

This guidance is based on the Immigration Rules



# Onward appeal rights

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## Onward appeal rights

### About this guidance

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This guidance explains the administrative processes involved in both the Secretary of State and the appellant exercising further rights of appeal against an initial appeal outcome.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contacts – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.</p>	<p><b>Related links</b></p> <p><a href="#">Changes to this guidance</a></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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This guidance is based on the Immigration Rules

## Onward appeal rights

### Changes to this guidance

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page lists changes to the 'Onward appeal rights' guidance, with the most recent at the top.</p> <table border="1"><thead><tr><th data-bbox="495 443 831 480">Date of the change</th><th data-bbox="842 443 1529 480">Details of the change</th></tr></thead><tbody><tr><td data-bbox="495 488 831 667">28 January 2014</td><td data-bbox="842 488 1529 667">Changes to this guidance:<ul style="list-style-type: none"><li>• First Tier and Upper Tier Tribunal:<ul style="list-style-type: none"><li>○ paragraph 6 change to text.</li></ul></li></ul></td></tr><tr><td data-bbox="495 675 831 853">20 January 2014</td><td data-bbox="842 675 1529 853">Six month review by the modernised guidance team:<ul style="list-style-type: none"><li>• Minor housekeeping changes.</li></ul></td></tr><tr><td data-bbox="495 861 831 1005"></td><td data-bbox="842 861 1529 1005">For previous changes to this guidance you will find all earlier versions in the archive. See related link: Unified tribunal appeals system - archive.</td></tr></tbody></table>	Date of the change	Details of the change	28 January 2014	Changes to this guidance: <ul style="list-style-type: none"><li>• First Tier and Upper Tier Tribunal:<ul style="list-style-type: none"><li>○ paragraph 6 change to text.</li></ul></li></ul>	20 January 2014	Six month review by the modernised guidance team: <ul style="list-style-type: none"><li>• Minor housekeeping changes.</li></ul>		For previous changes to this guidance you will find all earlier versions in the archive. See related link: Unified tribunal appeals system - archive.	<p><b>Related links</b></p> <p><a href="#">First tier and upper tribunal</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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This guidance is based on the Immigration Rules

## Onward appeal rights

### First-tier and upper tribunal

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This section explains the process for onward rights of appeal, where permission to appeal against an immigration judge's determination is being sought.</p> <p>These instructions are for all presenting staff, including appeals administration teams within presenting officers' units (POUs), presenting officers (POs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), asylum caseworkers and the specialist appeals team (SAT).</p> <p>For guidance on making an application for permission to appeal, see related link: Appeal outcome.</p> <p>See related links for further guidance on:</p> <ul style="list-style-type: none"><li>• <a href="#">Permission to appeal granted</a></li><li>• <a href="#">Asylum cases: permission to appeal refused</a></li><li>• <a href="#">Non-asylum cases: permission to appeal refused</a></li><li>• <a href="#">SAT consider the refusal (IA 67)</a></li><li>• <a href="#">Upper Tribunal hearings: error in law</a></li><li>• <a href="#">Upper Tribunal hearings and continuance hearings.</a></li></ul> <p>The Home Office and appellants have two opportunities to seek permission to appeal against a determination made by an immigration judge in the First-tier of the tribunal. Firstly to the First-tier Tribunal and, if this is refused, the application may be renewed to the Upper Tribunal.</p> <p><b>First-tier</b></p> <p>An application for permission to appeal is considered by a senior immigration judge sitting within the First-tier Tribunal. The Tribunal aims to make a decision on the papers within 10 days of receipt. The parties are informed of the decision by post with the following notices</p>	<p><b>In this section</b></p> <p><a href="#">Permission to appeal granted</a></p> <p><a href="#">Asylum cases: permission to appeal refused</a></p> <p><a href="#">Non-asylum cases: permission to appeal refused</a></p> <p><a href="#">SAT consider the refusal (IA 67)</a></p> <p><a href="#">Upper Tribunal hearings: error in law</a></p> <p><a href="#">Upper Tribunal hearings and continuance hearings</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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This guidance is based on the Immigration Rules

	<p>from the tribunals:</p> <ul style="list-style-type: none"><li>• IA 66 permission to appeal granted, see related link</li><li>• IA 67 permission to appeal refused, see related links.</li></ul> <p>If permission to appeal has been refused, there is a further opportunity to seek permission by application direct to the Upper Tribunal.</p> <p><b>Upper Tribunal</b></p> <p>A renewed application for permission to appeal is considered by a senior immigration judge sitting within the Upper Tribunal. The decision is made on the papers. There is no set timescale for deciding the application. Parties will be informed of the decision by post with the following notices from Her Majesty's Courts and Tribunals Service (HMCTS):</p> <ul style="list-style-type: none"><li>• IA 102 permission to appeal granted, see related link</li><li>• IA 101 permission to appeal refused, see related links.</li></ul> <p>In both cases, the notices are received at the appeals determination management unit (ADMU) for asylum cases and at Angel Square for non-asylum cases.</p>	
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This guidance is based on the Immigration Rules

## Onward appeal rights

### Permission to appeal granted

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page explains what happens when an application for permission to appeal is granted. It applies to both cases where the application was made by the appellant or by the specialist appeals team (SAT).</p> <p>These instructions are for all presenting staff, including appeals administration teams within presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), presenting officers (POs), asylum caseworkers and the SAT.</p> <p>If permission to appeal is granted either by the First-tier or the Upper Tribunal, an Upper Tribunal hearing will be listed. If permission to appeal has been granted by:</p> <ul style="list-style-type: none"><li>• the First-tier, the grant notice is an IA 66</li><li>• the Upper Tribunal, the grant notice is an IA 102.</li></ul> <p><b>Asylum cases</b></p> <p>The appeals determination management unit (ADMU) receives the grant notice. ADMU will:</p> <ul style="list-style-type: none"><li>• serve the grant notice on the appellant and representative by post, unless personal service is requested by the asylum caseworker</li><li>• update CID to show permission to appeal is granted and whether any costs have been awarded</li><li>• if the SAT applied for permission to appeal forward the notice to the POU or ICE team responsible for the case</li><li>• if the appellant applied for permission to appeal, forward the notice to the SAT for action (see below).</li></ul> <p>If the caseworker has requested personal service, they will arrange to serve the notice in person.</p>	<p><b>In this section</b></p> <p><a href="#">Asylum cases: permission to appeal refused</a></p> <p><a href="#">Non-asylum cases: permission to appeal refused</a></p> <p><a href="#">SAT consider the refusal (IA 67)</a></p> <p><a href="#">Upper Tribunal hearings: error in law</a></p> <p><a href="#">Upper Tribunal hearings and continuance hearings</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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For further information see related links:

- Determination process
- Serving the appeal determination by post
- Serving the asylum determination in person.

