
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 54

[^{F1}JUDICIAL REVIEW AND STATUTORY REVIEW]

[^{F1}]^{F2}SECTION II—

STATUTORY REVIEW UNDER THE NATIONALITY, IMMIGRATION AND ASYLUM ACT 2002

Textual Amendments

- F1** Pt. 54 inserted (2.10.2000) by [The Civil Procedure \(Amendment No. 4\) Rules 2000 \(S.I. 2000/2092\)](#), rule 1, [Sch.](#) (with rule 30)
- F2** Pt. 54 Section 2 inserted (1.4.2003) by [The Civil Procedure \(Amendment\) Rules 2003 \(S.I. 2003/364\)](#), rule 1, [Sch. Pt. 2](#)

Scope and interpretation

54.21.—(1) This Section of this Part contains rules about applications to the High Court under section 101(2) of the Nationality, Immigration and Asylum Act 2002 for a review of a decision of the Immigration Appeal Tribunal on an application for permission to appeal from an adjudicator.

(2) In this Section—

- (a) “the Act” means the Nationality, Immigration and Asylum Act 2002;
- (b) “adjudicator” means an adjudicator appointed for the purposes of Part 5 of the Act;
- (c) “applicant” means a person applying to the High Court under section 101(2) of the Act;
- (d) “other party” means the other party to the proceedings before the Tribunal; and
- (e) “Tribunal” means the Immigration Appeal Tribunal.

Application for review

54.22.—(1) An application under section 101(2) of the Act must be made to the Administrative Court.

(2) The application must be made by filing an application notice.

(3) The applicant must file with the application notice—

- [^{F3}(a) the immigration or asylum decision to which the proceedings relate, and any document giving reasons for that decision;]
- (b) the grounds of appeal to the adjudicator;
- (c) the adjudicator’s determination;

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- (d) the grounds of appeal to the Tribunal together with any documents sent with them;
 - (e) the Tribunal’s determination on the application for permission to appeal; and
 - (f) any other documents material to the application which were before the adjudicator.
- (4) The applicant must also file with the application notice written submissions setting out—
- (a) the grounds upon which it is contended that the Tribunal made an error of law; and
 - (b) reasons in support of those grounds.

^{F4}(5)

Textual Amendments

F3 Rule 54.22(3)(a) substituted (9.6.2003) by [The Civil Procedure \(Amendment No. 3\) Rules 2003 \(S.I. 2003/1329\)](#), rules 1, **4(a)**

F4 Rule 54.22(5) omitted (9.6.2003) by virtue of [The Civil Procedure \(Amendment No. 3\) Rules 2003 \(S.I. 2003/1329\)](#), rules 1, **4(b)**

Time limit for application

54.23.—(1) The application notice must be filed not later than 14 days after the applicant is deemed to have received notice of the Tribunal’s decision in accordance with rules made under section 106 of the Act.

(2) The court may extend the time limit in paragraph (1) in exceptional circumstances.

(3) An application to extend the time limit must be made in the application notice and supported by written evidence verified by a statement of truth.

Service of application

54.24.—(1) The applicant must serve on the [^{F5}Asylum and Immigration Tribunal] copies of the application notice and written submissions.

(2) Where an application is for review of a decision by the Tribunal to grant permission to appeal, the applicant must serve on the other party copies of—

- (a) the application notice;
- (b) the written submissions; and
- (c) all the documents filed in support of the application, except for documents which come from or have already been served on that party.

(3) Where documents are required to be served under paragraphs (1) and (2), they must be served as soon as practicable after they are filed.

Textual Amendments

F5 Words in [rule 54.24\(1\)](#) substituted (4.4.2005) by [The Civil Procedure \(Amendment\) Rules 2005 \(S.I. 2005/352\)](#), rules 1(1), **4** (with [rule 9](#))

Determining the application

54.25.—(1) The application will be determined by a single judge without a hearing, and by reference only to the written submissions and the documents filed with them.

(2) If the applicant relies on evidence which was not submitted to the adjudicator or the Tribunal, the court will not consider that evidence unless it is satisfied that there were good reasons why it was not submitted to the adjudicator or the Tribunal.

[^{F6}(3) The court may—

- (a) affirm the Tribunal’s decision to refuse permission to appeal;
- (b) reverse the Tribunal’s decision to grant permission to appeal; or
- (c) order the Asylum and Immigration Tribunal to reconsider the adjudicator’s decision on the appeal.

(4) Where the Tribunal refused permission to appeal, the court will order the Asylum and Immigration Tribunal to reconsider the adjudicator’s decision on the appeal only if it is satisfied that—

- (a) the Tribunal may have made an error of law; and
- (b) there is a real possibility that the Asylum and Immigration Tribunal would make a different decision from the adjudicator on reconsidering the appeal (which may include making a different direction under section 87 of the 2002 Act).

(5) Where the Tribunal granted permission to appeal, the court will reverse the Tribunal’s decision only if it is satisfied that there is no real possibility that the Asylum and Immigration Tribunal, on reconsidering the adjudicator’s decision on the appeal, would make a different decision from the adjudicator.

(6) The court’s decision shall be final and there shall be no appeal from that decision or renewal of the application.]

Textual Amendments

F6 Rule 54.25(3)-(6) substituted for rule 54.25(3)-(7) (4.4.2005) by [The Civil Procedure \(Amendment\) Rules 2005 \(S.I. 2005/352\)](#), [rules 1\(1\)](#), [5](#) (with [rule 9](#))

Service of order

54.26.—(1) The court will send copies of its order to—

- (a) the applicant, except where paragraph (2) applies;
- (b) the other party; and
- (c) the [^{F7}Asylum and Immigration Tribunal].

(2) Where—

- (a) the application relates, in whole or in part, to a claim for asylum;
- (b) the Tribunal refused permission to appeal; and
- (c) the court affirms the Tribunal’s decision,

the court will send a copy of its order to the Secretary of State, who must serve the order on the applicant.

(3) Where the Secretary of State has served an order in accordance with paragraph (2), he must notify the court on what date and by what method the order was served.

(4) If the court issues a certificate under section 101(3)(d) of the Act, it will send a copy of the certificate together with the order to—

- (a) the persons to whom it sends the order under paragraphs (1) and (2); and
- (b) if the applicant is in receipt of public funding, the Legal Services Commission.

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Textual Amendments

- F7** Words in rule 54.26(1)(c) substituted (4.4.2005) by [The Civil Procedure \(Amendment\) Rules 2005 \(S.I. 2005/352\)](#), rules 1(1), 6 (with rule 9)

Costs

54.27 The court may reserve the costs of the application to be determined by the [^{F8}Asylum and Immigration Tribunal].]

Textual Amendments

- F8** Words in rule 54.27 substituted (4.4.2005) by [The Civil Procedure \(Amendment\) Rules 2005 \(S.I. 2005/352\)](#), rules 1(1), 6 (with rule 9)

Status:

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Changes to legislation:

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