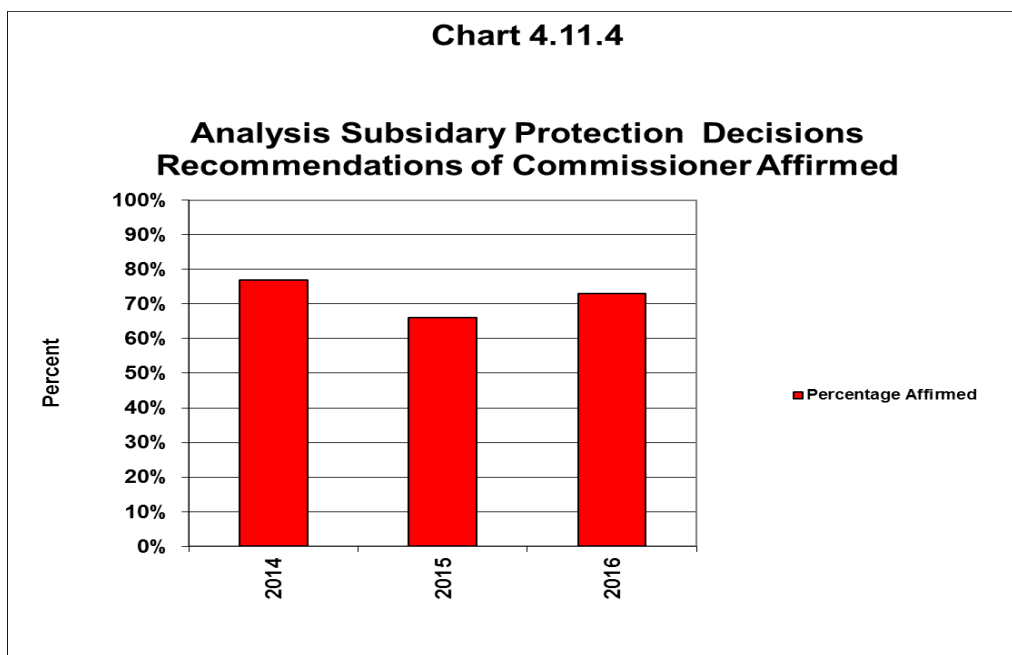


Table 4.11.5

**Summary of Substantive 15-Day, Accelerated and Subsidiary Protection Appeals by
Nationality Affirmed and Set Aside from 1st January 2016 to 31st December 2016**

Nationality	Affirmed	Set Aside	Total	Total Set Asides as % of Total Decisions
Nigeria	109	17	126	13
Pakistan	79	30	109	28
Zimbabwe	56	35	91	38
DR Congo	29	33	62	53
Albania	50	4	54	7
Algeria	47	4	51	8
South Africa	34	13	47	28
Other*	263	167	430	39
Total	667	303	970	31

*** Other covers 60 countries and includes Malawi, Afghanistan, Bangladesh, Ukraine and Cameroon.**

5. Other Activities

[5.1] Meetings with other organisations

It is a specific objective of the Tribunal to develop and maintain good working relations with organisations working in the asylum area and we have continued this policy in 2016. Meetings were held with each of the following organisations, among others, during the year.

- Office of the United Nations High Commissioner for Refugees
- Office of the Refugee Applications Commissioner
- Refugee Documentation Centre
- Department of Justice and Equality
- Office of the Chief State Solicitor
- Office of the Attorney General
- Jesuit Refugee Service
- SPIRASI
- EASO, European Asylum Support Office
- European Migration Network
- Tusla-Child and Family Agency
- Immigrant Council of Ireland

[5.2] Presentations & Events

The Chairperson participated in the following events during the year:

- Roundtable on future of Refugee Law, Kings Inns, 13th March.
- Women on the Move: Precarious Journeys, European Parliament Dublin, 22nd April.
- Migration and European Identity, Irish Society for European Law, 16th June.
- International Protection Act 2015, Refugee Legal Service Training, 9th December.

