

Briefing Note on Asylum Support Tribunal procedures during covid-19 pandemic

17th April 2020

The following documents are on our website. Please note the dates, and that documents 2, 3 and 4 are no longer fully up to date, but still contain useful information. The FTT-AS is the Asylum Support Tribunal. Please also note [ASAP Factsheet 20](#), on Covid-19 and asylum support.

1. Pilot Practice Direction (PD) from the Senior President of Tribunals 13/3/20
2. FTT-AS arrangements on the PD from the AST's Principal Judge Storey 31/3/20
3. FTT-AS letter to the AST user group 6/4/20
4. FTT-AS covid-19 appeal process internal instructions 6/4/20
5. The Tribunal Procedure (Coronavirus) (Amendment) Rules 2020 rule 4
6. FTT-AS template Directions Notice

Procedures and practice are subject to regular changes.

The AST will consider first whether the appeal can be dealt with justly on the papers. If an oral hearing is needed, then at the time of writing, it will be a telephone hearing. The Directions Notice (see document 6) sent out on Day 4 in the life of an appeal (see document 4) will inform the appellant as to whether it is to be an oral or paper hearing, and, if the latter, that the appellant can object, giving reasons in writing.

Document 5 is the amended regulation, 'Coronavirus temporary rule (decisions without a hearing)'. This inserts a new rule 5A into the Tribunal Rules. Appellants no longer have the right to an oral hearing. However, in order for a paper hearing to take place, the AST has to be satisfied of the 3 conditions:- 1) the matter is urgent 2) it is not reasonably practicable for there to be an oral hearing 3) it is in the interests of justice.

Whether an oral hearing is requested should be decided on a case by case basis. Please use ASAP's advice line. If the point in issue in the appeal is destitution, then it needs to be considered whether destitution can be sufficiently proved on the documentary and written evidence. This needs to be very carefully assessed. If it can, and there is no need for oral evidence, then there is no point in objecting to a paper hearing.

However, with paper hearings, it is very important that the written information and evidence is as detailed as possible. The appellant's response to Directions becomes crucial as the judge will not have the opportunity to meet the appellant in person.