

Written evidence submitted by Coalition for Asylum Rights and Justice (CARJ) to the Immigration and Asylum Bill Committee (IAB16)

1. The Coalition for Asylum Rights and Justice (CARJ) is a coalition of nine organisations in the asylum and human rights sector with experience across casework, research, public affairs, and events. CARJ comprises: the Public Law Project (PLP); Freedom from Torture; Asylum Aid; the Helen Bamber Foundation; Medical Justice; Bail for Immigration Detainees (BID); Detention Action; the Anti-Trafficking and Labour Exploitation Unit (ATLEU); and the Migrant and Refugee Children's Legal Unit (MiCLU).
2. CARJ welcomes the opportunity to submit evidence to the public Bill committee examining the Immigration and Asylum Bill. This evidence will focus on Part 1 of the Bill.
3. In relation to Part 2 and Part 4 of the Bill, CARJ supports the evidence and recommendations submitted by the Immigration Law Practitioners Association (ILPA) and the Refugee Council respectively.

Key concerns:

- **Independence:** Compared with the tribunal judiciary, the Independent Immigration Appeals Authority (IIAA) will be significantly less independent of the Home Office and the public, putting in jeopardy the accuracy and fairness of appeals.
- **Expertise and experience:** Compared with the tribunal judiciary, IIAA adjudicators will be significantly less qualified and experienced to handle the complex and fast-changing field of immigration and asylum law, where appellants are often extremely vulnerable and inaccurate decisions can risk people's lives and safety;
- **Unfair procedures before the IIAA:** Part 1 establishes numerous unfair procedures before the IIAA, including: expedited appeals; requirements to treat a claimant's evidence less favourably when evidence is provided after a deadline; an ouster clause preventing judicial review of IIAA appeal decisions; and potentially requiring individuals to waive their right to legal advice and representation to pursue an appeal;
- **Failure to address the core problem:** Currently, around two-thirds of Home Office initial asylum decisions are overturned - either on appeal or by the Home Office itself.¹ As such, the low quality of most Home Office decisions is a major driver of appeals. Despite this, the Bill takes no action to improve the quality of initial decisions. In addition, there

¹ Refugee Council, [Top facts from the latest statistics on refugees and people seeking asylum](#) (March 2026).

is no evidence that the Government's proposals will achieve the objectives of reducing the appeals backlog and saving money.

4. This Bill is a missed opportunity to address the real drivers of delays and backlogs and to change things for the better. The Government should be: improving the quality of Home Office initial decisions so that fewer appeals are needed; promoting access to legal advice and representation so that individuals can make effective and efficient claims and appeals with the appropriate evidence; and increasing capacity in the tribunal system by developing a plan to recruit and retain tribunal judges. Unless capacity is increased in all parts of the system, it will not function properly and delays and backlogs will continue – if not worsen. As the National Audit Office put it in a December 2025 report, the Government needs “joined-up” asylum policy,² not disconnected knee-jerk reactions like this Bill.

Reduced independence from the Home Office:

5. Part 1 of the Bill states that Ministers must uphold the independence of the IIAA (clause 1(6)). However, there are serious concerns about whether this independence on paper will amount to operational independence in practice. Indeed, one commentator has referred to the IIAA as being merely “independent by assertion”.³
6. There are several provisions in the Bill which mean that in reality the IIAA will be significantly less independent of the Home Office than the current tribunal judiciary. These include that:
 - The IIAA is not legally established as a court or tribunal but as a “body corporate” (clause 1(1)). This is comparable to arms-length bodies or quangos operating under the auspices of government departments,⁴ demonstrating a far less institutionally independent framework compared with tribunals.
 - The Home Secretary appoints the Chair of the IIAA. The Chair will then appoint the Chief Executive, who will then appoint adjudicators (clause 2(1)-(5)).
 - The IIAA Procedure Board which will make the procedure rules for the IIAA will include the Chief Executive (appointed by a Home Secretary appointee) and anyone else appointed by the Chair (a Home Secretary appointee). The IIAA Procedure Board will then have the ability to set rules about the IIAA's time limits, its types of hearings (such

² National Audit Office, An analysis of the asylum system (December 2025) p.9.

