

2003 No. 652 (L. 16)

IMMIGRATION

**The Immigration and Asylum Appeals (Procedure)
Rules 2003**

<i>Made</i> - - - -	<i>10th March 2003</i>
<i>Laid before Parliament</i>	<i>11th March 2003</i>
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The Lord Chancellor, in exercise of the powers conferred by sections 106(1)–(3) and 112(3) of the Nationality, Immigration and Asylum Act 2002(a) and section 40A(7) of the British Nationality Act 1981(b), after consulting with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(c), makes the following Rules:

PART 1

INTRODUCTION

Citation and commencement

1. These Rules may be cited as the Immigration and Asylum Appeals (Procedure) Rules 2003 and shall come into force on 1st April 2003.

Interpretation

2. In these Rules—

“the 2002 Act” means the Nationality, Immigration and Asylum Act 2002;

“adjudicator” means an adjudicator appointed for the purposes of Part 5 of the 2002 Act;

“appellant” in relation to an appeal to an adjudicator has the meaning given by rule 5(2), and in relation to an appeal to the Tribunal has the meaning given by rule 14(2);

“appellate authority” in relation to an appeal or application to an adjudicator means an adjudicator or the adjudicators’ staff, and in relation to an appeal or application to the Tribunal means the Tribunal or its staff;

“appropriate prescribed form” means the appropriate form in the Schedule to these Rules, or that form with any variations that the circumstances may require;

“asylum claim” has the meaning given in section 113(1) of the 2002 Act;

“the Immigration Acts” means the Acts referred to in section 158(1) of the 2002 Act;

“immigration decision” means a decision of a kind listed in section 82(2) of the 2002 Act;

“immigration rules” means the rules referred to in section 1(4) of the Immigration Act 1971(d);

“party”, in relation to an appeal where the appellant or respondent has made a claim for asylum, includes the United Kingdom Representative, if he has given written notice to the appellate authority that he wishes to be treated as a party;

“relevant decision”, subject to rule 61(2), means—

(i) an immigration decision;

(ii) a decision to reject an asylum claim against which there is a right of appeal under section 83 of the 2002 Act; or

(iii) a decision to make an order under section 40 of the British Nationality Act 1981(e) (deprivation of citizenship);

“respondent” in relation to an appeal to an adjudicator has the meaning given by rule 5(2), and in relation to an appeal to the Tribunal has the meaning given by rule 14(2);

“senior adjudicator” means the Chief Adjudicator, the Deputy Chief Adjudicator, a Regional Adjudicator or a Deputy Regional Adjudicator;

“Tribunal” means the Immigration Appeal Tribunal;

(a) 2002 c.41.

(b) 1981 c.61. Section 40A was inserted by section 4(1) of the 2002 Act.

(c) 1992 c.53.

(d) 1971 c.77.

(e) 1981 c.61. Section 40 was substituted by section 4(1) of the 2002 Act.

“United Kingdom Representative” means the United Kingdom Representative of the United Nations High Commissioner for Refugees.

Scope of these Rules

3.—(1) These Rules apply to the following appeals and applications—

- (a) appeals to an adjudicator against a relevant decision;
- (b) appeals (including applications for permission to appeal) to the Tribunal against an adjudicator’s determination;
- (c) applications to the Tribunal for permission to appeal to the Court of Appeal or the Court of Session; and
- (d) applications to an adjudicator or the Tribunal for bail.

(2) These Rules apply subject to any other Rules made under section 106 of the 2002 Act which apply to specific classes of appeals and applications.

(3) Any provision of these Rules which specifies who is permitted or required to exercise the jurisdiction of the Tribunal for a particular purpose is subject to any contrary direction of the President of the Tribunal under paragraph 7 of Schedule 5 to the 2002 Act.

Overriding objective

4. The overriding objective of these Rules is to secure the just, timely and effective disposal of appeals and applications in the interests of the parties to the proceedings and in the wider public interest.

PART 2

APPEALS TO AN ADJUDICATOR

Scope of this Part and interpretation

5.—(1) This Part applies to appeals to an adjudicator against a relevant decision.

(2) In this Part, and in Part 6 insofar as it applies to appeals to an adjudicator—

- (a) “appellant” means a person appealing to an adjudicator;
- (b) “respondent” means the decision maker specified in the notice of decision against which the appellant is appealing.

Giving notice of appeal

6.—(1) An appeal to an adjudicator against a relevant decision must be instituted by giving notice of appeal in accordance with these Rules.

(2) Subject to paragraph (3), notice of appeal must be given by serving it on the respondent at the address specified in the notice of decision.

(3) A person who is in detention under the Immigration Acts may give notice of appeal either—

- (a) in accordance with paragraph (2); or
- (b) by serving it on the person having custody of him.

(4) Where notice of appeal is given in accordance with paragraph (3)(b), the person having custody of the appellant must endorse on the notice the date that it is served on him and forward it to the respondent.

Time limit for appeal

7.—(1) A notice of appeal by a person who is in the United Kingdom must be given—

- (a) if the person is in detention under the Immigration Acts when he is served with notice of the decision against which he is appealing, not later than 5 days after he is served with that notice; and

- (b) in any other case, not later than 10 days after he is served with notice of the decision.
- (2) A notice of appeal by a person who is outside the United Kingdom must be given—
 - (a) if the person—
 - (i) was in the United Kingdom when the decision against which he is appealing was made; and
 - (ii) may not appeal while he is in the United Kingdom by reason of a provision of the 2002 Act,
 - not later than 28 days after his departure from the United Kingdom; or
 - (b) in any other case, not later than 28 days after he is served with notice of the decision.
- (3) Where a person—
 - (a) is served with notice of a decision to reject an asylum claim; and
 - (b) on the date of being served with that notice does not satisfy the condition in section 83(1)(b) of the 2002 Act, but later satisfies that condition,

paragraphs (1) and (2)(b) apply with the modification that the time for giving notice of appeal under section 83(2) runs from the date on which the appellant is served with notice of the decision to grant him leave to enter or remain in the United Kingdom by which he satisfies the condition in section 83(1)(b).

Form and contents of notice of appeal

- 8.—**(1) The notice of appeal must be in the appropriate prescribed form and must—
- (a) state the name and address of the appellant; and
 - (b) state whether the appellant has authorised a representative to act for him in the appeal and, if so, give the representative's name and address.
- (2) The notice of appeal must set out the grounds for the appeal and give reasons in support of those grounds.
- (3) The notice of appeal must be signed by the appellant or his representative, and dated.
- (4) If a notice of appeal is signed by the appellant's representative, the representative must certify in the notice of appeal that he has completed the notice of appeal in accordance with the appellant's instructions.

Respondent's duty to file appeal papers

- 9.—**(1) Subject to rule 10, the respondent must file with the appellate authority any notice of appeal which is served on him, together with a copy of—
- (a) the notice of the decision against which the appellant is appealing, and any other document which was served on the appellant giving reasons for that decision;
 - (b) any—
 - (i) record of an interview with the appellant; or
 - (ii) other unpublished document,
 which is referred to in a document mentioned in sub-paragraph (a); and
 - (c) the notice of any other immigration decision made in relation to the applicant in respect of which he has a right of appeal under section 82 of the 2002 Act.
- (2) The respondent must serve on the appellant, as soon as practicable after filing documents under paragraph (1)—
- (a) a copy of all the documents filed with the appellate authority; and
 - (b) notice of the date on which they were filed.

Late notice of appeal

- 10.—**(1) Where a notice of appeal is given outside the applicable time limit in rule 7, the appellant must—

- (a) state in the notice of appeal his reasons for failing to give the notice within that period; and
- (b) attach to the notice of appeal any written evidence upon which he relies in support of those reasons.

(2) Where the respondent receives a notice of appeal outside the applicable time limit, he may treat the notice as if it had been given in time, if satisfied that by reason of special circumstances it would be unjust not to do so.

(3) Where the respondent receives a notice of appeal which he contends has been given outside the applicable time limit, and does not treat the notice as if it had been given in time, he must—

- (a) file with the appellate authority—
 - (i) the notice of appeal;
 - (ii) a copy of the notice of the decision against which the appellant is appealing and any document served on the appellant giving reasons for that decision; and
 - (iii) a copy of the notice which he serves on the appellant under sub-paragraph (b); and
- (b) at the same time, serve on the appellant a notice stating that—
 - (i) he is treating the notice of appeal as being given out of time; and
 - (ii) he is sending the notice of appeal to the appellate authority for an adjudicator to decide whether to extend the time for appealing.

(4) If the appellant contends that the notice of appeal was given in time he may file with the appellate authority written evidence in support of that contention.

(5) Written evidence under paragraph (4) must be filed—

- (a) if the appellant is in the United Kingdom, not later than 3 days; or
- (b) if the appellant is outside the United Kingdom, not later than 10 days,

after the appellant is served with a notice under paragraph (3)(b).

(6) If the appellant files evidence under paragraph (4), an adjudicator must decide whether the notice of appeal was given in time.

(7) Where the notice of appeal was given out of time, the adjudicator may extend the time for appealing if satisfied that by reason of special circumstances it would be unjust not to do so.

(8) The adjudicator must decide the issues in paragraphs (6) and (7)—

- (a) without a hearing; and
- (b) on the basis of the documents filed by the respondent and any written evidence filed by the appellant.

(9) The appellate authority must serve notice of the adjudicator's decision on the parties.

(10) If the adjudicator decides that the notice of appeal was given in time, or he extends the time for appealing, rule 9 shall apply.

Variation of grounds of appeal

11.—(1) This rule applies where documents have been filed with the appellate authority in accordance with rule 9.

(2) Subject to section 85(2) of the 2002 Act, the appellant may vary his grounds of appeal only with the permission of an adjudicator.

