
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Asylum and Immigration Tribunal (Procedure) Rules 2005 ([S.I. 2005/230](#)), which prescribe the procedures to followed for appeals and applications to the Asylum and Immigration Tribunal.

Rules 2 and 4(b) require the appellant to give reasons for a failure to include with the notice of appeal the notice of decision to which the appeal relates, and permit the Tribunal to determine the appeal without a hearing where the appellant fails to give reasons or where the reasons given are unsatisfactory.

Rule 3 requires the Tribunal not to accept a notice of appeal in cases where a person may not appeal pursuant to s.88A of the 2002 Act.

Rule 4(a) permits the Tribunal to hear an appeal without a hearing where the appellant is outside the United Kingdom and has a representative outside the United Kingdom.

Rules 5 and 6 clarify the nature of a reply, and provide that it must be considered (and what else must or may be considered) when the Tribunal is deciding whether the original Tribunal made a material error of law.

Rule 7 provides that a determination relating to public funding in reconsideration cases need not be made separately from the substantive determination.

Rule 8 empowers the Tribunal, in certain circumstances, to set aside a determination and direct that proceedings be reheard.

Rule 9 empowers the Tribunal to extend time limits retrospectively in exceptional circumstances.

Rule 10 requires the respondent to notify the Tribunal if the respondent knows of the appellant's change of address.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.