

Schedule 3: Public Law

In relation to public law work, the following provisions of Schedule 1 are amended or disapplied:

1.1 deleted and replaced as below

4.1 amended. Prognosis letter will be provided within 14 calendar days and not 21 calendar days. In addition to the name of the TSol caseworker the prognosis letter will indicate at the foot of the letter the name of the TSol team leader responsible for the case and not the direct supervisor.

5.1 amended. No prior authority is required to brief Counsel for permission hearings nor will the Department be consulted as to the identity of Counsel except in a particularly complex or high profile case or if the case is proceeding in the Court of Appeal or above.

5.2 amended. Instructions will not normally be sent to the Department in draft unless the case is particularly complex or high profile or LAB input is required.

The following part of the Schedule sets out the guidance on timelines for the main stages of public law litigation. It does not and is not intended to include details of processes which are internal to the Department or TSol. Except where otherwise specified reference to “days” is to calendar days.

Amendments to schedule 3 following in year review completed in October 2012

1. Section 1.1 – new text inserted: ‘including in every case a full copy of the sealed or unsealed claim form (plus footnote)’
2. Section 1.3 – new section 1.3 inserted
3. Section 1.5 – new section 1.5 inserted
4. Section 1.7- new footnote inserted
5. Section 5.16 – new text inserted: ‘(judgment also to be sent by email to Immigration Judgments inbox)’
6. Section 5.18 – new text inserted: ‘and Immigration Judgments inbox by email’
7. Section 9.9 – new text inserted: ‘(judgment also to be sent to Immigration Judgments inbox by e-mail)’
8. Section 13.4 – new text inserted: ‘(also by email to Immigration Judgments inbox if judgment given)’
9. Section 16.22 – new text inserted: ‘(also by email to Immigration Judgments inbox if judgment given)’
10. Section 19.22 – new text inserted: ‘(also by email to the Immigration Judgments inbox if judgment given)’
11. Section 20.1 – new text inserted: ‘or where date and time of removal is known and removal is imminent this order to be sent to OSCU within 1 hour where possible.’
12. Section 22.5 – new text inserted: ‘(also by email to the Immigration Judgments inbox)’
13. Annex B (Bronze cases) - Section 1.1 – new text inserted: ‘contact for the type of case concerned including in every case a full copy of the sealed or unsealed claim form (plus footnote).’
14. Annex B (Bronze cases) – Section 1.3 – new section 1.3 inserted.

15. Annex B (Bronze cases) – Section 1.4 - new footnote inserted
16. Annex B (Silver cases) – Section 1.1- new text inserted: ‘including in every case a full copy of the sealed or unsealed claim form (plus footnote).’
17. Annex B (Silver cases) – Section 1.3 - new section 1.3 inserted
18. Annex B (Silver cases) – Section 1.4 - new footnote inserted
19. Annex C (Third Country cases) – Section 1.2 - new text inserted: ‘including in every case a full copy of the sealed or unsealed claim form (plus footnote).’
20. Annex C (Third Country cases) – section 1.4- new section 1.4 inserted

Administrative Court

Standard Judicial Reviews

Section 1: Receipt of Bundle to Lodging of Acknowledgment of Service (AOS)

1. TSol sends allocation sheet and bundle to UKBA including in every case a full copy of the sealed or unsealed claim form ¹	TSol	Within 4 working days of receipt of bundle by TSol
2. UKBA notifies TSol who is providing instructions, including their e-mail address, telephone and fax numbers	UKBA	Within 2 working days from receipt of bundle by UKBA
3. In the event that an incomplete or unsealed claim form is received at time of allocation, TSol sends UKBA completed unsealed or sealed claim form	TSol	Within 2 working days of receipt of complete or sealed claim form from Claimant’s solicitors.
4. TSol sends prognosis letter to UKBA	TSol	Within 14 calendar days from receipt of the bundle in TSol
5. In the event that the claim raises issues of significance or risk for UKBA, TSol sends email to UKBA triage team for significant pre permission judicial review	TSol	Within 1 working day from sending of prognosis letter
6. UKBA instructs TSol on how to proceed.	UKBA	Within 3 working days of receiving the TSol prognosis
7. TSol sends draft acknowledgement of service (AOS) and summary grounds to	TSol	Within 18 days from receipt of bundle in TSol ²

¹ In the event that no sealed claim form is received initially TSol should send this to UKBA when received - see [3] below

² Deadline is based on assumption that UKBA has complied with [6] above; deadline is otherwise adjusted to take account of when instructions are received. In the event that instructions are not provided in time for the AOS to be lodged by the Court deadline, TSol will seek an extension of time of 21 days to protect UKBA’s position.

