



The International Protection Appeals Tribunal

*An Binse um Achomhairc i dtaobh Cosaint Idirnáisiúnta*

# International Protection Appeals Tribunal

Annual Report 2022



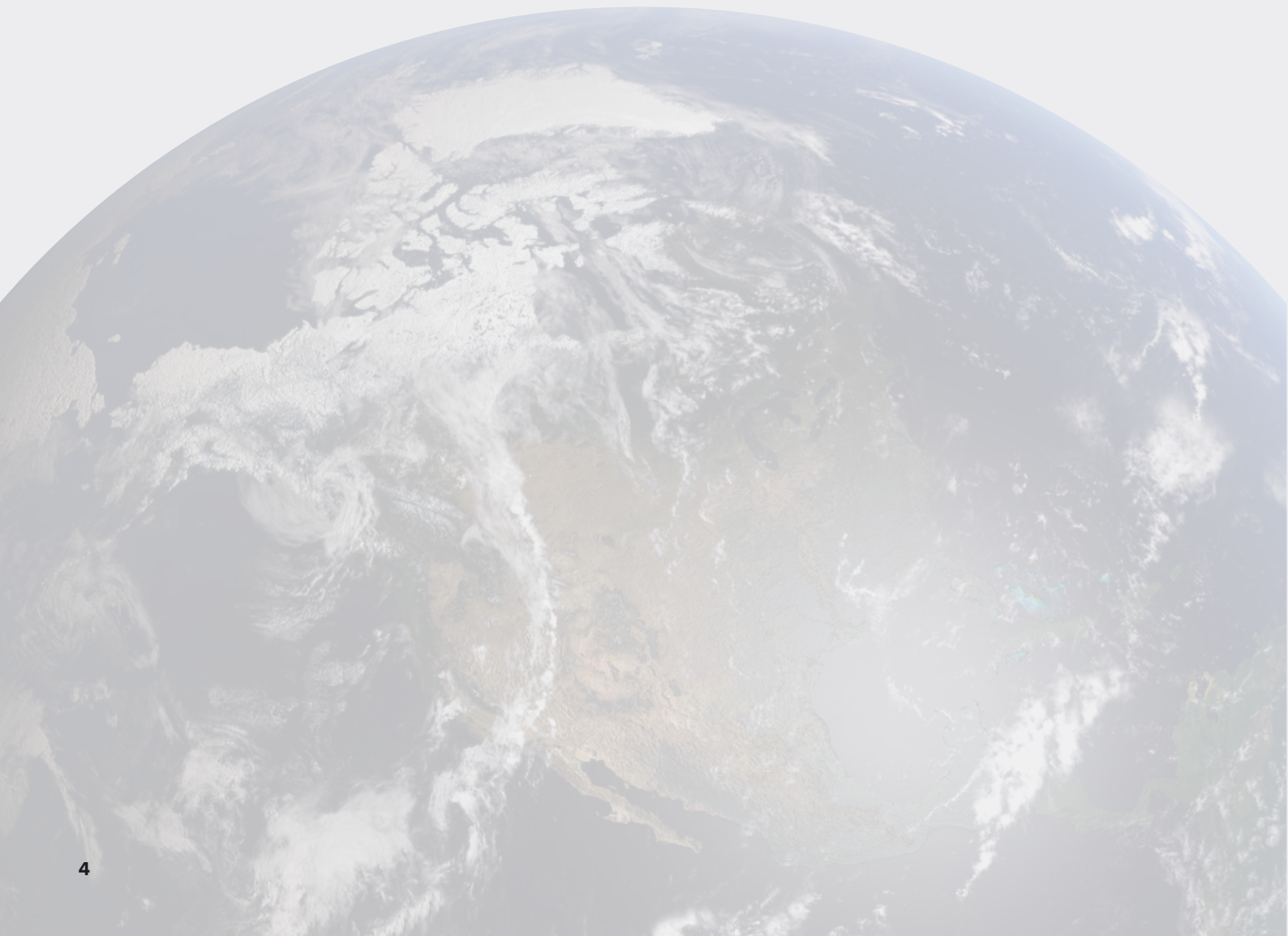
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# Mission Statement

The mission of the International Protection Appeals Tribunal is to provide an effective remedy within the international protection system that is of the highest quality and to do so in the most efficient, sustainable and user-focussed manner, ensuring compliance with national, EU and international law.





# Foreword by the Chairperson

## Hilka Becker

It is with great pleasure and pride that I present this Annual Report to the Minister for Justice, Mr Simon Harris TD. Since its establishment at the end of 2016, just six years ago, the Tribunal has made a significant contribution to the international protection system here in Ireland, making the system more efficient and ensuring its consistency with fairness and natural justice.

The many innovations introduced through the initiative of the Tribunal Registrar, Pat Murray, who left the Tribunal in March 2023 after more than six years of dedicated service, and his staff team, have enabled the Tribunal, inter alia, to embed the use of audio-video technology as a parallel and equivalent method for the conduct of oral hearings, thereby increasing its accessibility and productivity.

During the course of the year 2022, the number of appeals reaching the Tribunal increased by 53%: from 768 to 1180 and the number of completed appeals increased by 28%: from 1228 to 1571, the highest number since the beginning of the COVID-19 pandemic in early 2020. Moreover, and thanks to the dedication and commitment of staff and Members of the Tribunal, we completed the majority of appeals that had been delayed due to the COVID-19 restrictions over 2020 and 2021, and the Tribunal also significantly reduced processing times for new appeals received in 2022.

A substantial increase in appeals is expected early in 2023 and beyond and it is essential that the Tribunal, as the first instance appeal body tasked with providing an effective remedy to those seeking to challenge administrative decisions regarding their applications for international protection and certain related matters, is equipped to deal with those appeals expeditiously and in line with fairness and natural justice.

I look forward to working with our colleagues in the Department of Justice on ensuring that the Tribunal is adequately resourced to meet this challenge, including by making the best use of innovative technologies, such as the use of electronic signatures already introduced by the Tribunal and the further digitalisation of the Tribunal's file management.

*Hilka Becker*

Chairperson

# 1. Introduction

In 2022, Ireland experienced a significant increase in applications for international protection compared with both the previous year and with pre-pandemic levels. There were 13,651 applications made to the International Protection Office compared with 2,649 applications in 2021, with the 2021 total having been only 45% of pre-pandemic levels.

This trend reflects the situation throughout the EU+ countries where some 966,000 international protection applications were received in 2022, up by around 50% from 2021 and the highest since 2016. Asylum authorities in EU+ countries reportedly issued some 632,000 first instance decisions throughout the year, with the gap between decisions issued and applications lodged being the widest since 2015. As a result, the number of applications pending at the first instance administrative stage increased by 44 % to 636,000 at the end of 2022. Notably, the recognition rate in EU+ countries was 40 % in 2022, with the main nationalities receiving positive decisions at first instance being Syrian, Belarusian, Ukrainian, Eritrean, Yemeni and Malian<sup>1</sup>.

In the course of the year 2022, the number of appeals reaching the Tribunal did also increase, by 53% from 768 to 1180, and the number of completed appeals increased by 28% from 1228 to 1571.

