

Appealing an Immigration & Asylum Chamber (IAC) decision

Individuals may appeal to the IAC against a visa or immigration decision made by the Home Office. Often, this is related to immigration or asylum applications but may also relate to refusals on other grounds.

Please refer to the [relevant page](#) on GOV.UK for more details.

To start the form, open the link, click the option for **Appeal a decision online** and then scroll down. There is a First-Tier Tribunal, and unsuccessful appellants may also appeal to an Upper Tribunal and beyond that. Our service only deals with online applications (from within the UK) to the First Tier Tribunal, although it is possible to make a paper application. **Please note, it is not possible to use the online form if the user is currently in detention.**

Do not attempt to give the appellant legal advice if you are not appropriately qualified – this is a criminal offence. Only solicitors or persons accredited under the Immigration Advisory Authority (formerly OISC) are qualified to offer advice.

Remember, as a partner you cannot fill out a form on an appellant's behalf for IAC cases where support is being provided remotely.

The appellant's decision letter will say whether they can use the online service. Some categories of appellants, such as those in detention centres or prisons, will have different methods of making their appeal.

Late Appeals?

The appellant has 14 days to start their appeal from the date of their decision letter. If it is late, they can still start the appeal. In this case, there will be a question after the payment screen why the appeal is late. This screen also allows the appellant to upload evidence in support of their explanation.



What the appellant should bring to the support session



A copy of the Home Office decision letter.

Evidence of their finances, for example an asylum support letter, if they cannot afford to pay the appeal fee (where one is due for use with the Help with Fees application).

If the appeal is late (more on this later), then they should bring any evidence explaining the reasons for the delay. If they have no evidence they will still need to provide an explanation.

Making the appeal request

The appellant will need to set up a HMCTS account, for which they will need an email address. If the appeal is being made remotely, they will need a digital device to receive a setup email from HMCTS and to fill out the form. The email address doesn't need to be their own but needs to be accessible by the appellant.

The appellant can choose to attend the appeal in person (known as an oral hearing) or for a judge to decide based on the submitted form and evidence. Remind the appellant that an oral hearing gives them the opportunity to better explain their circumstances, and that language support is available if they are not confident expressing themselves in English.

Make a note of the reference number given at the end of the application process for the user and give them a printed and PDF copy of the confirmation page.

The appeal process



Appellant receives decision letter.

Appellant submits request for appeal (14-day deadline). Payment made where applicable.

Tribunal caseworker informs the appellant if they have the right to appeal OR makes a decision on whether hearing can take place (if appeal is late).

Appellant submits arguments and evidence supporting their application (28-day deadline).

Tribunal case worker may request additional information at this point.

Tribunal considers appeal and reverses the decision
OR continues with appeal
OR issues new refusal letter and continues with appeal.

Appellant prepares evidence and waits for hearing date.

Appellant attends hearing
OR Tribunal makes decision based on paper evidence.

Tribunal grants immigration status
OR Tribunal refuses appeal and appellant may ask for permission to appeal to Upper Tribunal.

Fees

Latest fees are available [here](#).

Appellants may be exempt if they:

- get asylum support
- get legal aid
- get services from their local council and are under 18.

They may also apply using the [Help with Fees](#) service if they have low income, are on certain benefits or have little or no savings.



Other activities available through the online portal

- to tell the tribunal if the appellant finds a lawyer to help them with their appeal
- pay for the appeal if this has not yet been done and is required
- withdraw the appeal if the appellant no longer wants to continue, for example if they get permission to stay in the UK on another basis and so do not need to appeal the refusal any more
- change some of the appellant's personal details
- change the type of decision requested, for example from a decision on the papers to an oral hearing
- ask a judge to review a decision made by a tribunal caseworker, for example a refusal to permit an appeal to proceed
- ask to join the appellant's appeal with another appeal

Additional questions

The appellant's tribunal caseworker may request additional information (aka Clarifying Questions – CQs) after receiving the initial appeal. Their questions should be answered as soon as possible, ideally before the deadline. The appellant can request more time to respond if they need it. There may be multiple rounds of CQ's depending on the case and whether additional information is required. This can give the appearance of the appellant requiring multiple sessions with a trainer for the same task.

Enter appeal argument

Once a tribunal caseworker has viewed the initial appeal, they will inform the appellant whether they have the right to appear. The appellant then has 28 days to submit arguments and evidence explaining why they think the initial decision was wrong. This is done via the online portal.

Ask for more time

The appellant may request more time to comply with an instruction from the tribunal caseworker, though they will have to provide a reason for this through the online portal. They may also upload evidence in support of their request.

Additional needs of appellants and/or witnesses at the hearing

The online portal provides screens where the appellant can specify any special requirements, they or any witnesses they wish to present might have. Examples include interpreters, hearing loops or accessible premises. They can also request a single-sex hearing or a private hearing (where their details are anonymised). Appellants can also specify subjects which may cause them emotional distress, and which are hard for them to discuss. They can also identify any mental or physical health conditions which could affect their participation in the hearing.



Preparing for the hearing

The appellant should receive a date for the hearing within two weeks of submitting all relevant information, although this is not guaranteed.

The appellant can download the “hearing bundle” from the online portal, which is the assembled papers provided by the Home Office and the appellant combined into a single bundle with page numbers. A copy of this should be printed for the appellant. This will not be translated, so the appellant should go through the bundle with an interpreter until they are familiar with everything.

After the hearing

The appellant should not expect an immediate decision from the judge at the hearing. If the judge finds in favour of the appellant, the Home Office can either grant immigration status or appeal the decision. If the appeal is refused, the appellant can request permission from the First Tier Tribunal to appeal to the Upper Tribunal.