

## **NOTICE OF IMMIGRATION DECISION**

In compliance with the Immigration (Notices) Regulations 2003 made under section 105 of the Nationality, Immigration and Asylum Act 2002

## **REFUSAL OF ENTRY CLEARANCE**

Post reference: \

To:

Date of Birth:

Nationality:

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### **The evidence that the Entry Clearance Officer has taken into account**

In order to reach a decision, I have taken into account:

- That the burden of proof is on you, the applicant
- The standard of proof is to a balance of probabilities
- Your completed application form
- Your passport and the original documents that you provided (list each document provided in detail)

### **The relevant Immigration Rules**

You have applied for a Certificate of Entitlement to the Right of Abode in the United Kingdom

### **The Entry Clearance Officer's decision**

However I am not satisfied that you meet the requirements of Section 2 of the Immigration Act, 1971 as amended, in particular that,

Insert text

### **The Entry Clearance Officer's reasons and supporting evidence**

Insert text

I have refused your application for a Certificate of Entitlement to the Right of Abode on this occasion because I am not satisfied, on the balance of probabilities, that you meet the requirements the requirements of Section 2 of the Immigration Act, 1971 as amended. This decision was made on the merits of this application. However, if you have a previous application and immigration history, this may have been considered.

If you decide to appeal against the refusal of your application, the decision will be reviewed in conjunction with your grounds of appeal. If you have any additional documentation which addresses the reasons for refusal, you are strongly advised to submit it with your notice of appeal, as it may be possible to resolve the points at issue without the necessity for an appeal hearing.

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### **Your right of appeal**

You are entitled to appeal against this decision under section 82(1) of the Nationality, Immigration and Asylum Act 2002. If you wish to appeal you should complete Appeal Form AIT-2, a copy of which will be given to you with this notice. A guidance leaflet is also enclosed which explains what to do.

You must lodge your appeal at the Asylum and Immigration Tribunal. You can do this by:

- Fax to: +44(0)1509221699; or
- Post to: Asylum and Immigration Tribunal, Tribunals Group Customer Service Centre, PO Box 7866, Loughborough, LE11 2XZ, United Kingdom; or
- Returning your appeal papers to the *Visa Section, add address*

The completed appeal form must arrive no later than 28 days after receipt of this notice, and you must make sure that it is signed and dated.

Entry Clearance Officer:

Date of refusal:

If posted to applicant date of posting:

If a copy of this notice was personally handed to you by an Entry Clearance Officer, then please sign below:

Applicant's signature:

Date



## THE IMMIGRATION ACTS

Complete this form if you are appealing from outside the United Kingdom against a decision of an Entry Clearance Officer (ECO).

If you are appealing from outside the United Kingdom against **any other decision**, you must use appeal form AIT-3.

### Section 1

- A** Post reference number
- B** Type of Decision
- C** Name of British Mission
- D** Date of Service of Decision
- E** Deadline to appeal
- F** Method of Service by ECO

### Section 2

The deadline to appeal is **28 calendar days** after the date you were served with the decision. Your appeal must be received by the Visa Section or the Tribunal by the end of this period.

If you know your appeal is late, **or** if you are not sure your appeal will be received by the deadline date, **you must apply for an extension of time, and give your reasons for failing to submit your appeal in time, in the box →**

- Attach any evidence to the form.
- Use additional sheets of paper if you need to.

## Notice of appeal to the Asylum and Immigration Tribunal (United Kingdom)

Form **AIT-2**  
Overseas-Entry Clearance

- To complete this appeal form, **please refer to the information leaflet** that was sent to you with your notice of refusal and this form. You can also find the leaflet on [www.ait.gov.uk](http://www.ait.gov.uk).
- Please complete this form in English. It is in your interest to complete this form as thoroughly as possible, and state all of your grounds in order for your appeal to be dealt with efficiently. Please write in **BLOCK LETTERS**.
- Please complete Section 1 of this form by referring to the notice of refusal that was sent to you by the Entry Clearance Officer.
- Where there is a check box , put a check (**X**) in it to show your answer.
- You should send your notice of refusal with this form. If you do not send the notice of refusal with your appeal form, you must give your reasons in Section 8.