**Non-asylum cases**

The SAT receive the grant notice and update CID, then:

- If the SAT applied for permission to appeal, forward the notice to the POU or ICE team responsible for the case.
- If the appellant applied for permission to appeal, retain the notice in the SAT. For action see below.

**If the appellant has been granted permission to appeal**

The SAT will need to respond to the grant notice under rule 24 of the Upper Tribunal Procedures Rules. Depending on the action the SAT take, the response is made on one of three templates which is printed from doc gen on CID (ICD.4247, ICD.4248 or ICD.4249). SAT must complete the template and serve on Her Majesty's Courts and Tribunals Service (HMCTS) within 14 calendar days from when the notice was issued. SAT will forward the grant notice and a file copy of the response notice to the file for linking.

**For all types of grant notices:**

On receipt of the grant notice the POU appeals administration team must:

- retrieve the file from the 'PTA sought' hold
- check CID is updated (including any costs awarded) and link the notice to the file, and
- store the file in the 'hearing hold' under the allocated hearing date or in the 'awaiting hearing' hold if no date has been set.

This guidance is based on the Immigration Rules

## Onward appeal rights

### Asylum cases: permission to appeal refused

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page explains what happens in asylum cases when an application for permission to appeal is refused.</p> <p>These instructions are for all presenting staff including appeals administration teams within presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), presenting officers (POs), asylum caseworkers and the specialist appeals team (SAT).</p> <p>If permission to appeal has been refused by the:</p> <ul style="list-style-type: none"><li>• First-tier Tribunal, the refusal notice is an IA 67</li><li>• Upper Tribunal, the refusal notice is an IA 101.</li></ul> <p>The appeals determination management unit (ADMU) receives the refusal notice. ADMU will:</p> <ul style="list-style-type: none"><li>• serve the refusal notice on the appellant and representative by post, unless personal service is requested by the asylum caseworker</li><li>• update CID to show permission to appeal is refused, and</li><li>• forward to the POU or ICE team responsible for the case.</li></ul> <p>The caseworker requesting personal service will arrange to serve the notice in person.</p> <p><b>If the application was made by the appellant</b></p> <ul style="list-style-type: none"><li>• The case owner must follow the appeals right exhausted (ARE) process, see related link: Appeal outcome.</li></ul> <p><b>If the application for permission to appeal was made by the SAT</b></p>	<p><b>In this section</b></p> <p><a href="#">Permission to appeal granted</a></p> <p><a href="#">Non-asylum cases: permission to appeal refused</a></p> <p><a href="#">SAT consider the refusal (IA 67)</a></p> <p><a href="#">Upper Tribunal hearings: error in law</a></p> <p><a href="#">Upper Tribunal hearings and continuance hearings</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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This guidance is based on the Immigration Rules

- ADMU forward a copy of the notice to the SAT. If the refusal notice is an IA 67 refusal, the SAT may seek a further challenge (see related link: SAT consider the refusal IA 67). If the refusal is an IA 101 refusal there is no further right of appeal. The file is returned to the asylum caseworker.

See related links for further information on:

- determination process
- serving the appeal determination by post
- serving the asylum determination in person.

See the related link: Appeal rights exhausted cases, for further information on managing:

- appeal rights exhausted (ARE) for in the UK cases
- ARE for out of country cases.

This guidance is based on the Immigration Rules

## Onward appeal rights

### Non-asylum cases: permission to appeal refused

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page explains what happens in non-asylum cases when an application for permission to appeal is refused.</p> <p>The instructions are for all presenting staff including appeals administration teams within presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), presenting officers (POs) and the specialist appeals team (SAT).</p> <p>The refusal notices are received at Angel Square, if permission to appeal has been refused by the:</p> <ul style="list-style-type: none"><li>• First-tier, the refusal notice is an IA 67</li><li>• Upper Tribunal, the refusal notice is an IA 101.</li></ul> <p><b>If the application was made by the appellant</b></p> <ul style="list-style-type: none"><li>• The notice is forwarded to the POU or ICE team responsible for the case.</li><li>• The POU or ICE administration team retrieve the file from the 'PTA sought' hold, update CID with the outcome and link the notice to the file.</li><li>• The POU or ICE administration team must follow the appeal rights exhausted (ARE) process.</li></ul> <p>See related link: Appeal rights exhausted cases, for more information on managing:</p> <ul style="list-style-type: none"><li>• ARE for in country cases</li><li>• ARE for out of country cases.</li></ul> <p><b>If the application was made by the specialist appeals team (SAT)</b></p>	<p><b>In this section</b></p> <p><a href="#">Permission to appeal granted</a></p> <p><a href="#">Asylum cases: permission to appeal refused</a></p> <p><a href="#">SAT consider the refusal (IA 67)</a></p> <p><a href="#">Upper Tribunal hearings: error in law</a></p> <p><a href="#">Upper Tribunal hearings and continuance hearings</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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This guidance is based on the Immigration Rules

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|  | <ul style="list-style-type: none"><li>• The notice is forwarded to the SAT.</li><li>• The SAT update CID to show the outcome. If the notice is an IA 67 refusal, the SAT consider further challenge. If the notice is an IA 101 refusal, the SAT forward the notice to the POU or ICE team responsible for the case.</li></ul> |  |
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See also the related link: [SAT consider the refusal \(IA 67\)](#).

