



IMMIGRATION ACTS

A guide to completing IAFT-2 Appeal Form

Information on Fee Payment

Notice of Appeal to the First-tier Tribunal (Immigration and Asylum Chamber) Overseas Entry Clearance

Information on appealing to the First-tier Tribunal (Immigration and Asylum Chamber)

This leaflet provides further information on:

- how to decide whether to appeal
- how to bring an appeal to the Tribunal if that is what you decide to do, and
- the fee you may need to pay.

Deciding whether to appeal

The Refusal Letter explains the grounds on which you may appeal against the Home Office decision if you think the Entry Clearance Officer's decision is wrong. The time limit for appealing is 28 days after you received the Refusal Letter.

Fees for your appeal

Most immigration appeals require a fee to be paid before the tribunal will process them.

Current Fee Levels

From 19 December 2011, fees for immigration appeals are:

- For an appeal to be determined at an Oral Hearing £140.00
- For an appeal to be determined on the papers provided £80.00

Fees

Please note that the tribunal **does not** accept payment of fees by cash or cheque. You should **not** send either cash or cheques with your appeal. These payments will not be accepted and will be returned to you with any costs deducted. You can pay your fee using a payment card (credit or debit card) If you do not have access to a payment card and cannot arrange for someone else to make a card payment for you, submit your appeal and we will write to you to explain how to make a payment directly into the tribunal's bank account.

If the decision against which you are appealing was made on or after 19 December 2011 you will need to pay a fee. You do not have to pay a fee for your appeal if you are in receipt of Legal Aid from a United Kingdom based legal representative.

Please note the tribunal will check whether this exemption applies.

How to pay your fee

- Online at <https://www.gov.uk/court-fees-what-they-are>
- By including your payment card details with your appeal form. The tribunal will process your payment on receipt of your appeal

If sending your appeal to the tribunal without payment the tribunal will contact you to provide you with the tribunal's bank account details so you can pay direct. **You should note that this option will result in delay in determining your appeal whilst payment is made. Your payment must be for the full amount of the fee and in Pounds Sterling.**

Representation

You may nominate someone to present your appeal on your behalf. This person is referred to as your representative. A representative can help you:

- prepare your case for appeal
- prepare and submit the appeal form and evidence on your behalf
- represent you at hearings before the Tribunal.

You must keep in touch with your representative until the appeal has been finally determined. You must notify the Tribunal, through your representative of any change of address. If your representative ceases to act for you, you and your representative must notify the Tribunal immediately.

You should be aware that if the Tribunal's records state that you have a current representative, any document served on that representative will be deemed to have been served on you. This includes all notices and the determination. This applies to all persons nominated as a representative, whether or not they are professional representatives, as described in the next section.

Professional Representatives

A professional representative will be able to advise you whether you are entitled to public funding for representation.

A professional representative provides immigration services in the course of a business (whether or not for profit), you should ensure that he or she is qualified to provide such services on your behalf. Information about who is permitted by law to provide such services in the United Kingdom can be obtained from the Office of the Immigration Services Commissioner (OISC), at <http://oisc.homeoffice.gov.uk/> or by telephone on 0044 (0) 845 000 0046.

If you appoint a representative you should provide their details in Section 5 of the appeal form.

The requirement to be qualified does not apply to representatives operating outside the United Kingdom.

Other Representatives

If you do not want to nominate a professional representative (as described above), you may nominate another person to represent you in your appeal. That person must not have the provision of immigration advice and services as part of his business (whether or not for profit).

You must seek **the representative's** agreement before sending in your form. You need to make sure your representative understands what he or she is expected to do.

As well as nominating a representative, you can name a person resident in the UK as your sponsor (Section 6). You should name the same person as you named in your application to the Entry Clearance Officer (ECO).

If you did not name a person as your sponsor for your application to the ECO you may name a sponsor for your appeal.

Your sponsor can only act as your representative if you nominate them as your representative and they are able to take on this role.

