



An Binse um Achomhairc i dtaobh Cosaint Idirnáisiúnta

*The International Protection Appeals Tribunal*

# International Protection Appeals Tribunal

**Annual Report 2023**





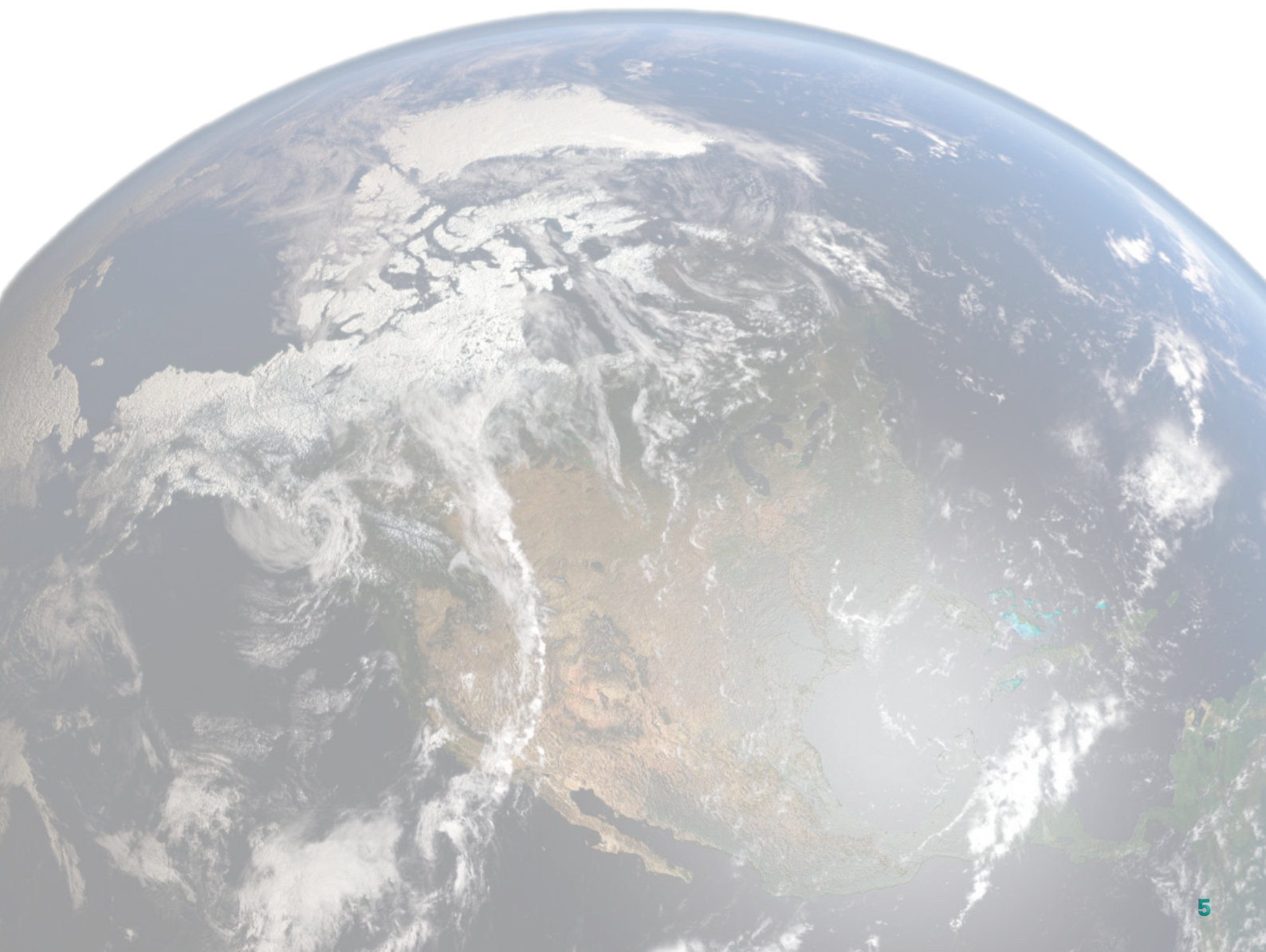
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# Mission Statement

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-focused manner, ensuring compliance with national, EU and international law.





## Foreword by Tribunal Chairperson Hilikka Becker

It is with great pleasure and pride that I present this Annual Report to the Minister for Justice, Ms Helen McEntee TD.

Throughout 2023 the International Protection Appeals Tribunal has continued to make 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, and performing the judicial scrutiny function provided for in Article 39 of Directive 2005/85.

Modernisation measures, most recently the first fully digital international protection appeal files, introduced through the initiatives of the Tribunal administration teams led by Registrars, Pat Murray, who left the Tribunal in March 2023, and, since then, George Sinclair, have enabled the Tribunal to further increase its accessibility and productivity.

Resulting from a substantial increase in applications for international protection since 2022 the Tribunal has seen a further significant increase in appeals coming to it in 2023, rising by over 300% from 1,180 to 4,775. I am pleased to say that the Tribunal succeeded in maintaining its median processing time of under six months in 2023. However, while resources in place for the year enabled the Tribunal to increase its output and conclude just over 1,700 appeals, the year ended with a pending caseload of 3,908 appeals.

I am appreciative of the efforts made by the Department of Justice to bring the Tribunal administration staff numbers and the number of Tribunal Members to a proportionate equivalent to the staff numbers and decision-makers in the International Protection Office. This, along with the Tribunal's own efforts to further increase efficiencies, is essential so that the Tribunal may be in a position to meet the demand arising from the further increase of appeals foreseen in 2024, while striving to maintain its standard of high-quality decision-making in line with national and EU law requirements.

With thanks to all my colleagues within the Tribunal, colleagues in the Department of Justice, the International Protection Office, the state agency sector and in the legal profession for their collaboration and support throughout the year, I look forward to a busy year ahead.

A handwritten signature in black ink that reads "Hilikka Becker".

**Hilikka Becker, Chairperson of the International Protection Appeals Tribunal**

## 1. Introduction

In 2023, the number of applications for international protection continued to be at an unprecedented level, with 13,277 applications made to the International Protection Office, resulting in a caseload of over 18,000 pending applications at the end of 2023. While it is not an exact science to estimate the resulting appeals likely to reach the Tribunal in 2024, and that will of course also depend on the number of recommendations and decisions made by International Protection Officers, it is likely that the Tribunal's pending caseload will increase significantly throughout the coming year.

We can see that this trend, as it did last year, reflects the situation throughout the EU+ countries where some 1.14 million applications for international protection were made, reaching a seven-year high and constituting a further increase of 18 % compared to 2022.

In 2023, the number of appeals reaching the Tribunal increased by over 300% from 1,180 to 4,775. While the number of completed appeals increased by 8% from 1,571 to 1,701, the pending caseload at the end of the year stood at 3,908. The substantial increase in appeals reaching the Tribunal is set to continue throughout 2024 and beyond. Thus it is essential that the Tribunal, as the first-instance appellate 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.

The Tribunal remains committed to maintaining its targets regarding appeals processing times of less than six months. We are pleased to be able to report that the median processing time for all decisions issued in 2023 from 'Appeal Accepted' date to 'Appeal Decision' date stood at 5.5 months, and for appeals that were both accepted and decided in 2023 this was even lower.