Hearing of appeal

- 12.** Every appeal must be considered at a hearing before an adjudicator, except where—
- (a) the appeal—
 - (i) lapses pursuant to section 99 of the 2002 Act;
 - (ii) is treated as abandoned pursuant to section 104(4) of the 2002 Act;
 - (iii) is treated as finally determined pursuant to section 104(5) of the 2002 Act; or
 - (iv) is withdrawn by the appellant in accordance with rule 42; or
 - (b) a provision of these Rules or of any other enactment permits or requires an adjudicator to dispose of an appeal without a hearing.

Closure date

13.—(1) Rule 40 applies to the adjournment of an appeal to an adjudicator, subject to the following provisions of this rule.

(2) Subject to paragraph (3), where an adjudicator adjourns the hearing of an appeal, the adjudicator must give directions fixing a date (the “closure date”) by which an adjudicator must either—

- (a) hear the appeal; or
- (b) determine the appeal without a hearing.

(3) Paragraph (2) does not apply where the appellate authority has fixed and notified the parties of a first hearing date and a subsequent hearing date, and the first hearing is adjourned.

(4) The closure date—

- (a) must be fixed according to the individual circumstances of the case; but
- (b) subject to paragraphs (6) and (8), must be not more than 6 weeks after the date of the adjourned hearing.

(5) The new date fixed for the hearing in accordance with rule 40(4) must be on or before the closure date.

(6) An adjudicator may fix a closure date which is more than 6 weeks after the date of the adjourned hearing, or may vary a closure date—

- (a) if all the parties consent; or
- (b) in exceptional circumstances, if the adjudicator is satisfied by evidence filed or given by or on behalf of a party that—
 - (i) the appeal cannot be justly determined within 6 weeks, or by the closure date where one has already been fixed; and
 - (ii) there is an identifiable future date by which the appeal can be justly determined.

(7) A senior adjudicator may (either before or after the closure date has passed) vary the closure date for an appeal if no adjudicator is or was available to hear or determine the appeal by that date.

(8) The Chief Adjudicator may in exceptional circumstances—

- (a) direct that, in such classes of case as he shall specify, the time within which pending appeals must be heard or determined in accordance with paragraph (2) shall be extended by such period as he shall specify; and
- (b) accordingly modify the orders fixing a closure date which have been made in those appeals.

PART 3

APPEALS TO THE TRIBUNAL

Scope of this Part and interpretation

14.—(1) This Part applies to appeals to the Tribunal from the determination of an adjudicator.

(2) In this Part, and in Part 6 insofar as it applies to appeals to the Tribunal—

- (a) “appellant” means a party appealing to the Tribunal against an adjudicator’s determination, and includes a party applying to the Tribunal for permission to appeal; and
- (b) “respondent” means the person who was the opposite party in the proceedings before the adjudicator.

Applying for permission to appeal to the Tribunal

15.—(1) An appeal from the determination of an adjudicator may only be made with the permission of the Tribunal upon an application made in accordance with these Rules.

(2) Subject to paragraph (3), an application for permission to appeal must be made by filing an application notice with the appellate authority.

(3) A person who is in detention under the Immigration Acts may apply for permission to appeal either—

- (a) in accordance with paragraph (2); or
- (b) by serving an application notice on the person having custody of him.

(4) Where an application notice is served in accordance with paragraph (3)(b), the person having custody of the appellant must endorse on the notice the date that it is served on him and forward it to the appellate authority.

(5) As soon as practicable after an application notice for permission to appeal is filed, the appellate authority must notify the respondent that it has been filed.

Time limit for application for permission to appeal

16.—(1) An application notice for permission to appeal must be filed in accordance with rule 15(2) or served in accordance with rule 15(3)(b)—

- (a) if the appellant is in detention under the Immigration Acts when he is served with the adjudicator’s determination, not later than 5 days after he is served with that determination;
- (b) in any other case where the appellant is in the United Kingdom, not later than 10 days after he is served with the adjudicator’s determination; and
- (c) where the appellant is outside the United Kingdom, not later than 28 days after he is served with the adjudicator’s determination.

(2) The Tribunal may extend the time limits in paragraph (1) if it is satisfied that by reason of special circumstances it would be unjust not to do so.

Form and contents of application notice

17.—(1) An application notice for permission to appeal must be in the appropriate prescribed form and must—

- (a) state the appellant’s name and address; and
- (b) state whether the appellant has authorised a representative to act for him in the appeal and, if so, give the representative’s name and address.

(2) The application notice must state all the grounds of appeal and give reasons in support of those grounds.

(3) The grounds of appeal must—

- (a) identify the alleged errors of law in the adjudicator’s determination; and
- (b) explain why such errors made a material difference to the decision.

(4) The application notice must be signed by the appellant or his representative, and dated.

(5) If an application notice is signed by the appellant’s representative, the representative must certify in the application notice that he has completed the application notice in accordance with the appellant’s instructions.

(6) There must be attached to the application notice a clear and complete copy of the adjudicator’s determination together with a copy of any other material relied on.

Determining the permission application

18.—(1) An application for permission to appeal to the Tribunal must be decided by a legally qualified member of the Tribunal without a hearing.

(2) The Tribunal is not required to consider any grounds of appeal other than those included in the application.

(3) The Tribunal may grant or refuse permission to appeal.

(4) The Tribunal may grant permission to appeal only if it is satisfied that—

(a) the appeal would have a real prospect of success; or

(b) there is some other compelling reason why the appeal should be heard.

(5) Where the Tribunal grants permission to appeal it may limit the permission to one or more of the grounds of appeal specified in the application.

(6) The Tribunal's determination must include its reasons, which may be in summary form.

(7) Where the Tribunal grants permission to appeal—

(a) its determination must indicate the grounds upon which permission to appeal is granted; and

(b) the appellate authority must serve on the respondent, together with the determination, a copy of the application notice and the documents which were attached to it.

Respondent's notice

19.—(1) A respondent who wishes to—

(a) apply for permission to appeal to the Tribunal against the adjudicator's determination; or

(b) ask the Tribunal to uphold the adjudicator's determination for reasons different from or additional to those given by the adjudicator,

must file a respondent's notice with the appellate authority.

(2) A respondent's notice must be filed—

(a) within such period as the Tribunal may direct; or

(b) where the Tribunal makes no such direction, within 10 days,

after the respondent is served with notice that the appellant has been granted permission to appeal.

(3) A respondent's notice must be served on the appellant at the same time as it is filed.

Variation of grounds of appeal

20.—(1) A party may vary his grounds of appeal only with the permission of the Tribunal.

(2) Where the Tribunal has refused permission to appeal on any ground, it must not grant permission to vary the grounds of appeal to include that ground unless it is satisfied that, because of special circumstances, it would be unjust not to allow the variation.

Evidence

21.—(1) The Tribunal may consider as evidence any note or record made by the adjudicator of any hearing before him in connection with the appeal.

(2) If a party wishes to ask the Tribunal to consider evidence which was not submitted to the adjudicator, he must file with the appellate authority and serve on the other party written notice to that effect, which must—

(a) indicate the nature of the evidence; and

(b) explain why it was not submitted to the adjudicator.

(3) A notice under paragraph (2) must be filed and served as soon as practicable after the parties have been notified that permission to appeal has been granted.

- (4) If the Tribunal decides to admit additional evidence, it may give directions as to—
- (a) the manner in which; and
 - (b) the time by which,

the evidence is to be given or filed.

Remitting an appeal

22.—(1) The Tribunal may remit an appeal to an adjudicator for him to determine in accordance with any directions given by the Tribunal.

(2) The power in paragraph (1) may be exercised by a legally qualified member of the Tribunal without a hearing.

Hearing of appeal

23. Where permission to appeal is granted, the grounds of appeal in respect of which permission is granted must be considered by the Tribunal at a hearing, except where—

- (a) the appeal—
 - (i) lapses pursuant to section 99 of the 2002 Act;
 - (ii) is treated as abandoned pursuant to section 104(4) of the 2002 Act;
 - (iii) is treated as finally determined pursuant to section 104(5) of the 2002 Act; or
 - (iv) is withdrawn by the appellant in accordance with rule 42;
- (b) the Tribunal decides without a hearing to remit the appeal to an adjudicator; or
- (c) a provision of these Rules or of any other enactment permits or requires the Tribunal to dispose of an appeal without a hearing.

Certificates of no merit

24.—(1) If, when it determines an appeal or an application for permission to appeal under this Part, the Tribunal considers that—

- (a) the appeal or application to the Tribunal is vexatious or unreasonable; or
- (b) where the appellant was the party who appealed to an adjudicator, that appeal was vexatious or unreasonable,

it must issue a certificate to that effect (a “certificate of no merit”).

- (2) Where the Tribunal issues a certificate of no merit, the appellate authority must—
- (a) serve a copy of the certificate on—
 - (i) every party; and
 - (ii) any legal representative acting for the party against whom the certificate is issued; and
 - (b) serve on the body specified in paragraph (3) a copy of—
 - (i) the certificate; and
 - (ii) the determination of the Tribunal upon the appeal or application for permission to appeal.
- (3) The body referred to in paragraph (2)(b) is—
- (a) the Legal Services Commission, if the certificate relates to an appeal or application which was determined in England and Wales;

- (b) the Scottish Legal Aid Board, if the certificate relates to an appeal or application which was determined in Scotland; and
- (c) the Legal Aid Committee of the Law Society of Northern Ireland, if the certificate relates to an appeal or application which was determined in Northern Ireland.

Costs of applications for statutory review

25.—(1) This rule applies where—

- (a) a party has applied to the High Court or the Court of Session under section 101(2) of the 2002 Act for a review of a decision of the Tribunal; and
- (b) the High Court or the Court of Session has reserved the costs (or, in Scotland, expenses) of that application to the Tribunal.