UKBA for approval		
8. UKBA amends/approves AOS and summary grounds and sends to TSol	UKBA	1 working day from receipt of AOS/summary grounds
9. TSol files AOS and sends copy to UKBA	TSol	By due date in accordance with Civil Procedure Rules (21 days) [unless extension of time agreed or other deadline applies [Key Date]

Section 2: Permission Applications on Paper

1. TSol notifies UKBA of grant or refusal on papers. If permission granted go to section 4 below.	TSol	Within 1 working day from receipt of Court Order.
2. [If permission refused] TSol checks for renewal and notifies UKBA whether or not renewed	TSol	10 days from date of Order to check and notify within 1 working day thereafter

Section 3: Renewed Permission Applications/Oral Permission Hearings

1. TSol informs UKBA of date of renewed hearing	TSol	Within 7 days of notification of hearing date
2. TSol notifies UKBA whether permission granted or refused at hearing	TSol	Within 1 day after renewal hearing
3. Whether granted or refused, TSol sends UKBA Order and court report	TSol	Within 7 days after renewal hearing

Section 4: Substantive Judicial Reviews

1. If permission granted, TSol sends copy of order to UKBA and “triage” team (by email)	TSol	Within 7 days from date of Court Order
2. If granted, UKBA decides if Counsel’s advice needed	UKBA	Within 2 working days of notification of permission grant (see section 2 above)
3. HOLAB advises TSol if wants to be involved and if so of the identity of the lawyer dealing	HOLAB	Within 3 working days of receipt of permission grant
4. TSol sends Counsel’s advice to UKBA (and HOLAB)	TSol	Within 15 days of permission grant
5. UKBA provides instructions to TSol	UKBA	Within 5 working days from receipt of Counsel’s advice
6. TSol sends draft evidence and grounds to UKBA	TSol	Within 29 days of permission grant
7. UKBA amends or approves evidence and grounds	UKBA	Within 4 working days of receipt from TSol
8. TSol lodges grounds and evidence	TSol	Within 37 days from permission grant (2 days service + 35 days CPR deadline) [Key Date]

Section 5: Substantive Judicial Review Hearings

9. TSol sends UKBA Claimant's skeleton argument	TSol	Within 2 working days of receipt
10. TSol sends UKBA draft skeleton argument	TSol	18 days before hearing
11. UKBA approves skeleton argument	UKBA	Within 2 working days of receipt of skeleton (16 days before hearing).
12. TSol lodges skeleton argument	TSol	14 days before hearing [Key Date]
13. TSol notifies UKBA of hearing date and if UKBA required to attend	TSol	7 days before hearing
14. UKBA confirms who will be attending	UKBA	Within 2 working days of request
15. TSol notifies UKBA of outcome	TSol	Within 1 working day after hearing
16. TSol sends UKBA note of hearing and judgment, if given at hearing (judgment also to be sent by email to Immigration Judgments inbox)	TSol	Within 7 days after hearing
17. TSol sends UKBA copy of Court Order	TSol	Within 2 working days of receipt
18. TSol sends UKBA and Immigration Judgments inbox by email judgment if reserved. For onward appeals see sections 7 and 8 below.	TSol	Within 1 working day of receipt, depending on embargo (see section 22 on embargoes)

Court of Appeal

Section 6: Judicial Review Permission Applications Renewed to Court of Appeal by Claimant

1. TSol sends UKBA copy of appellant's notice	TSol	Within 7 days of receipt
2. TSol sends Court of Appeal order on paper application to UKBA	TSol	Within 1 working day of receipt
3. If renewed, TSol notifies UKBA	TSol	Within 1 working day from notification
4. TSol notifies UKBA of outcome of	TSol	Within 1 working day from

renewed hearing		notification
5. TSol sends UKBA copy of Court of Appeal order	TSol	Within 1 working day from receipt
6. If permission granted, go back to Section 4 for substantive judicial reviews above		

Section 7: Application for Permission to Appeal to the Court of Appeal from Substantive Judicial Review (SSHD = Respondent)

1. TSol sends UKBA copy of appellant's notice	TSol	Within 7 days of receipt
2. TSol sends Court of Appeal order on paper application to UKBA	TSol	Within 1 working day of receipt
3. If renewed, TSol notifies UKBA	TSol	Within 1 working day from notification
4. TSol notifies UKBA of outcome of renewed hearing	TSol	Within 1 working day from notification
5. TSol sends UKBA copy of Court of Appeal order	TSol	Within 1 working day from receipt
6. If permission granted, go to section 9 for substantive appeal below		

Section 8: Application for Permission to Appeal to the Court of Appeal from Substantive Judicial Review (SSHD = Appellant)

