



Senior President of Tribunals

Practice Statement authorising legally qualified members of staff in the Upper Tribunal (Immigration and Asylum Chamber) to carry out functions of a judicial nature

This Practice Statement replaces my previous Practice Statement authorising legally qualified members of staff in the Upper Tribunal (Immigration and Asylum Chamber) to carry out functions of a judicial nature dated 9 December 2013 and 6 April 2020.

1. I hereby approve a legally qualified member of staff appointed under section 2(1) of the Courts Act 2003 and section 40(1) of the Tribunals, Courts and Enforcement Act 2007 to carry out any of the following functions of the Immigration and Asylum Chamber of the Upper Tribunal where the member of staff (who, for the purpose of exercising those functions, shall be known as a UTIAC Lawyer) has been authorised by the President of that Chamber to exercise that particular function—
 - a. Making orders under section 18(3) of the 2007 Act, transferring to the High Court in England and Wales applications of the kind described in section 18(1), which the Upper Tribunal does not have the function of deciding;
 - b. Exercising the power of a judge under rule 4(3) where a Legal Officer has made the initial decision under a delegated power;
 - c. Exercising any case management powers under rule 5 except –
 - i. Extending time under rule 5(3)(a) in relation to the time limits referred to in rules 28(2), (3), and (7);
 - ii. Suspending a decision under rule 5(3)(l);
 - iii. Requiring a tribunal to provide reasons for its decision under rule 5(3)(n);
 - d. Dealing with irregularities under rule 7(2) (except taking action under rule 7(4));

- e. Striking out under rule 8(1) or (3)(a) and reinstating proceedings under rule 8(5);
 - f. Giving directions substituting or adding parties under rule 9;
 - g. Making orders in respect of costs (or, in Scotland, expenses), on application by a party, but not where the application relates to a decision made by a judge;
 - h. Making orders under rule 14, prohibiting the disclosure or publication of documents or information;
 - i. Giving directions under rule 15(1) and 15(2A) in relation to the giving of oral or written evidence and submissions;
 - j. Summoning witnesses under rule 16 and issuing orders to persons to answer questions or produce documents;
 - k. Giving consent to withdraw a case and reinstating a case under rule 17;
 - l. Treating an appeal as abandoned under rule 17A and extending time for a s.104(4B) notice, pursuant to the case of *MSU (S.104(4b) notices) Bangladesh* [2019] UKUT 00412 (IAC) which describes the power of the Upper Tribunal to extend time where a party gives notice to pursue their appeal;
 - m. Deciding not to admit an application for permission to appeal under rule 21;
 - n. Transferring proceedings to the High Court in England and Wales, pursuant to rule 33A(3)(a);
 - o. Making a consent order under rule 39 and making such other provision under that rule as the parties have agreed;
 - p. Correcting under rule 42 clerical mistakes or other accidental slips or omissions in decisions or records of decisions;
 - q. Treating, under rule 48, an application as a different type of application;
 - r. Appointing a person as a litigation friend pursuant to the case of *R (on the application of JS and Others) v Secretary of State for the Home Department (litigation friend – child)* [2019] UKUT 64 (IAC) which describes the power of the Upper Tribunal to appoint a litigation friend.
2. In accordance with rule 4(3), within 14 days after the date that the Tribunal sends notice of a decision made by a UTIAC Lawyer to a party, that party may apply in writing to the Tribunal for the decision to be considered afresh by a judge.

3. In this Practice Statement –

“legally qualified” means being:

- (a) a qualified solicitor;
- (b) a barrister who has completed 12 months’ pupillage or such other period as may be required by the Bar Standards Board in the case of the barrister concerned;
- (c) such other solicitor or barrister authorised under CPR 54.1A to exercise the jurisdiction of the High Court, as the Senior President of Tribunals considers to have relevant experience; or
- (d) a fellow of the Chartered Institute of Legal Executives.

“rule”, followed by a number, means the rule bearing that number in the Tribunal Procedure (Upper Tribunal) Rules 2008.

The Rt. Hon. Sir Keith Lindblom

Senior President of Tribunals

21 May 2024