(2) The Tribunal has discretion whether to order one party to pay the costs or expenses of that application to another.

(3) If the Tribunal orders one party to pay costs of an application to the High Court to another, it must refer the case to a costs judge to assess the amount of costs to be paid.

(4) If the Tribunal orders one party to pay expenses of an application to the Court of Session to another, it must refer the case to an Auditor of the Court of Session for the taxation of those expenses.

(5) In paragraph (3), “costs judge” means a taxing master of the Supreme Court of England and Wales.

PART 4

APPLICATIONS FOR PERMISSION TO APPEAL FROM TRIBUNAL

Scope of this Part

26. This Part applies to applications to the Tribunal for permission to appeal on a point of law to the Court of Appeal or the Court of Session from a determination of an appeal by the Tribunal.

Applying for permission to appeal

27.—(1) Subject to paragraph (2), an application to the Tribunal under this Part must be made by filing with the appellate authority an application notice for permission to appeal.

(2) A person who is in detention under the Immigration Acts may apply for permission to appeal either—

- (a) in accordance with paragraph (1); or
- (b) by serving an application notice on the person having custody of him.

(3) Where an application notice is served in accordance with paragraph (2)(b), the person having custody of the applicant must endorse on the notice the date that it is served on him and forward it to the appellate authority.

(4) As soon as practicable after an application notice for permission to appeal is filed, the appellate authority must notify the other party to the appeal to the Tribunal that it has been filed.

Time limit for application

28.—(1) An application notice under this Part must be filed in accordance with rule 27(1) or served in accordance with rule 27(2)(b)—

- (a) if the applicant is in detention under the Immigration Acts when he is served with the Tribunal’s determination, not later than 5 days after he is served with that determination; and

(b) in any other case, not later than 10 days after he is served with the Tribunal's determination.

(2) The Tribunal may not extend the time limits in paragraph (1).

Form and contents of application notice

29.—(1) The application notice must—

- (a) be in the appropriate prescribed form;
- (b) state the grounds of appeal; and
- (c) be signed by the applicant or his representative, and dated.

(2) If the application notice is signed by the applicant's representative, the representative must certify in the application notice that he has completed the application notice in accordance with the applicant's instructions.

Determining the application

30.—(1) An application for permission to appeal must be determined by a legally qualified member of the Tribunal without a hearing.

(2) The Tribunal may—

- (a) grant permission to appeal;
- (b) refuse permission to appeal; or
- (c) subject to paragraph (3), set aside the Tribunal's determination and direct that the appeal to the Tribunal be reheard.

(3) An order under paragraph (2)(c)—

- (a) may only be made by the President or Deputy President of the Tribunal; and
- (b) may not be made without first giving every party an opportunity to make written representations.

(4) The Tribunal's determination must include its reasons, which may be in summary form.

PART 5

BAIL

Scope of this Part and interpretation

31.—(1) This Part applies to applications under the Immigration Acts to an adjudicator or the Tribunal, by persons detained under those Acts, to be released on bail.

(2) In this Part, and in Part 6 insofar as it applies to applications for bail, "applicant" means a person applying to an adjudicator or the Tribunal to be released on bail.

(3) The parties to a bail application are the applicant and the Secretary of State.

Applications for bail

32.—(1) An application to be released on bail must be made by filing with the appellate authority an application notice in the appropriate prescribed form.

(2) The application notice must contain the following details—

- (a) the applicant's—
 - (i) full name;
 - (ii) date of birth; and
 - (iii) date of arrival in the United Kingdom;
- (b) the address of the place where the applicant is detained;
- (c) whether an appeal by the applicant to an adjudicator or the Tribunal is pending;
- (d) the address where the applicant will reside if his application for bail is granted, or, if he is unable to give such an address, the reason why an address is not given;

- (e) the amount of the recognizance in which he will agree to be bound;
- (f) the full names, addresses, occupations and dates of birth of any persons who have agreed to act as sureties for the applicant if bail is granted, and the amounts of the recognizances in which they will agree to be bound;
- (g) the grounds on which the application is made and, where a previous application has been refused, full details of any change in circumstances which has occurred since the refusal; and
- (h) whether and in what respect an interpreter will be required at the hearing.

(3) The application must be signed by the applicant or his representative or, in the case of an applicant who is a child or is for any other reason incapable of acting, by a person acting on his behalf.

Bail hearing

33.—(1) Where an application for bail is filed, the appellate authority must—

- (a) as soon as reasonably practicable, serve a copy of the application on the Secretary of State; and
- (b) fix a hearing.

(2) If the Secretary of State wishes to contest the application, he must file with the appellate authority and serve on the applicant a written statement of his reasons for doing so—

- (a) not later than 2.00 p.m. the day before the hearing; or
- (b) if he was served with notice of the hearing less than 24 hours before that time, as soon as reasonably practicable.

(3) The appellate authority must serve written notice of the adjudicator or the Tribunal's decision on—

- (a) the parties; and
- (b) the person having custody of the applicant.

(4) Where bail is granted, the notice must include—

- (a) the conditions of bail; and
- (b) the amount in which the applicant and any sureties are to be bound.

(5) Where bail is refused, the notice must include reasons for the refusal.

Recognizances

34.—(1) The recognizance of an applicant or a surety must be in writing and must state—

- (a) the amount in which he agrees to be bound; and
- (b) that he has read and understood the bail decision and that he agrees to pay that amount of money if the applicant fails to comply with the conditions set out in the bail decision.

(2) The recognizance must be—

- (a) signed by the applicant or surety; and
- (b) filed with the appellate authority.

Release of applicant

35. The person having custody of the applicant must release him upon—

- (a) being served with a copy of the decision to grant bail; and
- (b) being satisfied that any recognizances required as a condition of that decision have been entered into.

Application of this Part to Scotland

36. This Part applies to Scotland with the following modifications—

- (a) in rule 32, for paragraph (2)(e) and (f) substitute—
 - “(e) the amount, if any, to be deposited if bail is granted;
 - (f) the full names, addresses and occupations of any persons offering to act as cautioners if the application for bail is granted;”;
- (b) in rule 33, for paragraph (4)(b) substitute—
 - “(b) the amount, if any, to be deposited by the applicant and any cautioners.”;
- (c) rule 34 does not apply; and
- (d) in rule 35, for sub-paragraph (b) substitute—
 - “(b) being satisfied that the amount to be deposited, if any, has been deposited.”.

PART 6

GENERAL PROVISIONS

Conduct of appeals and applications

37. The appellate authority may, subject to these Rules and to any other enactment, decide the procedure to be followed in relation to any appeal or application.

Directions

38.—(1) The appellate authority may give directions to the parties relating to the conduct of any appeal or application.

(2) The power to give directions is to be exercised subject to any specific provision of these Rules and of any other enactment.

- (3) Directions under this rule may be given orally or in writing.
- (4) The appellate authority must serve notice of any written directions on every party.
- (5) Directions given under this rule may, in particular—
 - (a) relate to any matter concerning the preparation for a hearing;
 - (b) specify the length of time allowed for anything to be done;
 - (c) vary any time limit;
 - (d) provide for—
 - (i) a particular matter to be dealt with as a preliminary issue;
 - (ii) a pre-hearing review to be held;
 - (iii) a party to provide further details of his case, or any other information which appears to be necessary for the determination of the appeal or application;
 - (iv) the witnesses, if any, to be heard; and
 - (v) the manner in which any evidence is to be given (for example by directing that witness statements are to stand as evidence in chief);
 - (e) require any party to file and serve—
 - (i) statements of the evidence which will be called at the hearing;
 - (ii) a paginated and indexed bundle of all the documents which will be relied on at the hearing;

- (iii) a skeleton argument which summarises succinctly the submissions which will be made at the hearing and cites all the authorities which will be relied on, identifying any particular passages to be relied on;
 - (iv) a time estimate for the hearing;
 - (v) a list of witnesses whom any party wishes to call to give evidence;
 - (vi) a chronology of events; and
 - (vii) details of whether and in what respect an interpreter will be required at a hearing;
- (f) limit—
- (i) the number or length of documents upon which a party may rely at a hearing;
 - (ii) the length of oral submissions;
 - (iii) the time allowed for the examination and cross-examination of witnesses; and
 - (iv) the issues which are to be addressed at a hearing;
- (g) require the parties to take any steps to enable two or more appeals or applications to be heard together under rule 51;
- (h) provide for a hearing to be conducted or evidence given or representations made by video link or by other electronic means; and
- (i) make provision to secure the anonymity of a party or witness.

(6) The appellate authority must not direct an unrepresented party to do something unless it is satisfied that he is able to comply with the direction.

Notification of hearings

39.—(1) When the appellate authority fixes a hearing it must serve notice of the date, time and place of the hearing on—

- (a) every party; and
- (b) any representative acting for a party.

(2) The appellate authority may bring forward the date of a hearing, but must serve notice of the new date, time and place of the hearing on the persons specified in paragraph (1).

Adjournment of hearings

40.—(1) Subject to any provision of these Rules or of any other enactment, an adjudicator or the Tribunal may adjourn the hearing of any appeal or application.

(2) An adjudicator or the Tribunal must not adjourn a hearing on the application of a party, unless satisfied that the appeal or application cannot otherwise be justly determined.

(3) Where a party applies for an adjournment of a hearing, he must—

- (a) if practicable, notify all other parties of the application;
- (b) show good reason why an adjournment is necessary; and
- (c) produce evidence of any fact or matter relied upon in support of the application.

(4) Where a hearing is adjourned, the appellate authority—

- (a) must fix a new date, time and place for the hearing; and
- (b) may give directions for the future conduct of the appeal or application.

