



## TRIBUNALS JUDICIARY

### **First-tier Tribunal (Immigration and Asylum Chamber)**

#### **User Guide October 2021 to December 2021**

#### **Introduction**

The First-tier Tribunal (Immigration and Asylum Chamber) remains committed to ensuring access to fair hearings during the Covid-19 pandemic.

The Courts and Tribunal hearing centres are open for face to face hearings. The majority of hearings are listed for face to face hearings except where a remote or hybrid hearing is considered to be appropriate in the interests of justice.

Our approach will be reviewed in accordance with public health guidance in England, Wales, Scotland, and Northern Ireland recognising that restrictions are being varied according to circumstances.

The Tribunal's judiciary, staff, and users continue to build on their expertise with the use of technology to maintain the administration of justice.

This document has been prepared to help users of the IAC. It is hoped that it will assist parties who are representing themselves as well as professional representatives. This user guide will be amended or updated as the current situation develops. The general position is set out in the main part of the guide.

**Appendix 1:** Details of the technology and how to access it and prepare for hearings.

**Appendix 2:** Presidential Practice Statement No 1 of 2021 Arrangements during the Covid-19 Pandemic.

**Appendix 3:** A list of web links of assistance including the judiciary's response to the Pandemic.

The following is not intended to apply to every situation and its application depends on several factors outside judicial control.

The outline plan should be read together with the Presidential Practice Statement Note No 1 of 2021 Arrangements During the Covid-19 Pandemic, **Appendix 2** and other information located at the web links in **Appendix 3**.

This document is designed to give as much guidance as possible in the present climate. Ultimately, much depends on the national and local restrictions, the effect of the pandemic and public safety considerations.

## Start an Appeal

### Represented Appellant:

All appeals (except those listed below) must be made using the reform online procedure (accessed through the web platform MyHMCTS) unless it is not reasonably practicable to do so.

### Register for MyHMCTS

If you are a representative and have not already done so you will need to register.

For more information click here: <https://www.gov.uk/guidance/myhmcts-online-case-management-for-legal-professionals>

The following appeals cannot be submitted using MyHMCTS:

- a) Appeals under The Immigration (Citizens' Rights Appeals) (EU Exit Regulations 2020); or
- b) If the Appellant is in detention; or
- c) Any appeal brought by a person without representation by a qualified person within the meaning of s.84 the Immigration and Asylum Act 1999.

### Unrepresented Appellant:

You can only appeal to the Tribunal if you have the legal right to appeal - you will usually be told if you do in your decision letter.

You can appeal online:

For more information please click here: <https://www.appeal-immigration-asylum-decision.service.gov.uk/>

OR

If you cannot appeal online, you can appeal by post or fax:

For more information please see information in **Appendix 2 (Annex 3)** at the end of this document.

**If you require assistance in submitting an appeal, please telephone  
0330 123 1711**

### **NB: Any appeals started before 22 June 2020**

Any appeal accepted by the Tribunal and started before 22 June 2020 is considered by a Tribunal Caseworker (TCW) or Judge who will decide on a case by case basis what further directions, if any, are to be made in respect of that appeal and, where appropriate and having regard to the overriding objective, whether the appeal should be listed for a Case Management Review Hearing (CMRH) before a Judge.

### **Making an appeal without using MyHMCTS**

In cases not covered by paragraphs (a) to (c) above you may still appeal without using MyHMCTS if you can show why it is not reasonably practicable to do so.

The Tribunal will consider any reasons and may give directions as to whether you can submit your appeal by other means considering the reasons given and the overriding objective as set out in the Tribunal Procedure Rules.

## Hearings

**The overriding objective of the Tribunal is to deal with cases fairly, justly and without delay.**

Your appeal is important to us. We are working hard to deal with your appeal and any queries as fast as we can. We will be in contact soon.

You will receive a notice with some instructions (called directions) from the Tribunal. There may be difficulties in compliance for various reasons, the most obvious ones being due to the pandemic and lack of technology. If any such difficulties apply to you please contact the Tribunal to explain this, giving detailed reasons explaining why you are unable to comply and ask for the order or direction to be suspended or ask for an extension of time to comply. A Judge or TCW will then consider the position as soon as possible.

You should only contact the Tribunal if you have been directed to do so or want to tell the Tribunal something important that the Tribunal needs to know about your case. To contact the Tribunal about an important matter please send an email to the Hearing Centre dealing with your case. Please provide your **case number** and **hearing date** in the subject heading.