### Your ECO decision

<input type="text"/>		
Settlement <input type="checkbox"/>	Non-Settlement <input type="checkbox"/>	Family Visit <input type="checkbox"/>
<input type="text"/>		
<input type="text" value="/ /"/>		
<input type="text"/>		
Post <input type="checkbox"/>	Fax or Personal Service <input type="checkbox"/>	

### Late appeal and application for extension of time

## Section 3

- A** Surname or family name  
Please use CAPITAL LETTERS
- B** Other Name(s)
- C** Address or c/o address where you can be contacted  
**Notice:** If you change your address, you **must** notify the Asylum and Immigration Tribunal immediately, in writing. The address of the Tribunal is at the end of this form.
- H**
- I**
- D** Telephone number
- J** Give a number where the Tribunal may contact you during the day
- E** Date of birth  
Please give as Day/Month/Year
- F** Are you male or female?
- G** Nationality/ citizenship (if more than one, state all)

Do you have a representative?

Do you have a sponsor? (See guidance for an explanation of the term sponsor).

Have **you** appealed against any other immigration decision made **either** in the United Kingdom or overseas?

- K 1** To the best of your knowledge, does any member of your family or anyone planning to accompany you have an appeal pending in the United Kingdom?

## Personal Information



Number/Street

Town

Country	Post Code
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/	/	
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Male  Female

No  Yes

Your representative should complete Section 6 on page 5.

No  Yes

**You may enter your sponsor's details in Section 7 on page 6.**

No  Yes

What type of decision did you appeal against?

Asylum  Non-Asylum

Date of the appeal

/	/	
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What is the appeal number, if you know it?

No  Yes


**K 2** To the best of your knowledge, is any member of **your family** or anyone planning to accompany you, intending to appeal against an immigration decision?

No  Yes

Name(s)	Relationship	Post / Home Office reference number, if you know it

**L** Do you wish to have your appeal decided on the papers or at an oral hearing?  
**Tick one box only**

Paper Hearing

Your appeal will be decided on the information given on this form and other documents submitted.  
Please go directly to Section 4 on page 4.

Oral Hearing

You will not be able to attend the hearing but if you have a sponsor or representative, they can attend on your behalf.

**M** If you want an oral hearing, who will be present?

Your representative  Sponsor(s)  Witnesses

**N** Tick who will need **an interpreter**

Your representative  Sponsor(s)  Witnesses

Which language will be needed?

**Language:**

**Dialect** (if applicable):

**O** If your representative sponsor or witness has a disability, please explain any special arrangements needed for the hearing.

## Section 4

## Grounds of your appeal

- In this section you must set out the **grounds for your appeal** and give **the reasons** in support of these grounds – that is, why you disagree with the decision. You must do this **now** because you may not be allowed to mention any further grounds at a later date.
- Please set out your grounds, and reasons in support of those grounds, in the box below.
- Please refer to the paragraphs of the refusal letter when possible.
- You should include in this section any parts of your claim that you think have not been addressed in the refusal letter. You must say if you have raised these issues before.
- Give as much detail as possible: use additional sheets of paper if you need to.

## Section 5

## Declaration by appellant

If you are the appellant and you are completing this form yourself, you must complete the declaration

**A** Declaration by the Appellant

Appellant's signature and date

**B** Name of appellant  
Please use CAPITAL LETTERS

I, the appellant, believe that the facts stated in this notice of appeal are true.	
	/ /

## Section 6

## Representative Details

If you have a representative, he or she must complete this section.

