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STATUTORY INSTRUMENTS

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**1993 No. 1661**

**IMMIGRATION**

**The Asylum Appeals (Procedure) Rules 1993**

<i>Made</i>	- - - -	<i>5th July 1993</i>
<i>Laid before Parliament</i>		<i>5th July 1993</i>
<i>Coming into force</i>	- -	<i>26th July 1993</i>

The Lord Chancellor, in exercise of the powers conferred by section 22 of, and paragraph 25 of Schedule 2 to, the Immigration Act 1971<sup>(1)</sup> and now vested in him <sup>(2)</sup>, after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992 <sup>(3)</sup>, hereby makes the following Rules:

**PART I**  
**INTRODUCTION**

**Citation, commencement and revocation**

**1.**—(1) These Rules may be cited as the Asylum Appeals (Procedure) Rules 1993 and shall come into force on 26th July 1993.

(2) In the 1984 Rules—

- (a) rule 14(2)(b) is hereby revoked; and
- (b) in rule 28, for the words “Rule 8(5)” there shall be substituted the words “Rule 8(4)”.

**Interpretation**

**2.**—(1) In these Rules—

- “the 1984 Rules” means the Immigration Appeals (Procedure) Rules 1984<sup>(4)</sup>;
- “the 1971 Act” means the Immigration Act 1971;

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(1) 1971 c. 77; section 22 was extended by the Asylum and Immigration Appeals Act 1993 (c. 23), section 8(6) and Schedule 2, paragraphs 4(3) and 5(4) and section 9(4).  
(2) The Transfer of Functions (Immigration Appeals) Order 1987, S.I. 1987/465.  
(3) 1992 c. 53.  
(4) S.I. 1984/2041.

“the 1993 Act” means the Asylum and Immigration Appeals Act 1993(5);

“asylum appeal” means any appeal made under any of the subsections (1) to (4) of section 8 of the 1993 Act (including any further appeal that is made in relation to such an appeal) and shall include any appeal which, by virtue of paragraph 3 of Schedule 2 to that Act, shall be dealt with in the same proceedings as the appeal brought under any of those subsections;

“special adjudicator” means an adjudicator designated under section 8(5) of the 1993 Act; and

“the Tribunal” means the Immigration Appeal Tribunal.

(2) In these Rules—

- (a) the time by which any act must be done shall be calculated in the manner provided in rule 32; and
- (b) an application or an appeal is determined when a decision is made as to whether the application should be granted or the appeal allowed.

### **Application**

3.—(1) These Rules shall apply to all asylum appeals.

(2) Subject as provided by these Rules, the 1984 Rules shall not apply to asylum appeals.

(3) These Rules shall apply only to asylum appeals brought in respect of decisions made after these Rules have come into force.

## **PART II**

### **APPEALS TO SPECIAL ADJUDICATORS**

#### **Application of Part II**

4. This Part applies to asylum appeals to a special adjudicator.

#### **Notice of appeal**

5.—(1) Subject to paragraph (2), a person making an asylum appeal (“the appellant”) shall give notice of appeal not later than 10 days after receiving notice of the decision against which he is appealing.

(2) The time limit for giving notice of appeal shall be 2 days in a case where—

- (a) the appeal is made under section 8(1) of the 1993 Act;
- (b) the appeal is one to which paragraph 5 of Schedule 2 to the 1993 Act applies (Secretary of State certifies claim to be without foundation); and
- (c) there has been personal service on the appellant of the notice of the decision against which he is appealing.

(3) Subject to paragraph (4), notice of appeal shall be given—

- (a) by serving on an immigration officer, in the case of an appeal under section 8(1) or (4) of the 1993 Act; and
- (b) by serving upon the Secretary of State, in the case of an appeal under section 8(2) or (3) of the 1993 Act,

the Form prescribed in the Schedule to these Rules (Form A1) which shall be accompanied by the notice (or a copy of the notice) informing the appellant of the decision against which he is appealing and the reasons for the decision.

(4) In any case where an appellant is in custody, service under paragraph (3) may be upon the person having custody of him.

