



TRIBUNALS
JUDICIARY

Immigration and Asylum Chamber
The First Tier-Tribunal
User Guide
August 2020 Update
Introduction

The First-tier Tribunal (Immigration and Asylum Chamber) remains committed to ensuring access to fair hearings during the Covid-19 pandemic.

This is a period of consolidation as the Tribunal's judiciary, the staff, and the system's users, increase their familiarity with the use of remote hearing technology to maintain the administration of justice during a period of continued social distancing. Our approach will be reviewed in accordance with public health guidance in England, Wales, Scotland, and Northern Ireland recognising that restrictions may be relaxed or tightened according to circumstances.

This document has been prepared to help users of the IAC. It is hoped that it will assist parties who are representing themselves as well as professional representatives.

This user guide will be amended or updated as the current situation develops. The general position is set out in the main part of the guide.

Appendix 1: Details of the technology and how to access it and prepare for hearings.

Appendix 2: Presidential Practice Statement no 2 of 2020: Arrangements during the covid-19 Pandemic.

Appendix 3: A list of web links of assistance including the judiciary's response to the Pandemic.

The following is not intended to apply to every situation and its application depends on several factors outside judicial control.

The outline plan August to December 2020 should be read together with the Presidential Practice Statement Note No 2 of 2020: Arrangements During the Covid-19 Pandemic **Appendix 2** and other information located at the web links in **Appendix 3**.

The plan will vary according to the resources available nationally and within any individual area and the availability of the necessary technology and expertise to allow court hearings to be heard remotely. Ultimately much will depend on how the

pandemic develops and public safety considerations. However, this document is designed to give as much guidance as possible in a climate of uncertainty.

Start an Appeal

Before 22 June 2020

Any appeal accepted by the Tribunal and started before 22 June 2020 will be considered by a Tribunal Caseworker or Judge who will decide on a case by case basis what further directions, if any, are to be made in respect of that appeal and whether having regard to the overriding objective the appeal should be listed for a Case Management Review Hearing before a Judge.

Unrepresented Appellant: After 22 June 2020

You can only appeal to the Tribunal if you have the legal right to appeal - you will usually be told if you do in your decision letter.

Please use the appropriate forms IAF5, IAF6 or IAF7.

You can appeal online

For more information please follow this link:

<https://www.gov.uk/immigration-asylum-tribunal>

OR

If you cannot appeal online you can appeal by post or fax

For more information please see information in **Appendix 2 (Annex3)** at the end of this document.

Represented Appellant: After 22 June 2020

All appeals (except those listed below) must be made using the reform online procedure (accessed through the web platform: MyHMCTS) unless it is not reasonably practicable to do so.

Register for MyHMCTS

If you are a representative and have not already done so you will need to register by following this link:

<https://manage-org.platform.hmcts.net/register-org/register>

The following appeals can still be submitted without using MyHMCTS:

- (a) Appeals under The Immigration (Citizens' Rights Appeals) (EU Exit Regulations 2020);
- (b) If the Appellant is outside the United Kingdom;

- (c) If the Appellant is in detention;
- (d) Any appeal brought by a person without representation by a qualified person within the meaning of s.84 the Immigration and Asylum Act 1999; or
- (e) If the Appellant's appeal is linked to another appeal. (This applies where the appeal of one or more Appellants is brought at the same time in circumstances in which those appeals raise common issues).

Where paragraph (e) above applies you must provide to the Tribunal with the reference number or numbers of any linked appeals when you lodge your Notice of Appeal <https://www.gov.uk/immigration-asylum-tribunal>

Making an appeal without using MyHMCTS

In cases not covered by paragraphs (a) to (e) above you may still appeal without using MyHMCTS if you can show why it is not reasonably practicable to do so.

The Tribunal will consider any reasons and may give directions as to whether you can submit your appeal by other means considering the reasons given and the overriding objective as set out in the Tribunal Procedure Rules.

Hearings

Every appeal hearing was either postponed or adjourned due to the Covid-19 lockdown on 23 March 2020.

You will have received a notice with some directions from the Tribunal. There may be difficulties in compliance for various reasons, the most obvious ones being due to the pandemic and lack of technology. If any such difficulties apply to you please email the Tribunal to explain this, giving detailed reasons explaining why you are unable to comply and ask for the order or direction to be suspended or ask for an extension of time to comply. A Judge or Tribunal Caseworker (TCW) will then consider the position as soon as possible.