You should notify the Tribunal if:

- you or any witnesses need an interpreter, and if so in what language/dialect,
- you or any witnesses have any special needs, requirements or adjustments to take part in a hearing.

The Judge or TCW will look at all the information you have given and the documents filed in your appeal and will either conduct:

- a Pre-Hearing Review (PHR) of the appeal or
- a Case Management Review Hearing (CMRH) where appropriate.

**A PHR is where the Judge or TCW considers on the basis of the information and documents filed whether the appeal is ready to be listed for a hearing.**

**A CMRH is a short hearing where the Judge together with the Appellant (if unrepresented) or the Appellant's representative and the Home Office get the appeal ready for the final hearing.**

Where an appeal is not considered ready to list for a hearing the Judge will issue specific instructions (called directions) to the parties with dates for compliance, in order to progress the appeal so that it is ready to list for a hearing. Where either party fails to comply with the directions, the Judge/TCW will decide what further action to take.

Where the Judge considers the appeal is ready for a hearing the Judge will list the appeal (taking into account the parties' circumstances) in one of 3 ways:

- **a face to face hearing** (where the Judge, parties, witnesses, representatives, and interpreter attend the hearing centre),
- **a hybrid hearing** (where at least one of the attendees does not attend the hearing centre and uses remote technology, but others attend the hearing centre), or
- **a remote hearing** (where all attendees do not attend the hearing centre and use remote technology).

NB: Where the interpreter is joining the hearing remotely the Tribunal may be able to facilitate real-time interpretation in appropriate circumstances.

(Please see:

**Appendix 1** for guidance about how to prepare for a hearing and the arrangements on the day, and

**Appendix 3** for a link to a diagram showing different types of hearings).

## Hearing Centres

All buildings continue to be risk-assessed and details are available on the link below. Details of court or tribunal buildings can be found here:

<https://courtribunalfinder.service.gov.uk/courts/> or under **Appendix 3**.

To see the details about security, cleaning and social-distancing arrangements in court and tribunal click here <https://www.gov.uk/guidance/keeping-court-and-tribunal-buildings-safe-secure-and-clean>

## Expediting a case

If you consider that your case should be treated urgently, please send an email to the Hearing Centre dealing with your case. Please mark your email as "urgent", by putting that word in the subject field and include your case number and hearing date. A Tribunal Caseworker will then look at it as soon as possible. Click here to find the Hearing Centre details <https://courtribunalfinder.service.gov.uk/courts/>

## Ill-health

If you become ill, you should send an email to the Hearing Centre handling your appeal.

Mark your email as 'urgent', by putting that word in the subject field and include your case number, hearing date and your name. In your email, you should explain your situation and why you want the hearing rearranged for a later date and when you think you may be well enough for the hearing.

If you have any medical evidence to support your illness, please attach it to your email. If you have not been able to obtain evidence to support your illness, do not

delay in contacting the Tribunal. Please send an email to the Tribunal with as much information as you can.

A Judge or TCW will consider your email and respond as soon as possible.

## **COVID-19**

### **Do not come to our buildings if:**

- **you test positive for COVID-19**
- **you have COVID-19 symptoms**
- **you're self-isolating**
- **you're waiting for a test result**
- **you're quarantining after returning from travel abroad (for more details see - <https://www.gov.uk/guidance/travel-to-england-from-another-country-during-coronavirus-covid-19> )**
- **you've been in close contact with someone who has tested positive, and you're not double vaccinated**

**If any of these apply to you, contact the court or tribunal immediately so they can consider alternative arrangements. This could include a telephone or video hearing.**

**If you develop symptoms or test positive for COVID-19 within 72 hours of visiting a court or tribunal building, please contact the court or tribunal as soon as possible.**

## **How to contact the Hearing Centre**

If you need to contact the Hearing Centre which is dealing with your appeal, please see the link to the contact details set out in **Appendix 3** or by clicking here: <https://courtribunalfinder.service.gov.uk/courts/>

Some Hearing Centres have a reduced staff presence because of the pandemic. Some are reducing the times when HMCTS staff are available to answer the telephone.

If you want to contact the Hearing Centre, it would be helpful if you can send an email instead of telephoning the Hearing Centre.

**If you are unable to send us an email please contact us on 0330 123 1711**

All documents should be submitted by email. The subject field should include your appeal number and the name of the Appellant. A member of staff (and, if required, a Judge) will consider your query as soon as circumstances allow. Please bear with us if there is a delay in responding to you.

