
STATUTORY INSTRUMENTS

2003 No. 801

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

PART 3

APPEALS TO THE TRIBUNAL

Scope of this Part

9. This Part applies to an appeal (including an application for permission to appeal) to the Tribunal where—

- (a) the appeal is against the determination of an adjudicator upon an appeal to which Part 2 of these Rules applied; and
- (b) the party appealing against an immigration decision has, since being served with notice of that immigration decision, continuously been in detention under the Immigration Acts at a place or places specified in the Schedule to these Rules.

Application of Part 3 of the Principal Rules

10. The following rules in Part 3 of the Principal Rules apply to an appeal to the Tribunal to which this Part applies—

- (a) rule 14;
- (b) rule 15, except for paragraph (5);
- (c) rule 17;
- (d) rule 18, except for paragraph (7)(b);
- (e) rule 19(1) and (3);
- (f) rule 20;
- (g) rule 21(1), (2) and (4);
- (h) rule 22;
- (i) rule 23;
- (j) rule 24; and
- (k) rule 25.

Applying for permission to appeal

11.—(1) An application for permission to appeal to the Tribunal against an adjudicator's determination must be made, in accordance with rules 15(1)-(4) and 17 of the Principal Rules, not later than 2 days after the day on which the appellant is served with the adjudicator's determination.

(2) The appellant must—

- (a) state in his application notice whether he seeks an oral hearing of the appeal if permission to appeal is granted, giving reasons if he does so; and
 - (b) file with the application notice (whether or not he seeks an oral hearing)—
 - (i) any written submissions upon which he wishes to rely if the Tribunal grants permission to appeal and decides to determine the appeal without a hearing; and
 - (ii) any notice under rule 21(2) of the Principal Rules asking the Tribunal to consider additional evidence.
- (3) When the appellate authority receives the application notice, it must serve a copy of the notice and any accompanying documents on the respondent as soon as practicable.
- (4) The Tribunal may extend the time limit in paragraph (1) if it is satisfied that, by reason of special circumstances, it would be unjust not to do so.

Documents to be filed by respondent

- 12.**—(1) The respondent must, not later than one day after the day on which he is served with a copy of the application notice—
- (a) file with the appellate authority a statement of whether he seeks an oral hearing of the appeal if permission is granted, giving reasons if he does so; and
 - (b) file with that statement (whether or not he seeks an oral hearing)—
 - (i) any written submissions upon which he wishes to rely if the Tribunal grants permission to appeal and decides to determine the appeal without a hearing;
 - (ii) any respondent’s notice under rule 19 of the Principal Rules; and
 - (iii) any notice under rule 21(2) of the Principal Rules asking the Tribunal to consider additional evidence.
- (2) The Tribunal may extend the time limit in paragraph (1) if it is satisfied that, by reason of special circumstances, it would be unjust not to do so.

Determining the permission application

13. The Tribunal must determine the application for permission to appeal, and the Tribunal’s written determination must be served on—

- (a) every party; and
- (b) subject to rule 21, any representative of a party,

not later than one day after the expiry of the time for the respondent to file documents under rule 12.

Determining the appeal

14.—(1) This rule applies where the Tribunal grants permission to appeal under rule 18 of the Principal Rules.

(2) The Tribunal must, having regard to any written representations made by the parties, decide whether to—

- (a) determine the appeal without a hearing in accordance with rule 45(1) of the Principal Rules; or
 - (b) fix a hearing.
- (3) If the Tribunal decides to determine an appeal without a hearing, it must determine it—
- (a) at the same time as granting permission to appeal; or

- (b) as soon as practicable afterwards.
- (4) If the Tribunal fixes a hearing—
 - (a) the hearing date must be not later than 2 days after the grant of permission to appeal, or as soon as practicable thereafter if the appellate authority is unable to arrange the hearing within that time; and
 - (b) the appellate authority must serve notice of the date, time and place of the hearing on—
 - (i) every party; and
 - (ii) subject to rule 21, any representative acting for a party, not later than noon on the day before the hearing.
- (5) The Tribunal may only adjourn the hearing of an appeal only 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 Tribunal 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 Tribunal makes an order under rule 23.
- (6) The appellate authority must serve the Tribunal’s written determination of the appeal upon—
 - (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, or the Tribunal determines the appeal without a hearing.