

Understanding the Different Asylum and Immigration Courts

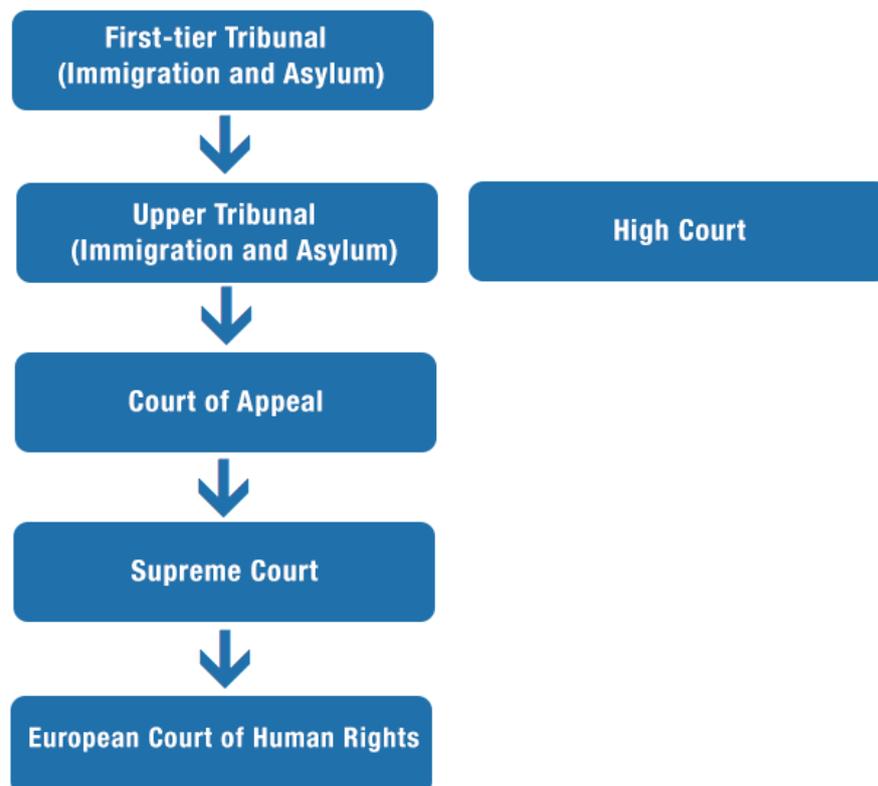
If you receive a refusal of your asylum or immigration application, and you have the right to appeal, you can appeal at a court called the First-tier Tribunal (the Immigration and Asylum Chamber).

If your appeal is dismissed by the First-tier tribunal, you can apply for permission to appeal at the Upper Tribunal.

This page looks at the courts **above** the First-tier and Upper Tribunals.

These courts are: the Court of Appeal in England and Wales; the Court of Appeal in Northern Ireland; the Court of Session in Scotland; the Supreme Court; the High Court; and the European Courts.

You need **permission to appeal** at all the courts explained on this page. It is very hard to succeed at this level without the help of a good lawyer.



Court of Appeal (England and Wales)

If you were granted permission to appeal at the Upper Tribunal and your case was then dismissed by the Upper Tribunal, you may be able to appeal to the Court of Appeal. This is very tricky without the help of a lawyer.

You will need permission to appeal at the Court of Appeal. You first apply for permission from the Upper Tribunal. See the Tribunal website for more information:

<https://www.gov.uk/upper-tribunal-immigration-asylum/the-tribunals-decision>

If the Upper Tribunal refuse you permission to appeal to the Court of Appeal, you can apply for permission directly from the Court of Appeal. See the Tribunal website for more information.

Court of Appeal (Northern Ireland)

If you were granted permission to appeal at the Upper Tribunal in Northern Ireland and your case was then dismissed by the Upper Tribunal, you may be able to appeal to the Court of Appeal in Northern Ireland. This is very tricky without the help of a lawyer.

Cases refused by the Court of Appeal in Northern Ireland can be appealed at the UK Supreme Court.

Court of Session (Scotland)

The court is divided into the Outer House and the Inner House. The Outer House can hear judicial reviews. The Inner House is an appeal court, like the Court of Appeal in England, Wales and Northern Ireland.

If you were granted permission to appeal at the Upper Tribunal in Scotland, and your case was then dismissed by the Upper Tribunal, you may be able to appeal to the Court of Session. This is very tricky without the help of a lawyer.

You will need permission to appeal at the Court of Session. You first apply for permission from the Upper Tribunal. See the Tribunal website for more information:

<https://www.gov.uk/upper-tribunal-immigration-asylum#5>

If the Upper Tribunal refuses you permission to appeal to the Court of Session, you can apply for permission directly from the Court of Session. See the Tribunal website for more information.

Cases decided by the Court of Session can be appealed at the UK Supreme Court.

Supreme Court

If your case is refused in the Court of Appeal (England, Wales or Northern Ireland) or Court of Session (Scotland), the highest court in the UK to which you can appeal is the Supreme Court (the highest court used to be the House of Lords).

High Court

Judicial reviews in asylum and immigration cases in England and Wales are usually heard at the Upper Tribunal. Judicial reviews in other areas of law in England and Wales are normally heard at the Administrative Court of the Queen's Bench Division, which is part of the High Court.

Judicial reviews in Scotland are heard at the Outer House of the Court of Session. Judicial reviews in Northern Ireland are heard at the High Court in Belfast.

European Courts

The European Court of Human Rights

The European Court of Human Rights (ECtHR) is responsible for making sure that member states of the Council of Europe respect the rights protected in the European Convention on Human Rights. The UK is a member state of the Council of Europe, and the European Convention on Human Rights became part of UK law in 2000 (when the Human Rights Act of 1998 came into force).

Individuals trying to get their asylum/human rights cases heard at the ECtHR usually do so after being refused permission to apply for judicial review. If you are considering applying to the European Court of Human Rights, you should read the court's guidance document: http://www.echr.coe.int/Documents/Questions_Answers_ENG.pdf

Applying to the ECtHR successfully is extremely difficult. An application is only likely to succeed with a very good legal team.

The European Court of Justice

The European Court of Justice is formally known as the Court of Justice of the European Union (CJEU). The court is responsible for providing advice to national courts about the proper implementation of European law, and ensuring that European law is applied equally across member states.

It is very unusual for the European Court of Justice to be involved in individual asylum and human rights cases. A UK court may ask the Court of Justice for clarification on how a particular aspect of European law is to be used.

The European Court of Justice will continue to consider cases from the UK if they were pending at the time the Brexit transition period ended. If the European Commission wishes

to bring infringement proceedings against the UK for breaches of EU law that took place during the transition period, it has four years from the end of the Brexit transition period in which to do so.