1. (Assuming permission not granted by Court below) UKBA instructs TSol whether to obtain Counsel's advice to appeal	UKBA	Within 2 days of order allowing substantive judicial review
2. TSol sends Counsel's advice to UKBA and HOLAB	TSol	Within 10 days from date of order allowing judicial review
3. UKBA instructs TSol whether to proceed with application for permission to appeal	UKBA	Within 3 days from receipt of advice

4. TSol sends draft grounds and skeleton argument to UKBA (and HOLAB) (assuming instructions are to proceed)	TSol	Within 3 days of instructions to proceed
5. UKBA and HOLAB approve above	UKBA	Within 3 days of receipt of grounds and skeleton
6. TSol lodges appellant's notice, grounds and skeleton argument	TSol	Within 21 days from date of order allowing judicial review [Key Date]
7. TSol notifies UKBA of Court's Order on the papers	TSol	Within 1 working day from receipt of order
8. UKBA instructs TSol whether to proceed to renew application if refused	TSol	Within 3 working days from service of order
9. TSol applies for renewal	TSol	Within 7 days from service of order on the papers [Key Date]
10. TSol notifies UKBA of renewal hearing date	TSol	Within 7 days from receipt of notification from Court
11. TSol notifies UKBA of outcome of renewal hearing	TSol	Within 1 working day after hearing
12. TSol sends report of hearing and order (if available)	TSol	Within 7 days after hearing
13. If permission granted on papers or at hearing, TSol sends copy of Order/notification to "triage" team (by email)	TSol	Within 1 working day of receipt of order or outcome of hearing
14. If permission granted go to section 9 below for substantive appeal		

Section 9: Substantive Court of Appeal Hearing (SSHD = respondent)

1. UKBA instructs TSol whether to defend or concede appeal	UKBA	Within 3 days from receipt of permission grant
2. If instructions are to concede, go to section 21 on consent orders		
3. If instructions are to defend, TSol	TSol	Within 10 days from receipt of

sends UKBA Counsel's advice, any respondent's notice and draft skeleton argument		permission grant
4. UKBA approves above	UKBA	Within 3 days of receipt of advice etc
5. TSol lodges respondent's notice (if required)	TSol	Within 14 days from service of permission grant [Key Date]
6. TSol notifies UKBA of hearing date and whether UKBA required to attend	TSol	At least 7 days before hearing
7. UKBA confirms who will be attending	UKBA	Within 2 days of request
8. TSol notifies UKBA of outcome of hearing	TSol	Within 1 working day after hearing
9. TSol sends UKBA note of hearing and judgment if given (judgment also to be sent to Immigration Judgments inbox by e-mail)	TSol	Within 7 days of hearing
10. If judgment embargoed see section 22 below on embargoed judgments		

For Substantive Court of Appeal Hearings where SSHD = Appellant the above applies excluding stages 1-5 above

Court of Appeal

Statutory Appeals

Section 10: Statutory Appeals (SSHD = respondent)

1. TSol notifies UKBA that appellant's notice served	TSol	Within 4 working days of receipt of appellant's notice
2. TSol notifies UKBA and HOLAB of grant of permission and sends copy with appellant's notice	TSol	Within 1 working day of receipt of order granting permission
3. TSol notifies UKBA of TSol allocated caseworker	TSol	Within 7 days of receipt of order granting permission
4. UKBA instructs TSol whether to remit/defend or seek Counsel's advice and whether Respondent's Notice (RN) likely to be required	UKBA	Within 7 days of receipt of order granting permission
5. In the event of instructions to defend, TSol sends grant of permission to "triage" team (by email)	TSol	Within 1 working day of receipt of instructions
6. In the event that the "triage" team decide that HOLAB should be involved, HOLAB provides TSol with the identity of lawyer dealing	HOLAB	Within 3 days of receipt of order by HOLAB
7. For remittals see Consent Orders section 21 (note: aim is to settle at least 7 weeks before any fixed hearing date). For defended cases go to section 11		

Section 11: Defended Cases/Counsel's Advice (SSHD = respondent)

1. TSol sends UKBA (and HOLAB where appropriate) draft RN, where required	UKBA	Within 12 days of receipt of order granting permission
2. UKBA approves draft RN	TSol	Within 1 days from receipt of draft
3. TSol lodges RN	TSol	Within 14 days of receipt of order granting permission [Key Date]
4. TSol sends Counsel's advice, where appropriate, to UKBA (and HOLAB where appropriate)	TSol	Within 21 days of receipt of order granting permission
5. UKBA provides instructions	UKBA	Within 7 days of receipt of advice
6. TSol sends draft skeleton argument to UKBA	TSol	Within 28 days of receipt of order granting permission
7. UKBA approves draft skeleton argument	UKBA	Within 7 days of receipt of skeleton argument (or at least 7 days before hearing)
8. TSol lodges skeleton argument	TSOL	At least 7 days before listed hearing [Key Date]
9. Go to Section 13 (Court of Appeal Substantive Hearing section) below		

