

PREPARING THE PF1 APPEALS PRO FORMA AND ANNEXING DOCUMENTS

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Introduction

This section provides guidance for officers on preparing a PF1 appeals proforma and annexing documents which will form the basis of the Home Office 'bundle' of papers to be submitted to court should an asylum applicant appeal against the refusal of the asylum claim.

Purpose of the Appeals Proforma

The PF1 appeals proforma provides a summary of a decision to refuse asylum and/or a human rights claim or to refuse an application for further leave to remain in the United Kingdom from a person who was previously granted leave to enter or remain following refusal of a claim for asylum or Active Review, where the consequent immigration decision triggers a right of appeal. A PF1 must be completed in all cases where an asylum claim and/or human rights claim or an application for further leave (Active Review), is refused, and the consequent immigration decision triggers a right of appeal under either section 82 or 83 of the Nationality, Immigration and Asylum Act 2002.

It forms part of the appeal bundle and is prepared by the decision making officer during the implementation of a decision. It must be signed by the decision-making officer, but must not be dated until it is dispatched following the receipt of an appeal.

The PF1 has a number of functions:

- It provides details of the right of appeal
- It is a record of the decision(s) against the applicant
- It provides a summary of the applicant's immigration history
- It records the annexed documents that were used in reaching the decision

For the purposes of the PF1, the subject must be referred to throughout as 'the appellant', not by name or as 'the applicant'.

Standardised templates for the PF1 are available on DocGen. There are separate PF1s for the two appeal sections under the Nationality, Immigration and Asylum Act 2002. These are sections 82 and 83. There are also PF1 templates for certain dependants of applicants for asylum and for Active Review cases. The following is a list of the PF1 templates, which are available on Document Generator:

- ASL.1989: For use where refusal of asylum attracts a right of appeal under section 82
- ASL.1990: For use where refusal of asylum attracts a right of appeal under section 83
- ASL.1991: For use for a dependant who has a suspensive right of appeal under section 82
- ASL.2187: For use when refusing an application for further leave outright (Active Review cases)

The appeal section number will appear automatically when the template is opened. Officers must ensure that they use the correct template according to the case outcome.

Annexing Documents

All documents that were used to inform the decision and which are referred to in the Reasons for Refusal Letter must be annexed. These annexes must be listed in the Documents section of the PF1 appeals pro forma. Where a document that is not on the file is referred to in the Reasons for Refusal Letter, a copy of the document must be obtained and attached to the file.

Once the appropriate documents have been identified the following procedure must be followed:

- Annex each document in date order, with the earliest document annexed first (i.e. Annex A)
- Mark each document in alphabetical order with each page clearly numbered in black pen in the top right-hand corner as follows: A1, A2, A3; B1, B2; C1, C2, C3, C4, etc
- Ensure that the annex letter on the document corresponds to the equivalent letter listed on the PF1
- Pin an orange annex label to the top page of each annex, with the letter of the annex written clearly on it and the number of pages it comprises. Examples of the information, which must be contained, on an orange flag are as follows:
 - Annex A, A1-A5, Sols letter dated [date]
 - Annex B, B1-B13, SEF dated [date]
- Ensure that the label is securely pinned to the document to ensure that it does not become detached. (Officers must not use a stapler because this can damage the document)
- All pages of the Screening Interview, Statement of Evidence Form and Asylum Interview must be annexed. A post-it note instructing to omit family details must be used to mark pages containing family details and to mask family details included on a page which shows other information.
- Ensure that 'omit family details' is clearly written on the orange label
- If a passport or other official documents are to be annexed, photocopy the original and annex the photocopy only
- Ensure that any foreign documents that have been annexed are accompanied by a translation where there is one (for guidance on translation of documents see Asylum Instruction (AI) 'Translations').

Where an officer considers that family details were relevant to the consideration of the asylum claim they must be noted. In the case of decisions that have been made within ACG, the caseworker must minute the file drawing the attention of the presenting officer to the fact that, while family details have been omitted from the PF1 proforma, they were a factor in the consideration of the asylum claim and that the presenting officer may wish to draw this to the attention of the Immigration Judge at the appeal hearing. In the case of decisions made by an Asylum Team Case Owner, a note must be made in the case management plan.

