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Introduction

The papers that are submitted to the Asylum and Immigration Tribunal (AIT) on behalf of the Home Office, and which form the basis of the Home Office case for defending an appeal against the refusal of an asylum and/or human rights claim are known as the 'Respondent's Bundle'.

This section outlines the process that must be followed in order that the bundle is properly prepared, submitted and received by the AIT by **day six** (where day one is the day the appeal was lodged). This is based on the jointly agreed Service Level Agreement between the Agency and the AIT. Note that this is NOT the day 8 referred to in the relevant Procedure Rules.

When a decision is made to refuse asylum and the consequent immigration decision attracts a right of appeal, the Case Owner making the decision should prepare a PF1 appeals proforma and indicate which documents should be annexed to the PF1 (see Asylum Instruction 'Preparing the PF1 Appeals Proforma and Annexing Documents').

Case Owners (or admin support staff on their behalf and this is understood within the remainder of this process) who are handling asylum claims within an Asylum Team should follow the process outlined below.

Where the right of appeal is non-suspensive (i.e. an appeal can be lodged only from outside the UK), officers should follow the process for Removals (see Asylum Instruction 'Removals')

In all other cases, the Case Owner should note, on the Decision notice the final date by which an appeal must be lodged. Where reporting is on a weekly basis, a reporting event should be set to coincide with the 'appeal by' date.

Application of this instruction in respect of children and those with children

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the UK Border Agency to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions, or override existing functions.

Officers must not apply the actions set out in this instruction either to children or to those with children without having due regard to Section 55. The UK Border Agency instruction 'Arrangements to Safeguard and Promote Children's Welfare in the United Kingdom Border Agency' sets out the key principles to take into account in all Agency activities.

Our statutory duty to children includes the need to demonstrate:

- Fair treatment which meets the same standard a British child would receive;
- The child's interests being made a primary, although not the only consideration;
- No discrimination of any kind;
- Asylum applications are dealt with in a timely fashion;
- Identification of those that might be at risk from harm.

Checking whether an Appeal has been Lodged

The Asylum and Immigration Tribunal (AIT) electronically notify the Appeals Processing Centre (APC) when an appeal has been lodged and APC record this in the Appeals Maintenance screen on CID. Case Owners must therefore monitor CID after service of decision to check whether an appeal has been lodged (or use the Nam Admin report as a final check).

APC will identify the appeals that need to be sent to Asylum teams by reference to the notice of appeal document which will have been previously endorsed in the top right hand corner of the front sheet to identify which Asylum team is dealing (it is important that this AIT-1 form is endorsed with the Asylum team dealing so that this can be easily determined).

APC will send the hard copy of the appeal to the relevant Asylum team. If the hard copy has not been received within 48 hours of its being received in APC, the Case Owner should contact APC to request that it is forwarded immediately.

To check on CID, the Case Owner should check the 'Appeal Rec'd in APC' field on the 'Appeal Maintenance' screen on CID to see whether the hard copy of the appeal has been received in APC.

Preparing the Appeal Bundle

When it has been confirmed that an appeal has been lodged, the Case Owner should prepare the full bundle. A PF1 appeals proforma will have been prepared at the time the decision to refuse the asylum claim was made. Once the appeal is lodged, the remaining sections of the PF1 appeals proforma should be completed to record the date the appeal was received and any documents submitted in support of the appeal. The officer should add, at the end of the PF1, the date on which the PF1 is dispatched.

The Case Owner should ensure that all details are correct on the following:

- PF1 proforma
- Reasons for Refusal Letter
- Decision Notices

Any errors should be rectified prior to preparing the full appeal bundle.

Following the data quality check, the Case Owner should ensure that the full appeal bundle is prepared and dispatched. This process should begin as soon as the receipt of an appeal has been noted even if the hard copy of the appeal has not yet been received by the Asylum team.

The Case Owner should produce the documents listed on the checklist

The full bundle consists of the completed appeal notice and any documents submitted in support of the appeal. A copy of the most recent Country of Origin Information Service (COIS) report or US State Department Report (if COIS have not published a report for the country concerned) is attached to the full bundle behind the appeal documents from AIT. Do not omit this information (possibly based on historic practices where there was much delay between an appeal and the court hearing).

Once the hard copy of the appeal has been received by the Asylum team, it should be copied as stated on the minute sheet.

Three bundles of the documents should be collated:

- One for AIT
- One for the appellant or their representative
- One to remain on file

Once collated, a final quality check should take place prior to dispatch. A check should be made to ensure that all letters are signed and the original annexes are left on file.

It has been agreed with the AIT that the UK Border Agency appeals bundles **must** reach AIT by 2.00 pm on Day 6 of the appeal timescale. Day 6 is the 6th working day after the appeal was lodged.

Bundles should therefore be dispatched by Recorded Delivery, or where possible by IDS, as soon as possible and before Day 6, using the following Template covering letters available on Doc Gen:

- ICD.2731 (for dispatch to AIT) and
- ICD.2732 (to representative or appellant if they are not represented)

The Case Owner should telephone AIT (0845 600 0877), quoting the AIT file reference, in order to ascertain the current whereabouts of the AIT file. It may be necessary to amend the AIT address on the template letter ICD.2731 to ensure that the bundle is addressed to that location. This should ensure that bundles have reached the Immigration Judge in time for the hearing.

CID **must** be updated to record the dispatch of the appeal bundle and the Recorded Delivery reference numbers.

Uncontrolled if printed

NAM Appeal Bundle Process – Minute Sheet

1. Prepare two copies of **ICD.2731** (covering letter for AIT bundle) – file, AIT ☐
2. Prepare two copies of **ICD.2732** (covering letter for Reps bundle) – file, Rep ☐

Ensure you have 3 copies of the following (file, AIT, Rep) in following order.

1. **Produce PF1 for Main App.** – ACD.1989 (list annexes) ☐
2. **Photocopy all marked Annexes on file** ☐
3. **RFRL** ☐
4. **Decision Notice for Main App** (e.g. ACD1050, 151B etc) ☐
5. Statement of Additional Grounds (if any) ☐
6. Grant Letter (ACD2155/2158) regarding HP/DL (if any) ☐
7. **AIT Appeal Form** ☐
8. **Dependants PF1** – ACD.1991 (if applicable) ☐
9. **Dependants Decision Notice** – ACD.1082 (if applicable) ☐
10. Country Information ☐

Also ensure that bundles are secured with Treasury Tag's (top left corner), and do not staple documents together

Send bundles to AIT, and applicants Rep by recorded delivery, and note reference numbers on ACID.

AIT – Asylum Immigration Tribunal - Address:

REC DEL STICKER (AIT)
REC DEL STICKER (APP'S REP)

Asylum Immigration Tribunal
Arnhem House
31 Waterloo Way
Leicester
LE1 6LR

REPS NAME AND ADDRESS: Rec Delivery Sticker (Apps Rep)

Print Name: …… Appeal Bundles sent on: Date ……..
Signature: …….. *(attach minute sheet to left hand side of file)*

Bundles checked by Case Owner: Case Owner Signature:…….....

Glossary

Term	Meaning
ICD.2731	ST AIT Asylum Letter
ICD.2732	ST Representatives Letter
ASL.2928	Appeal Bundle Preparation & Dispatch checklist

Document Control

Change Record

Version	Authors	Date	Change Reference
0..5	SS	/02/07	
0.6	DP	22/3/07	
1.0	DP	15/03/07	
2.0	JW	07/12/07	No 'mini' bundle work required. Addition of Checklist.
3.0	BN	21/11/2008	Update branding only
3.1	ZKZ	30/09/09	Updated to include new Instruction on Children.