(5) Where any notice of appeal is not given within the appropriate time limit, it shall nevertheless be treated for all purposes as having been given within that time limit if the person to whom it was given under paragraph (3) is of the opinion that, by reason of special circumstances, it is just and right for the notice to be so treated.

(6) Upon receipt of notice of appeal (whether or not the notice was given within the time limit), the immigration officer or (as the case may be) the Secretary of State shall send to the appellant, to a special adjudicator and to the United Kingdom Representative of the United Nations High Commissioner for Refugees the documents specified in paragraph (3) together with (in the case of the appellant and the special adjudicator only) the original or copies of any notes of interview and of any other document referred to in the decision which is being appealed.

(7) A special adjudicator may extend any time limit for giving notice of appeal provided he considers it necessary in the interests of justice.

(8) An extension may be made under paragraph (7) notwithstanding that the period prescribed by the time limit has already expired.

### **Notification of hearing**

6.—(1) The special adjudicator shall not later than 5 days after receiving a notice of appeal serve on—

- (a) the appellant;
- (b) the immigration officer or (as the case may be) the Secretary of State; and
- (c) (if he has given notice in accordance with rule 8(2)) the United Kingdom Representative of the United Nations High Commissioner for Refugees

a notice of the date, time and place fixed for the hearing of the appeal.

(2) The period specified in paragraph (1) shall be 3 days in a case where the appeal is one to which paragraph 5 of Schedule 2 to the 1993 Act applies (Secretary of State certifies claim to be without foundation).

### **Variation of notice of appeal**

7. The notice of appeal may, with the leave of the special adjudicator, be varied by the appellant.

### **Parties**

8.—(1) The parties to an appeal shall be the appellant and the Secretary of State.

(2) The United Kingdom Representative of the United Nations High Commissioner for Refugees shall be treated as a party to an appeal upon giving written notice to the special adjudicator at any time during the course of the appeal that he desires to be so treated.

### **Determination of appeal**

9.—(1) Subject to rule 31, a special adjudicator shall determine an appeal not later than 42 days after receiving notice of the appeal.

(2) The period specified in paragraph (1) shall be 7 days in a case where the appeal is one to which paragraph 5 of Schedule 2 to the 1993 Act applies (Secretary of State certifies claim to be without foundation).

(3) Where an appeal is remitted to a special adjudicator by the Tribunal pursuant to rule 17(3), the special adjudicator shall determine the appeal within 42 days of the appeal being so remitted.

(4) Subject to rule 35 of the 1984 Rules (as applied by these Rules) an appeal shall be determined by hearing unless—

(a) the special adjudicator is satisfied, having regard to the material before him or to the conduct of the appellant, that the appeal has been abandoned by the appellant; or

(b) the decision being appealed against has been withdrawn or reversed, and the special adjudicator is satisfied that written notice of the withdrawal or reversal has been given to the appellant.

(5) The special adjudicator shall determine the appeal without a hearing upon being satisfied in accordance with paragraph (4)(a) or (b).

### **Adjournment of hearings**

**10.**—(1) Subject to rule 9(1) and (2), a special adjudicator may grant an application for an adjournment of a hearing upon being satisfied that there is good cause for the adjournment.

(2) Where a hearing is adjourned, the special adjudicator shall give notice either orally or in writing to every party to the proceedings of the time and place of the adjourned hearing.

### **Promulgation of determination and reasons therefor**

**11.**—(1) Subject to paragraph (4), the special adjudicator shall, wherever practicable, pronounce the determination and the reasons therefor at the conclusion of the hearing.

(2) Subject to paragraph (4), the special adjudicator shall send to every party to the appeal, not later than 10 days after the conclusion of the hearing, written notice of the determination and reasons.

(3) A notice sent under paragraph (2) shall not be invalid by virtue of any failure to comply with the time limit prescribed in that paragraph.

(4) In an appeal to which paragraph 5 of Schedule 2 to the 1993 Act applies (Secretary of State certifies claim to be without foundation), if the special adjudicator agrees that the claim is without foundation, he shall at the conclusion of the hearing pronounce the determination and the reasons therefor and furnish every party to the appeal with written notice of that determination and reasons.

