

**IMMIGRATION LAW PRACTITIONERS' ASSOCIATION  
USING THE IMMIGRATION COURTS  
FROM 1 APRIL 2003:  
IMPORTANT CHANGES**

Other than the overall commencement of Part 5 of NIAA 2002, the following specific procedures will take effect in April 2003. This memo highlights some important aspects of the new procedures, but is no substitute for reading the sources.

**STATUTORY REVIEW under NIAA 2002, s101**

- In force on 1 April 2003, on best information so far
- Governed by CPR Part 54 section II, available now on LCD website and from usual sources of updated CPR
- Transitional provisions unclear at time of this memo
- Replaces judicial review of IAT decisions to refuse leave to appeal
- Introduces a mechanism for challenging IAT decisions to grant leave to appeal [ie Home Office could challenge your grant of leave to appeal and vice versa]
- Applications to be made on a special form to Administrative Court
- 14 day time limit from deemed receipt of IAT decision
- Discretion to extend time but only in exceptional circumstances
- Test for granting statutory review is at CPR Part 54.25: more stringent than judicial review?
- High Court Judge may reserve costs of application to be determined by IAT
- *Watch out for* - knock on effect on judicial review cases - eg will duty to be prompt in judicial review proceedings mean that those who lodge remaining judicial review applications much after 14 days from IAT refusal will be dismissed for lack of promptness [ie statutory review time limit sets a benchmark]?

**IMMIGRATION AND ASYLUM APPEALS (PROCEDURE) RULES 2003**

- In force on 1 April 2003
- Available now on HMSO web site
- Transitional provisions: see rule 61
- New time limit for appealing in detained cases: 5 days - rule 7, 16, 28
- New procedure [strict] for extensions of time for late appeals to adjudicator - rule 10
- Closure dates introduced - rule 13
- Cross-appeal - respondent's notice - rule 19
- Certificates of no merit in IAT cases - rule 24
- A whole part of the rules dedicated to bail - Part 5
- Provision for service by email - rule 54
- *Watch out for* - other small details, in a range of rules, are different from the 2000 Rules

### **FAST TRACK ASYLUM CASES**

- Likely to be in force on 10 April
- Full details not available to ILPA at time of writing this memo
- Fast track cases will be governed by a schedule in the 2003 Procedure Rules - not yet laid before Parliament
- Fast will mean fast - eg appeal proceedings [adjudicator and IAT] likely to be concluded in days
- Cases to be based in Harmondsworth Removal Centre
- IAA is restructuring personnel [adjudicators and IAT Chairmen] to deal with these cases
- *Watch out for* - there has been no consultation on the fast track process and we may not know full details until a short time before 10 April - we may have to get to grips with it fast

### **CHIEF ADJUDICATOR'S PRACTICE DIRECTION ON TRIAL BUNDLES**

- In force on 31 March 2003
- Available now on EIN
- Not mandatory but gives guidance
- Mostly a matter of common sense
- Parties cannot rely on adjudicator having judicial notice of any country information - put it in the Bundle

For more information:

- Read next month's LAG
- Book a place for the ILPA members meeting on 19 May - for details of how to book, see March mailing
- See also Special Immigration Appeals Commission (Procedure) Rules 2003
- Look out for imminent Practice Direction on Citation of Determinations - will apply to all IAA hearings

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26/03/03