This guidance is based on the Immigration Rules

## Onward appeal rights

### SAT consider the refusal (IA 67)

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page explains what happens when the specialist appeals team (SAT) receive a refusal of permission to appeal.</p> <p>The instructions are for all presenting staff including appeals administration teams within presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), presenting officers (POs), asylum caseworkers and the SAT.</p> <p>If the SAT are refused permission to appeal by the First-tier (IA 67 notice), the refusal will be screened and a decision made about renewing the application to the Upper Tribunal.</p> <p>SAT must:</p> <ul style="list-style-type: none"><li>• produce a minute and update CID to show the outcome and if further permission to appeal is being sought, and</li><li>• forward the notice and minute to the POU, ICE team or asylum caseworker responsible for the case.</li></ul> <p>On receipt of the notice the POU, ICE team or asylum caseworker must check CID has been updated and link the notice to the file.</p> <p><b>If an application for permission to appeal is being sought</b> The file is moved to the 'PTA sought' hold to await the outcome of the application.</p> <p><b>If an application for permission to appeal is not being sought</b></p> <ul style="list-style-type: none"><li>• The POU or ICE administration team or asylum caseworker will need to follow the instructions on the SAT minute to grant appropriate leave.</li><li>• In the UK case files are sent to the caseworker or case working unit responsible for the</li></ul>	<p><b>In this section</b></p> <p><a href="#">Permission to appeal granted</a></p> <p><a href="#">Asylum cases: permission to appeal refused</a></p> <p><a href="#">Non-asylum cases: permission to appeal refused</a></p> <p><a href="#">Upper Tribunal hearings: error in law</a></p> <p><a href="#">Upper Tribunal hearings and continuance hearings</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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This guidance is based on the Immigration Rules

	<p>case to implement leave.</p> <ul style="list-style-type: none"><li>• For entry clearance officer (ECO) cases, send the determination and the SAT minute to the ECO post responsible for the case and the file to Layby.</li></ul> <p>See the related links for further information on:</p> <ul style="list-style-type: none"><li>• sending UK based (in-country) cases for removal action</li><li>• notifying Entry Clearance Officers of allowed appeals.</li></ul>	
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This guidance is based on the Immigration Rules

## Onward appeal rights

### Upper Tribunal hearings: error in law

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page gives an overview of error in law hearings and outlines what happens after the hearing.</p> <p>These instructions are for all presenting staff including presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), asylum caseworkers and the specialist appeals team (SAT).</p> <p>If permission to appeal is granted by either the First-tier or the Upper Tribunal the case will normally proceed to an Upper Tribunal hearing. The senior immigration judge (SIJ) will decide whether a material error in law was made in the determination.</p> <p>If an error in law is found the appeal may proceed to substantive consideration at the same hearing or it may be heard at a later date. If the appeal is adjourned to a later date this is called a continuance hearing. A SAT senior executive officer (SEO) usually presents Upper Tribunal hearings listed at Field House in London. A small number of these will be heard regionally by videolink. Upper Tribunal cases are also listed in regional tribunal hearing centres and are usually presented by regional presenting staff.</p> <p><b>Possible outcomes:</b></p> <ul style="list-style-type: none"><li>• Proceed to continuance hearing – a new hearing date will be listed and notice IA 116 issued.</li><li>• Determined – determination IA 150 will be issued.</li><li>• Remit to the First-tier (where an obvious error in law or admin error has occurred) - notice IA 103 or IA 104 will be issued.</li></ul> <p><b>Notices are received:</b></p> <ul style="list-style-type: none"><li>• In the appeals determination management unit (ADMU) for asylum cases.</li></ul>	<p><b>In this section</b></p> <p><a href="#">Permission to appeal granted</a></p> <p><a href="#">Asylum cases: permission to appeal refused</a></p> <p><a href="#">Non-asylum cases: permission to appeal refused</a></p> <p><a href="#">SAT consider the refusal (IA 67)</a></p> <p><a href="#">Upper Tribunal hearings and continuance hearings</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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This guidance is based on the Immigration Rules

- For non-asylum cases notices will be received in the unit responsible for the hearing. This is SAT for Field House hearings, or the regional POU or ICE team for hearings listed in other hearing centres.

If a new hearing is listed, you must link the notice to the file and, if appropriate, send to the POU or ICE team who will be responsible for the new hearing. Files awaiting hearings are stored in the 'hearing' hold under the hearing date.

If the appeal has been determined follow the guidance in the appeal outcome guidance (see related link).

**Review of a decision**

The First Tier Tribunal have the power under rule 26(1) of the First Tier Tribunal Procedure Rules to review a decision if it is satisfied there was an error in law in making the decision. The Tribunal must consult the parties before doing so. There will not normally be an oral hearing in these cases.

In these cases the appeal is sent back to the First-tier to re-determine. If this happens Her Majesty's Courts and Tribunals Service (HMCTS) will issue an IA 104 or IA 105 notice. The notice will contain the new hearing date and will be processed as above.

This guidance is based on the Immigration Rules

## Onward appeal rights

### Upper Tribunal hearings and continuance hearings

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page gives an overview of continuance hearings and who presents the case.</p> <p>These instructions are for all presenting staff including appeals administration teams within presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), asylum caseworkers and the specialist appeals team (SAT).</p> <p>Continuance hearings are listed if an error in law has been found and the consideration of the appeal has been adjourned to a different date. At the continuance hearing an appeal is heard again either in its entirety or on a specific issue identified at the error in law hearing.</p> <p>Continuance hearings are usually listed in the hearing centre where the case was originally heard. An appeal will not have a continuance hearing if the senior immigration judge (SIJ) decided to hear the full appeal on the same day as the error in law or first Upper Tribunal hearing.</p> <p>The continuance hearing will normally be heard by either a designated or deputy immigration judge sitting in the Upper Tribunal. A presenting officer (PO) or asylum caseworker will present the case.</p> <p>If the case is listed before an SIJ, the POU must decide whether a senior executive officer (SEO), an experienced PO or asylum caseworker will present the case.</p> <p>If a case is likely to become a country guidance case, Her Majesty's Courts and Tribunals Service (HMCTS) issue hearing notice (IA 117) and usually list the case for hearing at Field House in London. A SAT SEO presents these cases. A country guidance case is a reported case treated as an authoritative finding on the country guidance issues on which it has been made until it is superseded.</p> <p>If a case that has the potential to be reported, and therefore placed in the public domain, has</p>	<p><b>In this section</b></p> <p><a href="#">Permission to appeal granted</a></p> <p><a href="#">Asylum cases: permission to appeal refused</a></p> <p><a href="#">Non-asylum cases: permission to appeal refused</a></p> <p><a href="#">SAT consider the refusal (IA 67)</a></p> <p><a href="#">Upper Tribunal hearings: error in law</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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This guidance is based on the Immigration Rules

