

ADDENDUM TO THE TERMS AND CONDITIONS OF THE BARRISTERS PANEL PROVISION OF ADVICE SERVICES IN INTERNATIONAL PROTECTION CASES

1. This Addendum applies to barristers who are members of the Board's Barristers Panel and have agreed, in accordance with the terms and conditions of the Panel generally and in accordance with the additional or modified terms set out in this Addendum, to provide legal advice and legal aid services to applicants for international protection in the State who have been granted legal advice by the Board in connection with their application and to be entered onto a sub-panel for this purpose.
2. For the purposes of this addendum:
 - a. the phrase "international protection" means an application for refugee status and/or subsidiary protection status in the State and includes for this purposes:
 - i. an application for permission to remain;
 - ii. Any advices that may be sought by the applicant from time to time in relation to the Reception Conditions Directive (Directive 2013/33/EU of 26 June 2013) or the European Communities (Reception Conditions) Regulations 2018;
 - iii. Permission to remain review following a negative IPAT recommendation in relation to refugee and/or subsidiary protection status;
 - iv. The revocation or amendment of a Deportation Order;
 - v. An appeal of a decision by the International Protection Office that the applicant's application for international protection is inadmissible;
 - vi. An appeal of a decision to transfer the applicant to another Member State pursuant to Regulation (EU) 604/2013 ("the Dublin III Regulation").
 - b. The phrase "applicant" means an applicant for legal services in connection with an international protection/permission to remain matter and includes a legally advised or aided person in respect of whom the barrister has been briefed in accordance with this Addendum.
3. The scope of this Addendum and any legal aid certificate granted for representation thereunder shall not extend to representation in judicial review of a negative decision save that the Barrister shall, where on a preliminary consideration of the facts they consider any judicial review issues may arise in relation to a negative decision, advise their instructing solicitor that such issues may arise and that they are in a position to furnish an Opinion in relation to same.
4. This Addendum will apply for a one year period starting 1st January 2023 but may be extended for such further period as the Board may from time to time

decide and the Board may make further extensions on subsequent occasions as deemed appropriate.

5. The Board may, at one months notice, terminate the operation of this Addendum and the sub-panel put in place to facilitate its operation. Termination of the Barristers Panel automatically also terminates this Addendum and the sub-panel put in place to facilitate its operation.
6. Applicants for legal services in connection with an application for international protection will make their applications to law centres as normal. The Board has designated three of its law centres (Smithfield in Dublin, Seville House in Galway and Popes Quay in Cork) for the purposes of providing services in relation to international protection applications and for the purpose of authorising the retention of barristers from the Panel. Any application will be initially processed by one of those centres and the applicant's eligibility for legal services determined.
7. The law centre may select, in line with management guidelines, particular cases in which to brief barristers to provide legal advice and legal aid services. In drawing up guidelines for the manner of referral to the sub-panel the Board will have regard to the desirability of spreading work among the members of the sub-panel to the greatest extent possible.
8. While it is acknowledged that hearings at the International Protection Appeals Tribunal are at present mostly conducted remotely, barristers must be in a position to attend at the International Protection Appeals Tribunal in Dublin should the Tribunal decide to conduct an in person hearing in any particular case or indeed to decide to resume in person hearings generally (and for this purpose it should be noted that any such decision by the Tribunal to do so is outside the control of the Board). Where a barrister is required to attend an in person hearing, travel expenses will be paid to barristers based outside of Dublin in accordance with paragraph 26 of the main body of the Terms and Conditions of the Barristers Panel. For the avoidance of doubt travel expenses will not be paid to a Dublin based barrister for attending a tribunal hearing in Dublin.
9. A law centre solicitor will be assigned to the case and who will be the Barrister's instructing solicitor. The instructing solicitor remains responsible for the provision of a quality legal service to the client.
10. The law centre will also assign a paralegal member of staff who will be the applicant's primary contact point with the law centre and deal with day-to-day queries which may arise. The paralegal will, under the supervision of the solicitor, work with the barrister to ensure the provision of a quality legal

service to the applicant.

11. A legal aid certificate will be furnished with the brief to Counsel which will be the solicitor and Counsel's authority to provide advice in relation to the matter and also where necessary to provide representation before the International Protection Appeals Tribunal.

