



Home Office

# Appeal hearings

This guidance is based on the Immigration Rules

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## Appeal hearings

### About this guidance

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### Changes to this guidance

<p><a href="#">About this guidance</a></p> <p><a href="#">Court lists allocation for presenting staff</a></p> <p><a href="#">File allocation to presenting staff</a></p> <p><a href="#">Case management review hearings</a></p> <p><a href="#">Substantive hearing</a></p> <p><a href="#">Adjourned or part heard appeals</a></p> <p><a href="#">Post-hearing action</a></p> <p><a href="#">Appeal determination</a></p>	<p>This page lists changes to the appeal hearings guidance, with the most recent at the top.</p> <table border="1"><thead><tr><th data-bbox="495 403 831 443">Date of the change</th><th data-bbox="842 403 1529 443">Details of the change</th></tr></thead><tbody><tr><td data-bbox="495 451 831 1010">12 July 2013</td><td data-bbox="842 451 1529 1010"><p>Six month review by the modernised guidance team:</p><ul style="list-style-type: none"><li>• Court lists allocation for presenting staff:<ul style="list-style-type: none"><li>○ sixth paragraph, new sentence and bullet points added</li><li>○ seventh and eighth paragraphs deleted</li></ul></li><li>• File allocation to presenting staff:<ul style="list-style-type: none"><li>○ sub-heading 'Asylum case teams' and content deleted</li></ul></li><li>• Substantive hearing:<ul style="list-style-type: none"><li>○ page rewritten</li></ul></li><li>• Post-hearing action<ul style="list-style-type: none"><li>○ new fourth paragraph and related link</li></ul></li><li>• Minor housekeeping changes.</li></ul></td></tr><tr><td data-bbox="495 1018 831 1161">29 January 2013</td><td data-bbox="842 1018 1529 1161"><p>Six month review by the modernised guidance team:</p><ul style="list-style-type: none"><li>• Minor housekeeping changes.</li></ul></td></tr><tr><td data-bbox="495 1169 831 1313"></td><td data-bbox="842 1169 1529 1313"><p>For previous changes to this guidance you will find all earlier versions in the archive. See related link: Unified tribunal appeals system - archive.</p></td></tr></tbody></table>	Date of the change	Details of the change	12 July 2013	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"><li>• Court lists allocation for presenting staff:<ul style="list-style-type: none"><li>○ sixth paragraph, new sentence and bullet points added</li><li>○ seventh and eighth paragraphs deleted</li></ul></li><li>• File allocation to presenting staff:<ul style="list-style-type: none"><li>○ sub-heading 'Asylum case teams' and content deleted</li></ul></li><li>• Substantive hearing:<ul style="list-style-type: none"><li>○ page rewritten</li></ul></li><li>• Post-hearing action<ul style="list-style-type: none"><li>○ new fourth paragraph and related link</li></ul></li><li>• Minor housekeeping changes.</li></ul>	29 January 2013	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"><li>• Minor housekeeping changes.</li></ul>		<p>For previous changes to this guidance you will find all earlier versions in the archive. See related link: Unified tribunal appeals system - archive.</p>	<p><b>Related links</b></p> <p><a href="#">Court lists allocation for presenting staff</a></p> <p><a href="#">File allocation to presenting staff</a></p> <p><a href="#">Substantive hearing</a></p> <p><a href="#">Post-hearing action</a></p> <p><b>See also</b></p> <p><a href="#">Contact</a></p> <p><a href="#">Information owner</a></p> <p>Links to staff intranet removed</p>
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### Court lists allocation for presenting staff