	<p>been listed regionally, the SAT may be able to provide a SAT SEO to present the hearing. Alternatively, the case can be presented by an SEO from the POU.</p> <p>After the hearing the person who presented the case must update CID with the hearing details, including whether or not any costs were awarded, if the appellant's appeal is allowed or the Home Office's appeal is dismissed, and create a hearing minute on doc gen for the SAT. The file will be sent to the 'awaiting determination' hold stored under the hearing date.</p> <p>For further guidance see related link: <a href="#">Post-hearing action</a>.</p>	
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This guidance is based on the Immigration Rules

## Onward appeal rights

### Challenging an Upper Tribunal determination

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This section gives an overview of the onward rights of appeal from a determination of the Upper Tribunal in England and Wales.</p> <p>This guidance is for all presenting staff including presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), asylum teams and the specialist appeals team (SAT).</p> <p>If permission to appeal has been rejected by both the First-tier and Upper Tribunal, there is no further right of appeal against a determination of the First-tier (IA 60).</p> <p>Where permission to appeal has been granted by either the First-tier or the Upper Tribunal resulting in the Upper Tribunal issuing a substantive determination (IA 150), it is possible to seek permission to appeal if the Upper Tribunal made an error in law. The application is for a review of the case at the Court of Appeal (England or Wales), the Court of Session (Scotland) or the Court of Appeal in Northern Ireland.</p> <p>There are three opportunities to seek permission to appeal:</p> <ul style="list-style-type: none"><li>• The first must be through the Upper Tribunal.</li><li>• The second is to the relevant higher court.</li><li>• The third may be made by oral application to the Court of Appeal (only where the first and second opportunities have been exhausted). This option is not available at the Court of Session in Scotland.</li></ul> <p>See related links for:</p> <ul style="list-style-type: none"><li>• <a href="#">Seeking permission to appeal to the Court of Appeal through the Upper Tribunal</a></li><li>• <a href="#">Permission to appeal granted (cases in England and Wales)</a></li><li>• <a href="#">Permission to appeal granted (cases in Scotland)</a></li></ul>	<p><b>In this section</b></p> <p><a href="#">Seeking permission to appeal to the Court of Appeal through the Upper Tribunal</a></p> <p><a href="#">Permission to appeal granted (cases in England and Wales)</a></p> <p><a href="#">Permission to appeal granted (cases in Scotland)</a></p> <p><a href="#">Permission to appeal refused</a></p> <p><a href="#">Court of Appeal outcomes</a></p> <p><a href="#">Court of Session outcomes</a></p>
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This guidance is based on the Immigration Rules

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|  | <ul style="list-style-type: none"><li>• Court of Appeal outcomes</li><li>• Court of Session outcomes</li><li>• Permission to appeal refused.</li></ul> |  |
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This guidance is based on the Immigration Rules

## Onward appeal rights

### Seeking permission to appeal to the Court of Appeal through the Upper Tribunal

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page gives an overview of seeking permission to appeal to the Court of Appeal through the Upper Tribunal.</p> <p>The guidance is for all presenting staff including presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs), asylum teams and the specialist appeals team (SAT).</p> <p>The Tribunal Procedure (Upper Tribunal) rules, see related link, allow 12 working days to seek permission to appeal starting from the promulgation date of the Upper Tribunal determination. The application is considered by a senior immigration judge (SIJ) who will decide whether to grant or refuse permission.</p> <p><b>If the determination was allowed</b></p> <p>You must check the SAT screen, to see if any determinations have been allowed and decide whether to seek permission to appeal. You must update CID to show whether permission to appeal is being sought. For further guidance, see related link: Allowed appeals. The SAT must request the file from the POU or asylum caseworker.</p> <p><b>If the determination was dismissed</b></p> <p>If a challenge is made by the appellant, the Home Office is notified by the daily email report from the Tribunals Service. The POU administration team or asylum caseworker must update CID to show that permission to appeal has been sought. For further guidance on this process see related link: Permission to appeal.</p> <p><b>If permission to appeal is sought</b></p> <p>When an application for permission to appeal is made by the appellant, the file will be stored in the POU 'PTA CoA' hold ('PTA CoS' hold in Scotland) under the date of application to await the outcome.</p> <p>When an application for permission to appeal is made by the SAT, the file will be stored in</p>	<p><b>In this section</b></p> <p><a href="#">Permission to appeal granted (cases in England and Wales)</a></p> <p><a href="#">Permission to appeal granted (cases in Scotland)</a></p> <p><a href="#">Permission to appeal refused</a></p> <p><a href="#">Court of Appeal outcomes</a></p> <p><a href="#">Court of Session outcomes</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">The Tribunal Procedure (Upper Tribunal) Rules 2008</a></p>
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	<p>the 'SAT PTA CoA' hold under the date of application to await the outcome.</p> <p><b>The outcome</b> The tribunal will issue an IA 157 notice which outlines if permission has been granted or refused. For all case types the notice is received in the appeals determination management unit (ADMU). ADMU update CID with the outcome and forward the notice to the:</p> <ul style="list-style-type: none"><li>• POU or asylum team responsible for the case, if the application was made by the appellant</li><li>• SAT, if the application was made by the SAT.</li></ul>	
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## Onward appeal rights