³ Hleb Buziuk, [Independent by Assertion: The Immigration and Asylum Bill and the Re-Departmentalisation of Adjudication](#) (13 July 2026, UK Constitutional Law Association).

⁴ Cabinet Office, [Public Bodies Handbook Part 1 – Classification of Public Bodies: Guidance for Departments](#).

as dealing with appeals without an oral hearing), and when the IIAA ought to treat evidence as damaging a claimant's credibility (Schedule 3).

- In the exercise of its functions, the IIAA must only “aim” to be accessible, fair and independent (clause 1(5)), a bar that is significantly lower than the current rule that applies to all other civil procedures, to “deal with cases justly and at proportionate cost”.⁵
 - The IIAA must exercise its functions “hav[ing] regard to the public interest, and in particular to the fact that the IIAA operates as a key part of the immigration and asylum system” (clause 1(5)(c)).
 - The Home Secretary will have the power to produce regulations establishing default time periods for the IIAA to decide appeals (clause 8).
 - The Home Secretary will have the power to request that individual cases are expedited, with a default that the IIAA should approve the request (clause 9).
 - The Home Secretary has the power to remove non-executive members of the IIAA (Schedule 2(3)). By contrast, tribunal judges may only be removed from office by the Lord Chancellor, who has a statutory obligation under the Constitutional Reform Act 2005 to uphold the rule of law, and the Lord Chief Justice, the Head of the Judiciary in England and Wales.
 - Executive members appointed by the Home Secretary are employed on conditions determined by the Minister (Schedule 2(5)(2)).
 - The Home Secretary may provide financial assistance to the IIAA with conditions attached (Schedule 2(12)).
7. Taken together, these factors produce significantly reduced operational independence compared with the tribunal judiciary across a range of fundamental issues - appointments, accountability, working conditions, use of funding, and how to assess evidence. Ultimately, the IIAA will be a body with a conflict of interest at its heart - being independent and dealing with cases fairly, while being governed by Home Secretary appointees and implementing Home Office priorities.
8. Every function of the IIAA sets a far lower expectation that justice will be achieved, as it is no more than an ‘aim’. The Bill legislates to prioritise (“in particular”) the role of the IIAA as ‘a key part of the immigration and asylum system’, over any other public interest concern. This is an unambiguous push to align the IIAA with Home Office policy priorities rather than the requirements of justice.

⁵ [Civil Procedure Rules - Part 1, Overriding Objective.](#)

9. By contrast, tribunal judges are appointed by the independent Judicial Appointments Commission (JAC), rather than directly by a minister as senior members of the IIAA will be. Moreover, the Tribunal Procedure Committee (TPC) currently makes procedural rules for the First-tier Tribunal. There are no Home Office appointees on the TPC, compared with the proposed composition of the IIAA Procedure Board which will almost entirely be individuals connected with the Home Office.
10. Evidence has consistently highlighted that Home Office officials face significant and sometimes inappropriate political pressure to make decisions in accordance with political goals, including asylum decisions.⁶ The ties between the IIAA and the Home Office could, therefore, impose political pressure on the IIAA to operate in accordance with Home Office preferences rather than law and facts.
11. Moreover, the IIAA will be reporting annually to Parliament detailing occasions on which the adjudicator has treated a case exceptionally by, for example, extending the time period (clause 8(6)). In a framework in which the separation of powers is not maintained, such mechanisms may pressure the IIAA further to operate as ‘a key part of the immigration and asylum system’, placing undue emphasis on achieving the Home Office’s priorities.
12. In addition, it is important to underline that judicial independence does not exist just because the law says it should exist. An institution does not become independent-minded and independent-acting by legal fiat. Judicial independence is a professional and psychological culture that has been actively cultivated, maintained, and enacted by the different actors in the UK constitution over many decades and centuries.⁷
13. By contrast, the IIAA and its adjudicators have no such history or culture. Therefore, it is questionable whether they will have sufficient personal and professional confidence to stand their ground and assert independence if it were under challenge. Consequently, there are grave doubts as to whether a sentence in the Bill – especially when taken with the many provisions that contradict operational independence – can ensure independence comparable to the judiciary.

⁶ Wendy Williams, [Windrush Lessons Learned Review](#) (March 2020) p.49.

