



STATUTORY INSTRUMENTS.

S.I. No. 381 of 2026

INTERNATIONAL PROTECTION ACT 2026 (SECTIONS 140 AND 198)
(PROCEDURES FOR APPEALS AND REQUESTS TO REMAIN)
REGULATIONS 2026

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I, JIM O'CALLAGHAN, Minister for Justice, Home Affairs and Migration, in exercise of the powers conferred on me by sections 3, 140(8) and 198 of the International Protection Act 2026 (No. 9 of 2026), having regard to the need to observe fair procedures and having consulted the Chief Appeals Officer of the Tribunal for Asylum and Returns Appeals, hereby make the following regulations:

Citation and commencement

1. These Regulations may be cited as the International Protection Act 2026 (Sections 140 and 198) (Procedures for Appeals and Requests to Remain) Regulations 2026.

Definitions

2. In these Regulations –

“Act of 2026” means the International Protection Act 2026 (No. 9 of 2026);

“appeal” means –

- (a) an appeal under section 140(1) of the Act of 2026, or
- (b) an appeal within the meaning of Part 8 of the Act of 2026;

“electronic interface” has the same meaning as it has in section 4 of the Act of 2026;

“relevant person” means a person who –

- (a) brings an appeal, or
- (b) submits a request to remain;

“request to remain” means –

- (a) a request to be allowed to remain in the State submitted in accordance with section 141 of the Act of 2026, or
- (b) a request to be allowed to remain in the State submitted in accordance with section 189 of the Act of 2026.

Form of appeals

3. (1) An appeal shall be made by notice in writing and in such form as the Tribunal may specify.

(2) The Tribunal may specify different forms in respect of different classes of appeals.

(3) Without prejudice to paragraph (1), where a relevant person is registered on an electronic interface in connection with his or her application for international protection, he or she shall submit the notice of appeal by means of that interface.

Form of requests to remain

4. (1) A request to remain shall be submitted in writing and in such form as the Tribunal may specify.

(2) The Tribunal may specify different forms in respect of different classes of requests to remain.

(3) Without prejudice to paragraph (1), where a relevant person is registered on an electronic interface in connection with his or her application for international protection, he or she shall submit the request to remain by means of that interface.

Publication of forms

5. The Tribunal shall publish the forms specified under Regulations 3(1) and 4(1) on a website maintained by or on behalf of the Tribunal.

Notification of requests to remain

6. (1) On receipt of a request to remain within the meaning of paragraph (a) of the definition of “request to remain”, the Tribunal shall transmit a copy of the request to the Minister and notify the Minister of the submission of the request.

(2) On receipt of a request to remain within the meaning of paragraph (b) of the definition of “request to remain”, the Tribunal shall transmit a copy of the request to the Determining Authority and notify the Determining Authority of the submission of the request.

Additional documents, observations

7. (1) A relevant person may include additional documents –

- (a) without prejudice to section 187(8) of the Act of 2026, where he or she is bringing an appeal, with the notice of appeal, and
- (b) where he or she is submitting a request to remain, with the request.

(2) The Tribunal shall transmit to the Minister or the Determining Authority, as the case may be, copies of any additional documentation submitted by a relevant person to the Tribunal in accordance with these Regulations.

(3) The Minister or the Determining Authority, as the case may be, shall, upon the request of the Tribunal, furnish the Tribunal with observations in writing concerning any matter arising on a request to remain and a copy of such observations shall be furnished to the relevant person and his or her legal representative (if any).

Notice of hearings

8. (1) Subject to paragraphs (2) and (3), the Tribunal shall fix the date, time and (other than where the hearing of an appeal is by remote hearing) location for an oral hearing of an appeal and shall, not less than 10 days before such date, send notice of the date, time and location for the oral hearing to the relevant person and his or her legal representative (if any).

(2) The minimum notice requirement under paragraph (1) shall not apply where the parties have agreed to a notice period of less than 10 days in respect of the oral hearing concerned.

(3) The reference in paragraphs (1) and (2) to 10 days shall be construed as a reference to 5 days where the appeal is –

- (a) an appeal within the meaning of paragraph (a) of the definition of “appeal”, or
- (b) an appeal within the meaning of paragraph (b) of the definition of “appeal” and is an appeal from a decision or declaration in respect of an application that was considered in the accelerated examination procedure under Chapter 5 of Part 7 of the Act of 2026 or in the asylum border procedure under Chapter 6 of Part 7 of the Act of 2026.

(4) The Tribunal shall send a copy of a notice under paragraph (1) –

- (a) to the Minister where the notice is in relation to an appeal within the meaning of paragraph (a) of the definition of “appeal”, and
- (b) to the Determining Authority where the notice is in relation to an appeal within the meaning of paragraph (b) of the definition of “appeal”.

(5) Subject to paragraphs (6) and (7), the Tribunal shall fix the date, time and (other than where the hearing of a request is by remote hearing) location for an oral hearing of a request to remain and shall, not less than 5 days before such date, send notice of the date, time and location for the oral hearing to the relevant person and his or her legal representative (if any).

(6) The minimum notice requirement under paragraph (5) shall not apply where the parties have agreed to a notice period of less than 5 days in respect of the oral hearing concerned.

(7) Where a request to remain –

- (a) is a request to remain within the meaning of paragraph (a) of the definition of “request to remain”, or
- (b) is in relation to an appeal from a decision or declaration in respect of an application that was considered in the asylum border procedure under Chapter 6 of Part 7 of the Act of 2026,

the Tribunal shall fix the date, time and (other than where the hearing of a request is by remote hearing) location for an oral hearing and shall, as soon as possible, having regard to the period of time specified in section 141(5) or 189(7) of the Act of 2026, as the case may be, within which the Tribunal shall take a decision

in relation to the request to remain, send notice of the date, time and location for the oral hearing to the relevant person and his or her legal representative (if any).

- (8) The Tribunal shall send a copy of a notice under paragraph (5) or (7) –
 - (a) to the Minister where the notice is in relation to a request to remain within the meaning of paragraph (a) of the definition of “request to remain”, and
 - (b) to the Determining Authority where the notice is in relation to a request to remain within the meaning of paragraph (b) of the definition of “request to remain”.

(9) A notice under paragraph (1), (5) or (7) shall include the names of any witnesses directed by the Tribunal to attend the oral hearing.

(10) A party may not lodge any additional documents with the Tribunal later than 3 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.

(11) The Tribunal shall not consent to a party lodging additional documents under paragraph (10)(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 3 days before the date fixed for the oral hearing.

(12) In this section, “remote hearing” means a hearing in which –

- (a) the participants are not all in the one place, and
- (b) one or more of the participants participate in the hearing by means of electronic communications technology permitting real time transmission and real time two-way audiovisual, or audio, communications.

Conduct of hearings

9. 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

10. 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

11. 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

12. (1) Clerical mistakes in decisions made by the Tribunal under the Act of 2026 in relation to an appeal or a request to remain, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Tribunal.

(2) The Tribunal shall notify any correction made under paragraph (1) to the relevant person and his or her legal representative (if any), to the Minister or the Determining Authority, as the case may be, and to the High Commissioner.



GIVEN under my Official Seal,
29 July, 2026.

JIM O'CALLAGHAN,
Minister for Justice, Home
Affairs and Migration.

EXPLANATORY NOTE

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

These Regulations prescribe, for the purposes of sections 140 and 198 of the International Protection Act 2026, procedures for and in relation to appeals and requests to remain to the Tribunal for Asylum and Returns Appeals, including the holding of oral hearings by the Tribunal.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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