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STATUTORY INSTRUMENTS

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**1993 No. 1662**

**IMMIGRATION**

**The Immigration Appeals (Procedure) (Amendment) 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(1) and now vested in him (2), after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992 (3), hereby makes the following Rules:

**Citation, commencement and interpretation**

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

(2) In these Rules, “the 1984 Rules” means the Immigration Appeals (Procedure) Rules 1984 (4).

**Appeals from Immigration Appeal Tribunal**

2. After Part III of the 1984 Rules there shall be inserted the following—

**“PART IIIA**

**APPEALS FROM TRIBUNAL**

**Application of Part IIIA**

**21A.** This Part applies to applications for leave to appeal on any question of law from a final determination of the Tribunal made under section 20 of the Act.

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(1) 1971 c. 77; section 22 was extended by the Asylum and Immigration Appeals Act 1993 (c. 23), 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, amended by S.I. 1991/1545.

### **Leave to appeal**

**21B.**—(1) An application to the Tribunal for leave to appeal shall be made not later than 14 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 Form 4.

(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 give the parties to the proceedings written notice of the determination and of the reasons therefor.”

### **Application of Part IV of the 1984 Rules**

3. In Rule 22 (application of Part IV) after paragraph (1) there shall be inserted the following—  
“(1A) Rules 23 and 26 shall apply in relation to an application for leave under Part IIIA.”

### **Form of notice of application for leave to appeal**

4. The form set out in the Schedule to these Rules shall be added as Form 4 to the forms in the Schedule to the 1984 Rules.

5th July 1993

*Mackay of Clashfern, C.*

SCHEDULE

Rule 4

FORM 4

SCHEDULE  
FORM 4

Rule 4

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

**Immigration Appeal (Form 4)**

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:

*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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**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.**

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*For the use of the Immigration Appeal Tribunal*

The application was received on

at am/pm

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Who received the application?

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

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Signed

Date

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

**Immigration Appeal (Form 4)**

**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 14 days** of getting the Tribunal's decision (see the Immigration Appeals (Procedure) (Amendment) 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).

**What to do**

- Use this form to apply for leave to appeal in any immigration case.  
**Do not use it if the appeal is about asylum.**  
In an asylum appeal use Form A3.
- 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.

**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

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## EXPLANATORY NOTE

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

These Rules amend the Immigration Appeals (Procedure) Rules 1984 (S.I.1984/2041) so as to prescribe the procedure to be followed in connection with applications for leave to appeal to the Court of Appeal (or to the Court of Session) against the final determination of the Immigration Appeal Tribunal of an appeal against a decision made under the Immigration Act 1971. The right to bring such an appeal is provided by section 9 of the Asylum and Immigration Appeals Act 1993. The procedure to be followed in connection with the making of other appeals against decisions made under the Immigration Act 1971 is prescribed in those 1984 Rules.

The procedure to be followed in connection with the making of appeals under the Asylum and Immigration Appeals Act 1993 is contained in the Asylum Appeals (Procedure) Rules 1993.