## **PART III**

### **APPEALS TO TRIBUNAL FROM SPECIAL ADJUDICATOR**

#### **Application of Part III**

**12.** This Part applies to appeals to the Tribunal from the determination of a special adjudicator.

#### **Leave to appeal**

**13.**—(1) An appeal shall be brought only with the leave of the Tribunal.

(2) An application for leave to the Tribunal shall be made not later than 5 days after the person making it (“the appellant”) has received notice of the determination against which he wishes to appeal.

(3) An application for leave shall be made by serving upon the Tribunal the Form prescribed in the Schedule to these Rules (Form A2) which shall be accompanied by the document (or copy of the document) recording the special adjudicator's determination.

(4) An application for leave shall be determined not later than 5 days after its receipt by the Tribunal.

(5) An application for leave shall be determined without a hearing unless the Tribunal considers that there are special circumstances making a hearing necessary or desirable.

(6) When an application for leave has been determined, the Tribunal shall forthwith send to the parties to the appeal a notice recording the determination of the application for leave and, where leave to appeal is refused, the reasons for the refusal.

### **Notice of appeal**

**14.**—(1) The application for leave to appeal shall be deemed to be the appellant's notice of appeal and may (as such a notice of appeal) be varied by the appellant with the leave of the Tribunal.

(2) The Tribunal shall not later than 5 days after leave to appeal has been granted serve on the parties to the appeal a notice of the date, time and place fixed for the hearing.

### **Parties**

**15.**—(1) The parties to an appeal shall be the persons who were the parties to the appeal before the special adjudicator.

(2) Where he would not otherwise be a party by virtue of paragraph (1), the United Kingdom Representative of the United Nations High Commissioner for Refugees shall be treated as a party to an appeal upon giving written notice to the Tribunal at any time during the course of the appeal that he desires to be so treated.

### **Time within which appeal is to be determined**

**16.** Subject to rule 31, every appeal under this Part shall be determined not later than 42 days after the date of service on the Tribunal of the appellant's notice of appeal.

### **Determination of appeal**

**17.**—(1) Subject to rule 35 of the 1984 Rules (as applied by these Rules) an appeal shall be disposed of by hearing unless—

- (a) the Tribunal is satisfied, having regard to the material before it or to the conduct of the appellant, that the appeal has been abandoned by the appellant; or
- (b) the decision which was the subject of the asylum appeal has been withdrawn or reversed, and the Tribunal is satisfied that written notice of the withdrawal or reversal has been given to the appellant.

(2) The Tribunal shall determine the appeal without a hearing upon being satisfied in accordance with paragraph (1)(a) or (b).

(3) Where the Tribunal considers it appropriate to do so, it may instead of determining the appeal, remit the case to a special adjudicator for determination by him in accordance with any directions given to him by the Tribunal.

### **Adjournment of hearings**

**18.**—(1) Subject to rule 16, the Tribunal may grant an application for an adjournment of a hearing upon being satisfied that there is good cause for the adjournment.

(2) Where a hearing is adjourned, the Tribunal shall give notice either orally or in writing to every party to the proceedings of the time and place of the adjourned hearing.

**Promulgation of determination and reasons therefor**

19. The Tribunal shall record the determination on any appeal, and the reasons therefor, and shall send to every party to the appeal, not later than 10 days after the conclusion of the hearing, written notice of the determination and reasons.

**PART IV**

**APPEALS FROM TRIBUNAL**

**Application of Part IV**

20. This Part applies to applications for leave to appeal, on a question of law, from a final determination of an asylum appeal by the Tribunal.

**Leave to appeal**

21.—(1) An application to the Tribunal for leave to appeal shall be made not later than 10 days after the party seeking to appeal has received written notice of the determination.

(2) An application for leave shall be made by serving upon the Tribunal a notice of application for leave to appeal in the Form prescribed in the Schedule to these Rules (Form A3).