[5.3] Conferences Attended

The Tribunal attended the following conferences during the year:

- International Association of Refugee Law Judges European Chapter Conference, Oslo, 19th – 20th May.
- Annual Conference on European Asylum Law 2016, Trier, 20-21 October.

[5.4] EASO

The Tribunal participated in several projects being run by the European Asylum Support Office including: -

- Guide to ending protection.
- Guide to exclusion.

Tribunal Members have also been involved in the provision of judicial training on exclusion from international protection to members of the judiciary and tribunal members from other EU/EEA Member States organised by EASO.

[5.5] International Association of Refugee Law Judges (IARLJ)

The Tribunal Members are members of the IARLJ, which was founded in 1997 and seeks to foster recognition that protection from persecution on account of race, religion, nationality, membership in a particular social group, or political opinion is an individual right established under international law, and that the determination of refugee status and its cessation should be subject to the rule of law.

The Tribunal actively contributes to judicial training materials on

- Introduction to the Common European Asylum System (CEAS) for Courts and Tribunals - A Judicial Analysis (Produced by IARLJ Europe under contract to EASO)
- Qualification for International Protection (Directive 2011/95/EU) – A Judicial Analysis (Produced by IARLJ-Europe under contract to EASO).

[5.6] Tribunal Users Group

The Tribunal Users Group was established in 2014 to meet and discuss proposals around practice and procedure put forward by the Tribunal and to provide an opportunity for legal representatives to give feedback to the Tribunal on issues of concern. The Group consists of the Chairperson and the Registrar of the Tribunal and two nominees each of the Law Society of Ireland and the Bar Council. The Tribunal Users Group met on a number of occasions in 2016 and will continue to meet throughout 2017 to further explore proposals for improvement of the Tribunal and to receive feedback from legal practitioners.

6. Personnel

[6.1] Staffing

On 31st December 2016 the number of staff serving in the Tribunal was 35 (of whom 10 avail of shorter working year). This corresponds to 31.5 full-time equivalents (FTE). In addition, there were 3 Service Officers who provided an ancillary service to the Tribunal, however, they did not carry out administrative functions. The breakdown of staff by grade is as follows:

Grade	Number of Posts
Chairperson	1
Registrar	1
Assistant Principal Officer	1 (1 Shorter working year)
Higher Executive Officer	3
Administrative Officer	0
Executive Officer	5 (1 Shorter working year)
Staff Officer	1(1 Shorter working year)
Clerical Officer	17 (7 Shorter working year)
Temporary Clerical Officers	6
Total	35 (31.5 FTE)

Staffing levels in the Tribunal were reduced in recent years in line with the level of appeals being dealt with. The continuing substantial increase in appeals received in 2016 (up 57%) will require a corresponding increase in support staff to enable the Tribunal to deal with such appeals in an efficient manner.

[6.2] Staff Training

The Tribunal has provided or facilitated a wide range of training courses for staff. Training courses availed of by administrative staff included:

- Microsoft Word (Intermediate)
- Microsoft Excel (Intermediate and Advanced)
- Microsoft Powerpoint (Advanced)
- Communication Skills
- Supervisory Management Skills
- Customer Service Skills

- Middle Management Development Course
- Assertiveness Skills
- B.A. in Public Management
- Professional Diploma in Official Statistics for Policy Evaluation
- Advanced Diploma in Immigration and Asylum Law
- Health and Safety Training
- Pre-retirement Training

[6.3] Accommodation

The Tribunal was located at 6/7 Hanover St. East, Dublin 2. In addition to workspace for administrative staff, there are Hearing Rooms for appeals and consulting rooms for clients and their representatives.

[6.4] Finance

The Tribunal was funded by monies voted by the Dáil through the Vote for the Office of the Minister for Justice and Equality.

