



IMMIGRATION ACTS

A guide to completing IAFT-5 GDA Appeal Form

Information on Fee Payment

Notice of Appeal to the First-tier Tribunal

(Immigration and Asylum Chamber) Detained Appellants

Information on appealing to the First-tier Tribunal (Immigration and Asylum Chamber)

This leaflet provides further information on:

- how to decide whether to appeal, and
- how to bring an appeal to the Tribunal if that is what you decide to do.
- It includes important information regarding fees for appeals.

The Home Office Refusal Letter sent with this leaflet tells you how to appeal to the **First-tier Tribunal (Immigration and Asylum Chamber)** if you think the Home Office decision is wrong.

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

Deciding whether to appeal

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

Fees for your appeal

Most immigration appeals require a fee to be paid before the tribunal will process them.

Fees

Detailed information on fee amounts and any exemptions can be found in the fees guidance leaflets. Please ensure that you read guidance leaflet T495 so that you pay the correct fee for your appeal. You can download this leaflet from <http://hmctsformfinder.justice.gov.uk/>

Please note that the tribunal does not accept payment of fees by cash or cheque. You should not send cash or cheques with your appeal. These payments will not be accepted and will be returned to you with any costs deducted. You can pay your fee using a payment card (credit or debit card). If you do not have access to a payment card and cannot arrange for someone else to make a card payment for you, submit your appeal. We will write to you with the tribunal's bank account details for payment.

If the decision against which you are appealing was made on or after 19 December 2011 you will need to pay a fee unless you are exempt from paying

You do not have to pay a fee for your appeal if;

1. Your appeal is against one of the following decision types, (the decision type will be in your Refusal Letter):
 - section 40 of the British Nationality Act 1981(1) (deprivation of citizenship);
 - regulation 19(3) of the Immigration (European Economic Area) Regulations 2006(1) (a decision to remove an EEA national or the family member of such a national); or
 - Rule 338A of Immigration Rules (Revocation of Protection status)
2. You are being provided with Asylum Support Funding by the United Kingdom Border Agency under sections 94 (1) or 98 under the Immigration and Asylum Act 1999
3. You receive Legal Aid
4. You are the person (or someone with parental responsibility for the person) for whose benefit services are provided by a local authority under section 17 of the Children Act 1989, section 22 of the Children (Scotland) Act 1995, article 18 of the Children (Northern Ireland) Order 1995 or section 37 of the Social Services and Well-being (Wales) Act 2014.
5. You are the person for whom accommodation is being provided by a local authority under section 20 of the Children Act 1989, section 25 of the Children (Scotland) Act 1995, article 21 of the Children (Northern Ireland) Order 1995 or section 76 of the Social Services and Well-being (Wales) Act 2014.
6. The Home Office waived the fee for the application that the refusal notice you are appealing relates to because that application came under exceptions 4.5 or 9.4 of the Immigration and Nationality (Fees) Regulations 2016. (This exemption only applies where the Home Office decision is dated 10 October 2016 or after).

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

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

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

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

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

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

If your appeal type or personal circumstances are not listed above but you believe that you are not realistically able to afford to pay your fee, or are facing other exceptional circumstances, you can ask the tribunal's delivery manager to consider remitting your fee (see guidance form T495).

How to pay your fee

- Online at www.justice.gov.uk/
- By including your payment card details with your appeal form on Page 1 of the appeal form. The tribunal will process your payment on receipt of your appeal
- If you send your appeal to the tribunal without payment the tribunal will contact you to provide you with further information about how you can pay, including into the tribunal's bank account. You should note that this option will result in delay in determining your appeal whilst payment is awaited. You should ensure that the payment the tribunal receives is for the full amount of the fee and in Pounds Sterling.

Representation

You can nominate someone to present your appeal on your behalf. This person is referred to as your representative. A representative can help you;

- prepare your case for appeal
- prepare and submit the appeal form and evidence on your behalf,
- represent you at hearings before the Tribunal.

You must keep in touch with your representative until the appeal has been finally determined. You must tell the Tribunal, through your representative of any change of address. If your representative ceases to act for you, you and your representative must notify the Tribunal immediately.

