



A guide to completing IAFT5(DIA) Appeal form

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

Complete this form only if you (the Appellant) have a right of appeal within the United Kingdom, are detained at an Immigration Removal Centre and an IAFT5(DIA) form was issued with your refusal letter.

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,
- it includes important information regarding fees for appeals.

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.

If you do not wish to appeal against the decision, you should contact the Home Office on 020 8760 2290.

Deciding whether to appeal

The Refusal Letter explains the grounds on which you may appeal against the Home Office decision. The time limit is stated on the Refusal Letter.

Representation

You can 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 tell 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 note 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 written decision of the judge who heard the appeal. This applies to all persons nominated as a representative, irrespective of whether or not they are professional representatives, as described below.

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 www.oisc.gov.uk or by telephone on 0845 000 0046

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

The following organisations will be able to provide names and addresses of professional representatives. These organisations will only provide details of those representatives who are registered with them and not a complete list of all representatives in the United Kingdom able to provide immigration services.

For applicants in England and Wales:**Legal Aid Agency**

102 Petty France
London SW1H 9AJ

Or via the website at www.gov.uk/legal-aid

Law Society of England and Wales

113 Chancery Lane
London WC2A 1PL

Telephone Number: 0870 606 6575

Or

via the website at www.solicitors-online.com

For applicants UK wide**Office of the Immigration Services****Commissioner**

5th Floor Counting House
53 Tooley Street
London, SE1 2QN

Telephone Number 0845 000 0046

Or

via the website at www.oisc.gov.uk

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.

Submitting this appeal

These appeals cannot be submitted online.

If you, or someone on whose behalf you are completing an appeal form, has a right of appeal within the United Kingdom and is detained at an Immigration Removal Centre you should complete the IAFT5 (DIA) form. (In most cases this will have been provided to the Appellant with their refusal letter.)

Send or fax your completed appeal form together with the copy of your Refusal Letter and any other documents to the First-tier Tribunal at the following address or fax number:

First-tier Tribunal (Immigration and Asylum Chamber)

IA Harmondsworth Colnbrook By Pass Harmondsworth Middlesex, UB7 OHD

Fax 0870 761 7721

Further information about specific sections on the IAF5(DIA)

Page 1

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 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 your appeal will be set for an oral hearing and your fee charged accordingly.

Page 2

Type of decision

You can find the information you need in the Refusal Letter.

Section 1 – Personal information

This section relates to personal information about you.

Question H – provide details of anyone who will be attending the hearing. A witness is anyone you decide to bring to the court to give evidence in support of your appeal.

Question I – If you, your representative or witnesses require an interpreter, please provide the language and dialect required.

An **interpreter** will interpret only oral evidence given at the hearing and will not, for instance, translate documents.

Section 2 – Your Home office decision

Question A–C – These sections may have already been completed by the Home Office. If not, you can find the information you need in the Home Office Refusal Letter.

Question D – Where available the Home Office A-N Reference will be toward the right of the first page on the Refusal Letter.

Question E – Please enter the date that you sent your claim/application for permission to enter or remain in the UK to the Home Office which resulted in the decision your appealing.

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

Question H – If you were served with a deportation order answer yes and send a copy of the deportation order with your application.

Question I – If you do not include your Refusal Letter please explain why.

Section 3 – Your appeal

Question A – 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 may decide to allow a late appeal to proceed. You should therefore 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 Secretary of State. Provide as much detail as you can to support these grounds in the section that applies to the type of decision you are appealing. Use additional sheets of paper if you need to.

New Matters – In this section you should describe any 'new reasons or grounds' for wishing to enter or remain in the UK, being permitted to remain in or for not being removed from the UK provided you have already informed the Home Office about these reasons in response to a notice served on you in terms of section 120 of the Nationality, Immigration and Asylum Act 2002.

Questions 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.
- make and keep copies of the appeal form, the Refusal Letter and all other documents you send with the form.
- send your appeal form together with the Refusal Letter and any other documents to the Tribunal.

If you cannot send the Refusal Letter with your appeal form, you should clearly state the reasons why in Section 21.

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 any hearing.

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 hearing centre dealing with your appeal. Initially this will be IA Harmondsworth (see below) but once you have received your IA30 listing notice you should use the contact details on that letter.

Post to: First-tier Tribunal (Immigration and Asylum Chamber)
IA Harmondsworth
Colnbrook By-Pass
Harmondsworth
Middlesex UB7 0HD

By phone: 020 8750 7760

Or

Post to: First-tier Tribunal (Immigration and Asylum Chamber)
IA Yarl's Wood
Hearing Centre A
Twinwoods Business Park
Thurleigh Road
Bedfordshire MK44 1FD

By phone: 01234 224410

Please have your appeal reference number available. If you do not have an appeal number yet, have your Home Office reference number available.

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