



An Binse um Achomhairc i dtaobh Cosaint Idirnáisiúnta
The International Protection Appeals Tribunal

**For the attention of all legal representatives engaged in appeals
before the International Protection Appeals Tribunal re audio video linked hearings**

Dear Madams,
Dear Sirs,

We hope that you and yours are well during these challenging times as we continue to work under Level 5 Covid-19 restrictions.

The International Protection Appeals Tribunal and the services carried out by legal representatives are regarded as 'essential services' under the and, despite the straitened circumstances, we all continue to work and ensure that those who depend on our services are not unnecessarily delayed by the restrictions which have been imposed on us all. We have all adapted to the "new normal" and many of the changes could benefit us all into the future.

The Tribunal had been planning for remote and audio video linked hearings (hereinafter 'A/V hearings') for some time, in what we now consider to be normal circumstances, prior to the introduction of Covid-19 restrictions. The Covid-19 pandemic brought a new urgency to the development and availability of hearings and the Tribunal worked to provide such a programme as soon as possible. You will recall, as far back as June 2020, when we sought your input and observations as stakeholders on the Tribunal's A/V hearing proposals. Those observations, suggestions and concerns were taken on board by the Tribunal in developing its protocol, guidance and in training our Tribunal Members to conduct such hearings.

The Tribunal commenced A/V hearings on 3 November 2020, with a number of hearings being successfully concluded before Christmas. At that time, it was necessary for the Tribunal to seek the consent of appellants and their legal representatives to enable such hearings be carried out. We received very positive feedback from those who took part in those initial hearings, which involved a combination of locations from which appellants and their legal representatives joined the hearings – private accommodation, direct provision accommodation centres, solicitors' offices.

The Tribunal now brings to your notice the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (International Protection Appeals Tribunal) (Designation) Order 2020 (S.I. 715/2020) which designates the Tribunal as a body which may carry out its hearings by way of remote hearing. The Designation Order came into effect on 31 December 2020.

As you will be aware, there will be no on-site hearings at the Tribunal premises until after 5 March 2021 at the earliest with strong indications that this period may be extended beyond Easter 2021. While we await the Government's decision on the position, it is anticipated that restrictions will still be in place, and on-site hearings will not be possible for some time.

All hearings scheduled up to and including 4 March 2021 which do not require the services of an interpreter will be scheduled to take place as A/V hearings, and the appropriate hearing link will be sent in advance, along with the Tribunal's protocol and technical guides.

It is most important that you ensure that your client has access to a suitable device and has adequate WiFi connectivity. To ensure privacy throughout the hearing, you should also ensure that your client has use of a suitable room. If your client is in an accommodation centre, the Tribunal would advise that you contact management of the centre to ensure that a quiet room is made available for them. If you can provide suitable facilities, appellants may also attend at the offices of their legal representatives, as happens in family law cases.

As you will agree, the Tribunal hearing is an integral part of the protection process in Ireland and we are seeking co-operation from all parties to ensure that delay is avoided in so far as possible and in accordance with fairness and natural justice. Once a hearing has been scheduled for A/V hearing, any concerns must be raised directly with the relevant Tribunal Member who, pursuant to section 31 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020, is the person who will determine if, in the particular circumstances of a case, it may be unfair or not in the interests of justice to proceed by way of A/V hearing.

In relation to the fairness or otherwise of a remote hearing, the Tribunal takes cognisance of the judgment of the Honourable Mr Justice O'Moore in *IRBC v Browne* [2021] IEHC 83 (8 February 2021).

Should you have any queries, please do not hesitate to contact the Tribunal at info@protectionappeals.ie. One of our staff members can assist with any technical questions you may have, or, resources permitting, can do short 'run through' with the legal representatives a few days in advance of the hearing itself.

Thank you for your co-operation.

Yours faithfully,



Hilikka Becker
Chairperson

Dublin, 15 February 2021