⁷ Graham Gee, Robert Hazell, Kate Malleson and Patrick O’Brien, *The Politics of Judicial Independence in the UK’s Changing Constitution* (Cambridge University Press, 2015).

14. Ultimately, Parliament should be concerned that the executive is seeking to abrogate judicial functions and co-opt those functions closer to itself to satisfy executive preferences for speedier and cheaper appeals.
15. Beyond the question of independence from the Home Office, there is the equally pressing question of independence from public opinion. As Lord Harper, a former Conservative Immigration Minister, has noted, the Government intends to create a body that is comparable to the magistracy in the sense that adjudicators will not need to be trained lawyers or judges. This could attract applications from members of the public with very pro- or very anti- asylum opinions. However, the Government has set out no plan for preventing individuals with predetermined opinions from being employed as adjudicators.⁸ Solicitors and barristers are trained and bound by professional standards and are accountable to their regulators to represent and advocate independently of their political and personal belief system (the cab rank rule for barristers, for example). A lay person will not be professionally bound (or trained and held accountable) in the same way.
16. Therefore, there are strong reasons to be concerned that the IIAA will not only lack the independence of the tribunal judiciary but that the function of this Bill is overtly to draw the IIAA closer to the political priorities of the Home Office.

Lack of expertise and experience of IIAA adjudicators:

17. The intention of the Bill is that IIAA adjudicators will be significantly less qualified and experienced in the law and deciding disputed cases compared with tribunal judges. While senior adjudicators will need to have some legal knowledge and/or training (clause 2(8)), there is no requirement that executive adjudicators – who are expected to hear most appeals – will have legal experience or training.
18. This is a problem because immigration law involves a notoriously complex amalgamation of law and facts. Lord Justice Jackson famously described immigration law as having “achieved a degree of complexity which even the Byzantine Emperors would have envied”.⁹ The House of Lords’ Justice and Home Affairs Committee recently described immigration law as a “farrago”.¹⁰ As such, it is crucial that appeals decision-

⁸ [House of Lords’ Hansard, Immigration and Asylum: Appeals \(Volume 857, Monday 29 June 2026\) Column 860.](#)

⁹ *R (Pakhriyal) v Secretary of State for the Home Department* [2013] EWCA Civ 1568.

¹⁰ [House of Lords’ Justice and Home Affairs Committee, Settlement, Citizenship and Integration \(1st Report of Session 2026-7\)](#) para. 235.

makers have considerable experience of assimilating complicated and nuanced facts and expert evidence and applying it to a complex legal framework. There is nothing in the Bill that requires adjudicators to have this experience.

19. The complexity of immigration law is why Parliament required immigration advisers to be adequately qualified and regulated through Part V of the Immigration and Asylum Act 1999. To represent an appellant in an immigration or asylum appeal, for example, a legal representative must either be accredited with or regulated by the Immigration Advice Authority or be authorised to practice by an approved regulator. In both cases, representatives must pass more advanced level examinations (Level 3 if regulated by the Immigration Advice Authority or Senior Caseworker if regulated by the Law Society). As such, due to this Bill, immigration advisers will need to be more experienced and qualified than asylum adjudicators deciding appeals based on the same legal and factual complexity. This is a stark contradiction that highlights the expedient, confused nature of these proposals.
20. In addition, asylum appellants have often experienced serious trauma, including torture or trafficking, and their appeal will frequently raise matters of a highly sensitive nature. Tribunal judges often bring experience of working with vulnerable people in a legal context, which then informs their case management and the treatment of the appellant. Other provisions in the Bill that will expedite the process and reduce the opportunity for expert evidence to be provided ahead of the hearing (clause 9), mean that unqualified and inexperienced adjudicators will now also lack vital information to contextualise and explain the behaviour and specific needs of vulnerable appellants.
21. Crucially, asylum appeal decisions directly implicate individuals' life and safety. If an asylum appeal is wrongly decided, it could directly lead to death, torture, imprisonment, or persecution. Decisions of this magnitude and severity should be dealt with by highly trained judges, not members of the public.
22. The ultimate risk is that IAA adjudicators will not have sufficient knowledge and experience in assimilating facts and evidence and applying them to a complex legal framework in order to properly resolve appeals, putting at risk the gravest human rights.