**A** Name of the representative  
Please use CAPITAL LETTERS

**B** Name of the representative's  
organisation (if applicable)

**C** Postal address of organisation

**D** Reference for correspondence

**E** Telephone number

**F** Mobile number

**G** Fax number

**H** Email address


**I** Are you an organisation regulated by  
the Office of the Immigration Services  
Commissioner (OISC)?

**J** Has the appellant been granted  
publicly funded legal representation?


**K** Declaration by the Representative

Representative's signature and date

<input type="text" value="Country"/>	<input type="text" value="Post Code"/>
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No  Yes  

Please provide the OISC reference:

No  Yes  

Please provide the LSC reference number, if  
applicable:

The facts stated in this notice of appeal are true to the best of my knowledge  
and belief.

<input type="text"/>	<input type="text" value="/"/>	<input type="text" value="/"/>
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Notice to representatives

You must notify the Asylum and Immigration Tribunal, the Entry Clearance Officer, and other parties, if you cease to represent the appellant. If the appellant changes representative, details of the new representative should be sent to the same address to which you are sending this form. Please give **the appellant's full name, address, and Post Reference number.**

Section 7

Sponsor Details

If you have a Sponsor, you may complete this section.

**A** Name of the sponsor  
Please use CAPITAL LETTERS

**B** Name of the sponsor's organisation  
(if applicable)

**C** Postal address of sponsor / organisation

Number/Street	
<input type="text"/>	
<input type="text"/>	
Town	
Country	Post Code

**D** Telephone number

**E** Mobile number

**F** Fax number

**G** Email address

**H** Notice

**Please note that if a sponsor is named in this section, the Tribunal will write to him or her to ask for confirmation of that person's intention to act as a sponsor.**

## Section 8

What to do next

## When you have completed the form

Keep a copy of this form for your own use. Then send the original form to either **1** or **2** below. Please tick **one** of boxes **1** or **2** below to show where you will send the form

visa or consular  
section

**1**

The visa or consular section in the country where you applied; or

Tribunal

**2**

The Asylum and Immigration Tribunal. You may send the form to the Tribunal, either by sending it to:

**Asylum and Immigration Tribunal**

**PO Box 7866**

**Loughborough, United Kingdom**

**LE11 2XZ**

**Or by faxing it to: +44 (0)15 09 221 699**

Send the notice of refusal with this form

To make sure that you are sending your notice of refusal with this form, please put an **X** in this box.

If you do not send the notice of decision with the appeal form, you must state the reason here:

Documents to support your application

If you are sending any other documents with this form to support your appeal, please list them here:

If you are intending to send other documents that are not yet available to you, please list them here:

If you need to contact the Tribunal

You must notify the Tribunal if you change your address, and/or if you appoint a new representative or sponsor.

Changes to your personal information

You must notify the Tribunal if you change your address, and/or if you appoint a new representative or sponsor.

Data Protection Statement

Information, including personal details that you have provided in this form will not be used by the Visa Section, or Asylum and Immigration Tribunal, for any purpose other than the determination of your application. The information may be disclosed to other government departments and public authorities only, for related immigration or asylum purposes



**Tribunals Service**

Asylum and Immigration Tribunal

## **IMMIGRATION ACTS**

### **A GUIDE TO COMPLETING AIT-2 APPEAL FORM**

**Notice of Appeal to the Asylum and Immigration Tribunal (United Kingdom)  
Overseas Entry Clearance**

## Information on completion of appeal form AIT-2

The Notice of Refusal sent with this leaflet tells you how to **appeal** to the **Asylum and Immigration Tribunal (AIT)** if you think that decision is wrong.

This leaflet provides further information on how to decide whether to appeal, and how to bring an appeal to the Tribunal if that is what you decide to do.

If you want to know more about the appeals process please see Frequently Asked Questions (FAQ) at [www.ait.gov.uk](http://www.ait.gov.uk).

### Deciding whether to appeal

The Notice of Refusal explains the grounds on which you may appeal against the Entry Clearance Officer's decision. The time limit for appealing is **28 calendar days** from the date you received the decision.