The majority of hearings conducted before the Tribunal in 2023 took place remotely by way of remote audio video technology, a vital step in improving access to the legal remedy provided by the Tribunal in line with national law and Ireland's obligations under EU law.

However, as last year, the Tribunal continued to record a high number of hearing postponements. These can arise for a variety of reasons. In the majority of cases, the postponement was granted at the request of an appellant or their legal representative for a number of reasons, including technical issues preventing the appellant from participating in an audio video hearing, the need for additional

time for a legal representative to prepare for the hearing or to obtain relevant documents, or in situations in which the legal representative was unavailable on the date scheduled. 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. Moreover, in an effort to decrease postponement levels, it is intended that where a hearing had to be postponed due to technical difficulties on the first occasion, the hearing will be postponed and re-scheduled as an on-site hearing at the Tribunal premises on the next occasion.

In order to engage and strengthen the Tribunal's synergies across the international protection ecosystem, the Tribunal Chairperson, Deputy Chairpersons, Tribunal Registrar and members of the Tribunal administration team participate regularly in stakeholder engagement with a view, in particular, to further improving the services provided by it. This includes regular engagement with the Tribunal Users' Group, consisting of two barristers nominated by the Bar Council of Ireland and two solicitors nominated by the Law Society of Ireland.

The Tribunal also plays an active role in stakeholder collaboration in relation to the International Protection Office Modernisation Programme, through its input to the Asylum and Migration Pact Department of Justice Cross-Functional Working Group and its participation in Justice Sector Agencies' meetings, as well as direct engagement with the Department of Justice, 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. The Tribunal Chairperson acts as the national contact point for the EUAA Network of Courts and Tribunals from all EU+ countries, as well as the following key stakeholders: The Court of Justice of the European Union and the European Court of Human Rights, International and European judicial associations: the IARMJ and the Association of European Administrative Judges, other stakeholders, such as the European Judicial Training Network, the Academy of European Law, the European Union Agency for Fundamental Rights, and the UN High Commissioner for Refugees.





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The Tribunal Registrar is actively involved in the EUAA Registries Platform initiative and has been invited to participate in the Platform’s Steering Committee which is due to commence work in early 2024.

### Structure of the Annual Report

Following on from the introduction above, this report will set out the establishment, jurisdiction and membership of the Tribunal in Section 2, provide an overview of the Tribunal’s standards and practices in Section 3 and set out actions undertaken to ensure quality and consistency of decision making in Section 4. The report then moves to focus on the administration of the Tribunal, starting with an executive summary provided by the Tribunal Registrar, and sets out the Tribunal staff levels, staff development and training as well as modernisation measures undertaken by the Tribunal in Section 5. The report provides the Tribunal’s financial report for the year 2023 in Section 6 and provides a detailed statistical overview of the Tribunal’s work in the concluding Section 7.

### The Tribunal at a Glance:



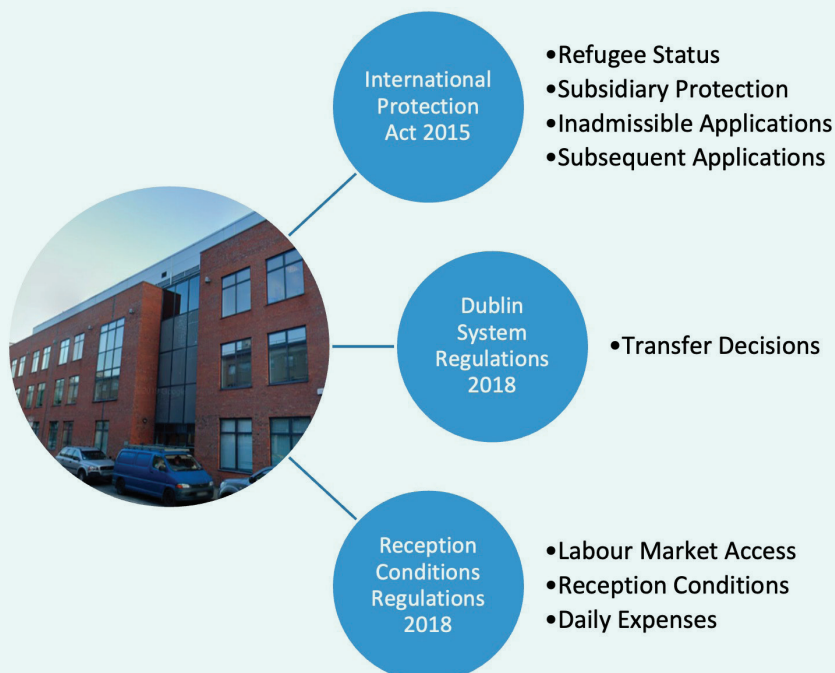
## 2. About the Tribunal

### 2.1. Establishment and Jurisdiction

Part 10 of the International Protection Act 2015 (hereinafter ‘the 2015 Act’) provided for the establishment of the Tribunal as an appellate body providing an effective remedy for applicants for international protection in respect of negative 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 2015 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 concern. 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 III Regulation; and
- Reception conditions in the international protection process, including labour market access.

## 2.2. Membership of the Tribunal

In 2023, the Tribunal’s Membership consisted of:

- the Chairperson, Hilikka Becker,
- two Deputy Chairpersons, Cindy Carroll and Shauna Gillan,

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. All Tribunal Members are appointed for an initial five-year term.

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.

On the 31<sup>st</sup> of December 2023, the Tribunal had a Chairperson, two Deputy Chairpersons, three whole-time Tribunal Members and fifty-seven 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 sixty-six part-time Members during the year. There were nine resignations and twenty-five new part-time Member appointments.

John Buckley, B.L. (W/T)	Mary Forde, Solicitor	Aisling Mulligan, B.L.
Agnes McKenzie, B.L. (W/T)	Denis Halton, B.L.	Mark William Murphy, B.L.
Emma Toal, B.L. (W/T)	Matthew Holmes, B.L.	Helen Murray, B.L.
Ciara Bannerman, B.L.	Christopher Hughes, B.L.	John Noonan, B.L.
Niall Beirne, S.C	Maura Hutchinson, Solicitor	Cormac Ó Dúlacháin, S.C
Stephen Boggs, B.L.	Ciaran Joyce, B.L.	Zeldine O’Brien, B.L.
Maeve Boyle, B.L.	Sarah Kearney, B.L.	Finbar O’Connor, Solicitor
Alan Brady, B.L.	Jacqueline Kelly, Solicitor	Patricia O’Connor, Solicitor
Simon Brady, B.L.	Paul Kerrigan, Solicitor	Bríd O’Flaherty, B.L.
Margaret Browne, B.L.	Michael Kinsley, B.L.	Michelle O’Gorman, B.L.
Eoin Byrne, B.L.	Folasade Bola Kuti-Olaniyi, Solicitor	Philip O’Leary, Solicitor
Mark Byrne, B.L.	Lorraine Lally, B.L.	Ger O’Donovan, B.L.
Allen Cansick, B.L.	Evelyn Larney, Solicitor	Patricia O’Sullivan Lacy, B.L.
Peter Cronin-Burbridge, B.L.	Alex Layden, B.L.	Lalita Pillay, B.L.
Siobhan Cullen, Solicitor	Kevin Lenahan, B.L.	Michael Ramsey, B.L.
Brian Cusack, B.L.	Evelyn Leyden, Solicitor	Nicholas Russell, Solicitor
Arthur Cush, B.L.	Robert Lowe, B.L.	Andrew Sexton, S.C
Oluwafemi Daniyan, B.L.	Colin Lynch, Solicitor	Moira Shipsey, Solicitor
Sharon Dillon-Lyons, B.L.	Dermot Manning, B.L.	Mairead Smith, B.L.
Steven Dixon, B.L.	Ciaran McCarthy, B.L.	Shaun Smyth, B.L.
Leonora Doyle, Solicitor	Michael McGrath, S.C	Majella Twomey, B.L.
Joe Durkan, Solicitor	Fiona McMorrow, B.L.	Ciaran White, B.L.
Miranda Egan-Langley, B.L.	Elizabeth Mitrow, Solicitor	Joanne Williams, B.L.