The Judges or Tribunal Caseworkers are looking at all the information filed in appeals which had to be adjourned and will conduct a Pre-Hearing Review (PHR) of the appeal or list the appeal for a Case Management Review Hearing (CMRH) where appropriate.

The purpose of a PHR is for the Judge to consider whether the appeal is ready to proceed to be listed for a hearing. Where the Judge considers the appeal is ready the Judge will list the appeal for either a face to face or remote hearing. Where an appeal is not considered ready to list for a hearing the Judge will issue specific directions to the parties with dates for compliance, in order to progress the appeal so that it is ready to list for a hearing. Where the parties fail to comply with the directions given by the Judge the appeal will be listed for an oral remote CMRH.

The purpose of the CMRH is for the Judge together with the Appellant (if unrepresented) or the Appellant's representative and the Home Office to get the appeal ready for the final hearing.

(Please see **Appendix 1** on how to prepare for a CMRH and the arrangements on the day).

Relisting of final hearings

The Tribunal appreciates the need to ensure timely access to justice and will consider all appeals to ensure that those appeals which are suitable for a video hearing or a decision on the papers are dealt with accordingly. Where a face to face hearing is necessary appeals will be listed when it is safe to do so in line with risk assessments carried out at each hearing centre. The overriding objective of the Tribunal is to deal with cases fairly, justly, and without delay. Hearings will be relisted as quickly as possible. The President will continue to review the situation at regular intervals.

The most appropriate method of conducting the final hearing will be considered by the Judge at a PHR or a CMRH.

Which Hearing Centres are open?

All buildings are being risk-assessed and details will be released in due course about which other buildings in the HMCTS estate will re-open for face to face hearings. A risk assessment will have been done before any building is used for hearings. HMCTS has issued information about these risk assessments and the buildings that are open. A YouTube video showing the social distancing and other measures put in place at a typical hearing centre and the risk assessments are available in the links under **Appendix 3**.

Your appeal is important to us but please understand if you do not hear from us as quickly as usual. We are working hard to deal with your appeal and any queries as fast as we can. We will be in contact soon.

You should only contact the Tribunal if you have been directed to do so or want to tell the Tribunal something important that the Tribunal needs to know about your case.

Expediting a case

If you consider that your case should be treated urgently, please send an email to the Hearing Centre dealing with your case. Please mark your email as “**urgent**”, by putting that word in the subject field and include your case number. A TCW will then look at it as soon as possible.

Unrepresented Appellant

If your appeal hearing has been adjourned due to the Covid-19 lockdown you will have received a notice with some directions from the Tribunal.

We understand that you may have not been able to comply with the Tribunal directions.

The Judges or Tribunal Caseworkers are looking at all appeals which had to be adjourned and checking all the documents submitted in each appeal to decide whether the appeal is ready to list for a hearing. This stage is called a Pre-Hearing Review (PHR). If the appeal is ready for a hearing it will be listed and you will be sent a Notice of the date, time and details of the hearing. If the appeal is not yet ready to for a full hearing the appeal will be listed for a Case Management Review Hearing (CMRH) either by telephone using BTMeetMe or video conferencing taking into account any information you have sent to the Tribunal about how to contact you. You will be sent a Notice of the date and time of the CMRH.

The purpose of CMRH is for the Judge, together with the Appellant and the Home Office, to get the appeal ready for the final hearing

At a CMRH you will have a chance to explain your concerns to the Judge.

It is helpful if you can email the Tribunal in advance of the CMRH setting out your concerns. The Judge will consider what you say and decide on the best approach to take.

If your concern relates to how a hearing will take place, for example using telephone or video technology, you should explain your concerns in an email to the Hearing Centre handling your appeal.

A Judge will consider what you say as soon as possible.

Ill-health

If you become ill, you should send an email to the Hearing Centre handling your appeal.

Mark your email as 'urgent', by putting that word in the subject field and include your case number and your name. In your email, you should explain your situation and why you want the hearing rearranged for a later date and when you think you may be well enough for the hearing.

If you have any medical evidence to support your illness, please attach it to your email.

If you have not been able to obtain evidence to support your illness, do not delay in contacting the Tribunal. Please send an email to the Tribunal with as much information as you can.

A Judge or TCW will consider your email and respond as soon as possible.

If you are unable to send us an email
please contact us on 0330 808 9405

How to contact the Hearing Centre

If you need to contact the Hearing Centre which is dealing with your appeal, please see the link to the contact details set out in **Appendix 3**.

All Hearing Centres have a reduced staff presence because of the pandemic. Some are reducing the times when HMCTS staff are available to answer the telephone.

