

Preliminary Issue: Validity

Rule 9 of Asylum and Immigration Tribunal (procedure) Rules 2005

Name:

Post ref:

AIT ref:

..... [Name] applied for entry clearance as a[visitor, family visitor, student, dependent etc]. He/She was refused on[date]. In accordance with Section 88/90/91 of the Nationality and Immigration Act 2002, the appellant's right to appeal is limited to any or all of the grounds referred to in section 84(1)(b) and (c) of the Nationality, Immigration and Asylum Act 2002.

On [date] an appeal was received at Post/from the AIT indicating that a full right of appeal existed against the refusal of entry clearance. However, the appellant * [insert here the reasons for disputing the validity of the appeal - see examples below]. The appellant is therefore not entitled to the full right of appeal. Furthermore, the appellant does not qualify for the limited grounds of appeal as he/she does not make reference to section 84(1)(b) or (c) of the Nationality, Immigration and Asylum Act 2002 in the grounds of appeal.

I request that the validity of this appeal should therefore be considered as a preliminary issue under Rule 9 of the Asylum and Immigration (Procedure) Rules 2005.

ECO/ECM

POST

DATE

** Applied as a family visitor, but is not visiting a qualifying family member as defined by the Immigration Rules.*

Applied to study a course of less than six months.

Is a dependant of a student applying to study for less than six months.

Is a dependant of the main applicant whose application has been refused.

These reasons are not exclusive and are intended as examples only.