(3) An application may be determined by the President or a chairman of the Tribunal acting alone.

(4) The Tribunal shall determine the application without a hearing unless it considers that there are special circumstances making a hearing necessary or desirable.

(5) The Tribunal shall determine the application, and shall give the parties to the proceedings written notice of the determination and the reasons therefor, not later than 10 days after the Tribunal has received the application.

**PART V**

**GENERAL PROCEDURE**

**Application of Part V**

22.—(1) This Part applies to—

- (a) proceedings to which Part II applies (appeals to special adjudicator);
- (b) proceedings to which Part III applies (appeals to the Tribunal from special adjudicator);
- (c) proceedings to which Part IV applies (applications for leave to appeal from the Tribunal);
- and
- (d) applications for bail.

(2) Rule 18 of the 1984 Rules shall apply to this Part as it applies to Part III of the 1984 Rules.

(3) Rules 23, 25 to 36, 37 (except paragraph (a)), 38, 40 to 42, 44 and 45 of the 1984 Rules (as applied by this Part) shall apply to this Part as they apply to Part IV of the 1984 Rules.

(4) In the 1984 Rules applied by paragraphs (2) and (3)—

- (a) references to “adjudicator” (other than the reference in rule 33(1) to the chief adjudicator) shall be taken to be references to a special adjudicator; and
  - (b) references to “appellate authority” shall be taken to be references to a special adjudicator or the Tribunal.
- (5) Rules 23 to 28 amend the application of the 1984 Rules for the purposes of this Part.

### **Conduct of proceedings at hearings**

**23.** —In rule 28 of the 1984 rules, the words “and after complying where appropriate with the provisions of Rule 8(4) or 11(3)” shall be omitted.

### **Burden of proof**

**24.** —In rule 31 of the 1984 Rules, the reference in paragraphs (1) and (2) to “the Act” shall be taken to include a reference to the 1993 Act.

### **Hearing of appeal in absence of appellant or other party**

- 25.** —In rule 34 of the 1984 Rules—
- (a) the reference in paragraph (2) to rule 24 (of the 1984 Rules) shall be taken to be a reference to rules 6 and 10(2) of these Rules (in the case of a hearing before a special adjudicator) and to rules 14(2) and 18(2) of these Rules (in the case of a hearing before the Tribunal); and
  - (b) paragraph (5)(a) shall be omitted.

### **Summary determination of appeals**

**26.** —In rule 35 of the 1984 Rules, the reference in paragraph (1) to “previous proceedings” shall be treated as including proceedings under the 1993 Act.

### **Performance of functions of Tribunal**

- 27.** —In rule 42 of the 1984 Rules—
- (a) sub-paragraph (c)(i) shall be omitted;
  - (b) the reference in sub-paragraph (c)(ii) to rule 21(1) shall be taken to be a reference to rule 17(3) of these Rules; and
  - (c) paragraph (c) shall be construed as if it included a reference to rule 31 of these Rules (Tribunal’s power to extend time limit).

### **Notices etc**

- 28.** —In rule 44(1) of the 1984 Rules—
- (a) in paragraph (c) for the words “to the Immigration and Nationality Department (Appeals Section)” there shall be substituted the words “to the Appeals Support Section of the Asylum Division”; and
  - (b) paragraph (d) shall be omitted.

### **Mixed appeals**

**29.**—(1) This rule applies in any case where a person (“the appellant”) is appealing to a special adjudicator or to the Tribunal in relation to any of the grounds mentioned in subsections (1) to (4)

of section 8 of the 1993 Act (“the section 8 appeal”) and is also appealing to an adjudicator or to the Tribunal in relation to other grounds under Part II of the 1971 Act (“the Part II appeal”).

(2) Where the appellant lodges his Part II appeal before his section 8 appeal has been determined by a special adjudicator or (as the case may be) the Tribunal, the special adjudicator or the Tribunal shall deal with both appeals in the same proceedings.

