



IMMIGRATION ACTS

A guide to completing IAFT-3 Appeal Form

Information on Fee Payment

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

Overseas appeal against a decision made inside the UK

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

This leaflet provides further information on how to decide whether to appeal, and how to bring an appeal to the Tribunal if that is what you decide to do.

If you want to know more about the appeals process and payment of fees, please see the fees guidance at <https://www.gov.uk/immigration-asylum-tribunal>. This includes details of the current legislation under which fees are charged.

The Home Office Refusal Letter sent with this leaflet tells you how to appeal to the First-tier Tribunal (Immigration and Asylum Chamber) if you think the Home Office decision is wrong.

Deciding whether to appeal

The Refusal Letter explains reasons why your application was refused. You may appeal to the tribunal if you think the decision is wrong. The time limit for appealing is **28 calendar days from the date of departure from the United Kingdom** if your right of appeal can only be exercised after you have left the United Kingdom.

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

From 19 December 2011 some appeals require a fee to be paid before the tribunal will process them.

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 the fees appropriate for the way your appeal is being determined, unless you are exempt from paying a fee for one of the following reasons. Please note that, if you claim an exemption, the Tribunal will check whether these exemptions apply.

You do not have to pay a fee for your appeal if;

Your appeal is against one of the following decision types, you should check your Refusal Letter carefully to check this:

- section 2A of the 1971 Act(1) (deprivation of right of abode);
- paragraphs 8, 9, 10, 10A or 12(2) of Schedule 2 to the 1971 Act(1) (a decision that an illegal entrant, any family or seaman and aircrew is or are to be removed from the United Kingdom by way of directions);
- section 40 of the British Nationality Act 1981(1) (deprivation of citizenship);
- section 10(1) of the 1999 Act(1) (removal of certain persons unlawfully in the United Kingdom);
- section 76 of the 2002 Act (revocation of indefinite leave to enter or remain in the United Kingdom);
- section 47 of the Immigration, Asylum and Nationality Act 2006(1) (removal: persons with statutorily extended leave);
- regulation 19(3) of the Immigration (European Economic Area) Regulations 2006(1) (a decision to remove an EEA national or the family member of such a national);

or

You are in receipt of Legal Aid.

Where you are in receipt of Legal aid, you should indicate this on page 3 section C of the appeal form and include any reference numbers and send evidence to the tribunal with your appeal (or where submitting your appeal online, to the Tribunal as soon as possible).

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. There is a section of the appeal form for this purpose. There is a section of the appeal form for this purpose. The Tribunal will process your payment on receipt of your appeal.

If you send your appeal to the Tribunal without payment the Tribunal will contact you to provide you with further information about how you can pay, including into the Tribunal's bank account. **You should note that this option will result in delay in determining your appeal whilst payment is awaited. You should ensure that the payment the tribunal receives is for the full amount of the fee and in Pounds Sterling.**

Representatives

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, and represent you at hearings before the Tribunal.

You must maintain contact with your representative until the appeal has been finally determined, and 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, irrespective of whether or not they are professional representatives, as described in the next section of this Guide.

Professional Representatives

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 www.oisc.gov.uk or by telephone on +44 (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

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

You should seek their agreement before nominating that person as your representative, and ensure that he or she understands what is expected of them and their responsibilities.

If you wish another person to represent you, you must indicate this in Section 5 of the appeal form. If you do not notify the Tribunal that a person is acting as your representative they will not receive documentation relating to your appeal.

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 have a right of appeal only after you have left the United Kingdom, or you have chosen to leave the United Kingdom before exercising your right of appeal, you should complete the IAF3 form which you should have received with your Refusal Letter. If you did not, you should immediately contact the Home Office Immigration Enquiry Bureau on +44 (0)870 606 7766. 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>
- the address given in your notice of decision
- HM Courts & Tribunals Service - Customer Service Centre on +44 (0)300 123 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 lodge 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 4053

Your appeal form must be received at the Tribunal within:

- **28 days** after your departure from the United Kingdom if you were inside the United Kingdom when the decision was made but **do not** have a right of appeal from inside the United Kingdom; and
- **28 days** after the day you received the Refusal Letter if you only have a right of appeal once you have departed from the United Kingdom but have already left.

If you are posting your appeal you should allow sufficient time from the day you post your appeal for the appeal to be received by the Tribunal. If possible you are advised to send your appeal by recorded delivery or by any other service where a receipt of postage and acknowledgement of receipt can be obtained.

Your representative can also lodge the appeal for you once you have left the United Kingdom.

Note: Your appeal is not lodged until it has been received by the Tribunal. An appeal that is late may only be considered if the Tribunal decides to extend the time.

Further information about specific sections on the IAFI-3

Page 3

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

You can request that your appeal be decided on the papers provided with your appeal or an oral hearing:

On the papers means that the appeal will be decided on the information you provide on the 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 at which your representative will have an opportunity to attend but the hearing may go ahead if you fail to attend.

If you **do not** tick either box your appeal will be set for an oral hearing and your fee 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 assist the Tribunal in estimating the length of your hearing.
- C.** If you are in receipt of Legal Aid, you should tick this box. Where 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.

Page 5

Type of decision

You should be able to find the information you need in the Refusal Letter. If you are uncertain you can leave this blank.

Section 1 – Personal information

Question A-G relates to personal information about you.

Question H-I – Provide details of anyone who will be attending the hearing.

A witness is anyone who will attend the court to give evidence in support of the appeal. If any of the attendees require an interpreter, please provide the relevant language and dialect. An **interpreter** will translate oral evidence given at the hearing.

Question J – If anyone attending has a disability and has any special requirements, please state them in the box provided.

Section 2 – Your Home Office decision

Question A-G may have already been completed by the Home Office. If not, you should be able to find the information you need in the Home Office Refusal Letter.

Question H – The date you left the UK following refusal decision

Question I – If no date of service is given in the Refusal Letter, please enter the date you received your decision

Question J – If you were served with a deportation decision, please enter the date.

Question K – If you are not sending in your Refusal Letter please explain why.

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 therefore essential that you give full reasons why your appeal is late or you are not sure whether it will be received in time. You should explain why you did not appeal within the deadline.

Section 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.

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 you have a representative he or she must complete and sign this section of the form.

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 by fax or post to the address on page 5 of this guide. You are advised to keep copies of the appeal form and all other documents you send with the form.
- allow enough time for the appeal form to be received by the Tribunal.

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

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 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 lodged 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. If that is not yet available have your Home Office reference number to hand.

By email:

Customer.Service@hmcts.gsi.gov.uk

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