
Refugee Appeals Tribunal



Annual Report



Annual Report 2015

1st January 2015 to 31st December 2015
Refugee Appeals Tribunal, 6/7 Hanover Street East, Dublin 2.
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Ms. Frances Fitzgerald T.D.
Minister for Justice and Equality
Department of Justice and Equality
94 St. Stephens Green
Dublin 2.

31st March 2016

Refugee Appeals Tribunal Annual Report 2015

Dear Minister,

I am enclosing the Annual Report of the Tribunal for 2015.

I am pleased to report that there was a substantial increase in the core work of the Tribunal in 2015. When compared to the output of the Tribunal in 2014 the number of hearings scheduled increased by 118%, the number of decisions issued increased by 151% and the number of appeals completed increased by 180%.

The number of Judicial Reviews pending before the courts saw a decrease in 2015. It is hoped that this trend will continue in 2016.

The shortage of administrative staff at the Tribunal is a serious constraint on the ability of the Tribunal to keep pace with current and future demands. I am aware of the pressures on the Department and the Civil Service generally in this area. However, without a substantial increase in administrative staff Tribunal output is likely to remain at 2015 levels in 2016.

I welcome the enactment of the International Protection Act in 2015. The Tribunal will continue to assist your officials in preparing for its commencement.

The Offices of the Chief State Solicitor and of the Attorney General consistently and promptly provide the Tribunal with excellent legal services and high quality advice and I gratefully acknowledge this contribution.

I would like also to thank the staff of the Tribunal for their dedication and hard work throughout the year.

Yours sincerely,

Barry Magee
Chairperson
Refugee 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.

The Tribunal consists of a Chairperson and such number of Members of the Tribunal as the Minister for Justice and Equality, with the consent of the Minister for Finance, considers necessary for the expeditious dispatch of the business of the Tribunal.

[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 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.

The Tribunal is tasked also 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 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 Strategy Statement identifies the following 5 high level goals as the key goals that the Tribunal will focus 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.

The full Strategy Statement is available on the Tribunal website www.refappeal.ie.

[1.5] Membership of the Tribunal

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

Ordinary members are 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 2015 and members appointed in 2015 are set out in Chapter 3.

[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. Currently, administrative

staff are assigned to the Tribunal from the Department of Justice and Equality.

On 31st December, 2015 the staff complement was 32 (28.3 full-time equivalents). In addition there are 4 Service officers who do not carry out administrative duties, see Chapter 6.

[1.7] Applications for Protection

Applications for Refugee Status in Ireland had been steadily declining since their peak of 11,634 in 2002. However, 3,276 applications for asylum were received in 2015 at first instance which is an increase of 126% on 2014. This has resulted in a consequential increase in the number of appeals that the Tribunal has received with a total of 1,386 appeals received in 2015 (see Chapter 4). This represents a 37% increase on the 2014 figure.

In November 2013 the Tribunal was tasked with hearing appeals from refusals for Subsidiary Protection¹. 456 Subsidiary Protection Appeals were received during 2015.

[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 is 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. As can be seen at section 2.4, it appears that the new decision template has continued to contribute to the reduction of applications for Judicial Review against Tribunal decisions.

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

[1.9] Legislative Changes

The most significant legislative change in 2015 was the passing of the International Protection Act 2015². Once this legislation is commenced the existing Tribunal will be abolished and will be replaced by the International Protection Appeals Tribunal.

One of the main purposes of the legislation is to introduce a 'single procedure' whereby decisions relating to refugee status and subsidiary protection are taken at the same time. This should significantly reduce the time taken to determine protection applications.

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 'Full Time Members of Tribunal', [section 62(1)(c)].

On commencement of the Act, the following provisions will apply in relation to appeals pending before the Tribunal.

- 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 will be transferred from the Tribunal to the Department.

² No. 66 of 2015

- Pending subsidiary protection and Dublin III appeals will be decided by the International Protection Appeals Tribunal.

[1.10] Legislation Relevant to the Tribunal

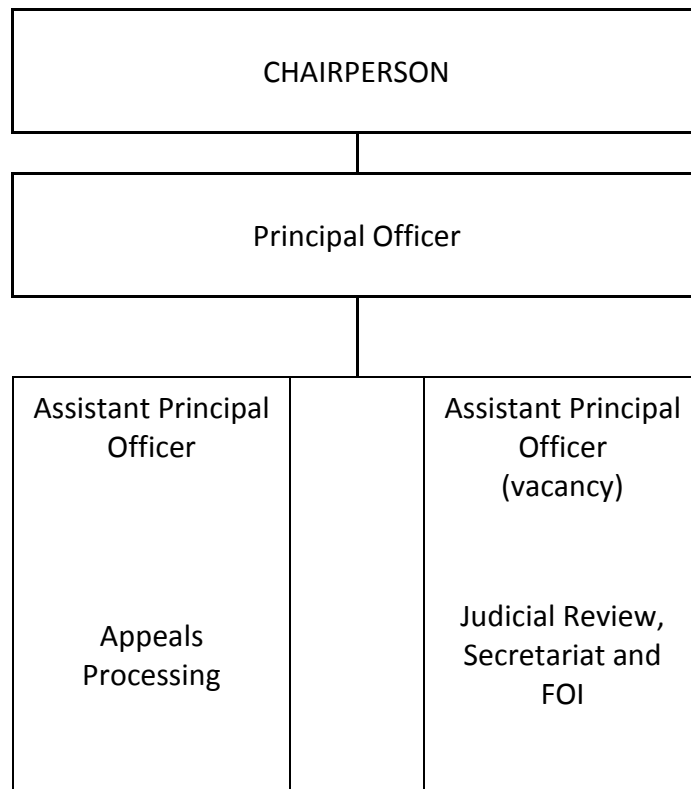
All legislative instruments relevant to the Tribunal are listed in Appendix 1.