(3) Where the appellant lodges his section 8 appeal before his Part II appeal has been determined by an adjudicator or (as the case may be) the Tribunal, the special adjudicator or (as the case may be) the Tribunal dealing with his section 8 appeal shall deal with both appeals in the same proceedings.

(4) These Rules (so far as they relate to appeals to special adjudicators and to the Tribunal) shall apply to the Part II appeal as if that appeal had been a section 8 appeal and shall continue so to apply even if the section 8 appeal is determined before the Part II appeal.

(5) Nothing in paragraph (4) shall—

- (a) prejudice any steps taken under the 1984 Rules before the appellant lodged the section 8 appeal; or
- (b) require any step to be taken under these Rules which is analogous to a step already taken under the 1984 Rules.

(6) An adjudicator, a special adjudicator or the Tribunal may adjourn a section 8 appeal or a Part II appeal so far as is necessary or expedient for complying with a requirement in this rule to deal with both appeals in the same proceedings.

(7) For the purposes of this rule, a person shall be taken to be appealing if he has given a notice of appeal in accordance with these Rules (in the case of a section 8 appeal) or in accordance with the 1984 Rules (in the case of a Part II appeal) and, in either case, the appeal has not yet been determined.

### **Deemed grant of application**

**30.** Where the Tribunal fails to determine any application for leave under rule 13 within the time prescribed, the application shall be deemed to have been granted.

### **Extension of time limit**

**31.**—(1) Where under these Rules—

- (a) a special adjudicator or the Tribunal is required to determine an appeal; or
- (b) the Tribunal is required to provide written notification of the determination (and the reasons therefor)

at or within a time prescribed, the special adjudicator or (as the case may be) the Tribunal may if necessary extend the time so prescribed either to enable it fairly to determine the appeal or (as the case may be) to provide the notification.

(2) An extension may be made notwithstanding that the time prescribed by the time limit in any case has already expired.

### **Time**

**32.**—(1) Subject to paragraph (2), any notice or other document that is sent or served under these Rules shall be deemed to have been received—

- (a) where the notice or other document is sent by post, on the second day after which it was sent; and
- (b) in any other case, on the day on which the notice or other document was served.

(2) Where under these Rules a notice or other document is sent by post to a special adjudicator or to the Tribunal, it shall be deemed to have been received on the day on which it was in fact received by the special adjudicator or, as the case may be, by the Tribunal.

(3) For the purpose of these Rules, a notice or other document is received by a special adjudicator or by the Tribunal when it is received by any person employed as a clerk to the special adjudicator or Tribunal.

(4) Where under these Rules, an act is to be done not later than a specified period after any event, the period shall be calculated from the expiry of the day on which the event occurred.

(5) Where the time provided by these Rules by which any act must be done expires on a Saturday, Sunday or a bank holiday, Christmas Day or Good Friday, the act shall be done in time if done on the next working day.

(6) Where, apart from this paragraph, the period in question being a period of 10 days or less would include a Saturday, Sunday or bank holiday, Christmas Day or Good Friday, that day shall be excluded.

(7) In this rule, “bank holiday” means a day that is specified in, or appointed under, the Banking and Financial Dealings Act 1971(6) as a bank holiday.

5th July 1993

*Mackay of Clashfern, C.*

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SCHEDULE

Rule 5(3)

FORM A1

Rule 5(3)

SCHEDULE  
FORM A1

*Notice of an appeal to  
a Special Adjudicator  
against a refusal of asylum*

**Asylum Appeal (Form A1)**

Immigration Appellate Authority  
Case Number:

- See Notes 1 and 5

**Part 1 About you**

Your surname or family name:

Your other names:

Your address: *Say where you are living now.  
If you are in a detention centre put its address.*

Telephone number: *Please give a number where you can be contacted during the day.*

Your date of birth:

Your nationality or citizenship:

Have you ever made **any other appeal** which was about **Immigration**?

