



STATUTORY INSTRUMENTS.

S.I. No. 116 of 2017



INTERNATIONAL PROTECTION ACT 2015 (PROCEDURES AND
PERIODS FOR APPEALS) REGULATIONS 2017

INTERNATIONAL PROTECTION ACT 2015 (PROCEDURES AND PERIODS FOR APPEALS) REGULATIONS 2017

I, FRANCES FITZGERALD, Minister for Justice and Equality in exercise of the powers conferred on me by sections 3, 41(4) and 77 of the International Protection Act 2015 (No. 66 of 2015) having regard to the need to observe fair procedures and the need to ensure the efficient conduct of the business of the International Protection Appeals Tribunal and having consulted the chairperson of that Tribunal, hereby make the following regulations:

Citation

1. These Regulations may be cited as the International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017.

Interpretation

2. In these Regulations, “Act of 2015” means the International Protection Act 2015 (No. 66 of 2015).

Prescribed periods

3. The following periods are prescribed for the purposes of the Act of 2015—

- (a) 10 working days, for the purposes of section 21(6),
- (b) 10 working days, for the purposes of section 22(8),
- (c) 15 working days, for the purposes of section 41(2)(a), and
- (d) 10 working days, for the purposes of section 43(a).

Request for extension of prescribed period

4. (1) Where an applicant brings an appeal after the prescribed period has expired, he or she shall set out the reasons why he or she was unable to bring the appeal within the prescribed period and request an extension of that period.

(2) Where the Tribunal receives a notice of appeal after the prescribed period and the notice does not contain a request for an extension of the prescribed period or set out the reasons why the applicant was unable to bring the notice of appeal within the prescribed period the Tribunal shall, by notice in writing, inform the applicant that his or her appeal has been received after the prescribed period has expired and that the Tribunal intends to reject the appeal on that basis.

(3) An applicant may, within 3 working days of receipt of a notice under paragraph (2) by notice in writing seek an extension of the prescribed period

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 31st March, 2017.

and inform the Tribunal of the reasons why he or she was unable to lodge the notice of appeal within that period.

(4) Where the Tribunal receives a request for an extension of the prescribed period under paragraph (1) or (3), the Tribunal shall make a decision to—

- (a) refuse the application for an extension of the prescribed period and reject the appeal, or
- (b) extend the prescribed period.

(5) The Tribunal shall not extend the prescribed period except where it is satisfied that—

- (a) the applicant has demonstrated that there were special circumstances as to why the notice of appeal was submitted after the prescribed period had expired, and
- (b) in the circumstances concerned, it would be unjust not to extend the prescribed period.

(6) In this Regulation “prescribed period” means, in relation to the appeal concerned, the period prescribed in paragraph (a), (b), (c) or (d) of Regulation 3.

Form of appeal

5. (1) An appeal shall be made by notice in writing, and shall—

- (a) in respect of an appeal against a recommendation under section 39(3)(b) or section 39(3)(c) of the Act of 2015, be in the form specified in Schedule 1,
- (b) in respect of an appeal against a recommendation under section 21(3) of the Act of 2015, be in the form specified in Schedule 2, and
- (c) in respect of an appeal against a recommendation under section 22(5) of the Act of 2015, be in the form specified in Schedule 3.

(2) The applicant shall include with the notice of appeal copies of the documents listed therein, except for any documents furnished by the Minister to the Tribunal pursuant to section 44 of the Act of 2015.

(3) The Tribunal shall transmit copies of any additional documentation submitted by an applicant to the Minister.

Notice of Hearings

6. (1) Subject to paragraph (3), the Tribunal shall fix the date, time and location for an oral hearing and shall, not less than 20 working days before such date, send notice of the location, date and time for the oral hearing to the applicant and his or her legal representative, if any, and the Tribunal shall also send a copy of the notice to the Minister.

(2) A notice under paragraph (1) shall include the names of any witnesses directed by the Tribunal to attend the oral hearing.

(3) Paragraph (1) shall not apply where the parties have agreed to a notice period of less than 20 working days in respect of the oral hearing concerned.

(4) A party may not lodge any additional documents with the Tribunal later than 10 working days prior to the date fixed for the oral hearing except—

(a) with the written consent of the Tribunal, or

(b) on the direction of the Tribunal.

