



Fees Guidance

First-tier Tribunal (Immigration and Appeals Chamber)

Before making your appeal please read your Refusal Letter carefully. This will explain the reasons for the refusal of your application, the legislation used and your appeal rights that you will need to take into account when giving your grounds for appeal.

Appeal fees

Most appeals which are dealt with in the First-tier Tribunal (Immigration and Appeals Chamber) require a fee to be paid before an appeal is processed. To check if an appeal does not require a fee to be paid see the 'Exemptions and Remissions' section on page 4.

If an appeal is required then it will cost, for each person appealing, either:

- £80 for an appeal to be determined on the papers provided; or
- £140 for an appeal to be determined at an oral hearing.

How to pay the fee

If an appeal fee is required then this can be paid either:

- on-line at <https://immigrationappealsonline.justice.gov.uk/IACFees/> ;or
- by including payment card details with an appeal form. There is a section of the appeal form for this purpose. HM Courts & Tribunals Service will process the payment on receipt of the appeal. You should send your appeal form to:

First-tier Tribunal (Immigration and Asylum Chamber)
PO Box 6987
Leicester
LE1 6ZX

Those appeals received and paid for on line can usually progress sooner than those where the appeal is lodged by post as payment clearance starts as soon as the appeal and payment is submitted on line.

If you send your appeal to HM Courts & Tribunals Service without payment then you will be contacted and provided with further information about how you can pay, including into HM Courts & Tribunals Service's bank account. You should note that this option may result in delay in determining your appeal whilst payment is awaited. You should ensure that the payment HM Courts & Tribunals Service receives is for the full amount of the fee and in Pounds Sterling.

Method of payment

The fee can be paid using a payment card (credit or debit card), either when making an on-line appeal or by writing down the payment card details in the space provided on the appeal form. HM Courts & Tribunals Service will accept Visa and MasterCard payment cards with the following symbols:



Please note: HM Courts & Tribunals Service 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. Usually your appeal will not progress until payment by an acceptable method has been made.

On-line Appeal with Payment

If you submit the appeal on-line then you will be given the option to enter payment card details once your appeal has been completed. For example, if you have selected that the appeal be heard at an oral hearing the payment details will already show £140.

Guidance for making an appeal on-line is provided in the section below.

A number of appeals can be submitted and paid for together. After each appeal has been completed you will be asked if you want to pay now or submit another appeal. Once you have submitted all the appeals you want to pay for, select the payment option. You will then be charged for all of the appeals in a single payment. The amount will be filled in for you.

For example, if you are submitting appeals for yourself and three others (or you are doing so on behalf of the appellants) and you selected an oral hearing for each, then you will be asked to make a total payment of £560 (4 x £140).

Appeal with Payment by Post

If you write your payment card details on your appeal form and send it to us, you should not send it more than once - for example by post and faxing. If you send your payment details more than once, HM Courts & Tribunals Service may take more than one payment.

If you wish to make one payment to cover more than one appeal (or you are doing so on behalf of the appellants) you should ensure that they are sent in a single envelope with all the details of the appeals you wish to pay for clearly marked on the first page of the appeal form. You should include your payment card details on each form. HM Courts & Tribunals Service will take a single payment for the combined total of the fees due for all appeals you have submitted.

What if I don't have access to a payment card when I am ready to submit my appeal?

If you do not have access to a payment card and cannot arrange for someone else to make a card payment for you immediately, then you can still submit your appeal.

Our on line appeal site will store your appeal for two days and this will allow you to arrange for payment by card and go back to your appeal to make a payment on line.

If this is not possible, submit your appeal by post. When HM Courts & Tribunals Service have received your appeal they will write to you to explain how to make a payment directly into their bank account or make a separate payment by card, either by post or on line.

Please note that if you do not make a payment when requested (usually within 2 weeks) your appeal may be struck out and will not proceed.

Guidance for making your appeal on-line

If you would like to make an appeal on-line, you should click on the 'Lodge an Appeal' button on the opening page.

You will then be asked a series of questions regarding your appeal. Please answer these accurately as they will determine the type of appeal form you need to complete, which contain further questions appropriate for your type of appeal.

When making your appeal on-line, you will be given a reference number, which begins with the letters 'IAFT'. You should take a note of this number as it will allow you to return to your appeal form if you wish to complete the form in more than one session. Please note that the previously entered details of your appeal form are only held for 48 hours, after which you will need to start your on-line application again.

When you have completed your appeal and paid your fee (should one be required) you will be provided with a Submission Reference Number which you should include when sending your supporting documents to HM Courts & Tribunals Service. You will also be able to print off a cover sheet containing details of your appeal which you should include with the documents you send to ensure that these can be linked to your appeal.

You will be able to print a copy of the appeal you have submitted on-line for your records. There is no need to send this to HM Courts & Tribunals Service.

