

Upper Tribunal Immigration and Asylum Chamber

Application for judicial review

Fee: £154

For office use only

This form **must** be used for making an application for judicial review in the Upper Tribunal Immigration and Asylum Chamber (UTIAC).

- You **must** complete **every** section. If you need more space, continue in Section 10 or on another sheet of paper, marking clearly which section the information relates to.
- You **must** ensure Section 11 is signed and Section 12 is completed.
- Read pages 16 – 20 of this form regarding fees, forms and **service**
- If your contact details change at any time during the proceedings, it is your responsibility to update the Tribunal and the other parties.
- You are encouraged to seek legal advice before making your application for judicial review.
- All forms are available at www.gov.uk/government/collections/immigration-and-asylum-chamber-upper-tribunal-forms

When should I file my application for judicial review?

- Your application must be made promptly and must be sent or delivered to the Tribunal so that it is received **no later than 3 months** after the date of the decision, action or omission challenged.
- An application challenging a decision of the First-tier Tribunal Immigration and Asylum Chamber (FtTIAC) may be made later than the time given above if it is made within 1 month after the date on which the First-tier Tribunal sent written reasons for the decision; or notification that an application for the decision to be set aside has been unsuccessful.

Before you begin your application

Before sending your application to the Upper Tribunal Immigration and Asylum Chamber you must check it is the correct place to make your application, **and** you are sending it to the correct Upper Tribunal regional office.

If you are **challenging the lawfulness of detention** (except if you are challenging a decision in relation to bail) your case falls within the jurisdiction of the **Administrative Court, not** the Upper Tribunal. Use the forms for the Administrative Court and issue your application there.

If you are **challenging a removal** you **must** comply with Part 5 of the Practice Direction, ‘Immigration Judicial Review in the Immigration and Asylum Chamber of the Upper Tribunal’, available at www.judiciary.uk/wp-content/uploads/2013/11/utiac-immigration-claim-01112013.pdf

In which Upper Tribunal region are you making your application? The application will usually be administered and determined in the regional office which is closest in connection to you (the applicant).

- | | | |
|-------------------------------------|-------------------------------------|----------------------------------|
| <input type="checkbox"/> London | <input type="checkbox"/> Leeds | <input type="checkbox"/> Cardiff |
| <input type="checkbox"/> Birmingham | <input type="checkbox"/> Manchester | |

Section 1 – Details of the Applicant(s)

1.1 Name(s) of Applicant(s) and date(s) of birth

Name

Date of birth

A

Day

Month

Year

B

C

D

1.2 Home Office reference(s)

A

B

C

D

1.3 Applicant's residential address – **this must be provided, pursuant to Rule 28(4)(a)**

Postcode

1.4 Phone

1.5 Email address

Note 1.5: We will use the email address to contact you and to send documents to you more quickly.

1.6 Address where documents may be sent to you,
if different from above

Postcode

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1.7 Previous UTIAC reference number(s), if any

Note 1.7: This will help the tribunal and other party(ies) to have all the relevant documents.

Section 2 – Legal representation

2.1 Do you have legal representation?

Yes. Complete the questions below.

No. **Go to Section 3**

2.2 How is your representative authorised?

Solicitor

Barrister with a licence to conduct litigation

Other – please specify

Note 2.2: Rule 11(5A) states the representative must be authorised to conduct litigation in the High Court under the Legal Services Act 2007.

2.3 Name and organisation

Legal representative's name

Name of organisation

Note 2.3: Documents served on this person/entity will be treated as served on the applicant, pursuant to Rule 11(4).

2.4 Address

Postcode

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2.5 Phone

2.6 Email addresses for the organisation

for the representative

Section 3 – Details of the Respondent(s)

If the respondent is the Secretary of State for the Home Department or the First-tier Tribunal then you need only tick the relevant box. Refer to the addresses for those parties in the notes at the end of this form and ensure you provide a **sealed** (stamped) copy of the application to the address(es) given there.

3.1 Who is the respondent?

- The Secretary of State for the Home Department (the Home Office).
- The First-tier Tribunal Immigration and Asylum Chamber.
- Another person/organisation – please complete their details in this section.

Note 3.1: If there is more than one respondent, complete the second respondent's name and contact details in Section 10.

Name of respondent

Address

Postcode

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Phone

Email address

Section 4 – Details of other interested parties

An interested party is any other person/organisation directly affected by the decision under challenge. If you are challenging a First-tier Tribunal decision, you should name the Secretary of State for the Home Department as an interested party.

4.1 Are there any interested parties in this case?

Yes

No. **Go to Section 5**

Note 4.1: If there is more than one interested party, please complete the second interested party's name and contact details in section 10.

4.2 Who is the interested party in your case?

The Secretary of State for the Home Department (the Home Office).

The First-tier Tribunal Immigration and Asylum Chamber.