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 2.

[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 is 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-ordinates 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 2015 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 considers 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.

In 2014, the Tribunal in conjunction with the Chief State Solicitor's Office commenced an examination of all pending judicial reviews in order to identify cases suitable for settlement without the necessity for a full hearing before the High Court. This review identified any cases in which it was appropriate to offer a settlement. In those cases a settlement was offered to the applicant. This operation significantly reduced the number of pending judicial reviews against the Tribunal and limited the Tribunal's exposure to costs following the successful negotiation of settlements.

At the start of 2015 the Tribunal had 455 active Judicial Reviews on hand. This compares to 812 cases at the start of 2014. The number of new Judicial Reviews filed in 2015 was 33. During 2015 332 Judicial Reviews were determined. Of these the Applicant was unsuccessful in 201. A proportion of the 201 were withdrawn by the Applicant prior to the case coming on for hearing. In the 131 cases in which the applicant was successful, the Tribunal settled 74 and the remaining 57 were determined by the court following a hearing.

At the end of the year the Tribunal had 156 active Judicial Reviews on hands. Of these, 127 were waiting for a court outcome. This figure of 127 can be further broken down as follows:

Awaiting Hearing Date	73
Hearing Date Fixed	17
Heard – Judgment Awaited	32
Supreme Court	5

[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 is 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

The 2015 figure covers some 73 cases which gives an average cost of €25,115 per case. However, this figure does not include the legal costs of the State.

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 are 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 2015.

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.

[3.3] List of Members appointed in 2015

At the beginning of 2015 there were 17 Members of the Tribunal. A further 18 were appointed over the course of the year. All were appointed for a three year term starting from their date of appointment.

Member	Date of Appointment
Bernadette McGonigle	25 th February 2015
Kieran Falvey	25 th February 2015
Louis Dockery	25 th February 2015
Rory de Bruir	25 th February 2015
Anne Colley	25 th February 2015

Olive Brennan	25 th February 2015
Una McGurk	25 th February 2015
Kim Walley	25 th February 2015
Shauna Ann Gillan	25 th February 2015
Paul Brennan	18 August 2015
Mark William Murphy	18 August 2015
Brian Cusack	18 August 2015
Byron Wade	18 August 2015
Agnes McKenzie	18 August 2015
Ann Marie Courell	18 August 2015
Patricia O'Connor	18 August 2015
Caroline Counihan	18 August 2015
Marguerite Fitzgerald	18 August 2015

[3.4] Training and Seminars for Members of the Tribunal

The 1996 Act requires the Chairperson to make provision for training programmes for Members of the Tribunal. With the appointment of Members throughout 2015 the Tribunal engaged with the UNHCR in devising a comprehensive training programme for the Members in 2015.

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.

Training was organised on a variety of different themes relevant to international protection determination, including refugee status, subsidiary protection and Dublin Regulation appeals.

Training seminars	Date
Refugee Status Determination	19 th – 20 th February
Dublin III	10 th July
Refugee Status Determination	18 th – 19 th November
Subsidiary Protection	20 th November

[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
19 th of June	Clayton Hotel, Cardiff Lane
20 th November	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	2015
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	472
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 2015

Member’s fees paid and number of decisions completed for 2015 is set out in the following table.

Member	Fees €	Decisions
Barry Magee ³	Nil	39
Bernadette McGonigle	1,089	2
Bernard McCabe	861	2
Conor Gallagher	26,108	60
Doireann NiMhuircheartaigh	10,695	21
Elizabeth O’Brien	31,304	86
Emma Toal	26,897	60
Evelyn Leyden	2,253	3
Helen Johnston	6,261	21
Hilkka Becker	11,770	33
Kim Walley	952	3
Majella Twomey	32,214	74
Mark Byrne	14,921	37

³ The Chairperson does not receive fees for deciding cases.

Mark White	15,634	46
Michelle O’Gorman	9,795	20
Moira Mullaney Shipsey	18,070	44
Olive Brennan	13,748	34
Patrick Hurley	3,955	15
Paul Christopher	137	Nil
Rory de Bruir	1,428	3
Shane McCarthy	1,904	4
Shauna Ann Gillan	10,544	27
Terence Coghlan	1,979	3
Total	€240,519	640

Payments may relate to decisions completed in previous years.

4. Summary of the Work of the Tribunal for 2015

[4.1] Introduction

At the start of 2015 the Tribunal had 17 ordinary members who had commenced their induction process. Over the course of the year an additional 18 members were appointed at various times.

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. Therefore it will only be during 2016 that the full impact of the most recently appointed members will be felt.

[4.2] Executive Summary for 2015

The Tribunal was able to substantially increase the number of hearings scheduled (up 118%), decisions issued (up 151%) and appeals completed (up 180%), during 2015. However due to the increase in appeals received and resource constraints, the year ended with 378 more appeals on hand than at the start of the year.

Table 4.2

Summary of the Work of the Tribunal

	2014	2015	% change
Appeals Received	1014	1386	37
Cases Scheduled	367	799	118
Decisions Issued	255	640	151
Completed Appeals	363	1015	180
Live Appeals on Hand at Year End	1297	1675	30

[4.3] Appeals Received

Tables 4.3.1(a) & (b) sets out the number of Substantive 15-Day, Accelerated, Dublin II Regulation and Subsidiary Protection appeals received in the years 2014 and 2015.