Section 12: Statutory Appeals (SSHD = Appellant)

1. UKBA instructs TSol to lodge Appellant's notice seeking permission to appeal or that permission granted by Tribunal (including draft grounds of appeal and documents required for the bundle)	UKBA	At least 5 working days prior to deadline for lodging Appellant's notice
2. TSol lodges Appellant's notice with UKBA grounds and bundle of document	TSol	Within 14 days from the grant or refusal of permission by the Tribunal [Key Date]
3. TSol instructs Counsel to advise (where appropriate) and draft skeleton argument and amended grounds (if necessary)	TSol	Within 2 working days of lodging of Appellant's notice

4. TSol sends UKBA Counsel's advice and draft documents	TSol	Within 7 days of instructions or within 1 working day of receipt from Counsel if extended deadline for skeleton argument sought
5. UKBA approves amended grounds and skeleton argument and confirms instructions to proceed with appeal	UKBA	Within 2 working days of receipt of skeleton argument etc
6. TSol lodges skeleton argument and amended grounds where appropriate	TSol	Within 14 days from lodging of Appellant's notice or by agreed extended deadline [Key Date]
7. [In cases where permission not granted by Tribunal] ³ TSol notifies UKBA of Court's order on the papers	TSol	Within 1 working day from receipt of order
8. UKBA instructs TSol whether to proceed to renew application if refused	UKBA	Within 3 working days from service of order
9. TSol applies for renewal	TSol	Within 7 days from service of order on the papers [Key Date]
10. TSol notifies UKBA of renewal hearing date	TSol	Within 7 days from receipt of notification from Court
11. TSol notifies UKBA of outcome of renewal hearing	TSol	Within 1 working day after hearing
12. TSol sends report of hearing and order (if available)	TSol	Within 7 days after hearing
13. If permission granted on papers/ at oral hearing, TSol sends copy of Order/notification to "triage" team (by email)	TSol	Within 1 working day after receipt of Order or hearing
14. If permission granted on papers/at hearing go to Section 13 for Court of Appeal substantive hearing		

³ For cases where permission already granted by the Tribunal, go to section 13 for Court of Appeal substantive hearing

Section 13: Court of Appeal - Statutory Appeal: Substantive Hearing

1. TSol notifies UKBA of hearing date and if UKBA required to attend	TSol	At least 7 days before the hearing
2. UKBA confirms who will be attending	UKBA	Within 2 days of request
3. TSol notifies UKBA of hearing outcome or that judgment reserved	TSol	Within 1 day after hearing [for embargoed judgments see section 22]
4. TSol sends UKBA note of hearing and judgment, if given (also by email to Immigration Judgments inbox if judgment given)	TSol	Within 7 days after hearing

Supreme Court

Section 14 – Supreme Court Pre-Permission – SSHD as respondent

1. TSol sends UKBA and HOLAB the application for permission to appeal and grounds of appeal	TSol	Within 3 days of service of the application for permission to appeal
2. HOLAB instruct TSol if they wish to be involved and if so the identity of the lawyer (if not already instructed in the appeal below)	HOLAB	Within 5 days of receipt of the application for permission to appeal
3. TSol sends draft objections to UKBA and HOLAB	TSol	Within 10 days of receipt of the application for permission
4. UKBA and HOLAB approve the notice of objections	UKBA/ HOLAB	Within 3 days of receipt of draft objections
5. TSol lodges any notice of objections	TSol	Within 1 day of receipt of instructions and no later than 14 days from the service of the application for permission to appeal [Key Date]
6. Where SC direct the application to an oral hearing TSol notifies UKBA of the hearing and briefs Counsel to attend and resist application	TSol	Within 3 days of notification of direction to an oral hearing

7. Where there is an oral hearing TSol informs UKBA of the outcome of the hearing	TSol	Within 1 day of the permission hearing
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Section 15 – Supreme Court where Permission is Refused

8. TSol sends UKBA and HOLAB a copy of the order refusing permission to appeal	TSol	Within 3 days of notification of the order
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Section 16 – Supreme Court where Permission is Granted