The Tribunal is committed to returning to its pre-pandemic targets regarding appeals processing times and to meeting the recommendations of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process (September 2020). In that regard, we are pleased to be able to report that the median processing time for all decisions issued in 2022 from 'Appeal Accepted' date to 'Appeal Decision' date now stands at 10.2 months, down from 13.5 months in 2021, and for appeals that were both accepted and decided in 2022, this stands at 3.7 months.

However, throughout the year, the Tribunal continued to record a high number of hearing postponements and these can arise for a variety of reasons. In the majority of cases (22%), the postponement was granted at the request of a legal representative for a number of reasons, including the need for additional time to prepare for a hearing or to obtain relevant documents or in situations in which the legal representative was unavailable on the date scheduled. A further analysis of the reasons for postponements is contained in Section 7 (Table 7.6.) of this Report. The Tribunal will continue to work with its stakeholders to reduce the number of postponements in order to further increase efficiencies in the delivery of its statutory mandate.

The majority of hearings conducted before the Tribunal in 2022 took place remotely by way of audio video technology, a vital step in improving access to the legal remedy provided by the Tribunal in line with Ireland's obligations under EU law.

In an effort to make further improvements to the way we operate, including through learning exchanges and the active participation at meetings and conferences, both in-person and online, the Tribunal Chairperson, Deputy Chairpersons and Tribunal Registrar participate regularly in stakeholder engagement.

In 2022, this included participation in the Working Group on the Implementation of the Recommendations made by the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, hosted by the Department of Justice, the participation in Justice Sector Agencies' meetings as well as direct engagement with other State agencies, the Tribunal Users' Group, the wider legal profession, academia and the IGO and NGO sectors.

Moreover, the Tribunal Chairperson, Deputy Chairperson and Members of the Tribunal are actively involved in EU and international networks of courts and tribunals, such as the International Association of Refugee and Migration Judges (IARMJ) and the European Union Agency for Asylum's (EUAA) judicial experts' pool, making significant contributions to professional development workshops and expert panels organised by the Agency.

As a substantial increase in appeals reaching the Tribunal is expected early in 2023 and beyond, it is essential that the Tribunal, as the first instance appeal body tasked with providing an effective remedy to those seeking to challenge administrative decisions regarding their applications for international protection and certain related matters, is adequately resourced to ensure that it is equipped to deal with those appeals expeditiously and in line with fairness and natural justice.

<sup>1</sup><https://euaa.europa.eu/latest-asylum-trends-annual-overview-2022>

### Tribunal at Glance:





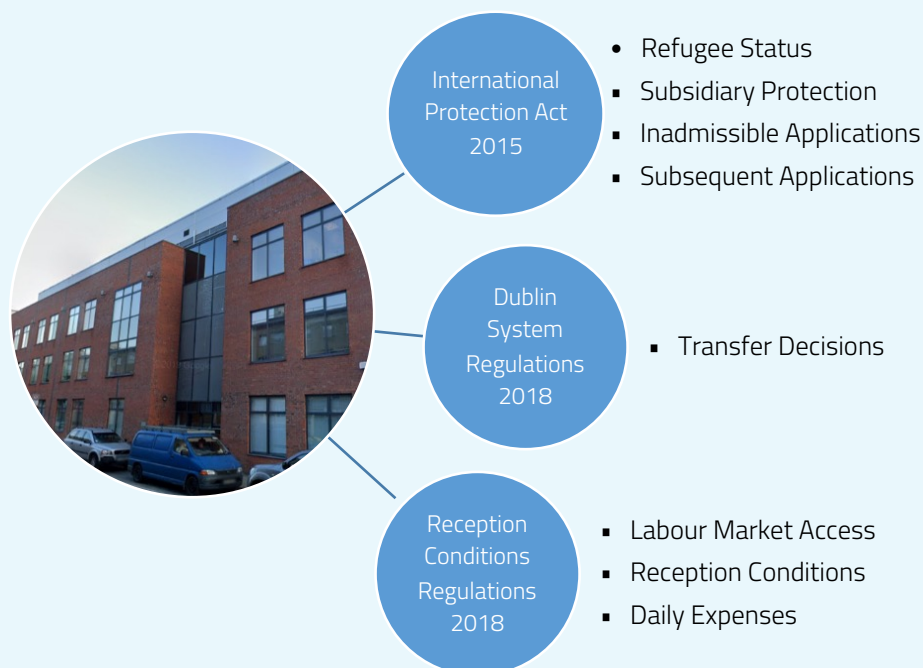
## 2. About the Tribunal

### 2.1 Establishment and Jurisdiction

Part 10 of the International Protection Act 2015 provided for the establishment of the Tribunal as an appellate body providing an effective remedy for applicants for international protection in respect of recommendations of international protection officers. The functions of the members and staff of the Tribunal are also set out in Part 10 of the 2015 Act.

The Act, especially Parts 2, 3 (as amended), 4 and 6, set out the various legal rules within which the Tribunal operates when dealing with the appeals that are its predominant concerns. These legal rules have been supplemented by the Dublin System Regulations 2018, in respect of appeals concerning transfer orders made by an international protection officer under the Dublin III Regulation.

The Tribunal's jurisdictional mandate has also been added to by the Reception Conditions Regulations 2018, under which the Tribunal is the judicial authority for determining appeals from decisions made by officials of the Department of Justice, Department of Social Protection, or Department of Children, Disability, Equality, Integration and Youth, as the case may be.



All in all, the Tribunal's current legislative mandate is to determine appeals from first instance decisions in respect of:

- International protection – refugee status and subsidiary protection;
- Inadmissibility of an application for international protection;
- Consent to make a subsequent application for international protection;
- Transfer orders under the Dublin Regulation; and
- Reception conditions in the international protection process, including labour market access.

## 2.2 Membership of the Tribunal

In 2022, the Tribunal's Membership consisted of:

- The Chairperson, Hilikka Becker,
- Two Deputy Chairpersons, Cindy Carroll and Shauna Gillan (from October 17<sup>th</sup>),

the whole-time Members, and part-time Members listed below. The latter are engaged on contracts for services to the Minister for Justice, whereas the Chairperson and Deputy Chairpersons are engaged on contracts of service.

Ordinary Members of the Tribunal consider appeals and make decisions in respect of the various matters that come before the Tribunal. All Members are either barristers or solicitors with a minimum of five years' professional experience appointed by the Minister based on selection by the Public Appointments Service, after holding a competition under section 47 of the Public Service Management (Recruitment and Appointments) Acts. This process ensures that Members have the required skills and expertise in respect of international protection and human rights law, and decision-making. Moreover, the three whole-time members are in a position to focus on decision-making on a full-time basis.

All Members receive extensive induction training when they are first appointed and all engage in regular training throughout every year as set out in more detail further below in this report. The Chairperson of the Tribunal 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. John Stanley, Deputy Chairperson, departed the Tribunal at the end of 2021 to join the Office of the Attorney General and, following a competition, was replaced by whole-time Member Shauna Gillan, who was appointed to the position of Deputy Chairperson on 17th October. On the 31st of December 2022, the Tribunal had a Chairperson, two Deputy Chairpersons, two whole-time Tribunal Members and 44 part-time Members.

