



HM Courts &
Tribunals Service

Immigration and Asylum Appeals Reformed Service: Evaluation Report

January 2025



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Executive summary

HM Courts and Tribunals Service (HMCTS) commissioned IFF Research to evaluate the new reformed appeal services for legally represented appellants and Appellants in Person, to understand current delivery and ensure lessons are learned to inform future practice.

The evaluation involved both qualitative and quantitative research. Data collected included:

- Interviews with 21 Appellants in Person (i.e., those who do not have legal representation).
- Interviews with 51 professionals, including legal representatives, judges, legal officers, Home Office staff, and Courts and Tribunals Service Centre staff.
- Analysis of management information relating to the outputs and performance of the legally represented and Appellant in Person services.

Please note, since January 2020 and the research period, there have been iterative changes to the service. As such, some of the findings of this evaluation may reflect earlier stages of reform which have been changed since.

The key findings from the evaluation are:

- **A majority (54%) of Appellant in Person cases are now submitted online.** The steady increase has been heavily influenced by the staggered roll out of reform as different appeal types were made available on the online service at different times, culminating with EU Settlement Scheme appeals in December 2022. Unlike the online Appellant in Person service, which remains optional, the legally represented online service has been mandated since June 2020, and, as a result, digital take up for that service is far greater (>85%).¹
- **For the online Appellant in Person service a substantial proportion (62%) of cases were submitted but subsequently had to be removed from the online service.**² Once removed, appellants either continue the appeal offline or start a new online appeal. This also occurred in the online legally represented service, but to a far lesser degree (11%).
- **As a result of the high prevalence of ‘removed from online’ cases for the online Appellant in Person service (which is not a true disposal), it is not possible to determine the impact of reform on timeliness and outcomes for that cohort.**
- **There are potential benefits being missed from not utilising all elements of reform, such as Case Management Appointments and clarifying questions.** These features could particularly support Appellants in Person, who it was felt were often unable to provide substantive evidence for their appeals.

¹ Please note, legally represented appeals could still be made offline, if it was not “reasonably practicable” to use the online service. See Presidential Practice Statement for more detail:

<https://www.judiciary.uk/wp-content/uploads/2020/06/PRESIDENTIAL-PRACTICE-STATEMENT-No-2-2020-FINAL-11-June-2020-1.pdf>

² Data up until end of April 2022 included.

- **For the online legally represented service, there is currently no reliable evidence that average waiting times from case receipt to disposal (i.e., closing) have decreased as intended under the reformed service.**
- **The move away from up front listings, and newly introduced stages of the process were welcomed but their effectiveness was hampered by delays as parties failed to consistently meet deadlines.** Such delays were a key frustration for appellants, with some unable to track the progress of their appeal, or being unaware as to how long each stage would or should take.
- **Parties' engagement during the appeal process continues to be a barrier to maximising the benefits of reform.** Users reported delays in the Home Office providing the bundle and carrying out the review, as well as appellants and representatives submitting the Appeal Skeleton Argument and Reasons for Appeal. Home Office staff cited resource and staffing pressures as reasons for delays, whilst legal representatives reported that challenges collecting evidence could lead to delays in completing the Appeal Skeleton Argument.
- **The appellants and legal professionals interviewed were broadly positive about the move to a digital-based system,** which was more efficient and streamlined than a paper service. Though limited functionality and technical issues were commonly reported by professionals and continued to be a source of frustration. The significant proportion of Appellant in Person cases which were removed from the online service must also be considered when assessing the effectiveness of a move to a digital based system.

1. Introduction

This is the final report of the process evaluation of the reformed legally represented and Appellant in Person services. HM Courts and Tribunals Service (HMCTS) commissioned IFF Research to evaluate the new reformed services to understand current delivery and ensure lessons are learned to inform future practice.

Background

An extensive programme of reform³ of HMCTS has been in progress since 2016, aiming to modernise the justice system by providing new, user-friendly digital services and by improving efficiency across court and tribunal services.

The First-tier Tribunal Immigration and Asylum Chamber (FtTIAC)⁴ is one of seven chambers of the First-tier Tribunal. Plans for reforming the Immigration and Asylum tribunal service began in 2018 when HMCTS gathered views on the issues and opportunities of the existing system from those who use it, including legal professionals, appellant support organisations, Home Office staff and judges. HMCTS also undertook user research with appellants to explore their experiences of the existing system. This research found that the largely offline-based appeal system often had poor engagement from the Home Office and legal representatives in the early stages of the appeal process, which led to hearings frequently being adjourned or relisted, and ultimately led to delays in the appeal process and to poor user experience.

Based on this research, the 'Appeal an immigration or asylum decision' end-to-end digital service was developed. This service aims to: simplify the application process, require legal representatives to complete an Appeal Skeleton Argument, provide a new reduced appeal form for appellants making their own case, require the Home Office to review the decision, and expand the role of legal officers in case managing appeals using delegated judicial powers. The reforms also aimed to make the process easier for Appellant in Person appeals (i.e., those appealing without legal representation) by simplifying the language used in forms, changing the structure and content of the appeal form, and providing more support by increasing the role of legal officers.

In 2021, HMCTS conducted a process evaluation of the reformed legally represented service.⁵ This evaluation broadly painted a positive picture of the new service, with key stakeholders welcoming the move from an offline to a digital system and with the new approach to listing appeals when they were ready for a hearing. However, users did report some issues which could affect appeal timings and outcomes, for example delays in receiving the Home Office bundle and the Appeal Skeleton Argument, and variation in legal officers' ways of working. This evaluation builds on this previous work and also explores delivery and experiences of the reformed Appellant in Person service.

³ <https://www.gov.uk/guidance/the-hmcts-reform-programme>

⁴ <https://www.gov.uk/courts-tribunals/first-tier-tribunal-immigration-and-asylum>

⁵ <https://www.gov.uk/government/publications/first-tier-tribunal-immigration-and-asylum-chamber-reform-interim-process-evaluation>

Detail on the reformed services

The reform resulted in the introduction of digital services for both legal representatives and Appellants in Person, with new ways of working for the tribunal, professional users and appellants. The key features of the new reformed appeal journey are:

- Introduction of a new online, less complex initial application process.
- Introduction of a new Appeal Skeleton Argument form for legal representatives to build their client's case, and a Reasons for Appeal stage for Appellants in Person.
- Requiring the Home Office to review their decision having received the Appeal Skeleton Argument or the Reasons for Appeal form. This provides an opportunity for the Home Office to withdraw the decision or narrow the issues in the appeal.
- Requiring legal officers (formerly known as tribunal caseworkers) to proactively manage cases through the process and decide when cases are ready to list for a hearing.
- Moving away from listing hearings before they are ready to be heard.

More detail on each reformed service can be found below. Detailed process diagrams showing user journeys through the Appellant in Person and legally represented reformed services can be found in Appendix 1.

Legally represented service

- **Who:** For use by legal representatives on behalf of an appellant. The legal representative is responsible for submitting the appeal, building and submitting the case, and arranging representation for the appellant at a hearing.
- **When:** The reformed service for legally represented cases was launched in January 2020 and for in-country Protection appeal types only. The service was then expanded in May 2020 to other appeal types. It was then mandated for use from June 2020 for in-country appeals and March 2021 for out-of-country appeals.
- **What:** Uses MyHMCTS⁶ as the online tool to manage appeal cases. It involves the new Appeal Skeleton Argument. It also involves the new digital bundle to combine the Appeal Skeleton Argument and all evidence relating to the case.

⁶ MyHMCTS allows legal professionals to submit, pay for (where required) and manage case applications online.

Appellant in Person service

- **Who:** For use by those appealing without legal representation. Appellants are responsible for submitting their appeal, completing the appeal reasons and representing themselves if the appeal goes to a hearing.
- **When:** Launched in August 2021. It is not mandatory for appellants to use the reformed service. Instead, they can continue to make an offline appeal.
- **What:** It involves the new Reasons for Appeal stage, where appellants are asked to summarise the reasons for disagreeing with the original Home Office decision. It also involves the new digital bundle to combine all evidence relating to the case.

Other roles involved in the delivery of the reformed services

As well as legal representatives and appellants, there are a number of professionals involved in the delivery of the reformed services:



Legal officers

Legal officers support the administration of the FtTIAC by undertaking a range of case work and assessment activity in order to determine how best to advance caseloads and remove any barriers to effective and timely case progression.

A key post-reform change has involved legal officers taking on more legal tasks.



Judges

Judges hear evidence in appeal cases and decide based on the evidence heard.



Courts and Tribunals Service Centre staff

These staff are responsible for answering contact from appellants and legal representatives via email or phone, and for processing certain administrative tasks including listing cases for hearing.



Home Office staff

There are a number of teams at the Home Office involved in administering the reformed services, including a team to deal with bundle preparation; reviewing the Reasons for Appeal/Appeal Skeleton Argument; and representing the Home Office at hearings.

Structure of this report

The remainder of this report is structured as follows:

- **Chapter 2:** This chapter outlines the key evaluation aims and objectives. It details the types of data that were collected and how.
- **Chapter 3:** This chapter outlines the profile of appellants using the reformed and non-reformed services.
- **Chapter 4:** This chapter explores the appellant journey through the different stages of the appeal process. It draws on research findings gathered through both the qualitative and quantitative research.
- **Chapter 5:** This chapter discusses early evidence of outcomes of the reformed Appellant in Person and legally represented services.
- **Chapter 6:** This chapter explores professionals' overall views of the reformed services.
- **Chapter 7:** This chapter explores appellants' overall views of the reformed services.
- **Chapter 8:** This chapter contains conclusions of the evaluation.

2. The evaluation approach

This chapter outlines the key evaluation aims and objectives. It details the types of data that were collected and how, as well as the process by which it was analysed.

The evaluation objectives

This evaluation has primarily focused on the reformed Appellant in Person service. However, it also explored views, experiences and outcomes relating to the reformed legally represented service. This builds on findings from previous evaluation work conducted by HMCTS.

The overall objectives of this evaluation were to:

1. Understand how the new processes for the reformed Appellant in Person and legally represented services are working, whether they are working well (or not), and to identify areas for improvement.
2. Understand the views and experiences of:
 - Appellants in Person
 - Legal officers
 - The judiciary
 - HMCTS Courts and Tribunals Service Centre staff
 - Home Office staff.
3. Explore early evidence of outcomes.

Data collection

Qualitative research with appellants

A random sample of appellants (from details provided by HMCTS) were approached to take part in an interview, with all of those responding invited to take part.⁷ Between January and March 2023, the evaluation team completed interviews with 21 Appellants in Person. A full breakdown of the profile of appellants interviewed can be found in Appendix 2.

⁷ 130 appellants were invited to take part, 23 responded to the initial email, and two appellants did not respond to further communications to set up the interviews.

The interviews explored appellants' views and experiences of each stage of the Appellant in Person service, focusing on what worked well and what could be improved. The interviews aimed to provide insight into the key research questions, including:

- What are appellants' perceptions and experiences of the new service?
- What are appellants' perceptions of fairness⁸?
- Do appellants experience a consistent/standardised service?
- How did appellants experience outcomes of the service?

Qualitative research with professionals

Between December 2022 and March 2023, the evaluation team completed interviews with 51 professionals. With the exception of legal officers and Courts and Tribunals Service Centre staff, where all contacts provided by HMCTS were invited to take part, professionals were purposively sampled based on important characteristics for the evaluation (e.g., Home Office team, hearing centre for judges, and appeal type for legal representatives). The table below outlines the numbers of each type of professional interviewed.

⁸ This area was explored as it had been highlighted in the literature as a potential issue for appellants. For instance, G. Hunter noted that there are many factors which place appellants in a position of heightened vulnerability and contribute to their marginalisation from the decision-making process. These included: their level of material deprivation, inability to speak English, prior experiences of abuse and exploitation, and their unfamiliarity with the English legal system. (G. Hunter, "Policy and Practice Supporting Lay Participation", in Jacobson & cooper (eds), *Participation in Courts and Tribunals*, 19; as cited in H. O'Nions, "Navigating the Intersection of Scepticism, Gender Blindness, and Ethnocentricity in the Asylum Tribunal: The Urgent Case for Empathy Enhancement", *Refugee Survey Quarterly*, 2022, 41, 498-528).

Table 2.1: Professionals interviewed for the evaluation

Professional type	Interviews/ focus groups completed
Home Office staff	11 interviews <i>4x Team A (Reviewing the appeal argument)</i> <i>4x Team B (Presenting officers)</i> <i>3x Team C (Bundle preparation)</i> <i>N.B. Two managers were interviewed, all others were below managerial level</i>
Judges	8 interviews
Legal representatives	15 interviews
HMCTS Courts and Tribunals Service Centre staff	4 interviews
Legal officers and senior legal officers	2 focus groups (6 legal officers and 6 senior legal officers)
Support organisation representative	1 interview
Total	51 participants

The interviews explored professionals' views and experiences of using each stage of the Appellant in Person and legally represented services, focusing on what worked well and what could be improved, as well as perceived differences between the services. They aimed to provide insight into the key research questions, including:

- What are professionals' perceptions and experiences of the reformed services?
- What kinds of issues/queries are Courts and Tribunals Service Centre staff requested to resolve?
- How do outcomes vary between the reformed service and the non-reformed service?

All qualitative data was analysed descriptively, and cross-tabulated to explore differences by key characteristics (e.g., appeal type, represented/unrepresented, offline/online, date of appeal). Please see Appendix 2 for more information about the approach to data analysis.

Quantitative analysis of management information

The evaluation team analysed management information collected and recorded by HMCTS. Analysis of this management information aimed to provide insight into the following key research questions:

- How many and what types of users are using the new services?
- How long is each stage of the appeal process?
- How many cases are withdrawn?
- How does timeliness vary between the reformed service and the non-reformed service?

The data provided by HMCTS to the evaluation team comprised of three datasets. The table below outlines each dataset and its limitations.

Table 2.2: Management information analysed for the evaluation

Management information source	Description	Time periods	Main limitations
Core Case Data (CCD)	<p>A database used by HMCTS to record tribunal information from the Immigration and Asylum reformed (online) system.</p> <p>Data extracted February 2023.</p>	<p>The time period covered in this dataset was January 2020 and February 2023. Note the data for February 2023 only includes half a month (due to the timescales of the evaluation data analysis).</p>	<ul style="list-style-type: none"> • Some data not collected (e.g., for 47% of Appellant in Person cases protected characteristics data was not available).⁹ • Some unusable variables (e.g., data relating to the length of time between Appeal Skeleton Argument requested and received) were under investigation at the time of the evaluation analysis. • Analysis of timeliness data restricted to cases that have not reached the Upper Tribunal.¹⁰ • Due to the small base sizes of sub-groups, analysis by appellant characteristics was largely not possible. Where it was possible and meaningful differences were found, these are included within the report. • No data on adjournments or postponements (a key area of interest for the outcomes analysis).

⁹ This is because this data is self-reported on a voluntary basis.

¹⁰ See footnote 11.

ARIA	<p>A database used by HMCTS to record tribunal information from the Immigration and Asylum legacy (offline) system.</p> <p>Data extracted May 2023.</p>	<p>The time period covered in this dataset was January 2016 and February 2023. Note the data for February 2023 only includes half a month.</p>	<ul style="list-style-type: none"> • Partial dataset, with a limited number of variables, provided by HMCTS. For example, variables related to case outcomes (allowed, dismissed, withdrawn etc.) had yet to be validated in this dataset and so were not included.¹¹ • Analysis of timeliness data restricted to cases that have not reached the Upper Tribunal.¹² • Due to the small base sizes of sub-groups, analysis by appellant characteristics was largely not possible. Where it was possible and meaningful differences were found, these are included within the report.
<p>Courts and Tribunals Service Centre reports</p>	<p>Data reports about Courts and Tribunals Service Centre activity at an aggregate level.</p>	<p>The time period covered in this dataset was January 2021 and November 2022.</p>	<ul style="list-style-type: none"> • Limited insights (e.g., no information for sub-type of queries received).¹³ • Aggregate level data only, so could not be linked to individual cases.

¹¹ The reform programme includes HMCTS engineering and validating case data for reform systems. Given the move to reform systems some legacy data was not fully engineered and validated in time for this evaluation. In particular there is limited availability of quantitative outcomes data.

¹² This was necessary due to data limitations with appeals that progress to the Upper Tribunal but are then remitted back to the First Tier. In these cases, information about the initial disposal in the First Tier could not be accessed in the dataset available. In order to compare outcomes of appeals logged on ARIA, analysis of outcomes data from CCD was also restricted to cases that had not reached the Upper Tribunal. It is important to note that analysis of outcomes of cases that interacted only with the First Tier will not capture a number of cases that were Dismissed at the First Tier but that would ultimately appeal and progress beyond the First Tier.

¹³ This data is now being collected by the Courts and Tribunals Service Centre but was not available when this evaluation was conducted.

