

TIME LIMITS FOR IMMIGRATION PROCEDURES AND REMEDIES

AR=Administrative Review, HO=Home Office, FTT=First-Tier Tribunal, UT=Upper Tribunal, CA=Court of Appeal, PTA=Permission to Appeal, App AR=Appendix AR, JR=Judicial Review, PTJR=Permission to JR, TWM=totally without merit, HC=High Court, CPR=Civil Procedure Rules		
Procedure	Authorities	Time limits <i>All reference to 'days' are to 'calendar days' unless specified as 'working days'</i>
Application for AR to HO	r34L-Y App AR AR guidance	An AR application is 'made' on the marked date of posting/on the date delivered by courier/on date submitted online r34W Under r34R(1) , AR applications must be made within the following number of days following receipt of notice of decision: In the UK: 14 (7 if detained). Abroad: 28. Review of conditions/length of leave: 14 days after receipt of BRP (AR3.3) Late applications may be accepted where it would be <i>unjust not to waive the time limit and the application was made as soon as reasonably practicable</i> r34R(3)
Applications to FTT – 2014 Procedure Rule 11: if a deadline falls on a non-working day, the in time if it is done the next working day before midnight		
Appeal to FTT	2014 FTT IAC Procedure Rules	Under Rule 19 notice of appeal must be received: In the UK: 14 days after decision is sent . Abroad: 28 days from receipt of decision OR 28 days after leaving the UK where right of appeal can only be exercised from abroad Late application the Rule 20 test is the overriding objective under Rule 2: in essence, if it is in the interests of justice to do so. Time may be extended under Rule 4(3)(a)
PTA to UT		Under Rule 33(2)&(3) , notice must be received within the following number of days after the decision is sent (Amended wording from 14/5/18, see Note 1 below) In the UK: 14 Abroad: 28 Time may be extended under Rule 33(5)
Applications to UT –2008 UT Rule 12(1): an act is done in time if done before 5pm Rule 5(3)(a) allows the UT to vary time limits		
PTA to UT	2008 UT Rules	Application must be received by UT within timeframes under Rule21(3)(aa)(i)& 21(3)(b) following the FTT's refusal of permission having been sent In the UK 14 days Abroad 1 month
PTA to CA		Under Rule 44(3B) following the UT's decision being sent , within: where decision sent by post – in the UK 12 working days (7 working days if detained) – decision sent by post - abroad 38 days. Decision sent by electronic/personal service in the UK 10 working days (5 working days if detained) abroad 10 working days
Applications to CA – all under CPR52		
PTA to CA	CPR52	Under PD52D para 3.3&3A notice of appeal must be filed at CA within 28 days of statement of reasons for decision refusing PTA was sent to A
PTA to CA after UT dismissal of PTJR		Under CPR52.9(3) notice of appeal must be filed within 7 days of UT decision refusing PTJR at oral renewal hearing, or within 7 days of service of UT order refusing PTJR, where on papers and TWM
PTA dismissal of Cart JR		Under CPR52.8(4) notice of appeal must be filed with CA within 7 days of service of HC order refusing PTJR
Applications for JR permission - UT or HC		
PTJR to UT or HC	CPR54 or UT Rules	Under CPR54.5(1) / Rule 28 claim must be filed promptly and in any event not later than 3 months (shorter for Cart JRs – see below) after the grounds for the claim arose/the decision, action or omission to which the application relates . Late applications: Extension of time can not be agreed between the parties in the HC CPR54.5.2; UT may accept late application and can extend time Rule 28
Cart JR – HC JR of refusal by UT of PTA a FTT decision		
PTJR to HC Admin	CPR54	Under CPR54.7A(3) claim form and supporting docs must be filed no later than 16 days after UT notice of decision was sent

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PBS docs request	245AA(b)	Documents requested under the 'evidential flexibility' policy must be received within 10 working days of the date of the request
Removal window	Enforcement guidance JR	No removal within 7 days of being served with notice of removability (72 hours if person is detained) but after that there may be removal without further notice for 3 months. The 21 May 2018 update to the policy includes new section on 'deferral of removal' to facilitate seeking legal representation. This is essential reading
Timing of notices	Appendix SN	Relevant to expiry of s3C leave upon notice of invalidity void applications or AR decisions, SN1.9 provides these are deemed as received: by <i>fax</i> , the same day; by <i>post in the UK</i> , 2 nd day after posting; <i>post outside the UK</i> on the 28 th day after posting.
Asylum SEF	API Non-compliant claims	Some applicants are given an SEF to be returned within 10 working days (HO to link to file within 5 days). Requests for extensions may succeed in exceptional circumstances but the policy states instructing legal representatives to complete the form will not lead to a grant of an extension.
Trafficking decisions	Victims of Moderns Slavery	A reasonable grounds decision should be made within 5 days of NRM referral. If positive, this is followed by a 45 days' 'recovery and reflection period' during which no enforcement action or negative asylum decision should be taken. The conclusive grounds decision should be made within 45 days of the reasonable grounds decision.
Detention reviews	Enforcement guidance	At 55.8 the policy 'Detention and temporary release' (under 'offender management') a 15 stage list of when reviews are required and which rank officer must undertake these.
Rule 35 report	Rule 35 guidance	2 working days to provide a response to a Rule 35 report.

NOTE 1:

2014 FTT Procedure Rules – *Words substituted by [Tribunal Procedure \(Amendment\) Rules 2018/511 Rule 4\(2\)](#) (May 14, 2018)

Rule 33 Application for permission to appeal to the Upper Tribunal

- (1) A party seeking permission to appeal to the Upper Tribunal must make a written application to the Tribunal for permission to appeal.
- (2) Subject to paragraph (3), an application under paragraph (1) must be ~~provided~~ [sent]* to the Tribunal so that it is received no later than 14 days after the date on which the party making the application was ~~provided with~~ [sent the]* written reasons for the decision.
- (3) Where an appellant is outside the United Kingdom, an application to the Tribunal under paragraph (1) must be ~~provided~~ [sent]* to the Tribunal so that it is received no later than 28 days after the date on which the party making the application was ~~provided with~~ [sent the]* written reasons for the decision.]

The above table is a general outline and it represents the best of our knowledge and belief as to the current law as at 28 May 2018. This document does not constitute legal advice and the law must always be consulted directly. Please note the linked, free source of legislation <http://www.legislation.gov.uk> does not provide amended versions of secondary legislation, and we will therefore copy recently amended provisions in the 'Notes' section. We welcome your suggestions for improvement in relation to any of our products, via enquiries@hjt-training.co.uk