



Ministry
of Justice



HM Courts &
Tribunals Service

First-tier Tribunal (Immigration and Asylum Chamber) and Upper Tribunal (Immigration and Asylum Chamber) (HM Courts and Tribunals Service) Records Retention and Disposition Schedule

Introduction

1. This schedule has been drawn up following consultation between the Immigration and Asylum Chambers (IAC) of HM Courts & Tribunals Service (HMCTS) and staff working for the Departmental Records Officer (DRO) in the Ministry of Justice.
2. As a public body, the MoJ takes its responsibilities for managing information seriously. These responsibilities include compliance with the Public Records Act 1958, UK General Data Protection Regulation, the Data Protection Act 2018, Freedom of Information Act 2000 and amending legislation. The MoJ uses Records Retention and Disposition Schedules (RRDSs) to manage its compliance with its statutory obligation to identify what we hold, how long we keep it and what should happen to these records at the end of that time.
3. The Immigration and Asylum Chambers' work is governed by The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014 and The Tribunal Procedure (Upper Tribunal) Rules 2008 and amending rules.

More about this schedule

4. None of the records listed below are selected for permanent preservation and transfer to The National Archives (TNA).
5. If a Freedom of Information Act 2000 request or a subject access request under the General Data Protection Regulation and Data Protection Act 2018 is received, a hold must be put on the relevant records for at least **three months** after the request is resolved.¹

¹ See row **12** of the schedule for maximum retention period

6. While the Independent Inquiry into Child Sexual Abuse (IICSA) continues its investigations, the moratorium on the destruction of records of potential interest to IICSA remains in place. All government departments and their associated bodies (in common with other public sector bodies) are required to comply with the moratorium. All business areas should apply the moratorium to any records covered by the following criteria:
 - a. documents which contain or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection and care
 - b. the document types include, but are not limited to, correspondence, notes, emails, and case files, regardless of the format in which they are stored (digital, paper, CDs, etc)
 - c. for the purposes of this instruction, the word “children” relates to any person under the age of 18
 - d. further information about the moratorium is available on IICSA’s website at: <https://www.iicsa.org.uk/news/chair-of-the-inquiry-issues-guidance-on-destruction-of-documents>.
7. As part of its commitment to transparency, this schedule will be published on the MoJ’s webpage: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>.

The schedule

No.	Record type	Retention and disposition
1. Unique records held by the Immigration and Asylum Chambers		
1.	Cases (including bundles) ² a) Immigration Appeals b) Bail (England, Wales and Northern Ireland) c) Bail (Scotland)	First-Tier Tribunal: a-b) If there's no onward appeal beyond the First-Tier Tribunal, keep for two years from date of disposal ³ and then destroy c) Keep for 20 years if tribunal is holding funds otherwise keep for two years and then destroy Upper Tribunal: Keep for five years from date of disposal ⁴ by the Upper Tribunal and then destroy
2.	IAC Fees website (all records)	Keep for three months and then destroy
3.	a) Judicial review b) Age assessments	Keep for five years from date of disposal and then destroy
4.	Catalogue of Tribunal Decisions 1993-2005 (previously held on IRIS)	Permanently held by the Tribunal
2. Records managed by a common retention and disposition policy across HMCTS (can apply to all jurisdictions)		
5.	Tribunal Decisions a) Immigration Appeals b) Bail (England, Wales and Northern Ireland) c) Bail (Scotland)	First-Tier Tribunal: a) Permanently held by the Tribunal b) Keep for 2 years from the date of disposal and then destroy c) Keep for 20 years if tribunal is holding funds otherwise keep for two years and then destroy Upper Tribunal: Promulgated decisions: are published on the UTIAC website ⁵ All decisions: permanently held by the tribunal.

² Immigration Appellate Authority cases from 1971-1997 are held at TNA. They are classified at LCO 42. More information is available at: <https://discovery.nationalarchives.gov.uk/details/r/C10280>

³ Date of disposal means the date the outcome of the final application for Bail is issued or the date the outcome of an Appeal, Remitted Appeal or Application for Permission to Appeal is issued which finally disposes of matters in the First-tier Tribunal except where an appeal against the First-tier Tribunal's decision is in progress at the Upper Tribunal, at which point the date of disposal means the date the outcome of the Upper Tribunal's decision is issued.

⁴ Date of disposal means date that the case is finally disposed of in the Upper Tribunal, including any period during which an in-time appeal may be brought, but excluding any period during which an appeal against the Upper Tribunal's decision is in progress

⁵ These decisions can be found at: <https://tribunalsdecisions.service.gov.uk/utiac>

No.	Record type	Retention and disposition
6.	Fee remission (Help with Fees database)	Destroy in line with the Help with Fees RRDS NB. All other financial records are held for seven years
7.	Recordings of hearings	Upper Tribunal (recordings held on the DARTS system): keep for seven years and then destroy First-Tier Tribunal : keep for the same period as the case records (row 1 above) and then destroy
8.	Records created as part of governance and assurance processes including: <ul style="list-style-type: none"> • Key Control Check Sheets (KCCS) • Standard Operating Controls (SOC) • Previous equivalents 	Destroy in line with the HMCTS Governance and Assurance RRDS
9.	Case management system records needed for statistical purposes	Copied and transferred to HMCTS and/or MoJ Analysts at regular intervals under the terms of the Data Privacy Impact Assessment
3. Records managed by a common retention and disposition policy		
10.	Paper copies of records that have been digitised	Keep for up to 30 days from date scanned (this allows for time to check that digital copies are usable) and then destroy.
11.	HR information (held by line managers)	Destroy in line with the <i>What to keep</i> ⁶ guidance
12.	Background information (held by business) for responses to: <ol style="list-style-type: none"> Parliamentary Questions (PQs)⁷ Information requests made under: <ul style="list-style-type: none"> • Freedom of Information Act⁸ • Environmental Information Regulations <p>NB. See footnotes showing where the answers to these requests are held</p>	Keep for one year and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for another year and then repeat the process until the item is no longer needed. • Where no longer needed, destroy immediately.

⁶ *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

⁷ The answers to these requests are held by Ministers, Parliament, Strategy and Implementation (see row 37 of the MoJ HQ schedule)

⁸ The answers to these requests are held by Disclosure (see row 40 of the MoJ HQ schedule)

No.	Record type	Retention and disposition
13.	Finance and risk management	Keep for seven years and then destroy.
14.	All other types of record not specified above, including copies of records which are owned by other business areas ⁹	Keep for three years and then destroy.

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Signed: 8 April 2022

Previous version: July 2015

⁹ If the business identifies record types which need a new retention period, they should contact the DRO's team.