### Representative

It is open to you to nominate someone to present your appeal on your behalf. This person is referred to as your representative. If you wish to nominate a representative you should indicate this in the appropriate place on the appeal form, and provide address details so that we can contact them and send appropriate notices.

The Asylum and Immigration Tribunal (Procedure) Rules 2005 (the Rules) require that you maintain contact with your representative until the appeal has been finally determined, and that you notify your representative of any change of address.

You can find the Rules at [www.statutelaw.gov.uk](http://www.statutelaw.gov.uk). Under "quick search" title enter Asylum & Immigration Tribunal, and select the Rules from the search results.

You should be aware that the Rules provide that a representative acting on your behalf may on your behalf do anything that the Rules require or allow you to do.

Should your representative cease to act for you, you and your representative must notify the Tribunal immediately.

Importantly, you should be aware that if the Tribunal's records state that you have a current representative, any document served on that representative will be deemed to have been served on you. The Rules also require the Tribunal to serve on your representative a copy of any document served on you. This includes all notices and the determination. This applies to all persons nominated as a representative, irrespective of whether they are professional representatives, as described in the next section of this Guide.

### [http://](http://www.ait.gov.uk)Professional Representatives

If you wish to nominate a representative who is providing immigration services in the course of a business (whether or not for profit), you should ensure that he or she is

qualified to provide such services on your behalf. Information as to who is permitted by law to provide such services can be obtained from the Office of the Immigration Services Commissioner (OISC), at [www.oisc.gov.uk](http://www.oisc.gov.uk)

The requirement to be qualified does not apply to representatives operating outside the United Kingdom.

The following organisations will be able to provide names and addresses of professional representatives. These organisations will only provide details of those representatives who are registered with them not a complete list of all those in the United Kingdom able to provide immigration services.

### **For applicants UK wide**

#### **Office of the Immigration Services Commissioner**

5<sup>th</sup> Floor  
Counting House  
53 Tooley Street  
London  
United Kingdom  
SE1 2QN

Telephone number: +44 (0) 845 000 00 46

### **For applicants in England and Wales**

#### **Legal Services Commission (LSC)**

85 Grays Inn Road  
London  
United Kingdom  
WC1X 8TX

Telephone Number: +44 (0) 845 608 1122

Or via the website at [www.justask.org.uk](http://www.justask.org.uk)

#### **Law Society of England & Wales**

113 Chancery Lane  
London  
United Kingdom  
WC2A 1PL

Telephone Number: +44 (0) 870 606 6575

Or via the website at [www.solicitors-online.com](http://www.solicitors-online.com)

### **For applicants in Scotland**

#### **Law Society of Scotland**

26 Drumsheugh Gardens  
Edinburgh

Scotland  
EH3 7YR

Telephone Number: +44 (0) 131 226 7411

**The Scottish Legal Aid Board**

44 Drumsheugh Gardens  
Edinburgh  
EH3 7SW

Telephone Number: +44 (0) 131 226 7061

**For applicants in Northern Ireland**

**Law Society of Northern Ireland**

Law Society House  
98 Victoria Street  
Belfast  
Northern Ireland  
BT1 3JZ

Telephone Number: +44 (0) 28 9023 1614

**Northern Ireland Legal Service Commission**

2<sup>nd</sup> Floor  
Waterfront Plaza  
8 Laganbank Road  
Mays Meadow  
Northern Ireland  
Belfast  
BT1 3BN

Telephone Number: +44 (0) 28 9024 6441

A list of other organisations can be found in the leaflet Appeals Against a Refusal-Advice and Assistance handout which you should already have received and is also on your notice of refusal.

**Other Representatives**

Should you not want to nominate a professional representative (as described above), it is open to you to nominate some other person to represent you in your appeal. If you are appealing from outside the United Kingdom, this will usually be the person whom you are intending to live with or visit in the United Kingdom.