9. TSol sends UKBA a copy of the order granting permission and sends copy to “triage” team (by email)	TSol	Within 1 day of the order being made
10. TSol files and serves a notice of acknowledgment pursuant to Rule 21 of the SC rules	TSol	Within 14 days of receipt of the re-sealed notice of appeal
11. TSol sends UKBA and HOLAB draft statement of facts and issues (SFI)	TSol	Within 3 days of receipt of draft
12. UKBA and HOLAB approve the draft SFI	UKBA/ HOLAB	Within 5 days of receipt of the draft SFI
13. TSol sends UKBA and HOLAB a final copy of the SFI as lodged	TSol	Within 3 days of receipt of the final version
14. TSol sends UKBA and HOLAB a copy of the Appellant’s written statement of case	TSol	Within 3 days of receipt
15. TSol sends UKBA and HOLAB a draft Respondent’s written statement of case	TSol	Within 3 days of receipt of draft
16. UKBA and HOLAB approve the Respondent’s written statement of case	UKBA/ HOLAB	Within 7 days of receipt of the draft
17. TSol files and serves the Respondent’s written statement of case	TSol	Within 7 days of receipt of instructions and no later than 3 weeks before the hearing [Key Date]
18. TSol sends UKBA a copy of the core volumes	TSol	Within 7 days of receipt of the core volumes
19. TSol informs UKBA and HOLAB of the date of Court hearing of the appeal	TSol	Within 1 day of notice of hearing date
20. UKBA and HOLAB confirm who will be attending the hearing	UKBA/ HOLAB	Within 7 days of notice of the hearing date

21. TSol notifies UKBA of the outcome of the hearing or that judgment has been reserved	TSol	Within 1 day after hearing [for embargoed judgments see section 22]
22. TSol sends UKBA a note of the hearing and judgment, if given (also by email to Immigration Judgments inbox if judgment given)	TSol	Within 7 days of the hearing

Section 17 - Supreme Court Pre-Permission – SSHD as Appellant

1. TSol sends UKBA and HOLAB draft application for permission to appeal and grounds of appeal	TSol	Within 21 days of service of the order dismissing the appeal below
2. HOLAB instruct TSol if they wish to be involved and if so the identity of the lawyer (if not already instructed in the appeal below)	HOLAB	Within 7 days of receipt of the application for permission to appeal
3. UKBA and HOLAB approve the draft application for permission to appeal and grounds of appeal	UKBA	Within 5 days of receipt of the draft application for permission to appeal and grounds of appeal
4. TSol lodges the application for permission to appeal and grounds of appeal with the SC	TSol	No later than 28 days of service of the order dismissing the appeal below [Key Date]
5. TSol files and serves additional papers pursuant to Rule 14 of the SC Rules	TSol	Within 7 days of filing the application of permission to appeal [Key Date]
6. TSol sends UKBA and HOLAB a copy of the Respondent's objections (if any filed)	TSol	Within 3 days of receipt of any objections
7. Where SC directs the application to an oral hearing TSol notifies UKBA and HOLAB of the hearing and briefs Counsel to attend and pursue application for permission to appeal	TSol	Within 3 days of notification of direction to an oral hearing
8. Where there is an oral hearing TSol informs UKBA and HOLAB of the outcome of the hearing	TSol	Within 1 day of the permission hearing

Section 18 – Supreme Court where Permission is Refused

9. TSol sends UKBA and HOLAB a copy of the order refusing permission to appeal	TSol	Within 3 days of notification of the order
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Section 19 – Supreme Court where Permission is Granted

10. TSol sends UKBA a copy of the order granting permission and sends copy to “triage” team (by email)	TSol	Within 1 day of the order being made
11. TSol files and serves a notice to proceed with the appeal pursuant to Rule 18 of the SC Rules	TSol	Within 14 days of the grant of permission to appeal [Key Date]
12. TSol sends UKBA and HOLAB a draft statement of facts and issues (SFI), draft index to the Appendix and draft Appellant’s written statement of case	TSol	Within 42 days of the grant of permission to appeal
13. UKBA and HOLAB approve draft SFI, draft index to the Appendix and draft Appellant’s written statement of case	UKBA/HOLAB	Within 10 days of receipt of the draft documents
14. TSol files and serves the agreed SFI and appendix (following agreement with the Respondent)	TSol	Within 12 weeks of the grant of permission to appeal or such other deadline as directed by SC [Key Date]
15. TSol files and serves the Appellant’s written statement of case	TSol	Within 14 days of filing the SFI and no later than 5 weeks before the hearing or as directed by SC [Key Date]
16. TSol sends UKBA and HOLAB the Respondent’s written statement of case	TSol	Within 3 days of receipt of the Respondent’s written statement of case
17. TSol prepares, files and serves the Core Volumes and authorities bundles	TSol	Within 21 days from receipt of the Respondent’s written statement of case and no later than 14 days before the hearing or as directed by SC [Key Date]
18. TSol sends a copy of the Core volumes to UKBA	TSol	Within 7 days of lodging and serving the core volumes
19. TSol informs UKBA and	TSol	Within 1 day of notice of hearing