<p><a href="#">About this guidance</a></p> <p><a href="#">Court lists allocation for presenting staff</a></p> <p><a href="#">File allocation to presenting staff</a></p> <p><a href="#">Case management review hearings</a></p> <p><a href="#">Substantive hearing</a></p> <p><a href="#">Adjourned or part heard appeals</a></p> <p><a href="#">Post-hearing action</a></p> <p><a href="#">Appeal determination</a></p>	<p>This page tells you how to allocate presenting staff to cases.</p> <p>This guidance is for appeal administration teams within presenting officer units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)).</p> <p>POUs or ICE teams must maintain a diary system to show when presenting staff (PS) are available to attend court and set aside time for case preparation.</p> <p>The court lists should be received from Her Majesty's Courts and Tribunals Service (HMCT) hearing centre five working days before the hearing. The lists may consist of substantive hearings only, or a mixture of substantive, case management reviews and bail hearings.</p> <p>When the lists are received, you should allocate PS to the lists.</p> <p>If there are not enough PS to cover the lists, a team manager or senior caseworker will decide whether any of the cases can be unrepresented. These cases are called 'no PO cases'. For information on which appeals must be represented, see related links:</p> <ul style="list-style-type: none"><li>• Priority representation guidance</li><li>• Priority representation matrix.</li></ul>	<p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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### File allocation to presenting staff

<p><a href="#">About this guidance</a></p> <p><a href="#">Court lists allocation for presenting staff</a></p> <p><a href="#">File allocation to presenting staff</a></p> <p><a href="#">Case management review hearings</a></p> <p><a href="#">Substantive hearing</a></p> <p><a href="#">Adjourned or part heard appeals</a></p> <p><a href="#">Post-hearing action</a></p> <p><a href="#">Appeal determination</a></p>	<p>This page explains how to allocate case files to presenting staff.</p> <p>This guidance is for to all case types and is for appeal administration teams within presenting officers units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)) and asylum caseworkers.</p> <p><b>POU cases</b></p> <p>Case files arrive in the POU before the hearing and must be stored in the hearing hold under the hearing date and recorded on the record management system (RMS).</p> <p>If a file has not arrived in the POU when the court lists are received, make an urgent file request and monitor the request to make sure the file is received in time for the hearing.</p> <p>When you receive files from other locations:</p> <ul style="list-style-type: none"><li>• update RMS to show receipt of the file, and</li><li>• update the case ownership tab on CID to show your unit as a sub-owner for the duration of the appeal.</li></ul> <p>When the court lists are allocated, the files for each list must be gathered together and tracked to the presenting officer (PO) responsible. This should be done between two and six days before the hearing to allow the PO time to prepare.</p> <p>For a no PO list (the list has not been allocated a PO) a PO or member of the administration team should send written no PO submissions and any objective evidence to the tribunal. These are usually standard bundles and standard written 'no PO' submissions or sometimes a PO may make specific written submissions. If you are not sure what evidence to send to the tribunal seek the advice of a PO, administration team manager or senior caseworker.</p>	<p><b>Related links</b></p>
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	<p>You must then track the files into the awaiting determination hold, stored under the hearing date.</p> <p><b>List Changes</b> The hearing centre may make changes to the court lists. The latest point this should happen is 10am, two working days before the hearing. If changes are made you will need to make sure the correct files are with the correct PO and any file movements are recorded on RMS.</p>	
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### Case management review hearings

<p><a href="#">About this guidance</a></p> <p><a href="#">Court lists allocation for presenting staff</a></p> <p><a href="#">File allocation to presenting staff</a></p> <p><a href="#">Case management review hearings</a></p> <p><a href="#">Substantive hearing</a></p> <p><a href="#">Adjourned or part heard appeals</a></p> <p><a href="#">Post-hearing action</a></p> <p><a href="#">Appeal determination</a></p>	<p>This section gives an overview of case management review hearings and their alternatives.</p> <p>This guidance applies to asylum cases, and is for appeal administration teams within presenting officers units (POUs) or immigration compliance and engagement (ICE) teams (formerly local immigration teams (LITs)) and asylum teams.</p> <p>Asylum cases are listed for a case management review hearing before proceeding to a substantive hearing.</p> <p>The case management review is always heard on day ten after an appeal is lodged. Because of the tight timescales, files should arrive in the POU or ICE team two days before the date of the case management review. But you must check as they may arrive the day before the hearing.</p> <p>Other case types, such as deport cases, may occasionally be listed for a case management review at the discretion of the hearing centre.</p> <p><b>Case management review hearing</b></p> <p>The case management review is presented by a presenting officer (PO). The purpose of the review is to identify the key issues on which the appeal relies and on which the substantive hearing will focus. The PO will submit any objective evidence and caselaw to be relied upon at the substantive hearing. A time estimate for the length of the substantive hearing will be agreed.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none"><li>• Case management reviews by telephone</li><li>• Pre-hearing reviews</li><li>• Directions following a case management review</li></ul>	<p><b>In this section</b></p> <p><a href="#">Case management review by telephone</a></p> <p><a href="#">Pre-hearing reviews</a></p> <p><a href="#">Directions following a case management review</a></p> <p><a href="#">Appeal determined at case management review</a></p>
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|  | <ul style="list-style-type: none"><li>• Appeal determined at case management review.</li></ul> |  |
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### Case management review by telephone