Please note: When completing your appeal on-line you will be asked to complete both the date of refusal decision and the date of service of the decision. The date of the decision against which you are appealing can be found on the first page of your Refusal Letter. The date of service of the decision is the date you received it.

Exemptions and Remissions

Not all appeals require a fee to be paid. You do not have to pay a fee for your appeal if:

1. Your appeal is against a decision made under the following legislation. Please note - your Refusal Letter may contain more than one decision. If so, a fee will still be due if the decision is not one of those listed below. Please read your Refusal Letter carefully to check this:
 - section 40 of the British Nationality Act 1981 (deprivation of citizenship);
 - regulation 23(6) of the Immigration (European Economic Area) Regulations 2016 (a decision to remove an EEA national or the family member of such a national);
 - Rule 338A of Immigration Rules (revocation of protection status); or
 - A decision where you've been detained and your decision letter was sent by the Detained Asylum Casework team (DAC or DIA) at the Home Office (see your Refusal Letter to see if this applies to you)
2. You are being provided with Asylum Support Funding by the Home Office under sections 95 or 98 under the Immigration and Asylum Act 1999;
3. You are in receipt of Legal Aid (to note: from April 1st 2013 legal aid is no longer available in England and Wales for most non-asylum immigration cases); or
4. You are the person (or someone with parental responsibility for the person) for whose benefit services or accommodation are provided by a local authority under section 17 of the Children Act 1989, section 22 of the Children (Scotland) Act 1995, article 18 of the Children (Northern Ireland) Order 1995 or section 37 of the Social Services and Well-being (Wales) Act 2014.

5. You are the person for whom accommodation is being provided by a local authority under section 20 of the Children Act 1989, section 25 of the Children (Scotland) Act 1995, article 21 of the Children (Northern Ireland) Order 1995 or section 76 of the Social Services and Well-being (Wales) Act 2014.
6. The Home Office waived the fee for the application that the refusal notice you are appealing relates to because that application came under exceptions 4.5 or 9.4 of the Immigration and Nationality (Fees) Regulations 2016 (where requirement by the Home Office to pay the application fee would be incompatible with the applicant's Convention rights). This exemption only applies where the Home Office decision is dated 10 October 2016 or after.

Where numbers 2, 3, 4, 5 or 6 apply, you should indicate this on page 3 section C of the appeal form. You should include any reference numbers and send any documentary evidence to the address at the end of this document with your appeal (or where submitting your appeal on-line, send in any additional evidence and supporting documents as soon as possible).

Alternatively, you may not have to pay a fee or may be able to pay a reduced fee if you receive certain benefits, or have limited savings and are on a low income. You can do this by applying for help with court and tribunal fees, either online at www.gov.uk/help-with-court-fees or through the 'EX160 Apply for help with fees' form which can be found here: - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/868037/ex160-eng.pdf

You can also view the guides if needed here: - EX160A - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/806272/ex160a-eng.pdf

EX160A easy read https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841267/ex160a-easyread-eng.pdf

If you make a Help with Fees application you should indicate this on page 3 section C of the appeal form. You should send the Help with Fees form attached to your appeal form to the address at the end of this document (or where submitting your appeal on-line, include the Help with Fees reference number where requested). **Please note:** Only you (the appellant) can sign a HwF application. A third party cannot do this on your behalf unless you are a child or you lack capacity, and the third party is acting on your behalf.

If you have applied for Help with Fees you may be requested to file additional evidence to support the information you have provided on your Help with Fees application.

If you are not in the United Kingdom at the time of lodging your appeal, you will not be eligible for Help with Fees.

Please note: Any exemption or remission due will be decided from the information on your appeal form. HM Courts & Tribunals Service will check the information and any supporting evidence you provide to confirm whether an exemption or remission applies.

Exceptional Circumstances Remission

If you did not qualify for a full remission (for example, because you are not eligible for the Help with Fees scheme or because your appeal type or personal circumstances are not listed in the exemptions and remissions section above) but you believe that you are not realistically able to afford to pay your fee, or are facing other exceptional circumstances, you can ask the tribunal's delivery manager to consider reducing or remitting your fee. This request should be made in writing to the address below.

The delivery manager will generally only grant your request if you are able to demonstrate that you are not realistically able to afford the fee in practice or that there are other circumstances which justify remission of the fee. The circumstances will be considered on a case by case basis.

In considering whether to reduce or remit your fee, the delivery manager will require evidence about your circumstances, including why you are not able to afford your fee, or why there are other exceptional circumstances which justify remission of the fee. You must provide this evidence to support your request. The type of evidence that you should provide includes (where relevant): notices threatening legal action due to non-payment of bills or housing costs, details of your income, savings, expenses, or any other relevant information to support your request for an exceptional remission.

All evidence must be in English or accompanied by a translation into English and where evidence of your finances is presented in a currency other than sterling it must be accompanied by a conversion. Translations and conversions should be from a recognised source (this can include online translation/conversion services).