Table 4.3.1(a)

Total Appeals Received

Month	2014	2015
January	69	95
February	98	132
March	63	159
April	95	89
May	77	127
June	67	102
July	85	120
August	102	93
September	96	129
October	112	130
November	82	115
December	68	95
Total	1,014	1386

Table 4.3.1(b)

Summary – Total Appeals Received by Year and Type

	2014	2015	% Change
Sub 15 Day	650	716	10
Accelerated	53	43	-19
D II Reg/ Dublin III	15	171	1040
Subsidiary Protection	296	456	54
Total	1,014	1,386	37

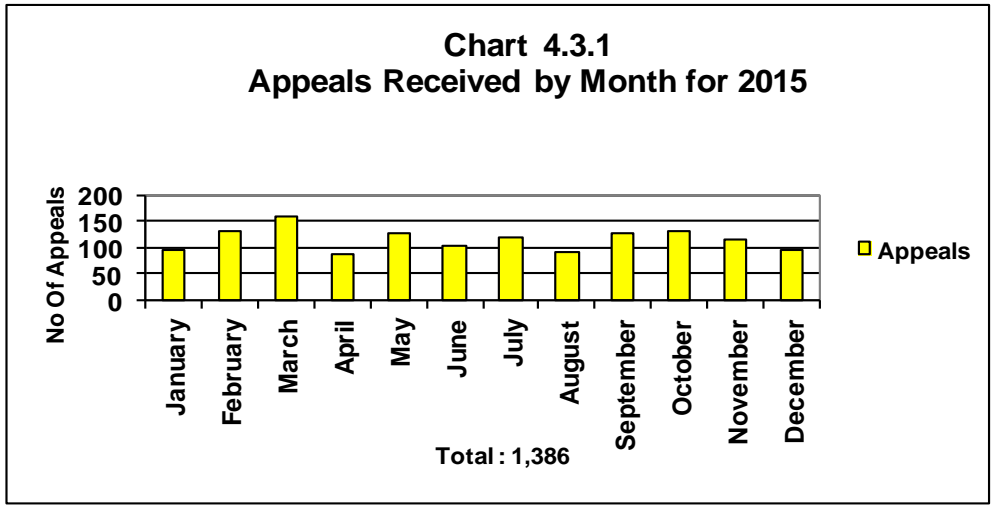


Table 4.3.2
Substantive/Substantive 15-Day Appeals Received

Month	2014	2015
January	52	43
February	75	92
March	37	108
April	68	46
May	54	64
June	33	56
July	48	41
August	48	38
September	59	68
October	77	75
November	49	48
December	50	37
Total	650	716

**Table 4.3.3
Accelerated Appeals Received**

Month	2014	2015
January	9	4
February	17	4
March	10	8
April	9	3
May	3	5
June	2	0
July	2	3
August	0	1
September	1	7
October	0	2
November	0	6
December	0	0
Total	53	43

**Table 4.3.4
Dublin Regulation Appeals Received**

Month	2014	2015
January	8	0
February	5	1
March	2	0
April	0	5
May	0	27
June	0	27
July	0	23
August	0	15
September	0	9
October	0	13
November	0	31
December	0	20
Total	15	171

Table 4.3.5

Subsidiary Protection Appeals Received

Month	2014	2015
January	0	48
February	1	35
March	14	43
April	18	35
May	20	31
June	32	19
July	35	53
August	54	39
September	36	45
October	35	40
November	33	30
December	18	38
Total	296	456

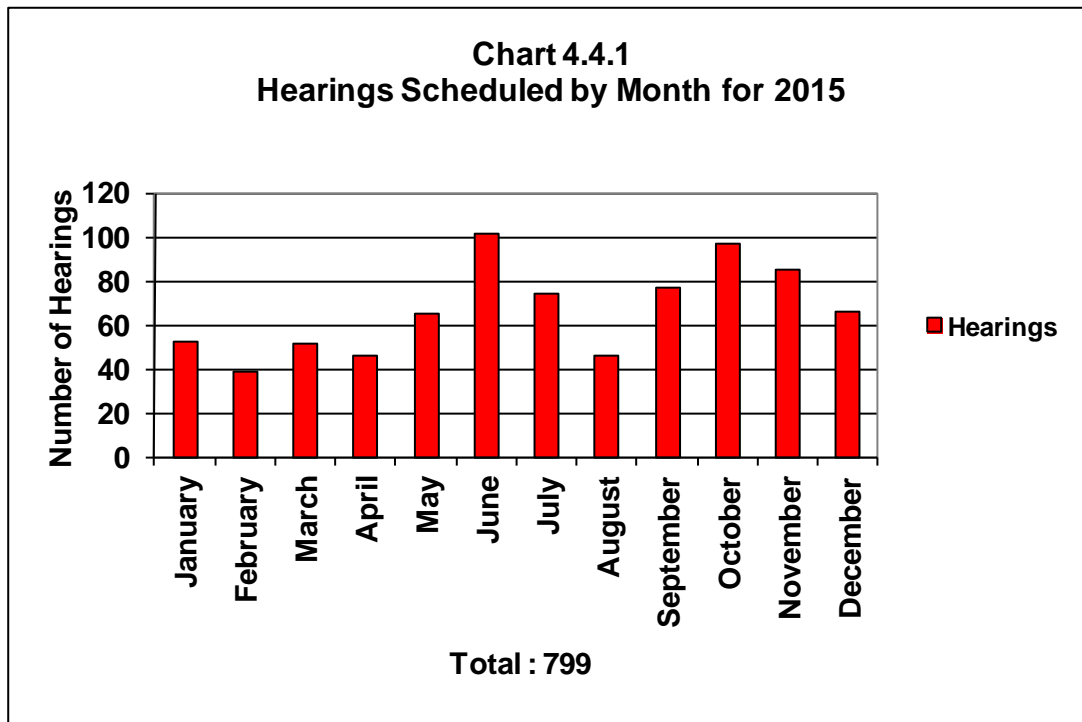
[4.4] Number of Appeals Scheduled for Hearing

The number of appeals scheduled for hearing increased in 2015 compared to 2014. This was due to the appointment of 18 new members to the Tribunal during 2015. 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.