Limitations of the evaluation

Since January 2020 and the research period, there have been iterative changes to the service. As such, some of the findings of this evaluation may reflect earlier stages of reform which have been changed since. The research period also overlapped with the pandemic, which will have affected many of the trends observed in this report.

The number of professionals and appellants who contributed to the evaluation was relatively low and limits generalisability. While the evaluation provides insight into individual experiences we are unlikely to have captured the full breadth of experiences.

Although every effort was made to ensure taking part in interviews was accessible (e.g., offering interpreters), it is possible the sample is skewed towards those with a greater level of English proficiency¹⁴ and digital literacy. In addition, of the 15 appellants who knew their appeal outcome, nine had their appeal allowed and four had their case withdrawn. These positive outcomes are much higher than the wider population, which may bias findings. Interpretation of findings should also consider that those who took part in interviews may have had particularly positive or negative experiences. Therefore, findings from qualitative data should not be considered exhaustive or indicative of all experiences.

There are a number of limitations relating to the management information data, including:

- As some data is yet to be validated, there is limited availability of outcomes data, including ARIA outcomes. See Table 2.2. Therefore we are unable to analyse outcomes (allowed, dismissed, withdrawn) for appeals on the offline service.
- The number of Appellant in Person cases that progressed through the whole journey online was low, due to a large number of cases being removed from the online system. This means that it has not been possible to compare the timeliness and outcomes of online Appellant in Person cases with other case types.
- When comparing timeliness for offline Appellant in Person cases, and online and offline legally represented cases, it was only possible to compare cases that had not reached the Upper Tribunal.¹⁵ The different dates of extraction for CCD and ARIA data means the latter (extracted later) had more time to progress.
- To ensure cases had enough time to progress through the full journey, a cut-off point of the end of April 2022 has been used for the timeliness and outcomes analysis in Chapters 4 and 5. However, this has not fully removed all biases in the

¹⁴ None of those interviewed requested use of an interpreter. Five people interviewed spoke to us on behalf of a friend/family member who they were appealing for, due to language issues. In a further two cases, a family member interpreted on behalf of an appellant during the interview.

¹⁵ This was necessary due to data limitations with appeals that progress to the Upper Tribunal but are then remitted back to the First Tier. For those cases on ARIA, information about the initial disposal in the First Tier could not be accessed in the dataset available. In order to compare outcomes of appeals logged on ARIA with those on CCD, analysis of outcomes data from CCD was also restricted to cases that had not reached the Upper Tribunal. It is important to note, that analysis of outcomes of cases that interacted only with the First Tier will not capture a number of cases that were Dismissed at the First Tier but that would ultimately appeal and progress beyond the First Tier.

analysis (as there will be some cases that have not been included due to the cut-off point imposed) and re-analysis at a later date may result in different findings.

3. Profile of appellants

This chapter outlines the profile of appellants using the reformed and non-reformed services. It is based on findings from the management information analysis.

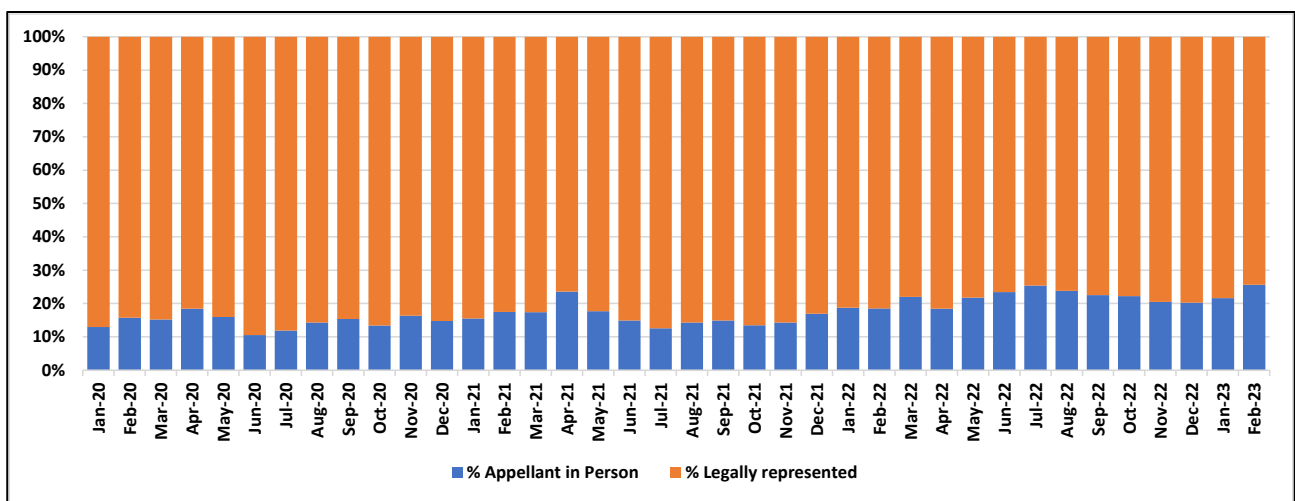
Summary of key findings

- Most appellants appealing their immigration decision had legal representation.
- Overall, the demographic characteristics of Appellants in Person and legally represented cases were broadly similar.
- Since the implementation of the reformed services, there has been a steady increase in the number of Appellant in Person and legally represented appeals submitted online. However, there are still a substantial number of offline appeals being made by both Appellants in Person and legal representatives.

Use of legal representation or Appellant in Person services

Most appellants appealing their immigration decision had legal representation (Figure 3.1). Between January 2020 and February 2023, there were 90,407 legally represented cases and 19,834 Appellant in Person cases. The latest data from January and February¹⁶ 2023 showed that around a quarter of appellants did not have legal representation (22% and 26% respectively).

Figure 3.1: Proportion of cases that had legal representation compared with appellants who chose to represent themselves, by receipt month (from January 2020)

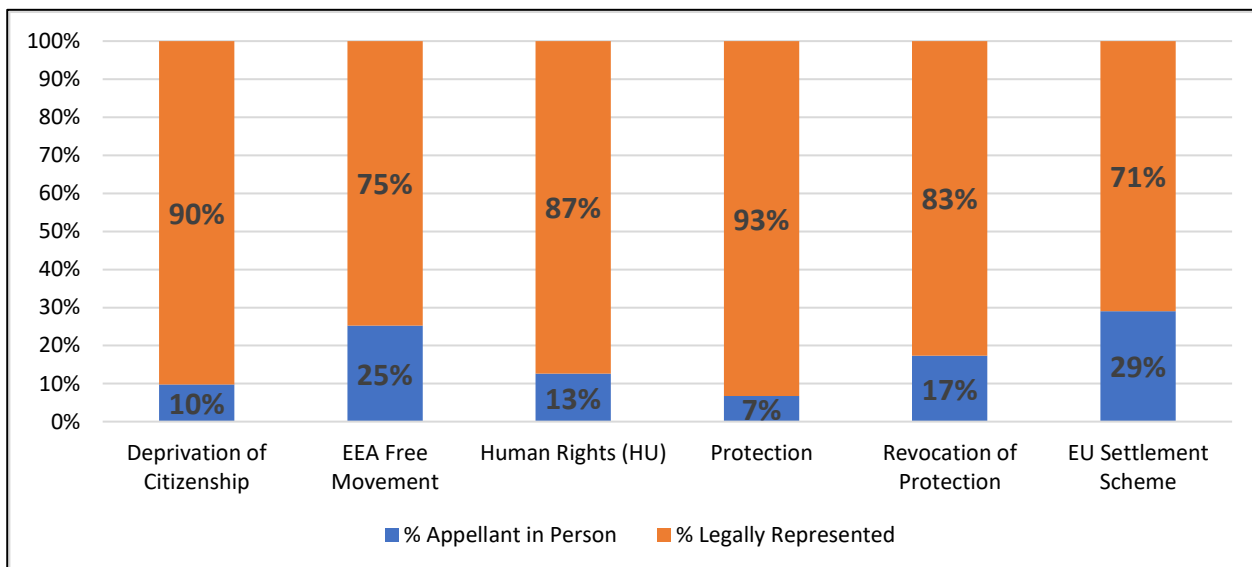


CCD and ARIA. All Appellant in Person and legally represented cases between January 2020 and February 2023. Appellant in Person: 19,834. Legally represented: 90,407.

¹⁶ Note only a part-month of data was available for analysis.

Looking at appeal types showed that European Union Settlement Scheme¹⁷ and European Economic Area Free Movement¹⁸ cases were more likely to be Appellant in Person cases than other appeal types (Figure 3.2).

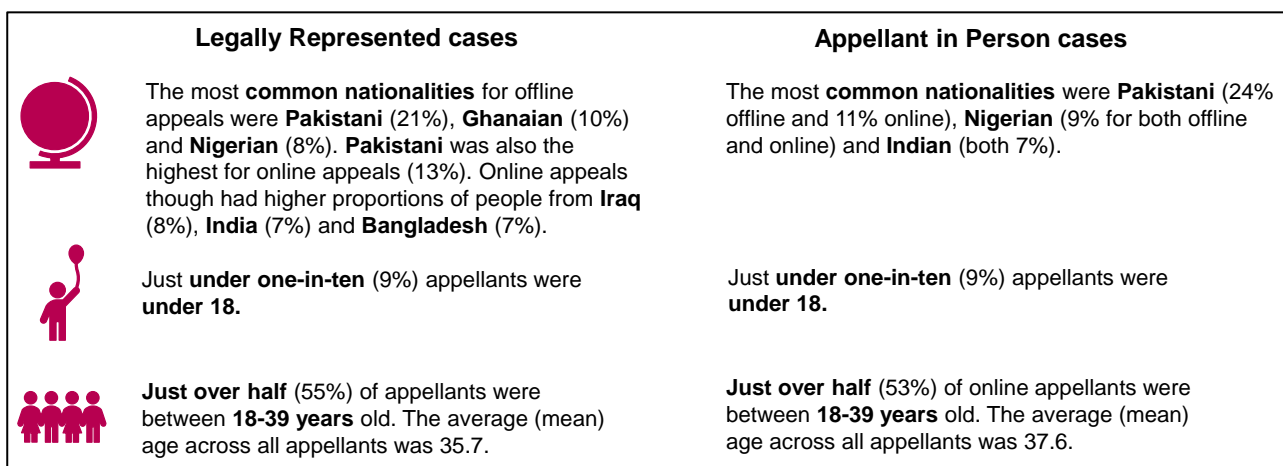
Figure 3.2. Proportion of cases that had legal representation compared with appellants who chose to represent themselves, by appeal type



CCD and ARIA. All Appellant in Person and legally represented cases between January 2020 and February 2023 with one of the above appeal types (bases of all others are too small for comparison). Appellant in Person: 17,456; Legally represented: 88,987.

Overall, the demographic characteristics of Appellant in Person and legally represented cases were broadly similar (Figure 3.3).

Figure 3.3. Comparison of the profile and characteristics of legally represented and Appellant in Person cases



¹⁷ This is an appeal type that refers to an appeal by a citizen of Switzerland or a member-state of the EU or EEA to remain in the UK following its departure from the EU.

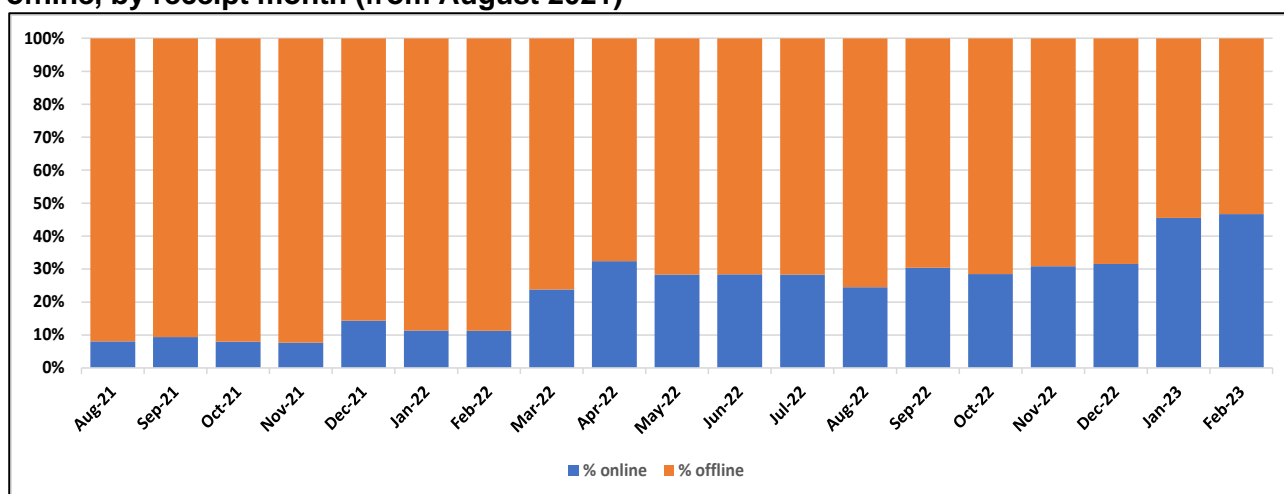
¹⁸ This is an appeal type that refers to an appeal by a citizen of a member state of the EEA on the basis of free movement or right to reside under the European Economic Area Regulations.

Profile of Appellants in Person

There has been a steady increase in the number of Appellant in Person appeals submitted online since the implementation of the reformed service in August 2021 (Figure 3.4). Looking at the data in more detail showed that:

- There was a marked increase in the number of appeals being submitted online from April 2022, which coincided with out-of-country appellants being able to use the online service.
- By January and February¹⁹ 2023, online cases represented nearly half of all Appellant in Person cases submitted (46% and 47% respectively).

Figure 3.4: Proportion of Appellant in Person reform appeal cases that were online or offline, by receipt month (from August 2021)



CCD and ARIA. All Appellant in Person cases between August 2021 and February 2023 (post-reform). Online: 2,731. Offline: 8,198.

Within the qualitative interviews, many Appellants in Person said that they opted for an online appeal (as opposed to offline) because they felt it would be an easier and quicker process. They felt an online appeal would avoid them having to spend time posting documents. They also noted that it minimised the risk of the documents being delayed by postal strikes and the potential loss of documents in the post. Appellants in Person also felt that the online system would enable them to have easy access to all of the documents submitted as part of their appeal. They felt that having a record of the appeal process in one place was valuable because they could refer back to it when needed.

“I chose the online appeal because I would be able to check in on every stage of where my appeal process is...whereas a paper [offline] appeal doesn't give you any indication of where it is.”

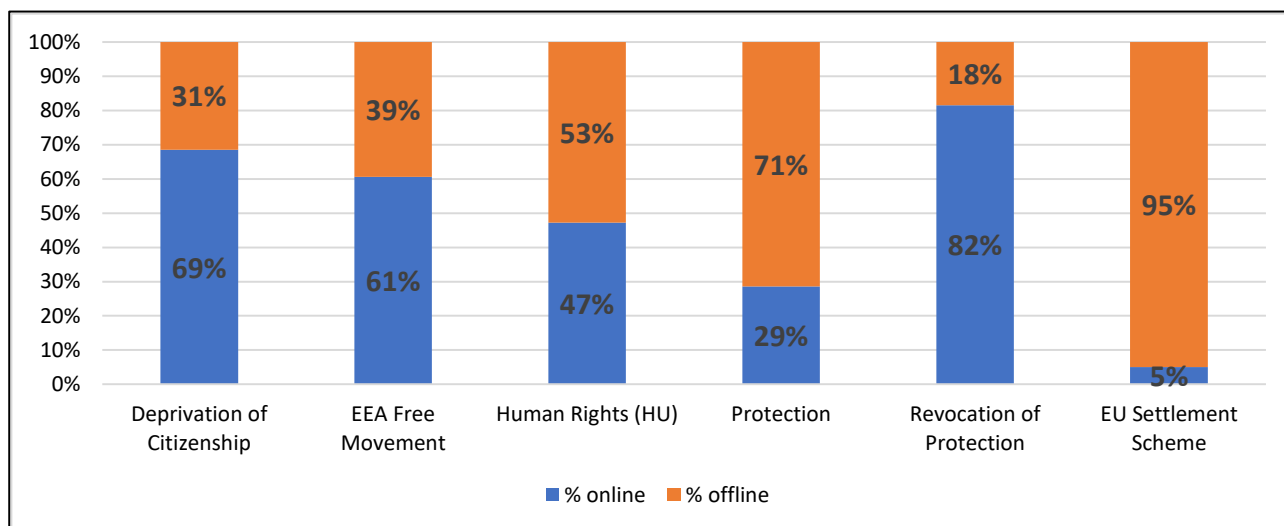
Appellant in Person

¹⁹ Note only a part-month of data was available for analysis.

