

## ANNEX 1



### FIRST-TIER TRIBUNAL (IAC) ON-LINE DIRECTIONS (USING "MyHMCTS")

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#### DIRECTIONS TO REPRESENTED APPELLANTS (PRESIDENTIAL PRACTICE STATEMENT No 2 of 2020)

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These model Directions are issued for use by represented appellants in furtherance of the overriding objective. They replace all earlier Directions and apply to all online appeals with immediate effect. They should be used as the basis for directions in an individual case.

#### **1. Provision of documents in the online procedure**

These Directions refer throughout to material being 'provided'. Material is provided only when it is uploaded on to the online system, whereupon an email notification will be sent to the parties that the new material has been provided. Time starts to run from when the material is provided.

#### **2. Online Procedure**

- 2.1 Grounds of appeal are not required when a Notice of Appeal is provided to the Tribunal in the online procedure.
- 2.2 *Respondent's Bundle.* Not later than 14 days after the Notice of Appeal is provided, the respondent must provide a bundle compliant with rule 24(1) of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014. This bundle must include the refusal decision and any material submitted in support of the application.

- 2.3 *Appeal Skeleton Argument.* Not later than 28 days after the respondent's bundle is provided, or 42 days after the Notice of Appeal, whichever is the later, the appellant must provide an Appeal Skeleton Argument ("ASA").
- 2.4 The ASA must contain three sections: (1) a brief summary of the appellant's factual case; (2) a schedule of issues; (3) the appellant's brief submissions on those issues which should state why the appellant disagrees with the respondent's decision with sufficient detail to enable the reasons for the challenge to be understood. A template is available online.
- 2.5 The ASA must:
- be concise;
  - be set out in numbered paragraphs;
  - engage with the decision letter under challenge;
  - not include extensive quotations from documents or authorities;
  - identify but not quote from any evidence or principle of law that will enable the basis of challenge to be understood.
- 2.6 *Appellant's Bundle.* Where the ASA refers to material which is not included in the respondent's bundle, that material must be provided in an indexed and paginated bundle at the same time.
- 2.7 *Respondent's Response.* Within fourteen days of the ASA being provided the respondent must undertake a meaningful review of the appellant's case, taking into account the ASA and appellant's bundle, providing the result of that review and particularising the grounds of refusal relied upon.
- Pro-forma or standardised responses will not be accepted by the Tribunal. The Review must engage with the submissions made and the evidence provided to the Tribunal.**
- 2.8 Upon completion of the steps above, the appeal will be actively case managed.

2.9 Any requirement set out above may be varied but in the absence of any such variation, the procedure set out above is to be followed.

### 3 Timetable

<b>Period within which step is to be taken</b>	<b>Action</b>
Day 1	Notice of appeal provided to Tribunal by MyHMCTS
Not later than 14 days after notice of appeal	Respondent's bundle ("RB") must be provided
28 days after provision of RB or 42 days after notice of appeal, whichever is later	Appellant must provide: (i) Appeal Skeleton Argument (ii) Bundle of evidence in support
14 days after provision of appellant's ASA and evidence	Respondent must provide: Review with counter-schedule

### 4 Late Material

4.1 Any material provided outside the time limits may not be relied upon without leave.

4.2 Where any material is provided after 5 working days prior to the hearing, including on the day of the hearing, the Judge must deal with the admissibility of that material at the hearing as a preliminary matter.

4.3 A party may not rely on material which has not been provided.

4.4 If an application is made to admit material

(a) and the material is ruled inadmissible the material shall not be uploaded, though the Judge must give reasons in the Decision and Reasons for the exclusion of that material and identify the material excluded.

(b) and the material is admitted the Judge must stand the appeal down and cause the material to be uploaded as soon as reasonably practicable and will

not proceed with the appeal until the material has been uploaded. The original material uploaded shall be returned to the party who provided it unless there is a good reason for not doing so.

4.5 A party may apply to adduce material after the hearing has concluded but only in exceptional circumstances. Such material will only be admissible upon application unless the Judge has directed the provision of that material. The application must be made using the online procedure, unless it is made orally at the hearing. Any material ruled admissible **must** be uploaded.

4.6 The Tribunal may not accept any material after the Decision and Reasons has been promulgated. This direction does not apply to any application for permission to appeal to the Upper Tribunal.

**5. Change of Representation**

In the event of the appellant either changing representation or becoming unrepresented the Tribunal must be notified as soon as reasonably practicable. The Tribunal will then make further directions.

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