
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules prescribe the procedure to be followed for appeals and applications to the Asylum and Immigration Tribunal created under section 81 of and Schedule 4 to the Nationality, Immigration and Asylum Act 2002, as substituted by section 26(1) of and Schedule 1 to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. The Rules come into force on 4th April 2005.

Part 1 of these Rules contains introductory provisions.

Part 2 contains rules about appeals to the Tribunal. Subject to various exceptions and limitations in Part 5 of the 2002 Act, a right of appeal lies to the Tribunal—

- (a) under section 82 of the 2002 Act, against an immigration decision;
- (b) under section 83 of the 2002 Act, in certain circumstances, against a decision to reject an asylum claim; and
- (c) under section 40A of the British Nationality Act 1981, against a decision to make an order depriving a person of a British citizenship status.

Part 3 contains rules about—

- (a) applications under section 103A of the 2002 Act (as inserted by section 26(6) of the 2004 Act) for the review of a decision of the Tribunal, which are considered by a member of the Tribunal under the transitional filter provision in paragraph 30 of Schedule 2 to the 2004 Act;
- (b) reconsideration by the Tribunal of appeals pursuant to an order under section 103A of the 2002 Act or an order of an appellate court;
- (c) applications to the Tribunal for permission to appeal to the Court of Appeal, Court of Session or Court of Appeal in Northern Ireland.

Part 4 contains rules about applications to the Tribunal for bail. Such applications may be made under Schedule 2 to the Immigration Act 1971.

Part 5 contains general provisions which apply to proceedings under these Rules.

Part 6 revokes the Immigration and Asylum Appeals (Procedure) Rules 2003 and contains transitional provisions for appeals and applications to an adjudicator or the Immigration Appeal Tribunal which are pending immediately before 4th April 2005.