### 3. The Tribunal’s Standards and Practices

#### 3.1. The Tribunal’s Strategy Statement 2021-2023

The Tribunal’s strategy statement for 2021-2023 is available on the Tribunal’s website <https://www.protectionappeals.ie/>



For the year 2023, the Tribunal’s Mission remained 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-focused manner, ensuring compliance with national, EU and international law. And in that regard, the Tribunal focused on the following strategic priorities throughout the year:

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.**



The Tribunal commenced work on the review of its Strategy in 2023 and is finalising its new Strategy Statement for the coming period 2024–2026.

### 3.2. Public Sector Equality and Human Rights Duty

All staff members have completed training on our Public Sector Duty under the Irish Human Rights and Equality Commission Act 2014.

In its initial Public Sector Duty Policy in 2023, the Tribunal focused on the issue of equality of opportunity. Going forward, the Tribunal intends to focus on the issue of disability. The Tribunal is cognisant of its obligations under the European Convention on Human Rights Act 2003 and endeavours to comply with its obligations as a public body under that Act.

In September 2023, the Tribunal participated in a survey conducted by a researcher with UNHCR on the issue of Public Sector Duty including persons of African descent.

### 3.3. Administrative Practice Note

In order to increase the transparency of the Tribunal's work and to make it more accessible to its customers, the Tribunal has published an Administrative Practice Note which is available on the Tribunal's website and is updated on a regular basis to reflect relevant changes in legislation and practice.

The most recent Administrative Practice Note (APN) was published in May 2023 and appellants, their legal representatives and presenting officers are advised to keep themselves apprised of any changes, which will be noted in the 'News' section of the Tribunal website. By setting out this APN, the Tribunal expects that all parties appearing before the Tribunal will be aware of its procedures. All parties appearing before the Tribunal should be aware that a failure to comply with the provisions of the APN may lead to unnecessary delays in the processing and determining of appeals, and may be considered a failure to co-operate within the meaning of sections 27 and 45 of the 2015 Act. In accordance with the Tribunal's values as set out in its Strategy Statement 2021-2023, the Tribunal is committed to treating all parties who appear before it with respect, dignity and consideration. The Tribunal expects the same standards of behaviour from all parties appearing before it.



## 4. Quality and Consistency of Decision Making

### 4.1. Tribunal Training 2023

#### Training at the Tribunal

The training of Tribunal Members is always of central importance in the Tribunal and 2023 was no exception. As well as the usual internal training for Members, induction training was held for new Members, and details of all training sessions are set out below.

Training is delivered internally in the Tribunal and Members also have the opportunity to avail of external training provided by the European Union Agency for Asylum (EUAA). The training provided by EUAA is particularly relevant for Tribunal Members because it is judicial training, provided by judges and tribunal members. Ten Tribunal Members are in fact members of the EUAA pool of judicial experts and they have delivered professional development workshops to judges and tribunal members from other Member States on a variety of topics. Three Tribunal Members are also involved in preparing the written materials distributed to all courts and tribunals in the Member States dealing with international protection. This is a great honour for the Tribunal.

As well as formal training, informal training is provided in the Tribunal in the form of “Lunch and Learn” sessions, and mentoring. At these sessions Members share practical advice and tips with their colleagues and presentations are given on discrete topics. Due to other work and training commitments, there were not as many “Lunch and Learn” sessions in 2023 as there would normally be, however part-time Members did provide useful feedback for their colleagues on improving processing times.

The new Tribunal Members benefitted significantly from the mentoring they received from more experienced Members. The Tribunal is a collegiate body and the mentors shared insights on best practice in oral hearings and in writing decisions.

#### Induction Training for New Members

Following a competition recruiting new part-time Tribunal Members, twenty-one newly appointed members attended their induction training which took place over four days. The training was led by Hugo Storey, retired Judge of the UK Upper Tribunal, and training modules were also delivered by Chairperson Hilka Becker and Deputy Chairperson Cindy Carroll. One of the Whole-time Members delivered a presentation on file preparation with the other Whole-time Members taking part in a panel discussion.

Further induction training took place in September / October for the remaining new Members.

UNHCR contributed to both Induction Training sessions.

All Tribunal Members are required to attend training on a regular basis. In 2023, the following mandatory trainings were provided:

### **Training Day 1**

The mid-year mandatory training day was held on 16 June and was again led by Hugo Storey, retired Judge of the UK Upper Tribunal, who delivered the Keynote Address, “Are they coming for the Refugee Convention?” At this training day, the Members received training on judge-craft, decision-writing and appeals pursuant to section 43 of the International Protection Act 2015 concerning appellants from countries which have been designated under section 72 of the Act as a safe country of origin. The training concluded with a presentation by Christopher Costigan on the results of the most recent Quality Audit.

### **Training Day 2**

The second mandatory training of the year took place on Friday 1 December. The theme of the day was the assessment and analysis of evidence. Mark Tottenham, B.L. delivered the Keynote Address looking at the role of the expert witness in international protection claims, with a focus on COI and medical reports.

Two of the whole-time Members, John Buckley and Agnes McKenzie delivered a presentation on the topic of COI, sources of COI and the evaluation of COI. They used a practical presentation which had been prepared by Elisabeth Ahmed of the Legal Aid Board, Refugee Documentation Centre.

Part-time Tribunal Member Majella Twomey delivered a practical and entertaining presentation on Credibility Assessment: Tips, tools and traps.

After the lunchtime brainteaser, which focused on bias, Christopher Costigan, Administrative Officer, and Caroline Stephens of UNHCR, addressed the Members on the most recent Quality Audit. The overall position was positive, however the reviewers did identify some areas of concern which will be addressed in 2024.

### Training completed in 2023

- Definition of a Refugee;
- Provisions of the International Protection Act 2015;
- Nationality / Statelessness;
- Identification of material facts;
- Assessment of credibility;
- The meaning of well-founded fear;
- Convention nexus (race, religion, nationality, political opinion, membership of a particular social group);
- Standard of proof;
- Persecution;
- Serious harm;
- Assessment of documents, COI, medical reports;
- State protection;
- Internal protection alternative;
- Exclusion;
- Judge-craft;
- File preparation;
- Dealing with applicants from safe countries of origin;
- Evaluation of evidence.