If you want to contact the Hearing Centre, it would be helpful if you can send an email instead of telephoning the Hearing Centre.

If you are unable to send us an email
please contact us on 0330 808 9405

All documents should be submitted by email. The subject field should include your appeal number and the name of the Appellant. A member of staff (and, if required, a Judge) will consider your query as soon as circumstances allow.

Please bear with us if there is a delay in responding to you.

The Plan for August to December 2020

August and September 2020

The Tribunal will progress cases by Judges or Tribunal Caseworkers conducting PHRs considering the information filed in an appeal, and by making directions that will assist in enabling it to be listed for a final hearing. These Pre-Hearing Reviews will be conducted without any representative from either side being present. Where appropriate there may be CMRHs.

Judges will continue to identify cases where a face-to-face hearing is required, and those which can appropriately be conducted remotely using CVP. Where it is indicated that the parties have access to the relevant technology, the Judge may direct that the hearing uses CVP.

The process for carrying out risk assessments of premises continues. Some face-to-face hearings at hearing centres have taken place. It is difficult to say how many such hearings there will be, save that different parts of the United Kingdom will necessarily proceed at a different pace due to variations in health restrictions, continued variations in staff levels and availability of suitable hearing rooms.

Some cases take place on a hybrid basis with some of those involved attending in person and others attending remotely using CVP. This will continue to be the subject of discussion at CMRHs.

October to December 2020

This is a period of consolidation, as the Tribunal's judiciary and staff, and the system's users, increase their familiarity with the use of remote hearing technology to maintain the administration of justice during a period of continued social distancing. That approach will be reviewed in accordance with public health guidance in the different parts of the United Kingdom recognising that restrictions may be relaxed or tightened according to circumstances.

Appendix 1

Technology for hearings

How to join a BT MeetMe phone hearing

These are likely only to be used where no other method of hearing is possible. We will call you at the time of the hearing, we may call from an unknown number. If you use call barring services, turn them off so we can reach you.

When we call you, you will hear a welcome message saying you are invited to join a conference call.

To join the hearing:

1. press '*' (star) key and number one to join,
2. say your name,
3. press the '#' (hash) key,
4. once you are in the hearing, stay on mute until you are asked to speak.

At the start of the hearing, the Judge will introduce themselves and explain how the hearing will work and what you need to do. You should mute your line to reduce background noise on the call if you are in a noisy environment. To mute your line, press *6 and to unmute, press *6 again.

Video hearings

We are likely to use the Cloud Video Platform (CVP) operated by MOJ/HMCTS. If CVP is used, there is no need to download an app.

Although CVP is the preferred option, it does not follow that a Judge will refuse to conduct a hearing using a different video platform if that is necessary to ensure access to justice. Other platforms include Microsoft Teams and Skype for Business. The Judge's willingness to use these platforms will depend on the circumstances, which include the availability of technical and administrative support from HMCTS, the need to ensure judicial security and the views of the parties.

How to join a Cloud Video Platform (CVP) hearing

We need your email address to invite you to a CVP hearing. If we already have this, the hearing notice could include a web link to join the hearing. If we do not have it, we will ask for it in the hearing notice and will send a separate email with the link when we receive it. Check your spam folder if you have not received it. A link to the guidance is in **Appendix 3**.

To join the hearing:

1. download Google Chrome as this is the preferred browser
2. copy the link into Google Chrome and click 'enter'

3. type in your full name, click the camera icon to connect with audio and video, then click 'connect'
4. select default microphone and camera options then click 'start'
5. enter the PIN given in the email invitation and click 'connect'
6. when you join, you will be in the waiting area until the hearing starts.

At the start of the hearing, the Judge will introduce themselves and explain how the hearing will work and what you need to do.

How to join a Skype hearing

We need your preferred email address to invite you to a Skype hearing. If we already have this, the hearing notice could include a web link to join the hearing. If we do not have it, we will ask for it in the hearing notice and will send a separate email with the link, once we receive it. Check your spam folder if you have not received it.

To join the hearing:

1. download Skype for Business software on the device you will use to join the hearing. Check this step by step guide on how to download it,
2. click on the Skype for Business link in your email,
3. join as a guest and when asked, type in your full name,
4. wait in the Skype lobby until the chairperson invites you into the hearing,
5. stay on mute with your video off until you are asked to speak or turn the video on.

At the start of the hearing, the Judge will introduce themselves and explain how the hearing will work and what you need to do.