Unfair procedures before the IAA

23. Part 1 establishes several unfair procedures, about which CARJ is concerned. In particular, we have identified four areas of concern: expedited processes; unfavourable

treatment of claimant evidence; undermining access to legal advice and representation; and an ouster clause excluding judicial accountability.

24. First, the Bill authorises multiple expedited processes:

- Clause 8 empowers the Home Secretary to produce regulations establishing default time periods for the IIAA to determine appeals. These powers will be used to establish demanding timelines in order to deliver on the Home Office's objective of speeding up appeals. There is no express obligation on the Home Secretary to ensure that these regulations set reasonable timelines or are compatible with the principle of procedural fairness, a fundamental principle of public law procedural fairness.
- Clause 9 empowers the Home Secretary to request that specific cases are expedited before the IIAA, which the IIAA must accept by default unless expedition is not reasonably practicable or in the interests of justice.
- Schedule 3(3) states that the procedure rules produced by the IIAA's Procedure Board may make provision as to time limits, both for initiating appeals and for proceedings before the IIAA. Under current law, section 22(4) of the Tribunals, Courts and Enforcement Act 2007 requires that any procedure rules adopted by the Tribunal Procedure Committee (TPC) must ensure, among other things: that justice is done; that the tribunal is fair and accessible; and that proceedings are handled quickly and efficiently. The Bill imposes no comparable obligations to secure justice on the IIAA Procedure Board.

25. These expedited processes will undermine the IIAA's ability to determine appeals fairly, especially when taken together with adjudicators' lack of legal experience. Expedited processes could also mean that legal representatives do not have adequate time to prepare cases effectively (including obtaining relevant evidence or expert reports), making legal submissions and hearings less efficient and effective. This is a particular risk when the declining number of immigration legal aid lawyers means that they are virtually certain to be working on multiple demanding and complex cases at once.¹¹ There is also a risk that an expedited process does not provide adequate opportunity for the appellant themselves to prepare their case, which undermines the right to effective participation in the appeals process. This is especially important for vulnerable and traumatised appellants who may struggle with tight deadlines in the context of a highly pressured and adversarial process.

¹¹ Public Law Project, [Overstretched and unsustainable: A case study of the immigration and asylum legal aid sector](#) (June 2023).

26. Second, the Bill contains multiple provisions requiring the IAA to treat claimants less favourably for providing evidence or information outside prescribed time periods:
- Schedule 3(10) (1) which allows the IAA to make procedure rules about when evidence must be submitted and how late evidence should be treated.
 - Schedule 3(11) requires the IAA's procedure rules to state that submitting evidence after deadlines and failure to comply with bail conditions damages the credibility of appellants or applicants for bail, for the purposes of resolving their asylum appeal.
27. While the Bill provides exceptions when there are good reasons, establishing this default position unfairly weighs the procedure rules against appellants and applicants for bail. If it is truly independent, the IAA should be able to determine an individual's credibility on the facts, rather than on the basis of rules designed to prioritise the executive's policy preferences for faster and cheaper justice.
28. Moreover, asylum appellants may file evidence late for many compelling reasons. These include trauma and shame; lack of trust in authorities; medical conditions or injuries; time required by professionals to draft medico-legal reports or expert evidence; the inability to secure legal advice and representation due to the ongoing legal aid crisis; and the necessity to disclose very sensitive personal details, such as sexuality.
29. Furthermore, securing expert evidence can be crucial for an appellant's case. For example, when a Freedom from Torture medico-legal report is produced at a first appeal or further appeal, then the appeal overturn rate is significantly higher than for the general population. From 2015-2025, the appeal overturn rate for cases involving a Freedom from Torture report is approximately 83% according to its internal data.
30. In recognition of the critical role played by medico-legal reports, the Home Office's guidance on medical evidence specifies a concession whereby the substantive decision on an asylum or human rights claim will normally be suspended when the caseworker is informed that the claimant has been accepted for an appointment with '*a reputable provider or organisation that applies a rigorous methodology to the production of reports*'.¹² The Home Office recognised that medico-legal reports could take up to five months as there are a range of reasons beyond a provider's control as to why a report may take a considerable amount of time, including waiting for a doctor with the

¹² Home Office, [Further submissions](#) (April 2026).