## 4.2 Statutory Meeting of the Tribunal

The Appeal Decision Support Team from the Tribunal administration attended the Statutory Meeting alongside the Tribunal Members. The Team and the Tribunal Members were asked three questions: three things of which they were proud in 2023, one thing that would make the Tribunal the best that it could be, and one suggestion that would make this possible.

It is clear that Tribunal Members are proud of the decisions produced by the Tribunal and they were high in praise of the transparency exhibited by the Tribunal. Overwhelmingly, Tribunal Members and the Admin Team are of the view that digitalisation is the most important tool to enable the Tribunal to achieve its full potential. The views of the staff Team and Tribunal Members will be taken into account in the completion of the new Strategy Statement 2024-2026.

### 4.3 Quality Audit System

The Tribunal has had a Quality Audit system in place since 2017. Random, systemic sampling of Tribunal decisions is carried out with decisions being anonymised before they are reviewed by both internal and external (UNHCR) reviewers. Roughly ten percent 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 and, in 2022, launched an online review portal, which has streamlined the data collection. The first full review using the new system was completed in 2023 and findings were presented to Tribunal Members at training days in June and December, and shared with the Irish office of the UNHCR.

### 4.4 Chairperson's Guidelines

***Chairperson's Guideline No. 2023/1 on Assigning and Re-Assigning Appeals to Members of the Tribunal by the Registrar*** was published in early 2023.

This Guideline was issued pursuant to section 63(3)(a) of the International Protection Act 2015 (hereinafter 'the 2015 Act') to assist the Registrar of the Tribunal in performing their functions of assigning or re-assigning appeals to Members of the Tribunal pursuant to section 67(2) or (3) of the 2015 Act. It replaced the 'Chairperson's Guidelines on Assigning and Re-Assigning Appeals by the Registrar' of 8<sup>th</sup> March 2017.

The new 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 standards for the reception of applicants for international protection (recast) (hereinafter 'the 2018 Regulations'). In that regard, the Guideline provides that appellants whose ability to benefit from the rights and comply with the obligations provided for in the 2015 Act is limited due to individual circumstances, shall be considered to be in need of special procedural guarantees. The Guideline provides therefore that appeals from 'vulnerable persons' should be assigned to Members, taking such sensitivities into account insofar as it is practicable to do so.

The Chairperson further issued **Chairperson's Guideline No: 2023/2 – Code of Conduct and Rules on Conflict of Interest.**



This Guideline is issued pursuant to section 63(2) of the 2015 Act. It establishes the standards of conduct that govern the professional, ethical and legal responsibilities of Members of the International Protection Appeals Tribunal (hereinafter referred to as ‘the Tribunal’). Members are decision-makers of a quasi-judicial and statutorily independent Tribunal, established pursuant to section 61 of the 2015 Act, providing an effective remedy before a court or tribunal, within the meaning of Article 267 of the Treaty on the Functioning of the European Union (hereinafter referred to as ‘TFEU’).

This Guideline supplements the 2015 Act and Regulations and does not to supplant them. In case of conflict, the provisions of the 2015 Act or relevant Regulation shall take precedence over this Guideline. It should be read in conjunction with the duties set out in the 2015 Act and other legislation, guidelines, codes, policies or other rules applicable to the conduct of Members of the Tribunal. The Code should also be read in conjunction with any applicable conduct requirements established from time to time by professional regulatory bodies.

Work was also commenced on a number of new Guidelines and the first of those, **Chairperson’s Guideline No. 2024/1 – Guidance Note on Country Information**, was published in early 2024.

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

#### 4.5 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 available to Tribunal Members.
5. Determining and shaping the training provided to Tribunal Members internally.
6. Determining the external training relevant to Tribunal 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 Tribunal Member 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 it came into being on the 31<sup>st</sup> of December 2016. This knowledge management project continued in 2023 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 2023 and can be accessed on our Publications page which is located here: <https://www.protectionappeals.ie/other-publications/>.



## Registrar's Executive Summary

I am pleased to present the Registrar's Executive Summary for 2023.

The Tribunal had 851 appeals pending at the start of 2023 and a further 4,775 appeals lodged during the course of 2023. The Tribunal ended the year having completed 1,701 appeals leaving a total of 3,908 appeals pending before it at the end of the year. The number of appeals lodged to the Tribunal in 2023 represents an increase of over 300% on the number of appeals lodged in 2022.

The number of appeals being received is at a level not seen by the Tribunal since it was set up in December 2016. The highest previous number of appeals received by the Tribunal since its establishment was 2,151 in 2018. The high level of appeals resulted from an increase in applications for international protection made to and recommendations being made by the International Protection Office.

In order to address these significant demands on the Tribunal, further resources have been requested by the Tribunal to deliver more appeals in a timely and efficient manner. The staffing levels in the Tribunal administration were increased from thirty-seven staff at the end of 2022 to fifty-nine staff on the 31<sup>st</sup> December 2023. An additional twenty-five part-time Tribunal members and a whole-time member joined the Tribunal in 2023 filling an existing vacancy. Discussions with colleagues in the Department of Justice and the Department of Public Expenditure, NDP Delivery and Reform are ongoing with a view to providing the required resources for the Tribunal to carry out its duties in an efficient and timely manner as demands on its services are continuing to increase.

I am pleased to report that the Tribunal launched a pilot project in November of 2023 with the first paperless digital appeals. This is following on from the paperless application project undertaken by the International Protection Office. The pilot project will be expanded in 2024 and it is expected that the Tribunal will start to see more digital appeals than paper based appeals towards the end of 2024. Digital appeals will be key to delivering more efficient and timely decisions for appellants. The Tribunal is committed to examining all processes to identify and implement further improvements to benefit service users.

I wish to take this opportunity on behalf of the Tribunal to acknowledge Pat Murray, who served as Registrar for the Tribunal up to March 2023. Pat was instrumental in guiding the Tribunal from its establishment through the pandemic and we wish him well.

I would also like to thank the Chairperson and both Deputy Chairpersons for their collaboration throughout the year.

Further thanks go to both Geraldine Kennedy and Deirdre O'Reilly who manage the Operations and Corporate/Secretarial Functions respectively, all the Tribunal staff including our Service Officers as well as all our Tribunal Members for their support and commitment. I also wish to thank our colleagues in the Department of Justice for their continued support and assistance and in particular the Civil Governance Unit, the Human Resources Unit and our colleagues who assist the Tribunal in the delivery of ICT services.

A handwritten signature in black ink, appearing to read 'George Sinclair', written in a cursive style.

**George Sinclair**  
**Registrar**



## 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 2015 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 sixty. 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 Tribunal Staff levels as of 31/12/23

<b>IPAT STAFF LEVELS 31/12/2023</b>	<b>Persons</b>	<b>FTE</b>	<b>Approved Oversight Levels</b>
Chairperson (PO)	1	1	1
Deputy Chairperson (APO)	2	2	2
W/T Tribunal Member (APO)	3	3	4
<b>SUB TOTAL</b>	<b>6</b>	<b>6</b>	<b>7</b>
Principal Officer (Registrar)	1	1	1
Assistant Principal Officer	2	2	2
HEO/Administrative Officers	5	4.6	6
EXECUTIVE OFFICERS	13	12.4	12
CLERICAL OFFICERS	38	36.6	39
<b>SUB TOTAL</b>	<b>59</b>	<b>56.6</b>	<b>60</b>
<b>TOTAL</b>	<b>65</b>	<b>63</b>	<b>67</b>

## 5.2 Tribunal Staff Development and Training

Operational staffing numbers increased considerably in 2023. Onboarding of new staff saw a substantial amount of peer-to-peer and on the job learning. To maintain continual professional development, staff also availed of courses provided by One Learning on an array of areas.