12. The Barrister will provide services in line with the Board's best practice guidelines for international protection. Without prejudice to the generality of the foregoing, the work the barrister shall carry out shall include but not be limited to:

- a. In the event that the barrister is briefed prior to the completion of the International Protection Questionnaire by the applicant, the barrister shall conduct a first consultation with the applicant, take instructions from the applicant and provide legal advice based on all the information available and having regard to the applicant's requirement to complete the Questionnaire;
- b. In the event that the barrister is briefed following the completion of the Questionnaire and prior to the applicant's interview with the International Protection Office, the barrister shall conduct a first consultation with the applicant and take any necessary further instructions from the applicant and provide legal advice based on all the information contained in the applicant's Application for International Protection Questionnaire;
- c. Following the aforementioned consultation, the barrister shall advise the instructing paralegal / solicitor whether or not the applicant has an arguable claim for refugee or subsidiary protection status.;

Submissions should be made to the IPO following consultation with the applicant and review of the applicant's file. The submission should set out the basis for contending that the client is entitled to refugee status or subsidiary protection. The submission should include a brief synopsis of the facts and link those facts to a statement of the law (see Best Practice Guidelines for further guidance). Submissions should also be made in relation to permission to remain.

- d. Where the Barrister considers that the applicant has grounds to appeal a negative recommendation of the IPO to the International Protection Appeals Tribunal they shall:
 - i. Advise the applicant in relation to any appeal and take instructions;
 - ii. If the applicant so instructs, they shall draft the notice of appeal and furnish such draft to the instructing paralegal / solicitor in

adequate time to enable the instructing paralegal / solicitor have the applicant review and sign the document

- iii. Represent the applicant before the Tribunal.
- e. In the event of a negative recommendation in relation to refugee / subsidiary protection status on appeal and a negative decision having been given in relation to permission to remain, the barrister shall, when instructed to do so, draft representations to the Minister for Justice in relation to a review of the decision in relation to permission to remain in the State.
- f. In the event a Deportation Order is served on the applicant the barrister shall, where their instructing solicitor considers it appropriate and necessary, take instructions from the client and draft written representations as to why the applicant should not have a deportation order made in respect of them or submit grounds upon which the deportation order should be revoked.
- g. The Barrister shall furnish notes of all consultations, all letters written, and all written advices given to the instructing paralegal / solicitor. All such notes shall be clearly legible and ideally be typed. Such documentation should be in electronic form.

13. The law centre will

- a. Furnish a brief to counsel comprising of:
 - i. The applicant's Application for International Protection Questionnaire (or immediately when this becomes available)
 - ii. A note of the information/advices given at key stage 1
 - iii. Any relevant COI information obtained by the law centre prior to the brief to Counsel being furnished;
- b. Attend the barrister in consultations and at the International Protection Appeals Tribunal;
- c. Send any correspondence required based on drafts furnished by Counsel;
- d. Where necessary, submit the Notice of Appeal drafted by the barrister to the Tribunal;
- e. Make any submissions to the Board's Decision Making function for any additional services that are required; and
- f. Maintain a file on the matter

14. Where a Barrister considers that the obtaining of appropriate country of origin information (additional to that supplied as part of the Barrister's brief) would be advantageous to the applicant's case the Barrister may request such information through the Board's Refugee Documentation Centre. This service is free of charge for barristers who are carrying out legal aid work and can be contacted at 01 4776250 or by email to rdc@legalaidboard.ie . An online

query form is available on the Board's website under "Lawyers and Experts → Refugee Documentation Centre"

15. Where a Barrister considers that the obtaining of a medico-legal report is necessary they should contact the instructing paralegal / solicitor who will seek the appropriate authority from the Board for such a report. (It is not envisaged that authority would be refused in circumstances where Counsel recommended the obtaining of such a report).
16. Where an applicant wishes to apply for legal aid to appeal a decision in relation to the material reception conditions under Regulation 21 of the European Communities (Reception Conditions) Regulations 2018 the Barrister is required to seek an amendment to the legal aid certificate through their instructing paralegal / solicitor before carrying out any work in relation to the appeal.
17. It is envisaged that consultations will generally take place in the law centre. The barrister will be attended by the paralegal who will arrange for the availability of a room in the law centre.
18. The law centre will upon request arrange for the provision of an interpreter where the applicant's first language is not English.
19. Barristers will upon receipt of a duly completed claim form be paid a fee for services provided in accordance with the table below. Where a fee is payable for a particular stage of the international protection process then it can be claimed following completion of that stage in accordance with the Schedule below.
20. A Barrister may at any time, by informing the Board, remove their name from the sub-panel established on foot of this Addendum. In such cases the provisions of Paragraph 19 of the main body of the terms and conditions shall apply to the completion of any remaining cases on hand that the Barrister has accepted on foot of this Addendum.
21. The provisions of the Terms and Conditions of the Barristers Panel apply to cases referred on foot of this Addendum save as added to or modified by this Addendum.

