

Filling in the Notice of Appeal

9th of January 2025

Factsheet 4

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The information contained in this Factsheet is intended for guidance only. While every effort is made to ensure it is correct a time of publication, it should not be used as a substitute for legal advice. For client specific advice please contact ASAP.

This Factsheet gives guidance on filling in the Notice of Appeal for clients who want to appeal decisions to refuse or discontinue asylum support.

Our telephone advice line:

If you still have questions or need further information and advice after reading this factsheet, please contact our advice line on 020 3716 0283. It is open Mondays, Wednesdays and Fridays from 2pm to 4pm. Please note this is a 'second-tier' advice line. This means that we can give advice to other advice workers but not to individual clients.

What is the Notice of Appeal?

To appeal against a decision by the Home Office (HO) to refuse or discontinue asylum support (i.e. s95 or s4 support) you must complete a Notice of Appeal. A copy of the Notice of Appeal will be sent with the HO decision letter refusing or discontinuing support. It can also be downloaded from the [Asylum Support Tribunal \(AST\) website](#). It must be completed in full and in English¹. Failure to do so can result in the appeal being considered invalid. The Tribunal Procedure Rules require certain information to be included for an appeal to be valid². The Notice of Appeal comprises all the information that is required.

Filling in the Notice of Appeal

Section 1 – Appellants Information

This section of the form asks for the appellant's personal details and HO support reference number.

It is essential to provide a working phone number for the appellant. If the appellant is given a telephone hearing they must make sure that their phone does not block 0800 or withheld numbers.

If an oral hearing is listed, the Home Office will send travel tickets to the email address given in this section before the hearing date. Alternatively, they will be sent via post to the address given at this section of the form.

¹ Tribunal Procedure (First-Tier Tribunal) (Social Entitlement Chamber) Rules 2008 SI No 2685 (amended 2013) rule 23

² Tribunal Procedure (First-Tier Tribunal) (Social Entitlement Chamber) Rules 2008 SI No 2685 (amended 2013) rule 22

The Home Office will pay for appellants' travel to attend CVP (video) hearings if the appellant lives over 3 miles from their representative's office. They will use the address for the appellant given in Section 1 of the Notice of Appeal. If the representative's address is provided as the correspondence address for the appellant, the address from which the appellant will travel should be written somewhere on the form.

We strongly advise that the appellant also provides an email address, provided they have access to one. If the appellant has requested a CVP hearing, the joining instructions will be emailed to the address listed in section 1.3. Furthermore, if they can only receive documents by post, there is a possibility they will not receive essential information about their appeal and may miss deadlines for submitting evidence.

The HO will send the appeal bundle to the appellant by email if an email address is provided. The appeal bundle includes the appellant's immigration and support chronology, the HO response to points raised in the Notice of Appeal, a copy of the ASF1 and supporting evidence, and anything else on which the HO has based its decision. For e.g. the appellant's visa application or an Experian report.

It is essential that the appellant's representative provides their own email address in Section 2 as this means the AST will also send them documents relating to the appeal. They can then notify the appellant of the hearing date and any requests for information (see Section 2 below). The representative will also receive a copy of the appeal bundle from the HO by email. If the appellant does not have an email address, then the bundle will be sent via post to the address provided in Section 1.

If the appellant has neither a reliable address nor an email address then the representatives' details in Section 2 can be their correspondence address. If the appellant provides an email address in this section the AST will correspond with them by email only.

In a remote hearing (video or telephone), it is essential the appellant has a copy of the HO appeal bundle to refer to during the hearing. They will be asked questions about the documents and written explanations they have provided. The appeal bundle should be received by the appellant and their representative within three days of the AST receiving the Notice of Appeal³. If it has not been received, the HO position is that this should be escalated via Migrant Help.

Section 2 – Appellants Representatives Information

Section 2 asks if the appellant is represented in the appeal. If you are able to continue to help the appellant with the appeal, you should include your details here. You will then receive information about the appeal, including the date and

³ Tribunal Procedure (First-Tier Tribunal) (Social Entitlement Chamber) Rules 2008 SI No 2685 (amended 2013) rule 24

time of any hearing and the Directions Notice. The Directions Notice is sent by the AST to the appellant, their representative and the HO directing parties to provide further explanations and/or evidence to support their case. By including your details here, you will be able to support the appellant to respond to directions and prepare for the appeal. By ticking this box, you are **not** informing the AST that you will be representing in the hearing.

Section 2.6 asks the appellant if they can go to their representative's office for a CVP hearing. If you plan to help facilitate your client with a CVP hearing in your office you should tick the 'yes' box. Again, this does not mean that you are committing to representing in the hearing, just that you will be facilitating the hearing by giving your client access to a quiet space and appropriate equipment.

Section 2.7 asks whether the representative will be attending the hearing. If you are an adviser and are not attending the hearing it is important to tick the 'No' box. The appellant may be able to access free legal representation from ASAP.

ASAP provides free advice and representation to appellants in the lead up to their appeal. If an appellant wishes to be represented by ASAP, they or their representative should [make a referral to ASAP](#) as soon as possible in advance of the hearing. We cannot guarantee that we will be able to assist everyone who is referred to us, but an early referral will help us to prioritise your client's case. **Do not** put ASAP's details down on the notice of appeal – we are not the 'section 2' representative and will only become involved in the case a few days before the hearing

If you have requested a paper appeal, or if the AST decides to list the appeal to be determined on the papers, it is very unlikely that ASAP will be able to represent your client.

Section 3 – Home Office decision letter

In this section the appellant is asked to provide the date of the HO decision letter against which they are appealing. A copy of this letter must be sent with the Notice of Appeal. Again, failure to comply with this request will result the appeal being considered as invalid.