As best practice, all staff completed GDPR and Equality & Human Rights in the Public Service courses provided by the Department of Justice. Again, this year staff continued and commenced further education courses partly funded the by DPENDR.

Staff were also invited to attend and participate in training and information sessions provided to Tribunal Members to further their understanding of the work of the Tribunal and the decision making process.

## 5.3 Modernisation Update

The modernisation focus in 2023 was to deliver a paperless office and streamline administrative tasks, to assist the Tribunal in meeting its increasing workload.

One of the first modernisation updates from this year was the introduction of ‘eDocs’ for cloud-based file storage. Modelled on a Microsoft SharePoint site, ‘eDocs’ has provided us with greater opportunities for file sharing and greater capacity for electronic file storage.

Our application forms were digitised into editable PDFs that appellants and their legal representatives fill in online and submit by email. Thus, removing the need to print, handwrite, and send application forms by post. In line with this update, a selection of new shared email inboxes were introduced and a dedicated Correspondence team established. This is all part of an effort to improve Tribunal communications with shareholders and provide an elevated user experience.

In late September, the Tribunal received its first paperless appeal. This prompted the establishment of a “Paperless Pilot” project, which has been received well by the associated Tribunal Members and continues to be a success. As of January 2024, we have received over 100 paperless appeals, and plan to soon expand the Paperless Pilot to all of our Tribunal Members.

The Tribunal is focused on our modernisation programme for 2024 and beyond. Another project in early development is a digital portal application that will offer appellants an online portal to make their appeal application, submit any relevant submissions, view oral hearing details if necessary, and see their appeal decision. While good progress has been made so far, the Tribunal is just beginning its transformation into a “digital-first”, future-focused workplace.

## 6. Financial Report

The Tribunal is funded by monies voted by the Dáil through the Vote for the Office of the Minister for Justice. Main costs incurred by the Tribunal in 2023 included staff salaries, fees payable to Members of the Tribunal, interpretation and translation costs and IT costs.

<b>Category</b>	<b>Expenditure in 2023</b>
IT Costs	€272,974.52
Member Fees	€832,772.23
Membership of Professional Bodies	€7,850.00
Office and Premises Expenses	€4,107.45
Office Machinery and Other office Supplies	€27,861.42
Postal and Communications Services	€8,527.33
Salaries and Wages	€2,507,944.74
Training and Development	€37,754.69
Translation/Interpretation	€70,052.98
Travel	€1,523.56
<b>Total</b>	<b>€3,771,368.92</b>

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

Member of Tribunal	Fees for 2023
Alan Brady	€980.00
Andrew Sexton	€3,900.00
Brian Cusack	€25,795.00
Bríd O’Flaherty	€28,180.00
Christopher Hughes	€11,195.00
Ciara Bannerman	€980.00
Ciaran Joyce	€1,960.00
Ciaran McCarthy	€3,415.00
Ciaran White	€14,150.00
Colin Lynch	€19,969.00
Cormac Ó Dúlacháin	€10,204.00
Dermot Manning	€4,875.00
Elizabeth Mithrow	€25,840.00
Emma Toal ( <i>Whole Time Member as of 24/04/2023</i> )	€10,655.00
Eoin Byrne	€25,900.00
Evelyn Larney	€980.00
Evelyn Leyden	€6,820.00
Femi Daniyan	€16,795.00
Finbar O’Connor	€15,110.00
Fiona McMorrow	€2,920.00
Folasade Bola Kuti-Olaniyi	€7,790.00
Helen Murray	€980.00
Joanne Williams	€17,290.00
John Noonan	€122,750.00
Lalita Morgan Pillay	€730.00
Leonora Doyle	€34,258.00
Lorraine Lally	€1,280.00
Maeve Boyle	€980.00
Mairead Smith	€2,685.00
Majella Twomey	€32,889.23
Margaret Browne	€28,165.00
Mark Byrne	€42,850.00
Mark William Murphy	€2,925.00
Mary Forde	€19,000.00
Matthew Holmes	€1,955.00
Michael Kinsley	€9,520.00

Michael McGrath	€54,160.00
Miranda Egan Langley	€2,930.00
Moira Shipsey	€9,505.00
Nicholas Russell	€48,930.00
Patricia O'Connor	€7,670.00
Patricia O'Sullivan Lacy	€15,110.00
Paul Kerrigan	€51,560.00
Philip O'Leary	€980.00
Robert Lowe	€3,170.00
Sarah Kearney	€4,150.00
Sharon Dillon Lyons	€21,695.00
Shaun Smyth	€5,110.00
Simon Brady	€122.00
Siobhan Cullen	€980.00
Stephen Boggs	€29,900.00
Stephen Dixon	€11,200.00
Zeldine O'Brien	€8,925.00
<b>Total</b>	<b>€832,772.23</b>



## 7. Statistics 2023

### 7.1. Summary – Tribunal Caseload

<b>2023</b>	
Appeals Received	4775
Cases Scheduled	2091
Decisions Issued	1588
Total Appeals Completed	1701
Live Appeals on Hand at Year End	3908

### 7.2 Summary – Types of Appeals Received

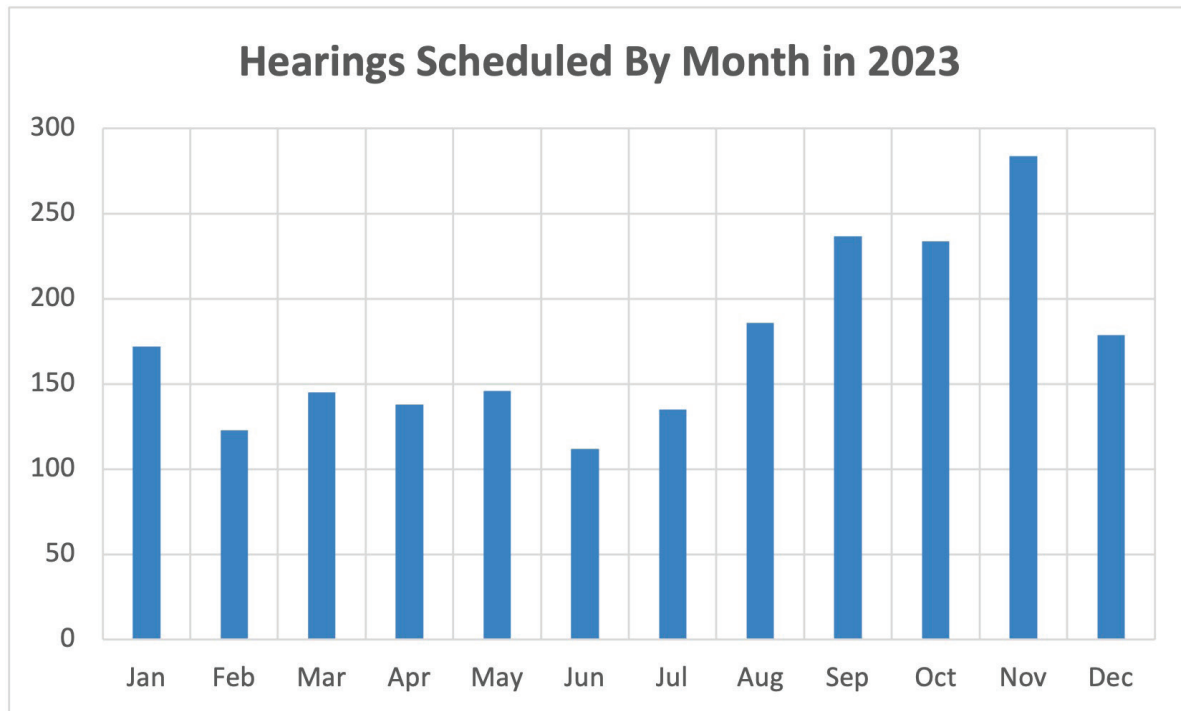
<b>Appeal Type</b>	<b>Appeals Received</b>
All International Protection Appeals	4431
Inadmissible Appeals	180
Subsequent Appeals	7
Dublin III Regulation Appeals	151
Reception Conditions	6
<b>Grand Total</b>	<b>4775</b>