Another person/organisation – please complete their details in this section.

Name of the Interested party

Address

Postcode

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Phone

Email address

Section 5 – Details of the decision(s) to be judicially reviewed

5.1 What decision(s) made by the Respondent are you asking the tribunal to review?

5.2 Date(s) of decision(s)

5.3 Is the application exceptionally urgent, and/or does it need to be determined within a certain timescale?

Yes. You must also complete form **UTIAC4** and file it with your application.

No

Note 5.3: You can find form UTIAC4 online at www.gov.uk/government/collections/immigration-and-asylum-chamber-upper-tribunal-forms

Section 6 – Jurisdiction of the Upper Tribunal and procedure

6.1 Does the application challenge removal?

Yes. You will also need to complete form **UTIAC4**.

No

6.2 Do you have a Civil Legal Aid certificate?

Yes

No

Note 6.2: If you answer no, you are encouraged seek legal advice and apply for civil legal aid (if appropriate) straightaway.

6.3 Have you complied with the Pre-Action Protocol?

- Yes
- No. You must provide reasons.
 - Reasons set out below
 - Reasons attached

Note 6.3: Pre-Action Protocol related guidance can be found in The Administrative Court Judicial Review Guide (www.gov.uk/government/publications/administrative-court-judicial-review-guide)

6.4 Is the application for judicial review made in time?

- Yes
- No. **You must apply to extend the time. Complete Section 8**

Note 6.4: If you are not sure please refer to the guidance note on page 1 of this form.

6.5 Is a litigation friend required in this case?

- Yes. **Complete Section 8**
- No

Note 6.5: If any applicant is under 16 years old or in certain other circumstances where an applicant lacks capacity, the applicant will need to apply for a litigation friend to conduct proceedings on their behalf.

Section 7 – Details of the application for judicial review

- 7.1** Give a detailed statement of the facts and grounds explaining why the decision mentioned in questions 5.1 and 5.2 should be reviewed by the tribunal. These should be written as a numbered list. You should refer to any supporting documents if you have them.

The statement of facts and grounds are

Set out in the box below

Attached

7.2 Which of the following remedies are you seeking from the tribunal?

- a mandatory order
- a prohibiting order
- a quashing order
- a declaration
- an injunction

Note 7.2: Further guidance can be found in The Administrative Court Judicial Review Guide (www.gov.uk/government/publications/administrative-court-judicial-review-guide)

A claim for damages may only be included if you are also seeking one of the remedies above.

7.3 How are details of the remedy you are seeking being provided?

- Set out in the box below
- Attached

Section 8 – Other applications

8.1 Do you have any other application(s) you wish to make, such as for the appointment of a litigation friend, or to stay a removal, that is not urgent?

Yes. Give details below

No. **Go to Section 9**

Set out in the box below

Attached

Note 8.1: Any applications made after this application for judicial review is issued will need to be made on a separate form and will usually incur a separate fee.

Any urgent application for a stay on removal should be made on form UTIAC4 (see Section 5).

Section 9 – Supporting documents

Please complete this checklist in full so that the Upper Tribunal knows which documents to expect.

If you intend to provide a document later, please explain this in the space provided.

Do not delay filing your claim because you do not have all the documents yet.

Statement of facts and ground relied on	<input type="checkbox"/> included	<input type="checkbox"/> attached	
A copy of the decision under challenge		<input type="checkbox"/> attached	
Application to extend time for filing the claim	<input type="checkbox"/> included	<input type="checkbox"/> attached	<input type="checkbox"/> not applicable
Applications for any other directions	<input type="checkbox"/> included	<input type="checkbox"/> attached	<input type="checkbox"/> not applicable
Evidence for the application for judicial review		<input type="checkbox"/> attached	<input type="checkbox"/> not applicable
Evidence for any other applications made		<input type="checkbox"/> attached	<input type="checkbox"/> not applicable
A copy of the Civil Legal Aid certificate		<input type="checkbox"/> attached	<input type="checkbox"/> not applicable
A copy of any removal directions and copies of any documents served with removal directions, including any immigration factual summary		<input type="checkbox"/> attached	<input type="checkbox"/> not applicable

If there is a supporting document that you intend to provide later, please state what it is, the date you expect it to be available and the reason why it is not available below. When you send the late document(s) to the tribunal you must also make a paid application for permission to rely on them using form **UTIAC6** or **UTIAC7**.

Section 10 – Additional information

10.1 If there is any other information you wish to add to this application, or that you have not been able to fit in other parts of this form, include it in the box below or attach it to the application for judicial review.

Additional information set out below

Additional information attached

Section 11 – Statement of truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts and matters stated in this application are true and complete.

The applicant believes that the facts and matters stated in this application are true and complete. **I am authorised** to conduct litigation in the High Court and am authorised by the applicant to sign this statement.

