

Submitting an Appeal

An appeal is a formal legal challenge of a Home Office decision.

Read this page to find out how to submit an appeal, what happens after you have submitted your appeal, and what you should do before your hearing.

This page assumes that you do not have a lawyer. However, you should read this page even if you do have a lawyer as it is important to understand your own case.

On this page, you will find the following information:

- What is an appeal?
- Useful words
- Do you have a right of appeal?
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There is a lot of information on this page, which might feel overwhelming. It may be helpful to watch our **video** about appeals before you read this page:

<https://www.youtube.com/watch?v=80hnE1K3qC8>

What is an appeal?

If the Home Office refuses your application, you may have the right to appeal the decision. This involves asking an Immigration Tribunal (a type of court) to review the evidence in your case, and make a new decision.

An appeal is different from a judicial review. To find out more about judicial reviews, read the Judicial Reviews page of our guide.

If your appeal has been **abbreviated**, you should still read this page and the Appeal Hearing page of the Toolkit. Although your appeal will be taking place at a different hearing centre (the Upper Tribunal), the process will be very similar.

USEFUL WORDS

When you submit an appeal, you may come across unfamiliar words and phrases. Below are a few definitions that might be useful to know:

Appellant: This is you!

Respondent: This is the Home Office. You might also hear people use the phrase, 'Secretary of State for the Home Department', or 'SSHD'.

Party to Proceedings: This is used to describe both you and the Home Office. If you read the phrase "parties must provide..." it is referring to both the appellant (you) and the respondent (the Home Office).

Immigration Judge: The judge is responsible for considering the evidence in your case. They will decide whether the original Home Office decision was correct or not.

The Hearing or The Substantive Hearing: This describes your time in court. At your substantive hearing, you will be given the chance to tell the judge why you think the Home Office was wrong to refuse your application. If you have a lawyer, they will be telling the judge this information, but you will also have a chance to share your story.

Home Office Presenting Officer (HOPO): The HOPO is employed by the Home Office and will represent the Home Office at your hearing. They will be arguing that your case should be dismissed.

Determination: This word is used to describe the judge's decision.

Appeal Allowed: If your appeal is allowed, this means that the judge has decided that your claim should be accepted.

Appeal Dismissed: If your appeal is dismissed, this means that the judge has decided that your claim should be refused.

Lodging an Appeal: this just means submitting an appeal.

Notice: This word is used to describe important information, usually in writing, communicated by the Tribunal or one of the parties. When you submit your appeal, you are sending a Notice of Appeal. When the Tribunal sends you a letter with the date of your hearing, this is called a Hearing Notice.

File: Filing a document just means sending it to the Tribunal ahead of the hearing.

Directions: These are instructions from the Tribunal. They will tell you what you need to do next.

Bundle: This word is used to describe a collection of important documents. The appellant bundle is submitted to the Tribunal by you (the appellant) and will contain all the documents that you would like the judge to see. This will include evidence that you are relying on, such as country of origin information. The respondent bundle will be prepared by the Home Office and will include documents that they wish to rely on. You will need to send a copy of the appellant bundle to the Tribunal *and* the respondent (Home Office). You can read more about bundles below.

Adjournment: An adjournment is when the hearing date is moved back (delayed). You can read more about adjournments below.

First-tier Tribunal: For most people, the First-tier Tribunal is the first court you have access to if you are appealing a refusal by the Home Office.

Upper Tribunal: If you lose your appeal at the First-tier Tribunal, you may be able to appeal again at the Upper Tribunal. This is the court one level above the First-tier Tribunal.

Immigration and Asylum Chamber: Together, the First-tier Tribunal and Upper Tribunal form the Immigration and Asylum Chamber.

Do you have a right of appeal?

Not all Home Office decisions come with a right of appeal. Your Home Office decision letter should tell you whether you have an appeal right.

You can appeal a decision if the Home Office has:

- refused your protection claim (also known as ‘asylum claim’ or ‘humanitarian protection’)
- refused your human rights claim (this includes claims raising health, family and private life grounds)
- revoked (this means taken away) your protection status
- revoked your British citizenship

- refused you a residence document or deported you under the Immigration (European Economic Area) Regulations 2016
- refused or revoked your status, varied (changed) the length or condition of your stay, or deported you under the EU Settlement Scheme
- refused or revoke your travel permit or family permit under the EU Settlement Scheme or restricted your rights to enter or leave the UK under those permits
- refused or revoked your permit, or deport you if you're a frontier worker:
<https://www.gov.uk/frontier-worker-permit>
- refused or revoked your leave, or deport you if you're a S2 healthcare visitor:
<https://www.gov.uk/guidance/enter-the-uk-as-an-s2-healthcare-visitor>

Not all protection and human rights claims come with a right of appeal. You do not have the right of appeal if your asylum or human rights claim is certified (this means denied) by the Home Office for being “clearly unfounded”. If your claim is certified, it may be possible to challenge the certification of your claim through a judicial review.