<p><a href="#">About this guidance</a></p> <p><a href="#">Court lists allocation for presenting staff</a></p> <p><a href="#">File allocation to presenting staff</a></p> <p><a href="#">Case management review hearings</a></p> <p><a href="#">Substantive hearing</a></p> <p><a href="#">Adjourned or part heard appeals</a></p> <p><a href="#">Post-hearing action</a></p> <p><a href="#">Appeal determination</a></p>	<p>This page outlines case management reviews by telephone.</p> <p>This guidance applies to asylum cases, and is for appeal administration teams within presenting officer units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)) and asylum teams.</p> <p>Some hearing centres conduct case management reviews by telephone.</p> <p>The hearing notice will clearly state if the case has been listed for a telephone review and gives the time slot allocated for the case.</p> <p>The presenting officer (PO) will be contacted on a designated telephone number at the allocated time. If they are not available the review may take place in their absence.</p> <p>The PO must make sure any objective evidence and caselaw is served by post, to arrive seven days before the substantive hearing. Asylum appeal bundles should include objective evidence and caselaw as part of the main bundle, so it may not be necessary to serve additional evidence in these cases.</p> <p>The case law and objective evidence must be served on:</p> <ul style="list-style-type: none"><li>• the judge</li><li>• the appellant's legal representative (if there is one)</li><li>• the appellant (if there is no representative).</li></ul>	<p><b>In this section</b></p> <p><a href="#">Pre-hearing reviews</a></p> <p><a href="#">Directions following a case management review</a></p> <p><a href="#">Appeal determined at case management review</a></p>
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### Pre-hearing reviews

<p><a href="#">About this guidance</a></p> <p><a href="#">Court lists allocation for presenting staff</a></p> <p><a href="#">File allocation to presenting staff</a></p> <p><a href="#">Case management review hearings</a></p> <p><a href="#">Substantive hearing</a></p> <p><a href="#">Adjourned or part heard appeals</a></p> <p><a href="#">Post-hearing action</a></p> <p><a href="#">Appeal determination</a></p>	<p>This page outlines pre-hearing reviews.</p> <p>This guidance applies to asylum cases, and is for appeal administration teams within presenting officer units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)) and asylum teams.</p> <p>Some hearing centres conduct case management reviews on the papers, this is called a pre-hearing review.</p> <p>The appellant's representative and presenting officer (PO) complete a form to identify key issues in the appeal and a time estimate for substantive hearing.</p> <p>The judge will consider the case in-chambers and may issue directions to make sure the case is prepared for the substantive hearing.</p> <p>The PO must make sure any objective evidence and caselaw is served by post, to arrive seven days before the substantive hearing. Asylum appeal bundles should include objective evidence and caselaw as part of the main bundle so it may not be necessary to serve additional evidence in these cases.</p> <p>You must serve the caselaw and objective evidence on:</p> <ul style="list-style-type: none"><li>• the judge</li><li>• the appellant's legal representative (if there is one)</li><li>• the appellant (if there is no representative).</li></ul>	<p><b>In this section</b></p> <p><a href="#">Case management review by telephone</a></p> <p><a href="#">Directions following a case management review</a></p> <p><a href="#">Appeal determined at case management review</a></p>
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### Directions following a case management review

