

International Protection Appeals Tribunal

***CUSTOMER SERVICE
ACTION PLAN***

2019

**6/7 Hanover Street East
Dublin 2**

International Protection Appeals Tribunal

CUSTOMER SERVICE ACTION PLAN

The International Protection Appeals Tribunal (hereinafter referred to as 'the Tribunal') was established on the 31st of December 2016, in accordance with Section 61 of the International Protection Act 2015, to determine appeals and perform such other functions as may be conferred on it by or under the International Protection Act 2015 and the Dublin System Regulations. Pursuant to Section 61(3) (b), the Tribunal is independent in the performance of its functions.

The Tribunal is a statutorily independent body and exercises a quasi-judicial function under the International Protection Act 2015. The Tribunal decides appeals of persons in respect of whom an International Protection Officer has recommended that they should not be given a refugee declaration and should be given a subsidiary protection declaration, and of persons in respect of whom an International Protection Officer has recommended that they should be given neither a refugee declaration nor a subsidiary protection declaration. The Tribunal also determines appeals under the Dublin System Regulations, as well as appeals against recommendations that an application be deemed inadmissible and appeals against recommendations that the making of a subsequent application not be permitted.

The Tribunal's predecessor was recognised by the Court of Justice of the European Union (CJEU) as a 'court or tribunal' for the purpose of Article 267 of the Treaty on the Functioning of the European Union (TFEU). The Mandate of the Tribunal is to determine appeals from persons in respect of whom an International Protection Officer has recommended that their application for either form of international protection be refused at first instance. The Tribunal may affirm the recommendation at first instance or set aside the recommendation and recommend to the Minister for Justice and Equality that refugee status or, as the case may be, subsidiary protection status, be granted.

MISSION STATEMENT

The Mission of the International Protection Appeals Tribunal in accordance with the International Protection Act 2015 and other relevant national, European and international law is:

- 1.** To determine appeals from persons in respect of whom an international protection officer has recommended that they should not be given a refugee declaration and should be given a subsidiary protection declaration, and of persons in respect of whom an international protection officer has recommended that they should be given neither a refugee declaration nor a subsidiary protection declaration. The Tribunal also determines appeals under the Dublin System Regulations, Reception Conditions Regulations, as well as appeals against recommendations that an application be deemed inadmissible, and appeals against recommendations that the making of a subsequent application not be permitted;
- 2.** To determine appeals against an International Protection Officer's recommendation to deem an application for international protection inadmissible pursuant to section 21(2) of the Act as well as appeals against an International Protection Officer's recommendation that a subsequent application for international protection not be allowed pursuant to section 22(5) of the Act; and
- 3.** To determine appeals under the Dublin procedure, which determines the appropriate European country to determine an asylum application;
- 4.** To determine appeals under the Reception Conditions Regulations 2018,

and in so doing, to provide a high quality service through the implementation of policies and procedures which are fair and open, treating all applicants and stakeholders with courtesy and sensitivity.

The Tribunal will strive to determine all appeals:

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

Membership and staff of the Tribunal

The Tribunal consists of a Chairperson, a Registrar, not more than 2 Deputy Chairpersons, and such number of ordinary Members appointed in a whole time or part-time capacity, as the Minister for Justice and Equality, with the consent of the Minister for Public Expenditure and Reform, considers necessary for the expeditious performance of the functions of the Tribunal. The Chairperson is tasked with ensuring 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. As of the 1st January 2019, the Tribunal had a Chairperson, a Registrar two Deputy Chairpersons , three Full time Tribunal Members and 65 part-time Members.

Administrative staff are assigned to the Tribunal from the Department of Justice and Equality. In accordance with s.61(4) of the International Protection Act 2015, the Minister may appoint such and so many persons to be members of the staff of the Tribunal as he or she considers necessary to assist the Tribunal in the performance of its functions and such members of the staff of the Tribunal shall receive such remuneration and be subject to such other terms and conditions of service as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine. On 31st December, 2018 the agreed establishment figure for administrative staff for the Tribunal was 41 persons.

DEFINITION OF TRIBUNAL CUSTOMERS

Given the nature of the Tribunal's role, our main customer base is clearly defined.

Clients of the Tribunal include:

1. Appellants and their legal representatives who are appealing against:-

- a) Negative recommendations of an International Protection Officer in respect of:
 - an application for protection status under the International Protection Act 2015;
 - an application for international protection inadmissible pursuant to section 21(2) of the Act;
 - a subsequent application for international protection pursuant to section 22(5) of the Act;
- b) Decisions to transfer under the Dublin procedure, which determines the appropriate European country to determine an asylum application;
- c) Decisions made in accordance with Reception Conditions Regulations 2018, which determines protection applicants' access to the labour market under specific circumstances;

2. Staff of the offices and agencies in the international protection area

- Irish Naturalisation and Immigration Service;
- the Department of Justice and Equality;
- the International Protection Office
- the Legal Aid Board

3. Non- Governmental and Advocacy Groups

4. European and International bodies

- United Nations Institutions, in particular the UNHCR;
- EASO
- Judicial Bodies

5. internal customers:

- Tribunal staff and their representatives; and
- Tribunal Members.