You won't automatically have your fee reduced or remitted because of your status, for example if you're unemployed, a seasonal or part-time worker, student or prisoner. You will still be asked to provide evidence to support your application.

In considering an application for an exceptional fee remission we would expect you to demonstrate that you have taken all reasonable steps to exhaust alternative sources of funding. For example, where you have a sponsor supporting your application to enter or remain in the UK we would expect to see evidence demonstrating that those parties are unable to assist you in paying your fee.

If the delivery manager does not grant your exceptional fee remission request then you can appeal this decision to the operational manager. The operational manager will then consider any evidence that you have submitted previously and any further information you submit with your appeal. Once the operational manager has made his or her final decision we will not be able to consider the matter any further.

You must sign and date your written application, and confirm that all the information you provide is true. Your application will be refused if any evidence you provide is found to be incorrect. We reserve the right to prosecute any person making a fraudulent claim.

Please note: Only you (the appellant or your appointed Representative) can make an exceptional circumstances application and can sign the written application. A third party cannot do this on your behalf unless you are a child or you lack capacity, and the third party is acting on your behalf.

Where to send your exceptional circumstances application

If you wish to make an exceptional circumstances application you should clearly mark your envelope 'Article Seven Remission Application' and send it to:

First-tier Tribunal (Immigration and Asylum Chamber)
PO Box 6987
Leicester LE1 6ZX

HM Courts & Tribunals Service aims to respond to your application within 14 calendar days of receipt.

Fee awards and refunds

Fee Awards are paid by the Home Office (at the direction of a Judge) and Refunds by HM Courts & Tribunals Service. However both may show on your bank statements as coming from HM Courts & Tribunals Service. If you have a query in relation to a payment you may have received, or believe you are entitled to, please read below to determine who you should contact.

Fee awards

It is the responsibility of the **Home Office** to pay a Fee Award.

A Fee Award occurs where, on an allowed appeal, a Judge directs the Respondent (the Home Office) to pay an amount up to the value of the fee paid as part of their decision.

The fee, a contribution towards the administration of the appeal, remains correctly paid to the Tribunal for the work done on the appeal.

The Home Office will generally arrange for a Fee Award to be paid by crediting the payment card that made the original fee payment. It may show on your statement as coming from HMCTS and not Home Office.

If you are not the appellant and a fee payment is credited back to your account you should first check with the appellant if a fee award has been made or a refund requested.

If either the appellant or fee payer has a query about payment or non-payment of a fee award they should contact the Home Office directly on:

www.gov.uk/browse/visas-immigration/immigration-appeals

Phone: 0300 123 2241

Home Office Withdrawals

You may encounter a situation where you have paid for an appeal but the Home Office withdraws their original application refusal and the appeal does not go ahead. A judge cannot make a 'fee award' in these cases and a refund will not be considered by HM Courts & Tribunals Service as this is not the result of a Tribunal decision but of the Home Office.

If you feel you had to pay for the appeal because of an error made by the Home Office and you think you should be compensated as a result then this should be raised with the Home Office directly. They will consider the circumstances (for example, if you provided late evidence their original decision is not likely to have been made in error) and decide if compensation is due. Payment of compensation is not a refund and is strictly a decision for the Home Office, not HM Courts & Tribunals Service.

Refunds

Where the conditions of article 9 of the Fees Order have been met it is the responsibility of the First-tier Tribunal (Immigration and Asylum Chamber) to pay a refund.

The circumstances in which a refund can be applied for and/or given are detailed in the 2011 Fees Order and the 2016 amendments which can be found at the web addresses below:

www.legislation.gov.uk/uksi/2011/2841/made

www.legislation.gov.uk/uksi/2016/928/made

Some examples of when a refund may be due are –

If we have taken a payment in error i.e. your credit card has been charged more than once for the same appeal (usually because the appeal form has been submitted more than once).

If you have paid for an oral hearing but the judge determines the appeal without an oral hearing under Rule 25(1)(g) on the basis of the paper evidence only the difference may be refunded.

Making a refund will be decided on a case by case basis using the criteria set out in the Fees Order.

If due, we will arrange for a refund to be paid by crediting the card account that made the original fee payment. If we are unable to credit the original card account for any reason the appellant will be asked to provide bank account details and a bank transfer will be made instead.

If you are not the appellant and you are unsure as to why a fee payment has been credited back to your card account, you should first check with the appellant to see if a refund has been requested or a fee award made before contacting us.

If either the appellant or fee payer has a query about payment or non-payment of a refund you should contact the tribunal at the following address:

Fees Investigation Team
First-tier Tribunal (Immigration and Asylum Chamber)
PO Box 6987
Leicester
LE1 6ZX

Applying for a Help with Fees refund if you've already paid the fee

You can only apply for a Help with Fees refund if you paid the appeal fee on or after 20 April 2020, and would have been eligible for Help with Fees at the time you paid the appeal fee.

Please refer to page 5 of the EX160A Help with Fees guide for more information.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/806272/ex160a-eng.pdf