



TRIBUNALS
JUDICIARY

THE HON MR JUSTICE BLAKE

PRESIDENT OF THE UPPER TRIBUNAL IMMIGRATION AND ASYLUM CHAMBER

Presidential Guidance Note No 1 of 2010:
Time for Lodging applications for Permission to Appeal to the
Court of Appeal from the Upper Tribunal Immigration and
Asylum Chamber

1. By Rule 44 (3A) of the Tribunal Procedure (Upper Tribunal) Rules 2008 as amended a written application for permission to appeal from the Upper Tribunal to the Court of Appeal in an asylum case or an immigration case must be sent or delivered to the Upper Tribunal within the appropriate period after the Upper Tribunal or the Secretary of State sent written notice of a decision under Rule 44 (3).
2. By Rule 44 (3B)(a)(i) the appropriate period is said to be 12 days. By contrast to the term “working days” used elsewhere it would appear that the 12 days may mean calendar days.
3. Following representations made to the Ministry of Justice it is accepted that it was stated in the consultation document that it was not intended to shorten the 10 period provided from deemed receipt under the Asylum and Immigration Rules 2005. This remains the case. Pending any clarifying amendment to the Rules or judicial clarification of the meaning of the Rules in the light of the intentions expressed in the consultation. The following guidance is issued pursuant to Schedule 4 Para 7 of the Tribunal Courts and Enforcement Act 2007¹.
4. Where a party has applied for permission to appeal under Rule 44 within 12 working days, judges of the UT IAC are invited to exercise powers under Rule 7(2) to waive any irregularity that may have occurred by failing to apply

¹ “The Chamber President of a chamber of the First-tier Tribunal or the Upper Tribunal is to make arrangements for the issuing of guidance on changes in the law and practice as they relate to the functions allocated to the chamber.”

within 12 days. Accordingly such applications will be treated as having been made in time without the need for specific application to extend time.

5. A working day is defined in Rule 1 as excluding weekends, Bank Holidays Christmas Day and Good Friday. In immigration and asylum cases Rule 12 (3A) operates to give a broader definition excluding the period from 27 to 31 December and in fast track cases also excluding Christmas Eve, Maundy Thursday and the Tuesday after the last Monday in May.
6. Other problems such as late receipt of document sent through postal difficulties will have to be addressed by application to extend time on an individual basis and should be supported by an explanation of the application and any available supporting material.

The Hon Mr Justice Blake

**President Upper Tribunal Immigration and
Asylum Chamber**

15 March 2010