Signature

Applicant

Litigation friend

Legal representative

Name of firm (if applicable)

Name of legal representative (if applicable)

If signing on behalf of firm or company give position or office held

Date

Day

Month

Year

This section must be completed in full, otherwise the application/form is not valid and it will be returned to you.

If the applicant does not have a legal representative tick this box.

If the applicant has a legal representative tick this box.

Rule 11(5A) requires the representative to be authorised to conduct litigation in the High Court under the Legal Services Act 2007.

Section 12 – Tribunal fee

What you need to pay

The fee due for this application is

£154

How to pay the tribunal fee

1. **I have not included payment because**

- I have applied for Help with Fees online and my reference number is

H	W	F																	
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- I am applying for Help with Fees, see attached form **EX160**
- Other – please explain why

2. **Prepayment** – I have already made a payment, and the reference number provided to me by HMCTS is

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3. I attach a **cheque, banker's draft or postal order**, made payable to 'HMCTS'

4. **I am attending in person at** the court/office counter

5. **Fee account details – for use by legal professionals**

Your account number

P	B	A																	
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Your reference (if applicable)

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Check the details you have provided carefully and pay as soon as possible so that any issues regarding payment can be resolved before the expiry of any deadlines in your case.

If you cannot afford the tribunal fee

You may not have to pay a fee, or you may get some money off it if you only have a small amount of savings and investments, receive certain benefits or are on a low income. You can apply for help with court and tribunal fees online at www.gov.uk/help-with-court-fees or through the 'EX160 Apply for help with fees' form and 'EX160A – How to apply for help with fees' guidance.

Prepayment – This can be via a bank transfer, please contact the Upper Tribunal's regional office for details.

Card payments - this can be taken over the phone if your case is in Birmingham, Manchester, Leeds or Cardiff.

By post or DX – cheque, banker's draft or postal order.

In person – cash, credit/debit card or one of the ways listed above.

Fee account – a way for solicitors, local authorities and other regular users to make payments relating to civil and family cases.

Fees in the Upper Tribunal

- The fee to start your case is £154.
- **You will need to pay additional fees at each stage as your case progresses and in time. Failure to do so, may lead to the proceedings being struck out.**
- **If the Tribunal grants permission for a substantive hearing the Tribunal fee for the whole case is £924.**
- For guidance on forms, fees and stages in the proceedings see pages 18 — 20 in this form
- All forms are available at www.gov.uk/government/collections/immigration-and-asylum-chamber-upper-tribunal-forms
- Case management directions/interim applications by either party will incur a fee of £255 or £100 (if agreed).
- If you cannot afford the fees you may apply for help with fees. Please see www.gov.uk/get-help-with-court-fees
- Fees are paid to the Tribunal and do not include any costs it may order you to pay to the other party/parties.
- Fees are from the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Reviews) (England and Wales) Fees Order 2011 (amended by SI/2013/2069, SI/2013/2302, SI/2014/878, SI/2016/402 & SI/2016/807), available at www.legislation.gov.uk

What to do next

If you are **legally represented**, you **must** send this form and any supporting documents using the HM Courts and Tribunals E-Filing service.

For those that are **not legally represented**, the **preferred method** is the E-filing service. Alternatively, unrepresented applicants can **email or send** the signed and completed form with the **appropriate arrangements for payment of the fee** and any supporting documents to the Upper Tribunal's regional office which is closest in connection to the applicant. Contact details for all the hearing centres are provided below:

London Email utiacjudicialreviewapplications@justice.gov.uk
Post Upper Tribunal, Field House, 15–25 Breems Buildings, London EC4A 1DZ

Birmingham Email utiac.birmingham@justice.gov.uk
Post Civil Justice Centre, Priory Courts 5th floor, 33 Bull Street, Birmingham B4 6DS

Cardiff Email utiac.cardiff@justice.gov.uk
Post Civil Justice Centre, 2 Park Street, Cardiff CF10 1ET

Leeds Email utiac.leeds@justice.gov.uk
Post Leeds Combined Court Centre, 1 Oxford Row, Leeds LS1 3BG

Manchester Email utiac.manchester@justice.gov.uk
Post Civil Justice Centre, 1 Bridge Street West, Manchester M60 9DJ

How to use HM Courts and Tribunals E-Filing service

To register and access the E-Filing Service, go to: <https://efile.cefile-app.com/login>.

For guidance, support and information about the E-Filing Service, go to: www.gov.uk/guidance/hmcts-e-filing-service-for-citizens-and-professionals.

Next steps

The Upper Tribunal will check this form and let you know if you need to provide any more information. Once you have received a **sealed** (stamped) copy, you **must** also immediately provide the same to all other parties, together with any supporting documents and draft order(s).