Documents that Include Enclosures

Annexes or attachments that contain enclosures must be referred to in the PF1 in such a way whereby it is clear that there are enclosures. For example, a solicitor may submit a covering letter and enclose two letters, which were originally sent to the applicant (e.g. from relatives abroad). In this case the solicitor's letter is Annex A and the relatives' letters are enclosures. The solicitor's letter must be listed as "solicitor's letter plus 2 enclosures". When marking the pages,

the document and enclosures must be treated as one annex, i.e. "Annex A, Sols letter + 2 enclosures, A1 - A3".

Documents that Must Not be Annexed

There are certain documents that **must not** be annexed. Officers must ensure that they adhere strictly to this. In view of the fact that appeal hearings are open to the public, particular care must be taken **not** to include any information intended solely for the attention of the Home Office, having been given to the Department in confidence, disclosure of which, without the author's consent, would prove embarrassing (e.g. an unsupported allegation about the appellant). Documents that must not be annexed are listed below. For information on documents which must not be annexed see the Asylum Policy Instruction on [Disclosure and Confidentiality of Information](#).

Officers must **never** annex the following documents:

- Landing/embark cards
- On-entry interview reports by IOs (this means Refusal of Leave to Enter (RLE) reports and Limited Leave to Enter (LLTE) reports - RLE and LLTE reports). However, relevant sections of screening interviews conducted at ports must be annexed.
- Entry Clearance Officer's reports
- Probation Officers' reports
- Police reports
- ASU call notes
- Any letters marked with a government security classification

Items not normally disclosed

- Letters from other government departments.
- Letters from Members of Parliament (unless exceptionally an MP has made an application or asks for the letter to be sent to the appellate authorities).
- GV visa application forms. GV visa application forms are not the same as ordinary VAFs, which must be annexed if relating to the application.

If the officer considers that, in the particular circumstances of a case, it would be appropriate to annex any of the three items above; the advice of a senior caseworker must be sought.

Where an officer considers that documents not annexed have been relevant to the consideration of the asylum claim they must be noted. In the case of decisions that have been made within ACG, the caseworker must minute the file drawing the attention of the presenting officer to the fact that, while a particular document has not been annexed in order to maintain confidentiality, they were a factor in the consideration of the asylum claim and that the presenting officer may wish to draw this to the attention of the Immigration Judge at the appeal hearing. In the case of decisions made by an Asylum Team Case Owner, a note must be made in the case management plan, and the advice of a senior caseworker sought.

The Section of the Nationality, Immigration and Asylum Act (NIA) 2002 under which the Applicant is entitled to Appeal

The right of appeal is triggered by the immigration decision, and officers are advised therefore to check CID and the file carefully to ensure that they are aware of any decisions to grant or refuse leave under the Immigration Rules which may have been made in other areas of the UK Border Agency.

Where the Right of Appeal is Under Section 82

If the decision is to refuse the claim for asylum (and any human rights claim) outright, and at the time of the decision to refuse asylum, the applicant has no extant leave to enter or remain in the UK (other than continuing 3C leave) the right of appeal will be under section 82 of the Nationality, Immigration and Asylum Act 2002.

Where the Right of Appeal is Under Section 83

Where the applicant has been given leave to enter/remain in the United Kingdom, and there is **more than one year's** leave extant which is not being curtailed, the right of appeal will be under section 83. This will apply where:

- a decision has been made to grant Humanitarian Protection or Discretionary Leave or another form of leave for more than one year, or
- a decision has been made to grant Humanitarian Protection or Discretionary Leave or another form of leave for one year or less, but when added to leave granted previously when asylum was refused, the total period amounts to more than one year, or
- previous leave of more than one year had been granted, and leave of more than one year is still extant.