Certification of pending appeals

41.—(1) If the Secretary of State or an immigration officer issues a certificate under section 96, 97 or 98 of the 2002 Act which relates to a pending appeal, subject to paragraph (4) he must file notice of the certification with the appellate authority.

(2) Where a notice of certification under section 96(1) or (2), 97 or 98 of the 2002 Act is filed, the appellate authority must notify the parties that the appeal has lapsed in accordance with section 99.

(3) Where a notice of certification under section 96(3) of the 2002 Act is filed, the appellate authority must notify the parties that the appellant may not rely on any ground of appeal specified in the notice.

(4) This rule does not apply where the certificate is issued before the respondent has forwarded the appeal papers to the appellate authority under rule 9.

Withdrawal of appeal

42.—(1) An appellant may withdraw an appeal—

- (a) orally, at a hearing; or
- (b) at any time, by filing written notice with the appellate authority.

(2) If an appellant withdraws an appeal, the appellate authority must serve on the parties a notice that the appeal has been recorded as having been withdrawn.

Abandonment of appeal

43.—(1) The parties to a pending appeal must notify the appellate authority if an event specified in section 104(4) or (5) of the 2002 Act takes place.

(2) Where the appellate authority treats an appeal as abandoned pursuant to section 104(4) of the 2002 Act, or finally determined pursuant to section 104(5) of the 2002 Act, it must—

- (a) serve on the parties informing them that the appeal is being treated as abandoned or finally determined; and
- (b) take no further action in relation to the appeal.

Hearing of appeal in absence of a party

44.—(1) An adjudicator or the Tribunal must hear an appeal in the absence of a party or his representative, if satisfied that the party or his representative—

- (a) has been given notice of the date, time and place of the hearing; and
- (b) has given no satisfactory explanation for his absence.

(2) Where paragraph (1) does not apply, an adjudicator or the Tribunal may hear an appeal in the absence of a party if satisfied that—

- (a) a representative of the party is present at the hearing;
- (b) the party is outside the United Kingdom;
- (c) the party is suffering from a communicable disease or there is a risk of him behaving in a violent or disorderly manner;
- (d) the party is unable to attend the hearing because of illness, accident or some other good reason;
- (e) the party is unrepresented and it is impracticable to give him notice of the hearing; or
- (f) the party has notified the appellate authority that he does not wish to attend the hearing.

Determining the appeal without a hearing

45.—(1) An adjudicator or the Tribunal may, subject to paragraphs (2) and (3) of this rule, determine an appeal without a hearing if—

- (a) all the parties to the appeal consent;
- (b) the party appealing against a relevant decision is outside the United Kingdom or it is impracticable to give him notice of a hearing and, in either case, he is unrepresented;
- (c) a party has failed to comply with a provision of these rules or a direction of the appellate authority, and the adjudicator or Tribunal is satisfied that in all the circumstances, including the extent of the failure and any reasons for it, it is appropriate to determine the appeal without a hearing; or
- (d) the adjudicator or Tribunal is satisfied, having regard to the material before him or it and the nature of the issues raised, that the appeal can be justly determined without a hearing.

(2) Where paragraph (1)(c) applies and the appellant is the party in default, the adjudicator or Tribunal may dismiss the appeal without substantive consideration, if satisfied that it is appropriate to do so.

(3) Where paragraph (1)(d) applies, the adjudicator or Tribunal must not determine the appeal without a hearing without first giving the parties notice of his or its intention to do so, and an opportunity to make written representations as to whether there should be a hearing.

Representation

46.—(1) A party appealing against a relevant decision or applying for bail may act in person or be represented by any person not prohibited from providing immigration services by section 84 of the Immigration and Asylum Act 1999(a).

(2) Where the Secretary of State, an immigration officer, an entry clearance officer or the United Kingdom Representative is a party to an appeal, he may be represented by any person authorised to act on his behalf.

(3) If a party to whom paragraph (1) applies is represented by a person not permitted by that paragraph to represent him, any determination given or other step taken by the appellate authority in the appeal or application shall nevertheless be valid.

(4) Where a representative begins to act for a party, he must immediately notify the appellate authority of that fact.

(5) Where a representative is acting for a party, he may on behalf of that party do anything that these Rules require or permit that party to do.

(6) Where a representative is acting for a party appealing against a relevant decision, the party is under a duty—

- (a) to maintain contact with his representative until the appeal is finally determined; and
- (b) to notify the representative of any change of address.

(7) Where a representative ceases to act for a party, the representative and the party must notify the appellate authority and every other party of that fact, and of the name and address of any new representative (if known).

(8) Until the appellate authority is notified that a representative has ceased to act for a party, any document served on that representative shall be deemed to be properly served on the party he was representing.

Summoning of witnesses

47.—(1) An adjudicator or the Tribunal may, by issuing a summons (“a witness summons”), require any person in the United Kingdom—

- (a) to attend as a witness at the hearing of an appeal; and
- (b) subject to rule 48(2), at the hearing to answer any questions or produce any documents in his custody or under his control which relate to any matter in issue in the appeal.

(2) A person is not required to attend a hearing in obedience to a witness summons unless—

- (a) the summons is served on him; and
- (b) the necessary expenses of his attendance are paid or tendered to him.

(3) If a witness summons is issued at the request of a party, that party must pay or tender the expenses referred to in paragraph (2)(b).

Evidence

48.—(1) An adjudicator or the Tribunal may allow oral, documentary or other evidence to be given of any fact which appears to be relevant to an appeal or an application for bail, even if that evidence would be inadmissible in a court of law.

(2) An adjudicator or the Tribunal may not compel a party or witness to give any evidence or produce any document which he could not be compelled to give or produce at the trial of a civil claim in the part of the United Kingdom in which the hearing is taking place.

(a) 1999 c.33.

(3) An adjudicator or the Tribunal may require the oral evidence of a witness to be given on oath or affirmation.

(4) In an appeal to which section 85(5) or section 102(3) of the 2002 Act applies, an adjudicator or the Tribunal must only consider evidence relating to matters which he or it is not prevented by those sections from considering.

(5) An adjudicator or the Tribunal must not consider any evidence which is not filed or served in accordance with time limits set out in these Rules or directions given under rule 38, unless satisfied that there are good reasons to do so.

(6) Subject to section 108 of the 2002 Act, an adjudicator or the Tribunal must not take account of any evidence that has not been made available to all the parties.

Burden of proof

49.—(1) If—

- (a) a party appealing against a relevant decision asserts that the decision ought not to have been taken against him; or
- (b) an applicant for bail asserts that he ought not to have been detained,

on the ground that the statutory provision under which that decision or action was taken does not apply to him, it is for that party to prove that the provision does not apply to him.

(2) If in any appeal or application—

- (a) a party asserts any fact; and
- (b) by virtue of an Act, statutory instrument or immigration rules, if the party had made such an assertion to the Secretary of State, an immigration officer or an entry clearance officer, it would have been for the party to satisfy the Secretary of State or officer that the assertion was true,

it is for that party to prove that the fact asserted is true.

Admission of public to hearings

50.—(1) Subject to the following provisions of this rule, every hearing before an adjudicator or the Tribunal must be held in public.

(2) Where an adjudicator or the Tribunal is considering an allegation referred to in section 108 of the 2002 Act, all members of the public must be excluded from the hearing.

(3) An adjudicator or the Tribunal may exclude any or all members of the public from any hearing or part of a hearing if it is necessary—

- (a) in the interests of public order or national security; or
- (b) to protect the private life of a party or the interests of a minor.

(4) An adjudicator or the Tribunal may also, in exceptional circumstances, exclude any or all members of the public from any hearing or part of a hearing to ensure that publicity does not prejudice the interests of justice, but only if and to the extent that it is strictly necessary to do so.

(5) A member of the Council on Tribunals or of its Scottish Committee acting in that capacity is entitled to attend any hearing and may not be excluded pursuant to paragraph (2), (3) or (4) of this rule.

Hearing two or more appeals together

51.—(1) Where two or more appeals to an adjudicator or to the Tribunal are pending at the same time, an adjudicator or the Tribunal may direct them to be heard together if it appears that—

- (a) some common question of law or fact arises in each of them;
- (b) they relate to decisions or action taken in respect of persons who are members of the same family; or
- (c) for some other reason it is desirable for the appeals to be heard together.

(2) An adjudicator or the Tribunal must give all the parties an opportunity to make representations before determining appeals together under this rule.

Transfer of proceedings

52.—(1) Where—

- (a) an adjudicator has started to hear an appeal but has not completed the hearing or given his determination; and
- (b) a senior adjudicator decides that it is not practicable for that adjudicator to complete the hearing or to give his determination justly or without undue delay,

a senior adjudicator may direct the appeal to be heard by another adjudicator.

(2) Where an appeal is transferred to another adjudicator (“the new adjudicator”) in accordance with paragraph (1)—

- (a) any document sent to or given by the adjudicator from whom the appeal was transferred shall be deemed to have been sent to or given by the new adjudicator; and
- (b) the new adjudicator shall have power to deal with the appeal as if it had been commenced before him.

(3) The powers of a senior adjudicator under this rule shall, with the appropriate modifications, also apply to the President of the Tribunal in relation to proceedings before the Tribunal.

Giving of determination

53.—(1) This rule applies where an adjudicator or the Tribunal determines an appeal or an application for permission to appeal under any of Parts 2, 3 or 4 of these Rules.

(2) The appellate authority must record the decision of the adjudicator or the Tribunal and the reasons for it.

(3) Unless a rule provides otherwise, the appellate authority must serve on—

- (a) every party; and
- (b) any representative acting for a party,

a written determination containing the decision of the adjudicator or the Tribunal and the reasons for it.

(4) The reasons for a decision may be given and recorded in summary form where a rule so provides.