Procedure Rules

You can find the Tribunal Procedure Rules at <https://www.gov.uk/government/publications/immigration-and-asylum-chamber-tribunal-procedure-rules>. You should be aware that the Rules provide that a representative acting on your behalf may, on your behalf, do anything that the Rules require or allow you to do.

Is there a form for appealing to the Tribunal?

Yes. If you are appealing against a decision of an Entry Clearance Officer you should complete the appeal form **IAFT-2**. You should have received this form with your Refusal Letter. If you have not received an IAFT-2, contact the Entry Clearance Officer immediately at the visa section in the country where you applied.

If you require an extra copy of the appeal form, you can obtain one from:

- <https://www.gov.uk/immigration-asylum-tribunal/appeal-from-outside-the-uk>
- www.ukba.homeoffice.gov.uk/
- the address given in your Refusal Letter or
- HM Courts & Tribunals Service - Customer Service Centre on [0044] 0300 123 1711.

How do I complete the appeal form?

You should read the information sheet at the beginning of the appeal form and this guidance. Where you are completing the appeal form by hand, please write in BLOCK LETTERS.

Alternatively you can apply online at

<https://immigrationappealsonline.justice.gov.uk/IACFees/>

Where and when should I submit my appeal?

If you wish to submit your appeal to the First- tier Tribunal, you can do so online and pay your fee online at <https://immigrationappealsonline.justice.gov.uk/IACFees/>

Or you can submit your appeal by post or fax:

Post to: First-tier Tribunal (Immigration and Asylum Chamber)
PO Box 6987
Leicester
LE1 6ZX
United Kingdom

Or

Fax to: +44 (0)870 739 5996

Your appeal form must be received by the Tribunal **not later than 28 days** after you received the Refusal Letter.

If you are sending your appeal to the First-tier Tribunal by post, you should allow sufficient time from the day you post your appeal for the Tribunal to receive it. If possible you should send your appeal by recorded delivery or by any other service that provides a receipt of postage and acknowledgement of receipt.

Note: An appeal that is late may only be considered if the Tribunal decides to give an extension of time. If you think that your appeal is likely to reach the tribunal after this period, then you should complete Section 3 A-C including the reasons why you were not able to send your appeal to the tribunal in time.

Further information about specific sections on the IAF2-2

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A. Do you wish to have your appeal decided at an Oral Hearing or on the Papers?

You can request your appeal to be decided at a paper hearing or an oral hearing:

On the papers means that the appeal will be decided on the information on your appeal form and any other documents submitted as evidence. If you choose this option, there will be no hearing to attend.

An **oral hearing** is a hearing you will have an opportunity to attend but the hearing may go ahead if you fail to attend.

If you **do not** tick either box and you have a representative or sponsor in the UK, your appeal will be set for an oral hearing and your fee charged accordingly. If you do not have a representative or sponsor in the UK your appeal will be determined on the papers provided and charged accordingly.

- B.** If you have requested an oral hearing, you should note who will be attending the hearing to give evidence. This information will help the tribunal to estimate the length of your hearing.
- C.** If you are in receipt of Legal Aid from a UK based legal representative you should tick yes. the Tribunal will contact your representative to confirm that you are in receipt of legal aid. If you are not you should tick 'no'. It is important that you include any reference number you have and send the Tribunal supporting evidence with your appeal (or, where submitting your appeal online, as soon as possible).
- D.** If you are paying for any members of your family or others, you should include their details here. This will ensure that the Tribunal will seek a single payment from you for these appeals. Where submitting an appeal online, you will be able to enter this information on the website.

Type of decision

You should be able to find the information you need in the Refusal Letter.

Section 1 – Personal information

This section relates to personal information about you.

Section 2 – Your ECO Decision

Refer to the Refusal Letter to complete this section. If you are not sending the Refusal Letter with the appeal form, you must explain why in **section F**.

Section 3 – Your appeal

Question A-C – You must complete this section if your appeal is late or if you are not sure whether it will be received in time. The Tribunal cannot allow a late appeal to proceed unless there are special circumstances. It is essential that you give full reasons why your appeal is late.