Put No or Yes:

If you have put **Yes** say

- when you made the appeal: *Please give the case number, if you can.*

- what was the appeal about:

**Part 2 Help with your appeal** (See Note 2)

Will anyone help you prepare or present your appeal? Put No or Yes:

If you have put **Yes** give

The person's name:

Address:

Telephone number:

FAX number:

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**Part 3 The grounds of your appeal**

Please give the **Reference Number** of this Notice of Refusal (Notice of Decision):  
*This number is on the cover of the Notice.*

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Please say why you think the decision to refuse you asylum was wrong:

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**Part 4 Declaration** (See Note 6)

*You, not the person helping you, should sign this form.*

I declare that the information I have given is true and complete to the best of my knowledge and belief.

I appeal to the Special Adjudicator against the decision to refuse me asylum.

Your signature:

Date:

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**Part 5 Documents which you are sending** (See Note 4)

- **You must send the Notice of Refusal (Notice of Decision), or a copy of it, with this form.**
- Are you sending **any other** documents with this form? Put No or Yes:

If you have put **Yes**, say what papers or photographs you are sending:

**You do not have to fill in any more parts of this form.**

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*For the use of the Home Office, the Immigration Officer or Custody Officer*

The appeal was received at \_\_\_\_\_

on \_\_\_\_\_

at \_\_\_\_\_ am/pm

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Who received the appeal?  
\_\_\_\_\_

The application was received by hand  by post  The envelope is attached to this form.  
\_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

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**What to do next**

**To the Custody Officer** You must give, or send, the form to the Home Office or an Immigration Officer.

**To the Home Office or Immigration Officer** You must send to the Immigration Appellate Authority **at once:**

- this form
- the Notice of Decision
- Interview notes and other documents referred to in the decision.

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*For the use of the Immigration Appellate Authority*

The appeal was received at \_\_\_\_\_

on \_\_\_\_\_

at \_\_\_\_\_ am/pm

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Who received the appeal?  
\_\_\_\_\_

The application was received by hand  by post  The envelope is attached to this form.  
\_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

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*Notice of an appeal  
to a Special Adjudicator  
against a refusal of asylum*

**Asylum Appeal (Form A1)**

**Notes**

Use this form if you have been given a Notice of Refusal (Notice of Decision) and you want to appeal against the decision to refuse you asylum.



**1 When to appeal**

**You must appeal within the time which the law allows** (see Rule 5 of the Asylum Appeals (Procedure) Rules 1993).

**Warning:** the time may be as little as 2 working days.

**2 Help with your appeal**

Someone may help you prepare your appeal. They may fill in this form for you but **you** should sign Part 4.

**3 Presenting your appeal**

You may present your appeal (put your case) to the Special Adjudicator or someone may do it for you. This person is called your representative and may be anyone who can be a representative **by law** (see Rule 26 of the Immigration Appeals (Procedure) Rules 1984).

**4 Sending other documents**

**You must send the Notice of Refusal (Notice of Decision), or a copy of it, with this form.**

If you want the Special Adjudicator to see other papers or photographs please send them with this form, if you can.

**5 What to do**

Fill in Parts 1, 2, 3, 4 and 5 of the form, If you need more space use another sheet of paper and put your name on it.

**6 When you have filled in the form**

The Notice of Refusal (Notice of Decision) will tell you the **Section** of the Asylum and Immigration Appeals Act 1993 under which you may appeal.

- If you appeal under **Section 8(1) or 8(4):**

serve this form on **or** send it to  
**an Immigration Officer.**

The address is on the Notice of Refusal (Notice of Decision).

- If you appeal under **Section 8(2) or 8(3):**

serve this form on **or** send it to

**The Secretary of State for the Home Department.**

The address is on the Notice of Refusal (Notice of Decision).

**If you are in custody**

you may serve this form on the person who has custody of you.

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Rule 13(3)

FORM A2

**Application for leave to appeal to the Immigration Appeal Tribunal against a decision of a Special Adjudicator**

**Asylum Appeal (Form A2)**

Immigration Appellate Authority  
Case Number:

- Please put the case number in the box:  
(this number is on the Special Adjudicator's decision)
- See Notes 1 and 5

**Part 1 About you**

Your surname or family name:

Your other names:

Your address: *Say where you are living now.  
If you are in a detention centre put its address*

Telephone number: *Please give a number where you can be contacted during the day.*

Your date of birth:

Your nationality or citizenship:

Have you ever applied for leave to appeal, or appealed, to the Tribunal?

