

PRACTICE DIRECTION 54B

APPLICATIONS FOR STATUTORY REVIEW UNDER SECTION 103A OF THE NATIONALITY, IMMIGRATION AND ASYLUM ACT 2002

This Practice Direction supplements Section III of CPR Part 54

1 Attention is drawn to:

- Sections 103A, 103C and 103D of the Nationality, Immigration and Asylum Act 2002 (inserted by section 26(6) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004); and
- (2) Paragraph 30 of Schedule 2 to the 2004 Act.

THE COURT

- 2.1** Applications for review under section 103A(1) of the 2002 Act are dealt with in the Administrative Court, subject to the transitional filter provision in paragraph 30 of Schedule 2 of the 2004 Act which provides that they shall initially be considered by a member of the Tribunal.
- 2.2** During any period in which the filter provision has effect, the address for filing section 103A applications shall be the Asylum and Immigration Tribunal, P.O. Box 6987, Leicester LE1 6ZX.
- 2.3** Where a fast track order within the meaning of Rule 54.32(3) applies to a section 103A application, paragraph 2.2 shall not apply and the address for filing the application shall be the address specified in the Tribunal's determination of the appeal.

ACCESS TO COURT ORDERS SERVED ON THE APPELLANT BY THE SECRETARY OF STATE

- 3.1** Where the court sends a copy of its order on a section 103A application to the Secretary of State but not the appellant in accordance with Rule 54.34(2), then Rules 5.4(3)(b) and 5.4(5)(a)(ii) are modified as follows.
- 3.2** Neither the appellant nor any other person may obtain from the records of the court a copy of the court's order on the section 103A application, or of any order made under section 103D(1) of the 2002 Act in relation to that application, until either the Secretary of State has given the court the notification required by Rule 54.34(3)(b) or 28 days after the date on which the court sent a copy of the order to the Secretary of State, whichever is the earlier.

REFERRAL TO COURT OF APPEAL

- 4.1** Where the court refers an appeal to the Court of Appeal, its order will set out the question of law raised by the appeal which is of such importance that it should be decided by the Court of Appeal.
- 4.2** Paragraph 21.7A of the practice direction supplementing Part 52 makes provision about appeals which are referred to the Court of Appeal.