(5) The Tribunal shall not consent to a party lodging additional documents under paragraph (4)(a) unless—

(a) the documents concerned are relevant and of probative value,

(b) the documents concerned provide new evidence or information, and

(c) the party concerned, with reasonable effort, could not have lodged the documents concerned prior to 10 working days before the date fixed for the oral hearing.

Conduct of hearings

7. In conducting an oral hearing the Tribunal—

(a) may direct that a hearing proceed in a particular order, and

(b) shall ensure that a witness shall be present at the oral hearing only for the duration of his or her evidence.

Hearing cases together

8. The Tribunal may hear 2 or more oral hearings together where it appears to the Tribunal that—

(a) each of the cases concerned relates to some common matter,

(b) each of the cases concerned relates to members of the same family, or

(c) it is otherwise reasonable and just that the cases should be heard together.

Adjournments

9. The Tribunal may adjourn a hearing to a specified date where it is satisfied that it is in the interests of justice to do so.

Corrections

10. (1) The Tribunal may correct any error or omission in any decision made by the Tribunal under the Act of 2015.

(2) A correction made under paragraph (1) shall be notified to the applicant and his or her legal representative (if any), the Minister and the High Commissioner.

Schedule 1

**International Protection Act 2015
International Protection Appeals Tribunal**

**Schedule 1
International Protection Appeals**

Appeal against a recommendation under section 39(3)(b).
(Recommendation to refuse refugee status only).

Appeal against a recommendation under section 39(3)(c).
(Recommendation to refuse both refugee and subsidiary protection status).

This form should also be used where the recommendation includes findings under section 39(4) resulting in use of accelerated appeals procedures.

Note: If necessary you may attach additional pages to this form. Each additional page should be signed by you at the bottom.

Part 1: Type of appeal

[1.1] Please tick as appropriate:

Refugee Refusal Only

I wish to appeal against the recommendation of the International Protection Officer under section 39(3)(b) of the International Protection Act 2015 that I should not be given a refugee declaration.

OR

Refugee and Subsidiary Protection Refusal

I wish to appeal against the recommendation of the International Protection Officer under section 39(3)(c) of the International Protection Act 2015 that I should be given neither a refugee declaration nor a subsidiary protection declaration.

Part 2: Applicant's Details

[2.1] Personal Reference Number (e.g. 123456-16): _____

[2.2] Full Name: _____

[2.3] Any other Names used: _____

[2.4] Date of Birth: _____

[2.5] Address: _____

[2.6] Telephone Number (*if any*): _____

[2.7] Nationality: _____

[2.8] Details of any dependants included in your appeal:

Name	Date of Birth	Male or Female	Relationship to Applicant	Personal Ref. No.

[2.9] Details of any other family members living in the State:

Name	Date of Birth	Male or Female	Relationship to Applicant	Personal Ref. No.

Notes: If you have other family members with a claim for International Protection pending, the Tribunal may decide to hear the appeals together.

Part 3: Applicants under 18 and in the care of Tusla — The Child and Family Agency (if applicable)

[3.1] Name and address of **Tusla — The Child and Family Agency** representative:

[3.2] If you are in the care of a person other than a parent or **Tusla — The Child and Family Agency**, please insert here the name and address of that person.

Part 4: Legal Representation (if applicable)

[4.1] Do you have legal representation? Yes: No: (*tick as appropriate*).

[4.2] Name and Address of your legal representative:

[4.3] Telephone number: _____

[4.4] Email address: _____

Note: If you instruct a legal representative at a later stage of your appeal you should inform the Tribunal of this immediately and provide the Tribunal with the relevant details.

If you have a legal representative all correspondence in relation to your appeal will be sent to them unless the International Protection Act 2015 requires it to be sent directly to you.

Part 5: Grounds of Appeal

[5.1] Ground 1:

[5.2] Ground 2:

[5.3] Ground 3:

Note: Please state clearly and concisely the grounds on which you are seeking to appeal the recommendation of the International Protection Officer.

- *If you require more space, documentation should be listed on a separate Sheet(s).*

Part 6 (A): Documentation received by the applicant from the International Protection Office/Minister.