HOLAB of the date of Court hearing of the appeal		date
20. UKBA and HOLAB confirm who will be attending the hearing	UKBA/ HOLAB	Within 7 days of notice of the hearing date
21. TSol notifies UKBA and HOLAB of the outcome of the hearing or that judgment has been reserved	TSol	Within 1 day after hearing [for embargoed judgments see section 22]
22. TSol sends UKBA and HOLAB a note of the hearing and judgment, if given (also by email to the Immigration Judgments inbox if judgment given)	TSol	Within 7 days of the hearing

Miscellaneous

Section 20: Injunctions/Interim Orders

1. TSol sends UKBA copy of order	TSol	Within 1 working day from receipt of order, or where date and time of removal is known and removal is imminent this order to be sent to OSCU within 1 hour where possible.
2. UKBA complies with order by court deadline and confirms to TSol that this has been done or instructs TSol to vary or discharge	UKBA	By court deadline

Section 21: Conceded Cases/Consent Orders

1. UKBA instructs TSol that it wishes to concede	UKBA	Timescales will vary depending on court deadline
2. TSol drafts Consent Order and sends to UKBA	TSol	Timescales will vary depending on court deadline
3. UKBA approves draft Consent Order and sends to TSol	UKBA	Timescales will vary depending on court deadline
4. TSol sends UKBA signed	TSol	Timescales will vary depending

Consent Order		on court deadline
5. TSol sends UKBA sealed Consent Order	TSol	Timescales will vary depending on court deadline

Section 22: Embargoed Judgments

1. TSol notifies UKBA of the date of hand down and confirms the terms of the embargo ⁴	TSol	within 1 working day of notification of the date of hand down
2. TSol sends copy of judgment, in accordance with terms of embargo, to UKBA and HOLAB (but see footnote 2 in relation to Supreme Court judgments)	TSol	Within 1 day from receipt of the embargoed judgment or as the embargo allows
3. [In the case of Supreme Court judgments] TSol sends copy of judgment in accordance with the terms of the embargo to UKBA	TSol	24 hours before judgment is to be handed down
4. UKBA provides instructions to TSol with regard to costs and leave to appeal where appropriate	UKBA	Within 1 day from receipt of draft judgment
5. TSol sends UKBA copy of handed down judgment (also by email to the Immigration Judgments inbox)	TSol	Within 1 day from receipt of handed down judgment
6. TSol notifies UKBA of outcome of costs and leave to appeal order	TSol	Within 1 day from notification of order

⁴ The terms of the embargo will depend on the Court in which judgment is being given – in the case of the Supreme Court for example, the judgment cannot be given to the parties (only to legal representatives) until 24 hours before hand down.

Annex A

2+2 and other Expedited Judicial Reviews

By prior arrangement between UKBA and the Administrative Court, UKBA is permitted to seek expedited consideration of a small number of its judicial reviews (25 per week during Court terms and 10 per week during Court vacation).

A small team of Treasury Solicitors are co-located with the UKBA Judicial Review Unit (the “2+2” team). That team works on expedited cases. Enforcement and removal related litigation is jointly sifted by the lawyer heading up that team and a UKBA official (the sifting team) on a daily basis so that all appropriate cases are identified for the expedited Judicial Review process.

For 2+2 cases the TSol 2+2 caseworker then takes instructions from the UKBA caseworker and lodges the AOS within an abridged period. That AOS will also seek expedited consideration by the Administrative Court, that the Court Order refusing permission should include a finding of “no merit” and that, if the permission application is renewed, there should be an expedited hearing.

In other cases, when UKBA provides instructions to Treasury Solicitors these instructions may include a target date for lodging the Acknowledgement of Service and summary grounds of defence with the Administrative Court. The UKBA instructions may additionally ask for Treasury Solicitors to include a request that a case is given expedited consideration by the Court, that the Court Order refusing permission should include a finding of “no merit” and that, if the permission application is renewed, there should be an expedited hearing.

Expedited Enforcement Judicial Reviews dealt with by 2+2 TSol/UKBA Team 3

1. UKBA copies JR bundle and passes to the sifting team	UKBA	Before 1pm (daily)
2. TSol 2+2 lawyer and JRU Sifting Officer agree start time for the sift	TSol 2+2 team/ UKBA	By 12 midday (daily)
3. TSol 2+2 team sends list of identified cases to TSol One Kemble St (OKS) copied to LFU	TSol 2+2 team	By 12 midday (daily)
4. TSol OKS returns list of identified cases annotating those already with OKS	TSol OKS	By 2pm (daily)
5. TSol 2+2 lawyer and UKBA official conduct sift and agree the cases that are suitable for expedition	TSol / UKBA	Same day