You may hear this person referred to as your sponsor during the appeals process. You should, however, be aware that the Immigration Rules define the term sponsor more narrowly, and that sponsors are only required for some entry clearance applications.

You should seek a person's agreement before nominating that person as your representative, and ensure that he or she understands what the role entails and their responsibilities.

If you wish your sponsor or another person to represent you, you must indicate this in the appropriate place on the appeal form. If you do not notify the Tribunal that a person is acting as your representative they will not receive documentation in relation to your appeal.

The sponsor is able to attend the hearing and give evidence as a witness. You can nominate a sponsor if you do not have a representative, but you should be aware that, unless your sponsor is also nominated as your representative, the sponsor does not have the same status as a representative. Importantly, the sponsor will not as such be entitled to receive a notice of hearing, a copy of the Tribunal's determination or other notices and documents concerning your appeal. For further information see section 7 of this Guide.

### **What do representatives do?**

A representative can help you prepare your case for appeal, prepare and submit the appeal form and evidence on your behalf, and represent you at hearings before the AIT.

The professional representative will be able to advise you on whether or how you will be able to obtain public funding for representation.

### **Is there a form for appealing to the Tribunal?**

Yes. If you are appealing against a decision of an Entry Clearance Officer you should complete the **appeal form AIT-2**.

You should have received an appeal form with your Notice of Refusal. If you did not you should contact the Entry Clearance Officer immediately at the visa section in the country where you applied.

If you require an extra copy of the appeal form, you can obtain one from:

- [www.ait.gov.uk](http://www.ait.gov.uk)
- [www.ukvisas.gov.uk](http://www.ukvisas.gov.uk)
- the address given in your Notice of Refusal or
- the Tribunals Customer Service Centre on + 44 (0) 845 6000 877 or minicom text phone on +44 (0) 845 6060 766

### **Where and when should I lodge my appeal?**

To ensure that your appeal form is received on time at the Asylum and Immigration Tribunal, you may send your appeal form directly to the **visa or consular section** in the country where you applied, using the fax or postal address given in the Notice of Refusal.

If a representative in the UK or your sponsor or somebody else connected with your appeal (eg the person you want to visit) intends to lodge the appeal on your behalf, he or she should send the appeal form directly to the Asylum and Immigration Tribunal. This can be done either:

- **by fax to :**           **+44(0)1509 221 699**
- **by post to:**       **Asylum and Immigration Tribunal**  
                          **PO Box 7866**  
                          **Loughborough**  
                          **United Kingdom**  
                          **LE11 2XZ**

Your appeal form must be received either at the post where you applied or by the Tribunal within **28 calendar days** of the date you received your refusal notice.

You should only send your appeal to one location. If you intend to send your appeal to the visa or consular section, you should check that your representative or sponsor has not already lodged the appeal on your behalf. If they have, please do not send the appeal form.

If you are posting your appeal you should allow sufficient time from the day you post your appeal for the appeal to be received by the ECO or the Tribunal. If possible you are advised to send your appeal by recorded delivery or by any other service where a receipt of postage and acknowledgement of receipt can be obtained.

**Note: your appeal is not considered lodged until it has been received by the visa, consular section or the Tribunal. An appeal that is late may only be considered if the Tribunal decides to extend the time.**

## **How do I complete the appeal form?**

You should read the notes at the beginning of the appeal form before you start to complete the form.

There are more notes at the start of each section of the appeal form. These give additional information about each section.

## **Further information about specific sections**

### **Section 1: Your decision**

This section may have already been completed by the Entry Clearance Officer or you may be using a form you have obtained yourself.

If it is not completed, you should be able to find the information you need in the Notice of Refusal.

**Date of service of Decision:** If no date of service is given in the Notice of Refusal, please enter the date you received the decision at Box D on your appeal form.