Table 4.4.1

Number of Hearings Scheduled

Month	2014	2015
January	0	52
February	8	39
March	12	51
April	16	46
May	44	65
June	38	101
July	36	74
August	21	46
September	18	77
October	54	97
November	61	85
December	59	66
Total	367	799



[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.

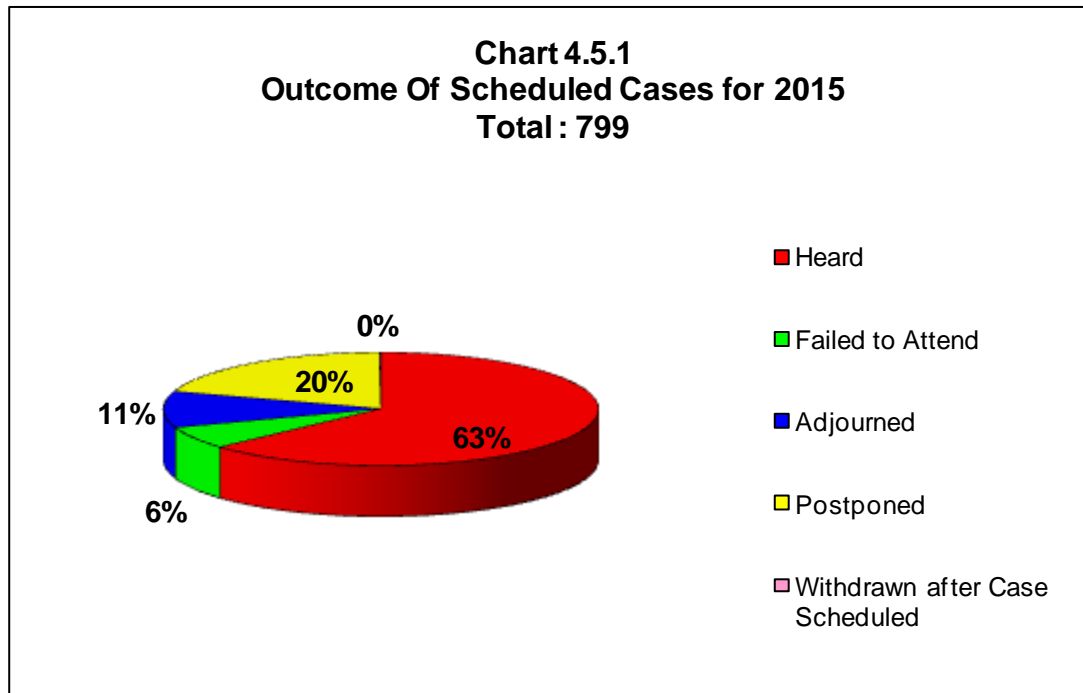
In 2015, the number of “No Shows” was 51, which represented just over 6% of the total number of cases scheduled.

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 2014 and 2015.

Table 4.5.1

Number of “No Shows” and Withdrawals in 2014 and 2015

Year	2014	2015
“No Shows”	18	51
Withdrawals	10	1
Total	28	52



[4.6] Postponements and Adjourndments

Table 4.6.1

Number of Postponements and Adjourndments

Year	2014	2015
Adjourndments	33	83
Postponements	61	159
Total	94	242

A postponement occurs prior to the date of the hearing. An adjourndment takes place at the hearing. 30% of scheduled cases were either postponed or adjournded which is higher than the 2014 figure which was 26%.

[4.7] Appeals Completed and Decisions of Members

The Tribunal completed 1,015 appeals including withdrawals from 1 January, 2015 to 31 December, 2015. This represents a 180% increase on 2014.

Table 4.7.1

Total Completed Appeals

Month	2014	2015
January	3	48
February	2	91
March	7	64
April	11	66
May	26	84
June	54	102
July	37	121
August	28	67
September	45	114
October	49	90
November	50	90
December	51	78
Total	363	1015

