



REGULAR UPDATES

The Immigration Team at Goldsmith Chambers will be sending out regular updates via email and social media in order to keep you informed as to the position with the First-Tier and Upper Tribunal (IAC) as soon as possible after the information is published.

We are endeavouring to ensure that you have the most up to date information available.

In this issue we cover:

- The Immigration Bar in dialogue with the FTT President
- FTT Guidance
- UT Guidance
- FTT Chambers Hearing Notice & Online Directions
- Issuing new proceedings
- Useful Links

CORONAVIRUS: THE IMPACT ON IMMIGRATION PROCEEDINGS

These are extraordinary times as practitioners, judges, tribunals and clients try to keep apace of the daily changes to practice as a result of the coronavirus pandemic.

In this newsletter, we aim to bring together all developments and guidance that has been published so far to help us all navigate our way through the coming weeks and months as immigration practitioners.

"The latest guidance from government on how to respond to COVID-19 will clearly have an impact on the operation of all courts in every jurisdiction. It is not realistic to suppose that it will be business as usual in any jurisdiction, but it is of vital importance that the administration of justice does not grind to a halt."

The Lord Burnett of Maldon, Lord Chief Justice 17 March 2020

IMMIGRATION BAR IN DIALOGUE WITH FTT PRESIDENT

As immigration practitioners at the Bar, a dialogue was started with the tribunals to seek clarification on the practical implementation of each policy announcement. A copy of the FTT President's response addressed to ILPA/Practitioners/Bar dated 21 March is [available here](#).

Goldsmith Chambers then joined a number of other Chambers in seeking further clarification from the President on the published Practice Directions, so far specifically raising funding difficulties, the issue of live evidence and remote hearings as well as public access.

A copy of the letter addressed to the President can be accessed [here](#) and the President's response dated 1 April can be found [here](#).

The Senior President of Tribunals, Sir Ernest Ryder, issued a [Pilot Practice Direction](#) on 19 March 2020, on the basis of which the First-tier Tribunal and Upper Tribunal have adopted new procedures, as set out as below.

UPPER TRIBUNAL WORK PRIORITIES

Appeals and Permission to Appeal applications to UTIAC:

- Appeals that were listed for hearing have been postponed. All appeals to UTIAC are being judicially case-managed. There is also limited monitoring of the appeals email inbox currently taking place.

Judicial Reviews in UTIAC:

- A [notice was issued \(23 March 2020\) on handling of urgent Judicial review applications](#).
- Non-urgent judicial review applications should be sent by post and will be processed when capacity increases.
- The fees counter at Field House is currently closed and calls to 020 7073 4278 may not be answered.
- The GLD has confirmed that they will accept unsealed claim forms during the pandemic (see below for further details).

UTIAC GUIDANCE

Mr Justice Lane, President of the UT (IAC), issued [Guidance](#) on 23 March following the Senior President of Tribunal ('SPT'), Sir Ernest Ryder's [Pilot Practice Direction](#). The UT Guidance covers decisions made without a hearing, including certain appeal decisions as well as wider guidance on remote hearings. This includes the form of the hearing, the use of documents and oral evidence.

The guidance also provides reference to the availability of interpreters and, importantly, contact details for judicial review proceedings requiring urgent or immediate consideration for applicants not currently in immigration detention or removal centres. Where an application is made in such proceedings (using or including form T483 or T484) the application must be filed by email to utiac.londonjr@justice.gov.uk.

ILPA has written to the President of the UT (IAC) expressing, inter alia, its concern with the default position of not conducting a hearing on error of law-only appeals. You can access this letter [here](#).

FTT (IAC) GUIDANCE

The President of the FTT (IAC), Michael Clements, issued a [Practice Statement](#) on 23 March in line with the SPT's [Pilot Practice Direction](#).

The Practice Statement sets out that the default position for all appeals to the FTT (IAC) (with the exception of human rights and EEA appeals) is that they should be commenced through the online procedure first introduced under the Digital Reform Pilot.

Where that is not possible, appellants should respond setting out the reasons why and the Tribunal will then determine whether the appeal is to continue via the online procedure or whether it is more suitable to be stayed, to be 'determined by a means to be directed', or to be determined on the papers without a hearing.

FTT (IAC) SUSPENSION OF FACE-TO-FACE HEARINGS

The Tribunal has suspended face-to-face hearings (other than in exceptional circumstances) until further notice. The advice is not to call unless your enquiry is urgent. We understand that bail applications are being prioritised and, where a hearing is required, this should be listed to take place by telephone or video-link. Users are advised to contact the relevant hearing centre on the following email addresses below until further notice:

- General enquiries (where your case has not been allocated to a hearing centre) customer.service@justice.gov.uk
- Taylor House i.f.a.taylorhouse@justice.gov.uk (Bail taylorhousebails@justice.gov.uk)
- Hatton Cross HattonX.Goldfax@Justice.gov.uk (Bail bailshattoncross@justice.gov.uk)
- Birmingham goldfaxbirminghamia@justice.gov.uk
- Harmondsworth HWIAC@justice.gov.uk
- Yarl's Wood Yarlswood-Enquiries@justice.gov.uk
- Nottingham goldfaxbirminghamia@justice.gov.uk
- Newport ecorrespondence@justice.gov.uk (Bail bails.newport.@justice.gov.uk)
- Bradford BradIACE-Fax@justice.gov.uk
- North Shields north-shields-IAC@justice.gov.uk
- Manchester manchesteriac@justice.gov.uk
- Glasgow glasgowiaccorrespondence@Justice.gov.uk (Bail glasgowbails@justice.gov.uk)
- Belfast glasgowiaccorrespondence@Justice.gov.uk (Bail glasgowbails@justice.gov.uk)

NEW IMMIGRATION JUDICIAL REVIEW / HIGHER COURT PROCEEDINGS

An update has been issued from the Government Legal Department covering the issuing of new proceedings:

Please note due to the current national situation with Coronavirus (COVID-19), the Government Legal Department (GLD) would appreciate any new immigration proceedings to be served at:
ImmigrationAdminTeam@governmentlegal.gov.uk.

