

## HATTON CROSS USER GROUP MEETING

Thursday 8 February saw the first Hatton Cross User Group Meeting under the stewardship of the new Resident Judge, Mark Sutherland Williams, who set out plans for a fresher and more streamlined service at the HX Immigration Tribunal. Physical changes are proposed, from the immediate addition of a crest and signage to longer-term plans to improve seating and conference availability.

The float list is currently being piloted at a maximum of 12 per day, which has been effective in reducing the number of cases that are adjourned from the float list for want of court time, which has been identified as a persistent problem.

Of most interest to practitioners are the issues raised around procedural reform. It has become all too frequent for evidence to be sent in late, or not at all, and for adjournments to be requested very late in the day, anecdotally leaving Presenting Officers facing lists that change at the last minute. At the same time, anecdotally, appeals in protection claims are being listed with impressive speed, often leaving appellant representatives under pressure to cobble together expert or psychiatric evidence with mere days to go.

It is likely that the deadline for bundles will come forward. The current standard direction, that bundles should be filed and served five working days before the hearing, is short when compared to directions in other jurisdictions. It may well be that the direction changes to require bundles to be served further in advance. As a matter of best practice, regardless of any change to

current practice, it was suggested that practitioners should aim to file and serve evidence *at least* 5 working days before the hearing and ideally in the week prior to that.

At the same time, the Home Office are to be encouraged to prepare their Rule 24 bundles (Respondent bundles) to comply with the rules – and to be indexed and paginated. The Procedure Rules require the Respondent's bundle to include: the notice of the decision; the application form; any interview record; any other unpublished document which is referred to in the refusal or relied upon by the respondent; and the notice of any other appealable decision made in relation to the appellant.

This is a brief note on best practice for procedural issues going forward.

- **Don't** wait for a listing to come through before preparing an appellant bundle, especially for protection claims. You can start preparing, particularly if expert country or medical evidence is needed, as soon as the refusal letter arrives.
- **Do** identify the issues before sending the appeal, and work out what evidence (witness, expert, background country information, medical) you will need to address each one.
- **Do** make use of the appeal and the 'reply' form. If you know you will need a longer listing window, say so within the appeal form: if nothing else, this will ensure the subsequent adjournment request is no surprise.
- **Do** ask to adjourn as early as possible if an adjournment is needed. Use the 'reply' form if you have one.



This will prevent last-minute applications which may not be dealt with prior to the date of hearing.

- **Do** aim to file and serve evidence ten working days before the hearing rather than five.
- **Do** read the Respondent's bundle thoroughly when it arrives and query any missing evidence.
- **Do** remember that under Procedure Rule 5(2) any party can ask for further Directions at any time and under rule 5(5) any party can challenge a direction or ask for it to be amended, suspended or set aside.

And finally,

- **Do** make use of Counsel! The team at Drystone will be happy to help, by email or telephone, with any queries you have about procedure or evidence.

Julian Norman  
Drystone Chambers



Julian has fifteen years experience in immigration law. After ten years working in private practice initially as a paralegal and then qualifying as a solicitor in 2007 (specialising in immigration law) she was called to the Bar in 2012.

After being called to the Bar she has continued to build a practice in immigration and also extradition and regulatory work. She is registered to undertake Direct Access work and she is also a qualified mediator.