Chart 4.6.1
Completed Appeals by Month for 2015

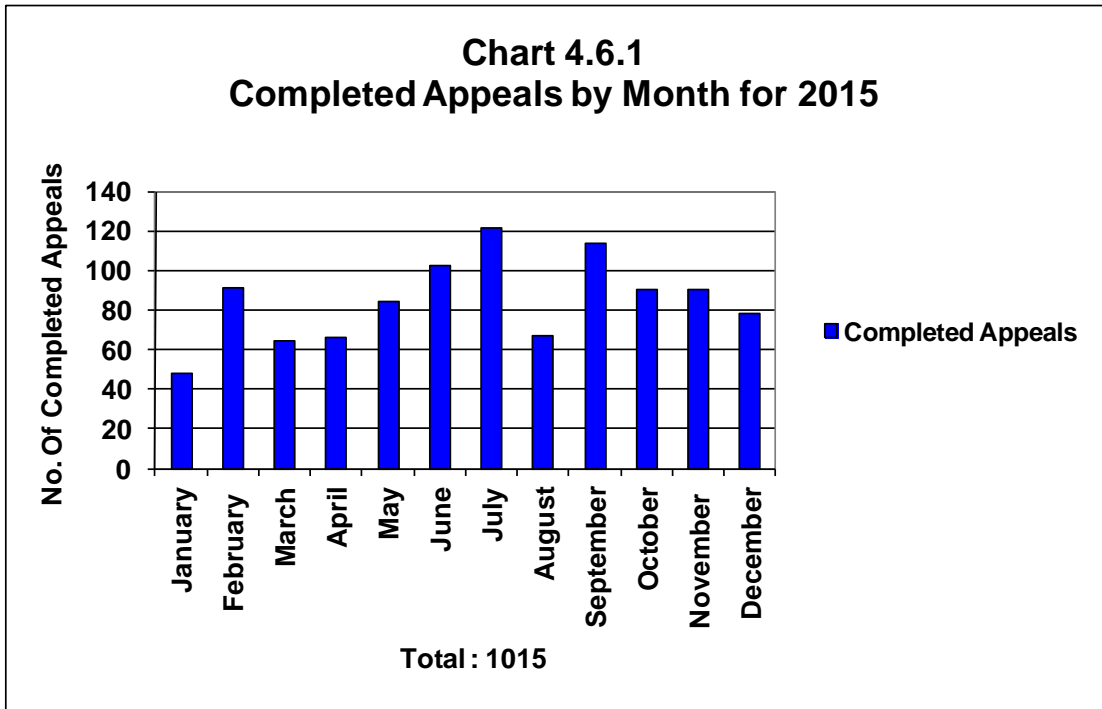


Table 4.7.2
Total Decisions Issued

Month	2014	2015
January	0	22
February	0	65
March	3	34
April	6	31
May	22	56
June	34	72
July	30	79
August	22	45
September	35	61
October	29	70
November	39	57
December	35	48
Total	255	640

Table 4.7.3
Substantive 15-Day Completed Appeals

Month	2014	2015
January	2	30
February	2	54
March	3	40
April	6	41
May	19	45
June	30	54
July	28	70
August	27	33
September	37	69
October	31	54
November	33	58
December	33	44
Total	251	592

Table 4.7.4
Accelerated Completed Appeals

Month	2014	2015
January	0	4
February	0	9
March	3	1
April	2	7
May	3	23
June	6	3
July	2	14
August	1	6
September	7	13
October	6	16
November	8	8
December	6	1
Total	44	105

Table 4.7.5
Dublin Regulation - Completed Appeals

Month	2014	2015
January	1	0
February	0	1
March	1	0
April	3	0
May	4	7
June	18	13
July	7	7
August	0	7
September	1	3
October	6	2
November	0	2
December	1	3
Total	42	45

Table 4.7.6
Subsidiary Protection - Completed Appeals

Month	2014	2015
January	0	14
February	0	27
March	0	23
April	0	18
May	0	9
June	0	32
July	0	30
August	0	21
September	0	29
October	6	18
November	9	22
December	11	30
Total	26	273

[4.8] Appeals on Hand at 31st December, 2015

A total of 1,685 live appeals were on hand as at the 31st December, 2015 compared to 1,297 appeals on hand at 31 December, 2014 an increase of 30%.

Table 4.8
Summary of “live appeals” in the Tribunal at 31st December 2015

Total number of appeals on hand	
Substantive 15 Day	1,055
Accelerated	56
Dublin Regulation	132
Subsidiary Protection	442
Total number of appeals on hand as at 31st December 2015	1,685

[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 69 weeks based on a sample of 385 cases. It was 77 weeks for Accelerated Appeals based on a sample of 73 cases and 52 weeks for Subsidiary Protection Appeals based on a sample of 123 cases.

[4.10] Country of Origin of Applicants 2015

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

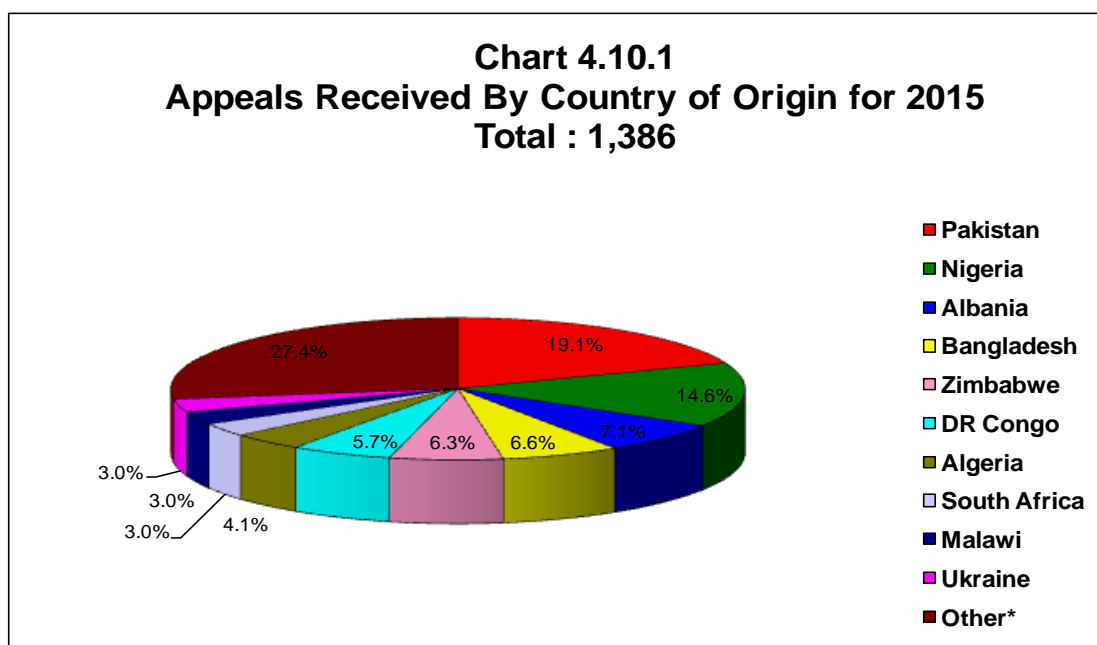
In Accelerated appeals the highest representations of applicants were from Nigeria and Pakistan.