Filing and service of documents

54.—(1) Any document which is required or permitted by these Rules or by a direction of the appellate authority to be filed with the appellate authority, or served on any person may be—

- (a) delivered or sent by post to an address;
- (b) sent by fax to a fax number; or
- (c) sent by e-mail to an e-mail address,

specified for that purpose by the person or authority to whom the document is directed.

(2) A document to be served on an individual may be served personally by leaving it with that individual.

(3) Subject to paragraph (4), if any document is served on a person who has notified the appellate authority that he is acting as the representative of a party, it shall be deemed to have been served on that party.

(4) Paragraph (3) does not apply where—

- (a) a rule; or
- (b) a direction of an adjudicator or the Tribunal,

requires a document to be served on both a party and his representative.

(5) Subject to paragraph (6), any document that is served on a person in accordance with this rule shall, unless the contrary is proved, be deemed to be served—

- (a) where the document is sent by post from and to a place within the United Kingdom, on the second day after it was sent;
- (b) where the document is sent by post from or to a place outside the United Kingdom, on the twenty-eighth day after it was sent; and
- (c) in any other case, on the day on which the document was sent or delivered to, or left with, that person.

(6) Any document which is filed with the appellate authority, and any notice of appeal or application notice which is served on a person under rule 6(2), 6(3)(b), 15(3)(b) or 27(2)(b), shall be treated as being filed or served on the day on which it is received by that authority or person.

(7) Where the United Kingdom Representative is a party to an appeal, any document which is required by these Rules or by a direction of the appellate authority to be served on the appellant or the respondent must also be served on the United Kingdom Representative.

Address for service

55.—(1) Every party, and any person representing a party, must notify the appellate authority of a postal address at which documents may be served on him and of any changes to that address.

(2) Until a party or representative notifies the appellate authority of a change of address, any document served on him at the most recent address which he has given to the appellate authority shall be deemed to have been properly served on him.

Calculation of time

56.—(1) Where a period of time for doing any act is specified by these Rules or by a direction of the appellate authority, that period is to be calculated—

- (a) excluding the day on which the period begins; and
- (b) where the period is 10 days or less, excluding any day which is not a business day.

(2) Where the time specified by these Rules or by a direction of the appellate authority for doing any act ends on a day which is not a business day, that act is done in time if it is done on the next business day.

(3) In this rule, “business day” means any day other than a Saturday or Sunday, a bank holiday, Christmas Day, 27th to 31st December or Good Friday.

Signature of documents

57. Any requirement in these Rules for a document to be signed shall be satisfied, in the case of a document which is filed or served by e-mail in accordance with these Rules, by the person who is required to sign the document typing his name in it.

Errors of procedure

58. Where, before an adjudicator or the Tribunal has determined an appeal or application, there has been an error of procedure such as a failure to comply with a rule—

- (a) subject to these Rules, the error does not invalidate any step taken in the proceedings, unless an adjudicator or the Tribunal so orders; and
- (b) an adjudicator or the Tribunal may make an order, or take any other step, that he or it considers appropriate to remedy the error.

Correction of orders and determinations

59.—(1) An adjudicator or the Tribunal may at any time amend an order or determination to correct a clerical error or other accidental slip or omission.

(2) The power in paragraph (1) includes power for the Tribunal to amend an order or determination of an adjudicator, after consulting the adjudicator concerned.

(3) Where an order or determination is amended under this rule—

- (a) the appellate authority must serve an amended order or notice of determination on every party; and

- (b) the time within which a party may apply for permission to appeal against an amended determination runs from the date on which the party is served with the amended determination.

PART 7

REVOCATION AND TRANSITIONAL PROVISIONS

Revocation

- 60.** The Immigration and Asylum Appeals (Procedure) Rules 2000(**a**) are revoked.

Transitional provisions

61.—(1) Subject to paragraphs (4) to (9), these Rules apply with the modification in paragraph (2) and such other modifications as are appropriate to—

- (a) any appeal or application to an adjudicator or the Tribunal pending on 1st April 2003 to which, immediately before that date, the Immigration and Asylum Appeals (Procedure) Rules 2000 (“the 2000 Rules”) applied;
- (b) any appeal or application to an adjudicator or the Tribunal made on or after 1st April 2003 under an enactment other than the 2002 Act, to which the 2000 Rules would have applied if they had not been revoked.

(2) In relation to an appeal or application to which these Rules apply by virtue of paragraph (1), references in these Rules to a relevant decision shall be interpreted as including any decision of the Secretary of State, an immigration officer or an entry clearance officer against which there is a right of appeal to an adjudicator or the Tribunal under any enactment.

(3) In relation to an appeal or application to an adjudicator or the Tribunal which is pending on 1st April 2003, anything done or any direction given before 1st April 2003 under the 2000 Rules (including anything which, pursuant to rule 4(2) of the 2000 Rules, was treated as if done or given under those Rules) shall be treated as if done or given under these Rules.

(4) In relation to an appeal to an adjudicator against a relevant decision made before 1st April 2003—

- (a) rules 7 and 10 of these Rules shall not apply; and
- (b) rules 6, 7 and 12 of the 2000 Rules shall continue to apply as if those Rules had not been revoked.

(5) In relation to an application for permission to appeal to the Tribunal against an adjudicator’s determination made before 1st April 2003—

- (a) rule 16 of these Rules shall not apply; and
- (b) rules 18(2), 18(3) and 19 of the 2000 Rules shall continue to apply as if those Rules had not been revoked.

(6) In relation to an application to the Tribunal for permission to appeal to the Court of Appeal or the Court of Session against a determination made by the Tribunal before 1st April 2003—

- (a) rule 28 of these Rules shall not apply; and
- (b) rule 27(1) of the 2000 Rules shall continue to apply as if those Rules had not been revoked.

(7) In relation to an adjudicator’s determination against which there is no right of appeal to the Tribunal because of a certificate made by the Secretary of State before 1st April 2003 under paragraph 9 of Schedule 4 to the Immigration and Asylum Act 1999(**b**), rule 16 of the 2000 Rules shall continue to apply as if those Rules had not been revoked.

(8) Where, before 1st April 2003, written notice of a decision or determination was sent to the Secretary of State under rule 15(2), 16(5)(b), 18(9A), 19(3) or 19(6)(b) of the 2000 Rules, the Secretary of State must deal with the written notice in accordance with those Rules as if they had not been revoked.

(a) S.I. 2000/2333, as amended by S.I. 2001/4014.

(b) 1999 c.33.

(9) Rule 24 (certificates of no merit) shall not apply in relation to an appeal or application for permission to appeal where the notice of appeal or application notice was given or filed before 1st April 2003.

Dated 10th March 2003

Irvine of Lairg, C.

SCHEDULE

Rule 2

Forms

- N1 Notice of Appeal to Adjudicator (United Kingdom)
- N2 Notice of Appeal to Adjudicator (Overseas)
- N3 Notice of Appeal to Adjudicator (Right of Appeal that can only be exercised upon leaving the United Kingdom)
- T1 Application for permission to appeal to Tribunal (United Kingdom)
- T2 Application for permission to appeal to Tribunal (Overseas)
- C1 Application for permission to appeal to the Court of Appeal (Court of Session where original decision of adjudicator made in Scotland)
- B1 Application to be released on bail

Decision-Maker's Reference Number

1 Personal Information

a Surnames / Family names
(in BLOCK LETTERS)



b Other names

c Address (where you can be contacted)
* postal address must be provided *

POSTCODE: []

d Telephone number
(where you can be contacted during the day)

e Sex

Male

Female

f Date of birth

g Nationality or citizenship (ALL that apply)

h Application Registration Card number (if applicable)

i Details of decision you are appealing against

j Have you made any other appeal about asylum nationality or immigration?

Yes

No (please tick a box)

k If you have said **YES**: when did you appeal?

l What is the case number, if you know it?

m Has any other member of your family applied for asylum in the UK?

Yes

No (please tick a box)

**Nationality Immigration and Asylum Act 2002
Notice of Appeal to Adjudicator (United Kingdom)**

**3 GROUNDS on which
you are appealing**

Please explain why you are appealing and why you think the decision was wrong.

You need to tell us all of the grounds for your appeal. If you do not do this now, then you may not be allowed to mention any further grounds at a later time.

You must give reasons showing how the grounds relate to your own individual case. *Please do not use standard templates.*

[Note: you may use additional sheets of paper if you need to

Any additional sheets used should be attached to this form]

**Nationality Immigration and Asylum Act 2002
Notice of Appeal to Adjudicator (United Kingdom)**

5 Arranging your Appeal

- a Do you wish to have your appeal:
(please tick appropriate box)
- b If you do want an oral hearing, do you want to attend the hearing?
- c If you are not attending, will your representative be attending?
- d If you are attending the hearing will you need an interpreter ?
- e If you do need an interpreter, which language will you need?
(i) Language
(ii) Dialect (if applicable)
- f If you, your representative or sponsor have a disability, please explain any special arrangements needed for the hearing.

<p>(i) decided at an oral hearing; or <input type="checkbox"/></p> <p>(ii) decided on the papers without a hearing <input type="checkbox"/></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No (please tick a box)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>_____</p> <p>_____</p>	
<p>_____</p>	

6 Declaration

YOU OR YOUR REPRESENTATIVE (IF YOU HAVE ONE) MUST SIGN BELOW

	<p>"I, the Appellant, believe that the facts stated in this Notice of Appeal are true."</p>
Signed (Appellant)	<p>_____</p>
Print name in BLOCK LETTERS	<p>_____</p>
	<p align="right">Dated <input style="width: 100px;" type="text"/></p>
	<p>"I, the Representative, am giving this Notice of Appeal in accordance with the Appellant's instructions, and the Appellant believes that the facts stated in this Notice of Appeal are true."</p>
Signed (Representative)	<p>_____</p>
Print name in BLOCK LETTERS	<p>_____</p>
	<p align="right">Dated <input style="width: 100px;" type="text"/></p>

**Nationality Immigration and Asylum Act 2002
Notice of Appeal to Adjudicator (United Kingdom)**

**4 STATEMENT OF
ADDITIONAL GROUNDS**

If your notice of decision requires you to make a Statement of Additional Grounds, you should make it here.