Management information showed some differences in use of online and offline appeals by type of appeal (Figure 3.5):

- Revocation of Protection²⁰, Deprivation of Citizenship²¹ and European Economic Area Free Movement²² cases were more likely to be submitted online than offline.
- Protection cases were more likely to be submitted offline than online.
- Amongst Human Rights²³ cases, nearly half (47%) submitted an online appeal and 53% submitted an offline appeal.
- The low proportion (5%) of EU Settlement Scheme (EUSS) appeals made online is due to this appeal type only being made available on the online service in December 2022²⁴.

Figure 3.5: Proportion of Appellant in Person cases that were online or offline, by appeal type (from August 2021)



CCD and ARIA. All Appellant in Person cases with case type as listed on chart (deportation of appeal is excluded as they are not included on both ARIA and CCD); between August 2021 and February 2023 (post-reform). Online 2,731. Offline 8,198.

There was limited data available to compare the characteristics of appellants submitting an online versus offline appeal. Data that was available showed that the nationality of appellants was similar across both appeal types. The most common nationalities across

²⁰ This is an appeal type that refers to an appeal against the removal of refugee status or humanitarian protection. This appeal type replaces the previous asylum policy instruction on Revocation of Refugee status.

²¹ Deprivation of Citizenship is an appeal type that applies where an appellant appeals against a decision to deprive the appellant of British citizenship. Note the small base size here of 70 cases.

²² This is an appeal type that refers to an appeal by a citizen of a member state of the EEA on the basis of free movement or right to reside under the European Economic Area Regulations.

²³ This is an appeal type that refers to an appeal on the basis that the original Home Office decision is unlawful under section 6 of the Human Rights Act (HRA) 1998. Section 6 of the HRA makes it unlawful for a public authority to act in a way that is incompatible with a person's rights under the European Convention on Human Rights.

²⁴ This is an appeal type that refers to an appeal by a citizen of Switzerland or a member-state of the EU or EEA to remain in the UK following its departure from the EU. EU Settlement Scheme appeals were out of scope of reform and therefore not included in the online journey because they did not exist when build started and they were time-limited – expected to end in financial year 2022/2023. However, when more EU Settlement Scheme appeals than forecast were received, and the Home Office confirmed they would continue to be received for a longer period than initially expected, it was decided to add them to the online journey. They were added on 8th December 2022, therefore any EU Settlement Scheme appeals received before that date would have been managed on the offline service.

both appeal types were Pakistani (24% of offline and 11% of online appeals), Nigerian (9% for both offline and online) and Indian (7% of both offline and online appeals).

More data was available on the characteristics of appellants who submitted their appeal online. This showed that just over half (53%) of appellants were between 18-39 years old, with a further 29% aged 40-64. Nine per cent of appellants were under 18, and a further 9% were over 65. The average (mean) age across all appellants was 37.6. This could suggest that younger people are more likely to choose to appeal online because they are likely to be more confident using digital services.

Appellants in Person are also asked to complete a series of voluntary demographic questions at the end of their appeal application. This is so that HMCTS can understand more about those appellants choosing to represent themselves and submit an appeal online. As this is voluntary, a lot of data was not collected (equating to around half of appellants²⁵), but analysis of the available data²⁶ showed that:

- Just over half of appellants were female (54%) and 46% were male. This is broadly in line with national averages.²⁷
- The most common religion was Christianity (47%), followed by 32% of appellants being Muslim. Much smaller proportions reported having no religion (12%), being Buddhist (3%), Hindu (3%), Sikh (2%) or Jewish (1%).
- Fifteen percent of appellants cited having a disability. This is broadly in line with the national average of 18%.²⁸

Profile of appellants with legal representation

There has also been a steady increase in the number of legally represented appeals submitted online since the implementation of the reformed service in January 2020 (Figure 3.6). Looking at the data in more detail showed that:

- Increases in use of online appeals coincided with key dates in the roll-out of the new service. This can be seen between April and May 2020 (when the online service was expanded to all appeal types) and after June 2020 and March 2021 when the online service was mandated for in-country and out-of-country appeals respectively.
- By January and February 2023²⁹, nearly nine-in-ten legally represented appeals were submitted online. Although a substantial proportion, more could be done to increase digital uptake by addressing potential barriers (e.g., improving functionality of MyHMCTS and increased end-user support).

²⁵ This means that data was only available for 1,436 appellants. Some appellants also chose to answer, 'NA or prefer not to say'.

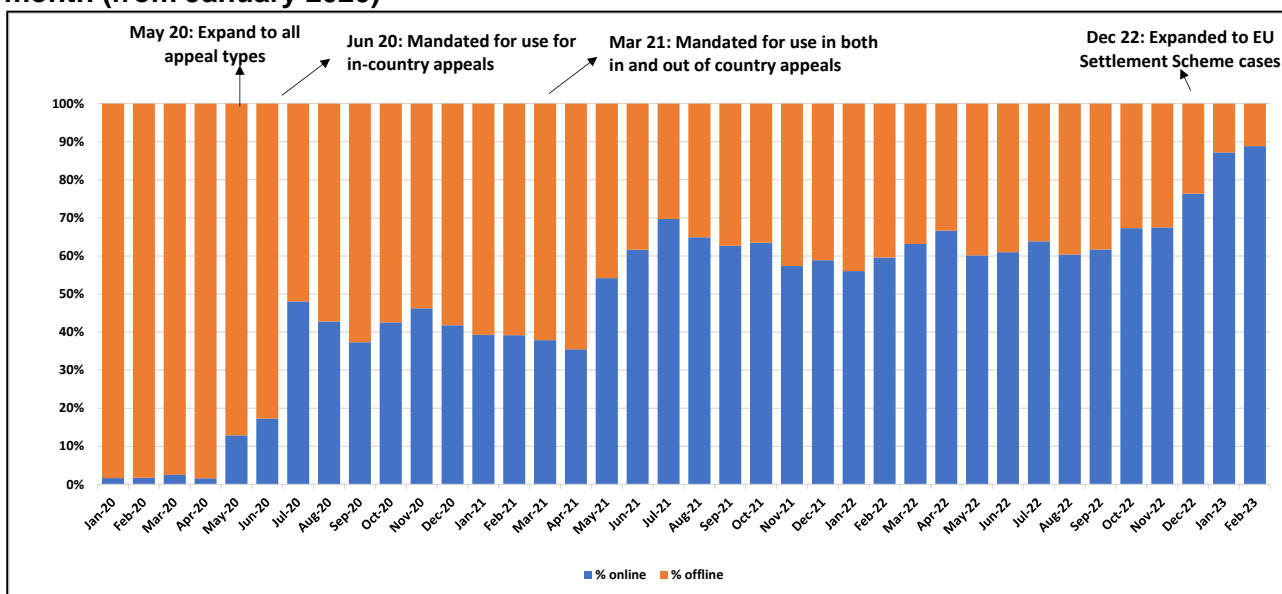
²⁶ The inclusion of this self-reported data potentially risks introducing bias in the findings.

²⁷ According to the 2021 Census, women make up 51% of the population and men 49%. See: <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/demographics/male-and-female-populations/latest>. Accessed 17.08.23.

²⁸ Census 2021. See: Disability, England and Wales - Office for National Statistics (ons.gov.uk). Accessed 17.08.23.

²⁹ Note only a part-month of data was available for analysis.

Figure 3.6: Proportion of legally represented cases that were online or offline, by receipt month (from January 2020)



CCD and ARIA. All legally represented cases between January 2020 and February 2023 (post-reform). Online 45,396. Offline 45,011.

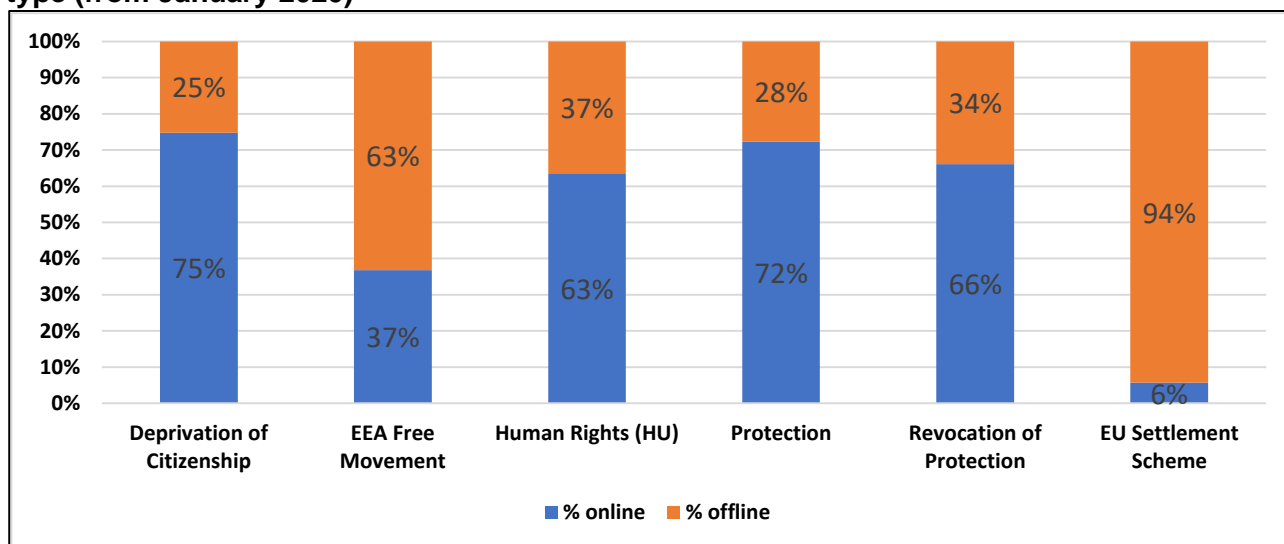
There are a number of reasons why legally represented appeals are still being submitted offline:

- It was only made possible to make EU Settlement Scheme appeals online from December 2022. This partly explains the large volume of offline appeals with EU Settlement Scheme cases representing 43% of all offline cases since July 2020 (when the service was mandated for use).
- However, EU Settlement Scheme appeals are not the only appeal types being made offline since the online service was mandated. Nearly a quarter (22%) of Human Rights cases have been made offline since then. Furthermore, in the first couple of months of 2023 (up to mid-February 2023), 26% were Human Rights and 12% Protection cases.
- As is discussed in more detail in Chapter 6, legal representatives have experienced technical issues with MyHMCTS (e.g., not being able to start an application or not being able to upload documents) that may have resulted in cases being submitted via the offline route.

Management information data showed some differences in digital take up between appeal types (Figure 3.7):

- Three-quarters of Deprivation of Citizenship (75%) and a similar proportion of Protection (72%) cases were submitted online.
- This was slightly lower, though still nearly two-thirds, for Human Rights (63%) and Revocation of Protection (66%) cases.
- Roughly a third (37%) of EEA Free Movement appeals were made online.
- The low proportion (6%) of EU Settlement Scheme submitted online is unsurprising for reasons described above.

Figure 3.7: Proportion of legally represented cases that were online or offline, by appeal type (from January 2020)



CCD and ARIA. All legally represented cases with a case type as listed on chart (deportation of appeals are excluded as they are not included on both ARIA and CCD); between January 2020 and February 2023 (post-reform). Online 45,396. Offline 45,011.

There was limited data available to compare the characteristics of legally represented appellants submitting an online or offline appeal. Data that was available showed that the nationality of appellants was similar across the two groups. The most common nationalities for offline appeals were Pakistani (21%), Ghanaian (10%) and Nigerian (8%). Pakistani was also the highest for online appeals (13%), but online appeals had higher levels of Iraqi (8%), Indian (7%) and Bangladeshi (7%) appellants.

Analysis of management information relating to online appeals showed that just over half (55%) of appellants with representation were between 18-39 years old, with 30% being aged 40-64. Nine per cent of appellants were under 18 and 5% were over 65. The average (mean) age across all appellants was 35.7.

4. The appeal process

This chapter explores the different stages of the appeal process, covering what is working well (or not), and where there are areas for improvement. This chapter draws on data collected through the qualitative research with professionals and appellants, and analysis of the management information.

When interpreting the findings in this chapter please keep in mind the limitations outlined in Chapter 2 ('Limitations of the evaluation'). Firstly, analysis of management information data has been restricted to cases that have not reached the Upper Tribunal³⁰ and we have used a cut-off date of end of April 2022. Secondly, the number of interviews conducted was relatively low and it is unlikely we have captured the full breadth of views and experiences.

Summary of key findings

- Interviews with Home Office staff identified the process of preparing the bundle to be easy and straightforward. Other professionals, and particularly legal officers, though highlighted this stage of the appeal process as a key challenge, including delays with Home Office preparation of the bundle.
- Overall, legal representatives felt comfortable and confident in drafting Appeal Skeleton Arguments and reported it to be straightforward and easy to complete. Appellants in Person typically found the Reason for Appeal easy to complete.
- While legal officers expressed a moderate level of awareness about the use and purpose of clarifying questions and Case Management Appointment they are both being used infrequently.
- The Home Office review stage was widely welcomed by professionals and seen as a positive step within the reformed services. Though substantial challenges were raised with this stage of the process, including delays and limited Home Office engagement.
- Professionals and Appellants in Person were generally positive about the added value of the digital bundle at hearings. Though some challenges (e.g., lack of compliance with formatting/labelling and lack of screens in hearing centres) remained.

³⁰ This was necessary due to data limitations with appeals that progress to the Upper Tribunal but are then remitted back to the First Tier. In these cases, information about the initial hearing and disposal date in the First Tier could not be accessed in the dataset available. In order to compare timeliness of appeals logged on ARIA, analysis of timeliness data from CCD was also restricted to cases that had not reached the Upper Tribunal. It is important to note, that analysis of cases that interacted only with the First Tier is likely to not capture a number of cases that were Dismissed at the First Tier but that would ultimately appeal and progress beyond the First Tier.

Completing the appeal form

Before starting an appeal, all Appellants in Person and legal representatives must complete the appeal form which involves answering eligibility questions and creating an online account. The appeal form asks for the Appellant in Person's Home Office reference number, original decision date, personal and contact details, and appeal type. As part of the reformed services, the appeal form requires less information about the appeal up-front from legal representatives and Appellants in Person.

Appellant in Person service

Overall, Appellants in Person found completing the appeal form easy. The form was seen as straightforward to understand and, at this stage, only required basic information. Appellants in Person also frequently praised the appeal form for not containing any jargon.

“...the appeal form was quite easy... the actual form itself is self-explanatory and didn't ask too much.”

Appellant in Person

Despite the general positivity, a minority of appellants noted challenges with paying for the appeal. Appellants pay for their appeal at the start of the process. Overall, this was straightforward where Appellants in Person had access to a bank account. However, in cases where they did not have access to a bank account, they struggled to pay for the appeal. Appellants in Person suggested that it should be made clearer if there were other ways to pay for their appeal, for example by cash.³¹

Legal officers reported that many of the appeal forms received from Appellants in Person contained errors. For example, entering the wrong name (particularly when the appeal was being submitted by a relative or friend) or inputting details into an incorrect box. Legal officers highlighted that such errors led to delays to the appeal process, as often the appeal would need to be restarted (either online or offline) due to the online system not enabling legal officers to edit basic contact details.

Legally represented service

Most legal representatives were positive about the appeal form, citing this stage of the process as quick and straightforward. When asked about potential improvements to the appeal form, the only suggestions were those relating more generally to MyHMCTS (e.g., being unable to start an application, getting locked out of their account, and being automatically logged out of the system at frequent points throughout the day - see Chapter 6 for more information).

³¹ Of the six appeal types, two of them are exempt from fees – Revocation of Protection and Deprivation of Citizenship. All others are fee chargeable, although appellants may have a remission (e.g., Legal Aid) or may wish to apply for help with fees. Otherwise, payment is by card for both Appellants in Person and legal representatives, or by Payment by Account by legal representatives. Neither Appellants in Person nor legal representatives can pay cash. Telephony payments will be introduced in 2024. For Appellant in Person card payments, the card used does not have to be their own— e.g., a sponsor or family member/friend can pay on their behalf.

Preparing the Home Office bundle

After the appeal has been lodged the Tribunal needs to notify the Home Office, and once so notified the Home Office is required to prepare the bundle. This involves collating all evidence used by the Home Office to make the original decision that is being appealed. The bundle is uploaded by the Home Office and legal officers will then review it. The uploaded bundle is visible online, and the system alerts all parties accordingly.

Interviews with Home Office staff identified this stage of the process as straightforward, with no major issues. Other professionals however, and particularly legal officers, highlighted this stage as a key challenge. This principally related to Home Office delays in submitting bundles within the target of 14 days. All legal officers interviewed had experienced delays with the Home Office submitting the bundle. Home Office staff cited staffing and resource pressures for the delays and agreed with legal officers that this was an element of the process that required improvement.

“So many delays because the Home Office, who I think are stretched, don’t send us the bundles on time. It really holds things up and it’s not just an isolated case, it’s a lot...”

