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Press release

New fast-track immigration appeal rules proposed

From: Ministry of Justice (<https://www.gov.uk/government/organisations/ministry-of-justice>) and The Rt Hon Elizabeth Truss MP (<https://www.gov.uk/government/people/elizabeth-truss>)

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A new fast-track system to speed up immigration and asylum appeals for those in detention has been drawn up.



A new fast-track system to speed up immigration and asylum appeals for those in detention, saving millions of pounds every year, has been drawn up by Ministers.

The government today set out plans for a new process for detained foreign nationals appealing a Home Office decision to remove them from the country.

The new rules, which if accepted would apply to detained foreign criminals and failed asylum seekers, could speed up about 2,000 cases every year and save the taxpayer an estimated £2.7million.

The proposals would mean the time between an initial decision and conclusion of an appeal to the First-tier Tribunal would be capped at between 25 and 28 working days – shaving around a third off current average timeframes.

Justice Secretary Elizabeth Truss said:

It is vital that foreign nationals who have no right to remain in the country should be removed as quickly as possible.

We must ensure that foreign criminals and failed asylum seekers are not exploiting the justice system by attempting to stay in the UK after their claims have been rejected.

Our proposals are also better for detainees as it will see their detention time cut.

The new plans would replace the old detained fast track appeals system, which was brought to an end in 2015 after a Court of Appeal ruling.

Proposals laid out today by the Ministry of Justice would include new safeguards, including a case management review and giving judges strengthened powers to decide whether cases can be expedited.

It is now for the independent Tribunal Procedure Committee (TPC), which sets rules for tribunals, to consider whether and how the proposals should be implemented.

Notes to editors

1. The plans (<https://consult.justice.gov.uk/digital-communications/expedited-immigration-appeals-detained-appellants/>), published today (18 April) following a consultation, would apply to those detained and appealing an immigration or asylum decision through a tribunal.
2. A previous fast track appeal process was set aside by the Court of Appeal in 2015, but the Court did not disagree with the principle of an expedited appeals process. The Government's proposals have taken the Court's judgment on board, and added new safeguards including a case management stage for each detained appellant, and new powers for judges to decide whether cases should be expedited.
3. The proposals will cut the length of time in detention for foreign nationals by speeding up the appeals process.
4. They propose that the time between the Home Office's decision and determination of the appeal by the First-tier Tribunal should be set at between 25 and 28 working days.
5. The current average for an appeal determination is about 36 working days.

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