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	send a copy of the directions by fax.	
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## Appeal hearings

### Appeal determined at case management review

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|  | <ul style="list-style-type: none"><li>• link the notice to the file, and</li><li>• send the file to the caseworker for consideration.</li></ul> |  |
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### Substantive hearing

<p><a href="#">About this guidance</a></p> <p><a href="#">Court lists allocation for presenting staff</a></p> <p><a href="#">File allocation to presenting staff</a></p> <p><a href="#">Case management review hearings</a></p> <p><a href="#">Substantive hearing</a></p> <p><a href="#">Adjourned or part heard appeals</a></p> <p><a href="#">Post-hearing action</a></p> <p><a href="#">Appeal determination</a></p>	<p>This page gives an overview of substantive appeal hearings that apply to all appeal types.</p> <p>This guidance applies to all case types and are for appeal administration teams within presenting officer units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)) and asylum caseworkers.</p> <p><b>Visitors appeal rights</b></p> <p>From 9 July 2012 there is no full right of appeal for people who are refused visiting their:</p> <ul style="list-style-type: none"><li>• uncle</li><li>• aunt</li><li>• first cousin</li><li>• nephew</li><li>• niece, or</li><li>• someone who does not have:<ul style="list-style-type: none"><li>○ settled status</li><li>○ asylum status, or</li><li>○ humanitarian protection in the UK.</li></ul></li></ul> <p>From 25 June 2013 there is no right of appeal against the refusal of a visa application, made on or after this date, to visit a family member.</p> <p>For more information see related link: Visiting family in the UK – family visitors.</p> <p>Before 9 July there would have been an appeal right as a family visitor. A right of appeal on human rights and race discrimination grounds remains.</p> <p><b>Police National Computer (PNC) checks</b></p> <p>The police have agreed to share PNC checks with the Home Office. PNC checks can be</p>	<p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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submitted to immigration judges and representatives, providing the information they contain is material to a case and is necessary for legal proceedings, including bail hearings. The PNC check, if it is being relied on by the decision maker, will form part of the bundle.

There are three 'prints' and presenting staff must make sure they use the correct one for legal proceedings:

- Court print - fully disclosable. Recommended for court proceedings and for passing to the applicant and their representative.
- Disclosure print - standard. Not for disclosure.
- Police print - strictly non-disclosable. The Home Office will not issue these without specific permission from the PNC data owner.

Presenting staff must make sure only court prints are served on the court, appellant and representative.

If you are not sure whether a PNC document can be disclosed, you must contact the PNC bureau.

Restricted - not for disclosure - start of section

The information in this page has been removed as it is restricted for internal Home Office use only.

Restricted - not for disclosure - end of section

### **Presenting appeal hearings**

Appeal hearings will be presented by a presenting officer (PO) or an asylum caseworker. In the unified tribunals appeal system:

- First substantive appeals will be heard within the First-tier by an immigration judge.
- Onward appeals will be heard in the Upper Tribunal by a deputy or senior immigration judge.

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	<p>If the PO is sick and not able to attend the hearing on the day, you will need to contact the hearing centre to inform them. This must be done as early as possible and before 10am at the latest.</p> <p>A team manager or senior caseworker will make a decision about whether to seek an adjournment, allow the case to continue without a PO or whether an alternative PO is available.</p>	
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### Adjourned or part heard appeals