## **The Plan for October 2021 to December 2021**

The Tribunal is progressing the majority of cases to final hearing with appeals being listed for face to face hearings except where a remote or hybrid hearing is considered to be appropriate in the interests of justice.

In respect of face-to-face hearings and hybrid hearings we are adhering to HMCTS policies on public health guidance to ensure safe use of hearing rooms and buildings bearing in mind that the approach will be reviewed in accordance with public health guidance in the different parts of the United Kingdom recognising that restrictions may be varied according to circumstances.

The Tribunal introduced a new way of working by moving to an online system before the pandemic which we continue to build upon and expand as more cases and types of appeal are coming through the online system known as “MyHMCTS”.

The appropriate format for a hearing remains a judicial decision taking into account the Tribunal’s duty to deal with all cases fairly and justly.

## **Appendix 1**

### **Technology for hearings**

#### How to join a BT MeetMe phone hearing

These are likely only to be used where no other method of hearing is possible. We will call you at the time of the hearing, we may call from an unknown number. If you use call barring services, turn them off so we can reach you.

When we call you, you will hear a welcome message saying you are invited to join a conference call.

To join the hearing:

1. press '\*' (star) key and number one to join,
2. say your name,
3. press the '#' (hash) key,
4. once you are in the hearing, stay on mute until you are asked to speak.

At the start of the hearing, the Judge will introduce themselves and explain how the hearing will work and what you need to do. You should mute your line to reduce background noise on the call if you are in a noisy environment. To mute your line, press \*6 and to unmute, press \*6 again.

### **Video hearings**

We use the Cloud Video Platform (CVP) operated by MOJ/HMCTS. If CVP is used, there is no need to download an app.

#### **How to join a Cloud Video Platform (CVP) hearing**

We need your email address to invite you to a CVP hearing. If we already have this, the hearing notice will include a web link to join the hearing. If we do not have it, we will ask for it in the hearing notice and will send a separate email with the link when we receive it. Check your spam folder if you have not received it. A link to the guidance is in **Appendix 3**.

To join the hearing:

1. download Google Chrome as this is the preferred browser
2. copy the link into Google Chrome and click 'enter'
3. type in your full name, click the camera icon to connect with audio and video, then click 'connect'
4. select default microphone and camera options then click 'start'
5. enter the PIN given in the email invitation and click 'connect'
6. when you join, you will be in the waiting area until the hearing starts.

At the start of the hearing, the Judge will introduce themselves and explain how the hearing will work and what you need to do.

## **Before the Video Hearing**

If you take part in a hearing using a video platform, please consider the following:

- Make sure the device you will use works and is fully charged or plugged in, so you do not get cut off during the hearing;
- Have any documents you will need for the hearing ready beforehand;
- Be ready at least 15 minutes before the hearing;
- Dress as if you were coming to a Hearing Centre;
- Check you know how to join the hearing;
- If you are taking part in a hearing with a legal representative, agree how you will communicate confidentially during the hearing;
- Identify, if possible, a quiet location from which to call;
- Ask anyone nearby not to disturb you;
- Join the meeting without any discussion at the start and wait for the Judge to begin proceedings;
- Turn off your mobile phone (or switch it to silent);
- Place your mobile phone away from any connected speakers to limit audio interference.
- Avoid sitting somewhere with a source of bright light behind you;
- Consider using a headset, if you have one, to avoid echoes, feedback etc;
- Mute your microphone when not speaking (and remember to unmute when speaking);
- Do not enter 'mirror screen' or 'share screen' mode, or send a document or attachment, without seeking the Judge's permission;
- Use a side panel (the instant messaging/chat facility), if available, to signify a wish to speak; and
- Re-join on same invitation link if you are cut off.

If you wish to speak Welsh at a hearing to be conducted in Wales using a video platform or telephone hearing, please inform the Hearing Centre in Newport so that a Welsh-speaking Judge can be allocated to your case.

**Most important of all, do not record the hearing without permission. It is a criminal offence to do so.**

## **During the hearing**

Remote hearings will follow the same process as they would in a building. At the start of the hearing, the Judge will explain what will happen.

The Judge may ask you questions to make sure you have understood. It is important that if you do not understand something or need a break, you let the Judge know. When your video is on, you will be seen at all times so be mindful of your body language and behaviour whether you are speaking or not.

If you have technical difficulties during the hearing please let your representative know using the method of communication you agreed beforehand.