You should note if the Tribunal's records state that you have a current representative, any document served on that representative will be deemed to have been served on you. This includes all notices and the written decision of the judge who heard the appeal. This applies to all persons nominated as a representative, irrespective of whether or not they are professional representatives, as described below.

Professional Representatives

A professional representative will be able to advise you whether you are entitled to public funding for representation.

A professional representative provides immigration services in the course of a business (whether or not for profit). You should ensure that he or she is qualified to provide such services on your behalf. Information about who is permitted by law to provide such services in the United Kingdom can be obtained from the Immigration Advice Authority (IAA), at <https://www.gov.uk/government/organisations/immigration-advice-authority> or by Email: info@immigrationadviceauthority.gov.uk.

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

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

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

102 Petty France
London SW1H 9AJ

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

Law Society of England and Wales

113 Chancery Lane
London WC2A 1PL

Telephone Number: 0870 606 6575

Or

via the website at www.solicitors-online.com

For applicants UK wide**Immigration Advice Authority**

PO BOX 567

Dartford

Kent

DA1 9WX

Telephone number 0845 000 0046

Or via the website at www.gov.uk/government/organisations/immigration-advice-authority

For applicants in Scotland:**Law Society of Scotland**

26 Drumsheugh Gardens
Edinburgh, EH3 7YR

Telephone Number: 0131 226 7411

Or via the website at www.lawscot.org.uk

The Scottish Legal Aid Board

44 Drumsheugh Gardens
Edinburgh, EH3 7SW

Telephone Number: 0131 226 7061

Or via the website at www.slabb.org.uk

For applicants in Northern Ireland:**Law Society of Northern Ireland**

Law Society House

96 Victoria Street

Belfast, BT1 3GN

Telephone Number: 0289 023 1614

Or via the website at www.lawsoc-ni.org

**Northern Ireland Legal Service
Commission**

2nd Floor Waterfront Plaza

8 Laganbank Road

Mays Meadow

Belfast, BT1 3BN

Telephone Number: 0289 040 8888

Or via the website at www.nilsc.org.uk

If you are completing the on line appeal form and your chosen representative organisation is not shown on the drop down list (as it is not possible to list all representatives), select 'other' at the end of this list and type your chosen representative details.

Procedure Rules

You can find the Tribunal Procedure Rules at <https://www.gov.uk/government/publications/immigration-and-asylum-chamber-tribunal-procedure-rules>

You should be aware that the Rules provide that a representative acting on your behalf may on your behalf do anything that the Rules require or allow you to do.

Is there a form for appealing to the Tribunal?

Yes. The Refusal Letter will tell you whether you have a right to appeal from within the United Kingdom or have to leave the United Kingdom before you may appeal. If you have a right of appeal within the United Kingdom and are inside the UK when you lodge your appeal, you must complete the IAF-5 GDA form.

You should have received appeal form IAF-5 GDA with your Refusal Letter. If you did not, you should immediately contact the Home Office IEB on 0870 606 7766.

If you require an extra copy of the appeal form, you can obtain one from:

- the address given in your Refusal Letter
- http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=2980
- HM Courts & Tribunals Service – Customer Service Centre on [0044] 0300 123 1711

How do I complete the appeal form?

You should read the information sheet at the beginning of the appeal form and this guidance. Please write in BLOCK LETTERS.

Alternatively you can apply online at <https://immigrationappealonline.justice.gov.uk/IACFees/>

Where and when should I lodge my appeal?

You must lodge your appeal at the First- tier Tribunal via

Email to: IAGFAPPS3@justice.gov.uk

Fax to: 0870 739 4053

or

Post to: First-tier Tribunal (Immigration and Asylum Chamber) PO Box 11205,
LOUGHBOROUGH, LE11 9PS

Your appeal form must be received at the Administrative Support Centre no later than 14 Calendar days after you are sent the notice of the decision by the Home Office.

If you are posting your appeal documents, please post in time for them to be received by the Tribunal. If possible, you should send your appeal by recorded delivery or any other service that provides proof of postage and an acknowledgement of receipt.

Special arrangements for appellants who have a right to appeal from within the United Kingdom where the Home Office DAC team at Yarl's Wood or Harmondsworth Immigration Removal Centres have issued or given you a DIA refusal.

These appeals cannot be submitted online.

