
STATUTORY INSTRUMENTS

2005 No. 230

The Asylum and Immigration Tribunal (Procedure) Rules 2005

PART 3

Reconsideration of Appeals etc.

SECTION 2

Reconsideration of appeals

Procedure for reconsideration of appeal

31.—(1) Where an order for reconsideration has been made, the Tribunal must reconsider an appeal as soon as reasonably practicable after that order has been served on both parties to the appeal.

(2) Where the reconsideration is pursuant to an order under section 103A—

- (a) the Tribunal carrying out the reconsideration must first decide whether the original Tribunal made a material error of law; and
- (b) if it decides that the original Tribunal did not make a material error of law, the Tribunal must order that the original determination of the appeal shall stand.

(3) Subject to paragraph (2), the Tribunal must substitute a fresh decision to allow or dismiss the appeal.

(4) In carrying out the reconsideration, the Tribunal—

- (a) may limit submissions or evidence to one or more specified issues; and
- (b) must have regard to any directions given by the immigration judge or court which ordered the reconsideration.

(5) In this rule, a “material error of law” means an error of law which affected the Tribunal’s decision upon the appeal.