

First-Tier Tribunal, Asylum Support

Covid 19 Appeal Process Internal Instructions prepared by Tribunal Judge Carter

Stakeholder Summary Briefing 6/4/20

Target times:

Given the present exceptional circumstances, Procedure Rules 5(1) and (2) have been applied to extend time for certain actions. The new timeframe is as follows (counted in working days only):

Day 1 = receipt of appeal; Day 3 = listing; Day 4 = judicial consideration and issue of directions; Day 9 = directions return date; Day 14 = hearing or paper determination.

Timing may be contracted or extended on application and is subject to judicial and administrative availability.

Queries:

(Including withdrawals) will be referred by scan/email to a *Duty Judge* throughout the life of the appeal

Day 1

Appeal received, logged and diarised by *caseworkers*.

INVALID (eg out of time or documents missing) – *Caseworker* to refer to a *Duty Judge* by scan/email for further advice

VALID – *Caseworker* to:

- (i) notify *UKVI* (by email) and request bundle
- (ii) if a “*representative*” is mentioned on the Notice of Appeal, notify them and the *appellant* (by email ideally) that the appeal has been received OR
- (iii) if no representative is mentioned, notify the *appellant* (by email ideally) that their appeal has been received. (This may enable the appellant to avoid eviction).

Day 3

Duty Judge reviews and lists Day 3 appeals including making a provisional decision on how the appeal will be disposed of eg paper; oral (telephone) or oral (Skype)

If fee-paid judges are required, the *Duty Judge* will note how many and for which cases

If *salaried judges* will deal with directions on Day 4, the allocation of the case-managing judge will be noted

Diary Clerk notifies *UKVI* and *ASAP* of the listing

Books *interpreters* for telephone and Skype hearings; telephone hearings and any fee-paid judges required

Sends out the notice of hearing and instructions on how to join for telephone and Skype hearings

Day 4

Salaried judges consider files issue directions for the appeals shown on the Day 3 list.

Caseworkers to send out directions to UKVI; the appellant; any representative and to ASAP if the Tribunal is notified that they are instructed.

Days 5 - 13

Caseworker to pass (by scan/email) any further queries, applications or withdrawals to the Duty Judge

As soon as ASAP write to the Tribunal to say they are instructed in a particular appeal: Caseworker to send them electronically the UKVI bundle, notice of appeal and accompanying documents and any other evidence received up to that point. Save the ASAP notice of instruction on the shared drive.

Day 13 (AM)

Caseworker to send out electronically to all judges in telephone and skype hearings:

- (i) the contact numbers of any representative (only if “attending” the hearing); ASAP (if instructed); PO (if attending); *interpreter; appellant* and any one else intending to “attend” the hearing
- (ii) the complete bundle of all evidence so far received (from both the appellant and UKVI)
- (iii) a hearing record front sheet, the judge’s template decision form and translation notice

NB It is important that all hearing participants work from the same bundle

Caseworker to send out electronically to any fee-paid judge booked for paper cases:

- (i) the complete bundle of all evidence so far received (from both the appellant and UKVI)
 - (ii) the judge’s template decision form and translation notice
- (Salaried judges can access this themselves in paper cases)

Caseworker to send out electronically to POs (if appearing in a telephone or Skype hearing):

Any additional evidence and responses to directions received from either party

Caseworker to send out electronically to ASAP (if instructed):

Any additional evidence or UKVI response to directions received

Day 14

Allocated judges to send decision to database clerk

Caseworkers to send out decisions immediately to the S4, S95 or Compliance Team; the appellant’s “representative” on the Notice of Appeal; the Appellant and ASAP (if involved).

NB In paper cases the decision and Reasons should be delivered by the *allocated judge* both at the same time.

Days 14 onwards

Allocated judges to send Reasons in anything other than paper cases to database clerk

Caseworkers to send out judge’s written Reasons to the above recipients