The table below sets out expenditure details for 2016:

Category	Expenditure 2016 €
Salaries and wages	1,401,275
Travel and Subsistence/Incidental Expenses ⁵	3,303
Postal and Communications Services	44,199
Office Machinery and Other office Supplies	19,629
Office and Premises Expenses	197,982
Legal Costs	2,696,647
Members Fees	386,921
IT costs	1,384
Incidental Expenses	98,574
Total	4,849,914

[6.5] Customer Service

The office was open 5 days a week including lunchtime and was open to personal callers between the hours of 8.45am and 5.30pm Monday to Friday. A telephone enquiry service (tel. 01-4748400) was provided daily from 9.15am - 5.30pm (5.15pm on Fridays). The Tribunal was committed to providing a high standard of customer service as set out in our customer service charter.

[6.6] Data Protection Act 1988

The Tribunal was registered with the Data Protection Commissioner as a data controller.

[6.7] Health and Safety

It was the policy of the Tribunal, as set out in our Health and Safety Statement, to ensure, in so far as is reasonably practicable, the safety, health and welfare of all its employees and those who have business on its premises. Health and safety issues were a priority for the Tribunal - this is reflected in the training provided to staff and the security measures at the Tribunal's premises which are continually under review. The Health and Safety Statement is updated as required.

[6.8] Ethics in Public Office Act, 1995

The Chairperson and Principal Officer of the Tribunal are subject to the requirements of the 1995 Act. All relevant staff holding prescribed positions is made aware of their obligations under the Ethics in Public Office Acts 1995 to 2001 and have complied with the requirements.

[6.9] Freedom of Information Act, 2014

The Tribunal was covered by the provisions of the Freedom of Information Act, 2014.

Appendix 1:

Appeals Process: Procedures

1.1 Introduction/Oral Hearings/On the Papers

The Tribunal dealt with three types of appeals: Substantive, Accelerated, and Dublin Regulation. The type of appeal is determined at first stage by the Refugee Applications Commissioner.

The following is an outline of the main features of the appeals procedure.

Substantive - Oral Hearing

A Substantive appeal is one where the Applicant may seek an oral hearing. The hearing occurs before a Member of the Tribunal and generally involves the Applicant and his/her legal representative, an interpreter and a Presenting Officer from the Commissioner's office. Witnesses may also attend subject to the agreement of the Member. Experience to date shows that on average an oral hearing takes 1½ - 2 hours. Section 16(14) of the 1996 Act requires that an oral hearing be held in private. However, the UNHCR can attend for the purposes of observing the proceedings (Section 16 (15) of the 1996 Act). In the event that an oral hearing is not sought, the Substantive appeal will be decided on the papers by the Member.

Accelerated Appeals - No Oral Hearing

These arise where a report of the Commissioner made in pursuant to Section 13(1) includes a recommendation that an applicant should not be declared a refugee and includes any of the findings specified in Section 13(6). Such appeals are determined without an oral hearing and have shorter time limits for lodging the Appeal.

Dublin System Regulation. See 1.2

Dublin appeals arise under the European Union (Dublin System) Regulations, 2014, SI No. 525 of 2014, which came into operation on the 25th of November 2014 and replaces the Dublin II Regulations.

1.2 Procedure for Lodging an Appeal

When an Applicant receives a Recommendation from the Commissioner s/he is informed of the right to appeal and the requirement to do so within specific statutory time limits depending on the type of appeal:-

- **Substantive** appeal cases - Applicants have **15 working days** to complete and lodge the **Notice of Appeal**. They have the option of an oral hearing which they must request on the Notice of Appeal Form.
- **Accelerated** appeal cases - Applicants have **10 working days** to complete and lodge the **Notice of Appeal**. They do not have the option of an oral hearing.
- **Dublin Regulation** appeal cases – Applicants have **10 working days** to complete and lodge the **Notice of Appeal**. They have the option of an oral appeal. The lodging of an appeal suspends the transfer of an applicant to the relevant country.