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 2015 by country of origin.

Nationality	Total Appeals Received	%	Substantive 15-Day	%	Accelerated	%	SP	%	Dublin III	%
Pakistan	265	19	100	14	6	14	53	12	106	62
Nigeria	203	15	138	19	11	26	44	10	10	6
Albania	98	7	63	9	0	0	33	7	2	1
Bangladesh	92	7	41	6	0	0	21	5	30	18
Zimbabwe	88	6	36	5	2	5	50	11	0	0
DR Congo	79	6	46	6	1	2	31	7	1	1
Algeria	57	4	34	5	2	5	17	4	4	2
South Africa	42	3	28	4	4	9	10	2	0	0
Malawi	41	3	19	3	0	0	22	5	0	0
Ukraine	41	3	33	5	0	0	8	2	0	0
Others*	380	27	178	25	17	40	167	37	18	11
Total	1,386	100	716	100	43	100	456	100	171	100

* Other cover 63 countries and includes Afghanistan, Mauritius, Cameroon, China and Ghana in relation to all of which the number of applicants ranges between 1 and 34.



[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

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

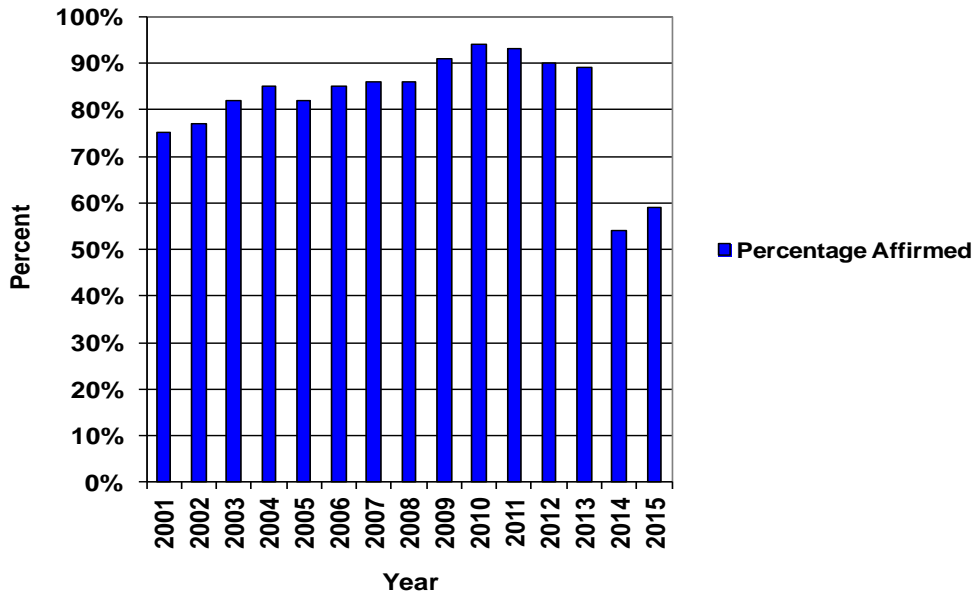


Table 4.11.2
Analysis of Manifestly Unfounded/ Accelerated Decisions
Recommendations of Commissioner Affirmed