- *Please list below all documents that accompanied the notification of recommendation issued to you by the International Protection Office/Minister.*

[6A.1] Document 1: _____

[6A.2] Document 2: _____

[6A.3] Document 3: _____

- *If you require more space, documentation should be listed on a separate Sheet(s)*

NB: You may be required by the Tribunal to supply the documents listed at 6(A) above

Part 6 (B) Additional Documentation to be considered in your appeal.

[6B.1] Document 1: _____

[6B.2] Document 2: _____

[6B.3] Document 3: _____

Note:

- *Please list here all documents and/or records other than those listed at 6(A) above on which you propose to rely for the purposes of your appeal.*
- *If you require more space, documentation should be listed on a separate Sheet(s).*
- **NB: The Documents listed above at 6(B) must accompany this form.**

Part 7: Oral Hearing (if applicable)

[7.1] Do you wish to have an oral hearing in connection with your appeal?

Yes: No: (tick as appropriate)

[7.2] If yes, do you require an interpreter?

Yes: No: (tick as appropriate)

[7.3] If yes, please specify the precise language or dialect for which you require interpretation.

Note: You may not be entitled to an oral hearing if the International Protection Officer has made any finding referred to in section 39(4) as part of their recommendation in your application (accelerated appeals).

Part 8: Accelerated Appeals (if applicable)

[8.1] Please set out any reasons why you consider it in the interests of justice that an oral hearing be held in your appeal.

Note: If the International Protection Officer has made any finding referred to in section 39(4) as part of their recommendation in your application, your appeal shall be decided without an oral hearing and you will be subject to a shorter period to appeal as set out in section 43 of the International Protection Act 2015.

Part 9: Witnesses

Name of Witness(es)	Contact details	Language for Interpretation	Nature, purpose and relevance of the evidence

Note: You can request the Tribunal to direct the attendance of a witness before the Tribunal. Please supply the name, address and telephone number of any such persons. Please also state clearly the nature, purpose and relevance of the evidence proposed to be given by them.

Part 10: Application for Extension of Time (if applicable)

[10.1] Please set out the reasons why you were unable to lodge this appeal on time.

Note: If you are submitting this appeal outside of the time limits set out in the International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017 you must apply for an extension of time within which to lodge your appeal.

Part 11: Authorisation and Confirmation of Applicant

[11.1] I confirm that the answers set out in this form are true and correct.

[11.2] I authorise my legal representative to act on my behalf in respect of all matters with the Tribunal and to receive all correspondence and documents relating to my appeal.

Signed: _____ **Applicant**

Date: ____ / ____ / ____

Note: This part must be signed by the applicant.

Where the applicant is a minor it should be signed on their behalf by a parent/guardian.

Information note

- Please complete all sections of the attached form that apply to your appeal.
- Correspondence relating to your appeal will be sent to the address previously provided by you to the Minister for Justice and Equality unless an alternative address is provided in the attached appeal application form. If you have a legal representative correspondence in relation to your appeal will be sent to them.
- Your application must specify the grounds upon which your appeal is to be based as provided for in section 41(2)(b) of the International Protection Act 2015.
- Any additional information on which you intend to rely must be submitted with your application (unless previously submitted to the International Protection Officer).
- All documents which you submit should be originals where possible.
- You may withdraw your appeal at any time before the making of a decision by the Tribunal by sending a notice of withdrawal to the Tribunal.
- Your application for appeal may be deemed withdrawn if you fail to attend a scheduled oral hearing or where you are deemed to have failed in your duty to cooperate as provided for in section 45 of the International Protection Act 2015.
- This form must be signed by the applicant. It cannot be signed by a legal representative on their behalf.

Schedule 2

International Protection Act 2015
International Protection Appeals Tribunal

Schedule 2
Inadmissible Applications

Appeal against a recommendation under section 21(3).
 (Recommendation that an application is inadmissible)

Note: If necessary you may attach additional pages to this form if required. Each additional page should be signed by you at the bottom.

Part 1: Applicant's Details

[1.1] Personal Reference Number (e.g. 123456-16): _____

[1.2] Full Name: _____

[1.3] Any other Names used: _____

[1.4] Date of Birth: _____

[1.5] Address:

[1.6] Telephone Number (*if any*): _____

[1.7] Nationality: _____

[1.8] Details of any dependants included in your appeal:

Name	Date of Birth	Male or Female	Relationship to Applicant	Personal Ref. No.