If you made another type of application (that isn't in the list above) *before* 6 April 2015 you may still have the right of appeal if you are refused. See the Home Office website for more information:
<https://www.gov.uk/immigration-asylum-tribunal/applications-made-before-6-april-2015>

What if I don't have the right to appeal?

If you do not have the right of appeal, you may be able to apply for **administrative review** from the Home Office. Only certain types of applications allow an administrative review if refused. Read more about administrative reviews on the After a Refusal page of this guide.

<https://righttoremain.org.uk/toolkit/imm-refusal/>

If you do not have the right of appeal, you may wish to look at whether a **judicial review** is possible in your situation. *A judicial review is not the same as an appeal* – an appeal looks substantively at the issues of your case. A judicial review looks only at how the decision on your case was made. Read more on the Judicial Reviews page of this guide.

<https://righttoremain.org.uk/toolkit/jr/>

Submitting your appeal application

If you have a lawyer, they should submit an appeal on your behalf using the online application.

Make sure that your lawyer does this.

If you do not have a lawyer, you can find information below on how to submit your appeal.

Time limit

If you are in the UK, your appeal must be *received* by the Tribunal no later than **14 days** after the Home Office decision is *sent*.

For example, if the Home Office decision was sent on 1 July, your appeal deadline will be 15 July. You would need to submit the appeal by **midnight** on 15 July.

If your appeal deadline falls on a weekend or **public holiday (like a Bank Holiday)**, the deadline will be pushed to the next working day. A 'working day' means any day other than a Saturday, Sunday, bank holiday, or the period 25th-31st December. For example, if 15 July is a Saturday, you will need to submit your appeal by midnight on Monday.

If you miss this deadline, you may be able to apply for an "out-of-time" appeal but you would need to have good reasons for doing so, and explain these to the Tribunal with supporting evidence if possible. The Tribunal may refuse to consider your appeal.

The appeal form

To appeal a Home Office decision, you need to submit an application form to the First-tier Tribunal. This form is called an IAFT-5.

The online application is the quickest way to submit your appeal. You may want to look at the pdf version of the form as well, because the online version doesn't tell you what questions are coming next. It is best to prepare your answers beforehand.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/975086/iaft5-eng.pdf

It is not very obvious when you are at the point of finally submitting the form, so be careful not to send it before you have finished! Only **click the "Finish submission" when you have**

completely finished in the form, checked it and are ready to submit it. This will submit your appeal form.

You can find the online application form here.

<https://www.gov.uk/immigration-asylum-tribunal/appeal-from-within-the-uk>

You can also submit the completed appeal form to the Tribunal by post or fax. First-tier Tribunal contact details can be found here_ <https://www.gov.uk/immigration-asylum-tribunal/appeal-from-within-the-uk>

If you are posting your appeal form, you should try and send it by recorded delivery or another service that shows proof of postage and acknowledgement of receipt. Make sure you have signed and dated the appeal form. Remember that your appeal must be *received* by the Tribunal no later than **14 days** after the Home Office decision is sent. If you are posting the form, you must send it off a few days before the deadline to ensure that it gets there in time.

If you are hand writing on a printed off paper-version of the appeal form, you should write your answers in **BLOCK CAPITALS**. You can also fill in the form as a pdf on a computer, depending on which software you have.

Make sure you **keep a copy** of the completed form before posting it.

If you are **detained** and have the right to appeal a refusal, you cannot use the online form to submit your appeal. You should be given an appeal form called IAFT-5(DIA) when you are given written details of your refusal. The instructions with the form should tell you how to submit your appeal application. <https://www.gov.uk/government/publications/form-iaft-5dia-appeal-to-the-first-tier-tribunal-information-sheet>

Fees

You do **not have to pay a fee for** your appeal if:

- your legal case is being paid for by legal aid
- you are in receipt of asylum support payments from the Home Office
- you are the parents of, or have parental responsibility for, children receiving support from local authorities

- you are a child in local authority care
- you are appealing a decision that involves deprivation of British citizenship; a decision where you've been detained and your decision letter was sent by the Detained Asylum Casework team; or a revocation of protection.
- There are other circumstances in which you may be exempt from paying a fee. See the guidance on fees for more information. <https://www.gov.uk/guidance/get-help-to-pay-or-reduce-your-visa-or-immigration-appeal-fee>

If you do have to pay a fee, it is currently £80 without a hearing, or £140 with an oral hearing. As was noted above, if you have your case heard in court you will be able to give evidence and speak to the judge who will be deciding your case – this is usually a better option than having your appeal decided 'on the papers' (this means that the judge will only look at the appeal form and documents you send in as evidence, without hearing what you have to say in person).

