



An Binse um Achomhairc i dtaobh Cosaint Idirnáisiúnta

The International Protection Appeals Tribunal

Information Leaflet for Applicants
for International Protection in Ireland
(Appeals Procedure)

A GUIDE

to the procedures for processing appeals against the recommendation of the International Protection Office that an applicant should not be given an international protection declaration in accordance with the provisions of the International Protection Act, 2015.

December 2016

The law governing international protection and the processing of claims for international protection is set out in the International Protection Act, 2015 and in the Orders, Regulations and Directions made under the Act.*

This Leaflet is for information and guidance only. It does not purport to give a legal interpretation of the International Protection Act, 2015. If you require further information about the provisions of the legislation, your solicitor will be in a position to inform you in detail what the law is and how it may be expected to apply in your case.

Applicants who have made an appeal to the International Protection Appeals Tribunal (IPAT) have a right of access to their personal data under Sections 3 and 4 of the Data Protection Act.

Reference to “the Minister” throughout this Leaflet refers to the Minister for Justice & Equality.

References to “sections” throughout this Leaflet are to sections of the International Protection Act, 2015 unless otherwise stated.

The International Protection Appeals Tribunal

The International Protection Appeals Tribunal (IPAT) was established in accordance with section 61 of the International Protection Act, 2015. The International Protection Act 2015 was commenced on 31 December 2016, at which time the functions of the former Refugee Appeals Tribunal transferred to the International Protection Appeals Tribunal.

The Tribunal decides appeals of those persons whose application for international protection status has not been recommended by an International Protection Officer; whose application for international protection has been deemed inadmissible by an International Protection Officer; or whose applications to make a subsequent application for international protection has been refused by an International Protection Officer. The Tribunal also determines appeals under the Dublin System Regulations.

The Tribunal is a statutorily independent body and exercises a quasi-judicial function under the International Protection Act, 2015.

Negative recommendation by the International Protection Office following investigation of your case

Any one of four different types of a negative recommendation may apply arising from the investigation of your case by an International Protection Officer as follows:

1. **Refugee** refusal. This is where an International Protection Officer recommends that the Minister refuse you refugee status but grant you subsidiary protection under S.39(3)(b). You can appeal against that recommendation to the IPAT within 15* working days from the sending to you of the notification of the recommendation. You may request an oral hearing for your appeal.
2. **Refugee and Subsidiary Protection** refusal. This is where an International Protection Officer recommends that the Minister refuse you both refugee and subsidiary protection status under S. 39(3)(c). You can appeal against that recommendation to the IPAT within 15* working days from the sending to you of the notification of the recommendation. You may request an oral hearing for your appeal.
3. **Inadmissible** applications. This is where an International Protection Officer recommends that your claim is inadmissible under S.21 of the Act. You can appeal that recommendation to the IPAT within 10 working days from the sending to you of the notification of the recommendation. Your appeal will be decided without an oral hearing.
4. **Subsequent** applications. This is where an International Protection Officer recommends that the Minister refuse to consent to a subsequent application being accepted under S.22 of the Act. You can appeal that recommendation

to the IPAT within 10 working days from the sending to you of the notification of the recommendation. Your appeal will be decided without an oral hearing.

*If the International Protection Officer's recommendation that Refugee and/or Subsidiary Protection status be refused includes among its findings any one of the additional findings listed under section 39(4) of the Act, the time period in which you may appeal to the International Protection Appeals Tribunal against the recommendation is 10 working days from the sending of the notice, not 15 working days. Any such appeal will be dealt with by the Tribunal without an oral hearing unless the Tribunal considers that it is in the interests of justice to hold an oral hearing.

Important:

It should be noted that where an application for a declaration is withdrawn at first stage, there is no appeal to the International Protection Appeals Tribunal.

Notice of Appeal

An appeal against the recommendation of the International Protection Officer must be made in writing on the official Notice of Appeal form, which will be included with the notification from the International Protection Office.

The Notice of Appeal form must be completed and submitted to the International Protection Appeals Tribunal, **6-7 Hanover Street East, Dublin 2** within the time allowed from the sending of the notification. The Notice of Appeal must be completed in full, including the grounds of appeal by either you or your solicitor before submitting the form to the International Protection Appeals Tribunal.

The form must be signed by you and your solicitor (if any). The staff in the office of the International Protection Appeals Tribunal cannot assist you to complete the form. If you require assistance to complete the form, please read the next paragraph, which provides details on obtaining legal advice.

If you wish to obtain legal advice and have not done so previously, you should do so immediately on receipt of your letter of refusal. In this regard, you may contact the Legal Aid Board. The Legal Aid Board Information Leaflet, which outlines the services provided and the fee(s) charged for these services, is enclosed for your information. You also have the option to engage private legal representation in relation to your appeal. However, the International Protection Appeals Tribunal will not refund any legal costs incurred in engaging private legal representation. If you wish to engage a solicitor, you should do so before completing the 'Notice of Appeal', because consideration of your appeal will be based on this Notice, as well as evidence given at your oral hearing if any.