Service

- **Within 9 days of making the application** for judicial review you must:
 - (1) Provide a copy of the **sealed** form (stamped), together with any supporting documents to each Respondent and interested party in your case; and
 - (2) Provide a written statement to the Upper Tribunal explaining how and when you provided the documents to the other parties. Use form **UTIAC2** for this.
- **Failure to comply with this requirement may lead to your application for judicial review being struck out.**
- If the Secretary of State for the Home Department (Home Office) is a party to your case, you must use the email address or postal address below to serve them.

Secretary of State for the Home Department

Litigation Allocation Unit
6 New Square, Bedford Lakes
Feltham
Middlesex
TW14 8HA

Email: UKVIJudicialReview@homeoffice.gov.uk

- If the First-tier Tribunal Immigration and Asylum Chamber is a party to your case, you must use the email address or postal address below to serve them.

HMCTS User Investigations Team

Service Excellence and Delivery
6th Floor
102 Petty France
London
SW1H 9AJ

Email: Litigation_Team_C@justice.gov.uk

Forms and fees for users

The Upper Tribunal Immigration and Asylum Chamber has updated its forms. This table explains when to use each form and the relevant fee due. If you are unsure of which form to use, please seek legal advice or contact the Upper Tribunal centre responsible for your case.

Form name	Previous name	Fee	Use
UTIAC1: Application for permission for judicial review	T480	£154	This is the form an applicant should use to start their case and apply for permission (also known as a claim form).
UTIAC2: Written statement - Rule 28A(2)	T485	No fee	The applicant must inform the Tribunal that they have provided sealed (stamped) copies of the application for judicial review on all other parties within 9 days of making the application (case may otherwise be struck out for non-service).
UTIAC3: Acknowledgment of Service	T482	No fee	A respondent or Interested party must use this form to file an Acknowledgment of Service.
UTIAC4: Urgent consideration with form UTIAC1	T483	No fee	For the applicant to apply for urgent consideration alongside filing an application for judicial review.
UTIAC5: Urgent consideration without form UTIAC1	T484	£255	For any party to apply for urgent consideration at any time after the application on UTIAC1 has been issued.
UTIAC6: Application notice – without consent	T484	£255	To apply for any case management direction(s) or order(s), such as to reinstate proceedings or when the other party(ies) have not agreed to the application.
UTIAC7: Application notice – with consent	T484	£100	To apply for any case management direction(s) or order(s), where the other party(ies) have agreed. Use form UTIAC9 (no fee) to make an application for an adjournment if the hearing is at least 14 days away.
UTIAC8: Application notice – attendance of a witness	T484	£50	To apply for a summons or an order for a witness to attend the Tribunal.
UTIAC9: Apply for an agreed adjournment: 14+ days' notice	T484	No fee	To apply for an adjournment when all parties agree to the adjournment, and the hearing is at least 14 days away.

UTIAC10: Notice of withdrawal of all or part of a party's case	None	No fee	To give written notice to the tribunal if the applicant wants to withdraw all or part of their case. If all parties agree to the withdrawal and any other terms (for example, costs), file a draft consent order with the tribunal instead, which has been signed by all parties (a fee of £100 will also apply).
UTIAC11: Application to reconsider permission Rule 30(4)	86B	£385	To apply for reconsideration of permission at a hearing where it has been refused on the papers (a 9 days time limit applies, from the date the tribunal's decision refusing permission was sent).
UTIAC12: Fee following grant of permission on papers	None	£770	For the applicant to pay the fee to continue the proceedings when they have been granted permission to apply for judicial review on the papers. If the applicant has already paid £385 towards the case, use form UTIAC13 instead.
UTIAC13: Fee following grant of permission at a hearing	None	£385	For the applicant to pay the fee to continue the proceedings when they have been granted permission to apply for judicial review following an oral permission hearing. The applicant should have already paid £385 towards the case. If not, use form UTIAC12 .
UTIAC14: Application for permission to appeal to the Court of Appeal	None	£100	To apply for permission to appeal to the Court of Appeal.
UTIAC15: Request for copies of documents from the Tribunal	None	£10 min.	To request copies of documents which are on the tribunal file. £10 is the minimum fee, the tribunal will tell you what the final fee will be before copying the documents.
UTIAC16: Change in representation	T486	No fee	To notify the tribunal that a new legal representative is instructed, or that a previous legal representative is no longer instructed.

The Judicial Review Process in the Upper Tribunal Immigration and Asylum Chamber

This is a brief guide to the judicial review process and fees. It reflects the Tribunal Procedure (Upper Tribunal) Rules 2008 (as amended), available at www.gov.uk/government/publications/upper-tribunal-procedure-rules.

The party(ies) must carefully check any correspondence or decision sent by the Tribunal to ensure they know the next step in the case and any deadline. The deadlines below are for information only and may differ from those ordered by the Tribunal. Party(ies) are encouraged to seek legal advice from a solicitor or barrister.