If there are any OTHER reasons why you wish to stay in the United Kingdom, including any OTHER grounds on which you should be allowed to stay, or should not be removed or required to leave, please explain them here.

Do not repeat reasons or grounds you have already given.

If you do not disclose all your reasons and grounds now, you may not be able to make any other applications to appeal, if this application is refused.

Please do not use standard templates. The grounds MUST relate to your own individual case.

[Note: you may use additional sheets of paper if you need to

Any additional sheets used should be attached to this form]

**Nationality Immigration and Asylum Act 2002
Notice of Appeal to Adjudicator (United Kingdom)**

7 The documents you are sending with this form

Please list **every** document

DUE DATE FOR APPEALING:

The date by which we expect you to serve this notice of appeal, if you are appealing from within the UK is _____.

If there is no date specified above, and you want to appeal from within the UK, you must serve your appeal within –

- 5 working days of being served the notice of decision (if you were detained under the Immigration Acts at the time of being served the notice of decision); OR
- 10 working days of being served the notice of decision (if you were not detained under the Immigration Acts at the time of being served the notice of decision).

If you want to appeal from outside the UK, you must serve your appeal within 28 days of being served the notice of decision.

If you serve this notice of appeal outside the time prescribed above, you **MUST** –

- give your reasons in the following box (you may use and attach additional paper, if necessary);
AND
- attach to this notice of appeal, any supporting evidence for your reasons.

Failure to provide reasons and adequate supporting evidence for giving your notice of appeal outside the relevant period could result in your appeal not being allowed to proceed.

WHAT TO DO NEXT: Keep a copy of this form for your own use and send or deliver the original to:

End of Form

Data protection statement – Information, including personal details, that you have provided in this form will not be used by the Immigration Appellate Authority for any purpose other than the determination of your application. The information may be disclosed to other Government Departments and public authorities only, for related immigration or asylum purposes.

Decision-Maker's Reference Number

1 Personal Information

a Surnames / Family names
(in BLOCK LETTERS)



b Other names

c Address (where you
can be contacted)

** postal address must be
provided **

d Telephone number
(where you can be
contacted)

e Sex

Male

Female

f Date of birth

g Nationality or
citizenship (ALL that apply)

h Application Registration
Card number (if applicable)

i Details of decision you are
appealing against

j Have you made any
other appeal about asylum
nationality or immigration ?

Yes

No (please tick a box)

k If you have said **YES**:
when did you appeal?

l What is the case number,
if you know it?

m Does this appeal relate to
a family visit?

Yes

No

n Has any other member of
your family applied for
asylum in the UK?

Yes

No

**Nationality Immigration and Asylum Act 2002
Notice of Appeal to Adjudicator (Overseas)**

**3 GROUNDS on which
you are appealing**

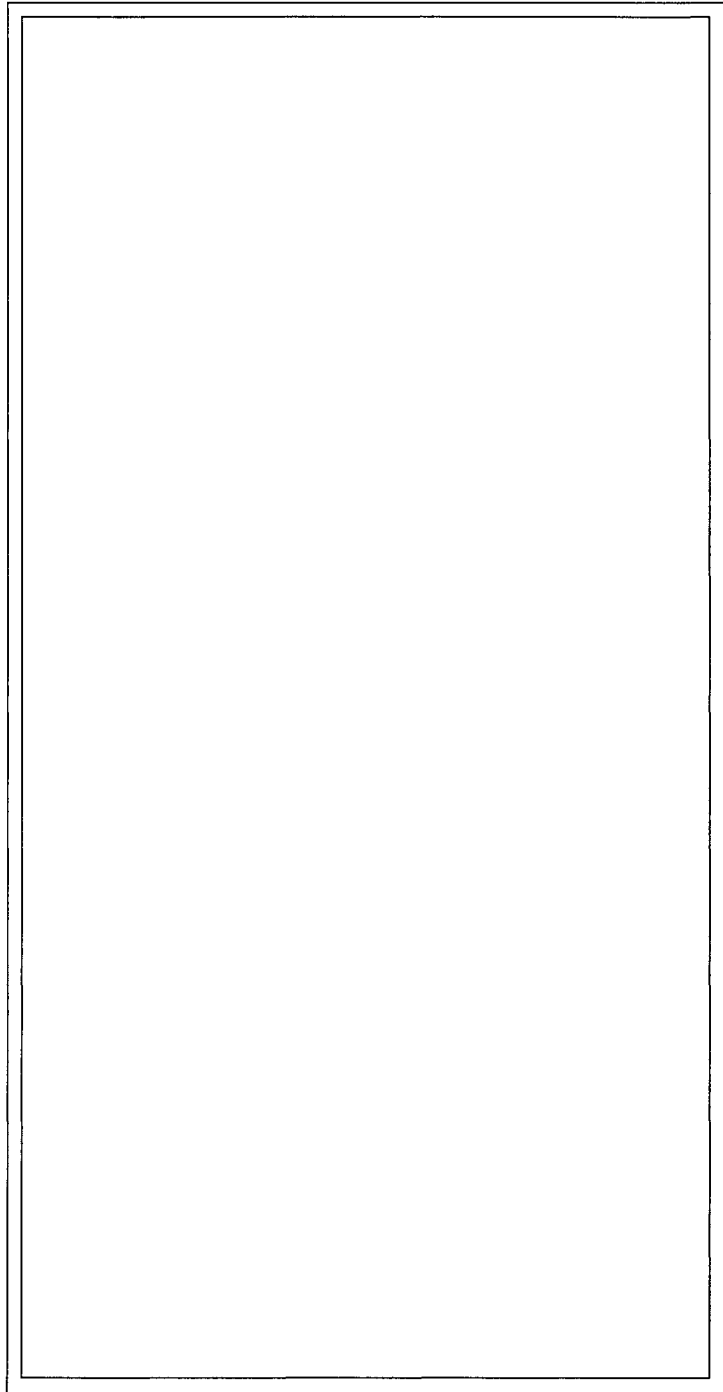
Please explain why you are appealing and why you think the decision was wrong.

You need to tell us all of the grounds for your appeal. If you do not do this now, then you may not be allowed to mention any further grounds at a later time.

You must give reasons showing how the grounds relate to your own individual case. *Please do not use standard templates.*

[Note: you may use additional sheets of paper if you need to

Any additional sheets used should be attached to this form]



**Nationality Immigration and Asylum Act 2002
Notice of Appeal to Adjudicator (Overseas)**

4 Arranging your Appeal

- a Do you wish to have your appeal:
(please tick appropriate box)
- b If you want an oral hearing, will your representative/sponsor be attending?
- c If yes, does your representative/sponsor need an interpreter?
- d If yes, which language?
 - (i) Language
 - (ii) Dialect (if applicable)
- e If your representative or sponsor has a disability, please explain any special arrangements needed for the hearing.

	(i) decided at an oral hearing; or <input type="checkbox"/>
	(ii) decided on the papers without a hearing <input type="checkbox"/>
	<input type="checkbox"/> Yes <input type="checkbox"/> No (please tick a box)
	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input style="width: 100%;" type="text"/>
	<input style="width: 100%;" type="text"/>
	<input style="width: 100%; height: 50px;" type="text"/>

5 Declaration

YOU OR YOUR REPRESENTATIVE (IF YOU HAVE ONE) MUST SIGN BELOW

	"I, the Appellant, believe that the facts stated in this Notice of Appeal are true."
Signed (Appellant)	<input style="width: 100%;" type="text"/>
Print name in BLOCK LETTERS	<input style="width: 100%;" type="text"/>
	Dated <input style="width: 100px;" type="text"/>
	"I, the Representative, am giving this Notice of Appeal in accordance with the Appellant's instructions, and the Appellant believes that the facts stated in this Notice of Appeal are true."
Signed (Representative)	<input style="width: 100%;" type="text"/>
Print name in BLOCK LETTERS	<input style="width: 100%;" type="text"/>
	Dated <input style="width: 100px;" type="text"/>

**Nationality Immigration and Asylum Act 2002
Notice of Appeal to Adjudicator (Overseas)**

6 The documents you are sending with this form
Please list every document

DUE DATE FOR APPEALING:

The date by which we expect you to serve this notice of appeal is _____.

If there is no date specified above, you must serve your appeal within 28 days of being served the notice of decision.

If you serve this notice of appeal outside the time prescribed above, you MUST –

- give your reasons in the following box (you may use and attach additional paper, if necessary);
AND
- attach to this notice of appeal, any supporting evidence for your reasons.

Failure to provide reasons and adequate supporting evidence for giving your notice of appeal outside the relevant period could result in your appeal not being allowed to proceed.

WHAT TO DO NEXT: Keep a copy of this form for your own use and send or deliver the original to:

End of Form

Data protection statement – Information, including personal details, that you have provided in this form will not be used by the Immigration Appellate Authority for any purpose other than the determination of your application. The information may be disclosed to other Government Departments and public authorities only, for related immigration or asylum purposes.

Nationality Immigration and Asylum Act 2002

Notice of Appeal to Adjudicator

(Right of Appeal that can only be exercised upon leaving the United Kingdom)



Decision-Maker's Reference Number

1 Personal Information

a Surnames / Family names
(in BLOCK LETTERS)



b Other names

c Address (where you
can be contacted)

* postal address must be
provided *

d Telephone number
(where you can be
contacted)

e Sex

Male

Female

e Date of birth

f Nationality or
citizenship (ALL that apply)

g Application Registration
Card number (if applicable)

h Details of decision you are
appealing against

i Have you made any
other appeal about asylum
nationality or immigration ?