How to prepare for a CMRH

Each case will be discussed on its own facts and circumstances. The discussion with the Judge is likely to cover the following points:-

1. Is your appeal ready for a final hearing, if not what needs to be done to get your appeal ready for a final, hearing?
2. Whether your appeal hearing is suitable for a remote hearing, a face to face hearing or a paper hearing,
3. If your hearing is suitable for a remote hearing, whether this will be by video or telephone, taking into account your wishes and your access to the equipment needed to take part in a remote hearing (such as a laptop, personal computer, smart phone or tablet with an integrated camera or webcam and a reliable internet connection),
4. What are the issues to be decided by the Judge at the final, hearing?
5. Are there any concessions or agreements between the parties as to the issues?

6. How many witnesses need to give oral evidence?
7. Does the appellant/witness require an interpreter if so in what language and dialect?
8. Does the appellant/witness require any special adjustments to take part in the hearing, if so what adjustments are required and why?
9. How much time will be required for the final, hearing?
10. Arrangements for the final hearing.

The arrangements for the day of the CMRH

You will not be expected to have any special equipment or software for the CMRH, which will be organised by the Hearing Centre handling your case.

You will either receive a call at the appointed time (from a member of HMCTS staff) or you will receive written instructions in advance, explaining what you need to do.

If you are acting for yourself and need an interpreter to enable you to participate in the CMRH, please contact the Hearing Centre handling your case by email. You should explain that you need an interpreter, identifying the language and any dialect. The Tribunal will arrange for an interpreter to join the call.

There may be a small number of cases where a hearing has not been converted to a CMRH or where a CMRH, once arranged, has not taken place. Please bear with the Tribunal; this is a consequence of offices not being fully staffed due to the pandemic. If that has happened to you, the Hearing Centre handling your case will contact you as soon as circumstances allow to rearrange a CMRH.

Before the Video Hearing

If you take part in a hearing using a video platform, please consider the following:

- Make sure the device you will use works and is fully charged or plugged in, so you do not get cut off during the hearing;
- Have any documents you will need for the hearing ready beforehand;
- Be ready at least 15 minutes before the hearing;
- Dress as if you were coming to a Hearing Centre;
- Check you know how to join the hearing;
- If you are taking part in a hearing with a legal representative, agree how you will communicate confidentially during the hearing;
- Identify, if possible, a quiet location from which to call;
- Ask anyone nearby not to disturb you;
- Join the meeting without any discussion at the start and wait for the Judge to begin proceedings;
- Turn off your mobile phone (or switch it to silent);

- Place your mobile phone away from any connected speakers to limit audio interference.
- Avoid sitting somewhere with a source of bright light behind you;
- Consider using a headset, if you have one, to avoid echoes, feedback etc;
- Mute your microphone when not speaking (and remember to unmute when speaking);
- Do not enter 'mirror screen' or 'share screen' mode, or send a document or attachment, without seeking the Judge's permission;
- Use a side panel (the instant messaging/chat facility), if available, to signify a wish to speak; and
- Re-join on same invitation link if you are cut off.
- If you wish to speak Welsh at a hearing to be conducted in Wales using a video platform or telephone hearing, please inform the Hearing Centre in Newport so that a Welsh-speaking Judge can be allocated to your case.

Most important of all, do not record the hearing without permission. It is a criminal offence to do so.

During the hearing

Remote hearings will follow the same process as they would in a building. At the start of the hearing, the Judge will explain what will happen.

The Judge may ask you questions to make sure you have understood. It is important that if you do not understand something or need a break, you let the Judge know. When your video is on, you will be seen at all times so be mindful of your body language and behaviour whether you are speaking or not.

If you have technical difficulties during the hearing please let your representative know using the method of communication you agreed beforehand.

If you are not represented and you have technical difficulties during the hearing please call us on 0330 808 9405

Rules of a hearing

Everyone must treat remote hearings as seriously as if they were in a Tribunal Centre. The rules below should be followed:

- only drink water
- no eating
- no smoking or e-cigarettes

- follow the Tribunal's instructions
- be alone unless they have permission otherwise

Recording

The hearing will be recorded by the Tribunal. It is not permissible for anyone else to make a private recording of the hearing.