### 7.3 All Appeals Received in 2023

All Appeals Received in 2023							
Month	All International Protection Appeals		Dublin III Regulation Appeals	Inadmissibility Appeals Received (s.21)	Subsequent Appeals Received (s.22)	Reception Conditions Appeals	Grand Total
	Accelerated IP Appeals	Substantive IP Appeals					
Jan	35	43	7	22	0	0	107
Feb	123	96	10	28	0	1	258
Mar	197	183	11	14	0	1	406
Apr	157	145	13	9	0	0	324
May	159	165	14	11	0	0	349
Jun	148	174	11	7	3	0	343
Jul	217	187	10	17	0	0	431
Aug	250	303	19	13	1	1	587
Sep	248	233	10	15	0	1	507
Oct	184	245	11	18	1	0	459
Nov	222	237	14	15	2	2	492
Dec	251	229	21	11	0	0	512
<b>Total</b>	<b>2191</b>	<b>2240</b>	<b>151</b>	<b>180</b>	<b>7</b>	<b>6</b>	<b>4775</b>
<b>Grand Total</b>	<b>4431</b>		<b>151</b>	<b>180</b>	<b>7</b>	<b>6</b>	<b>4775</b>

### 7.4 Number of Hearings Scheduled in 2023 (Table and Chart)

Month	No. of Hearings Scheduled
Jan	172
Feb	123
Mar	145
Apr	138
May	146
Jun	112
Jul	135
Aug	186
Sep	237
Oct	234
Nov	284
Dec	179
<b>Grand Total</b>	<b>2091</b>

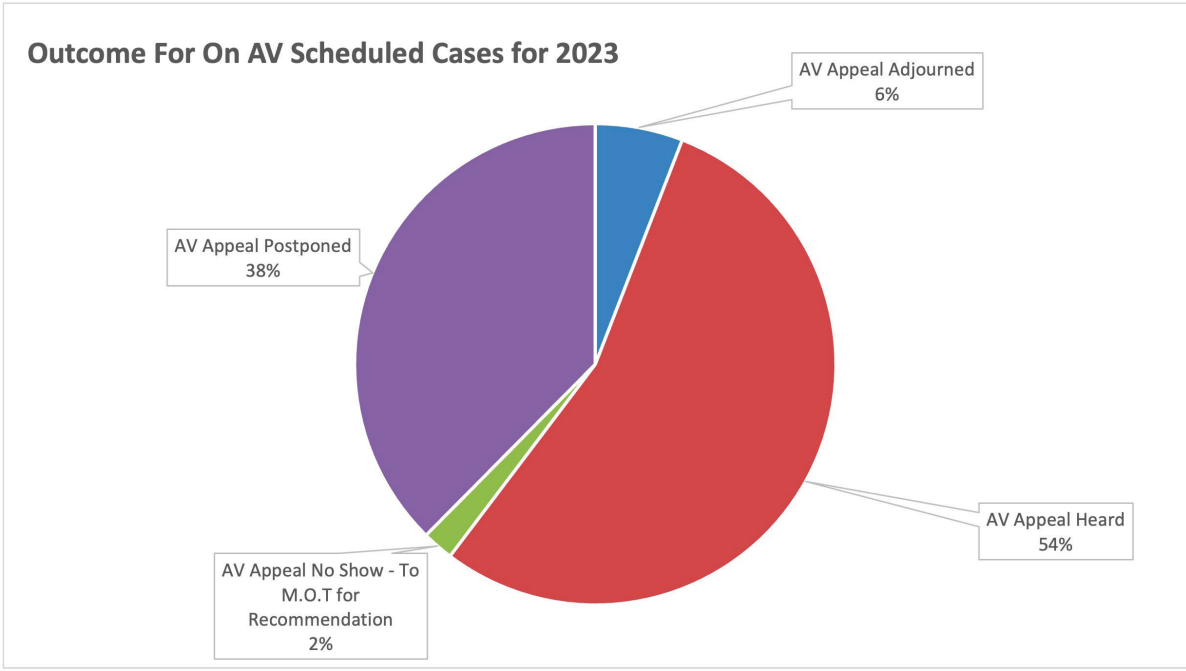
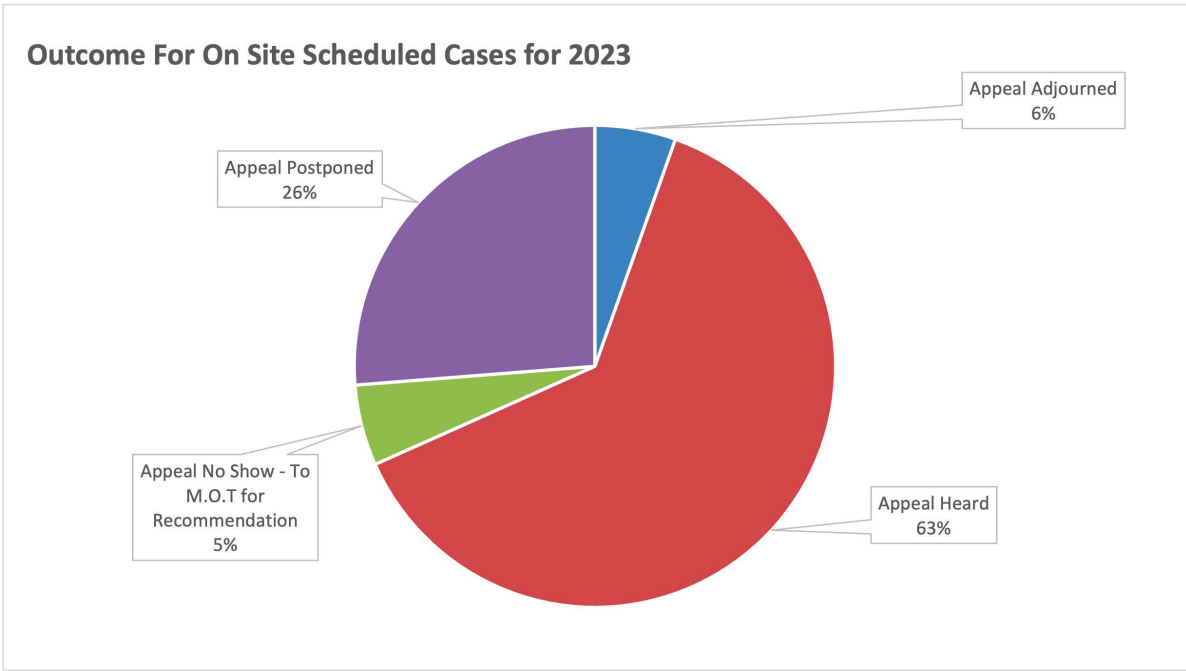


