



STATUTORY INSTRUMENTS.

**S.I. No. 542 of 2022**

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INTERNATIONAL PROTECTION ACT 2015 (PROCEDURES AND  
PERIODS FOR APPEALS) (AMENDMENT) REGULATIONS 2022

INTERNATIONAL PROTECTION ACT 2015 (PROCEDURES AND PERIODS FOR APPEALS) (AMENDMENT) REGULATIONS 2022

I, HELEN MCENTEE, Minister for Justice, in exercise of the powers conferred on me by sections 3 and 41(4) of the International Protection Act 2015 (No. 66 of 2015) (as adapted by the Justice and Equality (Alteration of Name of Department and Title of Minister) Order (S.I. No. 452 of 2020)) having regard to the need to observe fair procedures and having consulted the chairperson of the International Protection Appeals Tribunal, hereby make the following regulations:

1. (1) These Regulations may be cited as the International Protection Act 2015 (Procedures and Periods for Appeals) (Amendment) Regulations 2022.

(2) These Regulations shall come into operation on the 8th day of November 2022.

2. In these Regulations, “Principal Regulations” mean the International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017 (S.I. No. 116 of 2017).

3. The Principal Regulations are amended -

(a) in Regulation 5(1) -

(i) in subparagraph (a), by the substitution of “or, subject to subparagraph (aa),” for “or”, and

(ii) by the insertion of the following subparagraph after subparagraph (a):

“(aa) in respect of an appeal against a recommendation under section 39(3)(c) of the Act of 2015 where the report under section 39 includes any of the findings referred to in section 39(4), be in the form specified in Schedule 1A,”,

(b) in Regulation 6 -

(i) in paragraph (1), by the substitution of “not less than 20 working days or, in relation to an appeal to which section 43 of the Act of 2015 applies, not less than 10 working days” for “not less than 20 working days”,

- (ii) in paragraph (3), by the substitution of “less than 20 working days or, in relation to an appeal to which section 43 of the Act of 2015 applies, less than 10 working days” for “less than 20 working days”,
  - (iii) in paragraph (4), by the substitution of “later than 10 working days or, in relation to an appeal to which section 43 of the Act of 2015 applies, later than 5 working days” for “later than 10 working days”, and
  - (iv) in paragraph (5)(c), by the substitution of “prior to 10 working days or, in relation to an appeal to which section 43 of the Act of 2015 applies, prior to 5 working days” for “prior to 10 working days”,
- (c) by the substitution of the Schedule set out in Schedule 1 for Schedule 1 to the Principal Regulations, and
  - (d) by the insertion of the Schedule set out in Schedule 2 after Schedule 1 to the Principal Regulations.

SCHEDULE 1

*Regulation 3(c)*

**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 not 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:

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[2.6] Telephone Number(s) (if any):

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[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. |
|------|---------------|----------------|---------------------------|-------------------|
|      |               |                |                           |                   |
|      |               |                |                           |                   |
|      |               |                |                           |                   |
|      |               |                |                           |                   |

*Note: 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:

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[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.

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**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:

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[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:

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[5.2] Ground 2:

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[5.3] Ground

3:

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*Note: Please state clearly and concisely the grounds on which you are seeking to appeal the recommendation of the International Protection Officer. An appeal is not valid unless it specifies in writing the grounds of appeal.*

- *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: \_\_\_\_\_

- *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.

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### **Part 8: 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 9: Application for Extension of Time (if applicable)**

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

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

### **Part 10: Authorisation and Confirmation of Applicant**

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

Signed: \_\_\_\_\_ Applicant

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

[10.2] 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 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**  
*Regulation 3(d)*  
**International Protection Act 2015**  
**International Protection Appeals Tribunal**

**Schedule 1A**

**International Protection Appeals – Accelerated procedures**

Appeal against a recommendation under section 39(3)(c).

(Recommendation to refuse both refugee and subsidiary protection status).

This form should ONLY 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] 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(s) (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. |
|------|---------------|----------------|---------------------------|-------------------|
|      |               |                |                           |                   |
|      |               |                |                           |                   |
|      |               |                |                           |                   |
|      |               |                |                           |                   |

*Note: 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:

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[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.

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**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:

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[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:

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[5.2] Ground

2:

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[5.3] Ground

3:

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*Note: Please state clearly and concisely the grounds on which you are seeking to appeal the recommendation of the International Protection Officer. An appeal is not valid unless it specifies in writing the grounds of appeal.*

- *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: \_\_\_\_\_

• *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: Paper based appeals**

[7.1] In accordance with section 43 of the International Protection Act 2015, the Tribunal, unless it considers it is not in the interests of justice to do so, shall make its decision in relation to an accelerated appeal without an oral hearing.

You may set out below any reasons why you are of the view that it is in the interests of justice that an oral hearing be held in your case.

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**Part 8: Application for Extension of Time (if applicable)**

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

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

**Part 9: Authorisation and Confirmation of Applicant**

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

Signed: \_\_\_\_\_ Applicant

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

[9.2] 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 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.

\*Section 39(4) findings

**This form should ONLY be used where the recommendation includes one or more of the following findings:**

- (a) that the applicant, in submitting his or her application and in presenting the grounds of his or her application in his or her preliminary interview or personal interview or at any time before the conclusion of the examination, has raised only issues that are not relevant or are of minimal relevance to his or her eligibility for international protection;
- (b) that the applicant has made inconsistent, contradictory, improbably or insufficient representations which make his or her claim to be eligible for international protection clearly unconvincing;
- (c) that the applicant has failed without reasonable cause to make his or her application as soon as reasonably practicable having had the opportunity to do so;
- (d) that the applicant, for a reason referred to in section 32, is not in need of international protection;
- (e) that the applicant's country of origin is a safe country of origin.



GIVEN under my Official Seal,  
27 October, 2022.

HELEN MCENTEE,  
Minister for Justice.

#### EXPLANATORY NOTE

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

The purpose of these Regulations is to amend the International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017 (S.I. No. 116 of 2017) to further the effective processing of appeal applications by the International Protection Appeals Tribunal.

The Regulations shorten certain time periods connected with the holding of an oral hearing where the appeal is against a report that contains a finding under section 39(4) of the International Protection Act 2015, and IPAT has decided that it is in the interests of justice to hold an oral hearing. The time for sending notice of the oral hearing is reduced to 10 working days in advance of the oral hearing. The time for lodging of additional documents with the Tribunal is reduced to 5 working days.

The Regulations introduce a new and separate application form, Schedule 1A, for use in an appeal against a report that contains a finding under section 39(4) of the International Protection Act 2015. All other appeal applications are to be made on the Schedule 1 form, a revised version of which is provided for in the Regulations.

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