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

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

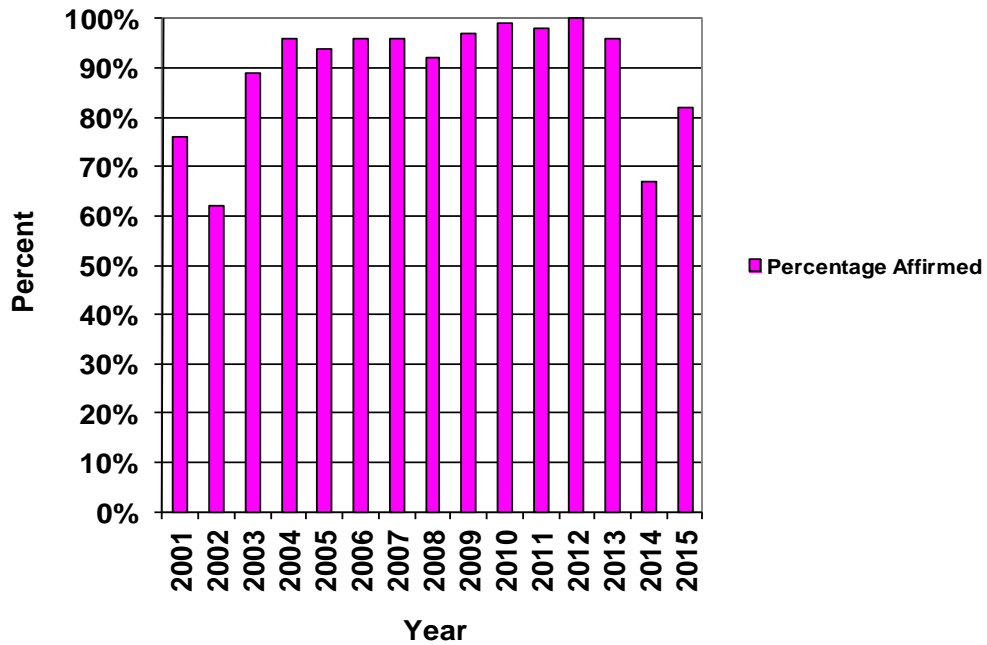


Table 4.11.3

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

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

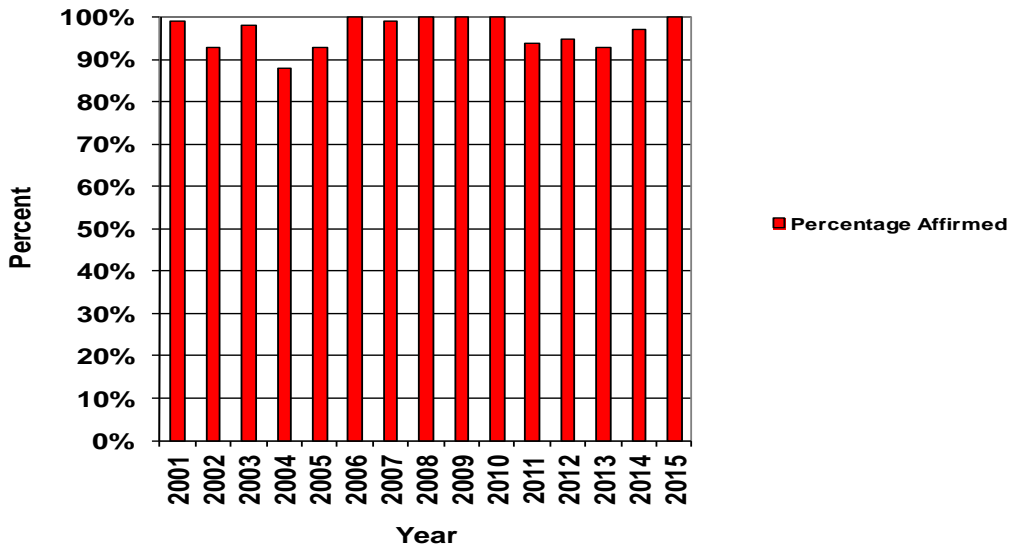


Table 4.11.4

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

Year	Total	Affirmed	% Affirmed
2014	13	10	77
2015	124	82	66

**Chart4.11.4
Analysis Subsidiary Protection Decisions
Recommendations of Commissioner Affirmed**

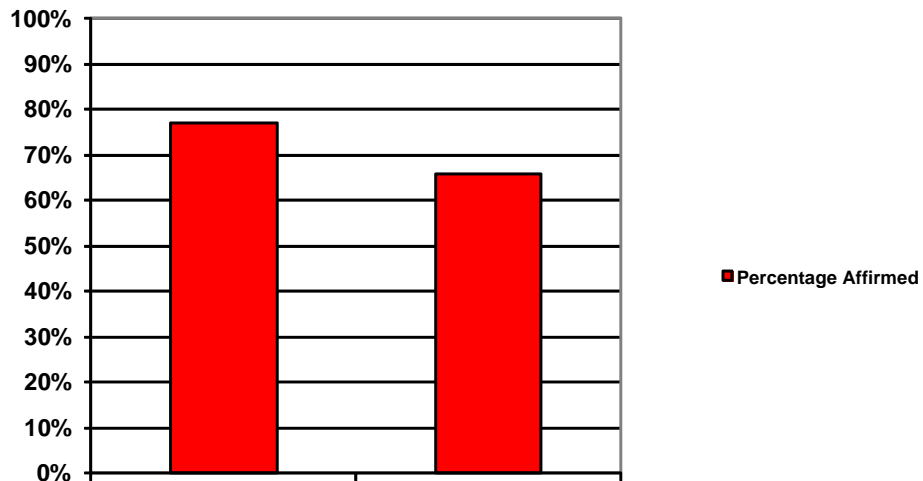


Table 4.11.5

Summary of Substantive 15-Day, Accelerated and Subsidiary Protection Appeals by Nationality Affirmed and Set Aside from 1st January 2015 to 31st December 2015

Nationality	Affirmed	Set Aside	Total	Total Set Asides as % of Total Decisions
Nigeria	88	14	102	14
Pakistan	27	30	57	53
DR Congo	18	36	54	67
Zimbabwe	34	15	49	31
Afghanistan	10	19	29	66
South Africa	19	8	27	30
Albania	21	4	25	16
Others*	170	98	268	37
Total	387	224	611	37

* Other cover 51 countries and includes Malawi, Algeria, Sudan, Cameroon and Georgia.

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 2015. 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

[5.2] Presentations

The Chairperson delivered a presentation at the following events during the year:

- Refugee and Immigration Practitioners Network, Law Society, 4th March 2016

[5.3] Conferences Attended

The Tribunal attended the following conferences during the year:

- Working Group on the Application of Exclusion, Malta, 16th – 17th March, 21st - 22nd May, 10th – 11th September.