Put No or Yes:

If you have put **Yes** say

- when you applied for leave to appeal, or appealed: *Please give the case number, if you can.*
- what the application, or the appeal, was about:

**Part 2 Help with your appeal** (See Note 2)

Will anyone help you prepare or present your appeal? Put No or Yes:

If you have put **Yes** give

The person's name:

Address:

Telephone number:

FAX number:

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**Part 3    *The grounds of your appeal***

Please say why you think the Special Adjudicator's decision was wrong:

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**Part 4    *Declaration***      (See Note 6)

*You, not the person helping you, should sign this form*

I declare that the information I have given is true and complete to the best of my knowledge and belief.

I appeal for leave to appeal to the Immigration Appeal Tribunal against the Special Adjudicator's decision

Your signature:

Date:

---

**Part 5    *Documents which you are sending***      (See Note 4)

- **You must send the Special Adjudicator's decision, or a copy of it, with this form.**
- Are you sending **any other** documents with this form?    Put No or Yes:

If you have put **Yes**, say what papers or photographs you are sending:

**You do not have to fill in any more parts of this form.**

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*For the use of the Immigration Appeal Tribunal*

The application was received on

at am/pm

Who received the application?

The application was received by hand  by post  The envelope is attached to this form.

Signed

Date

*Application for leave to appeal to the  
Immigration Appeal Tribunal against  
a decision of a Special Adjudicator*

**Asylum Appeal (Form A2)**

**Notes**

If you want to appeal to the Immigration Appeal Tribunal against a decision of a Special Adjudicator, you must first get permission to appeal. This is called leave to appeal.

**But you have no right to apply for leave to appeal if the Special Adjudicator has agreed with the Secretary of State that your claim to asylum is without foundation.**



**1 When to apply for leave to appeal**

You must apply for leave to appeal **within 5 days** of getting the Special Adjudicator's decision (see Rule 13(2) of the Asylum Appeals (Procedure) Rules 1993).

**2 Help with your application**

Someone may help you prepare your application. They may fill in this form for you but you should sign Part 4.

**3 Presenting your application**

You may present your application (put your case) to the tribunal or someone may do it for you. This person is called your representative and may be anyone who can be a representative by law (see Rule 26 of the Immigration Appeals (Procedure) Rules 1984).

**4 Sending other documents**

**You must send the Special Adjudicator's decision, or a copy of it, with this form.** If you want the Tribunal to see other papers, or photographs please send them with this form, if you can.

**5 What to do**

- Use this form to apply for leave to appeal
- Fill in Parts 1, 2, 3, 4 and 5 of the form.  
If you need more space use another sheet of paper and put your name on it.

**6 When you have filled in the form**

Serve it on or send it to  
The Chief Clerk  
Immigration Appeal Tribunal  
231 Strand  
LONDON WC2R 1DA

**If you are in custody**

you may serve this form on the person who has custody of you.

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Rule 21(2)

FORM A3

*Application to the  
Immigration Appeal Tribunal  
for leave to appeal against its decision*

**Asylum Appeal (Form A3)**

Immigration Appellate Authority  
Case Number:

- Please put the case number in the box:  
(this number is on the tribunal's decision)
- See Notes 1 and 4

**Part 1 About you**

Your surname or family name:

Your other names:

Your address: *Say where you are living now.  
If you are in a detention centre put its address*

Telephone number: *Please give a number where you can be contacted during the day.*

Your date of birth:

Your nationality or citizenship:

Have you ever applied for leave to appeal,  
or appealed to the Court of Appeal or Court of Session (in Scotland),  
against a decision of the Immigration Appeal Tribunal? Put No or Yes:

If you have put **Yes** say

- when you applied for leave to appeal, or appealed: *Please give the case number, if you can.*

- what the application, or the appeal, was about:

**Part 2 Help with your appeal** (See Note 2)

Will anyone help you prepare or present your appeal? Put No or Yes:

If you have put **Yes** give

The person's name:

Address:

Telephone number:

FAX number:

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### ***Part 3 The grounds of your appeal***

Please say why you think the Tribunal's decision was wrong:

**(Remember that** you can appeal against  
only **the final decision** of the Tribunal  
**and** only because you think the decision  
was wrong **on a question of law**)

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### ***Part 4 Declaration*** (See Note 5)

*You, not the person helping you, should sign this form*

I declare that the information I have given is true and complete to the best of my knowledge and belief.