Legal officer

Submitting the Reason for Appeal / Appeal Skeleton Argument

Reason for Appeal (Appellant in Person service)

Following successful submission of the appeal form and bundle, legal officers direct Appellants in Person to write and submit their Reason for Appeal. This is their opportunity to answer the question ‘why do you think the Home Office decision is wrong?’ and share any supporting evidence. Appellants in Person are required to complete the Reason for Appeal within 28 days of receiving the Home Office bundle.

Appellants in Person typically found the Reason for Appeal easy to complete. They often used the original Home Office decision letter as a basis for their argument as to why the Home Office was wrong and build an argument that directly addressed the original refusal points.

Appellants in Person also described being close to the appeal through having lived experience of the original Home Office refusal, so they felt confident in their ability to articulate why they felt the Home Office decision was wrong. In some cases, they had also experienced appeals before, for example appealing another Home Office decision themselves or for a relative/friend.

“I used the [Home Office decision] letter to have as headings so I could say ‘you said this but that isn’t true because of X, Y and Z’.”

Appellant in Person

Appellants in Person interviewed for the evaluation noted that they benefited from a good level of English (meaning they could understand the Home Office decision letter and write

a suitable reply in clear English)³² and some had previous knowledge of the law and legal system (which they felt strengthened their appeal reasons). Questions were raised about how Appellants in Person without these advantages would find completing the Reasons for Appeal.

“I have a law degree from England so my English is good and I know about the law! I would have been lost without that.”

Appellant in Person

Legal officers, Home Office staff, and judges also highlighted the challenges of completing the Reasons for Appeal for Appellants in Person without a good level of English and at least some understanding of the law. They felt that generally Appellants in Person often write short and basic appeal reasons. These reasons lacked substance and detail and did not sufficiently address the Home Office’s original refusal points.

“Appellants [in Person] who manage well have a proficient level of English and a reasonable knowledge of the law. Without these, I imagine it is very hard.”

Judge

Home Office staff and judges also reported that Appellants in Person often upload many separate pieces of evidence (including phone screenshots) in a way that lacked structure. Home Office staff felt that Appellants in Person were often unable to combine these documents, so it was difficult to find a flow in the documents, or to determine links between evidence.

“With Appellant in Person cases, the review is a lot harder because the evidence isn’t great...overall, the case just isn’t as prepared [as cases involving appellants with legal representation].”

Home Office staff

“They [Appellants in Person] might throw in letters, photographs, all sorts of personal documents without understanding the need for a structure, something as basic as an index, something as basic as a chronology.”

Judge

Legal officers also noted that appeals frequently broke down at the Reasons for Appeal stage because of appellant errors relating to incorrectly uploading supporting evidence documents. As legal officers were unable to progress cases in this instance, this was reported to be one of the main contributing factors to cases being moved offline (see Chapter 5 for more detail).

“People [Appellants in Person] have to wait for the system to fail and then once it’s failed, they then have to wait again for their case to be put onto an...offline route.”

Legal officer

³² Also note that all documents submitted to the Tribunal must be submitted in English or Welsh or accompanied by a translation.

Legal officers felt that the poor quality of Reasons for Appeals was driven by a lack of guidance for what Appellants in Person were expected to write and suggested that clearer guidance on how to structure the response should be provided. This could include guidance on what the Home Office review will look to identify so that Appellants in Person know what is necessary to include. Whilst Appellants in Person agreed with the need for more guidance, Home Office staff took a different view citing the need for legal officers to carry out the necessary quality checks more consistently at the Reasons for Appeal stage.

“I think we also have to ask ourselves the question ‘is the system built fairly enough for Appellants in Person?’ And I genuinely don’t know the answer to that.”

Legal officer

Appeal Skeleton Argument (legally represented service)

A new stage under the reformed service, legal representatives are asked to write an Appeal Skeleton Argument that answers the question – ‘why does the appellant say that the decision of the respondent is wrong?’ and provide evidence to support this. Appeal Skeleton Arguments are then checked by legal officers for compliance before moving on to the next stage of the process.

Overall, legal representatives felt comfortable and confident in drafting Appeal Skeleton Arguments and reported them to be straightforward to complete. It was also frequently noted that the Appeal Skeleton Argument asked for the same information as pre-reform, but in a slightly different format.

“They [Appeal Skeleton Arguments] are straightforward – they are the same as before but badged as something different.”

Legal representative

For legal representatives, the main challenge with Appeal Skeleton Arguments were the timings:

- Legal representatives felt that the Argument was too early in the appeal process. Having to draft it so soon after the submission of the appeal form (the expectation is that this happens within 28 days of direction from legal officers, following receipt of the Home Office bundle) does not allow much time for legal representatives to request, and receive, the necessary supporting evidence. It was reported that it can often take a while for legal representatives to collate this evidence, particularly medical reports from doctors, appellant’s personal identification documents posted from out of the country, and letters from witnesses or other third-party evidence. Legal representatives reported requesting time extensions in these circumstances.
- Some representatives claimed delays in receiving the Home Office bundle also impacted their ability to write the Appeal Skeleton Argument in time. Often, they had to start writing the Appeal Skeleton Argument without the Home Office bundle, which they felt weakened their argument. Delays in receiving the Home Office bundle, and supporting evidence, resulted in legal representatives requesting time extensions.

“The ASA [Appeal Skeleton Argument] is too early in the process – often I haven’t got all of the evidence I need to build the case. I would much prefer having more time to be able to do a good job.”

Legal representative

Legal representatives also highlighted issues with the Appeal Skeleton Argument page limit (it should be no more than 20 pages). It was felt that there was not enough space to articulate a thorough argument and legal representatives requested the page limit be expanded to ensure they had the space to provide the detail of their argument.

Overall, Home Office staff and judges typically found Appeal Skeleton Arguments to be well-formulated and contain a clear legal argument with care taken to address the Home Office’s refusal points. This was felt to be useful especially when an appeal went to hearing, as all potential arguments were available in advance for Home Office presenting staff.

However, Home Office staff and judges did report that the quality of Appeal Skeleton Arguments varied greatly depending on who the legal representative was. Some Appeal Skeleton Arguments were very generic and lacked the quality of legal argument expected from a qualified legal professional. Home Office staff and judges thought that this might be a result of legal representatives not fully engaging with the Appeal Skeleton Argument stage of the process, especially if they had experienced delays at the Home Office bundle stage.

“The guidance makes it clear what an Appeal Skeleton Argument is meant to contain, and one of the most important things in there is a schedule of issues. Quite a number of Appeal Skeleton Arguments don’t even contain that.”

Home Office staff

Clarifying questions and Case Management Appointments (Appellants in Person only)

Once Appellants in Person have submitted their Reason for Appeal, the legal officer reviews it. This involves checking to see whether the response is ready to be reviewed by the Home Office.

Where a legal officer deems the Reason for Appeal as lacking information, they will ask Appellants in Person clarifying questions and can hold a Case Management Appointment to obtain any missing information. Clarifying questions may be asked by a legal officer so that they can better understand the appeal case and to prevent the need for a Case Management Appointment.

A Case Management Appointment is a meeting to ensure that an appeal is dealt with justly, fairly and efficiently. Case Management Appointments are held when it is felt that an appeal would benefit from an in-person meeting and requires discussion with the parties, or when the legal officer cannot progress the appeal in another way and requires a discussion with the appellant for clarification.

Clarifying questions

While legal officers expressed a moderate level of awareness about the use and purpose of clarifying questions, they shared that they were not routinely asking clarifying questions. The key reasons for this included:

- **The length of questions:** legal officers reported that in their experience clarifying questions can only be one or two lines (per question)³³, which they felt makes it hard for them to communicate with the appellant.

“The issue [with clarifying questions] is that they have to be 1-2 lines because they are formatted to be read on a phone, but this makes it harder for us [legal officers] to write and communicate with the appellant. Also, the appellant probably thinks we can’t be bothered and so their view of our customer service is poor. So, I think we just don’t ask them to avoid all of this.”

Legal officer

- **Lack of confidence and training:** legal officers noted that they felt unable to ask the necessary clarifying questions to effectively narrow issues, because they lacked the skill and confidence in terms of knowing what questions to ask. They suggested that more training would help them to gain confidence and increase use of this stage.

“I would be at a complete loss if (I) got a list of [legal issues] from appellants saying XYZ, it would be really hard to narrow the issues. If we had training, I probably would be able to do it.”

Legal officer

- **Concerns about impartiality:** legal officers felt that it can at times be difficult to balance asking relevant clarification questions about appeals whilst ensuring they are not giving legal advice. They felt that having an increased remit (and training) on the latter would help to ensure they can effectively ask clarification questions to narrow issues and increase their confidence in doing so.

“The [clarifying questions] stage is not really used. Legal officers are keen to avoid it at all costs because there is a thin line between narrowing issues and giving legal advice – [we’re] supposed to be impartial.”

Legal officer

Case Management Appointments

While legal officers also expressed some level of awareness about the use and purpose of Case Management Appointments, there was very little evidence that these had happened to date. The key reasons for this included:

³³ Note this is not the case.

- **Arranging a Case Management Appointment is at the discretion of the judge:** although originally intended to be at the discretion of legal officers, they reported that it is down to the Resident Judge whether a Case Management Appointment occurs or not. The judges interviewed had not set up any Case Management Appointments, though felt that they could be a good way to utilise the role of legal officers and effectively narrow issues prior to hearings. Legal officers felt that Case Management Appointments had not been fully utilised because they are a new addition to the appeal process and have not yet been fully embedded (related to the reasons listed below).
- **Lack of confidence and training:** despite acknowledging that some cases would benefit from a Case Management Appointment, most legal officers felt that they had not received the proper training to undertake them.
- **Resource-intensive:** Case Management Appointments were seen as difficult and time-consuming because of the high volume of cases, and the limited capacity of legal officers.

The Home Office review

Following successful submission of the appeal form, and Reason for Appeal or Appeal Skeleton Argument, the Home Office reviews these documents and the supporting evidence to assess whether, taking into account any new evidence, they wish to maintain their decision. This is one of the main changes implemented as part of the reform and aims to avoid cases progressing further if the Home Office is satisfied with the evidence available.

The Home Office review stage was widely welcomed by professionals and seen as a positive step within the reformed services. Legal representatives in particular welcomed this new stage citing potential benefits of cases not progressing needlessly and going to a hearing.

“It’s an improvement on the old system where there was no guarantee that anyone had reviewed the appeal.”

Legal representative

However, legal representatives and Appellants in Person raised several issues in relation to the delivery of the Home Office review stage:

- Legal representatives felt that the Home Office often did not meaningfully engage with new appeal reasons and arguments presented in the Appeal Skeleton Argument. Instead, the Home Office was seen to duplicate their original refusal points from the decision letter.
- Seeing different outcomes for similar cases with no clear reason for why this was the case. Legal representatives noted that some of their cases were withdrawn by the Home Office, but in other similar situations, the Home Office decided to progress the case. Legal representatives suggested that more transparency about how the Home Office conducts the review would help with their understanding and increase perceived fairness of the appeal process.

- Appellants in Person and legal representatives reported that the Home Office review was the stage in the process in which the most delays were experienced. Appellants in Person were also unclear when they could expect to hear about the review. They suggested that better communication when there is a delay, and how long this is expected to last, would ease the frustration experienced at this stage.

“It’s supposed to be a proper review of all the evidence and legal arguments but in practice, in the majority of cases, they [Home Office] just say, ‘this isn’t enough, and we rely on our previous decision.’”

Legal representative

“Very rarely do I see a respondent’s review that takes the respondent’s position further than what appears in the [original] refusal letter.”

Judge

Home Office staff also reported that there was a significant backlog of appeals that required review and expressed concerns about a lack of staff capacity to address this. This often led to Home Office staff applying for time extensions at this stage.

“We don’t have enough bodies to do everything as quickly as we would like.”

Home Office staff

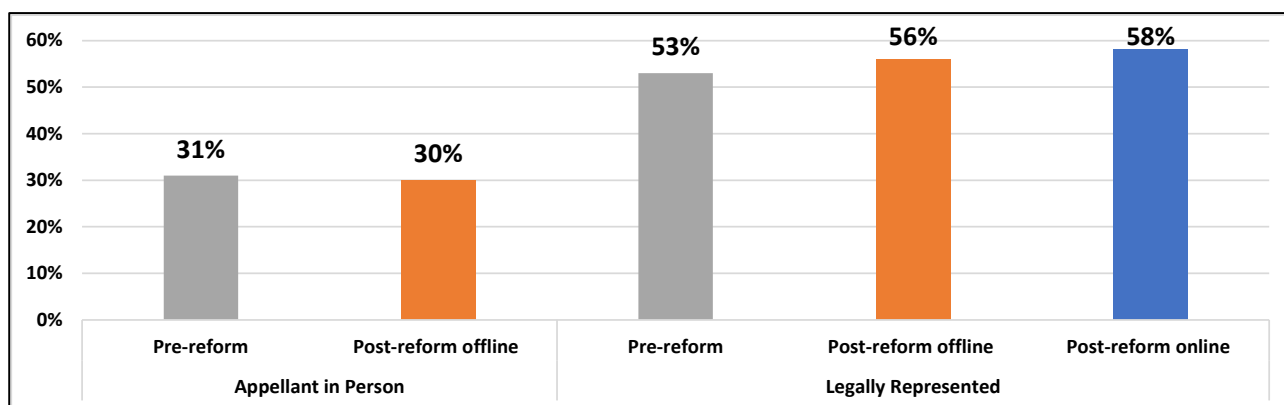
Hearings

Hearing requirements

Hearing requirements enable both parties to tell the Tribunal what they feel is required to prepare for a substantive hearing that is fair and may involve adjustments such as use of an interpreter, hearing loops, or requesting a female-only court. Available management information for hearing requirements is only available for use of an interpreter.

The management information analysis showed that Appellant in Person cases were less likely to require an interpreter than legally represented cases (Figure 4.1). The proportion of offline Appellant in Person cases that required an interpreter was similar pre- and post-reform (31% and 30% respectively). The proportion of legally represented cases that required an interpreter was also broadly similar across pre- and post-reform and across online and offline cases (53% pre-reform, 56% post-reform offline and 58% post-reform online).

Figure 4.1: Proportion of Appellant in Person and legally represented cases that required an interpreter (covers pre- and post-reform)



CCD and ARIA. All Appellant in Person and legally represented cases where the case was closed, had a hearing date, had a hearing date before the case closed date and after the hearing date was listed, did not go to the Upper Tribunal, and had a case receipt date before May 2022. Appellant in Person: pre-reform (6,364), post-reform offline (666). Legally represented cases: pre-reform (43,524), post-reform offline (11,125), post-reform online (6,419).

Within online Appellant in Person cases, data was only available for 32 cases, of which 31% required an interpreter.

Within the qualitative interviews, the small number of Appellants in Person who requested hearing requirements did not raise any issues with the process or timing of requesting these.³⁴ There were also no examples provided of hearing requirements not being met.

However, judges and legal officers raised some concerns about the lack of processes for quality assuring interpretation. One judge mentioned that they were not aware of any systems currently in place to check the proficiency of interpreters. They suggested that comparing transcripts of two interpreters at a hearing would provide reassurance of quality. In addition, it was also mentioned that interpreters need to speak the dialects of the regions that appellants are from (and not just the same language) as this would help to ensure the nuances of discussion are not lost. It was felt that this has probably not always been happening to date.

Hearings

Hearings can be conducted remotely by video or in person in a court building. The hearing is presided over by a judge. The appellant (and their legal representative if applicable) attends the hearing to give their evidence. The Home Office presenting officer also attends to explain why the Home Office decision is correct.

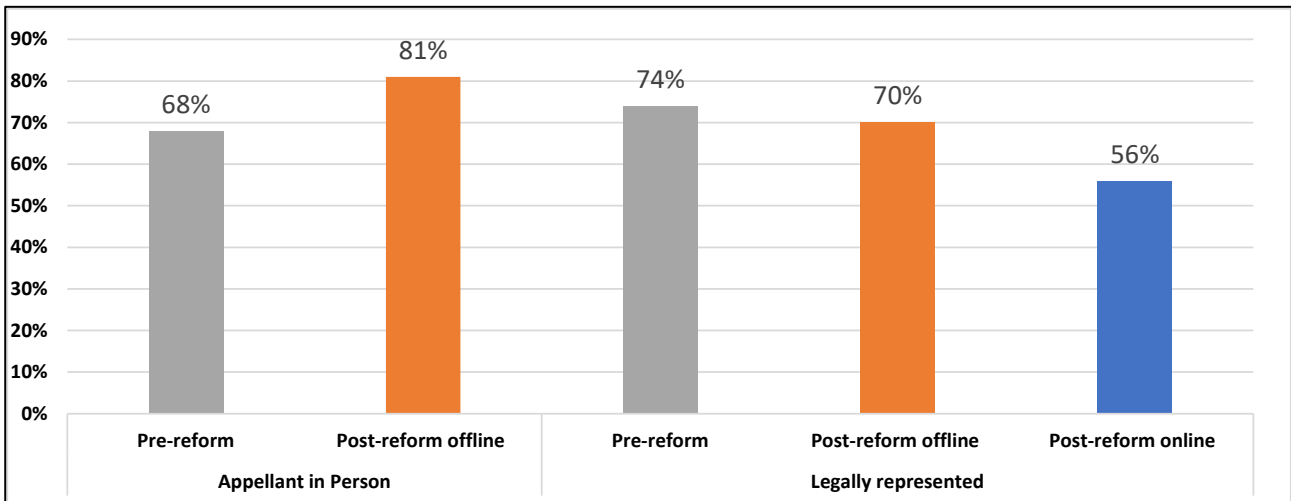
Analysis of management information (Figure 4.2) showed that:

- The proportion of offline Appellant in Person cases going to a hearing has increased since pre-reform (68% to 81%).