appropriate expertise to become available, and delays in obtaining medical records and other documents which need to be seen by the doctor prior to the assessment.¹³

31. Third, there are concerns about how the Bill's provisions interrelate with the ongoing legal aid crisis. Vast areas of law, and immigration and asylum law in particular, are so-called "legal aid deserts" where individuals are almost wholly unable to access quality advice and representation. Indeed, 57% of people in England and Wales are unable to secure access to immigration legal advice and representation when they need it.¹⁴ While the Explanatory Notes to the Bill suggest that appellants will be able to be represented by a lawyer,¹⁵ Schedule 3(9)(3)-(4) establishes a provision that could undermine this in practice. It states that to pursue an appeal, the appellant will have to declare whether they wish to be represented and whether they have secured representation. If people have not had advice or representation but want to, they must state why they have not had it and what steps they have taken to obtain it.
32. The Bill's Explanatory Notes add that: "Appellants will be required to confirm they have advice and/or representation, or consent to proceed without it, to lodge a valid appeal."¹⁶ It is concerning that the options are either appellants confirming they have advice or representation, or consenting to proceed without it.
33. This is because there are no obligations in the Bill to ensure that advice or representation are provided if an individual clearly tried but the system failed, or any express obligations for extension to appeal deadlines. This could lead to individuals feeling pressured to proceed despite not having secured legal advice or representation as they are concerned that their appeal deadlines will not be met. Given the complexity of immigration law and the severity of the outcomes of a failed appeal, it is vital that appellants have legal support before the appeal proceedings commence.
34. This shortage of legal advice and representation is even more extreme for those held in Immigration Removal Centres, where legal representation levels are at a record low and the Detained Duty Advice Scheme (DDAS), designed to provide free legal advice to those

¹³ Home Office, [Medical evidence in asylum claims](#) (version 2.0) (August 2022), p.14.

¹⁴ Jo Wilding, [No Access to Justice 2: Mapping the UK's continuing immigration and asylum legal advice crisis](#) (Justice Together, 2025).

¹⁵ See paragraph 23.

¹⁶ See paragraph 23.

in detention, is not fit for purpose. The situation is worse for people held under immigration powers in prison, where recent research shows that the equivalent service to the DDAS is simply not being followed and that only 14% of people can access legal advice.¹⁷ Despite this dire situation, there is no explanation in the Bill or its Explanatory Notes for how legal advice and representation will be guaranteed for all those who wish to receive it in advance of lodging their appeal.

35. Fourth, despite the importance of the IIAA's decisions, the Bill contains an ouster clause designed to immunise the IIAA's appeals decisions from legal challenge (clause 1(8)). There will only be two methods to challenge an IIAA decision. The first is where the IIAA reconsiders its own decision and the second is where the Upper Tribunal hears an appeal from the IIAA based on a point of law (clause 1(8) and clause 7(1)). The Explanatory Notes to the Bill confirm that clause 1(8) is designed to prevent judicial review challenges of the IIAA's decisions in the High Court.

36. This is an unnecessary and disproportionate step. Where there is a suitable alternative remedy, such as a statutory appeal, the High Court will normally refuse permission to bring judicial review proceedings, as it is satisfied that the alternative remedy will vindicate the rule of law. Therefore, if the High Court considers that the Upper Tribunal appeal in clause 7 is sufficient, there would rarely be judicial review cases. Retaining the ability of a claimant to apply for judicial review would simply mean that the High Court could grant permission in residual circumstances where the Court believes it to be necessary. Clause 1(8) attempts to remove this residual right.

37. 3As such, clause 1(8) is an attempt at a rare absolute ouster clause which does not permit judicial review of an IIAA appeals decision in any circumstances whatsoever. It is constitutionally concerning to see the IIAA – a non-expert body institutionally close to the Home Office, making life-or-death decisions – wholly immunised from judicial review so far as its core appeals decisions. This further demonstrates the Home Office's concerning prioritisation of speed and finality over legal accuracy and justice.

Failure to address the core problem:

38. This Bill will not satisfy the Home Office's policy objectives of reducing the appeals backlog and saving money. The exclusive focus on judicial capacity in this Bill ignores the real drivers of the backlog and delays at the First-tier Tribunal. This is a missed opportunity to improve access to effective early legal advice, improve the quality of

¹⁷ Bail for Immigration Detainees, [Prison Legal Advice Report](#) (Summer 2026).

