

This guidance is based on the Immigration Rules



# Appeal hearings

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## Appeal hearings

### About this guidance

<a href="#">About this guidance</a>	<p>This guidance explains the administrative processes around the appeal hearing.</p>	<b>Related links</b>
<a href="#">Substantive hearing</a>	<p>It is intended for administration teams within presenting officers units and asylum teams.</p>	<a href="#">Changes to this guidance</a>
	<p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p>	<a href="#">Contact</a>
	<p>Contacts – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p>	<a href="#">Information owner</a>
	<p>Information owner – This page tells you about this version of the guidance and who owns it.</p>	Safeguard and promote child welfare
	<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>	

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### Changes to this guidance

<p><a href="#">About this guidance</a></p> <p><a href="#">Substantive hearing</a></p>	<p>This page lists changes to the 'Appeal hearings' guidance, with the most recent at the top.</p> <table border="1"><thead><tr><th data-bbox="490 403 831 443">Date of the change</th><th data-bbox="831 403 1532 443">Details of the change</th></tr></thead><tbody><tr><td data-bbox="490 443 831 632">26 April 2018</td><td data-bbox="831 443 1532 632">Review of content conducted. Relevant content can now be found in the Appeals process: allocating, expediting, adjourning and concluding guidance.</td></tr><tr><td data-bbox="490 632 831 855">29 April 2016</td><td data-bbox="831 632 1532 855">Change request:<ul style="list-style-type: none"><li>• Requesting an expedited appeal hearing (detained and high harm cases):<ul style="list-style-type: none"><li>○ new page</li></ul></li></ul></td></tr><tr><td data-bbox="490 855 831 1003"></td><td data-bbox="831 855 1532 1003">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	26 April 2018	Review of content conducted. Relevant content can now be found in the Appeals process: allocating, expediting, adjourning and concluding guidance.	29 April 2016	Change request: <ul style="list-style-type: none"><li>• Requesting an expedited appeal hearing (detained and high harm cases):<ul style="list-style-type: none"><li>○ new page</li></ul></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><b>See also</b></p> <p><a href="#">Contact</a></p> <p><a href="#">Information owner</a></p> <p>Unified tribunal appeals system - archive</p>
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### Substantive hearing

<p><a href="#">About this guidance</a></p> <p><a href="#">Substantive hearing</a></p>	<p>This page gives an overview of substantive appeal hearings that apply to all appeal types.</p> <p>This guidance applies to all case types and are for appeal administration teams within presenting officer units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)) and asylum caseworkers.</p> <p><b>Visitors appeal rights</b> From 9 July 2012 there is no full right of appeal for people who are refused visiting their:</p> <ul style="list-style-type: none"><li>• uncle</li><li>• aunt</li><li>• first cousin</li><li>• nephew</li><li>• niece</li><li>• someone who does not have:<ul style="list-style-type: none"><li>○ settled status</li><li>○ asylum status</li><li>○ humanitarian protection in the UK</li></ul></li></ul> <p>From 25 June 2013 there is no right of appeal against the refusal of a visa application, made on or after this date, to visit a family member.</p> <p>Before 9 July there would have been an appeal right as a family visitor. A right of appeal on human rights and race discrimination grounds remains.</p> <p><b>Police National Computer (PNC) checks</b> The police have agreed to share PNC checks with the Home Office. PNC checks can be submitted to immigration judges and representatives, providing the information they contain is material to a case and is necessary for legal proceedings, including bail hearings. The</p>	<p><b>Related links</b></p> <p><b>External links</b></p> <p>Email: WICU PNC bureau</p>
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	<p>PNC check, if it is being relied on by the decision maker, will form part of the bundle.</p> <p>There are three 'prints' and presenting staff must make sure they use the correct one for legal proceedings:</p> <ul style="list-style-type: none"><li>• Court print: fully disclosable: recommended for court proceedings and for passing to the applicant and their representative</li><li>• Disclosure print: standard: not for disclosure</li><li>• Police print: strictly non-disclosable: the Home Office will not issue these without specific permission from the PNC data owner</li></ul> <p>Presenting staff must make sure only court prints are served on the court, appellant and representative.</p> <p>If you are not sure whether a PNC document can be disclosed, you must contact the PNC bureau.</p> <hr/> <p>Official – sensitive: start of section</p> <p>The information in this section has been removed as it is restricted for internal Home Office use.</p> <hr/> <p>Official – sensitive: end of section</p> <hr/> <p><b>Presenting appeal hearings</b></p> <p>Appeal hearings will be presented by a presenting officer (PO) or an asylum caseworker. In the unified tribunals appeal system:</p> <ul style="list-style-type: none"><li>• first substantive appeals will be heard within the First-tier by an immigration judge</li><li>• onward appeals will be heard in the Upper Tribunal by a deputy or senior immigration</li></ul>	
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	<p>judge</p> <p>If the PO is sick and not able to attend the hearing on the day, you will need to contact the hearing centre to inform them. This must be done as early as possible and before 10am at the latest.</p> <p>A team manager or senior caseworker will make a decision about whether to seek an adjournment, allow the case to continue without a PO or whether an alternative PO is available.</p>	
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### Contact

<p><a href="#">About this guidance</a></p> <p><a href="#">Substantive hearing</a></p>	<p>This page explains who to contact for more help with a specific case appeal hearing.</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 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: making changes.</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>Guidance: making changes</p> <p>Email: Appeals policy</p>
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### Information owner

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