³⁴ For offline appeals, as cases are listed upfront, all appellants are required to indicate at the start of the appeal if they require any hearing requirements. For post-reform online cases, a change was introduced so that hearing requirements are recorded during the new hearing requirements stage. This means that the data collected only includes those who went to a hearing, rather than for every case.

- Whilst the proportion of legally represented cases going to a hearing has reduced since pre-reform (74% to 64%).
- Amongst Legally Represented cases, more offline cases (70%) than online cases (56%) went to a hearing. However, the figure of 56% for legally represented online cases will be an underestimate, due to cases which are 'removed from online' and then proceed to have a hearing on the offline service.

Figure 4.2: Proportion of Appellant in Person and legally represented cases that went to a hearing (covers pre- and post-reform)



CCD and ARIA. All Appellant in Person and legally represented cases where the case was closed, had a hearing date before the case closed date and after the hearing determined date, did not go to the Upper Tribunal, and had a case receipt date before May 2022. Appellant in Person: pre-reform (20,262), post-reform offline (2,190). Legally represented cases: pre-reform (82,364), post-reform offline (19,841), post-reform online (10,992).



For legally represented online cases, the mean average time from case receipt to hearing was 313 days, with a median of 288 days. For post-reform offline legally represented cases, the mean was 293 days and the median 270 days. These averages need to be treated as provisional (they will rise as further cases reach a hearing) and data limitations mean we can only interpret the averages as being broadly similar for the two groups as opposed to making a definite comparison between the two.

For Appellant in Person post-reform offline cases, the mean average was 210 days, with a median of 177 days. The mean average time for online Appellant in Person cases was 241 days. Though this must be interpreted with substantial caution given the low base size (32) and the other caveats noted at the start of this report.

Overall experience of hearings

Prior to hearings taking place, Appellants in Person were worried and anxious about what would happen during the hearing. At the start of hearings, judges communicated the structure of the hearing and what would be expected of all parties. Although this provided some reassurance for Appellants in Person, they requested this information be provided beforehand so they could understand in advance what was expected of them.

“I was...anxious with some of the things I saw online about how it [the hearing] could take longer, that I could wait all day and I was concerned that the Home Office would bring someone in who might try to manipulate what I said.”

Appellant in Person

Despite the worry and anxiety, Appellants in Person welcomed the opportunity to tell their story during the hearing and felt that there was space to do this. They felt that judges facilitated a polite atmosphere and were described as understanding towards them.

“The judge was very helpful: he made me feel comfortable and easy and he was not intimidating at all.”

Appellant in Person

However, a couple of Appellants in Person reported that their hearing was ‘combined’ with other cases, meaning that both appellants could hear the other’s case details. They found this strange, and surprising. They felt that the possibility of this occurring must be clarified before the hearing, and they should have the opportunity to object to this especially due to the highly sensitive nature of appeals.

Online hearings were largely seen as favourable by Appellants in Person, with benefits including lower costs to attend (e.g., no need for travel, accommodation or childcare). These costs were felt to have been unnecessarily incurred when the hearing was adjourned on the day. Advance communication, and better management, of adjournments might resolve this perceived burden.

“I was pleased to have a hearing on the internet because it was easy for me to do – it was on my phone. I didn’t have to go anywhere and leave [my child].”

Appellant in Person

However, judges were predominately in favour of in person hearings, as they felt these enabled them to pick up on non-verbal cues that might provide an opportunity for further probing or allow a moment for a break if needed.

“It is useful because I can pick up on things with the appellant that I wouldn’t be able to on the computer. So I can tell if they are hiding something or need a break for example.”

Judge

There were also issues reported about the connection and internet access required for online hearings. Judges noted that appellants did not always have access to a secure internet connection, a suitable device or an appropriate location to attend an online hearing. Poor internet connection was also described as disrupting the flow of hearings and sometimes resulted in adjournments.

“Sometimes [appellants] join from a café with a poor internet connection and [there are] people wandering around in the background. It is not appropriate and does not work.”

Judge

The Digital Bundle

A key new stage in the reformed process, legal officers prepare a digital hearing bundle that is a collation of all documents in the appeal (such as appeal details and supporting evidence). The digital hearing bundle can be accessed online or printed and is shared with all parties involved in the hearing, such as Appellants in Person, legal representatives, judges and Home Office presenting officers.

Professionals and Appellants in Person were generally positive about the added value of the digital bundle. The key perceived benefits of the digital bundle included:

- All evidence being collated in one place that everyone can access. This meant that everyone could see the same documents during the hearing and refer to them as required.
- The reduced reliance on offline documents, which can be burdensome to carry around and negatively impact the environment.
- Being able to download the bundle, which can be done before the hearing and so minimises the time spent sorting out documents at the start of hearings.

“The combined bundle is excellent, it’s a really positive thing and saved everyone looking at different [documents].”

Legal representative

However, there were some issues raised with the digital bundle across Appellants in Person and professionals, which if resolved, could improve the effectiveness and user experience of the digital bundle. These included:

- A lack of compliance (from all parties) with formatting, labelling and uploading documents that make up the bundle, which impacted ability to search the bundle.
- Difficulty editing, removing and linking documents, especially when evidence was submitted late and not flagged before the hearing to all parties.
- Lack of guidance on what to upload, which causes some bundles to be excessively large.
- Lack of screens available at hearing centres on which to share the digital bundle with Appellants in Person at hearings. Some Appellants in Person also reported that they arrived at their hearing with a personal collation of evidence, but this was not allowed into the courtroom, therefore leaving them with no access to supporting evidence (where screens were not provided, and the digital bundle had not been printed in advance). This disadvantaged them as they were left to rely on their memory, which was sometimes hindered by their nerves at the hearing.

Overall timeliness

When interpreting the findings in this section, the limitations of the data covered in Chapter 2 must be kept in mind (i.e., the data only covers cases that have not reached the Upper Tribunal and is only for cases received up to the end of April 2022). Averages should be treated as provisional, as they will increase as further cases are disposed of. The percentage of cases meeting the 140-day target should be a more reliable measure than the average timings but results here also need to be treated as provisional. Data should also be treated with some caution in this section as external factors, such as the pandemic, have affected overall timeliness and hinder the ability to make pre- and post-Reform comparisons.

Management information analysis of timeliness from case receipt to the case being closed (disposal) showed that (also shown in Table 4.1):

- For offline Appellant in Person cases, the mean time to disposal (in days) was 239 pre-reform and 220 post-reform. In comparison, the median was 211 pre-reform and 189 post-reform.
- The proportion of offline Appellant in Person cases meeting the 140-day target was 26% post-reform, compared with 34% pre-reform.
- For legally represented cases the mean average time to disposal was 262 days pre-reform and 272 days post-reform (both online and offline cases). The median time to disposal for legally represented cases was 232 pre-reform, 257 post-reform offline and 260 days post-reform online.

Table 4.1: Length of Appellant in Person and legally represented cases from receipt to disposal (provisional estimates that will change as further cases are completed)

	Appellant in Person		Legal Representative		
	Pre-reform	Post-reform offline	Pre-reform	Post-reform offline	Post-reform online
Mean time (in days)	239	220	262	272	272
Median time (in days)	211	189	232	257	260
% within 140-day target	34	26	30	23	20

CCD and ARIA. All Appellant in Person and legally represented cases where the case was closed, have a case closed date after case receipt date, did not go to the Upper Tribunal, and had a case receipt date before May 2022. Appellant in Person: pre-reform (29,662), post-reform offline (2,706). Legally represented cases: pre-reform (110,939), post-reform offline (28,220), post-reform online (19,766).

5. Early evidence of outcomes

This chapter discusses early evidence of outcomes of the reformed Appellant in Person and legally represented services, drawing on findings from the qualitative research and analysis of the management information.

When interpreting the findings in this chapter please keep in mind the limitations outlined in Chapter 2 ('Limitations of the evaluation'). Firstly, analysis of management information data uses a cut-off date of end of April 2022 and the large number of online Appellant in Person cases removed from the online system prevents an accurate assessment of the effect of reform on case outcomes, in particular the rate of withdrawals. Secondly, the number of interviews conducted was relatively low and it is unlikely we have captured the full breadth of views and experiences.

In addition, as the case outcomes variables (allowed, withdrawn, dismissed etc.) are yet to be validated in the ARIA dataset provided for this evaluation, this section does not contain case outcomes for offline cases. We are therefore unable to compare case outcomes for online and offline (pre- and post-reform) cases. Please note, unlike in the previous section's timeliness comparisons, analysis of online cases is therefore not restricted to single stage cases. These limitations also mean that results in this chapter cannot be directly compared with disposal statistics regularly published by the MoJ or HMCTS. For example, as the results here are restricted to online cases, they do not provide an overall picture of all case outcomes at the First-tier Tribunal.

Summary of key findings

- A majority (62%) of online Appellant in Person cases were moved offline.
- For online legally represented cases, 20% of appeals were withdrawn, and 11% were moved offline. Within the qualitative feedback, appellants' experiences of the timeliness of receiving their appeal outcomes varied greatly. Some appellants praised finding out quickly about the outcome, whilst others were frustrated by the length of time they waited to hear.

The need to move cases offline

The management information analysis showed that a substantial proportion of cases that are submitted online are removed at some point from the online system. The consequence of this is that the appellant needs to continue the appeal offline or start a new online appeal. This was much higher for Appellant in Person cases (62%), though still occurred in 11% of legally represented cases.³⁵

Amongst Appellant in Person cases, Protection (67%) and European Economic Area Free Movement (78%) cases were more likely than refusal of Human Rights (50%) appeals to be taken offline.

³⁵ Source: CCD. Appellant in Person and legally represented closed cases, with a case receipt date before May 2022.

Amongst legally represented cases, EEA Free Movement cases (23%) had the highest proportion of cases moved offline. Deprivation and Protection cases had similar proportions (8% and 12% respectively). In line with Appellant in Person cases, Human Rights legally represented cases were the least likely to be taken offline (6%).

There are a number of potential reasons for the high number of cases being moved offline:

- Within the qualitative interviews, legal officers cited the inability to progress cases on the online system (e.g., when something goes wrong) and the easiest way to resolve this was to move the case offline.
- Legal officers also cited reasons relating to poor English or digital literacy among Appellants in Person as common reasons for moving cases offline. This was because appellants had not followed the correct process or were struggling with using the digital system. In these situations, legal officers decided to take the case offline. There was no evidence from those interviewed to suggest that Appellants in Person were requesting that their cases were moved offline.



Management information analysis showed that the average (mean) time from case receipt to being moved offline is 154 days for Appellant in Person cases and 192 days for legally represented cases.

Appeals withdrawn

One of the main outcomes of interest of the reformed services is cases being withdrawn and the reasons for this. The hope being that more cases being withdrawn means a more efficient system, as cases are not being continued unnecessarily.

Amongst online legally represented cases, 20% of cases were withdrawn.³⁶

Evidence from the qualitative interviews suggested that it was uncommon for appellants to withdraw their appeal. Where they did withdraw, the main reasons for doing so included:

- Deciding they are unable to pay the cost of appealing. This was more likely with legally represented cases due to the cost of legal representation.
- When being asked to provide additional evidence that they did not feel they were able to provide (e.g., if DNA evidence was requested to prove a family relationship).
- If their circumstances changed and they decided they did not want to continue with the appeal (e.g., if they decided to return/stay at home).
- If they felt their grounds for appeal had changed and they decided to submit a new application with different reasons.

Interviews with professionals indicated that it was much more common for the withdrawal of cases to come from the Home Office.

³⁶ Please note that this figure will be an underestimate due to the number of online legally represented cases which were removed from the online system. These cases could go on to be withdrawn on the offline service.

Home Office staff interviewed noted that the Home Office withdraw if they feel that the decision giving rise to the appeal was incorrect, and no longer felt the appeal will be dismissed (i.e., that the Home Office will win). Typical reasons for Home Office withdrawal include when:

- New evidence that was not included in the initial application is provided in the Appeal Skeleton Argument or Reasons for Appeal.
- The appellant's circumstances change (e.g., they have a child in the UK).
- There is a change in the circumstances of an appellant's home country. This includes political changes or reduced safety for citizens.

"If we needed someone to provide evidence of English language and they send in the right certificate, then [the Home Office] withdraw because we don't have a case for appeal."

Home Office staff

Receiving notification of Home Office withdrawal

The Home Office is unable to withdraw an appeal themselves and rely on appellants or the legal representative to agree to the withdrawal. Appellants are asked 'Are you happy with the decision to withdraw or do you want to continue with the appeal?'. Feedback from appellants highlighted substantial confusion about this question and the implication for the next steps of the appeal (i.e., if the appeal is closed or continues to hearing).

"I didn't know why I would want to continue the appeal? Hadn't I won? It was confusing and I didn't know whether it was a good thing or a bad thing or what would happen next."

Appellant in Person

Frustration amongst appellants was also exacerbated in cases when the Home Office withdrew close to a hearing date. This was because often appellants had already paid for travel and accommodation, for which they were unable to be refunded.

"I had booked the bus and a hotel because it was far away, but I didn't need [to use this]. So I had lost my money."

Appellant in Person

In a few instances, appellants were notified via Citizen UI³⁷ that the Home Office was withdrawing, only to be sent an email from the Home Office saying the case was continuing to a hearing.

"I thought they made a mistake or something. I was very disappointed...but then when I went into the application and I checked the decision letter of the Home Office, it said a different thing."

Appellant in Person

³⁷ Citizen UI is the CCD user interface used by Appellants in Person to manage appeal cases online.

Adjournments and postponements

Evidence from the qualitative interviews³⁸ indicated that the main reasons for adjournments (a delay on the day of the hearing) and postponements (a delay before the hearing date) were:

- Evidence being submitted late, meaning the digital bundle was not available in time for the hearing. Challenges were especially raised in relation to late submission of evidence by legal representatives and Home Office staff.

“[Legal] reps [representatives] are given a lot of leeway in uploading evidence...they’re given three or four attempts to upload bundles...which means that sometimes it [the bundle] isn’t ready for a hearing.”

Home Office staff

- Lack of judge availability. This was cited as particularly challenging for in person hearings because it required judges to be at a specific hearing centre.
- Appellants or professionals (e.g., legal representatives) being unwell or unable to travel (e.g., due to train strikes). Again, this was noted as more common with in person hearings.
- Lack of access to the internet or a device to join a remote hearing among appellants. Also, professionals (e.g., judges and legal representatives) having internet connection or IT issues were common during the early stages of the Covid-19 pandemic.

Legal representatives noted that the process of asking for an adjournment or postponement was simple, with a decision being received quickly.

“I put in an application... it was nice and simple and I got a response quite quickly... What is good is that you don’t have to wait too long and they come back to you really quickly. That is really positive.”

Legal representative

Appellant experience of receiving their appeal outcome

Within the qualitative feedback, appellants’ experiences of the timeliness of receiving their appeal outcome varied. Some praised finding out quickly about the outcome (even on the day of the hearing), whilst others were frustrated by the length of time to receive the outcome.

“Within an hour the judge sent me a confirmation email... and later [they] sent me the official documentation stating that [my husband’s] visa had been granted.”

Appellant in Person

³⁸ Note no quantitative data on adjournments and postponements was available for analysis.



This variation was also reflected in the management information analysis (Table 5.1), which showed that the mean and median averages for offline Appellant in Person and both online and offline legally represented cases were similar, with the median (a better average when there are substantial outliers) being around two weeks.

Table 5.1: Waiting times between hearing and case closed

Time (in days)	Offline Appellant in Person	Online legally represented	Offline legally represented
Mean time	24	25	28
Median time	14	14	16

CCD and ARIA. All Appellant in Person (excluding online) and legally represented cases where the case was closed, have a case closed date after case receipt date, had a hearing date before the case closed date; did not go to the Upper Tribunal, and had a case receipt date before May 2022. Appellant in Person: post-reform offline (2,113). Legally represented cases: post-reform offline (18,445), post-reform online (10,992).