Home Office initial decision-making, and ensure that the Government increases capacity in the rest of the system (i.e. the existing Tribunal system), if increasing the volume of initial decisions made. Unless capacity is increased in all parts of the system, then it will not function properly and delays and backlogs will continue – if not worsen.

39. CARJ’s view is that re-arranging the deck chairs in the immigration system will not solve the key problems. In practice, this Bill is merely likely to shift the backlog from the First-tier Tribunal to the Upper Tribunal, as the number of appeals against IAA decisions will likely be significant. This is consistent with past Home Office policy, which merely transferred the backlog from the Home Office itself to the First-tier Tribunal. As the Public Accounts Committee said in its June 2026 report: "improvements in one area, such as the speed of increased initial decision-making, have frequently created pressures elsewhere, especially in appeals".¹⁸ The Home Office's approach is one of perpetual “backlog shifting”, rather than dealing with the root causes of the problem.
40. In addition, the Government is wholly unclear on when the IAA will fully take over the FTT’s work, conceding that there will be “a parallel operation for some considerable time”¹⁹ and “the transition costs remain non-monetised”.²⁰ Indeed, the Home Office concedes that several major costs will continue beyond the closure of the FTT, including judicial salaries and pensions, as judges hold lifetime appointments; additional costs of training judges reassigned to another chamber; and administrative costs of judicial reassignments.²¹
41. According to the Public Accounts Committee in June 2026, the Home Office “could still not explain how the new body will be resourced, how long dual running will last or how risks during this transition will be managed. They ... provided little evidence of a firm grip on effective delivery. This lack of realism echoes previous failed initiatives and leaves the Home Office at continued risk of repeating the same costly mistakes.”²² It is not surprising that the Regulatory Policy Committee rated the Home Office’s impact assessment for this Bill as “red” (not fit for purpose).²³ This is not a policy based on robust empirical evidence.

¹⁸ Public Accounts Committee, [An analysis of the asylum system](#) (1st Report of Session 2026-7).

¹⁹ [House of Lords’ Hansard, Immigration and Asylum: Appeals, Monday 29 June 2026, Volume 857, Column 862.](#)

²⁰ [Regulatory impact assessment – Immigration and Asylum Bill](#), para 192.

²¹ [Regulatory impact assessment – Immigration and Asylum Bill](#), para 191.

²² Public Accounts Committee, [An analysis of the asylum system](#) (1st Report of Session 2026-7).

²³ Regulatory Policy Committee, [RPC opinion: impact of Immigration and Asylum Bill](#) (14 August 2026).

42. In addition, it is unclear whether the Home Office will be able to recruit the number of adjudicators it needs, for the very same reasons behind the struggle to recruit tribunal judges. These factors include: the complex and taxing nature of asylum appeals; frequent policy changes creating an additional training burden; negative media attention and personal attacks in the press; and criticism by politicians.²⁴
43. Moreover, there have already been very significant reforms to asylum appeals over many years. Immigration adjudicators were originally created as part of the Immigration Act 1971 and did not need to be legally qualified or trained. As part of the Immigration and Asylum Act 1999, adjudicators had to be legally qualified by statute, though in practice since 1987 all adjudicators had legal qualifications.²⁵ In 2005, adjudicators were abolished and their functions transferred to the judge-based Immigration Appeals Tribunal (IAT) via the Asylum and Immigration (Treatment of Claimants etc) Act 2004. In 2010, the IAT's work was transferred to the current First-tier Tribunal (FTT). The Home Office now proposes to resurrect adjudicators after decades of their phasing out by multiple governments.
44. Finally, there is no evidence that the Home Office is joining up the implications of its own policymaking. In its November 2025 policy statement, for example, the Government weakened refugee status so that when it is granted by the Home Office it must be reviewed - and potentially withdrawn - every 30 months.²⁶ This will make the backlog even worse as, against a background of poor quality decision-making, this is likely to substantially increase the volume of appeals.

Recommended amendments:

45. CARJ advocates that Part 1 be deleted from the Bill by parliamentarians voting against motions that clauses 1 to 16 and Schedules 1 to 3 "stand part" of the Bill.
46. Alternatively, CARJ advocates that the Bill is amended to include safeguards which improve the independence, expertise, and scrutiny of the IAA. Our recommended amendments are below.