### Permission to appeal granted (cases in England and Wales)

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page explains the process when permission to appeal to the Court of Appeal has been granted.</p> <p>The guidance is for all presenting staff including presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), asylum teams and the specialist appeals team (SAT).</p> <p><b>If the application was made by the SAT</b> On receipt of the IA 157 grant notice, the SAT administration team must:</p> <ul style="list-style-type: none"><li>• check the outcome (including any costs awarded) has been updated on CID, and</li><li>• pass the IA 157 grant notice to the designated SAT senior executive officer (SEO) immediately.</li></ul> <p><b>If the application was made by the appellant</b> On receipt of the IA 157 grant notice the POU or ICE team must:</p> <ul style="list-style-type: none"><li>• retrieve the file from the 'PTA CoA' hold</li><li>• link the IA 157</li><li>• check the outcome has been updated on CID, and</li><li>• place the file in the 'awaiting hearing' hold.</li></ul> <p><b>For all cases</b> The appeals determination management unit (ADMU) receive the Court of Appeal bundle from Treasury Solicitors and forward it to the SAT.</p> <p>On receipt of the bundle, the SAT administration team update their spreadsheet to show that permission to the Court of Appeal has been granted and which SAT senior executive officer (SEO) the case has been allocated to.</p>	<p><b>In this section</b></p> <p><a href="#">Seeking permission to appeal to the Court of Appeal through the Upper Tribunal</a></p> <p><a href="#">Permission to appeal granted (cases in Scotland)</a></p> <p><a href="#">Permission to appeal refused</a></p> <p><a href="#">Court of Appeal outcomes</a></p> <p><a href="#">Court of Session outcomes</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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The SAT SEO will consult with the Home Office legal advisors and other relevant parties and decide whether the appeal will be pursued.

**If the SAT decide to pursue the appeal**

If the Home Office decides to pursue the appeal, the designated SAT SEO must draft an appellant's notice and serve it on the Court of Appeal within 14 calendar days of the grant of permission.

The SAT administration team must:

- Contact the POU or ICE team to request the file.
- When the file is received, send it to the SAT SEO responsible for the case.

If the SAT SEO lodges an appellant's notice with the Court of Appeal, the file must be sent to 'SAT Admin Hold 4'.

The SAT SEO takes responsibility for the case and liaises with Treasury Solicitors and may or may not attend the Court of Appeal hearing with them.

**If the SAT decide not to pursue the appeal**

If, after consultation with Home Office legal advisors and other relevant parties, the grounds are not to be pursued, the file will be minuted and CID updated to reflect this. The POU or ICE administration team will need to follow the instructions on the SAT minute which will include an instruction to send the file for leave to be granted.

For further instructions, see related link: [Appeal outcome](#).

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## Onward appeal rights

### Permission to appeal granted (cases in Scotland)

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page explains the process when permission to appeal to the Court of Session has been granted.</p> <p>This guidance is for all presenting staff including those at Glasgow presenting officer's unit (POU) senior executive officer (SEO) team, POU, immigration compliance and engagement (ICE) team (formerly known as local immigration teams (LITs)), asylum teams and the specialist appeals team (SAT).</p> <p>On receipt of the IA 157 grant notice, the SAT must:</p> <ul style="list-style-type: none"><li>• check the outcome has been updated on CID, and</li><li>• forward the notice (and file if they have it) to the Glasgow POU SEO team in Scotland.</li></ul> <p><b>If the application was made by the SAT</b></p> <p>The SAT SEO reviews the grounds to make sure the application will be pursued. If, after consultation with Home Office legal advisors and other relevant parties, the grounds are not to be pursued, minute the file and update CID to reflect this.</p> <p>If the Home Office decides to pursue the appeal, the designated SAT SEO must draft an appellant's notice and serve it on the Court of Session within 42 calendar days of the grant of permission.</p> <p>If the SAT SEO lodges an appellant's notice with the Court of Session, the file must be held by the Glasgow POU SEO team to await a hearing date.</p> <p><b>If the application was made by the appellant</b></p> <p>On receipt, the file will need to be stored to await the appellant's appeal papers. The appellant has 42 days from the date of grant to lodge these with the court and respondent.</p>	<p><b>In this section</b></p> <p><a href="#">Seeking permission to appeal to the Court of Appeal through the Upper Tribunal</a></p> <p><a href="#">Permission to appeal granted (cases in England and Wales)</a></p> <p><a href="#">Permission to appeal refused</a></p> <p><a href="#">Court of Appeal outcomes</a></p> <p><a href="#">Court of Session outcomes</a></p>
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	<p>Once the papers have been received, the allocated caseworker is responsible for lodging answers to the appeal within 21 days of receipt of the application. These must be lodged with the court by counsel. The date for lodging the answers to the appeal is recorded by the courts on the papers received.</p> <p><b>For all cases</b> The SAT administration team must update their spreadsheet to show that permission to the Court of Session has been granted.</p> <p>The appellant is responsible for lodging a motion to fix a hearing date within 14 days of receiving the answers to the appeal. Hearings are presently listed between 18 months and three years after this.</p>	
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## Onward appeal rights

### Permission to appeal refused

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page explains the process when permission to appeal to the Court of Appeal has been refused.</p> <p>This guidance is for all presenting staff including presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), asylum teams and the specialist appeals team (SAT).</p> <p>If permission to appeal has been refused by Her Majesty's Courts and Tribunals Service (HMCTS), the SAT administration team receive the outcome notice (IA 157) and update CID to reflect this.</p> <p><b>If the application was made by the appellant</b></p> <p>The IA 157 notice is sent to the POU responsible for the case (if the case is in England or Wales) or to the litigation team (if the case is in Scotland).</p> <p>On receipt of the notice the POU will:</p> <ul style="list-style-type: none"><li>• Retrieve the file from the 'PTA CoA' hold ('PTA CoS' hold in Scotland).</li><li>• Check that CID is updated. And</li><li>• Follow the appeal rights exhausted (ARE) process. For further instructions see related link: Appeal rights exhausted cases.</li></ul> <p><b>If the application was made by the SAT</b></p> <p>The IA 157 notice is sent immediately to the designated SAT senior executive officer (SEO) for consideration to be given as to whether a direct application to the Court of Appeal (England and Wales) or Court of Session (Scotland) will be made.</p>	<p><b>In this section</b></p> <p><a href="#">Seeking permission to appeal to the Court of Appeal through the Upper Tribunal</a></p> <p><a href="#">Permission to appeal granted (cases in England and Wales)</a></p> <p><a href="#">Permission to appeal granted (cases in Scotland)</a></p> <p><a href="#">Court of Appeal outcomes</a></p> <p><a href="#">Court of Session outcomes</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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## Onward appeal rights