Amongst online Appellant in Person cases, the mean average time was 16 days. Though this must be interpreted with substantial caution given the very low base size (32) and the other caveats noted in this report.

Appellants in Person also described experiencing delays in receiving their visa or immigration documents after the hearing. There was confusion about when this would be received and this, in some cases, increased their frustration with the appeal process. Some reported waiting up to three months to receive the required post-hearing documents (e.g., a visa). In some cases, this exacerbated difficult financial situations as appellants were unable to seek employment before receiving the appropriate documentation.

“I have been worried about finances. The tribunal [process] has been amazing, I have no complaints but it was bittersweet at the end when they said they couldn't help [whilst I waited for the visa to be issued].”

Appellant in Person

6. Professionals' overall views of the reformed services

This chapter explores professionals' overall views of the reformed services. It is based predominantly on the findings from the qualitative research with professionals. When interpreting the findings in this chapter please keep in mind the limitations outlined in Chapter 2 ('Limitations of the evaluation'). In particular, the number of professionals who contributed to the evaluation was relatively low and limits generalisability. And while the evaluation has been able to provide insight into individual experiences, we are unlikely to have captured the full breadth of professional views and experiences.

Summary of key findings

- Professionals spoke positively about the move to an online case management system.
- However, limited functionality and technical issues were commonly reported and continued to be a source of frustration. This was particularly common amongst legal officers.
- All professionals (and especially legal officers) would welcome a more effective way to feedback issues with the online system and have a clearer understanding of planned developments.
- Professionals across all groups viewed the reformed legal officer role positively. However, some suggestions were made about how the role could be further improved.
- While appellants described having a good awareness of the reformed service, judges and Home Office staff felt that in the majority of cases appellants lacked a thorough understanding of the reformed appeal process.

Views and experiences of using online case management system

As part of the digitisation of the appeal process, all legal representatives are asked to submit appeals online and register through MyHMCTS³⁹ in order to digitally manage cases. As an important element of the reform, it is a positive sign that most professionals welcomed the move to an online case management system.⁴⁰ Professionals across all groups highlighted the key benefits of this including:

³⁹ MyHMCTS is the end-user interface (used by legal representatives) of the case management system CCD.

⁴⁰ Different user groups access a different user interface of CCD. Appellants in Person access 'Citizen UI', legal representatives access 'MyHMCTS', legal officers and Courts and Tribunals Service Centre staff access 'Manage Cases' and the judiciary access 'Judicial Case Manager'.

- Being able to upload all documents in one digital place and therefore not having to worry about losing offline documents or parties not being able to see the same documents.
- Being able to easily communicate with other parties involved in cases on the online case management system (e.g., legal officers issue directions (instructions) to legal representatives to upload a specific piece of evidence).
- Being able to manage cases and track the progress of appeals quickly and easily. Professionals frequently praised the use of a visual timeline to indicate case progression.

“It is great to have all the documents in one place that we can all access and no more paper!”

Legal representative

“It is easy to see in the online [system] precisely where an appeal is, at all the stages.”

Judge

However, limited functionality and technical issues on the online case management system were commonly reported by professionals and continued to be a source of frustration. This was particularly common amongst legal officers, with key frustrations including:

- Being unable to edit cases (e.g., update basic appellant contact information) once a case had been submitted. This often resulted in appellants needing to restart their appeal.
- Not being able to move cases on to the next stage of the process if one party was not complying. For example, if an Appellant in Person does not submit the necessary documents on time, and does not respond to communications, the functionality to progress the case on the online system is lacking.⁴¹ In these cases, legal officers often resorted to taking the appeal offline in order to progress it. This was covered in more detail in the previous chapter (see ‘The need to move cases offline’).

“Sometimes appellants don’t comply [and]...we cannot force it [the appeal] to the next stage so a lot of cases get stuck ...Functionality needs to be identical for [legal represented cases] and [Appellant in Person] cases...we shouldn’t have to completely change the journey.”

“It’s frustrating...you can’t edit an appeal because [the] functionality is not there yet for [Appellant in Person cases].”

Legal officers

⁴¹ Note this issue was only identified with Appellant in Person cases and not legally represented cases.

- Frequent long delays to resolve IT issues (e.g., being unable to upload documents). Legal officers suggested that the average time it takes for the IT support team to respond to a logged issue is four months. This often results in delays or cases being taken offline in order to progress them.

“Because of [the] time it’s taking [to resolve IT issues], we’re taking cases offline in the meantime, [otherwise it’s] not fair on appellants, [it’s] better to take it offline, it’s in the interest of justice.”

Legal officers

Legal officers suggested that improved functionality (e.g., the ability to progress appeals) would be greatly beneficial to increase the proportion of cases that remain online. See above section (‘The need to move cases offline’) for more detail on this.

A number of other issues with the online case management system were cited by other professionals. These included:

- Being unable to start an application due to MyHMCTS not registering the appellant details entered or getting locked out of their account. This was particularly cited by legal representatives.
- Being automatically logged out of the system at points throughout the day, meaning they needed to re-log into the system.
- Being unable to communicate effectively with all parties. There is no chat function on the online case management system, which professionals felt would be helpful. Currently, legal officers are required to communicate using a specific function of the system called directions⁴², which are character-limited boxes to deliver standard instructions. For other communications, including ‘non-standard’ directions (e.g., to ask a question about a specific piece of evidence) legal officers are required to use email.
- Issues around frequent downtime on the online case management system and a lack of clarity around when the platform would not be accessible. This prevented users from accessing case files. It was also difficult for users seeking to access digital files for a hearing, with some reporting not being able to log-in and access files at the time of a hearing. This led to users downloading relevant files and working offline to mitigate disruption.

“The system doesn’t work a lot of the time – I think they are making upgrades but it would be nice to know, because if you haven’t downloaded everything for court, you are stuck and a lot of the time I print documents in advance to avoid this, but it defeats the whole idea.”

Legal representative

⁴² ‘Directions’ are instructions that are sent to the parties by the tribunal on the online case management system. These relate to specific stages of the appeal process. Legal Officers are only able to communicate with parties on the online case management system using this function.

All professionals (and especially legal officers) would welcome a more effective way to feedback issues with the online case management system and have a clearer understanding of planned developments.

Key changes to roles

There have been several key changes to professionals' roles as part of the reform:

- **Legal officers:** the requirement for them to case manage effectively and take on more legal tasks.
- **Home Office staff:** staff at the Appeals Processing Centre, who review and upload bundles to the online case management system have been subject to changes to how bundles are serviced and the timescales for doing so.
- **Judges:** it is anticipated that judges would be assisted in their role as a result of the move away from listing hearings before they are ready to be heard.

Legal officers

The most substantial change relates to the expansion of the legal officer role. Professionals across all groups viewed the changes to the legal officer role positively, namely that legal officers are able to manage the bulk of the administration around appeals and help to ensure they are ready for hearing.

Legal officers felt their new role was working well, though some noted that limited capacity and high workloads meant time was restricted for the core aspects of their role (narrowing down issues before a hearing, reviewing Appeal Skeleton Arguments and Reasons for Appeal in detail).

There were also some suggestions made about how the legal officer role could be further developed:

- A key part of the legal officer role is to narrow the issues ahead of a hearing by issuing directions to engage with all parties and hosting Case Management Appointments if necessary. As discussed in Chapter 4, legal officers reported that they are very rarely holding Case Management Appointments due to not receiving training on how to facilitate them.
- Some judges and legal officers suggested that additional training should be provided to legal officers to help them manage the balance between helping appellants (i.e., through asking clarifying questions and holding Case Management Appointments) and remaining impartial and not offering legal advice. It was felt that this would improve efficiency of services by ensuring issues are effectively narrowed before the hearing.

“They’ve [legal officers] taken away quite a lot of box work e.g., adjournments so this has helped judges. They are willing to learn and assist but now need to move on to assist judges in a way they were meant to...not just administrative but set out summaries of decisions.”

Judge

Home Office staff – Appeals Processing Centre

Home Office staff in the Appeals Processing Centre reported feeling that their new role is generally working well. In particular, the move to a digital system was felt to have improved overall efficiency, as the majority of documents are digitised, which saves a substantial amount of time that previously would have been spent on scanning and photocopying.

“The previous system involved a lot of photocopying and scanning, but with everything being digital, it saves a lot of time and is much better for productivity and efficiency.”

Home Office staff

However, Home Office staff identified two key challenges with their new role:

- **Capacity issues:** Home Office bundle validation staff reported that there have not always been enough staff members to complete tasks in time, which has resulted in the need to apply for extensions.
- **Lack of guidance on standard procedures:** Home Office staff reported that it is not always clear how to upload bundles due to differences between tribunal centres. Issues were also raised in relation to a lack of clear guidance for uploading a bundle where evidence was late, or when and how to remove an old bundle, if there is a newer version. Home Office staff would welcome additional guidance to make these tasks clearer.

“It’s not always clear how to upload a bundle. We’re not sure if [we’re] doing it [the] right way [for each hearing centre].”

Home Office staff

Judges

Judges had varied views on how well the move away from upfront listings as part of the reformed service has worked. Generally, they agreed with the aspiration to only list cases when they are ready for hearing but noted that it was not always possible in reality. They noted two key challenges:

- Issues are not always effectively narrowed by legal officers in advance of the hearing, partly due to a lack of confidence among them to do so. The impact of this is that cases reach the judge before they are ready for a hearing.
- New issues and pieces of evidence were often submitted late, either immediately before or during the hearing. This is because it often takes longer than expected to gather evidence. Evidence submitted late often results in hearings being adjourned, so that the additional evidence can be reviewed. Some judges suggested this is a common problem. However, others suggested it is happening less in the reformed services, as the digital bundle enables parties to comply with requirements (to submit the necessary documents and on time) more easily, resulting in evidence being collated and reviewed in advance.

"Appeals might look like on a superficial level that they are ready to go to hearing but then you see there is a glaring hole, but only if you know what you're looking at... legal officers might not see something is missing that a judge could see in minutes."

Judge

Perceptions of appellants' understanding

While Appellants in Person described having a good awareness of the reformed service (see 'Understanding and awareness' section in the next chapter), judges and Home Office staff felt that in the majority of cases, Appellants in Person lacked a thorough understanding of how the appeal process (both online and offline) worked, particularly in terms of how to draft the Reasons for Appeal and uploading the appropriate evidence. These issues were felt to be compounded by poor digital and English literacy among some Appellants in Person.

Judges and Home Office staff suggested that this impacted Appellants in Persons' ability to engage effectively with the appeal process, which can lead to their appeals being unsuccessful. In some cases, judges encouraged appellants to gain legal representation for a hearing, and some suggested that all appellants should have legal representation, especially if a case moves to a hearing.

"[I've] only seen a handful of appeals where appellants [without legal representation] have been able to research and argue their case to a good enough standard."

Home Office staff

7. Appellants' overall views of the reformed services

This chapter explores Appellants in Person' overall views of the reformed services. It draws predominantly on the findings from the qualitative research with Appellants in Person. An annotated version of the Appellant in Person journey map with views on the enablers and challenges of the process can be found in Appendix 1.

As noted in Chapter 2, there are limitations with the generalisability of the qualitative data gathered from Appellants in Person. In particular, a small number of interviews were conducted and it should be kept in mind the sample is skewed towards those with a greater level of English proficiency⁴³ and digital literacy. In addition, of the 15 Appellants in Person who knew the outcome of their appeal, nine had their appeal granted, and a further four had their case withdrawn. These positive outcomes are much higher than the wider population, which may add bias to the findings. Interpretation of the findings should also consider that those who chose to take part in interviews may have had particularly positive or negative experiences of the appeal process. Therefore, findings from the qualitative data should not be considered exhaustive or indicative of all experiences.

Summary of key findings

- Overall, Appellants in Person described having a good awareness of the reformed services. They understood that without legal representation they would be making their appeal independently. Being able to appeal without legal representation and to do so online was viewed positively.
- A key frustration for some Appellants in Person was the inability to determine the progress of their appeal. Whilst some reported being able to track the status of their appeal online, others said it was unclear how long each stage would or should take.
- Appellants in Person initially had quite a high level of trust in the process. They thought the outcome of their appeal would be impartial and fair. Most felt that the process would deliver the outcome they perceived to be 'right'. However, they reported losing trust as the appeal progressed, due to experiencing delays and being unsure about timings.
- Appellants in Person were largely positive about the support they received from Courts and Tribunals Service Centre staff. In particular they felt listened to and encouraged. Some described the support as helping to humanise the process.

⁴³ None of those interviewed requested use of an interpreter. Five people interviewed spoke to us on behalf of a friend/family member who they were appealing for, due to language issues. In a further two cases, a family member interpreted on behalf of appellant during the interview.

Understanding and awareness

Overall, Appellants in Person described having a good awareness of the reformed services. They understood that without legal representation they would be making their appeal independently. Having the option to appeal without legal representation and to do so online was viewed positively.

Several Appellants in Person explained that they opted to make an appeal without legal representation because they felt their cases were straightforward and they were confident the outcome would be in their favour. Others made an appeal without legal representation because they could not afford to pay for representation. This was often combined with feeling that their cases were straightforward and that they could be managed independently.

Most Appellants in Person felt that Citizen UI was easy to navigate, especially with the support of Courts and Tribunals Service Centre staff (see 'support for appellants' below).

"It's quick, it's efficient... and legal representation is too expensive."

Appellant in Person

However, some felt that the system was not simple enough for individuals without legal representation to navigate, and at times felt they would have benefitted from legal representation. For example, when technical or legal language was used in communication from Home Office staff or legal officers.

"All the way through the process was very simple, but the last question [on the appeal form] was too technical... [I] would need a lawyer to understand [it] [if appellant did not have a legal background themselves]."

Appellant in Person

Some Appellants in Person felt unable to navigate the system at times, without sufficient knowledge about what types of documents to include in their appeal, as well as not knowing what the next stage of the process would be. This was frequently mentioned in relation to not knowing how long to wait until confirmation about whether their appeal would go to hearing or not.

"Even though English is my first language, I was confused by some of the questions that referred to legal documents for example 'subsections of legal documents X'."

Appellant in Person

Another challenge for Appellants in Person was the perceived lack of guidance around different stages of the appeal process. Specific examples mentioned included not receiving guidance around what types of evidence to provide in their Reasons for Appeal, not being informed that they could upload multiple documents at once, and not being informed that they could access the digital bundle at the hearing.

“It just needs to be clearer; just a list of what they need so it’s not misleading... [but] the main problem was not knowing.”

Appellant in Person

Timeliness

Many Appellants in Person reported that their appeal progressed in a timely manner and that communications from legal officers and the Home Office staff were both quick and helpful. However, others reported long delays at specific stages (see chapter 4 for more detail on this), and a lack of communication about the cause or potential resolution of delays.

A key frustration for some Appellants in Person was the inability to determine the progress of their appeal. Whilst some reported being able to track the status of their appeal online, others said it was unclear how long each stage would or should take. A lack of communication around this from legal officers, Home Office staff and Courts and Tribunals Service Centre staff (who cannot give updates on appeal timings), compounded frustrations relating to delays. In some cases, this impacted Appellants in Person’ trust in the process and heightened feelings of not being listened to.

“Everything was up in the air and you are just sat around waiting and it feels [like] no-one cares or will hear you.”

Appellant in Person

Perceptions of trust and fairness

Appellants in Person initially had a relatively high level of trust in the process. They thought the outcome of their appeal would be impartial and fair. Most felt that the process would deliver the outcome they perceived to be fair.

“I had trust and faith in the system. There was information that the judge was independent from the government, so I believed they... would review the decision... without any prejudice.”

Appellant in Person

However, Appellants in Person reported losing trust as the appeal progressed, due to experiencing delays and being unsure about timings. This was particularly cited around the Home Office review stage and a lack of communication about the progress of their appeal.

“When they [Home Office] didn’t tell me what was going on with my appeal, I started to think ‘is this [appeal] actually going to go through the system fairly?’ I just felt like I was in the dark.”

Appellant in Person

In addition, some felt that the process was not simple enough for people without legal knowledge, especially for those with poor digital or English literacy. As such, those representing themselves were at a disadvantage (compared to the Home Office and appellants with legal representation) and were not given a fair chance to make their appeal. They suggested that more support and guidance for Appellants in Person would be helpful.

“The process is flawed for the layperson to be able to do that... if I had been by myself without the skills and resources to [complete the process], I would have been ‘up a creek [without a paddle]’.”

Appellant in Person

Feeling listened to

Overall, Appellants in Person felt they were able to express themselves and tell their story, particularly at the Reasons for Appeal stage and at the hearing (if applicable).

“It [Reasons for Appeal] was just a blank page to express myself in my own words. It was a very good chance to just tell my story.”