Question D – In this section you should clearly set out the reasons why you disagree with the decision made by the Entry Clearance Officer. Provide as much detail as you can to support these grounds. You must do this now because you may not be allowed to mention any further grounds at a later date. Use additional sheets of paper if you need to.

Question E-F – If this applies to you, you should provide the information to the best of your knowledge. If you have a reference number but are unsure if it is an appeal reference, please insert it. The Tribunal may be able to match it with their records.

Question G-I – Complete this section if you have chosen to have an **Oral hearing**. You tell the Tribunal who will attend the hearing and provide evidence on your behalf. If a witness or sponsor will be attending your hearing **to give evidence** and they cannot speak English, please fully state the language and dialect of interpreter required. Please do not request an interpreter if individuals in attendance will not be giving evidence or they can speak English. If you have any particular interpretation requirements (eg. sign language) please ensure you record these clearly. You may do this in the form of a covering letter or continue on another sheet if necessary.

A **witness** is anyone who comes to the court to give evidence in support of your appeal.

An **interpreter** will translate the oral evidence given at the hearing.

If anyone attending the hearing has a disability please state any special requirements they need.

Section 4 – Your declaration

If you are the appellant and you are completing the form yourself, you must sign and date the appeal form.

Section 5 – Representative Details

If your representative is completing this appeal on your behalf, he or she must complete and sign this section of the form.

If you are completing the on line appeal form and your chosen representative organisation is not shown on the drop down list (as it is not possible to list all representatives), select “other” at the end of this list and type your chosen representative details.

Section 6 – Sponsor Details

If you have decided to have a sponsor – enter their details in this section.

By ticking the box in this section, you authorise the tribunal to answer questions asked by your named sponsor either by telephone or in writing. This includes information to assist in the paying of an appropriate fee, confirmation of any hearing dates and venue, and the status of the appeal (for example, awaiting hearing, heard and awaiting decision). It does not include providing your sponsor with copies of documentation or notices relating to your appeal or details of the outcome. The outcome will only be sent to you, the appellant, and your representative if you have one. A sponsor cannot act on your behalf in any other way and cannot, for example, withdraw an appeal. You should discuss this with the sponsor and ensure they understand what you have authorised the tribunal to do.

If you want your sponsor to act on your behalf and receive all information relating to your appeal, including copies of any determinations and appeal bundles, you should read the notes for section 5 on page three of this guidance and consider naming them as a non-professional representative.

What do I do after I have completed the appeal form?

Once you have completed the appeal form you should:

- keep the front sheet of the appeal form for reference.
- send your appeal form together with the Refusal Letter and any other documents to the Tribunal, (address is on page 4 of this guide and on the appeal form). You are advised to keep copies of the appeal form and all other documents you send with the form.

If you cannot send the Refusal Letter with your appeal form, you should clearly state the reasons why in Section 2G. If you submit your appeal online, you need to send your Refusal Letter to the Tribunal as soon as possible.

It is important that you attach any evidence that you wish the judge to consider as part of your appeal with this form (or as soon as possible if you are submitting your appeal online). The Home Office will have the opportunity to consider reviewing the original decision prior before a hearing date is set.

Please make sure that all documents sent to the Tribunal are in English, or accompanied by a translation into English and signed by a translator to certify that the translation is accurate.

When the Tribunal receives your appeal form and, where appropriate, payment for your appeal, you will receive written confirmation of when and where any hearing will take place.

Who do I contact if there are any questions after I have sent my form to the Tribunal?

If you have any queries after you have submitted your appeal, you can contact the Tribunal:

By post: First-tier Tribunal (Immigration and Asylum Chamber)
PO Box 6987
Leicester
LE1 6ZX
United Kingdom

By telephone:

HM Courts & Tribunals Service - Customer Service Centre on +44 (0) 300 123 1711

Please have your appeal reference number available.

By email:

Customer.Service@hmcts.gsi.gov.uk

Please clearly state the subject of your enquiry and your appeal number.