²⁴ National Audit Office, [An analysis of the asylum system](#) (December 2025) p.7, Figure 1.

²⁵ House of Commons Library, [History of asylum appeals in the United Kingdom](#) (February 2026) p.11.

²⁶ Home Office, [Restoring Order and Control: A statement on the government's asylum and returns policy](#) (November 2025).

Clause 1:

Amendment one: Clause 1(5) requires the IIAA only to “aim” to operate fairly and independently. Moreover, it imposes an obligation on the IIAA to exercise its functions as part of the immigration system, rather than entirely as an independent court or adjudicative authority. CARJ's view is that this subclause should be deleted to promote the adjudicative independence of the IIAA and that the IIAA should not only have an aim to operate fairly and independently but an obligation.

Clause 1, page 2, leave out lines 1 to 5, and insert -

(5) In the exercise of its functions, the IIAA must—

- (a) be accessible, fair and independent,
- (b) handle its cases quickly and efficiently.

Explanatory note: This amendment would require the IIAA to operate fairly and independently.

Amendment two: Clause 1(8) seeks to oust judicial review of the IIAA’s appeals decisions. CARJ's view is that the residual right to bring a judicial review should be maintained to vindicate the rule of law in circumstances where the IIAA is neither robustly independent nor expert.

Clause 1, page 2, lines 11 to 14, leave out "A decision of the IIAA" to "(right of appeal to Upper Tribunal)."

Explanatory note: This amendment would enable individuals to initiate judicial review proceedings against appeals decisions made by the IIAA.

Clause 2:

Amendment three: Under the current Bill, the Chair of the IIAA will be a Home Office appointee, the Chair will decide the IIAA's Chief Executive, and the Chief Executive will then appoint adjudicators. By contrast, CARJ's view is that leadership and decision-making roles in the IIAA should be decided by the Judicial Appointments Commission - the body which appoints judges – to ensure independence from the Government and Parliament.

Clause 2, page 2, leave out lines 24 to 28 and insert -

- (2) The Chair of the IIAA is to be appointed by the Judicial Appointments Commission.
- (3) The Chief Executive of the IIAA is to be appointed by the Judicial Appointments Commission.

(4) The Chief Appeals Officer and the Professional Standards Officer of the IIAA are to be appointed by the Judicial Appointments Commission.

(5) The IIAA adjudicators are to be appointed by the Judicial Appointments Commission.

Explanatory note: This amendment would require the Chair, the Chief Executive, the Chief Appeals Officer, and the Professional Standards Officer of the IIAA to be appointed by the Judicial Appointments Commission.

Amendment four: Given what is at stake in asylum appeals, CARJ's view is that all adjudicators should require legal qualifications or experience. Currently, the Bill only requires this of senior adjudicators.

Clause 2, page 3, line 6, leave out "senior".

Explanatory note: This amendment would require all adjudicators deciding appeals for the IIAA to have legal qualifications or experience.

Clause 4:

Amendment five: PLP's primary option would be that the Tribunal Procedure Committee (TPC) - the expert and independent body which makes procedure rules for tribunals – would make procedure rules for the IIAA. This would ensure at least the current levels of independence from the Home Office and expertise in asylum law. CARJ would be keen to support the drafting of an amendment to secure this, which may also require a new Schedule 3 to be drafted.

Alternatively, in the current Bill, the IIAA Procedure Board has no obligations equivalent to the TPC to make procedure rules which are just and fair. CARJ's view is that the Procedure Board should have these obligations to guarantee procedural fairness. This could be achieved by replicating the TPC's obligations in section 22(4) of the Tribunals, Courts and Enforcement Act 2007.

Clause 4, page 4, line 31, at end insert -

(10) Power to make procedure rules for the IIAA is to be exercised with a view to securing -

(a) that, in proceedings before the IIAA, justice is done,

(b) that the IIAA is accessible and fair,

(c) that proceedings before the IIAA are handled quickly and efficiently, and

(d) that the rules are both simple and simply expressed.

Explanatory note: This amendment will ensure that the IIAA has equivalent obligations to the Tribunal Procedure Committee to make rules which are fair.