Appellant in Person

However, a minority of those interviewed felt that they did not have sufficient opportunity to tell their story or that it was not listened to by the Home Office (in the Reasons for Appeal or at the hearing). In some of these cases, Appellants in Person described feeling that the appeal process was a tick-box exercise that did not fully allow them to express themselves or communicate the potential complexities of their situations.

“At the beginning, I think I did trust the process, then... as things started to develop... it was very much a formal checklist type of process.”

Appellant in Person

Several suggested that having an opportunity to discuss their situation verbally would have helped them to properly express their story and feel listened to. As mentioned in Chapter 4, increasing training for legal officers to ensure Case Management Appointments are being offered where necessary might help to address this issue and be welcomed by appellants. However, it must be noted that Appellants in Person did not explicitly make this link, but it is instead based on suggestions made by legal officers.

“I’m a little bit angry... [I would have liked] the opportunity to talk to someone... or the opportunity to write more information.”

Appellant in Person

Support for Appellants in Person

Support from Courts and Tribunals Service Centre staff

Throughout the appeal process, Appellants in Person can call or email Courts and Tribunals Service Centre staff, who can provide information about the appeal process. Analysis of Courts and Tribunals Service Centre data shows that between January 2021 and November 2022⁴⁴:

- The Courts and Tribunals Service Centre responsible for the Immigration & Asylum service received over 142,000 calls and around 16,500 emails. Calls and emails were lodged by both Appellants in Person and legal representatives.⁴⁵
- The average speed for answering calls was 229 seconds (nearly four minutes). On average 9% of calls to the Courts and Tribunals Service Centre were abandoned (i.e., the caller hung up before speaking to a member of the team).
- The average handling time was seven minutes for calls and six minutes for emails.

Courts and Tribunals Service Centre staff generally felt well-equipped to handle queries, although were sometimes limited in the support they were able to provide. This was for two key reasons:

- Not being able to see the same pages on their user interface, as Appellants in Person see on Citizen UI. An example of this is the appeal form, and this negatively impacted their ability to assist.⁴⁶
- Sometimes facing technical issues (e.g., the platform freezing or operating very slowly), which negatively impacted the efficiency of their work and the user experience.

Not all Appellants in Person interviewed contacted the Courts and Tribunals Service Centre staff for support during their appeal. Many of those that did were positive about the support received, in particular feeling listened to and encouraged. Some described the support as helping to humanise the process.

“[The Courts and Tribunals Service Centre staff member] gave me an overview of what I needed to do... he showed me that he was human and he understood... he signposted me to documentation... and he encouraged me... that I could do it... he really helped keep me going.”

Appellant in Person

⁴⁴ Due to Courts and Tribunals Service Centres migrating to a different digital platform, it was not feasible to access historical Immigration & Asylum Courts and Tribunals Service Centre data prior to January 2021.

⁴⁵ Please note, this is aggregate level data only, so it was not possible to determine the proportion of calls/emails made by Appellants in Person, legal representatives, or members of the public.

⁴⁶ Manage Cases is the CCD user interface used by legal officers and Courts and Tribunals Service Centre staff to manage appeal cases.

However, a key limitation cited by Appellants in Person was that Courts and Tribunals Service Centre staff were not able to provide updates on timings of appeals and when they could expect their case to move to the next stage.

This was frustrating for many Appellants in Person, particularly given that it was a common reason to call the Courts and Tribunals Service Centre team.

A minority of Appellants in Person described their contact with Courts and Tribunals Service Centre staff as unsatisfactory, stating that they had been provided with inaccurate information, were required to repeat their information multiple times to different team members, and calls/emails were not always responded to.

In addition, some also described the cost of the calls to the Courts and Tribunals Service Centre team as expensive. There may be a cost to some users making calls depending on factors such as their phone provider, call package and whether they are calling from the UK or internationally. Some Appellants in Person were also under the impression that they had to pay for emails to the Courts and Tribunals Service Centre team.⁴⁷

Other support

Appellants in Person did not typically seek support outside of calling/emailing the Courts and Tribunals Service Centre team. This was mainly because they felt able to manage the appeal independently and felt confident in winning their case. Where they did seek support, this tended to be from:

- Their community, including family, friends, support groups and websites. Examples mentioned included a lived experience Facebook group, which was felt to be extremely helpful, and the Gov.uk website, which was felt to be helpful but not always accurate (e.g., suggesting Appellants in Person seek support from Citizens Advice, despite some branches not offering advice around immigration).
- The HMCTS website was described by many Appellants in Person as a useful source of information and support, particularly at the beginning of their appeal. They described the website as helpful and straightforward to use. Though some felt it could include more specific information (e.g., types of documents that would be appropriate evidence to submit as part of their Reasons for Appeal).

⁴⁷ Please note that this is not the case.

8. Conclusions

Overall, appellants and professionals were positive about the design and delivery of the reformed services. There was widespread agreement that the move to an online case management system was a positive step. The evaluation also found evidence that most elements of the reformed services were well embedded and working well. However, there are key areas that could be improved, including increasing the functionality of the online system to enable legal officers to keep appeals online. There are also elements of the services that are still yet to be fully operational (e.g., Case Management Appointments are not commonly used).

Appellant experiences

Appellants were broadly positive about their experience of the Appellant in Person service.

They described having a good awareness of the reformed service and having the option to appeal without legal representation (i.e. as an Appellant in Person) was viewed positively. Appellants also initially had a relatively high level of trust in the process and thought the outcome of their appeal would be impartial and fair. Appellants also welcomed the use of the digital bundle as a useful way of collating all evidence. Most appellants who went to a hearing were also positive about the experience (both in person and remotely) and welcomed that their hearing requirements were met.

The main area of dissatisfaction amongst appellants was the waiting time between different stages of the process, and the lack of communication around potential timescales and any delays.

This resulted in their levels of trust and belief in the system being fair reducing across their journey. Reports of experiences of long delays between key stages of the process entrenched the view among some appellants that elements of the reformed services are inefficient. It is also likely that lack of clarity on timings at the outset and Courts and Tribunals Service Centre staff being unable to provide updates on timings was key in driving appellant frustration and sense of delay.

Legal officers' experiences

Legal officers were broadly positive about the changes to their role within the reformed services.

Their main frustration though was around the limited functionality of the online case management system, which often meant that cases needed to be moved offline and resulted in over half of Appellant in Person cases being moved onto the offline route.

There was general agreement amongst professionals that the new role and responsibilities for legal officers as part of the reformed services has been a positive step.

However, many professionals felt the role could be expanded to benefit the delivery of the reformed services further. Suggestions for this included enabling legal officers to progress a case on the online case management system and providing training to enable them to feel confident to effectively host Case Management Appointments.

Judges' experiences

Judges felt it was too early to understand the impact of some aspects of reform.

They reported seeing attempts to narrow issues before hearings, though it was largely felt to be too early to tell if this process was happening consistently and the potential impact of this. Judges also reported challenges around Appellants in Person often uploading many separate pieces of evidence (including phone screenshots) in a way that lacked structure. None of the judges interviewed had set up Case Management Appointments at the time of interviewing.

Judges raised the greatest level of concern about having a separate pathway for appellants who choose to represent themselves.

Judges largely advocated for appellants to have legal representation and cited the potential disadvantages for appellants who do not. This was particularly in relation to representing themselves at hearings and being unable to construct a 'winning' argument within the Reasons for Appeal. There was greatest concern for appellants with limited English proficiency and/or digital literacy.

Whilst judges acknowledged the benefits of online hearings, they reported frequent IT issues and largely preferred in person hearings.

It was noted though that a hybrid approach was likely to be the most effective option going forward, as this ensured the benefits of online hearings (e.g., less travel and lower costs) could be maximised where appropriate, whilst maintaining the option for in person hearings where necessary (e.g., in more complex cases or when using interpreters etc.).

Home Office staff experiences

Home Office staff were largely positive about their experience of the reformed services, including those working in the Appeals Processing Centre.

There were frequent mentions though of high workloads and limited capacity to complete all tasks within the timeframes set. This was highlighted as leading to missed targets for completing key stages of the appeal process (e.g., bundle creation and Home Office review). It will be important to continue to monitor compliance across key elements of the process to ensure positive user experiences.

HMCTS Courts and Tribunals Service Centre staff experiences

It is a positive sign that Courts and Tribunals Service Centre staff generally felt well-equipped to handle questions and queries from appellants and legal representatives.

They also felt that they had the confidence and ability to deal directly with appellants and felt comfortable dealing with the language barriers and sensitivities that come with working with appellants.

It was however highlighted that Courts and Tribunals Service Centre staff were sometimes limited in the support they could provide appellants.

This was especially in terms of not being able to provide updates on the timings of different stages of an appeal and in relation to the resolution of technical issues with the online case management system.

Evidence of early outcomes

Noting that this was predominately a process evaluation and the limitations of quantitative data to evidence outcomes, this evaluation has found mixed evidence that the new digital service is achieving its intended aims.

The findings from this report have shown that appellants and legal professionals are broadly in agreement that they have had a positive experience of the reformed services. There was widespread positivity about the digital-based system being more efficient and streamlined.

There is currently no reliable evidence that average waiting times for legally represented cases from case receipt to disposal (i.e., closing) have decreased as intended under the reformed services. The high proportion of Appellant in Person cases, which were removed from the online system, prevents an accurate determination of waiting times for online Appellant in Person cases.

Limitations with the quantitative data mean this evaluation has been unable to assess whether reform has led to an increase in withdrawals. It has also prevented being able to evidence other intended outcomes (e.g., reduced contact with Courts and Tribunals Service Centre staff, reduced adjournments and postponements, compliance with directions and shorter hearings). HMCTS are continuing to engineer and validate data. Plans for any possible additional analysis will be scoped accordingly.

Appendix

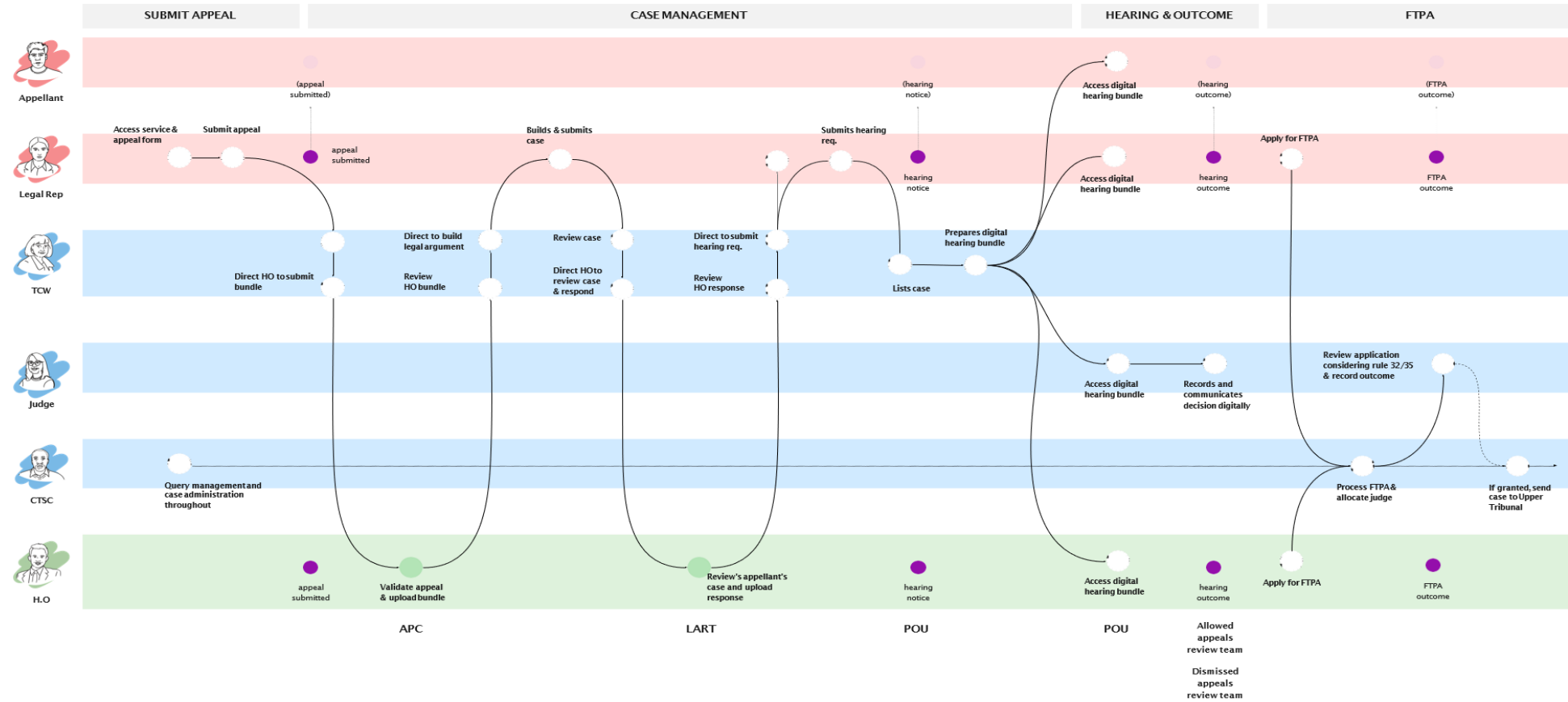
The following list outlines the documents included as part of the report:

- Appendix 1: Appeal journey maps – the reformed legally represented service journey map (developed by HMCTS), Reformed Appellant in Person service journey map (developed by HMCTS) and annotated Reformed Appellant in Person service journey map (developed by IFF Research).
- Appendix 2: Additional detail on the evaluation approach.
- Appendix 3: Glossary of terms.

