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STATUTORY INSTRUMENTS

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**2014 No. 2604**

**The Tribunal Procedure (First-tier Tribunal)  
(Immigration and Asylum Chamber) Rules 2014**

**PART 3**

Proceedings Before the Tribunal

CHAPTER 2

Hearings

**Consideration of decision with or without a hearing**

**25.**—(1) The Tribunal must hold a hearing before making a decision which disposes of proceedings except where—

- (a) each party has consented to, or has not objected to, the matter being decided without a hearing;
- (b) the appellant has not consented to the appeal being determined without a hearing but the Lord Chancellor has refused to issue a certificate of fee satisfaction for the fee payable for a hearing;
- (c) the appellant is outside the United Kingdom and does not have a representative who has an address for service in the United Kingdom;
- (d) it is impracticable to give the appellant notice of the hearing;
- (e) a party has failed to comply with a provision of these Rules, a practice direction or a direction and the Tribunal is satisfied that in all the circumstances, including the extent of the failure and any reasons for it, it is appropriate to determine the appeal without a hearing;
- (f) the appeal is one to which rule 16(2) or 18(2) applies; or
- (g) subject to paragraph (2), the Tribunal considers that it can justly determine the matter without a hearing.

(2) Where paragraph (1)(g) applies, the Tribunal must not make the decision without a hearing without first giving the parties notice of its intention to do so, and an opportunity to make written representations as to whether there should be a hearing.

(3) This rule does not apply to decisions under Part 4 or Part 5.

**Notice of hearings**

**26.** The Tribunal must give each party entitled to attend a hearing reasonable notice of the time and place of the hearing (including any adjourned or postponed hearing) and any changes to the time and place of the hearing.

## Public and private hearings

**27.**—(1) Subject to the following paragraphs and to section 108 of the 2002 Act, all hearings must be held in public.

(2) The Tribunal may give a direction that a hearing, or part of it, is to be held in private.

[<sup>F1</sup>(2A) Without prejudice to paragraph (2), the Tribunal may direct that a hearing, or part of it, is to be held in private if—

- (a) the Tribunal directs that the proceedings are to be conducted wholly or partly as video proceedings or audio proceedings;
- (b) it is not reasonably practicable for such a hearing, or such part, to be accessed in a court or tribunal venue by persons who are not parties entitled to participate in the hearing;
- (c) a media representative is not able to access the proceedings remotely while they are taking place; and
- (d) such a direction is necessary to secure the proper administration of justice.]

(3) Where a hearing, or part of it, is to be held in private, the Tribunal may determine who is permitted to attend the hearing or part of it.

(4) The Tribunal may give a direction excluding from any hearing, or part of it—

- (a) any person whose conduct the Tribunal considers is disrupting or is likely to disrupt the hearing;
- (b) any person whose presence the Tribunal considers is likely to prevent another person from giving evidence or making submissions freely;
- (c) any person who the Tribunal considers should be excluded in order to give effect to a direction under rule 13(2) (withholding a document or information likely to cause serious harm); or
- (d) any person where the purpose of the hearing would be defeated by the attendance of that person.

(5) The Tribunal may give a direction excluding a witness from a hearing until that witness gives evidence.

### Textual Amendments

**F1** Rule 27(2A) inserted (temp.) (10.4.2020) by virtue of [The Tribunal Procedure \(Coronavirus\) \(Amendment\) Rules 2020 \(S.I. 2020/416\)](#), rules 1(2), **10(3)** (with rule 1(2))

## [<sup>F2</sup>Coronavirus temporary rule (recording of remote hearings)]

**27A.**—(1) In the circumstances set out in paragraph (3), the Tribunal must direct that the hearing be recorded, if practicable.

(2) Where the Tribunal has made a direction under paragraph (1), it may direct the manner in which the hearing must be recorded.

(3) The circumstances referred to in paragraph (1) are that the hearing, or part of it, is—

- (a) held in private under rule 27(2A); or
- (b) only treated as held in public by virtue of a media representative being able to access the proceedings remotely while they are taking place.

[

<sup>F3</sup>(4) On the application of any person, any recording made pursuant to a direction under paragraph (1) is to be accessed with the consent of the Tribunal in such manner as the Tribunal may direct.]]

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**Textual Amendments**

- F2** Rule 27A inserted (temp.) (10.4.2020) by virtue of [The Tribunal Procedure \(Coronavirus\) \(Amendment\) Rules 2020 \(S.I. 2020/416\)](#), rules 1(2), **10(4)** (with rule 1(2))
- F3** Rule 27A(4) inserted (temp.) (21.7.2020) by virtue of [The Tribunal Procedure \(Amendment\) Rules 2020 \(S.I. 2020/651\)](#), rules 1(1), **10(5)** (with rule 1(2))

**Hearing in a party's absence**

- 28.** If a party fails to attend a hearing the Tribunal may proceed with the hearing if the Tribunal—
- (a) is satisfied that the party has been notified of the hearing or that reasonable steps have been taken to notify the party of the hearing; and
  - (b) considers that it is in the interests of justice to proceed with the hearing.

**Changes to legislation:**

There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014, CHAPTER 2.