It is a criminal offence to record,
publish and take pictures of any court
hearing without permission

Appendix 2:



TRIBUNALS
JUDICIARY

FIRST TIER TRIBUNAL IMMIGRATION AND ASYLUM CHAMBER JUDGE MICHAEL CLEMENTS, PRESIDENT PRESIDENTIAL PRACTICE STATEMENT No 2 of 2020: ARRANGEMENTS DURING THE COVID-19 PANDEMIC

In accordance with the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014 (“the Rules”)

And the Pilot Practice Direction: Contingency Arrangements in the First-tier Tribunal and Upper Tribunal issued by the Senior President of Tribunals on 19th March 2020

The following Practice Statement is made today by the President of the First-tier Tribunal (Immigration and Asylum Chamber) with the consent of the Senior President of Tribunals. It shall take effect on Monday 22 June 2020 and continue in force for so long as the Practice Direction referred to above is still in force unless it is revoked or amended on an earlier date. Presidential Practice Statement Note No.1 of 2020 is hereby revoked.

- (1) All appeals to the First-tier Tribunal must be started using the reform online procedure* (accessed through MyHMCTS**) unless it is not reasonably practicable to do so.
- (2) If an appellant seeks to argue that it is not reasonably practicable to start an appeal by using MyHMCTS, the appellant must at the same time, save where paragraph (3) applies, state why it is not reasonably practicable to do so. If the Tribunal agrees, the appellant may proceed without using MyHMCTS. Where paragraph 3(e) applies the appellant must provide to the Tribunal together with the Notice of Appeal, the reference number or numbers of any linked appeals.
- (3) Where an appeal is brought in any of the following circumstances, it shall be deemed not to be reasonably practicable to commence that appeal by using MyHMCTS:
 - (a) under The Immigration (Citizens’ Rights Appeals)(EU Exit Regulations 2020);
 - (b) if the appellant is outside the United Kingdom;
 - (c) if the appellant is in detention;
 - (d) any appeal brought by a person without representation by a qualified person within the meaning of s.84 of the Immigration and Asylum Act 1999; or
 - (e) if the appellant’s appeal is linked to another appeal. (This applies where the appeal of one or more appellants is brought at the same time in circumstances in which those appeals raise common issues);

- (4) The Tribunal will consider the reasons provided in support of appeals started in accordance with paragraph [2] above and will give such directions as it thinks fit in accordance with the Rules.
- (5) Where an appeal is brought online using “MyHMCTS” the Directions which appear at Annex 1 will ordinarily apply. Where an appeal is brought, or case managed online, not using “MyHMCTS” the Directions which appear at Annex 2 will ordinarily apply. Where paragraph 3(d) applies the Directions which appear at Annex 3 will ordinarily apply.
- (6) Where an appellant has representation by a qualified person within the meaning of s.84 of the Immigration and Asylum Act 1999 the Tribunal will accept as an Appeal Skeleton Argument (“ASA”) a document that answers the following question: “Why does the appellant say that the decision of the respondent is wrong?” In answering this question, the appellant should set out concisely the reasoning in the respondent’s decision letter to which objection is taken. Anything that is relevant should be identified and the answer to the question should be given with sufficient particularity to enable the respondent to conduct an effective review of the decision under appeal.
- (7) Where an appellant does not have representation by a qualified person within the meaning of s.84 of the Immigration and Asylum Act 1999 the Tribunal will accept in place of an ASA an Appellant’s Explanation of Case (“AEC”) that answers the following question: “Why does the appellant say that the decision of the respondent is wrong?”
- (8) Parties are reminded of their obligations pursuant to rule 2(4) of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014. To that end parties are required to engage constructively with the Tribunal. The Tribunal will respond to any applications properly made on a case by case basis.
- (9) Any appeal accepted by the Tribunal and started before 22 June 2020 will be considered by a Tribunal Caseworker or Judge who will decide on a case by case basis what further directions, if any, are to be made in respect of that appeal and whether having regard to the overriding objective the appeal should be listed for a Case Management Review Hearing before a Judge.

***Note: Increased functionality of MyHMCTS has been brought forward to facilitate an increased number of appeals being brought by that method to enable remote engagement. However, some aspects of the system have not yet been completed, which explains why not all appeal types can be brought in this way. Further there will be occasions when parties may still need to communicate with the Tribunal from time to time by email or other online means as directed.**

**** If you have not already done so you will need to register by following this link: <https://www.gov.uk/guidance/hmcts-online-services-for-legal-professionals>**

**Michael Clements
President FtTIAC
Date: 11 June 2020**



**FIRST-TIER TRIBUNAL (IAC) ON-LINE DIRECTIONS
(USING “MyHMCTS”)**

**DIRECTIONS TO REPRESENTED APPELLANTS
(PRESIDENTIAL PRACTICE STATEMENT No 2 of 2020)**

These model Directions are issued for use by represented appellants in furtherance of the overriding objective. They replace all earlier Directions and apply to all online appeals with immediate effect. They should be used as the basis for directions in an individual case.

