
STATUTORY INSTRUMENTS

2005 No. 560

**The Asylum and Immigration Tribunal
(Fast Track Procedure) Rules 2005**

PART 2

Appeals to the Tribunal

Scope of this Part

- 5.—(1) This Part applies to an appeal to the Tribunal where the person giving notice of appeal—
- (a) was in detention under the Immigration Acts at a place specified in Schedule 2 when he was served with notice of the immigration decision against which he is appealing; and
 - (b) has been continuously in detention under the Immigration Acts at a place or places specified in Schedule 2 since that notice was served on him.
- (2) This Part shall cease to apply if the Tribunal makes an order under rule 30(1).

Application of Part 2 of the Principal Rules

6. Where this Part applies to an appeal, the following provisions of Part 2 of the Principal Rules apply—
- (a) rule 6(1) to (3), omitting the reference to rule 6(4) in rule 6(2);
 - (b) rule 8;
 - (c) rule 10(1);
 - (d) rule 13(1) and (4);
 - (e) rule 14; and
 - (f) rules 17 to 19.

Giving notice of appeal

7. Where a notice of appeal is served on a custodian under rule 6(3)(b) of the Principal Rules, the custodian must—
- (a) endorse on the notice the date that it is served on him; and
 - (b) forward it to the Tribunal immediately.

Time limit

- 8.—(1) A person who wishes to appeal must give a notice of appeal not later than 2 days after the day on which he is served with notice of the immigration decision against which he is appealing.
- (2) Where a notice of appeal is given outside the time limit in paragraph (1), the Tribunal must not extend the time for appealing unless it is satisfied that, because of circumstances outside the control

of the person giving notice of appeal or his representative, it was not practicable for the notice of appeal to be given within that time limit.

Service of notice of appeal on respondent

9. When the Tribunal receives a notice of appeal it shall immediately serve a copy upon the respondent.

Filing of documents by respondent

10. The respondent must file the documents listed in rule 13(1) of the Principal Rules not later than 2 days after the day on which the Tribunal serves the respondent with the notice of appeal.

Listing

11.—(1) The Tribunal shall fix a hearing date which is—

- (a) not later than 2 days after the day on which the respondent files the documents under rule 10; or
- (b) if the Tribunal is unable to arrange a hearing within that time, as soon as practicable thereafter.

(2) The Tribunal must serve notice of the date, time and place of the hearing on every party as soon as practicable, and in any event not later than noon on the business day before the hearing.

Deciding timeliness issues

12.—(1) The Tribunal shall consider any issue as to—

- (a) whether a notice of appeal was given outside the applicable time limit; and
- (b) whether to extend the time for appealing where the notice of appeal was given outside that time limit,

as a preliminary issue at the hearing fixed under rule 11, subject to paragraph (2) of this rule.

(2) Rule 13 applies to the consideration and decision of such an issue as it applies to the consideration and determination of an appeal.

(3) Where the notice of appeal was given outside the applicable time limit and the Tribunal does not grant an extension of time, the Tribunal must take no further action in relation to the notice of appeal, except that it must serve written notice of its decision under this rule on the parties not later than 1 day after the day on which that decision is made.

Method of determining appeal

13. The Tribunal must consider the appeal at the hearing fixed under rule 11 except where—

- (a) the appeal—
 - (i) lapses pursuant to section 99 of the 2002 Act;
 - (ii) is treated as abandoned pursuant to section 104(4) of the 2002 Act;
 - (iii) is treated as finally determined pursuant to section 104(5) of the 2002 Act; or
 - (iv) is withdrawn by the appellant or treated as withdrawn in accordance with rule 17 of the Principal Rules;
- (b) the Tribunal adjourns the hearing under rule 28 or 30(2)(a) of these Rules; or
- (c) all of the parties to the appeal consent to the Tribunal determining the appeal without a hearing.

Giving of determination

14.—(1) Where the Tribunal determines an appeal, it must give a written determination containing its decision and the reasons for it.

(2) The Tribunal must serve its determination on every party to the appeal—

- (a) if the appeal is considered at a hearing, not later than 2 days after the day on which the hearing of the appeal finishes; or
- (b) if the appeal is determined without a hearing, not later than 2 days after the day on which it is determined.