Yes

No (please tick a box)

j If you have said YES:
when did you appeal?

k What is the case number,
if you know it?

l Has any other member of
your family applied for
asylum in the UK?

Yes

No

**Nationality Immigration and Asylum Act 2002
Notice of Appeal to Adjudicator**

(Right of Appeal that can only be exercised upon leaving the United Kingdom)

2 Help with Your Appeal

a Do you have a legal representative to help you? Yes No (please tick a box)

If you have said YES, please fill in the rest of the page. If you have said NO, please go to next page

b Please give:

- ◆ the person's name
- ◆ address
** postal address must be provided **
- ◆ organisation name
- ◆ reference (for correspondence)
- ◆ telephone number
- ◆ mobile number
- ◆ fax number
- ◆ email address

	<input style="width: 100%;" type="text"/>
	<input style="width: 100%;" type="text"/>
	POSTCODE: [<input style="width: 100px;" type="text"/>]
	<input style="width: 100%;" type="text"/>
	<input style="width: 80%;" type="text"/>
	<input style="width: 80%;" type="text"/>
	<input style="width: 80%;" type="text"/>
	<input style="width: 80%;" type="text"/>
	<input style="width: 100%;" type="text"/>
	<input type="checkbox"/> Yes <input type="checkbox"/> No (please tick a box)
	<input style="width: 80%;" type="text"/>
	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input style="width: 100%;" type="text"/>

c Is the representative or organisation regulated by the Office of the Immigration Services Commissioner (OISC)?

d If YES, please provide OISC reference.

e Have you been granted Controlled Legal Representation?

f If YES, please provide details of supplier.

<p>In future, you <u>must</u> let us know if:</p> <ul style="list-style-type: none">a) you change your addressb) you change your representative

**Nationality Immigration and Asylum Act 2002
Notice of Appeal to Adjudicator**

(Right of Appeal that can only be exercised upon leaving the United Kingdom)

**3 GROUNDS on which
you are appealing**

Please explain why you are appealing and why you think the decision was wrong.

You need to tell us all of the grounds for your appeal. If you do not do this now, then you may not be allowed to mention any further grounds at a later time.

You must give reasons showing how the grounds relate to your own individual case. *Please do not use standard templates.*

[Note: you may use additional sheets of paper if you need to

Any additional sheets used should be attached to this form]

**Nationality Immigration and Asylum Act 2002
Notice of Appeal to Adjudicator**

(Right of Appeal that can only be exercised upon leaving the United Kingdom)

4 Arranging your Appeal

- a Do you wish to have your appeal:
(please tick appropriate box)
- b If you want an oral hearing, will your
representative/sponsor be attending?
- c If yes, does your representative/
sponsor need an interpreter ?
- d If yes, which language?
 - (i) Language
 - (ii) Dialect (if applicable)
- e If your representative or
sponsor has a disability,
please explain any special
arrangements needed for the
hearing.

<p>(i) decided at an oral hearing; or <input type="checkbox"/></p> <p>(ii) decided on the papers without a hearing <input type="checkbox"/></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No (please tick a box)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p>_____</p> <p>_____</p> <p>_____</p>
--	--

5 Declaration

YOU OR YOUR REPRESENTATIVE (IF YOU HAVE ONE) MUST SIGN BELOW

Signed (Appellant)

Print name in **BLOCK LETTERS**

Dated

Signed (Representative)

Print name in **BLOCK LETTERS**

Dated

<p>"I, the Appellant, believe that the facts stated in this Notice of Appeal are true."</p>	
Dated	
<p>"I, the Representative, am giving this Notice of Appeal in accordance with the Appellant's instructions, and the Appellant believes that the facts stated in this Notice of Appeal are true."</p>	
Dated	

**Nationality Immigration and Asylum Act 2002
Notice of Appeal to Adjudicator**

(Right of Appeal that can only be exercised upon leaving the United Kingdom)

6 The documents you are sending with this form

Please list every document

DUE DATE FOR APPEALING:

You must serve your appeal within 28 of your departure from the United Kingdom.

If you serve this notice of appeal outside the time prescribed above, you MUST –

- give your reasons in the following box (you may use and attach additional paper, if necessary);
AND
- attach to this notice of appeal, any supporting evidence for your reasons.

Failure to provide reasons and adequate supporting evidence for giving your notice of appeal outside the relevant period could result in your appeal not being allowed to proceed.

WHAT TO DO NEXT: Keep a copy of this form for your own use and send or deliver the original to:

End of Form

Data protection statement – Information, including personal details, that you have provided in this form will not be used by the Immigration Appellate Authority for any purpose other than the determination of your application. The information may be disclosed to other Government Departments and public authorities only, for related immigration or asylum purposes.

Nationality Immigration and Asylum Act 2002
Application for permission to appeal to Tribunal (United Kingdom)

**3 GROUNDS on which
you are appealing**

Please state ALL your grounds of appeal and ALL your reasons in support of those grounds.

The grounds MUST:

- ◆ identify the alleged errors of law in the adjudicator's decision; and
- ◆ explain why these errors made a material difference to the decision

You need to tell us all of the grounds for your appeal. If you do not do this now, then you may not be allowed to mention any further grounds at a later time.

Please do not use standard templates. You must give reasons showing how the grounds relate to your own individual case.

[Note: you may use additional sheets of paper if you need to

Any additional sheets used should be attached to this form]

Nationality Immigration and Asylum Act 2002
Application for permission to appeal to Tribunal (United Kingdom)

4 Declaration

YOU OR YOUR REPRESENTATIVE (IF YOU HAVE ONE) MUST SIGN BELOW

	"I, the Appellant, believe that the facts stated in this application are true."
Signed (Appellant)	<input style="width: 80%; height: 20px;" type="text"/>
Print name in BLOCK LETTERS	<input style="width: 80%; height: 20px;" type="text"/>
	Dated <input style="width: 100px; height: 20px;" type="text"/>
	"I, the Representative, am giving this application in accordance with the Appellant's instructions, and the Appellant believes that the facts stated in this application are true."
Signed (Representative)	<input style="width: 80%; height: 20px;" type="text"/>
Print name in BLOCK LETTERS	<input style="width: 80%; height: 20px;" type="text"/>
	Dated <input style="width: 100px; height: 20px;" type="text"/>
5 The documents you are sending with this form	<div style="border: 1px solid black; height: 200px; width: 100%;"></div>
Please list every document	
Please note: you MUST attach a clear and complete copy of the adjudicator's determination and copies of any other material relied on.	

Nationality Immigration and Asylum Act 2002
Application for permission to appeal to Tribunal (United Kingdom)

DUE DATE FOR APPEALING:

We must receive your application within –

- 5 working days of you being served the adjudicator's determination (if you were detained under the Immigration Acts at the time of being served the determination); OR
- 10 working days of you being served the adjudicator's determination (in any other case in the United Kingdom).

If you give this application outside the time prescribed above, you MUST –

- give your reasons in the following box (you may use and attach additional paper, if necessary;
AND
- attach to this application, any supporting evidence for your reasons.

Failure to provide reasons and adequate supporting evidence for giving your application outside the relevant period could result in your appeal not being allowed to proceed.

WHAT TO DO NEXT: YOU MUST RETURN THIS FORM, AND A COPY OF THE DETERMINATION YOU ARE APPEALING AGAINST. PLEASE SEND TO:

End of Form

Data protection statement – Information, including personal details, that you have provided in this form will not be used by the Immigration Appellate Authority for any purpose other than the determination of your application. The information may be disclosed to other Government Departments and public authorities only, for related immigration or asylum purposes.

**Nationality Immigration and Asylum Act 2002
Application for permission to appeal to Tribunal (Overseas)**

T2

1 Personal Information

- a Surnames / Family names
(in BLOCK LETTERS)
- b Other names
- c Address (where you
can be contacted)
- d Telephone number
(where you can be contacted)
- e Does this appeal relate to
a family visit?

→

Yes No (please tick a box)

2 Help with Your Appeal

- a Do you have a legal
representative to help you?

Yes No (please tick a box)

If you have said YES, please fill in the rest of the page. If you have said NO, please go to next page

b Please give:

- ◆ the person's name
- ◆ address
- ◆ organisation name
- ◆ reference
(for correspondence)
- ◆ telephone number
- ◆ fax number
- ◆ mobile number
- ◆ email address

POSTCODE: []

Yes No (please tick a box)

Yes No (please tick a box)

Nationality Immigration and Asylum Act 2002
Application for permission to appeal to Tribunal (Overseas)

**3 GROUNDS on which
you are appealing**

Please state ALL your grounds of appeal and ALL your reasons in support of those grounds.

The grounds MUST:

- ◆ identify the alleged errors of law in the adjudicator's decision; and
- ◆ explain why these errors made a material difference to the decision

You need to tell us all of the grounds for your appeal. If you do not do this now, then you may not be allowed to mention any further grounds at a later time.

Please do not use standard templates. You must give reasons showing how the grounds relate to your own individual case.

[Note: you may use additional sheets of paper if you need to

Any additional sheets used should be attached to this form]

Nationality Immigration and Asylum Act 2002
Application for permission to appeal to Tribunal (Overseas)

4 Declaration

YOU OR YOUR REPRESENTATIVE (IF YOU HAVE ONE) MUST SIGN BELOW

"I, the Appellant, believe that the facts stated in this application are true."

Signed (Appellant)

Print name in **BLOCK LETTERS**

Dated

"I, the Representative, am giving this application in accordance with the Appellant's instructions, and the Appellant believes that the facts stated in this application are true."