1. Provision of documents in the online procedure

These Directions refer throughout to material being ‘provided’. Material is provided only when it is uploaded on to the online system, whereupon an email notification will be sent to the parties that the new material has been provided. Time starts to run from when the material is provided.

2. Online Procedure

- 2.1 Grounds of appeal are not required when a Notice of Appeal is provided to the Tribunal in the online procedure.
- 2.2 *Respondent’s Bundle.* Not later than 14 days after the Notice of Appeal is provided, the respondent must provide a bundle compliant with rule 24(1) of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014. This bundle must include the refusal decision and any material submitted in support of the application.
- 2.3 *Appeal Skeleton Argument.* Not later than 28 days after the respondent’s bundle is provided, or 42 days after the Notice of Appeal, whichever is the later, the appellant must provide an Appeal Skeleton Argument (“ASA”).

2.4 The ASA must contain three sections: (1) a brief summary of the appellant’s factual case; (2) a schedule of issues; (3) the appellant’s brief submissions on those issues which should state why the appellant disagrees with the respondent’s decision with sufficient detail to enable the reasons for the challenge to be understood. A template is available online.

2.5 The ASA must:

- be concise;
- be set out in numbered paragraphs;
- engage with the decision letter under challenge;
- not include extensive quotations from documents or authorities;
- identify but not quote from any evidence or principle of law that will enable the basis of challenge to be understood.

2.6 *Appellant’s Bundle.* Where the ASA refers to material which is not included in the respondent’s bundle, that material must be provided in an indexed and paginated bundle at the same time.

2.7 *Respondent’s Response.* Within fourteen days of the ASA being provided the respondent must undertake a meaningful review of the appellant’s case, taking into account the ASA and appellant’s bundle, providing the result of that review and particularising the grounds of refusal relied upon.

Pro-forma or standardised responses will not be accepted by the Tribunal. The Review must engage with the submissions made and the evidence provided to the Tribunal.

2.8 Upon completion of the steps above, the appeal will be actively case managed.

2.9 Any requirement set out above may be varied but in the absence of any such variation, the procedure set out above is to be followed.

3 Timetable

Period within which step is to be taken	Action
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Day 1	Notice of appeal provided to Tribunal by MyHMCTS
Not later than 14 days after notice of appeal	Respondent's bundle ("RB") must be provided
28 days after provision of RB or 42 days after notice of appeal, whichever is later	Appellant must provide: (i) Appeal Skeleton Argument (ii) Bundle of evidence in support
14 days after provision of appellant's ASA and evidence	Respondent must provide: Review with counter-schedule

4 Late Material

- 4.1 Any material provided outside the time limits may not be relied upon without leave.
- 4.2 Where any material is provided after 5 working days prior to the hearing, including on the day of the hearing, the Judge must deal with the admissibility of that material at the hearing as a preliminary matter.
- 4.3 A party may not rely on material which has not been provided.
- 4.4 If an application is made to admit material
- (a) and the material is ruled inadmissible the material shall not be uploaded, though the Judge must give reasons in the Decision and Reasons for the exclusion of that material and identify the material excluded.
 - (b) and the material is admitted the Judge must stand the appeal down and cause the material to be uploaded as soon as reasonably practicable and will not proceed with the appeal until the material has been uploaded. The original material uploaded shall be returned to the party who provided it unless there is a good reason for not doing so.

4.5 A party may apply to adduce material after the hearing has concluded but only in exceptional circumstances. Such material will only be admissible upon application unless the Judge has directed the provision of that material. The application must be made using the online procedure, unless it is made orally at the hearing. Any material ruled admissible **must** be uploaded.

4.6 The Tribunal may not accept any material after the Decision and Reasons has been promulgated. This direction does not apply to any application for permission to appeal to the Upper Tribunal.

5. Change of Representation

In the event of the appellant either changing representation or becoming unrepresented the Tribunal must be notified as soon as reasonably practicable. The Tribunal will then make further directions.

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**FIRST-TIER TRIBUNAL (IAC) ONLINE DIRECTIONS
REPRESENTED APPELLANTS
(NOT USING “MyHMCTS”)**

**NOTICE AND DIRECTIONS TO APPELLANTS
(PRESIDENTIAL PRACTICE STATEMENT No 2 2020)**

These model directions are issued for use by represented appellants in furtherance of the overriding objective. They replace all earlier Directions and apply to all online appeals with immediate effect. They should be used as the basis for directions in an individual case.