## 2.3 List of Tribunal Members

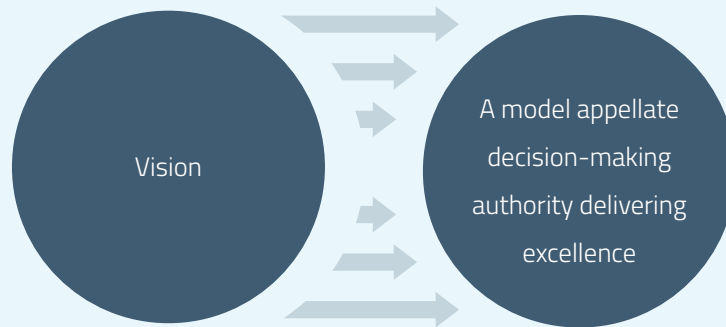
In addition to the Chairperson and two Deputy Chairpersons, the Tribunal had a total of three whole-time Members and 44 part-time Members during the year.

Whole-Time / Part-Time Members of the Tribunal		
1. Agnes McKenzie, B.L. (W/T)	17. Conor Keogh, B.L.	33. Fiona McMorrow, B.L.
2. Majella Twomey, B.L.	18. Michelle O’Gorman, B.L.	34. Shaun Smyth, B.L.
3. Bernadette McGonigle, Solicitor	19. Cormac Ó Dúlacháin, S.C.	35. Folasade Kuti-Olaniyan, Solicitor
4. Margaret Browne, B.L.	20. Moira Shipsey, Solicitor	36. Shauna Gillan, B.L. (W/T) <sup>2</sup>
5. Brian Cusack, B.L.	21. Denis Halton, B.L.	37. Ger O’Donovan, B.L.
6. Mark Byrne, B.L.	22. Nicholas Russell, Solicitor	38. Simon Brady, B.L.
7. Brid O’Flaherty, B.L.	23. Elizabeth Mitrow, Solicitor	39. Joanne Williams, B.L.
8. Mark William Murphy, B.L.	24. Oluwafemi Daniyan, B.L.	40. Stephen Boggs, B.L.
9. Christopher Hughes, B.L.	25. Emma Toal, B.L.	41. John Buckley, B.L. (W/T)
10. Mary Forde, Solicitor	26. Patricia O’Connor, Solicitor	42. Steven Dixon, B.L.
11. Ciara McKenna-Keane, B.L.	27. Eoin Byrne, B.L.	43. John Noonan, B.L.
12. Michael Kinsley, B.L.	28. Patricia O’Sullivan Lacy, B.L.	44. Zeldine O’Brien, B.L.
13. Ciaran White, B.L.	29. Evelyn Leyden, Solicitor	45. Kevin Lenahan, B.L.
14. Michael McGrath, S.C	30. Paul Kerrigan, Solicitor	46. Lalita Pillay, B.L.
15. Colin Lynch, Solicitor	31. Finbar O’Connor, Solicitor	47. Leonora Doyle, Solicitor
16. Michael Ramsey, B.L.	32. Sharon Dillon-Lyons, B.L.	

<sup>2</sup>Ms Gillan was appointed Deputy Chairperson by the Minister for Justice with effect from 17th October 2022.

### 3. The Tribunal’s Vision, Mission and Strategy

In 2021, the Tribunal completed its strategic planning process for the coming three years and the Tribunal’s Strategy Statement 2021 – 2023 was published in June 2021, which is available on the Tribunal’s website <https://www.protectionappeals.ie/>.








The Tribunal’s Mission is to provide an effective remedy within the international protection system that is of the highest quality and to do so in the most efficient, sustainable and user-focussed manner, ensuring compliance with national, EU and international law. And it that regard, and in consideration of the stakeholder consultation carried out by the Tribunal in 2020, we have agreed the following strategic priorities:

1. Ensure quality and consistency of decision-making.
2. Optimise efficiency of appeal processing.
3. Deliver a user-focused appeal service.
4. Communicate effectively with service users and other stakeholders.
5. Engage and strengthen the Tribunal’s synergies across the international protection ecosystem.

## Strategic Priorities for 2021 – 2023:



-  Engage and strengthen the Tribunal's synergies across the international protection ecosystem
-  Ensure quality and consistency of decision making
-  Optimise efficiency of appeal processing
-  Deliver a user-focused appeal service
-  Communicate effectively with service users and other stakeholders

## 4. Actions undertaken to ensure quality and consistency of decision making

### 4.1 Tribunal Training 2022

In its Strategy Statement 2021-2023, the Tribunal's first strategic priority is to ensure quality in its decision-making. In order to achieve this objective, the Tribunal provides robust training to its Members. This training is delivered formally through dedicated in-person training sessions and informally through Lunch and Learn meetings which are held online to facilitate attendance by as many Members as possible.

Training is delivered by the Chairperson and Deputy Chairpersons, all of whom also act as judicial experts for the European Union Agency for Asylum (EUAA) in the delivery of judicial workshops to judges and tribunal members from around the EU+ Member States. A number of other Members of the Tribunal are also members of the EUAA judicial experts' pool and they too deliver training to their colleagues. Where relevant, training is delivered by external experts such as UNHCR, and the Tribunal regularly engages other speakers, including judges from Ireland and also the UK.

In 2022, the following training was provided to Tribunal Members:

- State protection;
- Internal protection alternative;
- Convention nexus – race, nationality, religion, political opinion and membership of a particular social group'
- Case-law developments January – June 2022;
- Judicial Review and the Tribunal;
- Country of origin information;
- Exclusion from international protection;
- Quality Audit January – June 2022;
- The habits of highly effective Tribunal Members;
- Case-law update June – December 2022

In addition to the training which is provided internally, many of the Members have the opportunity to attend Judicial Workshops organised by the EUAA and have participated in exchange programmes organised by the European Judicial Training Network (EJTN).

Additionally, the Tribunal Chairperson participated in the Europe Chapter Conference of the International Association of Refugee and Migration Judges (IRAMJ) in Brdo/ Slovenia and was elected Chair of the Association's Advisory Council in September 2022.

Staff of the Tribunal, in addition to being invited to attend Tribunal training on legal matters as observers, also receive dedicated training on issues such as stress management, resilience, team potential and delivery of results.

## 4.2 Statutory Meetings

To conclude the Training Day on 17<sup>th</sup> June 2022, Chairperson Hilikka Becker and Registrar Pat Murray addressed the Members on a mid-year review of the Tribunal's workload.

The training day on 2<sup>nd</sup> December 2022 was immediately followed by the Statutory Meeting led by Hilikka Becker and Registrar Pat Murray. Members were shown statistics over the past year and advised of new developments including an anticipated increase in the Tribunal's workload in 2023 and beyond.

## 4.3 Law project

On 1<sup>st</sup> April 2022, two students from McLoughlin College, York University, Toronto, Canada presented their findings on an analysis of particular Tribunal Decisions on the issue of Gender Based Violence. The students, along with a third student, had worked on this project from January to April and were assisted by Deputy Chairperson Cindy Carroll. In the course of the project, they compared the approach taken on such cases by the Tribunal with the approach taken by the Immigration and Refugee Board of Canada. The power-point presentation and the project itself were circulated to all Members and staff.