**If you are not represented and you have technical difficulties during the hearing please call us on 0330 808 9405**

### **Rules of a hearing**

Everyone must treat remote hearings as seriously as if they were in a Tribunal Centre. The rules below should be followed:

- only drink water
- no eating
- no smoking or e-cigarettes
- follow the Tribunal's instructions
- be alone unless they have permission otherwise

### **Recording**

The hearing will be recorded by the Tribunal. It is not permissible for anyone else to make a private recording of the hearing.

**It is a criminal offence to record, publish and take pictures of any court hearing without permission.**

## Appendix 2



TRIBUNALS  
JUDICIARY

### **FIRST TIER TRIBUNAL IMMIGRATION AND ASYLUM CHAMBER**

**JUDGE MICHAEL CLEMENTS, PRESIDENT**

#### **PRESIDENTIAL PRACTICE STATEMENT No 1 of 2021: ARRANGEMENTS DURING THE COVID-19 PANDEMIC**

In accordance with the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014 (“the Rules”)

And the Amended Pilot Practice Direction: Contingency Arrangements in the First-tier Tribunal and Upper Tribunal issued by the Senior President of Tribunals on 18th March 2021.

The following Practice Statement is made today by the President of the First-tier Tribunal (Immigration and Asylum Chamber) with the consent of the Senior President of Tribunals. It shall take effect on Monday 26 April 2021 and continue in force for so long as the Practice Direction referred to above is still in force unless it is revoked or amended on an earlier date. Presidential Practice Statement Note No.2 of 2020 is hereby replaced.

- (1) All appeals to the First-tier Tribunal must be started using the reform online procedure\* (accessed through MyHMCTS\*\*) unless it is not reasonably practicable to do so.
- (2) If an appellant seeks to argue that it is not reasonably practicable to start an appeal by using MyHMCTS, the appellant must at the same time, save where paragraph (4) applies, state why it is not reasonably practicable to do so. If the Tribunal agrees, the appellant may proceed without using MyHMCTS.
- (3) Where the appeal of one or more appellants is brought at the same time in circumstances in which those appeals raise common issues (“linked appeals”) the appellant must provide to the Tribunal together with the Notice of Appeal, the reference number or numbers of those linked appeals.
- (4) Where an appeal is brought in any of the following circumstances, it shall be deemed not to be reasonably practicable to commence that appeal by using MyHMCTS:
  - (a) under The Immigration (Citizens’ Rights Appeals) (EU Exit Regulations 2020);
  - (b) if the appellant is in detention;

- (c) any appeal brought by a person without representation by a qualified person within the meaning of s.84 of the Immigration and Asylum Act 1999.
- (5) The Tribunal will consider the reasons provided in support of appeals started in accordance with paragraph [2] above and will give such directions as it thinks fit in accordance with the Rules.
- (6) Where an appeal is brought online using “MyHMCTS” the directions which appear at Annex 1 will ordinarily apply. Where an appeal is brought, or case managed online, not using “MyHMCTS” the Directions which appear at Annex 2 will ordinarily apply. Where paragraph 4(c) applies the Directions which appear at Annex 3 will ordinarily apply.
- (7) Where an appellant has representation by a qualified person within the meaning of s.84 of the Immigration and Asylum Act 1999 the Tribunal will accept as an Appeal Skeleton Argument (“ASA”) a document that answers the following question: “Why does the appellant say that the decision of the respondent is wrong?” In answering this question, the appellant should set out concisely the reasoning in the respondent’s decision letter to which objection is taken. Anything that is relevant should be identified and the answer to the question should be given with sufficient particularity to enable the respondent to conduct an effective review of the decision under appeal.
- (8) Where an appellant does not have representation by a qualified person within the meaning of s.84 of the Immigration and Asylum Act 1999 the Tribunal will accept in place of an ASA an Appellant’s Explanation of Case (“AEC”) that answers the following question: “Why does the appellant say that the decision of the respondent is wrong?”
- (9) Parties are reminded of their obligations pursuant to rule 2(4) of the Tribunal Procedure (First tier Tribunal) (Immigration and Asylum Chamber) Rules 2014. To that end parties are required to engage constructively with the Tribunal. The Tribunal will respond to any applications properly made on a case by case basis.
- (10) Any appeal accepted by the Tribunal and started before 22 June 2020 will be considered by a Tribunal Caseworker or Judge who will decide on a case by case basis what further directions, if any, are to be made in respect of that appeal and whether having regard to the overriding objective the appeal should be listed for a Case Management Review Hearing before a Judge.