If you, or someone on whose behalf you are completing an appeal form, has a right of appeal from within the United Kingdom and is detained at the Yarl's Wood or the Harmondsworth Immigration Removal Centre, you should complete the IAF5(DIA) received with your decision. It should be sent or faxed to the First-tier Tribunal at the address below:

First-tier Tribunal (Immigration and Asylum Chamber)

1A Harmondsworth Colnbrook By Pass Harmondsworth Middlesex, UB7 0HD

Fax 0870 761 7721

Note: Your appeal is not filed until it has been received by the Tribunal or the person having custody of you. For appeals filed late see "Section 3 – Your appeal" below.

Further information about specific sections on the IAF5 GDA

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A. Do you wish to have your appeal decided at an Oral Hearing or on the Papers?

You can request that your appeal be decided on the papers provided with your appeal or an oral hearing:

On the papers means that the appeal will be decided on the information you provide on the appeal form and any other documents submitted as evidence. If you choose this option, there will be no hearing to attend.

An oral hearing is a hearing at which you will have an opportunity to attend but the hearing may go ahead if you fail to attend.

If **you do not** tick either box your appeal will be set for an oral hearing and your fee charged accordingly.

- B.** If you have requested an oral hearing, you should tell us who will be attending the hearing to give evidence. This information will assist the tribunal in estimating the length of your hearing.
- C.** You should tick the appropriate box if: you are in receipt of Legal Aid funding; you are in receipt of services or accommodation under s17 or s20 of the Children's Act 1989 (or equivalent in Scotland, Northern Ireland or Wales); you are in receipt of Asylum Support; the fee for the application refused in this case was waived by the Home Office; or you have applied for Help with Fees. Include any reference number you have and send the tribunal supporting evidence with your appeal (or, where submitting your appeal online, as soon as possible). If none of these circumstances apply to you, you should tick 'no'.
- D.** If you are paying for any members of your family or others, you should include their details here. This will ensure that the tribunal will take a single payment from you for these appeals. Where submitting an appeal online, you will be able to enter this information on the website.

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Type of decision

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

Section 1 – Personal information

This section relates to personal information about you.

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

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

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

Section 2 – Your Home office decision

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

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

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

Question F – Please enter the date of your Home Office decision.

Question G – Please explain how you received the Refusal Letter. (e.g. by post)

Question H – Please enter the date the Refusal Letter was sent to you by the Home Office.

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

Question J – If you are not sending in your Refusal Letter please explain why.

Section 3 – Your appeal

Question A – You must complete this section if your appeal is late or if you are not sure whether it will be received in time. The Tribunal may decide to allow a late appeal to proceed. You should therefore give full reasons why your appeal is late.

Question D – In this section you should clearly set out the reasons why you disagree with the decision made by the Secretary of State. Provide as much detail as you can to support these grounds in the section that applies to the type of decision you are appealing. Use additional sheets of paper if you need to.

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

Questions E-F – If this applies to you, you should provide the information to the best of your knowledge. If you have a reference number but are unsure if it is an appeal reference, please insert it. The Tribunal may be able to match it with their records.

Section 4 – Your declaration

If you are the appellant and you are completing the form yourself, you must sign and date the appeal form.

Section 5 – Representative Details

If you have a representative he or she must complete and sign this section of the form.

What do I do after I have completed the appeal form?

Once you have completed the appeal form you should:

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

If you cannot send the Refusal Letter with your appeal form, you should clearly state the reasons why in Section 2I. Where you submit your appeal online, you need to send your Refusal Letter to the tribunal as soon as possible.

Please make sure that all documents sent to the tribunal are in English, or accompanied by a translation into English and signed by a translator to certify that the translation is accurate.

When the Tribunal receives your appeal form and, where appropriate, payment for your appeal, you will receive written confirmation of any hearing.

Who do I contact if there are any questions after I have sent my form to the Tribunal?

If you have any queries after you have submitted your appeal you can contact the Tribunal:

By post: First-tier Tribunal (Immigration and Asylum Chamber) PO Box 11205,
LOUGHBOROUGH, LE11 9PS

By telephone: Tribunals Customer Service Centre on [0044] 0300 123 1711

By email: Customer.Service@justice.gov.uk

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

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