## 4.4 Quality Audit Project System

The Tribunal has had a Quality Audit system in place since 2017. Random, systemic sampling is carried out and decisions are anonymised before being reviewed by both internal and external (UNHCR) reviewers. Roughly 10% of Tribunal decisions are audited per annum.

The audit aims to evaluate a cross-section of Tribunal decisions and identify training needs for the purpose of ensuring the maintenance of high-quality decision making. The Tribunal worked with the Research and Data Analytics Unit of the Department of Justice to improve its auditing system in 2022 and launched an online review portal which has streamlined the data collection.

#### 4.5 Chairperson's Guidelines issued in 2022

Chairperson's Guideline No. 2022/1 on Taking Evidence from Appellants and Other Witnesses was published in early 2022.

This Guideline is informed by the 2015 Act, the International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017, Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, and Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status.

It also takes account of Evidence and Credibility Assessment in the Context of the Common European Asylum System (CEAS) – A Judicial Analysis, (IARMJ/EASO, 2018), Vulnerability in the context of applications for international protection – A Judicial Analysis (IARMJ/EASO, 2021, and the UNHCR Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status (December 2011), as well as relevant case law and academic commentary.

Importantly, the Guideline takes account of legal developments in light of the Criminal Justice (Perjury and Related Offences) Act 2021. It incorporates guidance in the above-mentioned Judicial Analyses, and also reflects that oral hearings may now also occur by A/V means. Work was also commenced on a number of new Guidelines and the first of those, Chairperson's Guideline No. 2023/1 on Assigning and Re-Assigning Appeals to Members of the Tribunal by the Registrar published in early 2023.

This Guideline is issued pursuant to section 63(3)(a) of the 2015 Act to assist the Registrar in performing their duties of assigning or re-assigning appeals to Members of the Tribunal pursuant to Section 67(2) or (3) of the 2015 Act. It replaces the 'Chairperson's Guidelines on Assigning and Re-Assigning Appeals by the Registrar' of 8th March 2017.

This Guideline takes particular account of the requirements contained in S.I. No. 230/2018 – European Communities (Reception Conditions) Regulations 2018 implementing Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standings for the reception of applicants for international protection (recast).

All Chairperson's Guidelines are available on the website of the Tribunal at: [www.protectionappeals.ie](http://www.protectionappeals.ie).



## 4.6 Judicial Review Monitoring

Following advices received from the Attorney General in 2016, it was decided that the Tribunal as an independent statutory body carrying out quasi-judicial functions, should attract the same legal principles as those applying to a District Court judge and that once the Tribunal has made a decision, it is *functus officio* and has no part in defending or supporting its decision in subsequent judicial review proceedings. The justification for a decision of the Tribunal is set out in the decision itself. Once a Member of the Tribunal has fulfilled the function of delivering a reasoned decision, he or she has no further function and it could be seen to impugn the independence of the Tribunal to seek to stand over its decisions should they be challenged subsequently. These principles apply in the public interest to maintain confidence in the judicial and equivalent systems.

The only circumstances in which these principles may not apply is where mala fides on the part of a Member of the Tribunal is alleged or systemic procedural challenges are made against the operations of the Tribunal. In all other cases, the principle that the party in whose interest an order has been made is the *legitimus contradictor* in judicial review proceedings challenging an order of a lower court or equivalent does apply. In the circumstances of the International Protection Appeals Tribunal, the Minister is the party with an interest in the recommendation or decision and would therefore be the *legitimus contradictor*.

However, as a Respondent in judicial review challenges brought against any of its decisions, the Tribunal liaises with the Department of Justice Legal Services Support Unit (LSSU), the Chief State Solicitor's Office (CSSO) and the Attorney General's Office (AGO) in relation to the provision of relevant information and, in certain circumstances, observations. The Tribunal's Judicial Review Unit is situated within its administration / secretariat. It records and monitors progress of all judicial reviews, considers all legal documents received and co-ordinates responses with the Chairperson.

The Tribunal closely follows the developments in the Superior Courts in respect of judicial reviews of its decisions. Whether the Court upholds or quashes a decision of the Tribunal, the Tribunal seeks to implement in its guidance to and training of its Members the jurisprudence of the Superior Courts. The particular ways in which the Tribunal does this include:

1. Clear summaries of the key insights from the jurisprudence, presented systematically in Quarterly Reviews for the benefit of Tribunal Members.
2. Implementation in Chairperson's Guidelines pursuant to s. 63(2) in respect of developments of the law of international protection.

3. Revision and updating of the guidance and training materials used for the professional development of Tribunal Members.
4. Revision and updating of the decision-making templates used by Tribunal Members.
5. Determining and shaping the training provided to Members internally.
6. Determining the external training relevant to Members.
7. Hosting workshops, discussion groups and 'lunch and learn' sessions on matters arising from the case law.
8. Updates on particular net issues from case law and opinions of counsel.
9. Revision and updating of the quality audit materials used for analysing members decisions with a view to identifying matters for continued improvement.

During 2020 the Tribunal consolidated and ordered all information available to it in respect of litigation against the Tribunal since came into being on the 31st of December 2016. This knowledge management project continued throughout 2022 and enables the Tribunal to systematically monitor relevant litigation in the Superior Courts for the purpose of further enhancing the quality and efficiency of its decision-making.

A 'Summary of judgments of the Irish Superior Courts relating to decisions of the International Protection Appeals Tribunal', was published on the Tribunal's website for 2022 and can be accessed on our Publications page which is located here:

<https://www.protectionappeals.ie/other-publications/>.

#### 4.7 Public Sector Duty

The Tribunal is fully cognisant of the positive duty pursuant to section 42(1) of the Irish Human Rights and Equality Commission Act 2014. In the performance of its functions, the Tribunal makes every effort to eliminate discrimination, to promote equality of opportunity and treatment of all its stakeholders, and to promote human rights.

The requirements of section 42(1) of the Irish Human Rights and Equality Commission Act 2014 are reflected in the Tribunal's current strategy statement. The Tribunal takes active steps to ensure equal opportunity for all appellants who appear before it, for example, in the provision of interpreters to assist in ensuring appropriate communication and in providing Tribunal Members of a specific gender when such a request is made.

The Tribunal's website is accessible in accordance with the EU Web Accessibility Directive (Directive (EU) 2016/2102). The Tribunal's premises on Hanover Street is also accessible for those who are less physically mobile. Furthermore, the Tribunal facilitates the attendance of representatives of the Child and Family Agency when unaccompanied minor appellants appear before the Tribunal; the Tribunal also facilitates the attendance of such representatives after the unaccompanied minor has attained the age of majority in light of the vulnerability of such appellants.

Tribunal Members receive particular and focused training in relation to vulnerable appellants and in respect of appellants whose claims are based on their sexual orientation.

Going forward, the Tribunal is finalising its own public sector duty policy. Among the proposals in that policy is the establishment of a working group in the Tribunal to identify issues, address them and to increase overall awareness of the elimination of discrimination, the promotion of human rights and the availability of equality of opportunity and equality of treatment for all of the Tribunal's stakeholders, both internal and external.

## Registrar's Executive Summary




I am pleased to present the Registrar's Executive Summary for 2022.

The Tribunal had 1180 appeals pending at the start of 2022 with, coincidentally, 1180 new appeals lodged during the year and the Tribunal ended 2022 with 851 appeals pending before it, having completed 1571 appeals in total.