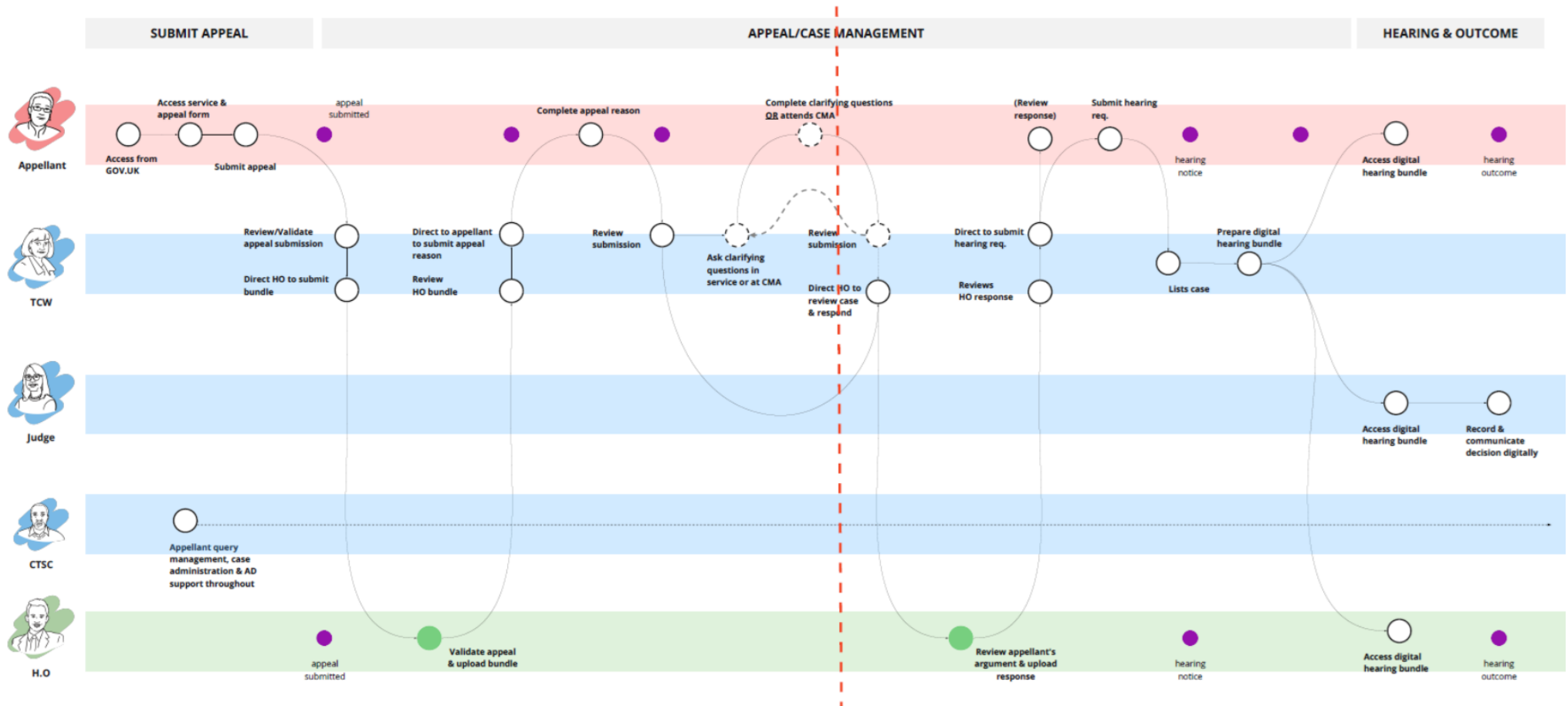
Appendix 1: Appeal process journey maps

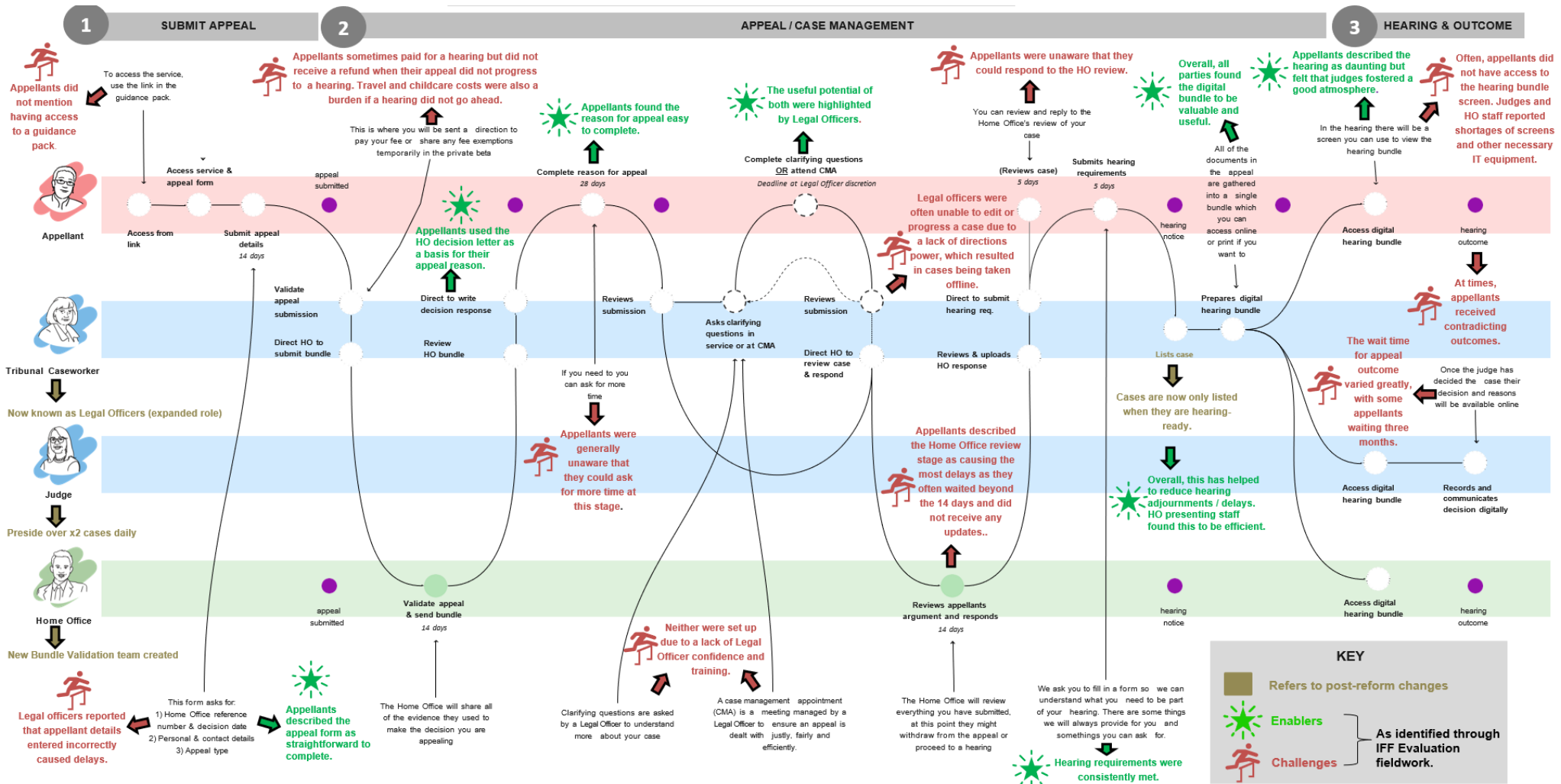
Please note all graphics in this report are high resolution, details can be viewed more clearly by zooming in.

Reformed legally represented service journey map (HMCTS)



Reformed Appellant in Person service journey map (HMCTS)





Annotated Reformed Appellant in Person service journey map (IFF Research)

Appendix 2: Additional detail on the evaluation method

Qualitative research with appellants

The evaluation started with a feasibility stage between August and November 2022. The aim of this stage was to put in place strong foundations for the delivery of the evaluation.

Engagement with support organisations

During the feasibility study, the evaluation team explored a number of ways to speak with 20 appellants in the evaluation. This has included:

Contacting support organisations known to HMCTS: HMCTS provided the evaluation team with a list of 18 support organisations, split into three categories:

- ‘Green’ organisations (6), i.e., those who had responded to HMCTS’ previous contact, were aware of the evaluation and were possibly in scope to help connect us with appellants.
- ‘Amber’ organisations (10), i.e., those who had not responded to HMCTS’ previous contact about this evaluation.
- ‘Red’ organisations (2), i.e., those who had responded to HMCTS’ previous contact to inform them that their organisation could not contribute to the evaluation.

HMCTS introduced the evaluation team by email to ‘green’ support organisations. The evaluation team followed this up with introductory emails to ‘green’ and ‘amber’ organisations, which outlined the evaluation, explained how support organisations could be involved and invited organisations to speak with IFF for 15 minutes to discuss the evaluation and ask any questions they may have. All support organisations received an initial email, three follow-up emails, and one chaser phone call (where a number was available).

Eight of these support organisations responded to the evaluation team’s communications, resulting in five introductory calls. None of the eight of these support organisations were able to identify appellants for this research: two organisations represent appellants themselves; one organisation is a signposting organisation; one organisation supports Appeal Rights Exhausted clients who are looking for representation to complete fresh submissions; one organisation has only engaged with individuals who have used the legal represented service and two organisations were unable to determine whether individuals who use their services are appellants as they do not ask for this information.

Contacting additional support organisations

The evaluation team undertook desk research to identify additional organisations (not included above) that might be able to help us engage appellants. The initial focus was on organisations that provide support to asylum seekers and/or refugees relating to their asylum claim or appeal. This included a mix of organisations, such as those that looked to have more direct links with appellants, providing direct support and advice, and those that had fewer formal links with appellants, with a focus on signposting appellants to other sources of information and support. The evaluation team contacted 17 support organisations and received responses from three organisations. None were able to provide access to appellants (see summary of key challenges below).

After receiving minimal responses from these organisations, the evaluation team then broadened the search to include support organisations that work with asylum seekers and/or refugees in other ways, including English language centres, law firms, housing providers, shelters, clothing charities, food banks, local authorities, rights-based groups, mental health organisations, protest groups and freedom of movement groups. The evaluation team contacted 38 organisations and received responses from ten. Again, none of the organisations were able to provide access to appellants (see summary of key challenges below).

Contacting lived-experience groups on Twitter

The evaluation team reached out to one organisation on Twitter, however, we did not hear back despite following up. No other appropriate groups were identified to contact.

Disseminating information leaflets

The evaluation team created two information leaflets: one for support organisations and another for appellants. The evaluation team shared these via email to all support organisations and asked them to circulate these leaflets within their networks. The appellant leaflet asked them to get in touch with the evaluation team directly if they wanted to take part in the evaluation.

Exploring contacts within the IFF Research network

The evaluation team emailed the wider IFF Research team to gather any internal experience and knowledge of recruiting refugees and asylum seekers for research projects. The evaluation team received contact information for individuals within relevant support organisations. The evaluation team sent both the introductory email and information leaflets to these contacts.

The evaluation team were also given the details of a WhatsApp group chat consisting of Arabic and English speakers who volunteer to support asylum seekers and/or refugees. The evaluation team asked a colleague who is part of the group to share the support organisation and appellant information leaflets with the group members.

Appellant recruitment challenges

Despite these considerable efforts, the evaluation team were not able to engage with any appellants via these routes. The evaluation team faced several key challenges trying to recruit appellants. These are outlined below:

- **Non-response from many support organisations:** many of the organisations contacted did not respond to any communications or sent a generic and automated reply informing the evaluation team that they would respond as soon as possible but did not respond despite follow up emails/calls.
- **Support organisations did not have direct contact with appellants:** many of the organisations the evaluation team heard back from explained that they were a signposting organisation with no means of knowing which type of individual makes use of their online support.
- **Support organisations did not have the time to engage with evaluation:** some organisations explained that they did not have any capacity to engage with the evaluation due to a lack of staff, receiving too many requests and/ or being particularly under pressure due to the cost-of-living crisis and the time of year.
- **Support organisations represented appellants:** some of the support organisations represent asylum seekers and/or appellants during the appeal process, meaning they would be out of scope for our evaluation.
- **Support organisations were not comfortable connecting us with appellants they work with:** organisations providing psychotherapy or counselling services and organisations that have strict internal confidentiality policies felt that it was inappropriate to ask individuals using their services to take part in evaluation. A couple of organisations had open asylum cases and therefore did not want to ask those individuals to take part in any research/evaluation.

Qualitative interviews with appellants – the adapted approach

As a result, HMCTS provided us with a sample of Appellants in Person that we could contact about participation in the evaluation (details of this approach are included in the main body of the report).

HMCTS provided a sample to the evaluation team via a secure file transfer system. Appellants were selected at random from the sample to be contacted. They were then emailed and/or phoned by specialist in-house recruiters within the evaluation team, who provided them with an information sheet about the research.

In all communications with appellants, it was made absolutely clear that IFF is independent of HMCTS, and that taking part would not affect their appeal in any way. It was also made clear that participation was entirely voluntary and that they could withdraw from the research at any point, including at any point during and after the interview (up until the point of analysis taking place). All interviews were undertaken in line with the MRS (Market Research Society) Code of Conduct, and GSR (Government Social Research) Code of Ethics requirements.

The interviews took place either over the phone or on Microsoft Teams/Zoom and lasted around 60 minutes. Appellants were offered a £40 voucher to thank them for their participation.

Full Appellants in Person qualitative sample included in the evaluation (n=21)

Appellants in Person characteristic		No. of interviews
Gender	Male	9
	Female	11
	Prefer not to say	1
Age	18-24	1
	25-49	14
	50-64	5
	65+	1
Who the appeal was for	Appealing for themselves	16
	Appealing on behalf of friend/family member	5
Outcome of appeal	Allowed	9
	Withdrawn	4
	Dismissed	2
	Cases were ongoing	6

Qualitative interviews with professionals

HMCTS provided the evaluation team with a sample of professionals via a secure file transfer system. Professionals were selected from this sample based on a representative mix of:

- Role, for instance selecting Home Office staff across the three teams (i.e., in bundle preparation, reviewing the appeal argument and presenting officers).
- Geographical location, for instance selecting judges based in Tribunal centres across England.

Professionals were then emailed by specialist in-house recruiters at IFF, who provided them with an information sheet about the research and asked if they were willing to take part in an interview.

Professionals responded via email to book in a day and time that worked best for them. The interviews/ focus groups took place either over the phone or on Microsoft Teams/ Zoom and lasted between 60 and 90 minutes. It was made clear that participation was entirely voluntary and that they could withdraw from the research at any point, including at any point during and after the interview (up until the point of analysis taking place). All interviews were undertaken in line with the MRS (Market Research Society) Code of Conduct, and GSR (Government Social Research) Code of Ethics requirements.

Analysis

All qualitative interviews were written up in detail, including verbatim quotes, in an analytical framework in Excel. Quantitative data was analysed using Excel. The data was analysed descriptively, and cross-tabulated to explore differences by key characteristics (e.g., appeal type, represented/ unrepresented, offline/ online, date of appeal). Multiple evaluation team members then analysed the qualitative and quantitative data to search for themes and trends, both present and absent.

Appendix 3: Glossary of terms

Terms	Definition
Adjournment	When a hearing does not proceed on the day.
Allowed	If an appellant receives a positive appeal outcome (i.e., the Home Office loses the appeal), the appeal is referred to as having been allowed.
Appeal form	Before starting an appeal, all Appellants in Person and legal representatives must complete a form which involves answering eligibility questions. The appeal form asks for the appellant's Home Office reference number, original decision date, personal and contact details and appeal type.
Appeal outcome	This refers to the conclusion of the appeal. For instance, appeals can be withdrawn, dismissed, or allowed.
Appeal Skeleton Argument	This is a document prepared by legal representatives answering the question 'why does the appellant say that the decision of the respondent is wrong?' and providing evidence in support.
Appellant	The person or persons appealing the Home Office's decision.
Appellant in Person	A person appealing without legal representation.
ARIA	This is a database used by HMCTS to record information about offline appeals.
Case Management Appointments	A meeting between an Appellant in Person and a legal officer. This meeting is set up and managed by a

	legal officer to ensure that an appeal is case managed properly.
Citizen UI	This is the CCD user interface used by Appellants in Person to manage appeal cases.
Clarifying questions	This refers to questions that are asked by a legal officer so that they can better understand the appeal, clarify any issues within the appeal and prevent the need for a Case Management Appointment.
Core Case Data (CCD)	This is a case management system used by reformed HMCTS Civil, Family and Tribunal jurisdictions.
Courts and Tribunals Service Centre (CTSC) staff	Courts and Tribunals Service Centre staff are responsible for administering appeals and answering questions from appellants and legal representatives via email or phone.
Deprivation of Citizenship	This is a type of appeal. It refers to a case in which an appellant appeals against a decision to deprive them of their citizenship.
Digital bundle	This is a bundle in electronic form prepared by the legal officer in advance of a hearing.
Dismissed	This is where the appellant loses the appeal.
Disposal	This is the record made by HMCTS when an appeal concludes.
European Economic Area Free Movement	This is a type of appeal. It refers to an appeal made by a citizen of a member state of the EEA on the basis of free movement or right to reside under the European Economic Area Regulations.

EU Settlement Scheme	This is a type of appeal. It refers to an appeal by a citizen of Switzerland or a member-state of the EU or EEA to remain in the UK following its departure from the EU.
First-tier Tribunal Immigration and Asylum Chamber (FtTIAC)	An independent Tribunal which deals with appeals against decisions made by the Home Office in immigration, asylum, human rights, and nationality cases.
Hearing requirements	What is required to ensure that the hearing can proceed fairly. For example, the use of an interpreter, or hearing loops.
Home Office	The Home Office is a department of state in England and Wales that is responsible for immigration and passports, drugs policy, crime, fire, prisons, counterterrorism and police.
Home Office bundle	The Home Office collates this to include evidence used to make the decision that is being appealed.
Home Office review	The Home Office reviews their decision having seen the Appeal Skeleton Argument or Reasons for Appeal.
Judges/ the judiciary	This refers to judges who decide appeals.
Judicial Case Manager	This is the CCD user interface used by the judiciary to manage appeal cases.
Legal officer	Legal officers exercise delegated judicial powers to enable them to actively case manage appeals.
Legal representative	Legal representatives act for appellants in appeals.
Manage Cases	This is the CCD user interface used by legal officers and Courts and Tribunals

	Service Centre staff to manage appeal cases.
Management information	In this evaluation, this involves the analysis of CCD, ARIA and Courts and Tribunals Service Centres reports.
MyHMCTS	This is the CCD user interface used by legal representatives to manage appeal cases.
Home Office decision letter	This is the letter sent by the Home Office containing the decision giving rise to the appeal.
Postponement	When there is a delay to a listed hearing date, this is known as a 'postponement'.
Reason for Appeal	This is the stage, after receipt of the Home Office bundle, where Appellants in Person are asked to summarise the reasons for disagreeing with the original Home Office decision. This is the Appellant in Person's opportunity to answer the question 'why do you think the Home Office decision is wrong?' and share any supporting evidence.
Refusal of Human Rights	This is a type of appeal. It refers to an appeal on the basis that the original Home Office decision is unlawful under section 6 of the Human Rights Act (HRA) 1998. Section 6 of the HRA makes it unlawful for a public authority to act in a way that is incompatible with a Person's rights under the European Convention on Human Rights.
Refusal of Protection	This is an appeal type that refers to an appeal against the refusal of asylum and protection-based claims.
Revocation of Protection	This is an appeal type that refers to an appeal against the removal of refugee status or humanitarian protection.

Struck out

Appeals can be struck out due to non-payment of fees. They can be subsequently re-instated on receipt of payment.

Upper Tribunal (Immigration and Asylum Chamber) (UTIAC)

Deals with appeals against decisions made by the FtTIAC and with judicial reviews of decisions made by the Home Office relating to immigration, asylum and human rights claims and suspensive appeals under the Illegal Migration Act 2023.

Withdrawal

Where the appellant withdraws the appeal, or the Home Office withdraw the decision giving rise to the appeal.