I apply to the Immigration Appeal Tribunal for leave to appeal to the Court of Appeal or Court of Session (if the decision was made in Scotland) against the decision of the Immigration Appeal Tribunal.

Your signature:

Date:

**You do not have to fill in any more parts of this form.**

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

***For the use of the Immigration Appeal Tribunal***

The application was received on

at

am/pm

Who received the application?

The application was received by hand  by post  The envelope is attached to this form.

Signed

Date

*Application to the  
Immigration Appeal Tribunal  
for leave to appeal against its decision*

**Asylum Appeal (Form A3)**

**Notes**

If you want to appeal to the Court of Appeal (or Court of Session in Scotland), against a decision of the Immigration Appeal Tribunal, you must first get permission to appeal. This is called leave to appeal. You apply to the Immigration Appeal Tribunal for leave to appeal.

You may appeal against  
only **the final decision** of the Tribunal  
**and** only because you think the decision was  
wrong **on a question of law**.



**1 When to apply for leave to appeal**

You must apply **within 10 days** of getting the Tribunal's decision (see Rule 21(1) of the Asylum Appeals (Procedure) Rules 1993).

**2 Help with your application**

Someone may help you prepare your application. They may fill in this form for you but **you** should sign Part 4.

**3 Presenting your application**

You may present your application (put your case) to the tribunal or someone may do it for you. This person is called your representative and may be anyone who can be a representative **by law** (see Rule 26 of the Immigration Appeals (Procedure) Rules 1984).

**4 What to do**

- Use this form to apply for leave to appeal in **an asylum case**.
- Fill in Parts 1, 2, 3 and 4 of the form.  
If you need more space use another sheet of paper and put your name on it.

**5 When you have filled in the form**

Serve it on **or** send it to

The Chief Clerk  
Immigration Appeal Tribunal  
231 Strand  
LONDON WC2R 1DA

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules prescribe the procedure to be followed in connection with the bringing of appeals under the Asylum and Immigration Appeals Act 1993. These appeals arise out of decisions taken under the Immigration Act 1971 and are founded on the basis that the decisions would, if implemented, be contrary to the United Kingdom's obligations under the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention.

Part I of the Rules covers introductory matters including the definitions of terms used and the date that the Rules come into force. It also repeals Rule 14(2)(b) of the Immigration Appeals (Procedure) Rules 1984 (S.I.1984/2041) which is superseded by these Rules.

Part II covers the bringing of appeals under these Rules to a special adjudicator and provides for notice of an appeal to be given by means of a prescribed form (Rule 5 and Form A1). Rule 9 provides time limits for the determination of an appeal by a special adjudicator.

Part III covers the bringing of appeals from a special adjudicator to the Immigration Appeal Tribunal. Appeals may be brought subject to the leave of that tribunal, the application for leave being made by means of a prescribed form (Rule 13 and Form A2).

Part IV covers the making of applications to the Immigration Appeal Tribunal for leave to bring an appeal from a determination of that tribunal to the Court of Appeal (or to the Court of Session in Scotland). Such an appeal may be brought only on a question of law. Notice of application for leave must be made by means of a prescribed form (Form A3).

Part V covers matters of procedure which are to be followed in connection with the bringing of appeals under these Rules. It incorporates, with modifications, the rules of procedure which are followed in connection with the making of all other immigration appeals (that is, appeals not including an asylum element). Those rules are the Immigration Appeals (Procedure) Rules 1984 referred to above.