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STATUTORY INSTRUMENTS

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**2010 No. 44**

**The Tribunal Procedure (Amendment No. 2) Rules 2010**

**Amendments to the Tribunal Procedure (Upper Tribunal) Rules 2008**

12. After rule 17 (withdrawal) insert—

**“Appeal treated as abandoned or finally determined in an asylum case or an immigration case**

17A.—(1) A party to an asylum case or an immigration case before the Upper Tribunal must notify the Tribunal if they are aware that—

- (a) the appellant has left the United Kingdom;
- (b) the appellant has been granted leave to enter or remain in the United Kingdom;
- (c) a deportation order has been made against the appellant; or
- (d) a document listed in paragraph 4(2) of Schedule 2 to the Immigration (European Economic Area) Regulations 2006<sup>(1)</sup> has been issued to the appellant.

(2) Where an appeal is treated as abandoned pursuant to section 104(4) or (4A) of the Nationality, Immigration and Asylum Act 2002<sup>(2)</sup> or paragraph 4(2) of Schedule 2 to the Immigration (European Economic Area) Regulations 2006, or as finally determined pursuant to section 104(5) of the Nationality, Immigration and Asylum Act 2002, the Upper Tribunal must send the parties a notice informing them that the appeal is being treated as abandoned or finally determined.

(3) Where an appeal would otherwise fall to be treated as abandoned pursuant to section 104(4A) of the Nationality, Immigration and Asylum Act 2002, but the appellant wishes to pursue their appeal, the appellant must send or deliver a notice, which must comply with any relevant practice directions, to the Upper Tribunal and the respondent so that it is received within thirty days of the date on which the notice of the grant of leave to enter or remain in the United Kingdom was sent to the appellant.

(4) Where a notice of grant of leave to enter or remain is sent electronically or delivered personally, the time limit in paragraph (3) is twenty eight days.

(5) Notwithstanding rule 5(3)(a) (case management powers) and rule 7(2) (failure to comply with rules etc.), the Upper Tribunal must not extend the time limits in paragraph (3) and (4).”

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<sup>(1)</sup> S.I. 2006/1003.

<sup>(2)</sup> 2002 c.41. Section 104(4) was substituted by, and section 104(4A) to (4C) was inserted by, section 9 of the Immigration, Asylum and Nationality Act 2006.