



Remote Hearings in the Upper Tribunal (Immigration and Asylum Chamber) (“UTIAC”) Jurisdiction

1. Introduction

- 1.1. This guidance concerns the mode and listing of UTIAC hearings. Separate guidance has been issued by the First-tier Tribunal (Immigration and Asylum) Chamber.
- 1.2. This guidance supersedes any previous UTIAC guidance in relation to remote hearings.
- 1.3. This guidance on remote hearings in UTIAC follows the Judicial Principles on remote participation, issued by the Lady Chief Justice and the Senior President of Tribunals, set out below:
 - a) [*Remote Participation Overarching Guidance*](#)
 - b) [*Remote Participation Judicial Principles*](#)
- 1.4. The decision to hold a hearing remotely or to enable participants to attend remotely is a judicial one.
- 1.5. There is practical guidance at: [What to expect when joining a telephone or video hearing](#).
- 1.6. Separate considerations, as set out in the overarching Practice Guidance, apply to the [Remote Observation of Hearings](#) (by non-parties).

2. Rules of Procedure

- 2.1. The Tribunal Procedure (Upper Tribunal) Rules 2008 (the “Rules”) define a “hearing” in Rule 1 as “an oral hearing and includes a hearing conducted in whole or in part by video link, telephone or other means of instantaneous two-way electronic communication”. A remote hearing is a hearing for the purposes of the Rules, including for the purpose of Rule 34. Rule 34 states that in immigration judicial review proceedings, a decision which disposes of proceedings shall be given at a hearing.

3. Mode of Hearing

- 3.1 A UTIAC hearing may take place in person or remotely.
- 3.2 Remote hearings use either video or telephone. A hearing may be fully remote (by which none of the participants is present in the hearing venue) or partially remote (by which some participants are present in a hearing venue but some

join remotely). The mode may also change during a multi-day hearing, with all participants present in the hearing venue on one day but some or all joining remotely on another day.

- 3.3 Decisions whether to hold a remote hearing are to be taken on a case-by-case, basis based on the interests of justice.

4. Default approaches when listing cases for a hearing

- 4.1 All hearings must be recorded.
- 4.2 The presumption is that hearings before UTIAC will be conducted with all participants in attendance at a hearing centre.
- 4.3 Judges, or UTIAC lawyers exercising delegated powers, (“UTIAC Lawyers”) will consider departing from that starting point on a case-by-case basis, taking account of the overriding objective, as set out in Rule 2 of the Rules and the facts of the individual case. Judges and UTIAC Lawyers may also consider Annex E of the [Equal Treatment Bench Book](#).

5. Relevant factors

- 5.1 The question of whether a hearing should be remote remains a matter of discretion for the judge or UTIAC Lawyer, based on a number of clear fundamental principles.
- 5.2 What accords with the interests of justice in each case will depend on the circumstances and the available resources.
- 5.3 The following (non-exhaustive) factors are relevant when a judge or UTIAC Lawyer decides the mode of hearing and/or considers whether the default approach for listing a case should be disapplied. It will be for the judge or UTIAC Lawyer to decide how they weigh these (or other) factors in the balance in the circumstances of each case.
 - 5.3.1 The views and preferences of the parties.
 - 5.3.2 The availability of enough space in suitable premises, having regard to the health, safety and security of all participants.
 - 5.3.3 The availability of technical facilities that enable a hearing to take place fully or partly remotely.
 - 5.3.4 Whether the choice as to mode of hearing is likely to speed up or delay the progress of the case.

6. Changes to mode of hearing

- 6.1 A judge or UTIAC Lawyer may change the mode of hearing at short notice, such as by converting an in-person hearing to video. This may follow an application by a party. It may also happen because the judge or UTIAC Lawyer

has taken that decision on their own initiative, driven by circumstances that are difficult to predict in advance.