As we are all aware, 2022 thankfully brought an end to the main restrictions that had been imposed as a result of the COVID-19 pandemic. A direct impact of COVID-19 on the work of the Tribunal was a reduction in the number of recommendations made by the International Protection Office throughout that period. This of course meant that there were fewer negative recommendations to be appealed to the Tribunal resulting in a relatively lower number of appeals than would be expected in a full year of operations. However, the number of appeals received in 2022 increased when compared with the total of 768 appeals received in 2021. In 2020, 1262 appeals were received for the full year but the impact of COVID-19 was not fully felt until Quarter 2 of 2020, 499 appeals had been already accepted up to the end of March 2020. For a more realistic comparison we must look back to 2019, before the impact of COVID-19 was felt, when there were 2064 appeals received with a total of 2180 appeals in total completed.

The introduction of the use of audio-video technology for the conduct of oral hearings during the COVID-19 period proved successful and the programme grew from strength to strength during the year. Of the 922 number of oral hearings heard in 2022, 767 were conducted via audio video link.

I would like to take the opportunity of thanking the entire "Tribunal" team, the Chairperson Hilikka and her Deputies, the staff of the Tribunal including our service officers and of course our Tribunal Members for their support and commitment ensuring that we delivered our essential service in challenging times.



**Registrar**

**24th March 2023**

## 5. Registrar and administration of the Tribunal

The Tribunal Registrar is tasked to manage and control the staff and administration of the Tribunal, and to perform such other functions as may be conferred on him by the Chairperson under the 2015 Act. Pursuant to s. 66(3) of the Act, the Registrar shall be responsible to the Chairperson for the performance of his functions.

The Registrar also has responsibility for assigning the appeals to be determined to Members of the Tribunal, having regard to the need to ensure the efficient management of the work of, and the expeditious performance of its functions by, the Tribunal, consistent with fairness and natural justice, and any Guidelines issued by the Chairperson.

Administrative staff are civil servants and currently assigned to the Tribunal from the Department of Justice in accordance with s.61(4) of the 2015 Act. The agreed administrative staffing complement for the Tribunal forms part of the Department of Justice's Oversight Agreement with the Tribunal and, for the reporting period, was 41. Additionally, the Tribunal Chairperson, Deputy Chairpersons and whole-time Tribunal Members are on contracts for service with the Department for their respective periods of appointment.

### 5.1 IPAT Staff Levels 31/12/2022

IPAT Staff Levels 17/01/2023	Persons	FTE	Agreed Oversight Levels*
Chairperson (PO equivalent)	1	1	1
Deputy Chairperson (APO1 equivalent)	2	2	2
W/t Tribunal Member (APO equivalent)	2	2	3
<b>SUB TOTAL</b>	<b>5</b>	<b>5</b>	<b>6</b>
Principal Officer (Registrar)	1	1	1
Assistant Principal Officer	1	1	1
HEO/Administrative Officers	4	3.5	4
<b>EXECUTIVE OFFICERS</b>	<b>8</b>	<b>7.4</b>	<b>8</b>
<b>CLERICAL OFFICERS</b>	<b>23</b>	<b>22.6</b>	<b>27</b>
<b>SUB TOTAL</b>	<b>37</b>	<b>35.5</b>	<b>41</b>
<b>TOTAL</b>	<b>42</b>	<b>40.5</b>	<b>47</b>

## 5.2 Tribunal Staff Development and Training

Staff members attended all of the below training events, including training provided by One Learning on a wide range of subjects, and a number of the staff have availed of further education courses partly funded through the Department of Public Expenditure.

- MS Word Level 2 and 3
- MS Excel Level 1, 2 and 3
- MS PowerPoint Intro and Advanced
- Data Protection
- Freedom of Information
- General legislative updates
- Executive Officer Development
- Mentoring and Coaching of staff
- Wellbeing with Irish Osteoporosis Society
- Stress management
- Gender Workshop
- Effective Alternatives to Detention for Female Offenders
- Fire Warden and Fire Safety
- Bachelors of Law and Administration of Justice
- Professional Irish Level 4
- Diploma in Immigration & Asylum Law
- First Aid responder with Covid update
- State Protection
- IOM Ireland Capacity-Building Training in Cultural Competency and Understanding
- Cyber security awareness
- Equality and Human Rights in the Public Service
- BA – Public Management-year 1

Additionally, Tribunal staff members may attend training provided to Tribunal Members to further their understanding of the Tribunal's quasi-judicial decision-making role.

## 5.3. COVID-19 – Contingency Planning and Actions

Although, thankfully, there was an easing of COVID-19 restrictions from early 2022, the Tribunal's senior management team (SMT) continued to monitor the public health advice throughout the year and COVID-19 contingency planning continued to be a standing item for SMT meetings and business planning.

As the Tribunal had already introduced and operated a staff roster system throughout 2021 and

into 2022 balancing on-site and remote working from home, the Tribunal was well placed to adapt to the wider Government initiative of “blended working” as a pilot programme for all staff from the last quarter of 2022.

## 6. Financial Report

The Tribunal is funded by monies voted by the Dáil through the Vote for the Office of the Minister for Justice. Costs incurred by the Tribunal, including staff salaries, fees payable to Members of the Tribunal, interpretation and translation costs, legal costs and all accommodation, utilities and other running and maintenance costs, are approved by and funded directly from the Department.

The Tribunal shares the Hanover Street premises with a number of other offices / agencies, including Department of Justice offices. Some of the costs attributed to the Tribunal below are costs associated with the premises as a whole, including running costs, pay and costs for service officers, postage etc.

Category	Expenditure in 2022
IT Costs	€208,773.30
Legal Costs	€123,904.51
Members Fees	€613,825.00
Membership of Professionals Bodies	€8,475.00
Office and Premises Expenses	€289.66
Office Machinery and Other Office Supplies	€7,310.78
Postal and Communications Services	€11,781.52
Salaries and Wages	€2,143,432.63
Translation/Interpretation	€67,301.48
Travel	€1,017.44
<b>Grand Total</b>	<b>€3,186,111.32</b>