[1.9] Details of any other family members in the State:

Name	Date of Birth	Male or Female	Relationship to Applicant	Personal Ref. No.

Name	Date of Birth	Male or Female	Relationship to Applicant	Personal Ref. No.

Part 2: Applicants under 18 and in the care of Tusla — The Child and Family Agency (if applicable)

[2.1] Name and address of Tusla representative:

[2.2] If you are in the care of a person other than a parent or **Tusla — The Child and Family Agency**, please insert here the name and address of that person.

Part 3: Legal Representation (if applicable)

[3.1] Do you have legal representation?

Yes: No: (tick as appropriate)

[3.2] Name and Address of your legal representative:

[3.3] Telephone number: _____

[3.4] Email address: _____

Note: If you instruct a legal representative at a later stage of your appeal, you should inform the Tribunal of this immediately and provide the Tribunal with the relevant details.

If you have a legal representative, all correspondence in relation to your appeal will be sent to them unless the International Protection Act 2015 requires it to be sent directly to you.

Part 4: Grounds of Appeal

[4.1] Ground 1:

[4.2] Ground 2:

[4.3] Ground 3:

Note: Please state clearly and concisely the grounds on which you are seeking to appeal the recommendation of the International Protection Officer.

Your appeal will be determined without an oral hearing. Therefore, it is important to include all the grounds of appeal you wish the Tribunal to consider here.

- If you require more space, documentation should be listed on a separate Sheet(s).

Part 5: New Documentation to be considered in your appeal.

[5.1] Document 1: _____

[5.2] Document 2: _____

[5.3] Document 3: _____

Note: Please list here all documents and/or records on which you propose to rely for the purposes of your appeal. These documents must accompany this form.

There is no need to list the documents you have already received from the International Protection Office as the Tribunal will already have a copy of them.

Your appeal will be determined without an oral hearing. Therefore, it is important to include all new documents you wish the Tribunal to consider here.

- If you require more space, documentation should be listed on a separate Sheet(s).

Part 6: Request for Extension of Time (if applicable)

[6.1] Please set out the reasons why you were unable to lodge this appeal on time.

Note: If you are submitting this appeal outside of the time limits set out in the International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017 you must apply for an extension of time within which to lodge your appeal.

Part 7: Authorisation and Confirmation of Applicant

[7.1] I confirm that the answers set out in this form are true and correct.

[7.2] I authorise my legal representative to act on my behalf in respect of all matters with the Tribunal and to receive all correspondence and documents relating to my appeal.

Signed: _____ Applicant

Date: ____ / ____ / ____

*Note: This part must be signed by the applicant.
Where the applicant is a minor it should be signed on their behalf by a parent/guardian.*

Information note

- An appeal to the International Protection Appeals Tribunal under the above provisions must be brought in notice in writing within 10 days from the date of the sending to you of the notification of the recommendation of the International Protection Officer.
- Under section 21(7) of the International Protection Act 2015, the Tribunal shall make its decision without an oral hearing.
- You must complete all sections of the attached form and you must sign and date the form at part 7.
- Correspondence relating to your appeal will be sent to your legal representative unless the International Protection Act 2015 requires it to be sent directly to you.
- Your application must specify the grounds upon which your appeal is to be based as provided for in section 21(7) of the International Protection Act 2015.
- Any additional information on which you intend to rely must be submitted with your application (unless previously submitted to the International Protection Officer).
- All documentation you submit should be originals.
- You may withdraw your appeal at any time before the making of a decision by the Tribunal by sending a notice of withdrawal to the Tribunal.
- Your application for appeal may be deemed withdrawn where you are deemed to have failed in your duty to cooperate as provided for in section 45 of the International Protection Act 2015.

Schedule 3

**International Protection Act 2015
International Protection Appeals Tribunal**

**Schedule 3
Subsequent Applications**

Appeal against a recommendation under section 22(5).
(Recommendation to refuse permission to make a subsequent application)

Note: If necessary you may attach additional pages to this form. Each additional page should be signed by you at the bottom.

Part 1: Applicant's Details

[1.1] Personal Reference Number (e.g. 123456-16): _____

[1.2] Full Name: _____

[1.3] Any other Names used: _____

[1.4] Date of Birth: _____

[1.5] Address:

[1.6] Telephone Number (*if any*): _____

[1.7] Nationality: _____

[1.8] Details of any dependants included in your appeal:

Name	Date of Birth	Male or Female	Relationship to Applicant	Personal Ref. No.