It is your responsibility to prove that the appeal was lodged within the permitted time limit. If posted, the Notice of Appeal should be sent by registered post and you should keep the certificate of registration you receive at the Post Office when you post the letter. If you wish to deliver the Notice by hand you should hand it to a member of staff at the International Protection Appeals Tribunal. You will be given a dated receipt and you should keep this receipt carefully. If you send the Notice by fax you should keep the successful transmission report.

Consideration of an Appeal with an Oral Hearing

- If you request an oral hearing, the International Protection Appeals Tribunal will send a notification to you and your solicitor (if known) to attend the hearing at least 20 working days before the date of the hearing.
- Where you are entitled to request an oral hearing, you may also request in your Notice of Appeal that a witness attend to give evidence in support of your appeal. The notification of the date of your oral hearing will indicate whether your request for the attendance of a witness has been granted.
- Your oral hearing will be conducted by a Member of the International Protection Appeals Tribunal.
- The hearing should be attended by you, your solicitor (if any) and any witnesses directed to attend by the International Protection Appeals Tribunal. The failure of a witness to attend an oral hearing will not necessarily prevent the hearing from taking place. An International Protection Officer or an authorised officer or another person nominated by the Minister usually will also attend. The UNHCR may attend as an observer.
- If you require an interpreter at your appeal hearing, every reasonable effort will be made to provide one. In your Notice of Appeal, you should state the precise language or dialect for which you require interpretation. The sole function of the interpreter is to interpret the questions and your responses fully and accurately.
- In some cases, other observers may attend oral hearings, with your consent, at the discretion of the International Protection Appeals Tribunal.
- The oral hearing will be conducted as informally as is practicable and in such a manner as to ensure that the proceedings are fair and transparent.
- **Please Note:** There are no facilities for children in the offices of the International Protection Appeals Tribunal. You must therefore make arrangements for someone to mind your children while you are attending your appeal hearing.

You may withdraw a request for an oral hearing by giving written notice to the Tribunal not later than **3 working days** before the hearing date. The written notice must set out the reasons for the withdrawal. In this event the Tribunal, unless it is considered not in the interests of justice to do so, will consider your appeal based on the papers on file.

Important: Failure to attend an oral hearing

Where you fail, without reasonable cause, to attend an oral hearing, then unless you furnish the Tribunal, **not later than 3 working days** from the date fixed for the oral hearing, with an explanation for not attending, which the Tribunal considers reasonable in the circumstances, your appeal shall be **deemed to be withdrawn**. You and your solicitor (if known) will be notified of the withdrawal. The Minister will be notified of the withdrawal and he/she shall refuse to give you an international protection declaration.

Consideration of Appeal on Papers (without an oral hearing)

Where you do not request an oral hearing or you are not entitled to request one, a Member of the Tribunal, unless it is considered not in the interests of justice to do so, will consider your appeal on the papers based on:

- Notice of Appeal submitted by you/your solicitor,
- any documents and reports furnished by the International Protection Office,
- any supporting documents submitted by you and/or your solicitor, and
- any further enquiries made or observations furnished by the International Protection office under section 44 of the Act or any observations by the UN High Commissioner for Refugees (UNHCR).

Outcome of your appeal

You and your solicitor (if known) will be notified in writing of the decision of the International Protection Appeals Tribunal. A copy of the decision will be forwarded to the Minister who, in the case of a negative recommendation, shall decide to refuse to give you an international protection declaration and make arrangements for your removal from the State. If the decision of the International Protection Appeals Tribunal is positive, the Tribunal will recommend that the recommendation of the International Protection Office be set aside. If your appeal concerned refugee or subsidiary protection status, the Minister may then grant you an international protection declaration, subject to considerations of national security or public policy.

Withdrawal at appeal stage

If your appeal is still under consideration by the International Protection Appeals Tribunal, you may withdraw your appeal and the notification of your withdrawal should be made in writing to the International Protection Appeals Tribunal.

When the Minister is notified of your withdrawal;

- he or she will refuse to give you a declaration and
- he or she may arrange for your removal from the State unless you have been granted leave to remain in the state.

Failure to comply with certain obligations (deemed to be withdrawn applications)

Where it appears to the Tribunal that you are failing in your duty to co-operate with the International Protection Office or the International Protection Appeals Tribunal or to furnish information relevant to your appeal or where the Minister notifies the Tribunal that you are in breach of certain obligations placed upon you under the Act, then the Tribunal shall send a notice in writing inviting you to confirm within **10 working days** of the date of the notice that you wish to continue with your appeal. If you do not provide such an indication within the time specified your appeal will be deemed withdrawn and the Minister shall refuse to give you an international protection declaration.

Prioritisation of certain applications by the Minister

Under S.73 of the Act the Minister may, where he or she considers it necessary or expedient to do so, having consulted with the Chairperson of the International Protection Appeals Tribunal, request the Chairperson to accord priority to any appeal. In the event that you are in such a category of appeal, you will be given a notice to this effect.