## 6.1 Fees Paid to Part-Time Members of the Tribunal

Member of Tribunal	Fees for 2022
Brian Cusack, B.L.	€15,345.00
Brid O'Flaherty, B.L.	€29,640.00
Christopher Hughes, B.L.	€30,420.00
Ciara McKenna-Keane, B.L.	€490.00
Ciaran White, B.L.	€9,010.00
Clare O'Driscoll, B.L.	€2,601.00
Colin Lynch, Solicitor	€16,090.00
Conor Keogh, B.L.	€4,875.00
Cormac Ó Dúlacháin, S.C.	€22, 245.00
Elizabeth Mitrow, Solicitor	€10,730.00
Emma Toal, B.L.	€12,555.00
Eoin Byrne, B.L.	€33,720.00
Evelyn Leyden, Solicitor	€4,625.00
Finbar O'Connor, Solicitor	€13,510.00
Fiona McMorrow, B.L.	€1,705.00
Folasade Kuti-Olaniyan, Solicitor	€8,400.00
Joanne Williams, B.L.	€22,280.00
John Noonan, B.L.	€61,718.00
Lalita Pillay, B.L.	€2,140.00
Leonora Doyle, Solicitor	€20,489.00
Majella Twomey, B.L.	€20,460.00
Margaret Browne, B.L.	€18,040.00
Mark Byrne, B.L.	€34,816.00
Mark William Murphy, B.L.	€10,970.00
Mary Forde, Solicitor	€6,950.00
Michael Kinsley, B.L.	€9,255.00
Michael McGrath, S.C.	€18,105.00
Moira Shipsey, Solicitor	€2,195.00
Nicholas Russell, Solicitor	€36,466.00
Patricia O'Sullivan Lacy, B.L.	€21,315.00
Paul Kerrigan, Solicitor	€41,120.00
Sharon Dillon -Lyons, B.L.	€7,195.00
Shaun Smyth, B.L.	€9,740.00
Simon Brady, B.L.	€6,940.00
Stephen Boggs, B.L.	€17,920.00
Stephen Dixon, B.L.	€24,005.00
Zeldine O'Brien, B.L.	€5,745.00
<b>Grand Total</b>	<b>€613,825.00</b>



## 7. Statistics 2022

### 7.1 Summary - Tribunal Caseload 2022

Tribunal Key Statistics 2022	
Appeals on hand 1st January 2022	1180
Appeals Received in 2022	1180
Reactivated appeals e.g. Judicial Reviews and some IP Act Transition Appeals	62
<b>Total Appeal Caseload *</b>	<b>2422</b>
Decisions Issued	1305
Withdrawn/Deemed Withdrawn	266
<b>Total Completed in 2022</b>	<b>1571</b>
Appeals on Hand 31 December 2022	851

### 7.2 Summary - Types of Appeals received in 2022

Appeal Type	Appeals Received
All International Protections Appeals	1062
Subsequent Appeal	12
Inadmissible Appeal	79
Dublin III	22
Reception Conditions	5
<b>Grand Total</b>	<b>1180</b>

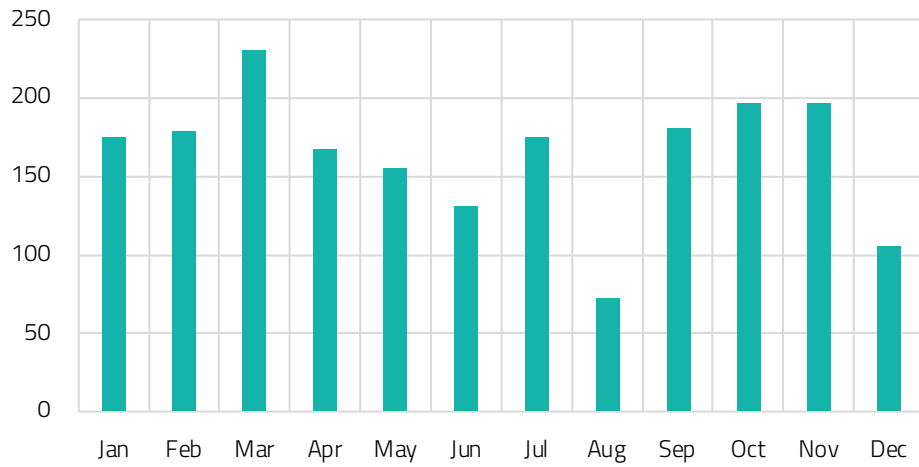
### 7.3 All Appeals Received in 2022

All Appeals Received in 2022							
Month	All International Protections Appeals		Dublin III Regulation Appeals	Inadmissibility Appeals Received (s. 21)	Subsequent Appeals Received (s.22)	Reception Conditions Appeals	Grand Total
	Accelerated IP Appeal	Substantive IP Appeal					
Jan	4	20			1	1	26
Feb	5	56	3			1	65
Mar	20	55	2	1	1	1	80
Apr	16	22	1	2		1	42
May	25	53	6		3		87
Jun	20	85	2	2	1		110
Jul	16	121	1	1		1	140
Aug	24	143	3	1	4		175
Sep	45	95		7			147
Oct	31	82	1	13	1		128
Nov	25	62		13	1		101
Dec	2	35	3	39			79
Total	233	829	22	79	12	5	1180
Grand Total	1062		22	79	12	5	1180

### 7.4 Number of Hearings Scheduled in 2022 (table and chart)

Month	No of Hearings Schedule
Jan	174
Feb	179
Mar	230
Apr	167
May	154
Jun	130
Jul	96
Aug	72
Sep	180
Oct	197
Nov	197
Dec	105
Grand Total	1881

### Hearings Scheduled By Month in 2022



### 7.5 No Shows' and Withdrawals/Deemed Withdrawals

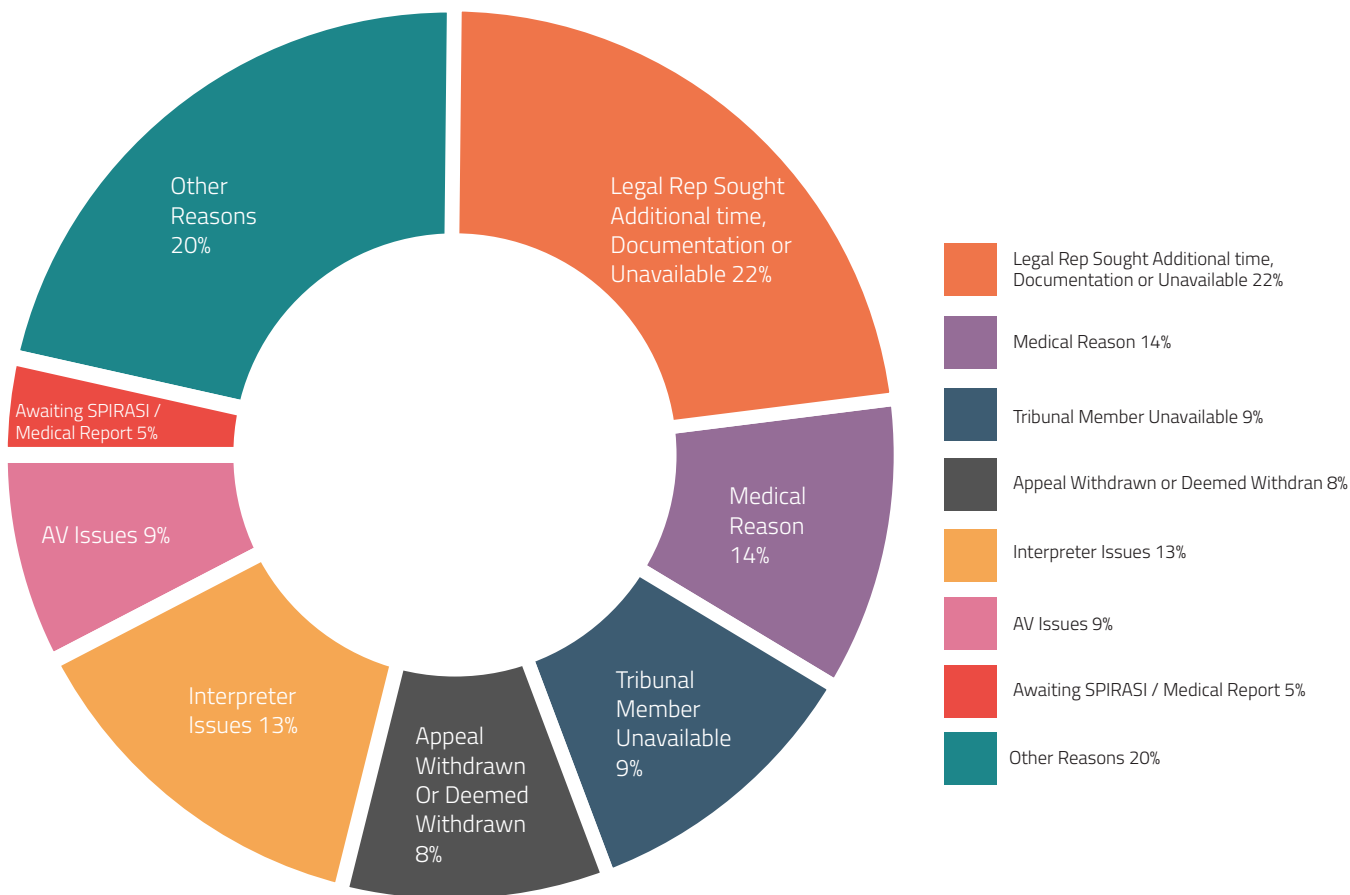
2022	No of Appeals
No Shows	61
Appeals Withdrawn / Deemed Withdrawn	266

