

IMMIGRATION ACTS

A guide to completing IAFT-1 Appeal Form

Information on Fee Payment

Notice of Appeal to the First-tier Tribunal
(Immigration and Asylum Chamber)
In Country

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 notice of decision 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 UKBA on (020) 8760 2290.

If you are interested in returning home voluntarily you can also contact the International Organisation for Migration. They will be able to give you information about what to do next and what assistance you are entitled to.

International Organisation for Migration
21 Westminster Palace Gardens
Artillery Row
LONDON
SW1P 1RR

Telephone: (020) 7233 0001
E-mail Varrp@iomlondon.org

Fax: (020) 7233 3001
Website: www.iomlondon.org

Deciding whether to appeal

The notice of decision explains the grounds on which you may appeal against the Home Office decision. The time limit is stated on the Notice of Decision.

Fees for your appeal

You may need to pay a fee for your appeal.

Current Fee Levels

From 19 December 2011, fees for immigration appeals are:

For an appeal to be determined at an Oral Hearing £140.00.

For an appeal to be determined on the papers provided £80.00.

Fees

From 19 December 2011, you may need to pay a fee before the tribunal will process your appeal.

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 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 notice of decision:

- section 2A of the 1971 Act(1) (deprivation of right of abode);
- section 5(1) of the 1971 Act (a decision to make a deportation order);
- paragraphs 8, 9, 10, 10A or 12(2) of Schedule 2 to the 1971 Act(1) (a decision that an illegal entrant, any family or seaman and aircrew is or are to be removed from the United Kingdom by way of directions);
- section 40 of the British Nationality Act 1981(1) (deprivation of citizenship);
- section 10(1) of the 1999 Act(1) (removal of certain persons unlawfully in the United Kingdom);
- section 76 of the 2002 Act (revocation of indefinite leave to enter or remain in the United Kingdom);
- section 47 of the Immigration, Asylum and Nationality Act 2006(1) (removal: persons with statutorily extended leave);
- 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

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 for whose benefit services are provided by a local authority under section 17 of the Children Act 1989(1). Don't understand this sentence

Where numbers 2, 3 or 4 apply, you should enter this in section [] of the appeal form including any reference numbers. You should send evidence to the Tribunal with your appeal (or if submitting your appeal online, to the Tribunal as soon as possible).

How to pay your fee

- Online at www.justice.gov.uk/ (under the Immigration and Asylum section)
- By including your payment card details with your appeal form. There is a section of the appeal form for this purpose. 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, and
- 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 tell the Tribunal immediately.

You should be aware that if the Tribunal's records state that you have a 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 anyone nominated as a representative, 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 these services on your behalf. Information about who is permitted by law to provide these services in the United Kingdom is available from the Office of the Immigration Services Commissioner (OISC), at www.oisc.gov.uk or by telephone on 0845 000 0046.

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

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

<p>For applicants in England and Wales: Legal Services Commission (LSC) 85 Grays inn Road London WC1X 8TX Telephone Number: 0845 608 1122 Or via the website at www.justask.org.uk 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</p>	<p>For applicants UK wide Office of the Immigration Services Commissioner 5th Floor Counting House 53 Tooley Street London, SE1 2QN Telephone Number 0845 000 0046 Or via the website at www.oisc.gov.uk</p>
<p>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.slab.org.uk</p>	<p>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</p>

Procedure Rules

You can find the Tribunal Procedure Rules at www.justice.gov.uk

Select "Immigration and Asylum" from the drop down list and click the Rules and Legislation tab, locate the First-tier Tribunal Procedure Rules from the list. 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 notice of decision 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 **IAFT-1 form**.

You should have received either appeal form **IAF1-1** with your notice of decision. 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 notice of decision
- www.justice.gov.uk
- the Tribunals Customer Service Centre on [0044] 0300 123 1711 or Minicom text phone on 0300 123 1264.

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.

Where and when should I lodge my appeal?

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

You may **either**:

Fax to: 0116 249 4232

or

Post to: **First-tier Tribunal (Immigration and Asylum Chamber)**
PO Box 6987
Leicester
United Kingdom
LE1 6ZX

Your appeal form must be received at the **Administrative Support Centre** no later than:

- **5 business days** after you have been served with the notice of decision if you are **detained under the Immigration Acts**; or
- **ten business days** after you have been served with the notice of decision if you are **not detained under the Immigration Acts**

A business day is any day other than a Saturday or Sunday, a bank holiday, 25th to 31st December or Good Friday.

Submitting an appeal

You can submit your appeal and pay your fee online at www.justice.gov.uk

(under the Immigration and Asylum section)

You can send your appeal to the tribunal at:

First-tier Tribunal (Immigration and Asylum Chamber)
PO Box 6987
Leicester
United Kingdom
LE1 6ZX

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 arrangement for appellants in the fast track process

Fast track appeals are **not** subject to fees.

If you, or someone on whose behalf you are completing and appeal form, is detained under the Fast Track process you should complete the **IAFT-1 (Fast)** received with your decision. It should be sent or faxed to the place where the appellant is detained. This will be either:

First-tier Tribunal (Immigration and Asylum Chamber)

IA Harmondsworth

Colnbrook By Pass

Harmondsworth

Middlesex

UB7 OHD

Fax 020 8750 7771

or:

First-tier Tribunal (Immigration & Asylum Chamber)

IA Yarl's Wood

Hearing Centre A

Twinwoods Business Park

Thurleigh Road

Bedfordshire

MK44 1FD

Fax 0123 422 4411

Your completed application relating to a **Fast Track** case must be received at the **First-tier Tribunal** within **two business days of being served** with the notice of decision.

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 IAF1-1

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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 provided on your 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 you 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. If you receive of Legal Aid, Asylum Support or are supported under Section 17 of the Children Act 1989, you should tick the appropriate box. Include any reference number you have and send the tribunal supporting evidence with your appeal (or, if submitting your appeal online, as soon as possible). If you do not receive any of these, 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.

Page 3. Type of decision

You can find the information you need in the notice of decision.

Section 1 Personal information

This section relates to personal information about you.

Section I 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.

Section J If you, your representative or witnesses require an interpreter, please state the language and dialect required.

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

Section 2 Your Home Office decision

Sections A–D These sections may have been completed by the Home Office. If not, you can find the information you need in the Home Office notice of decision.

Section E If no date of service is given in the notice of decision, please enter the date you received your decision.

Section F If you do not send the notice of decision, your appeal may be decided on the papers unless a satisfactory reason is given in the box provided.

Section 3 – Your appeal

Section A-C 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 **cannot** allow a late appeal to proceed unless there are special circumstances. It is therefore essential that you give full reasons why your appeal is late.

Section D In this section you should clearly set out the reasons you disagree with the decision made by the Secretary of State. Provide as much detail as you can to support your reasons. You must do this now because you may not be allowed to mention any further reasons at a later date.

Use additional sheets of paper if you need to.

Section 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 notice of decision and all other documents you send with the form.
- Send your appeal form together with the notice of decision, and any other documents, to the Tribunal.

If you cannot send the notice of decision with your appeal form, you should clearly state the reasons why in Section 2F. If you submit your appeal online, you need to send your notice of decision 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 6987
Leicester
LE1 6ZX
United Kingdom

By telephone: HM Courts & Tribunals Service Customer Service Centre on 0044 0300
123 1711

By email: Customer.Service@hmcts.gsi.gov.uk

Please have your appeal reference number ready. 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