Important - Duty to co-operate

- It shall be your duty to co-operate in the determination of your appeal and to furnish to the Tribunal at the earliest possible opportunity all information in your possession, control or procurement relevant to your application.
- You should give all documents sent to you by the International Protection Office to your solicitor (if any).
- You **must** submit all supporting evidence and documentation with the Notice of Appeal, because these are the documents based on which your appeal will be considered.
- **Please note that you are required to notify in writing the International Protection Office of any change of address and you must also inform the Tribunal of any change of address to the address provided in your Notice of Appeal.**

What happens if you do not appeal?

If you do not appeal to the International Protection Appeals Tribunal within the time allowed from the sending of the notification, the International Protection Office will recommend to the Minister that you should not be given an international protection declaration. The Minister shall refuse to give you a declaration and may notify you that arrangements will be made for your removal from the State.

Appendix

<p>State and other Organisations which you may be in contact with in connection with your application for refugee status</p>	
<p><i>Irish Naturalisation and Immigration Service, Department of Justice and Equality, 13-14 Burgh Quay, Dublin 2 D02XK70</i></p> <p><i>Tel: 01 6167700 LoCall: 1890 551 500 Http://www.inis.gov.ie</i></p>	<p>An application for a declaration as a refugee is made to the Minister for Justice and Equality, although the International Protection Office accepts the application and carries out the investigation. The Minister for Justice and Equality is the person who will make the decision to either grant or refuse an international protection declaration in accordance with section 47 of the International Protection Act, 2015. The decision of the Minister will be based on the recommendation of the International Protection Office or the International Protection Appeals Tribunal (if appropriate). In the case of a person who has been issued a notice of refusal for an international protection declaration, the Minister may make an order in accordance with section 3 of the Immigration Act, 1999 requiring that person to leave the State. The Minister also decides applications for leave to remain. Leave to remain is a status which is granted at the discretion of the Minister for Justice and Equality to persons whose claim for international protection is not considered to meet the criteria set out in the 1951 Geneva Convention but who are not returned home for humanitarian or for some other compelling reason</p>
<p><i>International Protection Office, 79-83 Lower Mount Street, Dublin 2 D02ND99</i></p> <p><i>Tel: 01 6028000 Fax: 01 6028122 Email: info@ipo.gov.ie http://www.ipo.gov.ie</i></p>	<p>The principal function of the International Protection Office is to make recommendations to the Minister for Justice and Equality pursuant to the provisions of the International Protection Act, 2015 as to whether an applicant for an international protection declaration should be granted such a declaration. The International Protection Office is independent of the Minister for Justice and Equality in fulfilling the functions of the International Protection Office under the International Protection Act, 2015.</p>
<p><i>International Protection Appeals Tribunal, 6-7 Hanover Street East Dublin 2 D02W320</i></p> <p><i>Tel: 01 4748400 Fax: 01 4748410 Email: info@protectionappeals.ie http://www.protectionappeals.ie</i></p>	<p>The function of the International Protection Appeals Tribunal is to consider and decide appeals against recommendations of the International Protection Office and make recommendations to the Minister. An appeal is dealt with by a Member of the Tribunal. Members of the Tribunal are independent of the Minister and the International Protection</p>

	Office, with at least 5 years experience as a practising solicitor or barrister.
<p><i>Reception and Integration Agency, PO Box 11487 Dublin 2.</i></p> <p><i>Tel: 01 4183200 Fax: 01 4183271 Email: RIA_Inbox@justice.ie http://ria.gov.ie</i></p>	<p>The Reception and Integration Agency is responsible for co-ordinating the services provided to protection applicants. These services include the provision of accommodation, health care, education and welfare to protection applicants.</p>
<p><i>United Nations High Commissioner for Refugees (UNHCR), 102 Pembroke Road, Ballsbridge, Dublin 4 D04E7N6,</i></p> <p><i>Tel: 01 6314510</i></p>	<p>The United Nations High Commissioner for Refugees (UNHCR) was established in 1951 to protect the interests of refugees. The work of the UNHCR is defined as humanitarian, social and non-political. Its principal functions are to provide international protection to refugees, seek durable solutions to their plight and to furnish them with material assistance. Procedures are in place for keeping the UNHCR informed of the processing of applications at both first and appeal stages. The UNHCR may attend any interview or appeal hearing and/or make written submissions in connection with any application.</p>

<p><i>Legal Aid Board, 48 -49 North Brunswick St., Georges Lane, Smithfield, Dublin 2 D07 PE0C</i></p> <p><i>Tel: 01 6469600</i></p>	<p><i>Irish Refugee Council, 37 Dame Street, Dublin 2 D02 ET25</i></p> <p><i>Tel: 01 7645854</i></p>	<p><i>TUSLA Child & Family Agency, The Brunel Building, Heuston South Quarter, St. John's Road West, Dublin 8 D08XO1F</i></p> <p><i>Tel; 01 7718500</i></p>
<p><i>Irish Red Cross Society, 16 Merrion Square Dublin 2 D02 XF85</i></p> <p><i>Tel: 01 6424600</i></p>	<p><i>Amnesty International, Sean McBride House 48 Fleet Street, Dublin 2 D02 T883</i></p> <p><i>Tel 01 8638300</i></p>	