Clause 8:

Amendment six: Under the current Bill, the Home Secretary is only required to consult the IIAA before making regulations establishing default time limits for the duration of appeals before the IIAA. To ensure that these regulations reflect the interests of all parties – not least people seeking protection – and not just the operational interests of the IIAA, CARJ's view is that the duty to consult should be broader and should include people seeking protection and their legal representatives.

Clause 8, page 6, line 32, after "must consult the IIAA" insert "and any other persons with an interest in the operation of the IIAA, particularly people seeking protection status and legal practitioners representing their interests."

Explanatory note: This amendment would require the Home Secretary to consult interested persons before making regulations setting out default time limits for the duration of IIAA appeals.

Amendment seven: Under the current Bill, there is no obligation on the Home Secretary for regulations about time limits for the duration of IIAA appeals to secure that justice is done. CARJ's view is that given the fundamental human rights at stake in asylum appeals there should be such an express obligation.

Clause 8, page 6, after line 32 insert -

(8) Regulations produced under this section must secure that -

(a) justice is done,

(b) that the IIAA is accessible and fair,

(c) that proceedings before the IIAA are handled quickly and efficiently, and

(d) that the rules are both simple and simply expressed.

Explanatory note: This amendment would ensure that any time limit regulations produced by the Home Secretary must secure justice.

Amendment eight: Given how central the default time limits may be for procedural fairness, CARJ's view is that regulations under clause 8 should undergo an affirmative resolution procedure in both Houses before coming into force.

Clause 50, page 52, line 7, insert -

(a) regulations under section 8,

- (b) regulations under section 16 which amend, repeal or revoke primary legislation (within the meaning of that section);
- (c) regulations under section 21;
- (d) regulations under subsection (4) of section 23, other than regulations containing only provision under any of paragraphs (c), (d) or (e) of that subsection.

Explanatory note: This amendment would ensure that regulations produced by the Home Secretary establishing default time limits for IAA appeals must be expressly approved by both House of Parliament.

Clause 11:

Amendment nine: Under the current Bill, the Secretary of State or an immigration officer may serve a person who is liable to removal or deportation from the UK with a claim notice, which forces a recipient to advance all reasons and grounds by a specified date (including grounds for entering and remaining and grounds on which they should not be removed). To ensure that these regulations do not impose unreasonable deadlines by which a recipient must present information and evidence that may be difficult to obtain, CARJ's view is that the Bill must specify that a reasonable time limit is given.

Clause 11, page 8, line 20, after "specify a" insert "reasonable and realistic date".

Explanatory note: This amendment would allow for the enforcement of deadlines that are more fair and that take into consideration the time needed to gather evidence for grounds.

Schedule 3:

Amendment ten: Under the current Bill, there is no express obligation on the IAA to extend its time limits where a person has been unable to receive legal advice or representation. Given what is at stake in asylum appeals, legal advice and representation is a crucial safeguard to protect fundamental human rights. CARJ's view is that where an individual has been unable to secure legal advice and representation and they wish to receive it, the IAA should be obligated to extend its time limits to enable individuals to access a lawyer.

Schedule 3, page 65, leave out lines 15 to 17 and insert -

Time limits

3(1) The Rules may make provision for time limits as respects initiating, or taking any steps in, proceedings before the IIAA.

(2) Where under paragraph 9 of this Schedule a person indicates that they wish to receive legal advice and representation but are unable to secure it, the Rules must provide for an extension to time limits to enable the person sufficient time to secure legal representation.

Explanatory note: This amendment ensures that the IIAA's time limits can be extended where a person wishes to obtain legal advice and representation but has been unable to do so.

Amendment eleven: Under the current Bill, when the IIAA reviews its own decisions under clause 6, there is no express prohibition on the same adjudicator reviewing their own decision. Given that this would plainly be unfair and biased, PLP's view is that the Bill should expressly prohibit this beyond doubt.

Schedule 3, page 66, after line 3, insert -

(4) The Rules must make provision that when the IIAA reviews its own decisions, the same adjudicator who made the initial decision may not carry out any review of that decision.

Explanatory note: This amendment will ensure that an IIAA adjudicator who makes an initial decision may not review their own decision using the power under clause 6.

August 2026