[1.9] Details of any other family members in the State:

Name	Date of Birth	Male or Female	Relationship to Applicant	Personal Ref. No.

Name	Date of Birth	Male or Female	Relationship to Applicant	Personal Ref. No.

Part 2: Applicants under 18 and in the care of Tusla — The Child and Family Agency (if applicable)

[2.1] Name and address of Tusla — The Child and Family Agency representative:

[2.2] If you are in the care of a person other than a parent or Tusla — The Child and Family Agency, please insert here the name and address of that person.

Part 3: Legal Representation (if applicable)

[3.1] Do you have legal representation?

Yes: No: (tick as appropriate)

[3.2] Name and Address of your legal representative:

[3.3] Telephone number: _____

[3.4] Email address: _____

Note: If you instruct a legal representative at a later stage of your appeal, you should inform the Tribunal of this immediately and provide the Tribunal with the relevant details.

If you have a legal representative, all correspondence in relation to your appeal will be sent to them unless the International Protection Act 2015 requires it to be sent directly to you.

Part 4: Grounds of Appeal

[4.1] Ground 1:

[4.2] Ground 2:

[4.3] Ground 3:

Note: Please state clearly and concisely the grounds on which you are seeking to appeal the recommendation of the International Protection Officer.

Your appeal will be determined without an oral hearing. Therefore, it is important to include all the grounds of appeal you wish the Tribunal to consider here.

- If you require more space, documentation should be listed on a separate Sheet(s).

Part 5: New Documentation to be considered in your appeal

[5.1] Document 1: _____

[5.2] Document 2: _____

[5.3] Document 3: _____

Note: Please list here all documents and/or records on which you propose to rely for the purposes of your appeal. These documents must accompany this form.

There is no need to list the documents you have already received from the International Protection Office as the Tribunal will already have a copy of them.

Your appeal will be determined without an oral hearing. Therefore, it is important to include all new documents you wish the Tribunal to consider here.

- If you require more space, documentation should be listed on a separate Sheet(s).

Part 6: Request for Extension of Time (if applicable)

[6.1] Please set out the reasons why you were unable to lodge this appeal on time:

Note: If you are submitting this appeal outside of the time limits set out in the International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017 you must apply for an extension of time within which to lodge your appeal.

Part 7: Authorisation and Confirmation of Applicant

[7.1] I confirm that the answers set out in this form are true and correct.

[7.2] I authorise my legal representative to act on my behalf in respect of all matters with the Tribunal and to receive all correspondence and documents relating to my appeal.

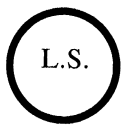
Signed: _____ Applicant

Date: ____ / ____ / ____

Note: This part must be signed by the applicant. Where the applicant is a minor it should be signed on their behalf by a parent/guardian.

Information note

- An appeal to the International Protection Appeals Tribunal under the above provisions must be brought in notice in writing within 10 days from the date of the sending to you of the notification of the recommendation of the International Protection Officer.
- Under section 22(9) of the International Protection Act 2015, the Tribunal shall make its decision without an oral hearing.
- You must complete all sections of the attached form and you must sign and date the form at part 7.
- Correspondence relating to your appeal will be sent to your legal representative unless the International Protection Act 2015 requires it to be sent directly to you.
- Your application must specify the grounds upon which your appeal is to be based as provided for in section 22(9) of the International Protection Act 2015.
- Any additional information on which you intend to rely must be submitted with your application (unless previously submitted to the International Protection Officer).
- All documentation you submit should be originals.
- You may withdraw your appeal at any time before the making of a decision by the Tribunal by sending a notice of withdrawal to the Tribunal.
- Your application for appeal may be deemed withdrawn where you are deemed to have failed in your duty to cooperate as provided for in section 45 of the International Protection Act 2015.



GIVEN under my Official Seal,
29 March 2017.

FRANCES FITZGERALD,
Minister for Justice and Equality.

EXPLANATORY NOTE:

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations set out the time period for appealing recommendations of an International Protection Officer under the International Protection Act 2015. These Regulations also supplement in detail the procedures for making an appeal to the International Protection Appeals Tribunal under the International Protection Act 2015.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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