Questions in the form

- The form asks for payment details for paying the appeal fee. You do not need to fill this out if you do not need to pay the fee.
- “*Do you want to have your appeal decided at an oral hearing or on the papers?*”. “On the papers” means the judge will read all the documents and make a decision without you being present/speaking in the court. If you have an oral hearing you will be able to give evidence and speak to the judge who will be deciding your case – this is almost always a better option than having your appeal decided on the papers.
- You need to give your various reference numbers. You will find these on your Reasons for Refusal Letter from the Home Office.
- The “*date of application to Home Office*” means the date you made the asylum, human rights or other application for which you have now received a refusal.
- “*Have you been served with a deportation decision?*”. This is referring to deportation after a criminal sentence, not just “removal” (which there are questions about before this question).
- “*Grounds of your appeal*” – you can read about grounds below.
- If you have made an application for leave to remain on human rights grounds, or have made an asylum/protection claim and you also have human rights grounds to stay in the UK, you need to fill in the section on “*Human Rights Decision*”. <https://righttoremain.org.uk/toolkit/humanrights/>

- There are boxes relating to “*Revocation of Protection Status Decision*”. You only need to fill these in if the decision you are appealing is the Home Office *revoking* Refugee Status or Humanitarian Protection that they have previously given you.
- “*New matters*” – You can read more about new matters below.

You do not need to fit everything you want to say into the boxes on the form. In fact, it’s often better to keep the appeal form brief. You will have the opportunity to make your arguments in full at a later stage.

Grounds of appeal

When you apply to appeal, you need to state which “grounds” you are relying on. The grounds are the legal reasons or legal basis of your appeal. The grounds of appeal in immigration cases are set out in section 84 of the Nationality, Immigration and Asylum Act 2002. You should pick the ground(s) that apply to your case. <https://www.legislation.gov.uk/ukpga/2002/41/section/84>

The grounds for appeal against the refusal of an asylum claim and/or request for Humanitarian Protection under section 84(1) are:

(a) that removal of the appellant from the United Kingdom would breach the United Kingdom’s obligations under the Refugee Convention;

(b) that removal of the appellant from the United Kingdom would breach the United Kingdom’s obligations in relation to persons eligible for a grant of humanitarian protection;

(c) that removal of the appellant from the United Kingdom would be unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention)

Section 84(2) says that a non-asylum human rights appeal must be brought on the ground that the decision is **unlawful**. This is defined in section 6 of the Human Rights Act 1998.

<https://www.legislation.gov.uk/ukpga/1998/42/section/6>

An appeal against the revocation (this means the taking back of something that has been granted) of protection status must be brought on one or more of the following grounds in section 84(3):

1. that the decision to revoke the appellant’s protection status breaches the United Kingdom’s obligations under the Refugee Convention;

2.that the decision to revoke the appellant's protection status breaches the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection

If you are challenging an EEA decision, you can appeal on the basis that the decision is not in accordance with EU law. This ground only applies to decisions made before Brexit (which happened on 31 January 2020), or applications under the EU Settled Status scheme made after 31 January 2020.

Preparing for your appeal hearing

It can be useful to **find out where the Tribunal is in advance, and go and visit it**. Find out the travel route you will need to take on the day and how long it takes to get there.

If you are receiving asylum support, **the Home Office will pay for your travel to the hearing**. They will not do this automatically – you or your lawyer need to ask them to provide a travel ticket before the hearing.

If you need childcare, ask friends, family or your community if they can help with this. You may have people who can look after your children, or supporters who may be able to help fundraise to pay for professional childcare.

You may be feeling nervous about going to court. **You can ask a few friends to sit in the courtroom** in the public area, for moral support. They are not allowed to speak or make any interventions in the proceedings, but it can help to have a friendly face or two in the room. You may even want to practise by doing a **pretend hearing** with friends/volunteers, with someone playing the judge and someone else the HOPO.