6. TSol 2+2 lawyer prepares sift pro forma including a brief summary explaining sifting decision	TSol 2+2	Same day
7. TSol 2+2 lawyer rejects re-sifted cases if the Home Office file is required and cannot be obtained by the third attempted sift on an individual case	TSol 2+2	3 rd sift of individual case
8. TSol 2+2 lawyer prepares a 'Daily Return' spreadsheet listing all sifted cases and sends to UKBA and TSol nominated contacts	TSol 2+2	Immediately post sift
9. TSol 2+2 team returns bundles with sift form for cases sifted out to TSol at One Kemble St (OKS)	TSol 2+2	Same day and in time for the TSol/JRU courier arrival
10. For cases sifted in, TSol OKS opens cases on CMS and where appropriate sends TSol 2+2 bundles for cases which have already been sent to OKS	TSol OKS	Within 1 working day from identification of case as sifted in
11. For cases sifted in, UKBA provides instructions to TSol 2+2 lawyer	UKBA	Within 1 working day from sift in
12. TSol 2+2 lawyer drafts AOS and summary grounds for approval	TSol 2+2	Within 1 working day from instructions
13. UKBA approves AOS and summary grounds	UKBA	Within 1 working day from receipt of draft
14. TSol 2+2 lawyer lodges AOS and summary grounds including request for expedition (see preamble above)	TSol	Within 1 working day from approval
15. TSol notifies UKBA of outcome of permission application	TSol	Immediately or at latest within 1 working day of notification of outcome
16. If permission is refused TSol checks for renewal of application for permission.	TSol	Within 5 working days of the date of the Order or earlier if UKBA has set Removal Directions.
17. For renewed permission hearings see section 3 of Schedule 3.		
18. In the event that permission is granted, TSol informs the "triage" team (by email) of the permission grant	TSol	Within 1 working day of permission grant
19. UKBA instructs TSol 2+2 whether to defend, concede or seek Counsel's advice	UKBA	Within 2 working days of notification of grant of permission
20. If instructions are to concede, case is completed by TSol 2+2 – see section 21 of schedule 3	TSol 2+2	
21. If instructions are to defend or seek Counsel's advice, TSol 2+2 returns case to OKS for allocation. See section 4 of schedule 3 above	TSol 2+2	Within 2 working days of instructions

Other Expedited Cases

1. TSol 2+2 returns cases not appropriate for 2+2 sift (or appropriate for "other expedition") to TSol at One Kemble Street (See (9) above in relation to 2+2 expedited cases)	TSol	Via JRU/TSol courier on same day as sifted out
2. TSol allocates case at OKS and sends allocation sheet and any bundle served by Claimant to UKBA(see section 1 (1) of schedule 3)	TSol	Within 4 working days of receipt of bundle from UKBA
3. UKBA instructs TSol that case is to be expedited (with appropriate authorisation)	UKBA	At the latest by the due date for the AOS
4. TSol sends prognosis and draft summary grounds to UKBA	TSol	By deadline specified in expedited proforma or at the latest 14 days from receipt of bundle
5. UKBA approves summary grounds	UKBA	In sufficient time to ensure that AOS is lodged by deadline [Key Date]
6. TSol lodges Acknowledgement of Service including request for expedition	TSol	In accordance with target deadline and in any event to ensure that AOS is lodged by CPR deadline [Key Date]
7. For remaining stages of judicial review see Section 1 (2-9) of main schedule above		

Annex B: Resourcing to Risk

Bronze Cases

[See Standard Judicial Review Main Schedule: the Table below replaces Section 1]

1. TSol sends allocation sheet , bundle and standard grounds to UKBA contact for the type of case concerned including in every case a full copy of the sealed or unsealed claim form. ⁵	TSol	Within 4 working days of receipt of bundle by TSol
2. UKBA confirms that claim is bronze and approves template grounds	UKBA	Within 7 working days of receipt of bundle by TSol
3. In the event that an incomplete or unsealed claim form is received at time of allocation, TSol sends UKBA completed unsealed or sealed claim form	TSol	Within 2 working days of receipt of complete or sealed claim form from Claimant's solicitors.
4. TSol files AOS and sends copy to UKBA	TSol	By due date in accordance with Civil Procedure Rules (21 days) [unless extension of time agreed or other deadline applies [Key Date] ⁶
5. For remainder of case go to Section 1 (2-6) of main schedule above in relation to standard judicial reviews. In the event of renewal/permission grant TSol to reallocate case to lawyer	TSol /UKBA	Dependent on stage of process
6. In the event of reallocation, TSol sends UKBA prognosis letter	TSol	Within 14 days of reallocation of case

⁵ In the event that no sealed claim form is received initially TSol should send this to UKBA when received - see [3] below

⁶ Deadline is based on assumption that UKBA has complied with [2] above; deadline is otherwise adjusted to take account of when instructions are received. In the event that instructions are not provided in time for the AOS to be lodged by the Court deadline, TSol will seek an extension of time of 21 days to protect UKBA's position.