- Implementation of Article 15(c), EASO, Malta, 23rd & 24th April.
- Leadership Network, Department of Justice, 14th May.
- Iveagh House Commemorative Lecture, Ban Ki Moon, Secretary General United Nations, Dublin Castle, 25th May.
- The Deficit of Humanity in Global Politics, John Ging, Director of the UN Office for Coordination of Humanitarian Affairs, IIEA, Dublin 2nd July.
- Annual Conference on EU Asylum Law, Academy of European Law, Trier, Germany, 22nd – 23rd October.
- Judging the Common European Asylum System, 5th – 6th November 2015, Court of Justice of the European Union, Luxembourg.

[5.4] Guidelines Issued

The Chairperson issued the following guidelines pursuant to paragraph 17 of the second schedule of the Refugee Act 1996, as amended, during 2015.

- Appeals from Child Applicants, 14th January, 2015.
- Effect of Order of Certiorari, 26th January, 2015.
- Note on Country of Origin Information (COI), 6th February, 2015.
- Dublin III, 8th July, 2015.

All guidelines are available on the Tribunal website: www.refappeal.ie.

[5.5] 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 Principal Officer 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 2015 and will continue to meet throughout 2016 to further explore proposals for improvement of the Tribunal and to receive feedback from legal practitioners.

[5.6] Working Group on Direct Provision

In 2015 the Tribunal participated in the independent Working Group which was established to report to Government on the existing protection process and to recommend improvement to Direct Provision and to supports for asylum seekers.

The final report of the Working Group was delivered to Government in June 2015.

6. Personnel

[6.1] Staffing

On 31st December 2015 the number of staff serving in the Tribunal was 32 (of whom 12 avail of shorter working year). This corresponds to 28.3 full-time equivalents (FTE). In addition there are currently 4 Service Officers who provide an ancillary service to the Tribunal, however, they do not carry out administrative functions. The breakdown of staff by grade is as follows:

Grade	Number of Posts
Chairperson	1
Principal Officer	1
Assistant Principal Officer	1 (1 Shorter working year)
Higher Executive Officer	2
Administrative Officer	0
Executive Officer	6 (1 Shorter working year)
Staff Officer	2 (1 Shorter working year)
Clerical Officer	19 (9 Shorter working year)
Total	32(28.3 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 2015 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 is 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 is 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 2015:

Category	Expenditure 2015
Salaries and wages ⁴	€1,469,047
Travel and Subsistence/Incidental Expenses ⁵	€49,859
Postal and Communications Services	€35,595
Office Machinery and Other office Supplies	€21,060
Office and Premises Expenses	€197,968
Legal Costs	€1,833,385
Members Fees	€240,519
IT costs	€4,462
Total	€3,851,895

⁴ This is the first time that a figure for salary and wages has been included.

⁵ This figure includes cost associated with interpretation and translation.

[6.5] Customer Service

The office is open 5 days a week including lunchtime and is open to personal callers between the hours of 8.45am and 5.30pm Monday to Friday. A telephone enquiry service (tel. 01-4748400) is provided daily from 9.15am - 5.30pm (5.15pm on Fridays). The Tribunal is 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 is registered with the Data Protection Commissioner as a data controller.

[6.7] Health and Safety

It is 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 are 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 is now covered by the provisions of the Freedom of Information Act, 2014. Further details are available on the Tribunal's website. FOI requests can be submitted to FOIRequests@refappeal.ie.

Appendix 1:

Legislation/ Statutory Instruments Relevant to the Tribunal

- Refugee Act, 1996 (as amended by the Immigration Act, 1999 and Illegal Immigrants (Trafficking) Act, 2000) and the Immigration Act, 2003
- Refugee Act, 1996 (Appeals) Regulations, 2000, S.I. No. 342 of 2000
- Refugee Act, 1996 (Appeals) Regulations, 2002, S.I. No. 571 of 2002
- Refugee Act, 1996 (Appeals) Regulations, 2003, S.I. No. 424 of 2003
- Illegal Immigrants (Trafficking) Act 2000
- Refugee Act, 1996 (Section 22) Order 2003 (Dublin Convention II) S.I. No 423 of 2003
- United Nations Convention Relating to the Status of Refugees, 1951 (Geneva) and the 1967 Protocol (New York)
- Handbook on Procedures and Criteria for Determining Refugee Status, under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees (Re-edited, Geneva, 1992)
- Refugee Act 1996 (Safe Countries of Origin) Order, 2003, S.I. No 422 of 2003
- Ministerial Direction dated 15 September 2003 under Section 12(1)(m) of the Refugee Act, 1996, as inserted by Section 7 of the Immigration Act, 2003 – prioritisation of applications from designated safe countries of origin
- Refugee Act, 1996 (Safe Countries of Origin) Order, 2004, S.I. No. 714 of 2004.
- European Communities (Eligibility for Protection) Regulations 2006, S.I. No. 518 of 2006.
- European Communities (Asylum Procedures) Regulation 2011, SI No.51 of 2011
- European Union (Subsidiary Protection) Regulations, 2013, S.I. No. 426 of 2013
- European Union (Dublin System) Regulations, 2014, S.I. No. 525 of 2014

Appendix 2:

Appeals Process: Procedures

2.1 Introduction/Oral Hearings/On the Papers

The Tribunal deals 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 2.2

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.

2.2 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 **15 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.

2.3 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.

2.4 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.

2.5 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.

2.6 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.

2.7 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.

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

ROMDA, the facility for legal representatives to research and submit previous redacted Decisions in support of their clients' asylum appeal, is maintained on a continuous basis. 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. Please contact info@refappeal.ie for further information.