Because hearings are public, you have the option to **go and watch someone else's hearing to find out what hearings are like**. Think about whether you think this would be helpful or not. If you would like to do this, you can use this website to find the Tribunal closest to you – as this may not be the same as where your appeal hearing will be held. Choose "immigration" as the area of law you are interested in, then enter your postcode.

<https://www.find-court-tribunal.service.gov.uk/search-option>

The best way to prepare for your appeal hearing is to make sure that you understand all the evidence being considered. Read your witness statement/s, documents, and interviews several times before the hearing. Think carefully about some of the difficult questions that might be put to you and how you plan to answer them.

Plan what you are going to say to the judge and practice saying it. If you have several points to make, make this clear. You can say “my first reason is”, “my second reason is” etc. Try to stick to one reason at a time, without mixing up different areas of argument (though if the areas of argument are connected, you can say this).

Priority Removal Notices and Abbreviated Appeals

As of 28 July 2022, the Home Office has the power to give a Priority Removal Notice (or “PRN”) to anybody living in the UK without immigration status. The PRN will ask that the person reply to the Home Office with any new reasons for wishing to stay in the UK along with evidence to prove this. <https://righttoremain.org.uk/toolkit/evidence/>

The PRN will include a response deadline, which is the date by when the reply needs to be sent. If that deadline is missed, the person may be denied access to the First-tier Tribunal when appealing the refusal of a protection or human rights claim.

Instead, the hearing could be sent straight to the Upper Tribunal. This is the court above the First-tier Tribunal. If the case is then refused by the Upper Tribunal, there will be no option to appeal to the Court of Appeal, which is the court above the Upper Tribunal. So, their appeal will be **abbreviated**. Abbreviated means shortened, because they will be more limited in access to the number of courts who can review their case. To learn more about courts in the UK asylum and immigration system, read our Toolkit page. <https://www.righttoremain.org.uk/toolkit/courts>

In these cases, the Upper Tribunal will be taking on what is usually the role of the First-tier Tribunal. These will not be ‘error of law’ hearings because they will be the first and probably only time that the Immigration and Asylum Chamber (this is a court) will consider the evidence. <https://righttoremain.org.uk/toolkit/ut/>

PRNs will not be issued to everyone who is liable for removal or deportation (although the Home Office does have the power to do this), instead, they will most likely be used for people who have made asylum or human rights claims before.

If your appeal has been abbreviated, you should still read this page and the [next page](#) of the Toolkit because, although your appeal will be taking place at a different hearing centre (the Upper Tribunal), the process will be much the same. <https://righttoremain.org.uk/toolkit/appeal-hearing/>

You do not need to read the Upper Tribunal (Error of Law Hearing) page of the Toolkit, as people with abbreviated appeals are not entitled to error of law hearings.

Please note that abbreviated appeals have been introduced very recently and little is known about how they will work in practice. This section of the Toolkit will continue to be updated as we learn more.

You must send the Tribunal a copy of your Reasons for Refusal Letter and the accompanying Notice of Decision document when you submit your appeal. If you are filling out the paper form, include copies of these documents when you post the form. If you are filling in the form online, you will need to send these documents by post separately. Try and use a postal service that records the delivery of the documents.

If you are submitting documents with your appeal, all documents in other languages have to be **officially translated** into English. The documents should be signed by the translator to certify that the translation is accurate and the translation attached to the original document.

If you have **children**, think about whether anyone can look after them. It's a very long day for them to hang around at the Tribunal and some judges will not allow them into the hearing room. There are usually some books and basic toys available, but if you are taking children with you, make sure you've got food and snacks for them, someone to look after them while you are in the hearing room, and plenty of things to keep them occupied!

You do not necessarily need to send all of your **evidence** at the point of submitting your appeal application, as it may be many months until your appeal hearing, during which time you may get new evidence.

You may find it useful to look at the ‘Best Practice Guide to Asylum and Human Rights Appeals’.
This is a guide written by lawyers for lawyers, but you may find parts of it helpful or be able to ask someone with legal knowledge to help you go through the relevant sections about process and good practice (some of the information is only relevant to lawyers).

<https://www.ein.org.uk/bpg/contents>

If you do not have a lawyer, the First-tier Tribunal has published guidance for **unrepresented Appellants** which you can read here. <https://www.gov.uk/guidance/unrepresented-appellants-immigration-and-asylum-tribunal>

To find out what happens at the Appeal Hearing itself, take a look at our *Appeal Hearing* Toolkit page. <https://righttoremain.org.uk/toolkit/appeal-hearing/>