Silver Cases

[See Standard Judicial Review Main Schedule: the Table below replaces Section 1]

1. Allocation sheet with relevant silver allocation letter and bundle sent by TSol to UKBA including in every case a full copy of the sealed or unsealed claim form. ⁷	TSol	Within 4 working days of receipt of bundle by TSol
2. UKBA confirms that claim is silver and sends standard form chronology	UKBA	Within 4 working days of receipt of bundle by TSol
3. In the event that an incomplete or unsealed claim form is received at time of allocation, TSol sends UKBA completed unsealed or sealed claim form	TSol	Within 2 working days of receipt of complete or sealed claim form from Claimant's solicitors.
4. TSol sends UKBA draft AOS and summary grounds incorporating chronology	TSol	Within 14 days from receipt of bundle ⁸
5. UKBA amends/approves AOS summary grounds in time for revision and filing	UKBA	3 working days from receipt of AOS/summary grounds to allow time for amendments to be lodged by due date
6. TSol files AOS and sends copy to UKBA	TSol	By due date in accordance with Civil Procedure Rules (21 days) [unless extension of time agreed or other deadline applies] [Key Date]
7. If UKBA indicates that case is not silver, TSol provides UKBA with prognosis letter	TSol	7 days from instructions that case is not silver
8. For remainder of case, go to Section 1 (2-6) in the main schedule above in relation to standard judicial reviews		

⁷ In the event that no sealed claim form is received initially TSol should send this to UKBA when received - see [3] below

⁸ Deadline is based on assumption that UKBA has complied with [2] above; deadline is otherwise adjusted to take account of when instructions are received. In the event that instructions are not provided in time for the AOS to be lodged by the Court deadline, TSol will seek an extension of time of 21 days to protect UKBA's position.

Annex C: Third Country Unit Cases

Section 1: Receipt of Bundle to Lodging of AOS

TCU JRS – Lodging Acknowledgement of Service		
1. TCU notifies TSol that TCU judicial review issued by faxing Admin Court reference, or TSol informs TCU that judicial review issued	TCU TSol central admin/EOs	By fax or e-mail on same day By fax or e-mail on same day
2. TSol sends allocation sheet and bundle to TCU including in every case a full copy of the sealed or unsealed claim form. ⁹	TSol	Within 2 working days of receipt of bundle by TSol.
3. TSol details provided	TSol central admin	Within 24 hours of receipt of bundle
4. In the event that an incomplete or unsealed claim form is received at time of allocation, TSol sends UKBA completed unsealed or sealed claim form	TSol	Within 2 working days of receipt of complete or sealed claim form from Claimant's solicitors.
5. TSol submits the prognosis of the case to TCU	TSol	Within 14 working days of the TCUCW notifying TSol of the person dealing with the case, or within 7 days or earlier as requested when indicated by TCUCW that case may be suitable for expedition
6. TCU drafts immigration history and summary grounds and forwards to TSol	TCU	Within 5 working days of receipt of prognosis letter in cases suitable for expedition, or at least 2 days before due date in all other cases
7. TSol reviews draft summary grounds and provides comments /amendments to TCU	TSol	Within 2 working days of receipt of draft summary grounds, or sooner in cases agreed suitable for expedition
8. TCU to review comments/amendments and make revisions in time for filing	TCU	To allow time for amendments to lodge by due date, or sooner in cases suitable for expedition

⁹ In the event that no sealed claim form is received initially TSol should send this to UKBA when received - see below

9. TSol files acknowledgement	TSol	By due date in accordance with Civil Procedure Rules (21 days), or sooner in cases suitable for expedition
10. Copy acknowledgement as approved and lodged sent to TCU (if not already sent)	TSol	Within 2 working days of lodging
11. For remaining stages see Sections 2-9 of schedule 3 in relation to standard judicial reviews		

Annex D: OSCU – Charter Flights

1. UKBA informs TSol of forthcoming charter flights	UKBA	Bi-monthly in advance
2. UKBA provides TSol with a copy of the draft charter flight letter, assertive letter and passenger manifest	UKBA	At least 6 working days prior to the charter flight
3. TSol amends charter flight letter as necessary and sends to Court (copied to UKBA and duty officer, TSol)	TSol	At latest 5 working days prior to charter flight [Key Date]
4. UKBA provides TSol with a copy of the manifest of those removed	TSol	Within 2 working days after charter flight