**Deadline to appeal:** If the Notice of Refusal has no “deadline to appeal” date, to ensure your decision is received in time, you will need to calculate the last day for serving the appeal. To do this you should:

- Calculate the deadline to appeal date by allowing **28 calendar days** from the date you received the decision. Put this date in the deadline to appeal box. For example if you were served with the decision on the 9<sup>th</sup> January the deadline for appealing would be the 6<sup>th</sup> February.
- If the decision was **posted** to you, you are considered to have received, i.e been served with the decision, on the **28<sup>th</sup> calendar day** after the postmark date on your envelope if it was sent to a place outside the United Kingdom.

## **Section 2: Late appeal and application for extension of time**

The Tribunal **cannot** allow a late appeal to proceed unless there are special circumstances. Because of this, it is essential that you give full reasons why your appeal is late.

You must complete this section if your appeal is late or if you are not sure whether it will be received in time. You should explain what stopped you from appealing within the deadline.

If you believe the deadline to appeal date you have been given is incorrect, you should say why and state when you received the Notice of Refusal.

The Tribunal will use the information you have provided to decide whether or not to allow your appeal to proceed.

## **Section 3: Personal Information**

This section relates to personal information about yourself and members of your family. If section **K1** applies to you, you should provide the information requested to the best of your knowledge. If you have a reference number but are unsure if it is an appeal reference, please insert it anyway. AIT may be able to match this with their appeals records.

**Section L-M** You have the option to request that your appeal be decided at an oral hearing or on the papers.

A paper hearing will mean that the appeal will be decided on the information you provided on the appeal form and other documents submitted as evidence.

If you have a sponsor or a representative, they can attend the hearing on your behalf.

If neither the Paper nor Oral hearing box is completed the appeal will be decided on the papers unless you have a representative.

**Sections N** You are asked if you require an interpreter for your representative or sponsor if they attend the hearing.

- An **interpreter** will translate evidence given at the hearing.

## Section 4: Grounds of your appeal

In this section you should clearly set out your grounds of appeal. These are the reasons why you disagree with the decision made by the Entry Clearance Officer. It is important that you set out all your grounds for appealing and provide as much detail as you can to support these grounds.

You must do this now because you may not be allowed to mention any further grounds at a later date. Use additional sheets of paper if you do not have enough room on the appeal form.

## Section 5: Declaration by appellant

If you are the appellant and you are completing the appeal form yourself, you must sign and date the appeal form.

## Section 6: Representative's Details

**If you have a representative he or she must complete and sign this section of the form.**

## Section 7: Sponsor details

In addition to nominating a representative, you can name a person resident in the UK as your sponsor. You should name the same person on your appeal form as you named in your application to the Entry Clearance Officer (ECO). Where you did not name a person as your sponsor for your application to the ECO (e.g. in an application for a visit to a family member) you may name the person you wish to visit as the sponsor to your appeal.

## What do I do after I have completed the appeal form?

Once you have completed the appeal form you should:

- make copies of the form, the Notice of Refusal and all other documents you send with the form.
- send your appeal form together with the Notice of Refusal and any other documents to the visa or consular section in the country where you applied or to the Tribunal by fax or post, to the address specified earlier. You must allow enough time for the appeal form to be received within the stated deadline for appealing.

**If you cannot send the Notice of Refusal with the appeal form, you should clearly state on the form the reasons why you cannot do so.**

Please make sure that all documents sent to the tribunal are in English, or accompanied by a translation into English and signed by a translator to certify that the translation is accurate.

When the AIT receive your appeal form it will write to you to let you know the date and time of the hearing, if there is to be one..

## **Whom do I contact if there are any questions after I have sent my form to the AIT?**

If you have any queries after you have lodged your appeal you should contact the AIT at:

**Asylum and Immigration Tribunal  
Tribunals Support Centre  
PO Box 6987  
Leicester  
United Kingdom  
LE1 6ZX**

or by telephoning the Tribunals Customer Service Centre on **+44 (0)845 6000 877**. You should have your post reference number available.