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STATUTORY INSTRUMENTS

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**2010 No. 44**

**The Tribunal Procedure (Amendment No. 2) Rules 2010**

**Amendments to the Tribunal Procedure (Upper Tribunal) Rules 2008**

**22.**—(1) Rule 44 (application for permission to appeal) is amended as follows.

(2) After paragraph (3) insert—

“(3A) An application under paragraph (1) in respect of a decision in an asylum case or an immigration case must be sent or delivered to the Upper Tribunal so that it is received within the appropriate period after the Upper Tribunal or, as the case may be in an asylum case, the Secretary of State for the Home Department, sent any of the documents in paragraph (3) to the party making the application.

(3B) The appropriate period referred to in paragraph (3A) is as follows—

- (a) where the person who appealed to the First-tier Tribunal is in the United Kingdom at the time that the application is made—
  - (i) twelve days; or
  - (ii) if the party making the application is in detention under the Immigration Acts, seven working days; and
- (b) where the person who appealed to the First-tier Tribunal is outside the United Kingdom at the time that the application is made, thirty eight days.

(3C) Where a notice of decision is sent electronically or delivered personally, the time limits in paragraph (3B) are—

- (a) in sub-paragraph (a)(i), ten working days;
- (b) in sub-paragraph (a)(ii), five working days; and
- (c) in sub-paragraph (b), ten working days.”.

(3) In paragraph (4), after “paragraph (3)” insert “or (3A)”.

(4) In paragraph (6), after “paragraph (3)” insert “, (3A)”.