SERVICE COMMITMENT

The International Protection Appeals Tribunal is committed to serving its customer base by:

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- **Delivering Quality Service Standards**

Developing and publishing a Customer Service Charter, which outlines the nature and quality of service that customers can expect. This charter will contain the principles described under the “Principles for Dealing with Customers” section of this document.

- **Operating with Timeliness and Courtesy**

Delivering quality services with courtesy, sensitivity and the minimum of delay, fostering a climate of mutual respect between provider and customer.

Giving contact names in all communications to ensure ease of ongoing transactions.

- **How long will it take to process an appeal**

The Tribunal has made a commitment from 8th April 2019 to provide clear target waiting times for each category of appeal, where there are no complications or legal actions pending such as JRs or injunctions etc.

It should be acknowledged that the time taken to determine an appeal will very much depend on a number of factors including, amongst others:-

- the type of appeal;
- the complexity of the case;
- co-operation of the applicant and other parties;
- whether there is an oral hearing;
- the making of further enquiries that the Tribunal Member deems necessary;
- the time taken by persons requested to provide required reports etc.
- other legal actions pending such as Judicial Reviews or injunctions etc.

Target waiting times for determining an appeal where there are no complications or legal actions pending such as JRs or injunctions etc.

- 70 Working Days for Substantive Appeals:
 - from persons where the international protection officer has recommended that they should not be given a refugee declaration and should be given a subsidiary protection declaration, and
 - in respect of persons where an international protection officer has recommended that, they should be given neither a refugee declaration nor a subsidiary protection declaration.

- 30 Working days for appeals under the Dublin procedure (which determines the appropriate European country to determine an asylum application) where there is no oral hearing,
 - The target is 70 working days for appeals requiring an oral appeal under section 6(7) of the Regulations.
- The target for waiting times for decisions to issue with regard to appeals against the inadmissibility of a protection application under section 21(2) of the International Protection Act is 30 working days.
- The target for waiting times for decisions to issue with regard to appeals against a refusal to consider subsequent applications under the provisions of 22(5) of the International Protection Act 2015 is 30 working days.
- The statutory time limit for decisions to issue with regard to appeals against a decision by a review officer under Regulation 20 of the European Communities (Reception Conditions) Regulations 2018 is 15 working days.
- **Respecting Equality and Diversity**

Given the nature of the Tribunal's work as a place of appeal for persons seeking Protection status, respect for equality and diversity is a core value. We will continue to ensure this has a central place in all aspects of the Tribunal's work.

The Tribunal fully supports section 42 of the Irish Human Rights and Equality Commission Act 2014 that establishes a positive duty on public bodies to have regard to the need to eliminate discrimination, promote equality and protect the human rights of staff and persons to whom services are provided.

In particular, the IPAT will have regard to its obligations under section 42 of the Act to:

- Assess and identify human rights and equality issues relevant to its functions, particularly, and further endorse these when preparing its Strategic Plan 2020 - 2023;
- Identify the policies and practices that are in place/will be put in place to address these issues; and
- Report on developments in that regard in its Annual Report.

- **Ensuring the Physical Comfort of our Customers**

Providing clean, accessible public offices that ensure privacy, comply with occupational and safety standards, and facilitate access for people with disabilities and others with specific needs.

- **Providing Timely Information**

Taking a proactive approach to providing information that is easily accessible, timely and accurate, is available at all points of contact and meets the requirements of our customers.

- **Staff Training**

Providing adequate and relevant training to Tribunal staff and Members to ensure that they are empowered to deliver a quality service

- **Seirbhís trí Ghaeilge**

Tabharfar freagra i nGaeilge ar chomhfhreagras a gheofar i nGaeilge.

Déanfar gach iarracht freastal ar fhiafraithe teileafóin i nGaeilge agus freastal ar dhaoine a thagann i láthair ar mian leo an ngnó a dhéanamh trí Ghaeilge.

- **Service through Irish**

Correspondence received in Irish will be answered in Irish.

Every effort will be made to accommodate telephone callers and personal callers who wish to conduct their business through Irish.

PRINCIPLES FOR DEALING WITH CUSTOMERS

To help ensure a consistently high standard of service, we will adopt the following **principles for dealing with customers**.

- **Telephone**

- ◆ **A "lo-call" number is now available** to allow members of the public to contact the Tribunal from any part of the country. The number is **1890 201 458 (this contacts the Front reception desk)**
- ◆ All calls will be answered **promptly and courteously**. Staff will identify themselves to the caller.
- ◆ **Voice mail will be used with discretion**. Its purpose is to allow callers to leave a message outside normal office hours or if staff are unavoidably absent.
- ◆ If a staff member is **unable to deal with a telephone query**, he/she will attempt to **transfer the call to someone who can**. If this is not possible, arrangements will be made to have the call returned by the relevant member of staff.

