



TRIBUNALS
JUDICIARY

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PRESIDENT - FIRST TIER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

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Dear All

I write to set out the Tribunal's programme for the coming weeks in the light of the continuing restrictions on movement and association during the pandemic. My Resident Judges report that responses to the directions sent out last month continue to arrive at the hearing centres and I am pleased to note the very positive engagement by so many practitioners given the challenges we face and the need to keep the Tribunal functioning and continuing to move appeals forward.

I repeat the suggestion made in my last letter that, in any case where either or both parties feel that expedition of an appeal is appropriate, an application should be made. The Tribunal will respond pragmatically and will do what it can to provide an early date for deciding the appeal. Similarly, applications for extensions of time will be considered case by case, with the particular needs of the individual appeal being paramount when consideration is given to the application. I intend to issue a further Practice Statement by the end of this week, which will replace the Practice Statement I made at the outset of the current crisis (No 1 of 2020). Having taken into account feedback from practitioner groups and associations and mindful of the need to ensure that the Tribunal can decide appeals justly and efficiently in the current circumstances, I have decided that, where possible, all appeals will commence using the CCD ("core case data") platform with effect from 4 May 2020, or such later date if the legal aid issues of using CCD have not been resolved. In respect of appeals lodged between 23 March and 4 May, or such later date depending on the resolution of the legal aid issues, these appeals will be initially scanned by the Tribunal and then proceed as legacy cases. This will bring the benefits I summarised in my last letter and assist the parties and the Tribunal to communicate effectively and remotely, all the while allowing evidence and submissions to be shared and considered as the appeal proceeds from its inception.

There will be some types of appeal that cannot proceed in CCD and my Practice Statement will make this clear. For example, for the time being, out of country cases and appeals under the immigration rules brought following EU exit will not be within scope.

An immediate consequence of the lockdown which followed clear government guidance in the week commencing 23 March was the adjournment of appeal hearings listed for hearing in March, April and May. As I explained in my last letter, the Tribunal is now turning to the case management of these appeals, to be conducted by remote means in all but exceptional circumstances. We have built upon the new ways of working developed to enable us to continue to decide applications for bail. However a case is commenced, there will be active dialogue between the Tribunal and the parties to establish precisely what is needed to bring the

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appeal to completion, whether by means of a decision on the papers, a remote hearing using the CVP (Cloud Video Platform) being introduced across all jurisdictions, or a face to face hearing. Our experience to date suggests that as long as appellants are able, through their representatives, to make a clear statement of what is wrong with the decision under appeal, and to confirm that the evidence they rely on is before the Tribunal, the respondent will in turn be prepared to undertake a meaningful review of the merits of each case, so that the way forward becomes clear. We are all well aware that the IAC deals with cases of exceptional difficulty and that many appellants in protection and other appeals are vulnerable or have special litigation needs. Although perhaps a minority of cases, I recognise that some appeals will require a face to face hearing and the most careful case management will be required on a case by case basis to make the necessary effective arrangements. Continuing goodwill and pragmatism from all Tribunal users will be essential.

As I also mentioned in my last letter, an announcement from government is expected very soon about legal aid and how public funding will relate to the work of the IAC. I have requested HMCTS to arrange a further meeting for stakeholders to share concerns. I have no doubt that any changes to the current scheme will be one of the important topics on the agenda. As long as we respond flexibly to the challenges presented by the pandemic and make best use of the resources we have, we will continue to make progress.

Yours,



Michael Clements
President FtTIAC