3. The Tribunal has received the Notice of Appeal and accepts that it is not possible for this appeal to proceed using MyHMCTS.

4. Provision of Information by the Parties

Within 5 working days of the date of this Notice parties must provide a direct contact number and dedicated email address to the Tribunal and to the other party to enable the Tribunal and the parties to communicate online and to take part in such remote hearings as are required.

5. Provision of Documents

These Directions refer throughout to material being ‘provided’. Material must be provided by email to the email address which appears at the foot of this Notice and to the other party or made available in such remote hearings as are required.

6. Provision of Information by Respondent

Not later than 14 days after the date of this Notice, unless already provided, the respondent must provide a bundle compliant with rule 24(1) of the Tribunal Procedure (First-tier Tribunal)

(Immigration and Asylum Chamber) Rules 2014. This bundle must include the refusal decision and any material which was submitted in support of the application.

5. Appeal Skeleton Argument

5.1 Not later than 28 days after the respondent's bundle is provided, or 42 days after the Notice of Appeal, whichever is the later the appellant must provide an Appeal Skeleton Argument ("ASA").

5.2 The ASA must contain three sections: (1) a brief summary of the appellant's factual case; (2) a schedule of issues; (3) the appellant's brief submissions on those issues which should state why the appellant disagrees with the respondent's decision with sufficient detail to enable the reasons for the challenge to be understood.

5.3 The ASA must:

- be concise;
- be set out in numbered paragraphs;
- Engage with the decision letter under challenge;
- not include extensive quotations from documents or authorities;
- Identify but not quote from any evidence or principle of law that will enable the basis of challenge to be understood.

6. Appellant's Bundle

Where the ASA refers to material, which is not included in the respondent's bundle, that material must be provided in an indexed and paginated bundle at the same time.

7. Respondent's Response

7.1 Within fourteen days of the ASA being provided the respondent must undertake a meaningful review of the appellant's case, taking into account the ASA and appellant's bundle and provide the result of that review and particularise any additional grounds of refusal.

Pro-forma or standardised responses will not be accepted by the Tribunal. The Review must engage with the submissions made and the evidence provided.

7.2 Upon completion of the steps above, the appeal will be actively case managed.

8. Summary Timetable

Period within which step is to be taken	Action
Not later than 14 days after the date of this Notice	Respondent's bundle ("RB") must be provided
28 days after provision of RB or 42 days after notice of appeal, whichever is later	Appellant must provide: (i) Appeal Skeleton Argument (ii) Bundle of evidence in support
14 days after provision of appellant's ASA and evidence	Respondent must provide: Review with counter-schedule

9 Late Material

9.1 Any material provided to the Tribunal outside the time limits provided for in paragraph 8 may not be relied upon without leave.

9.2 Where any material is provided after 5 working days prior to the hearing, including on the day of the hearing, the Judge must deal with the admissibility of that material at the hearing of the appeal as a preliminary matter.

10. Case Management and Listing

10.1 At each stage the appeal shall be considered by a Tribunal Caseworker or Judge who will decide on a case by case basis what additional directions, if any, are to be made in respect of that appeal and whether the appeal would benefit from a Case Management Appointment.

10.2 A party may apply at any time for a variation of these directions.

10.3 A party may apply at any time for a Case Management Appointment.

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**FIRST-TIER TRIBUNAL (IAC) DIRECTIONS
UNREPRESENTED APPELLANTS**

**NOTICE AND DIRECTIONS TO APPELLANTS
(PRESIDENTIAL PRACTICE STATEMENT No 2 2020)**

These model directions are issued for use by unrepresented appellants in furtherance of the overriding objective. They replace all earlier Directions and apply to all appeals with immediate effect. They should be used as the basis for directions in an individual case.

Directions made by the Tribunal will take into account the means by which the appellant will communicate with the Tribunal, for example by ordinary post, other offline means or online.

A. Where the appellant appeals *online* not using MyHMCTS

7. Provision of Information by the Parties

Within 5 working days of the date of this Notice parties must provide a direct contact number and dedicated email address to the Tribunal and to the other party to enable the Tribunal and the parties to communicate online and to take part in such remote hearings as are required.

8. Provision of Documents

These Directions refer throughout to material being 'provided'. Material must be provided by email to the email address which appears at the foot of this Notice and to the other party or made available in such remote hearings as are required.