- **Correspondence (including e-mail)**

- We will reply to all letters courteously and as soon as possible and we will work towards achieving the following standards:

- ◆ **Acknowledging all correspondence** within 7 working days of receipt.
- ◆ **Issuing a substantive response** to all correspondence requiring a detailed reply, within *20 working days of receipt of the information, where the information required is available.

*It is acknowledged that some correspondence will require consultation with offices/agencies associated with the Tribunal and/or considerable research of a legal nature before a full response can be issued.

- ◆ Arrangements are in place to **ensure that mail does not go unanswered** when individual staff members are absent.
- ◆ Written communications issuing from the Tribunal will normally **include the staff member's name**, division and telephone extension, and e-mail address (where relevant).
- ◆ All correspondence will be written in **plain language**, using technical and official terms only where this is **absolutely necessary**.

- **Personal Callers**

- ◆ All callers to the building will be greeted politely and with courtesy.
- ◆ Private office accommodation is available where appellants, subject to demand, may consult their legal representatives.

- ◆ When **personal callers** arrive by prior appointment, an appropriate staff member will **greet them punctually**.
- ◆ The Tribunal's offices have been made as accessible as possible to people with disabilities.
- ◆ All areas open to personal callers will be maintained to **acceptable standards of cleanliness and comfort**.

ADMINISTRATIVE PRACTICE FOR PARTIES APPEARING BEFORE THE TRIBUNAL

The Tribunal is committed to carrying out its functions in line with its legislative remit, in accordance with best international practices and that decisions are issued expeditiously and in a manner that is consistent with fairness and natural justice. To support these commitments, and to assist all parties appearing before it, the Tribunal Chairperson has issued an Administrative Practice Note which is available on the Tribunal's website @ www.protectionappeals.ie

The Practice note provides information on various aspects of the appeals practices and procedures and it is recommended that parties appearing before the Tribunal refer to it.

CUSTOMER SERVICE CONSULTATION

It is vitally important to us that services are and remain relevant and responsive to the changing needs of the Tribunal's customers. Consultation is the key to understanding the needs and expectations of individuals and groups - internal and external to the organisation.

- **Internet**
 - The Tribunal has its own web site (www.protectionappeals.ie).
- **Representative Groups**
 - The Tribunal fosters liaison meetings with key statutory and voluntary groups working in the asylum area as necessary.
- **Staff**
 - The concepts in this plan will be promoted amongst staff by management, not exclusively by formal training.
 - All staff will be encouraged to listen to customer comments, note any perceived deficiencies in service delivery and provide feedback to the appropriate line manager.
 - Staff will also be encouraged to make recommendations which would contribute positively to the customer service being offered to external and internal clients.

SETTING STANDARDS

Keeping to a clear standard of delivery is the hallmark of quality customer service. The Tribunal will therefore monitor the standards established in this plan, and develop additional standards on an ongoing basis as the need arises.

Our customer service approach is therefore based on the following principles:

- clear, quality standards; and
- regular review of service delivery.

****DEALING WITH COMPLAINTS [THIS SECTION TO BE REVIEWED/UPDATED ACCORDINGLY]***

As befits a customer-oriented organisation, the Tribunal will adopt a positive attitude towards all comments or complaints relating to customer service.

The scope for customer dissatisfaction will be reduced as far as possible by maintaining excellent standards and by well-focused staff training programmes.

The Tribunal will also put in place a formal system to ensure that complaints relating to customer service are dealt with in a consistent, open and fair manner. It is pointed out, however, that the Tribunal's decision making process is explicitly excluded from this system,

as such decisions are confidential and an applicant has a right of judicial review to the High Court.

Customer Liaison Officer

The Tribunal has nominated Mr. Donal Stephenson and he will serve as the contact person to whom individuals should be directed if they have a complaint relating to customer service in the International Protection Appeals Tribunal.

The Customer Liaison Officer will also arrange to process complaints/comments that may be received, whether formally or informally, by other staff members.

Complaints Procedure

When a complaint is received by a staff member, it is recorded on a pre-printed form and forwarded to the Customer Liaison Officer who should issue a formal acknowledgement within five working days.

The Customer Liaison Officer will ask the Assistant Principal of the relevant section to investigate the details of the complaint. Where the complaint relates to a matter within the remit of the Corporate Services function s/he will investigate it personally.

The Customer Liaison Officer should normally send a reply to the complainant within 20 working days.

All complaints will be logged and analysed by the Customer Liaison Officer, the results will be brought to the attention of the Registrar and the Chairperson. Where action is required, the results will be disseminated throughout the organisation.

Information regarding the complaints procedure will be circulated widely to people and organisations in regular contact with the Tribunal, and access to the procedure will be kept as simple as possible.

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