Schedule

Case Stage	This fee covers	Fee can be claimed when	Fees		
			Applicant	Spouse	Child
1. Application for International Protection Questionnaire	Assistance with the making an application for international protection and permission to remain in the State, including advice in relation to the provision of material reception conditions and access to the labour market.	An applicant's Application for International Protection Questionnaire has been submitted to the International Protection Office This fee shall also be claimable when the barrister is briefed after the questionnaire has been submitted, but, following a consultation with the applicant the barrister forms the view that it is necessary to submit an amendment to the questionnaire to the IPO and does so.	€300	€150	€85
2. Personal Interview	This fee covers the provision of legal advice in relation to a personal interview with an international protection officer including the making of submissions in relation to international protection and permission to remain and the obtaining of country of origin information.	An international protection officer makes a recommendation to the Minister in relation to an applicant's application for international protection	€300	€150	€85
3. Appeal to the International Protection Appeals Tribunal	This fee covers the drafting of a notice of appeal, legal submissions, and advocacy before the Tribunal.	The Tribunal decides to uphold or overturn the recommendation of the international protection officer	€400	€200	€80
		Where the accelerated appeal procedure under section 43 IPA applies and there is no oral	€250	€175	€80

		hearing, a reduced fee shall be payable.			
4. Review of Permission to Remain (s49)	Provision of legal advice and the making of submissions in relation to a review by the Minister for Justice and Equality in relation to a decision on permission to remain pursuant to section 49 of the International Protection Act 2015.	The applicant is granted permission to remain in the State or a deportation order is made.	€100	€100	€80
5. Revocation or Amendment of Deportation Order	Provision of legal advice in relation to a deportation order made by the Minister for Justice and Equality, pursuant to section 3 of the Immigration Act 1999, to include any representations to the Minister in relation to the possible amendment or revocation of the deportation order	The Minister decides or refuses (as the case may be) to review or amend the deportation order	€250	€175	€80

Notes:

* The fee for a spouse is the fee payable where the applicant is the spouse or partner of another applicant and the same barrister is briefed in respect of both clients (a full fee will be payable for the first applicant in such cases). Where there is an entirely distinct claim a case can be made to the Board for payment of the full fee for the spouse's case.

** The fee for a child who has a separate case is the fee payable where the applicant is the child of another applicant in respect of whom the barrister is briefed and the child has a separate asylum case. A full fee will be payable if the barrister is only representing the child and not either parent.

A brief withdrawn fee may be payable subject to evidence of work carried out on the file where, for example, an applicant instructs alternative legal representation or becomes uncontactable after submission(s) or an appeal have been lodged on behalf of the

applicant but before the applicant's interview or hearing has taken place. The brief withdrawn fee shall be 50% of the highest fee that the barrister would have been entitled to in respect of the stage of work that had been commenced but not completed.

Fees are only payable for services authorised in advance by the Board.

The appropriate fee can be claimed after each stage has taken place.

Table B: Additional fees payable in cases being processed under Regulation (EU) 604/2013 ("Dublin III Regulation")

Case Stage	This fee covers	Fee can be claimed when	Fees		
			Applicant	Spouse	Child
1A. Dublin III Advices and Submissions to IPO	Provision of advices and representations to the Protection Office where the client's application is being processed under the Dublin III Regulation, including advices in relation to Article 5 interview if same has not yet taken place, and to include submissions in relation to Dublin III where appropriate.	A decision on whether or not to transfer to the client to another jurisdiction under Dublin III is taken.	€195	€100	€80
1B. Dublin III Appeal	Provision of advice, drafting notice of appeal and representation at the International Protection Appeals Tribunal for the purpose of an appeal against a decision to transfer the client to another EU jurisdiction on foot of the provisions of the Dublin III Regulation.	The Tribunal decides to uphold or overturn the decision to transfer to the client to another jurisdiction under Dublin III.	€300	€150	€80

Table C

Table C: Other Fees Payable in International Protection Matters

Matter	This fee covers	Fee can be claimed when	Fees		
			Applicant	Spouse	Child
Inadmissible Application (s21 IPA)	Advice, submissions and an appeal to the International Protection Appeals Tribunal in respect of the inadmissibility of an application under Section 21 of the International Protection Act 2015.	The Minister makes a final decision that the application for international protection is inadmissible, or decides to admit the application.	€300	€150	€80
Appeal in relation to the material reception conditions and access to the labour market	Appeal to the International Protection Appeals Tribunal under Regulation 21 of the European Communities (Reception Conditions) Regulations 2018, and where there is an oral hearing. Where there is no oral hearing, a reduced fee shall be payable.	The Tribunal takes a decision in relation to the appeal	€400	€200	€80
			€150	€75	€50