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SCHEDULE

Paragraph 2(3)

FORM 41.48 Form of petition in application under section 103A(1) of the Nationality, Immigration and Asylum Act 2002 for an order requiring the Asylum and Immigration Tribunal to reconsider a decision

Rule 41.48

UNTO THE RIGHT HONOURABLE THE LORDS OF COUNCIL AND SESSION

PETITION

of

[A.B.] (*designation and address*)

for

reconsideration of a decision by the Asylum and Immigration Tribunal

HUMBLY SHEWETH:

1. That the petitioner is (*state designation, title and interest of petitioner*).
2. That on (*date*) the Asylum and Immigration Tribunal decided that (*specify decision to be reconsidered*).
3. That it is declared the Asylum and Immigration Tribunal that made the said decision on (*specify date on which decision was made*) consisted of less than three legally qualified members.
4. That the petitioner seeks an order requiring the Asylum and Immigration Tribunal to reconsider its decision.

(*State briefly the facts in support of the grounds for reconsideration in numbered paragraphs*).

5. (*State briefly in numbered paragraphs the legal argument(s) with reference to enactments or judicial authority on which it is intended to rely*).

MAY IT THEREFORE please your Lordships to order the Asylum and Immigration Tribunal to reconsider its decision and (*insert any additional orders sought*).

According to Justice etc.

(*Signed by counsel or other person having a right of audience*)

FORM 41.52 Form of citation in petition under section 103A of the Nationality, Immigration and Asylum Act 2002

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Rule 41.52

CITATION

Date: (date of posting or other method of service)

To: (name and address of person on whom petition served)

IN HER MAJESTY'S NAME AND AUTHORITY, and in the name and authority of Lord (name), I, (name of agent), solicitor [or person having a right to conduct the litigation], for (name of petitioner) [or (name of messenger-at-arms), messenger-at-arms], serve the attached petition and interlocutor of the court on you.

The interlocutor requires you to lodge written submissions on the petition.

If you intend to lodge written submissions to the petition you must lodge them at the Office of Court, Court of Session, 2 Parliament Square, Edinburgh EH1 1RQ within (specify number of days) days after the date of service on you of the petition. The date of service is the date stated at the top of this citation unless service has been by post in which case the date of service is the day after that date.

IF YOU ARE UNCERTAIN ABOUT THE EFFECT OF THIS CITATION, you should consult a solicitor, Citizens Advice Bureau or other local advice agency or adviser immediately.

(Signed)

Messenger-at-arms

[Solicitor [or Agent] for petitioner]

(Address).

FORM 41.52C Form of notice of intention to pursue application or appeal under the Nationality, Immigration and Asylum Act 2002

NOTICE

BY [A.B.] (*address*)

APPLICANT [*or* APPELLANT]

TAKE NOTICE

Date: (*date of posting or other method of delivery*)

Court Reference Number:

Surname of Applicant/Appellant:

Other names of Applicant/Appellant:

Date of Birth:

Home Office Reference Number:

Date granted leave to enter or remain in UK:

Duration of leave to enter: (*attach copy*)

Date of receipt of decision to grant leave to enter or remain:

I, (*name and address of applicant or appellant*) have a pending appeal or application under the Nationality, Immigration and Asylum Act 2002 in which part of the grounds for appeal to the Court of Session is

- that I am currently in the United Kingdom and have appealed on the ground that my removal would be in breach of the United Kingdom's obligations under the Refugee Convention and that I have now been granted leave to enter or remain for a period exceeding 12 months and I wish to pursue my existing appeal in so far as it is brought on the ground specified in section 84(1)(g) of the Nationality, Immigration and Asylum Act 2002 which relates to the Refugee Convention ground; or
- that I am currently in the United Kingdom and have appealed on race discrimination grounds and that I have now been granted leave to enter or remain and I wish to pursue my existing appeal in so far as it is brought on the ground specified in section 84(1)(b) of the Nationality, Immigration and Asylum Act 2002 which relates to section 19b of the Race Relations Act 1976.*

**delete as appropriate*

(*Signature of Applicant or Appellant*)

This form is to be sent to the Deputy Principal Clerk of Session, 2 Parliament Square, Edinburgh, EH1 1RQ