### 7.6 Number and Analysis of Postponements and Adjournments

2022	No of Appeals
Appeal Adjourned	5
Appeal Postponed	170
AV Appeal Adjourned	92
AV Appeal Postponed	631
<b>Grand Total</b>	<b>898</b>

## Analysis of postponements in 2022

The chart below is based on an analysis of a data set of 788 of the total number of postponements.



## 7.7 Total number of decisions issued per month

Month	No of Decisions Issued
Jan	77
Feb	117
Mar	129
Apr	119
May	109
Jun	101
Jul	146
Aug	58
Sep	83
Oct	118
Nov	150
Dec	98
<b>Grand Total</b>	<b>1305</b>

## 7.8 All Decisions Issued 2022

All Appeals Decided in 2022							
Month	All International Protections Appeals		Dublin III Regulation Appeals	Inadmissibility Appeals Received (s. 21)	Subsequent Appeals Received (s.22)	Reception Conditions Appeals	Grand Total
	Accelerated IP Appeal	Substantive IP Appeal					
Jan	27	43	3	1	3		77
Feb	27	83	3		3	1	117
Mar	40	82	1		4	2	129
Apr	28	85	2	1	2	1	119
May	26	78	4		1		109
Jun	26	71	3		1		101
Jul	36	107	3				146
Aug	19	33		3	2	1	58
Sep	21	57	1	1	3		83
Oct	31	81	3	2	1		118
Nov	45	100		4	1		150
Dec	17	74	3	4			98
Total	343	894	26	16	21	5	1305
<b>Grand Total</b>	<b>1237</b>		<b>26</b>	<b>16</b>	<b>21</b>	<b>5</b>	<b>1305</b>

## 7.9 Summary of pending appeals at 31<sup>st</sup> December 2022

Appeal Type	Number Pending
All International Protections Appeals	770
inadmissible Appeal	69
Dublin III	8
Subsequent Appeals	4
Reception Condition Appeals	0
<b>Grand Total</b>	<b>851</b>

## 7.10 Appeal Processing Times

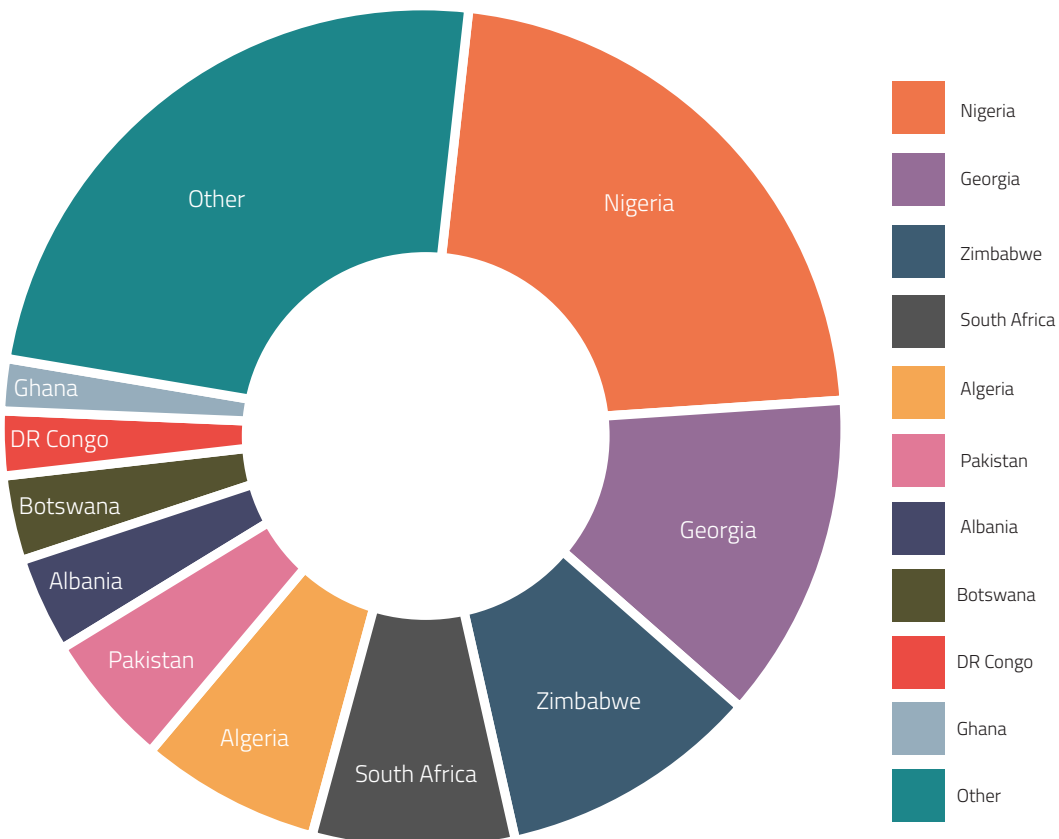
Median Processing Times in Months (For decisions issued in 2022 from 'Appeal Accepted' date to 'Appeal Decision' date)		
Appeal Type	Median	No. of Appeals
Substantive IP Appeal	10	856
Substantive IP Appeal <i>Asylum Only</i>	6.09	28
Substantive IP Appeal <i>SP Only</i>	3.5	4
Accelerated IP Appeal	12.8	343
Subsequent Appeal	4.3	21
Inadmissible Appeal	3.5	16
SP Appeal - Legacy	17.6	6
Dublin III	7.31	26
<b>Total</b>	<b>10.2</b>	<b>1300</b>