In all instances the Applicant must specify the grounds of appeal in the Notice of Appeal Form, attach any supporting documentation, the submissions to be made and the authorities to be relied upon. The Tribunal has discretion to direct the attendance of witnesses (if requested) in cases where the applicant requests an oral hearing.

1.3 Procedure for Accepting Appeals

On receipt of the **Notice of Appeal**, the Tribunal considers whether it is within the prescribed time limit for the particular appeal type. If it is outside the time limit, the Applicant and his/her legal representative (if any) are notified in writing that the appeal has been rejected.

The Notice of Appeal is acknowledged to the Applicant and his/her legal representative (if any). The Commissioner and the UNHCR Dublin are notified by e-mail on the same day of receipt of the appeal, distinguishing the appeal type. The Commissioner is also requested to furnish to the Tribunal the Applicant's original file. Copies of the Notice of Appeal and all associated documents submitted to the Tribunal are furnished to the Commissioner, as required under Section 16(4) of the Act.

1.4 Procedure for Assigning Cases to Members for Decision Making

In September, 2013 the Assigning Policy of the Tribunal was published, which details how cases are assigned amongst the various members of the Tribunal. The Chairperson assigns a case to a Member of the Tribunal who examines the case to establish if any additional information is required and, in particular, whether further enquiries should be made under Section 16 (6) of the Act. The Member may, under Section 16 (7) of the Act, seek the Commissioner's observations on matters arising in the Grounds of Appeal. Similar provisions exist for Dublin Convention/Dublin Regulation appeals.

1.5 Procedure in relation to Oral Hearings

Where an Applicant has requested an oral hearing, the Tribunal must give not less than 7 working days notice of the date of oral hearing to both the Applicant and his/her legal representative (if any). In practice, the notice given exceeds the statutory requirement and the aim of the Tribunal is to give at least 2 weeks' notice to all Applicants. The Commissioner, UNHCR and witnesses (if any) are notified at the same time as the Applicant. The hearing is held in private and conducted through an interpreter, where necessary and possible. The hearing is intended to be conducted without undue formality and in such a manner as to ensure that the proceedings are fair, transparent, and efficiently progressed.

1.6 Procedure in Relation to Withdrawals

At any stage during the process, an Applicant may withdraw an appeal by sending a notice of withdrawal to the Tribunal. In the event of a withdrawal, the original Recommendation of the Commissioner stands.

1.7 Procedure for issuing Decisions

An appeal against the recommendation of the Refugee Applications Commissioner is dealt with under Section 16(2) of the Refugee Act 1996 (as amended). Decisions of the Tribunal concerning the three types of appeal - Substantive, Accelerated (on papers only) and those falling under the Dublin II Regulation - are notified to the applicant, the legal representative (if any), the Refugee Applications Commissioner and the Minister for Justice and Equality. Notification of the making of the decision is communicated to the representative of the United Nations High Commissioner for Refugees. In line with procedure following the issuing of a Decision, the applicant's file is then forwarded to the Minister for further processing. These procedures apply to Decisions of the Tribunal whether affirming or setting aside the recommendation of the Refugee Applications Commissioner.

All Applicants receive a copy of the Tribunal's 'Information Leaflets for Applicants on Appeals Procedures - (one document for each type of appeal)' from the Office of the Refugee Applications Commissioner (ORAC) with the issue of the Commissioner's Recommendation on their case. A short explanatory note is also available in several languages on request.

1.8 Procedures in relation to the Refugee Office Members' Decisions Archive (ROMDA)

ROMDA, the facility to research previous redacted Decisions. The decisions archive is updated on a monthly basis with the most recent Decisions of the Tribunal. Decisions are redacted by Tribunal staff to ensure that confidential applicant details have been removed. The Decisions are then converted to PDF files and uploaded onto the Tribunal Decisions Archive on the website. Access is now open to ROMDA and users can access the database by requesting a username and password.