<p><a href="#">About this guidance</a></p> <p><a href="#">Court lists allocation for presenting staff</a></p> <p><a href="#">File allocation to presenting staff</a></p> <p><a href="#">Case management review hearings</a></p> <p><a href="#">Substantive hearing</a></p> <p><a href="#">Adjourned or part heard appeals</a></p> <p><a href="#">Post-hearing action</a></p> <p><a href="#">Appeal determination</a></p>	<p>This page gives an overview of adjourned or part heard appeals.</p> <p>This guidance applies to all case types and are for appeal administration teams within presenting officer units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)) and asylum caseworkers.</p> <p>For further information on seeking an adjournment you must refer to the presenting officer's (PO) manual.</p> <p>Substantive hearings can be adjourned for various reasons, including gathering further evidence or if one of the parties is sick. If a hearing is adjourned the PO will need to:</p> <ul style="list-style-type: none"><li>• minute the file with the reasons for the adjournment and identify if any casework is required</li><li>• update hearing details on CID</li><li>• if no casework is required send the file to the hearing hold to be stored under the new hearing date.</li></ul> <p>If the new hearing date was not given at the adjourned hearing, send the file to the 'await hearing hold'.</p> <p>A hearing can also be part heard; if this happens, the hearing will be concluded on another date. The PO will need to:</p> <ul style="list-style-type: none"><li>• minute the file with the progress of the case and identify if casework is required</li><li>• update hearing details on CID</li><li>• send the file to the hearing hold to be stored under the new hearing date (which should be obtained at the part heard hearing, if a new date is not obtained, store the file in the 'awaiting hearing hold')</li></ul>	<p><b>Related links</b></p>
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- notify the diary manager of the part heard case and the date when they will be required to attend the second part of the hearing.

**Action required before the next substantive hearing**

If casework is needed or if the judge has issued directions, it is the responsibility of the PO to make sure these are complied with by the stipulated time. A failure to comply with directions could result in the appeal being allowed, as well as attracting the displeasure of the court. Once completed, you must send the file to the hearing hold to be stored under the hearing date.

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### Post-hearing action

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	<p>The PO will complete the action above. When the PO's action is complete, you must return the file to the caseworker. The asylum determination is received in the appeals determination management unit (ADMU) and forwarded to the asylum team responsible for the case.</p> <p>Regional variation: Files for Midlands asylum team cases will be stored in the 'awaiting determination' hold at either Stoke or Birmingham POU's. ADMU will forward the determination for these cases to the POU holding the file.</p>	
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## Appeal hearings

### Appeal determination

<p><a href="#">About this guidance</a></p> <p><a href="#">Court lists allocation for presenting staff</a></p> <p><a href="#">File allocation to presenting staff</a></p> <p><a href="#">Case management review hearings</a></p> <p><a href="#">Substantive hearing</a></p> <p><a href="#">Adjourned or part heard appeals</a></p> <p><a href="#">Post-hearing action</a></p> <p><a href="#">Appeal determination</a></p>	<p>This page explains where appeal determinations are received and gives an overview of processing timescales.</p> <p>This guidance applies to all case types and is for administration teams within presenting officers' units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)) and asylum caseworkers.</p> <p>After the hearing, the judge has 10 working days to produce the determination. This will be received:</p> <ul style="list-style-type: none"><li>• in the appeals determination management unit (ADMU) if it is an asylum case</li><li>• in the presenting officers unit if it is a non-asylum case and the appeal outcome is dismissed</li><li>• in the specialist appeals team (SAT) if it is a non-asylum case and the outcome is allowed.</li></ul> <p>You should receive the appeal determinations no later than one calendar month after the hearing has taken place. You will need to monitor the awaiting determination hold to identify any determinations missing after this point. The calendar month consists of:</p> <ul style="list-style-type: none"><li>• 10 days for the judge to write the determination</li><li>• four days for processing and postage (two days Tribunal, two days Home Office)</li><li>• five days for SAT to consider applying for permission to appeal</li><li>• two days for processing and postage.</li></ul> <p>If a determination is missing you will need to make enquiries with the unit where the determination is first received (see above). If your enquiries show the determination has not been received by the Home Office, it is very important you get the determination. You will need to check if the hearing centre has issued the determination. You must update CID to</p>	<p><b>Related links</b></p>
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This guidance is based on the Immigration Rules

	reflect the outcome.	
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### Contact

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