
STATUTORY INSTRUMENTS

2003 No. 801

The Immigration and Asylum Appeals
(Fast Track Procedure) Rules 2003

PART 2

APPEALS TO AN ADJUDICATOR

Scope of this Part

4. This Part applies to an appeal to an adjudicator against an immigration decision which was made on or after 10th April 2003, where—

- (a) the appellant was in detention under the Immigration Acts at a place specified in the Schedule to these Rules when notice of that immigration decision was served on him; and
- (b) the appellant has continuously been in detention under the Immigration Acts at a place or places specified in the Schedule since that notice was served on him.

Application of Part 2 of the Principal Rules

5. The following rules in Part 2 of the Principal Rules apply to an appeal to an adjudicator to which this Part applies—

- (a) rule 5;
- (b) rule 6;
- (c) rule 8;
- (d) rule 10(1);
- (e) rule 11; and
- (f) rule 12, except for sub-paragraph (b).

Time limits

6.—(1) A notice of appeal to an adjudicator must be given in accordance with rules 6 and 8 of the Principal Rules not later than 2 days after the day on which the appellant is served with notice of the decision against which he wishes to appeal.

(2) An adjudicator may not extend the time limit in paragraph (1) unless he is satisfied that, because of circumstances outside the control of the appellant or his representative, it was not practicable for notice of appeal to be given within that time limit.

(3) The respondent must (whether or not the notice of appeal is given within the time specified in paragraph (1))—

- (a) file with the appellate authority the documents specified in rule 9(1) of the Principal Rules; and
- (b) serve on the appellant the documents specified in rule 9(2) of the Principal Rules,

not later than 2 days after the day on which notice of appeal is given.

Listing

7.—(1) The appellate authority must fix a hearing date as soon as practicable after the respondent files the documents under rule 6(3)(a).

(2) The hearing date must be not later than 2 days after the day on which the respondent files those documents, or as soon as practicable thereafter if the appellate authority is unable to arrange a hearing within that time.

(3) The appellate authority must serve notice of the date, time and place of the hearing on—

(a) every party; and

(b) subject to rule 21, any representative acting for a party,

not later than noon on the day before the hearing.

Determining the appeal

8.—(1) An adjudicator must consider the appeal at the hearing fixed under rule 7(1), and give a written determination following that hearing, except where—

(a) the notice of appeal was given out of time, and the adjudicator does not grant an extension of time;

(b) rule 12(a) of the Principal Rules applies; or

(c) the adjudicator adjourns the hearing on a ground specified in paragraph (2).

(2) An adjudicator may only adjourn the hearing of an appeal where—

(a) it is necessary to do so because there is insufficient time to hear the appeal;

(b) a party has not been served with notice of the hearing in accordance with these Rules;

(c) the adjudicator is satisfied by evidence filed or given by or on behalf of a party that—

(i) the appeal cannot be justly determined on the date on which it is listed for hearing; and

(ii) there is an identifiable future date, not more than 10 days after the date on which the appeal is listed for hearing, by which the appeal can be justly determined; or

(d) the adjudicator makes an order under rule 23.

(3) The appellate authority must serve the adjudicator's written determination of the appeal on—

(a) every party; and

(b) subject to rule 21, any representative acting for a party,

not later than one day after the day on which the hearing of the appeal finishes.