### 7.5 'No Shows' and Withdrawals/Deemed Withdrawals 2023

<b>2023</b>	<b>No. of Appeals</b>
No Shows	51
Appeals Withdrawn/Deemed Withdrawn	113

### 7.6 Number of Postponements and Adjournments

<b>2023</b>	<b>No. of Appeals</b>
Appeals Adjourned	12
Appeals Postponed	58
AV Appeals Adjourned	109
AV Appeals Postponed	696
<b>Grand Total</b>	<b>875</b>



## 7.7 Total Number of Decisions Issued

Month Issued in 2023	No. of Decisions Issued
Jan	125
Feb	142
Mar	160
Apr	120
May	122
Jun	98
Jul	142
Aug	115
Sep	135
Oct	135
Nov	191
Dec	103
<b>Grand Total</b>	<b>1588</b>

## 7.8 All Decisions Issued

All Appeals Decided in 2023							
Month	All International Protection appeals		Dublin III Regulation Appeals	Inadmissibility Appeals Received (s.21)	Subsequent Appeals Received (s.22)	Reception Conditions Appeals	Grand Total
	Accelerated IP Appeals	Substantive IP Appeals					
Jan	24	90	1	10	0	0	125
Feb	21	102	2	17	0	0	142
Mar	31	93	0	33	1	2	160
Apr	35	62	2	21	0	0	120
May	40	65	2	14	1	0	122
Jun	35	51	3	9	0	0	98
Jul	84	48	5	4	1	0	142
Aug	63	46	5	1	0	0	115
Sep	70	57	4	3	0	1	135
Oct	56	69	3	7	0	0	135
Nov	64	94	15	16	0	2	191
Dec	52	40	0	9	1	1	103
<b>Total</b>	<b>575</b>	<b>817</b>	<b>42</b>	<b>144</b>	<b>4</b>	<b>6</b>	<b>1588</b>
<b>Grand Total</b>	<b>1392</b>		<b>42</b>	<b>144</b>	<b>4</b>	<b>6</b>	<b>1588</b>



## 7.9 Summary of Pending Appeals at 31st December 2023

Appeal Type	Number Pending	
Total International Protection Appeals	3682*	
	<i>Substantive IP Appeals 1976</i>	<i>Accelerated IP Appeals 1706</i>
Inadmissible Appeals	104	
Dublin III Regulation Appeals	115	
Subsequent Appeals	7	
Reception Condition Appeals	0	
<b>Grand Total</b>	<b>3908</b>	

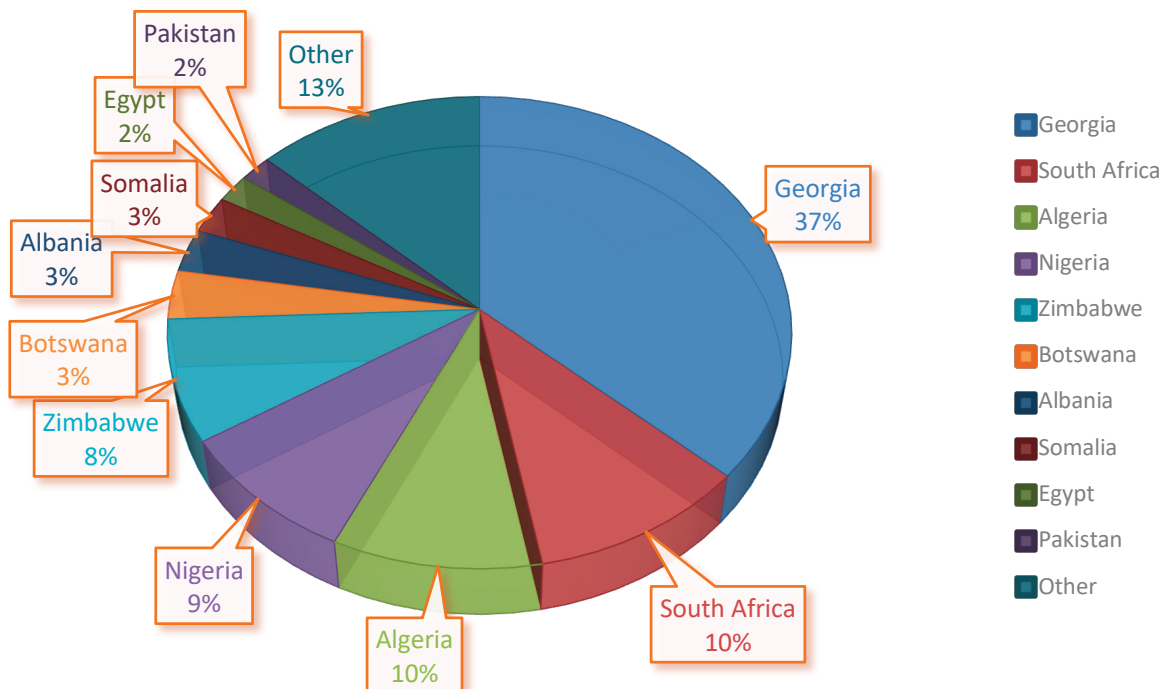
## 7.10 Length of Appeal Process 2023

Median Processing Times in Months		
(For decisions issued in 2023 from 'Appeal Accepted' date to 'Appeal Decision' date)		
Appeal Type	Median	No. of Appeals
Substantive IP Appeals	6.2	817
Accelerated IP Appeals	4.8	575
Subsequent Appeals	5.1	4
Inadmissible Appeals	3.1	144
Dublin III Regulation Appeals	5.8	42
<b>Total</b>	<b>5.5</b>	<b>1582</b>

Median Processing Times in months		
(for Appeals Lodged and decided in 2023 from 'Appeal Accepted' date to 'Appeal Decision' date)		
Appeal Type	Median	No. of Appeals
Substantive IP Appeals	5.7	354
Accelerated IP Appeals	4.5	456
Subsequent Appeals	3.7	1
Inadmissible Appeals	3.5	82
Dublin III Regulation Appeals	5.8	35
<b>Total</b>	<b>5.0</b>	<b>928</b>