New proceedings include:

- Immigration High Court judicial reviews
- Immigration habeas corpus applications
- Immigration family court proceedings
- Appeals to the Court of Appeal challenging Immigration Upper Tribunal Appeal decisions

For Immigration judicial reviews issued in the Immigration Upper Tribunal these should be served on the Home Office.

Where you have served by email please do not send hard copy duplicates of any documents.

All updates from GLD and contact details can be found on the [department's GOV.UK page](#).

In addition, we are aware that the Home Office have confirmed that any PAP letters issued ought to be sent to their normal address of UKVIPAP@homeoffice.gov.uk. Judicial reviews issued in the Upper Tribunal are to be e-mailed to UKVIJudicialReview@homeoffice.gov.uk.

The GLD's guidance referred to above can be found [here](#).



We also understand that reconsideration of decisions by the Home Office are now said to take at least six months (which was probably more realistically the case anyway!) and that they will monitor and use their best endeavours to comply with existing deadlines established by Judicial Review claims and pre-action protocol correspondence “*absent special circumstances*”.

REMOTE HEARINGS

It is our understanding that whilst the [current HMTCS guidance on telephone and video hearings](#) refers to Skype for Business there are currently plans afoot to transition to other methods of communication such as, BTMeetMe, Microsoft Teams etc. We will monitor developments and update everyone as soon as possible.

DIVERGENCE IN PROCEDURE

It is our understanding from correspondence received so far that each hearing centre has its own procedure devised by its Resident Judge. The picture is changing at pace and we will endeavour to provide updates as they become available.

We have received the following information to date:

Manchester

The current position is that all hearings have been converted into CMRs. The latest Notice provides:

...from 25th March 2020 all represented face to face hearings in March and April (hearings where the parties are expected to be in attendance at a tribunal hearing centre) will be converted to a Case Management Hearing via telephone which will take place on your original hearing date.

The CMR will provide an opportunity to discuss the best way forward in hearing each appeal.

In view of the Covid-19 pandemic, all evidence you wish to rely on for your appeal should be submitted digitally via email to: ManchesterIAC@justice.gov.uk 5 working days before the converted case management hearing (CMR). Please also provide direct contact numbers for the Tribunal to contact you. All parties will be expected to be available from 10:00am.

The parties remain free to make any application to the Tribunal at any time.

Taylor House

Taylor House is adjourning all cases and in due course will send out written case management directions requiring representatives to respond to whether the case is one which could proceed by telephone or video-link or written submissions and the reasons why. The directions also ask for representatives to set out whether they are currently able to prepare effectively for the appeal (e.g. if an appellant needs medical evidence, this may be difficult in current circumstances or if difficult to prepare bundles, whilst working from home etc ...).

Newport

On 24 March, Resident Judge JFW Phillips [issued a Notice](#) with details of changes to appeals in the FTT (IAC). The Notice included detailed Pilot On-line Directions covering the provision of documents, procedure and timetabling.

However, it is our understanding that this Notice has now been retracted as unworkable and instead all hearings for April have simply been vacated and new individual Notices will be sent out to Appellants with new hearing dates / and Directions.

Field House (see UT (IAC) Guidance above)

In the Upper Tribunal, we understand that for an error of law hearing, both parties are being asked for submissions to resolve the matter, but if a party deems a hearing is necessary, then such request can be made. We are also aware that remote hearings are currently being piloted for some hearings and we will update you as soon as we hear more.

FURTHER USEFUL LINKS

- [Home Office centralised guidance for those affected by changes to immigration and borders due to Coronavirus](#)
- [COVID-19: Bar Council provides updated guidance on attending hearings in the Civil and Family Courts, Crown Courts and Magistrates' Courts \(24 March 2020\)](#)
- [HMCTS COVID-19 planning and preparation guidance page \(13 March 2020, updated 23 March 2020\)](#)
- [HMCTS priorities during coronavirus outbreak \(19 March 2020\)](#)
- [HMCTS daily operational summary on courts and tribunals during coronavirus \(COVID-19\) outbreak \(25 March 2020, updated daily\)](#)
- [HMCTS Priority Courts – daily tracker of ‘open’, ‘staffed’ and ‘suspended’ courts \(25 March, updated daily\)](#)
- [HMCTS Guidance on telephone and video hearings](#)
- [Freemovement.org.uk – Immigration Tribunal Hearings](#)
- [NRPF Network factsheet on Covid-19](#)
- [UKSC Registry Information – COVID-19](#)
- [ECtHR Press Release on COVID-19 Measures](#)

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