### Court of Appeal outcomes

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page gives instructions to follow when a Court of Appeal hearing has taken place.</p> <p>The guidance is for all presenting staff including presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), asylum teams and the specialist appeals team (SAT).</p> <p>The Court of Appeal can decide to issue one of four outcomes:</p> <ul style="list-style-type: none"><li>• Remit the appeal to the tribunal.</li><li>• Affirm the tribunal's decision.</li><li>• Make any decision the tribunal could make.</li><li>• Affirm, vary or give a section 87 direction. This direction outlines the appropriate course of action to be taken in order to give effect to the decision made by the court.</li></ul> <p>The court's decision is delivered in two documents:</p> <ul style="list-style-type: none"><li>• For oral hearings the sealed order gives the decision of the court.</li><li>• The judgement gives the reasons for the decision.</li></ul> <p>If the case is settled before hearing by consent of the parties a statement of reasons is issued with a sealed order. The statement of reasons is drafted and agreed by each party, and submitted to the court and approved by affixing the court seal.</p> <p><b>If the case is remitted</b></p> <p>The case can be remitted for a full hearing, or it can be remitted back to the Home Office to review the case.</p> <p>If the Court of Appeal has found an error in law in the original determination, the case is remitted back to the tribunal for a full hearing to reconsider the appeal. The senior executive</p>	<p><b>In this section</b></p> <p><a href="#">Seeking permission to appeal to the Court of Appeal through the Upper Tribunal</a></p> <p><a href="#">Permission to appeal granted (cases in England and Wales)</a></p> <p><a href="#">Permission to appeal granted (cases in Scotland)</a></p> <p><a href="#">Permission to appeal refused</a></p> <p><a href="#">Court of Session outcomes</a></p>
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officer (SEO) caseworker must:

- Await the sealed order from the Court of Appeal.
- Update CID.
- Inform the SAT administration team as soon as possible of the result of the case, so that the spreadsheet can be updated.
- When it is received, send a copy of the consent order to the SAT administration team so they can update the spreadsheet.
- Send the file to the 'waiting date of hearing' hold of the POU that originally presented the case to await a hearing date for the remitted hearing.

If the Court of Appeal refers the case back to the Home Office to review, the SEO caseworker must:

- Await the official copy of the judgement.
- Update CID.
- Inform the SAT administration team of the result of the case. SAT administration team update the spreadsheet.
- Oversee the review of the case.

**If the case is determined**

If the Home Office decision is found to be defective, the Court of Appeal can determine the case. The appeal will be allowed or dismissed depending on whose appeal it is. The SEO caseworker must inform the SAT administration team as soon as possible of the result of the case, so that the spreadsheet can be updated.

The Court of Appeal can make the following determinations in deciding a case:

- Affirm, set aside or vary any order or judgement made by the lower court.
- Refer any claim or issue for determination by the lower court.
- Order a new trial or hearing.
- Make orders for the payment of interest.

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- Make a cost order.

**SEO caseworker awaits determination from Treasury Solicitors**

The SEO caseworker must await the sealed order from Treasury Solicitors before updating CID with the outcome of the case. Following the hearing, Treasury Solicitors will usually email the SAT administration team with a note of the hearing. When the SAT administration team receive the note they must check that the spreadsheet and CID are updated correctly.

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## Onward appeal rights

### Court of Session outcomes

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page gives instructions to follow when a Court of Session hearing has taken place. The Court of Session is the equivalent court in Scotland to the Court of Appeal in England and Wales.</p> <p>This guidance is for all presenting staff including presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs), asylum teams, the Glasgow POU senior executive officer (SEO) team and the specialist appeals team (SAT).</p> <p>The Court of Session can decide to issue one of four outcomes:</p> <ul style="list-style-type: none"><li>• Remit the appeal to the tribunal.</li><li>• Affirm the tribunal's decision.</li><li>• Make any decision the tribunal could make.</li><li>• Affirm, vary or give a section 87 direction.</li></ul> <p><b>If the case is remitted</b></p> <p>The case can be remitted for a full hearing, or it can be remitted back to the Home Office to review the case.</p> <p>If the Court of Session has found an error in law in the original determination, the case is remitted back to the tribunal for a full hearing to determine the appeal. The Glasgow POU SEO team waits for the notification from the Court of Session and updates CID to show the outcome of the application. The file must be sent to the 'awaiting hearing' hold in Glasgow POU to wait for a hearing date for the remitted hearing.</p> <p>If the Court of Session refers the case back to the Home Office to review the case, the Glasgow POU SEO team must wait for the official copy of the determination and update CID. The litigation team must inform the SAT administration team of the result of the case,</p>	<p><b>In this section</b></p> <p><a href="#">Seeking permission to appeal to the Court of Appeal through the Upper Tribunal</a></p> <p><a href="#">Permission to appeal granted (cases in England and Wales)</a></p> <p><a href="#">Permission to appeal granted (cases in Scotland)</a></p> <p><a href="#">Permission to appeal refused</a></p> <p><a href="#">Court of Appeal outcomes</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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	<p>and they update the spreadsheet. The Glasgow POU SEO team will oversee the review of the case.</p> <p><b>If the case is determined</b> If the Home Office decision is found to be defective, the Court of Session can determine the case. The appeal will be allowed or dismissed depending on whose appeal it is. The Glasgow POU SEO team will inform the SAT administration team as soon as possible of the result of the case.</p> <p>On receipt of the determination the Glasgow POU SEO team update CID, calculate appeal rights exhausted (ARE) dates and put the file in the 'ARE' hold. See the related link: Appeal rights exhausted cases.</p> <p><b>POU Glasgow SEO team await determination from OSAGS</b> The Glasgow POU SEO team must wait for the sealed order from the Office of the Solicitor for the Attorney General of Scotland (OSAGS) before updating CID with the outcome of the case. Following the hearing, OSAGS will update the litigation team with a note of the hearing. When the note is received the Glasgow POU SEO team must check that CID has been updated and the SAT are kept informed.</p>	
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## Onward appeal rights

