

UPDATE RE ASYLUM LIST PROCEDURES

The following clarifications/ procedures shall have effect from Monday 3rd February, 2020:

1 – ISSUES THAT APPLY TO ALL CASES WHENEVER INSTITUTED

1.1 Abolition of list to fix dates

There will no longer be a list to fix dates. Cases shall be given a date in the case management hearing as they fall ready. That date shall if possible be in the current term during which the date is fixed. The obligations in the Practice Direction to the list to fix dates shall apply instead to the case management hearing at which the date is fixed.

1.2 Case management

The case management form shall be in the revised form attached – in particular the requirement to endeavour to agree dates with the other side is removed. Parties will simply be given a date by the court.

The completed form must not exceed one page (12 point type)

By way of clarification, the form should be prepared by counsel. It is simply an assistance to the court as between counsel and the court and does not bind counsel's professional or lay clients. It is not intended to be a piece of work for which a fee will be recoverable. Nor will it give rise to any form of liability. The purpose of the form is simply to assist the court and any errors/omissions in the form will not be treated as amounting to misleading the court.

The form should not be physically signed but must be prepared electronically and emailed by counsel to the asylum submissions email.

As previously stated, each side should complete a separate form; and the replies are taken as informational summaries only and will not be taken to prejudice the party's pleadings or written or oral submissions.

1.3 Global order in Dublin system cases

Where an applicant obtains the benefit of the global order staying the transfer decision by filing papers in a Dublin system case, he or she and his or her legal representatives are under a duty to ensure that the application is moved promptly, by the second Monday in term after the date of filing, and the papers are served promptly thereafter, by the end of the week in which leave is granted.

Where papers have been filed at any time prior to Monday 3rd February, 2020, but have not been served by that date, parties and their legal representatives are under an obligation to move the ex parte application by Friday 14th February, 2020 if not already moved, and serve the papers on the respondents, if not already served, by that date, or mention the matter to the court by that date to explain failure to do so. Any Dublin system matter not so moved and served, or mentioned, shall be struck out.

The global order by way of a stay is without prejudice to the respondents' entitlement to apply to discharge the stay at any time.

2 – ISSUES THAT APPLY ONLY TO NEW EX PARTE APPLICATIONS ON OR AFTER 3RD FEBRUARY 2020

2.1 Translation

As a pilot procedure, where an ex parte application is in order apart from a translation issue, but the affidavit has been translated by a professional translator who avers to his or her qualifications, papers may be regarded as in order for the purposes of the leave application such that leave may be granted without prejudice to any issue the respondent(s) might raise at the substantive hearing.

2.2 Naming of Respondents

If the matter concerns a decision of the International Protection Office and relief is sought against the International Protection Office (or one of its officers), and is also sought against the International Protection Appeals Tribunal for the purposes of a stay only, the International Protection Office, or the officer concerned should be named as the first respondent.

If relief is otherwise sought against parties including the International Protection Appeals Tribunal, the tribunal should be named as the first respondent.

The tribunal does not need to be named as a respondent if the only relief sought is against the International Protection Office and the Minister, and the time for appealing to the tribunal has expired without an appeal having been lodged.

CASE MANAGEMENT FORM TO BE COMPLETED ONCE SUBMISSIONS FILED

This form completed on behalf of	Applicant(s)/ Respondents(s) [specify which applies]
Case Title	
Record No	
Names of (if applicable) SC BL Solicitor for party completing this form	SC: BL: Solicitor:
Is the case covered by s. 5 of the Illegal Immigrants (Trafficking) Act 2000 or by Order 84?	Section 5/ Order 84 [specify which applies]
Decision/ proposed decision that is the subject of the primary relief (e.g. – Deportation Order, IPAT decision)	
Does the application involve a challenge to the validity of primary, secondary or European legislation or a claim of ECHR incompatibility? (if so specify which legislation)	
Does the application involve a significant novel question of EU law, if so briefly summarise the primary question. This does not include the application of EU law to the particular facts of the case	
Does the application involve a significant novel question of national law, if so briefly summarise the primary question. This does not include the application of national law to the particular facts of the case	

Name of Counsel preparing form: _____

DATED: _____