Median Processing Times in Months (For appeals lodged and decided in 2022 from 'Appeal Accepted' date to 'Appeal Decision' date)		
Appeal Type	Median	No. of Appeals
Substantive IP Appeal	3.8	299
Substantive IP Appeal <i>Asylum Only</i>	3.7	12
Substantive IP Appeal <i>SP Only</i>	2.9	3
Accelerated IP Appeal	3.9	93
Subsequent Appeal	2.1	9
Inadmissible Appeal	2.9	14
SP Appeal - Legacy	7.2	2
Dublin III	4.3	13
<b>Total</b>	<b>3.7</b>	<b>445</b>

### 7.11 Substantive International Protection Appeals accepted in 2022 by country of origin (table and chart)

Nationality	Total %
Nigeria	24%
Georgia	13%
Zimbabwe	9%
South Africa	6%
Algeria	6%
Pakistan	5%
Albania	5%
Botswana	4%
DR Congo	3%
Ghana	2%
Other	22%

Accepted Appeals Received by Country of Origin

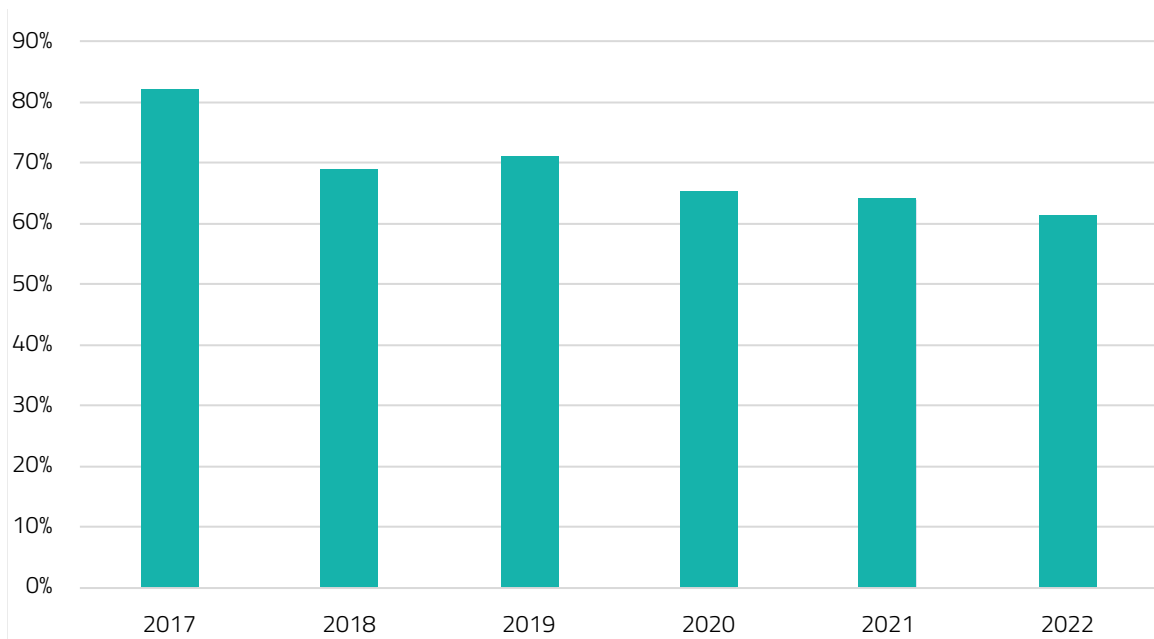


### 7.12 International Protection Single Procedure Appeals 2022 (outcome of appeals)

International Protection Appeals 2022			
Granted / Set Aside - Asylum	Granted / Set Aside Subsidiary Protection (SP)	Total Affirmed	Total Decisions
443	34	760	1237
36%	3%	61%	100%

### 7.13 Analysis of Single Procedure International Protection recommendations affirmed 2017 to 2022

Analysis of IP Single Procedure Affirmed Decisions





## 7.14 Summary of International Protection Appeals Decisions by country of nationality – affirmed and set aside in 2022

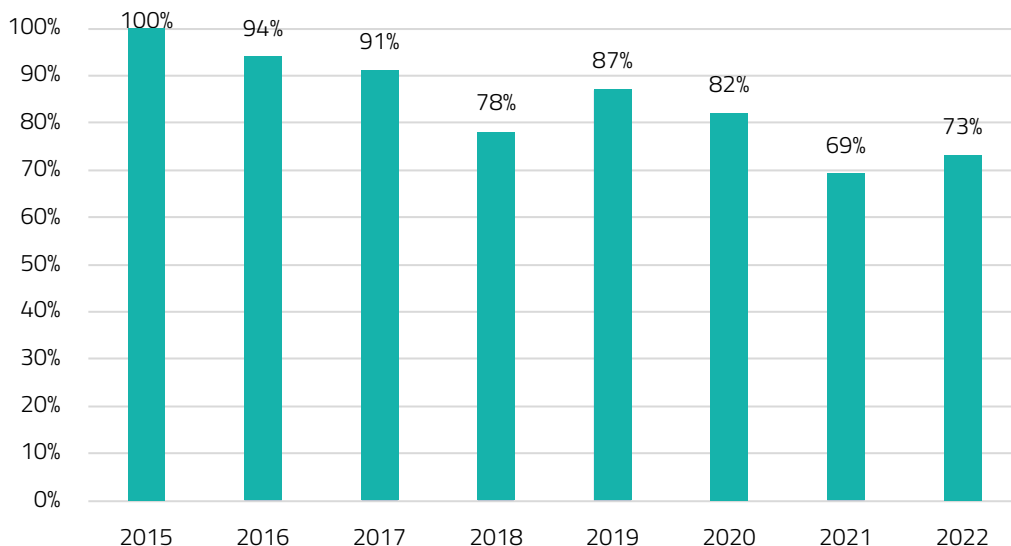
Nationality	Grand Total	Granted / Set Aside	Refused / Affirmed	Set Aside % of Total Decisions	Affirmed % of Total Decisions
Georgia	201	50	151	25%	75%
Nigeria	182	63	119	35%	65%
Zimbabwe	136	83	53	61%	39%
Albania	130	34	96	26%	74%
Pakistan	94	37	57	39%	61%
South Africa	89	20	69	22%	78%
Algeria	43	7	36	16%	84%
DR Congo	34	19	15	56%	44%
Brazil	32	18	14	56%	44%
Bangladesh	27	6	21	22%	78%
Other	269	140	129	52%	48%
<b>Grand Total</b>	<b>1237</b>	<b>477</b>	<b>760</b>	<b>39%</b>	<b>61%</b>

## 7.15 Dublin III Regulation Decisions affirmed and set aside in 2022

Appeal Type	Affirmed		Set Aside		Total	
	No. of Decisions	%	No. of Decisions	%	No. of Decisions	%
Dublin III	19	73%	7	27%	26	100%

## 7.16 Analysis of Dublin Regulation Decisions 2015 to 2022

### Analysis of Dublin Regulation Affirmed Decisions



## 7.17 Inadmissibility decisions affirmed (s.21)

Appeal Type	Affirmed		Set Aside		Total	
	No. of Decisions	%	No. of Decisions	%	No. of Decisions	%
Inadmissible Appeal	13	81%	3	19%	16	100%

## 7.18 Subsequent application decisions affirmed (s.22)

Appeal Type	Affirmed		Set Aside		Total	
	No. of Decisions	%	No. of Decisions	%	No. of Decisions	%
Subsequent Appeal	12	57%	9	43%	21	100%





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