### 7.11 Substantive International Protection Appeals Accepted in 2023 by Country

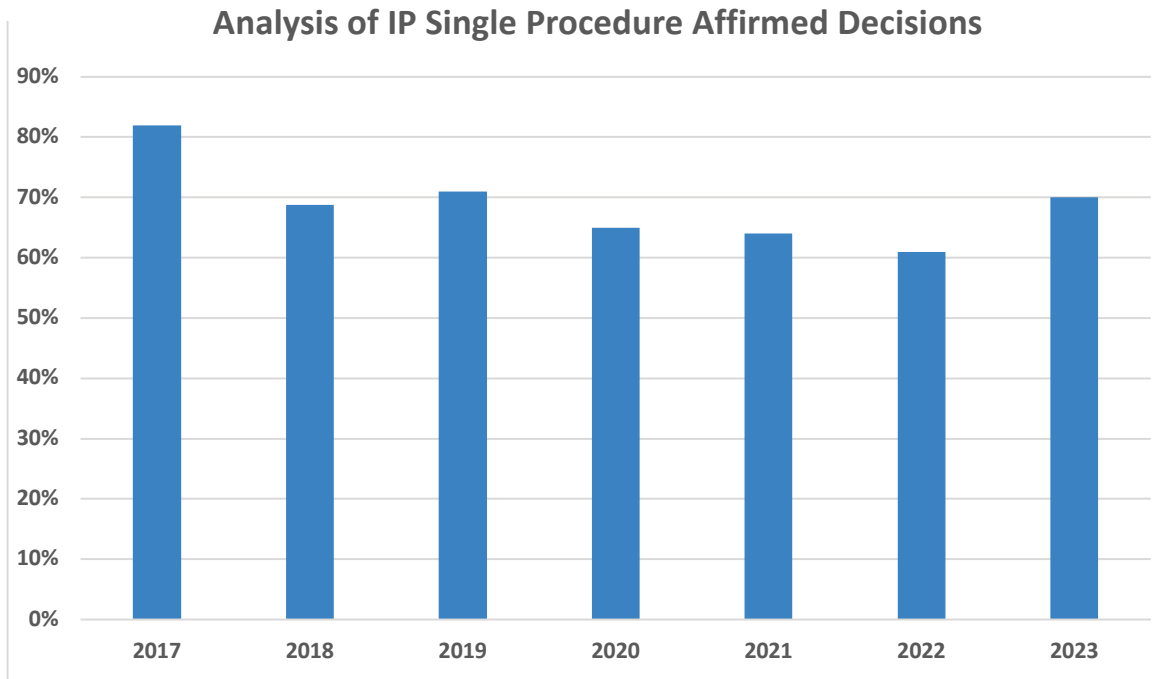
**ACCEPTED APPEALS RECEIVED BY COUNTRY OF ORIGIN**



### 7.12 International Protection Single Procedure Appeals 2023 (Outcome of Appeals)

International Protection Appeals 2023			
Granted/Set Aside – Asylum	Granted/Set Aside – Subsidiary Protection (SP)	Total Affirmed	Total Decisions
389	34	969	1392
<b>28%</b>	<b>2%</b>	<b>70%</b>	<b>100%</b>

### 7.13 Analysis of Single Procedure International Protection Recommendations Affirmed 2017 to 2023



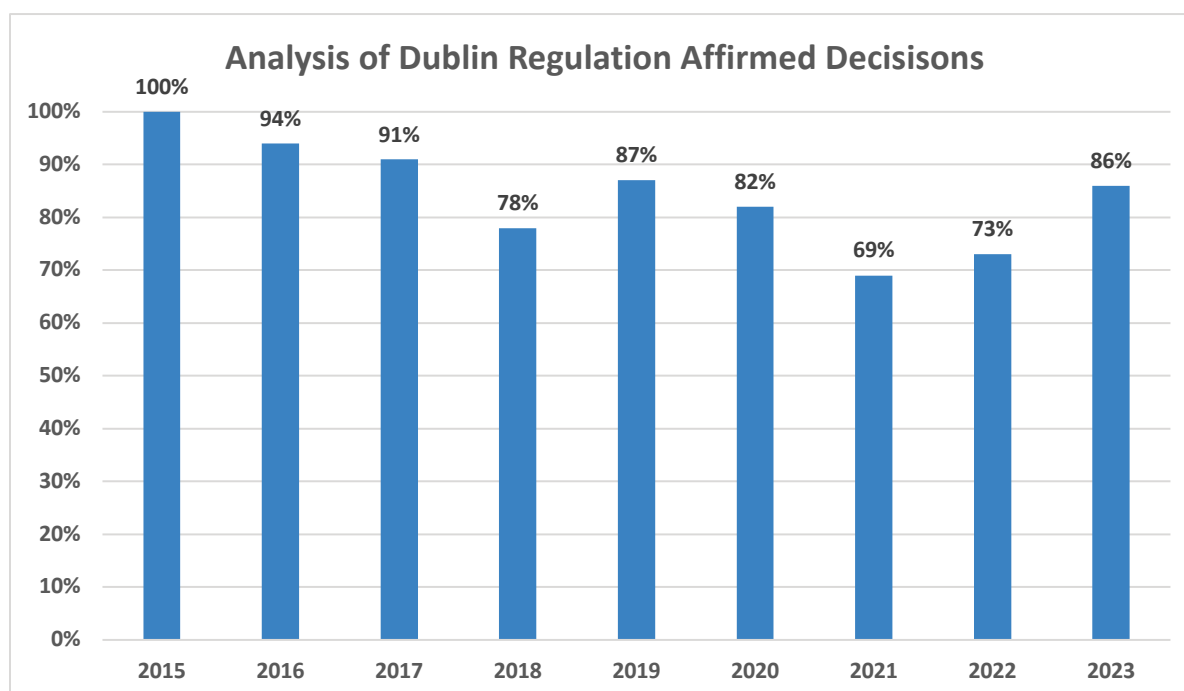
### 7.14 Summary of International Protection Appeals Decisions by Country of Nationality – Affirmed and Set Aside in 2023

Nationality	Grand Total	Granted/ Set Aside	Refused/ Affirmed	Set Aside % of Total Decisions	Affirmed % of Total Decisions
Georgia	436	65	371	15%	85%
Nigeria	221	52	169	24%	76%
Zimbabwe	126	76	50	60%	40%
South Africa	99	41	58	41%	59%
Algeria	97	15	82	15%	85%
Botswana	43	15	28	35%	65%
Albania	43	8	35	19%	81%
Pakistan	35	16	19	46%	54%
DR Congo	30	22	8	73%	27%
Malawi	26	12	14	46%	54%
<b>Other</b>	<b>236</b>	<b>101</b>	<b>135</b>	<b>43%</b>	<b>57%</b>
<b>Grand Total</b>	<b>1392</b>	<b>423</b>	<b>969</b>	<b>30%</b>	<b>70%</b>

## 7.15 Dublin III Regulation Decisions Affirmed and Set Aside in 2023

Appeal Type	Affirmed		Set Aside		Total	
	No. of Decisions	%	No. of Decisions	%	No. of Decisions	%
Dublin III Regulation Appeals	36	86%	6	14%	42	100%

## 7.16 Analysis of Dublin Regulation Decisions 2015 to 2023



## 7.17 Inadmissibility Decisions Affirmed (s.21)

Appeal Type	Affirmed		Set Aside		Total	
	No. of Decisions	%	No. of Decisions	%	No. of Decisions	%
Inadmissible Appeals	126	88%	18	12%	144	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 Appeals	4	100%	0	0%	4	100%



An Binse um Achomhairc i dtaobh Cosaint Idirnáisiúnta

*The International Protection Appeals Tribunal*