9. Provision of Information by Respondent

Not later than 14 days after the date of this Notice, unless already provided, the respondent must provide a bundle compliant with rule 24(1) of the Tribunal Procedure (First-tier Tribunal)

(Immigration and Asylum Chamber) Rules 2014. This bundle must include the refusal decision and any material which was submitted in support of the application.

4. **Appellant’s Explanation of Case (AEC)**

Not later than 28 days after the respondent’s bundle is provided, or 42 days after the Notice of Appeal, whichever is the later, the appellant must provide an explanation of their case. This should contain reasons why the appellant believes the decision giving rise to the appeal is wrong. This is to enable the respondent to review the decision. (Upon receipt of the AEC a Tribunal Case Worker will consider, before the document is sent to the Respondent, whether there should be a Case Management Appointment to enable the appellant to identify the issues in the appeal).

5. **Appellant’s Bundle**

Where the AEC refers to material, which is not included in the respondent’s bundle, that material must be provided in a paginated bundle at the same time.

6. **Respondent’s Response**

6.1 Within fourteen days of the AEC being provided the respondent must undertake a meaningful review of the appellant’s case, taking into account the AEC and appellant’s bundle, and provide the result of that review and particularise any additional grounds of refusal.

Pro-forma or standardised responses will not be accepted by the Tribunal. The Review must engage with the submissions made and the evidence provided.

6.2 Upon completion of the steps above, the appeal will be actively case managed.

7. **Summary Timetable**

Period within which step is to be taken	Action
Not later than 14 days after the date of this Notice	Respondent’s bundle (“RB”) must be provided
28 days after provision of RB or 42 days	Appellant must provide:

after notice of appeal, whichever is later	(i) Appellant's Explanation of Case (ii) Bundle of evidence in support
14 days after provision of appellant's AEC and evidence	Respondent must provide: Review with counter-schedule

8 Late Material

8.1 Any material provided to the Tribunal outside the time limits provided for in paragraph 7 may not be relied upon without permission from the Tribunal.

8.2 Where any material is provided after 5 working days prior to the hearing, including on the day of the hearing, the Judge must deal with the admissibility of that material at the hearing of the appeal as a preliminary matter.

9. Case Management and Listing

9.1 At each stage the appeal shall be considered by a Tribunal Caseworker or Judge who will decide on a case by case basis what additional directions, if any, are to be made in respect of that appeal and whether the appeal would benefit from a Case Management Appointment.

9.2 A party may apply at any time for a variation of these directions.

9.3 A party may apply at any time for a Case Management Appointment.

10. Change of Representation

In the event of the appellant becoming represented the Tribunal must be notified as soon as reasonably practicable. The Tribunal will then make further directions.

B. Where the appellant appeals offline

Where the appellant appeals offline, by ordinary post or any other means and the Tribunal determines that it is in the interests of justice for the appeal to continue in that way, the Tribunal will make directions on a case by case basis using the directions above as the starting point but make such modifications as required having regard to the overriding objective.

Appendix 3

Useful web links

Courts and Tribunals finder:

<https://courtribunalfinder.service.gov.uk/courts/>

Hearing centre email addresses:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/881023/IAC CV Comms First Tier 24 April 2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/881023/IAC_CV_Comms_First_Tier_24_April_2020.pdf)

Government list of priority courts:

<https://www.gov.uk/government/news/priority-courts-to-make-sure-justice-is-served>

Daily court lists:

<https://www.gov.uk/guidance/immigration-and-asylum-daily-court-lists>

HMCTS Weekly Operations Update:

<https://www.gov.uk/guidance/hmcts-weekly-operational-summary-on-courts-and-tribunals-during-coronavirus-covid-19-outbreak>

HMCTS planning for the Covid-19 pandemic (including the risk assessment tool):

<https://www.gov.uk/guidance/coronavirus-covid-19-courts-and-tribunals-planning-and-preparation>

YouTube video (“Tribunals - Keeping our buildings safe, secure and clean”):

<https://youtu.be/Pzj2zyuVVqo>

The judiciary’s response to the Covid-19 pandemic:

<https://www.judiciary.uk/coronavirus-covid-19-advice-and-guidance>

HMCTS guidance on telephone and video hearings:

<https://www.gov.uk/guidance/hmcts-telephone-and-video-hearings-during-coronavirus-outbreak>

<https://www.gov.uk/guidance/how-to-join-telephone-and-video-hearings-during-coronavirus-covid-19-outbreak>