\*Note: Increased functionality of MyHMCTS has been brought forward to facilitate an increased number of appeals being brought by that method to enable remote engagement. However, some aspects of the system have not yet been completed, which explains why not all appeal types can be brought in this way. Further there will be occasions when parties may still need to communicate with the Tribunal from time to time by email or other online means as directed.

\*\* If you have not already done so you will need to register by following this link:  
<https://www.gov.uk/guidance/hmcts-online-services-for-legal-professionals>

Michael Clements, President FtTIAC, Date: 19 April 2021

## ANNEX 1



### **FIRST-TIER TRIBUNAL (IAC) ON-LINE DIRECTIONS (USING “MyHMCTS”)**

#### **DIRECTIONS TO REPRESENTED APPELLANTS (PRESIDENTIAL PRACTICE STATEMENT No 1 of 2021)**

These model Directions are issued for use by represented appellant 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

| Period within which step is to be taken   | Action   |
|---|--|
| Day 1   | Notice of appeal provided to Tribunal by MyHMCTS   |
| No 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:<br>(i) Appeal Skelton Argument<br>(ii) Bundle of evidence in support |
| 14 days after provision of appellant's ASA and evidence                             | Respondent must provide:<br>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.

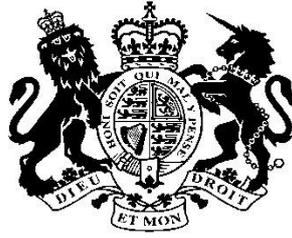
4.5 A party may apply to adduce material after the hearing has concluded but only in exceptional circumstances. Such material will only be admissible upon application unless the Judge has directed the provision of that material. The application must be made using the online procedure, unless it is made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

## ANNEX 2



### **FIRST-TIER TRIBUNAL (IAC) ONLINE DIRECTIONS REPRESENTED APPELLANTS (NOT USING “MyHMCTS”)**

#### **NOTICE AND DIRECTIONS TO APPELLANTS (PRESIDENTIAL PRACTICE STATEMENT No 1 2021)**

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. The Tribunal has received the Notice of Appeal and accepts that it is not possible for this appeal to proceed using MyHMCTS.**

#### **2. Provision of Information by the Parties**

Within 5 working days of the date of this Notice parties must provide a direct contact number and dedicated email address to the Tribunal and to the other party to enable the Tribunal and the parties to communicate online and to take part in such remote hearings as are required.

#### **3. Provision of Documents**

These Directions refer throughout to material being ‘provided’. Material must be provided by email to the email address which appears at the foot of this Notice and to the other party or made available in such remote hearings as are required.

#### **4. Provision of Information by Respondent**

Not later than 14 days after the date of this Notice, unless already 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 which was submitted in support of the application.

#### **5. Appeal Skeleton Argument**

5.1 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”).

5.2 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.

5.3 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.

## **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.

## **7. Respondent’s Response.**

7.1 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 and provide the result of that review and particularise any additional grounds of refusal.

**Pro-forma or standardised responses will not be accepted by the Tribunal. The Review must engage with the submissions made and the evidence provided.**

7.2 Upon completion of the steps above, the appeal will be actively case managed.

## **8. Summary Timetable**

| Period within which step is to be taken   | Action   |
|---|--|
| No later than 14 days after the date of this notice                                 | 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:<br>(i) Appeal Skelton Argument<br>(ii) Bundle of evidence in support |
| 14 days after provision of appellant’s ASA and evidence                             | Respondent must provide:<br>Review with counter-schedule                                     |

## **9. Late Material**

9.1 Any material provided to the Tribunal outside the time limits provided for in paragraph 8 may not be relied upon without leave.

9.2 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 of the appeal as a preliminary matter.

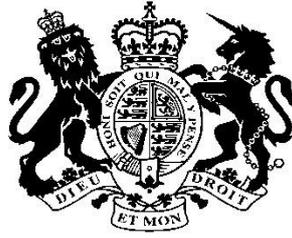
## **10. Case Management and Listing**

10.1 At each stage the appeal shall be considered by a Tribunal Caseworker or Judge who will decide on a case by case basis what additional directions, if any, are to be made in respect of that appeal and whether the appeal would benefit from a Case Management Appointment.