Signed (Representative)

Print name in **BLOCK LETTERS**

Dated

5 The documents you are sending with this form

Please list **every** document

Please note: you **MUST** attach a clear and complete copy of the adjudicator's determination and copies of any other material relied on.

Nationality Immigration and Asylum Act 2002
Application for permission to appeal to Tribunal (Overseas)

DUE DATE FOR APPEALING:

We must receive your application within 28 days of you being served the adjudicator's determination.

If you give this application outside the time prescribed above, you **MUST** –

- give your reasons in the following box (you may use and attach additional paper, if necessary;
AND
- attach to this application, any supporting evidence for your reasons.

Failure to provide reasons and adequate supporting evidence for giving your application outside the relevant period could result in your appeal not being allowed to proceed.

WHAT TO DO NEXT: YOU MUST RETURN THIS FORM, AND A COPY OF THE DETERMINATION YOU ARE APPEALING AGAINST. PLEASE SEND TO:

End of Form

Data protection statement – Information, including personal details, that you have provided in this form will not be used by the Immigration Appellate Authority for any purpose other than the determination of your application. The information may be disclosed to other Government Departments and public authorities only, for related immigration or asylum purposes.

Nationality Immigration and Asylum Act 2002
Application to Tribunal for permission to appeal to Court of Appeal
(Court of Session where original decision of adjudicator was made in Scotland)

C1

1 Personal Information

- a Surnames / Family names
(in BLOCK LETTERS)
- b Other names
- c Address (where you can be contacted)
- d Telephone number
(where you can be contacted during the day)
- e Does this appeal relate to a family visit?

→

POSTCODE: []

Yes No (please tick a box)

2 Help with Your Appeal

- a Do you have a legal representative to help you?

Yes No (please tick a box)

If you have said YES, please fill in the rest of the page. If you have said NO, please go to next page

- b Please give:
 - ◆ the person's name
 - ◆ address
 - ◆ organisation name
 - ◆ reference (for correspondence)
 - ◆ telephone number
 - ◆ fax number
 - ◆ mobile number
 - ◆ email address
- c Is the representative or organisation regulated by the Office of the Immigration Services Commissioner (OISC)?
- d If YES, please provide OISC reference.
- e Have you been granted Controlled Legal Representation?
- f If YES, please provide details of supplier.

POSTCODE: []

Yes No (please tick a box)

Yes No (please tick a box)

Nationality Immigration and Asylum Act 2002
Application to Tribunal for permission to appeal to Court of Appeal
(Court of Session where original decision of adjudicator was made in Scotland)

3 GROUNDS on which you are appealing

a Please provide details of the decision you are appealing against.

b Please identify ALL the errors of law you believe have been made in the decision you are appealing against.

Please do not use standard templates. You must give reasons showing how the grounds relate to your own individual case.

[Note: you may use additional sheets of paper if you need to

Any additional sheets used should be attached to this form]

4 Declaration

YOU OR YOUR REPRESENTATIVE (IF YOU HAVE ONE) MUST SIGN BELOW

Signed (Appellant)

Print name in **BLOCK LETTERS**

Dated

Signed (Representative)

Print name in **BLOCK LETTERS**

Dated

"I, the Appellant, believe that the facts stated in this application are true."

"I, the Representative, am giving this application in accordance with the Appellant's instructions, and the Appellant believes that the facts stated in this application are true."

Nationality Immigration and Asylum Act 2002
Application to Tribunal for permission to appeal to Court of Appeal
(Court of Session where original decision of adjudicator was made in Scotland)

DUE DATE FOR APPEALING:

We must receive your application within --

- 5 working days of you being served the Tribunal's determination (if you were detained under the Immigration Acts at the time of being served the determination); OR
- 10 working days of you being served the Tribunal's determination (in any other case).

WHAT TO DO NEXT: PLEASE SEND TO:

End of Form

Data protection statement – Information, including personal details, that you have provided in this form will not be used by the Immigration Appellate Authority for any purpose other than the determination of your application. The information may be disclosed to other Government Departments and public authorities only, for related immigration or asylum purposes.

Nationality Immigration and Asylum Act 2002
Application to be Released on Bail

B1

Decision-Maker's Reference Number

1 About You

a Your surnames/ family names
(in BLOCK LETTERS)



b Your other names

c Your address where you are being detained

POSTCODE: []

d Your date of arrival in the UK

e Your date of birth

f Your nationality or citizenship

g Do you have an appeal pending?

Yes No (please tick a box)

h If YES, and if you have the number, what is it?

i Your address if your application for bail is granted.

POSTCODE: []

j Have you lodged a bail application before?

Yes No (please tick a box)

k If YES, bail reference number (if known)

2a Your undertaking (if in England, Northern Ireland or Wales)

I promise to pay the sum of
if I do not comply with the conditions of bail
decided by the appellate authorities.

£

Signed

Print name in **BLOCK LETTERS**

Dated

**Nationality Immigration and Asylum Act 2002
Application to be Released on Bail**

2b Amount of Deposit (if in Scotland)

The amount, if any, to be deposited, if bail is granted.	£ <input style="width: 90%;" type="text"/>
--	--

3 About Your Sureties/Cautioners (if any)

- a Surnames / Family names →
- b Other names
- c Address

- d Occupation
- e Recognizance / Deposit
- f Date of birth

POSTCODE: []

4 The grounds on which you are applying

You need to tell us all of the grounds for your application

If you have had a previous application for bail refused, give full details of any change in circumstances since then

[Note: you may use additional sheets of paper if you need to

Any additional sheets used should be attached to this form]

**Nationality Immigration and Asylum Act 2002
Application to be Released on Bail**

5 Help with Your Appeal

a Do you have a legal representative to help you? Yes No (please tick a box)

If you have said YES, please fill in the rest of the page. If you have said NO, please go to next page

b Please give:

- ◆ the person's name
- ◆ address
- * *postal address must be provided **
- ◆ organisation name
- ◆ reference (for correspondence)
- ◆ telephone number
- ◆ mobile number
- ◆ fax number
- ◆ email address

	<input style="width: 100%;" type="text"/>
	<input style="width: 100%;" type="text"/>
	POSTCODE: []
	<input style="width: 100%;" type="text"/>
	<input style="width: 60%; margin-left: 10px;" type="text"/>
	<input style="width: 60%; margin-left: 10px;" type="text"/>
	<input style="width: 60%; margin-left: 10px;" type="text"/>
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	<input style="width: 60%; margin-left: 10px;" type="text"/>
	<input style="width: 60%; margin-left: 10px;" type="text"/>
	<input style="width: 100%;" type="text"/>
	<input style="width: 100%;" type="text"/>

c Is the representative or organisation regulated by the Office of the Immigration Services Commissioner (OISC)? Yes No (please tick a box)

d If YES, please provide OISC reference.

e Have you been granted Controlled Legal Representation? Yes No

f If YES, please provide details of supplier.

You must let us know if you change your representative

**Nationality Immigration and Asylum Act 2002
Application to be Released on Bail**

6 At the hearing of your application

a Will you need an interpreter ?

Yes No (please tick a box)

b If you do need an interpreter, which language will you need?

(i) Language

(ii) Dialect (if any)

c If you or your legal representative, has a disability please explain any special arrangements needed for the hearing.

<input type="checkbox"/> Yes <input type="checkbox"/> No (please tick a box)

7 Declaration

YOU OR YOUR REPRESENTATIVE (IF YOU HAVE ONE) MUST SIGN BELOW

"I, the appellant / representative (*delete as appropriate*), believe that the facts given are true to the best of my knowledge."

Signed

Print name in **BLOCK LETTERS**

Dated

WHAT TO DO NEXT: PLEASE SEND TO...

End of Form

Data protection statement – Information, including personal details, that you have provided in this form will not be used by the Immigration Appellate Authority for any purpose other than the determination of your application. The information may be disclosed to other Government Departments and public authorities only, for related immigration or asylum purposes.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules prescribe the procedure to be followed for appeals and applications to an adjudicator and to the Immigration Appeal Tribunal under Part 5 of the Nationality, Immigration and Asylum Act 2002, which comes into force on 1st April 2003, and under section 40A of the British Nationality Act 1981, as inserted by section 4 of the 2002 Act. The Rules also prescribe the procedure to be followed for applications to an adjudicator or the Tribunal for bail.

Part 1 of these Rules contains introductory provisions.

Part 2 contains rules about appeals to an adjudicator. Subject to various exceptions and limitations in Part 5 of the 2002 Act, a right of appeal lies to an adjudicator—

- (a) under section 82 of the 2002 Act, against an immigration decision;
- (b) under section 83 of the 2002 Act, in certain circumstances, against a decision to reject an asylum claim; and
- (c) under section 40A of the British Nationality Act 1981, against a decision to make an order depriving a person of a British citizenship status.

Part 3 contains rules about appeals (including applications for permission to appeal) to the Tribunal. Section 101(1) of the 2002 Act and section 40A(3) of the 1981 Act provide that a party to an appeal to an adjudicator may, with the permission of the Immigration Appeal Tribunal, appeal to the Tribunal against an adjudicator's determination on a point of law.

Part 4 contains rules about applications to the Tribunal for permission to appeal to the Court of Appeal or (in Scotland) to the Court of Session.

Part 5 contains rules about applications to an adjudicator or the Tribunal for bail. Such applications may be made under Schedule 2 to the Immigration Act 1971 and section 9A of the Asylum and Immigration Appeals Act 1993.

Part 6 contains general provisions which apply to appeals and applications under these Rules.

Part 7 revokes the Immigration and Asylum Appeals (Procedure) Rules 2000 and contains transitional provisions for appeals and applications pending on 1st April 2003.