In very limited circumstances, the AST will accept an appeal as valid without seeing a copy of the decision letter. For e.g. if the appellant has been given an eviction notice by their accommodation provider but has not yet received the HO decision letter. In these circumstances, you must use Section 5 to outline the steps taken by the appellant to obtain the decision letter and include a copy of the eviction letter with the Notice of Appeal.

Section 4 – Hearing type

In section 4.1 the appellant is asked to indicate if they would like their appeal to be decided with or without a hearing.

If the appeal is decided without a hearing, the judge will make a decision based on the written evidence submitted in advance of the appeal. This is known as a paper appeal. If the appeal is decided with a hearing, the appellant and their representative (if they have one) will set out their case before the judge. This is called an oral hearing.

ASAP's position is that it will nearly always be in your client's best interests to attend a hearing. For e.g, a hearing is an opportunity for the appellant to provide further explanation and evidence to support their case and speak directly to the judge. At this stage, you will not have access to the HO bundle or their written submissions, without which it is difficult to assess if you have sufficient documentary evidence to win the appeal.

If the appellant is given this will typically be face to face in London, unless there is a reason the appellant cannot travel to London. There are three types of oral hearing:

1. Telephone hearing. The appellant needs a charged telephone and a quiet space to join the call. The judge, interpreter, HO presenting officer and the ASAP representative (if ASAP are representing) will be attending in person at the AST in London.
2. Video CVP hearing. The hearing takes place by video conference. The appellant needs access to a device with a good broadband connection. The joining instructions will be emailed to the email address listed in section 2. The judge, interpreter, HO presenting officer and the ASAP representative (if ASAP are representing) will be attending in person at the AST in London.
3. In person hearing. The appeal will be heard in a hearing room at the AST in Import Building (East London). The appellant will need to be able to travel to London by public transport. The tickets will be provided by the HO. The Judge, interpreter, HO presenting officer and the ASAP representative (if ASAP are representing) will also be there in person.

If the appellant does not feel they can travel to London they should explain why in Section 4.5. The AST is likely to grant a remote hearing if the appellant;

- Is in detention
- Has physical or mental health problems that would make it difficult for them to travel to the AST
- Is pregnant or has young children they would need to bring to the AST
- Lives in Belfast, or lives in Scotland and has a lawyer representing them with their appeal

The AST is unlikely to grant a CVP hearing unless the appellant has indicated that

their representative or another supporting agency has agreed to assist them with this. If the appellant is granted a CVP hearing, travel tickets to allow them to travel to their representative's office will be sent to the email address provided in Section 1.

If the appellant requires an interpreter, they should request one at Section 4.2. As oral hearings can be both complex and lengthy it is advisable to request an interpreter unless the appellant is fluent in English. This service is free of charge and interpreters arranged by the AST are independent of the HO and the AST. The AST has requested that appellants should always indicate whether they require an interpreter and which language. This is because even if an appellant requests a paper appeal, the judge may decide it is in the interests of justice to hold a hearing instead.

If the appellant has a disability and/or additional needs that the AST (and therefore the judge dealing with their case) should be aware of, details should be provided in Section 4.4.

Section 5

In Section 5 the appellant must state their reasons for appealing and explain which points in the HO decision letter they disagree with. There will be time to provide further evidence later in response to the Directions Notice, **so do not delay appealing to gather more evidence** because you may miss the deadline.

Examples of Grounds for Appeal

The following table provides examples of when the HO might refuse or discontinue support and the types of grounds that could be included in an appeal. This is **general guidance only**. The grounds of appeal will differ from case to case. If you have any doubts about how to phrase the grounds of appeal, call ASAP's advice line.

Reason for refusing or discontinuing support	Grounds for Appeal
The applicant is not destitute	Provide an explanation (with corroborating evidence) of how the appellant has been supporting herself/himself. E.g. letters from friends or charities confirming the type of support provided, the length of time it was provided for and the date that support will come to an end.
Refusal of s4 support on the grounds that the person does not meet any of the criteria for support (see Factsheet 2)	If they are unable to travel then include medical evidence which confirms this and explains why (e.g. s4 Medical Declaration).

	<p>If the appellant is about to submit a PAP or Judicial Review claim against the refusal of further submissions, then provide a copy and proof it was submitted.</p> <p>If the appellant is preparing to submit a fresh claim, a draft copy of the fresh claim, confirmation that legal aid has been granted/applied for, evidence of upcoming FSU appointment and a submission from their immigration solicitor detailing the merits of the fresh claim and what is different/new from what has previously been considered.</p> <p>If they have been taking 'all reasonable steps' i.e. attempted to get a travel document or approached the HO regarding assistance to return voluntarily to their country of origin then this information should be included, together with supporting evidence of attempts to contact the HO or the relevant embassy.</p>
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Section 6

If the appeal is late, the appellant must explain why it is late and why the AST should accept it. An appeal will be late if it is submitted after three working days from the date on the decision letter. Any supporting documentation, e.g. a letter from the appellant's adviser giving reasons why the appellant was unable to meet the deadline should be sent. If a reasonable explanation is provided the AST will almost always accept an out of time appeal.

Sending the form to the Tribunal:

Wherever possible the Notice of Appeal should be completed electronically and sent by email to: asylumstribunals@justice.gov.uk Whilst appeals can still be made by post, the AST has advised this should only be done in the circumstances they cannot be submitted via email.

The AST has confirmed it will accept scans and photographs of the Notice of Appeal and supporting evidence, which may assist appellants who are unable to access face



to face support from advice agencies.

The AST can be contacted using the freephone number provided on the Notice of Appeal: 0800 681 6509.

Please see [Factsheet 3](#) for further information about the Appeal Process to the Asylum Support Tribunal, including what happens after the Notice of Appeal has been submitted.