### Direct application to the Court of Appeal

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This section gives instructions for making a direct application to the Court of Appeal where permission has been refused.</p> <p>The guidance is for all presenting staff including presenting officers units' (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), asylum teams and the specialist appeals team (SAT).</p> <p>The SAT receive the refusal of permission (IA 157) and make a decision about whether to make a direct application to the Court of Appeal. A direct application must be lodged within 14 clear days of the refusal date. The date of dispatch and the date of receipt are not counted. The SAT administration team will:</p> <ul style="list-style-type: none"><li>• obtain file from the 'SAT PTA CoA' hold</li><li>• attach the refusal, and</li><li>• forward the file to the designated SAT senior executive officer (SEO), who must liaise with legal advisers branch (LAB) and other relevant parties about whether a direct application will be made.</li></ul> <p><b>If no further challenge is made</b></p> <p>If the SAT, in consultation with LAB and other relevant parties, decide not to make a direct application, the SAT complete a minute explaining why permission is not being sought. This minute also authorises leave to be granted. The papers are attached to the file.</p> <p>The SAT administration team must send the file to the appropriate unit for leave to be granted or forward the entry clearance officer (ECO) determination to the post responsible for the case. For further instructions on routing files for leave to be implemented, see related link: Allowed appeals.</p> <p><b>If a further challenge is made</b></p>	<p><b>In this section</b></p> <p><a href="#">Direct application granted</a></p> <p><a href="#">Direct application refused</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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	<p>When it is decided to make a direct application, the SAT draft the grounds and attach this and the refusal of permission (IA 157) to the file. Treasury Solicitors lodge the grounds in a direct application to the Court of Appeal. The Home Office (HO) file will need to be moved to the 'SAT PTA CoA' hold to await the outcome. The SAT then update CID to reflect that a direct application has been made.</p> <p>See related links:</p> <ul style="list-style-type: none"><li>• Direct application granted</li><li>• Direct application refused.</li></ul>	
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## Onward appeal rights

### Direct application granted

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page explains how to process a granted direct application to the Court of Appeal.</p> <p>The guidance is for all presenting staff including presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), asylum teams and the specialist appeals team (SAT).</p> <p>If the Home Office is granted a direct application to the Court of Appeal, the SAT administration team receive notification from Treasury Solicitors. The SAT administration team must:</p> <ul style="list-style-type: none"><li>• retrieve the file from the 'SAT PTA' hold and attach the grant notice</li><li>• update the SAT Court of Appeal spreadsheet to show that permission has been granted</li><li>• send the file to the senior executive officer (SEO) caseworker allocated to the case, and</li><li>• check the details of the caseworker are updated on the spreadsheet.</li></ul> <p>The SEO caseworker takes responsibility for the case and liaises with Treasury Solicitors. The SEO caseworker may or may not attend the Court of Appeal hearing with Treasury Solicitors.</p>	<p><b>In this section</b></p> <p><a href="#">Direct application refused</a></p>
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## Onward appeal rights

### Direct application refused

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page explains how to process a refused direct application to the Court of Appeal.</p> <p>The guidance is for all presenting staff including presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), asylum teams and the specialist appeals team (SAT).</p> <p>If the Home Office is refused a direct application to the Court of Appeal, the SAT administration team receive notification from Treasury Solicitors. The SAT administration team immediately pass the refusal of permission to the designated SAT senior executive officer (SEO) who has seven clear calendar days to decide whether to make an oral application to the Court of Appeal. The date of dispatch and date of receipt are not counted.</p> <p>The SAT SEO must liaise with legal advisors branch (LAB) and other relevant parties when deciding whether to make an oral application to the Court of Appeal.</p> <p>When the SAT, in consultation with LAB and other relevant parties, decide not to make an oral application to the Court of Appeal, the SAT produce a minute detailing the reasons and authorising the type of leave to be granted. The papers are attached to the file.</p> <p>The SAT administration team must send the file to the appropriate unit for leave to be granted or forward the entry clearance officer (ECO) determination to the post responsible for the case. For further instructions on routing files for leave to be implemented, see related link: Allowed appeals.</p>	<p><b>In this section</b></p> <p><a href="#">Direct application granted</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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## Onward appeal rights

### Direct application to the Court of Session

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This section explains how to make a direct application to the Court of Session where permission has been refused.</p> <p>This guidance is for all presenting staff including the Glasgow presenting officers' unit senior executive officer (SEO) team, presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), asylum teams and the specialist appeals team (SAT).</p> <p>The SAT receive the refusal of permission (IA 157) and decide whether to make a direct application to the Court of Session. A direct application to the Court of Session Inner House must be lodged within 42 calendar days of the refusal.</p> <p>The refusal will need to be attached to the file and the file forwarded to the designated SAT SEO. The SAT SEO must liaise with legal advisers branch (LAB) and other relevant parties about whether a direct application to the Court of Session will be made.</p> <p><b>If no further challenge is made</b></p> <p>When it is decided not to make a direct application, the SAT complete a minute explaining why permission is not being sought. This minute also authorises leave to be granted. The papers are attached to the file.</p> <p>The SAT administration team must send the file to the appropriate unit for leave to be granted, or forward the entry clearance officer (ECO) determination to the post responsible for the case. For further instructions on routing files for leave to be implemented, see related link: Allowed appeals.</p> <p><b>If a further challenge is made</b></p> <p>When it is decided to make a direct application, the SAT draft the grounds and attach to the file. Counsel lodges the grounds in a direct application to the Court of Session. The SAT administration team will send the Home Office (HO) file to the 'SAT PTA CoA' hold to await</p>	<p><b>In this section</b></p> <p><a href="#">Appellant lodges direct application to the Court of Session</a></p> <p><a href="#">Direct application outcome</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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	the outcome. The SAT then update CID to reflect that a direct application has been made to the Court of Session.	
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## Onward appeal rights

