

The Baroness Hamwee
House of Lords
London
SW1A 0PW

12 September 2025

Dear Sally,

BORDER SECURITY, ASYLUM AND IMMIGRATION BILL: HOUSE OF LORDS COMMITTEE

I am writing further to the debate in the Lords Committee on 8 September (Official Report 8 September Column 1224) to provide further details in relation to the introduction of a statutory timeframe for appeals.

Setting this timeframe out in primary legislation is intended to provide a clear signal from Parliament that the First-tier Tribunal – Immigration and Asylum Chamber must, unless it is not reasonably practicable to do so, determine supported asylum appeals and appeals from non-detained foreign national offenders within a specified timeframe.

These provisions form part of the Home Office's wider work with the Ministry of Justice to deliver a sustainable appeals system which is fair, efficient, and commands public confidence.

Due to exceptional levels of demand, appeals in the Tribunal currently take on average nearly 54 weeks according to the latest published statistics. This is not only costly for the taxpayer, but it is also detrimental for the individuals concerned, who can face unique health and wellbeing impacts from being housed in temporary asylum accommodation on a long-term basis.

Clause 46 seeks to address the above by setting a statutory timeframe requiring the Tribunal to determine supported asylum appeals within 24 weeks from the day after the appeal is lodged, unless not reasonably practicable.

This Government is also resolute in its commitment to ensure foreign criminals' asylum and human rights appeals can be determined swiftly, as it is in the public interest for these people to be deported if their appeal does not succeed. Clause 47 seeks to address this and will apply to all non-detained foreign national offenders with a stage 2 deportation decision.

I thank you for your interest and concerns as to the scope within which the Tribunal can depart from the statutory timeframe. The inclusion of “unless it is not reasonably practicable to do so” within both clauses is to ensure that full judicial discretion is maintained in all cases, in the interests of justice.

These provisions do not curtail judicial discretion, or affect existing case prioritisation principles, and all cases will continue to be subject to the Tribunal's overriding objectives, contained in the Tribunal Procedure (First-Tier Tribunal) (Immigration and Asylum Chamber) Rules 2014, which provide that cases should be dealt with fairly and justly, including by avoiding delay, so far as is compatible with proper consideration of the issues in the case.

Case management is ultimately a judicial function, and this Government recognises the need for appropriate safeguards to ensure access to justice for all. There will be no sanctions or other adverse legal consequences if the Tribunal does not meet the statutory timeframe in a case.

The Judiciary will retain discretion on how to best manage each case, and when it should be considered appropriate to depart from the statutory timeframes imposed by clauses 46 and 47.

I look forward to further debate of the Bill as it continues Committee stage.

I will place a copy of this letter in the library of the House.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'J. Hanson', with a stylized flourish at the end.

Lord Hanson of Flint