10.2 A party may apply at any time for a variation of these directions.

10.3 A party may apply at any time for a Case Management Appointment.

## ANNEX 3



### **FIRST-TIER TRIBUNAL (IAC) DIRECTIONS UNREPRESENTED APPELLANTS**

#### **NOTICE AND DIRECTIONS TO APPELLANTS (PRESIDENTIAL PRACTICE STATEMENT No 1 2021)**

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

**Directions made by the Tribunal will take into account the means by which the appellant will communicate with the Tribunal, for example by ordinary post, other offline means or online.**

#### **A. Where the appellant appeals online not using MyHMCTS**

##### **1. Provision of Information by the Parties**

Within 5 working days of the date of this Notice parties must provide a direct contact number and dedicated email address to the Tribunal and to the other party to enable the Tribunal and the parties to communicate online and to take part in such remote hearings as are required.

##### **2. Provision of Documents**

These Directions refer throughout to material being 'provided'. Material must be provided by email to the email address which appears at the foot of this Notice and to the other party or made available in such remote hearings as are required.

##### **3. Provision of Information by Respondent**

Not later than 14 days after the date of this Notice, unless already 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 which was submitted in support of the application.

#### **4. Appellant's Explanation of Case (AEC)**

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 explanation of their case. This should contain reasons why the appellant believes the decision giving rise to the appeal is wrong. This is to enable the respondent to review the decision. (Upon receipt of the AEC a Tribunal Case Worker will consider, before the document is sent to the Respondent, whether there should be a Case Management Appointment to enable the appellant to identify the issues in the appeal).

#### **5. Appellant's Bundle.**

Where the AEC refers to material, which is not included in the respondent's bundle, that material must be provided in a paginated bundle at the same time.

#### **6. Respondent's Response.**

6.1 Within fourteen days of the AEC being provided the respondent must undertake a meaningful review of the appellant's case, taking into account the AEC and appellant's bundle, and provide the result of that review and particularise any additional grounds of refusal.

**Pro-forma or standardised responses will not be accepted by the Tribunal. The Review must engage with the submissions made and the evidence provided.**

6.2 Upon completion of the steps above, the appeal will be actively case managed.

#### **7. Summary Timetable**

| Period within which step is to be taken   | Action   |
|---|--|
| No later than 14 days after the date of this notice                                 | 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:<br>(i) Appellant's Explanation of Case<br>(ii) Bundle of evidence in support |
| 14 days after provision of appellant's AEC and evidence                             | Respondent must provide:<br>Review with counter-schedule   |

#### **8. Late Material**

Any material provided to the Tribunal outside the time limits provided for in paragraph 7 may not be relied upon without permission from the Tribunal. 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 of the appeal as a preliminary matter.

## **9. Case Management and Listing**

9.1 At each stage the appeal shall be considered by a Tribunal Caseworker or Judge who will decide on a case by case basis what additional directions, if any, are to be made in respect of that appeal and whether the appeal would benefit from a Case Management Appointment.

9.2 A party may apply at any time for a variation of these directions.

9.3 A party may apply at any time for a Case Management Appointment.

## **10. Change of Representation**

In the event of the appellant becoming represented the Tribunal must be notified as soon as reasonably practicable. The Tribunal will then make further directions.

### **B. Where the appellant appeals offline**

Where the appellant appeals offline, by ordinary post or any other means and the Tribunal determines that it is in the interests of justice for the appeal to continue in that way, the Tribunal will make directions on a case by case basis using the directions above as the starting point but make such modifications as required having regard to the overriding objective.

## Appendix 3

Useful web links

Courts and Tribunals finder: <https://courtribunalfinder.service.gov.uk/courts/>

Government list of priority courts:

<https://www.gov.uk/government/news/priority-courts-to-make-sure-justice-is-served>

Daily court lists:

<https://www.gov.uk/guidance/immigration-and-asylum-daily-court-lists>

HMCTS Weekly Operational Summary:

<https://www.gov.uk/guidance/hmcts-weekly-operational-summary-on-courts-and-tribunals-during-coronavirus-covid-19-outbreak>

HMCTS planning for the Covid-19 pandemic (including the risk assessment tool):

<https://www.gov.uk/guidance/coronavirus-covid-19-courts-and-tribunals-planning-and-preparation>

The judiciary's response to the Covid-19 pandemic:

<https://www.judiciary.uk/coronavirus-covid-19-advice-and-guidance/>

HMCTS guidance on telephone and video hearings:

<https://www.gov.uk/guidance/what-to-expect-when-joining-a-telephone-or-video-hearing>

<https://www.gov.uk/guidance/hmcts-video-hearings-service-guidance-for-joining-a-hearing>