### Appellant lodges direct application to the Court of Session

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page tells you what to do if an appellant lodges a direct application to the Court of Session where permission has been refused.</p> <p>The guidance is for all presenting staff including the presenting officers' unit (POU) Glasgow senior executive officer (SEO) team, POU, immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), asylum teams and the specialist appeals team (SAT).</p> <p>The IA 157 refusal of permission is sent to the POU responsible for the case by the appeals determination management unit (ADMU). The appellant may make a further application for permission direct to the Court of Session, which must be lodged within 42 calendar days of the refusal.</p> <p>On receipt, the refusal will need to be attached to the file and the appeal rights exhausted (ARE) process followed. For further instructions see related link: Appeal rights exhausted cases.</p> <p><b>If no further challenge is made</b> The file is processed in accordance with the ARE process.</p> <p><b>If a further challenge is made</b> The Glasgow POU SEO team will be notified by the Office of the Solicitor to the Advocate General for Scotland (OSAGS). On receipt of the notification, the file must be retrieved from the 'PTA COS' hold and CID updated to show that a further application has been made. The notice must be linked to the file.</p>	<p><b>In this section</b></p> <p><a href="#">Direct application outcome</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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## Onward appeal rights

### Direct application outcome

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page explains how to process the outcome of a direct application to the Court of Session.</p> <p>The guidance is for all presenting staff including presenting officers' units (POU), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), asylum teams, the Glasgow POU senior executive officer (SEO) team and the specialist appeals team (SAT).</p> <p>The Glasgow POU SEO team receive correspondence from the Office of the Solicitor for the Advocate General of Scotland (OSAGS) about whether the direct application to the Court of Session has been successful. The Glasgow POU SEO team must update CID to show if permission has been granted or refused.</p> <p><b>If the application is refused</b></p> <p>If the application is refused, the Glasgow POU SEO team must update CID with the outcome and process the file accordingly. There is no further right of appeal.</p> <ul style="list-style-type: none"><li>• if the appeal was previously dismissed, see related link: Dismissed appeals</li><li>• if the appeal was previously allowed, leave will need to be implemented, see related link: Allowed appeals.</li></ul> <p><b>If the application is granted</b></p> <p>If the direct application has been granted, the respondent has 21 days to lodge a response.</p> <ul style="list-style-type: none"><li>• If the appellant made the application, the litigation team will prepare the response and lodge it through the OSAGS.</li><li>• If the Home Office made the application, the appellant's representative will prepare the response and lodge with the court using counsel.</li></ul>	<p><b>In this section</b></p> <p><a href="#">Appellant lodges direct application to the Court of Session</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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This guidance is based on the Immigration Rules

	<p>The party making the application will lodge a motion with the court for the case to be listed for hearing. This is a paper process which signifies to the court that the case is being defended. It also gives time estimates for the eventual hearing. The type of hearing requested is referred to as a Summary Roll Hearing. It is current practise that the permission to appeal and full appeal are heard at the one hearing. There is no set timescale for the listing of such an appeal. OSAGS instruct counsel to represent the Home Office at the hearing.</p> <p>If the appeal is not accepted, the refusal decision will be sent to OSAGS. OSAGS will forward the decision to the litigation team. When the decision is received, the Glasgow POU SEO team must update CID with the outcome and process the file:</p> <ul style="list-style-type: none"><li>• if the appeal was previously dismissed, see related link: <a href="#">Dismissed appeals</a></li><li>• if the appeal was previously allowed, leave will be implemented, see related link: <a href="#">Allowed appeals</a>.</li></ul>	
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### Oral application to the Court of Appeal

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page gives instructions for making an oral application to the Court of Appeal.</p> <p>The guidance is for all presenting staff including presenting officers' units (POUs), immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)), asylum teams and the specialist appeals team (SAT).</p> <p>The SAT can make an oral application to the Court of Appeal through the Treasury Solicitors. The SAT must minute the file with details of the oral application and update CID to show that the application has been made.</p> <p><b>If the application is refused</b></p> <p>If the oral application to the Court of Appeal is refused, Treasury Solicitors will notify the designated SAT senior executive officer (SEO) who will update CID with the outcome.</p> <p>There is no further right of appeal. The SAT SEO must minute the file with instructions on what leave to grant.</p> <p>The SAT administration team must send the file to the appropriate unit to grant leave or forward the entry clearance officer (ECO) determination to the post responsible for the case. For further instructions on routing files for leave to be implemented, see related link: Allowed appeals.</p> <p><b>If the application is granted</b></p> <p>If the oral application is granted, Treasury Solicitors will notify the designated SAT SEO of the outcome. The designated SEO caseworker must then update CID with the outcome.</p> <p>The SEO caseworker takes responsibility for the case and liaises with Treasury Solicitors about the case. The SEO caseworker may or may not attend the Court of Appeal hearing with Treasury Solicitors.</p>	<p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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### Contact

<p><a href="#">About this guidance</a></p> <p><a href="#">First Tier and upper tier tribunal</a></p> <p><a href="#">Challenging an Upper Tribunal determination</a></p> <p><a href="#">Direct application to the Court of Appeal</a></p> <p><a href="#">Direct application to the Court of Session</a></p> <p><a href="#">Oral application to the Court of Appeal</a></p>	<p>This page explains who to contact for more help with a specific case with onward appeal rights.</p> <p>If you have read the relevant Immigration Rules and this guidance and still need more help, you must first ask your senior caseworker or line manager.</p> <p>If the question cannot be answered at that level, you may email the operational policy and rules unit for guidance on the policy, see related link: Email: appeals operational policy.</p> <p>Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must contact the operational policy and rules unit, who will ask the GRaFT to update the guidance, if appropriate.</p> <p>The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: guidance, rules and forms team.</p>	<p><b>Related links</b></p> <p><a href="#">Changes to this guidance</a></p> <p><a href="#">Information owner</a></p> <p><b>External links</b></p> <p>Links to staff intranet removed</p>
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### Information owner

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