Where There is no Right of Appeal

Where, at the time of the decision to refuse asylum, there is extant leave of one year or less, which is not being curtailed, there is no right of appeal. This will apply where:

- at the time asylum is refused, leave of one year or less remains, which is not being curtailed, and no further leave is being granted, or
- Humanitarian Protection, Discretionary Leave or other leave has been granted for a period of *less than one year* and there is no previous leave granted after asylum was refused, or left uncurtailed at the time asylum was refused, to bring the total up to more than a year.

Recording the Appellant's Details on the PF1

The appellant's details must be recorded, in the order set out below, at the top of the PF1 appeals proforma:

- Home Office reference number
- Port reference number (if applicable)
- AIT reference number (to be left blank)
- Appellant's full name
- Date of birth
- Nationality
- Place of detention (if applicable)

Spellings

The forenames and surnames of the appellant must be spelt out in the PF1 exactly as they appear on the reasons for refusal letter. These details must be identical with those recorded on the Application Registration Card (ARC) that was issued to the appellant (or where the claim for asylum was made before ARC cards were issued, the details recorded on the Standard Acknowledgement Letter (SAL)). The surname of the applicant must be recorded in capitals:

David SMITH

N.B. Instructions on the procedure to follow when an applicant has requested amendments to his personal details since the issue of the ARC or SAL (e.g. at the asylum interview) are to be added in due course. Until then, officers with queries must contact their senior caseworker on a case by case basis.

Appellant Known by More Than One Name

Aliases or other names by which the appellant is currently known (e.g. where a married woman also uses her maiden name) must be indicated on the PF1 thus:

Sandra SMITH

Sandra DUNCAN (Also known as)

False names used by the applicant (for example, on documents used to gain entry to the United Kingdom), must not be recorded on the PF1. Where a applicant has made a previous claim in another identity (multiple applications), the name accepted as genuine must be recorded in the usual way. However, below the nationality, an additional row must be added entitled 'Also Known As'. This must record full details of other identities, i.e. name, date of birth and nationality. **NB:** Such cases must only be considered by caseworkers in Multiple Applications Unit (MAU) which is located in ACG(S).

Where Appellant's Nationality is Doubtful

Where the appellant's nationality is doubtful, '(Claims to be)' must be added after the nationality is recorded in the appellant's details, as shown below:

BRITISH (Claims to be)

For guidance on considering cases where the applicant's nationality is doubtful see AI 'Doubtful Nationality Cases'

Where There is Strong Evidence That the Appellant holds a Nationality Other Than the One Claimed

Where the officer has concluded that the applicant is not of the claimed nationality and there is strong evidence that they hold another nationality the applicant's nationality must be recorded as shown below:

ENGLISH (Claims to be)

SCOTTISH (Believed to be)

For guidance on considering cases where the applicant's nationality is doubtful see [Doubtful Nationality Cases](#)

Where the Appellant's Age is Disputed

Where the appellant's age has been disputed, '(Disputed)' must be added after the date of birth in the appellant's details, as follows:

22/11/1988 (Disputed)

For guidance on considering cases where the age is disputed see [Disputed Age Cases](#).

Recording the Decision

For the purposes of the PF1, the decision refers to the immigration decision and the appellant's immigration status. The date of decision to refuse asylum must be the date recorded in CID. The date of the immigration decision must be taken from the decision notice (IS82 or IS151B).

The immigration decision will vary according to the case type. The standard wordings are available as options in the PF1 templates. Officers must ensure that they select the correct option, using the 'move next' button on the template toolbar which will reveal a grey dialogue box.

The case types and the correct corresponding standard decision wordings are as follows:

Case type	Decision	Standard wording
On-entry applications (port cases)	Refuse leave to enter the United Kingdom	On [date] a decision was made to refuse to grant asylum under paragraph 336 of HC 395 (as amended), and on [date] a decision was made to refuse leave to enter the United Kingdom.
In time in country cases where leave is not curtailed	Refuse to vary leave to enter/remain in the United Kingdom	On [date] a decision was made to refuse to grant asylum under paragraph 336 of HC 395 (as amended), and on [date] a decision was made to refuse to vary leave to [enter/remain in] the United Kingdom.
In time in country cases where limited leave to enter/remain in the United Kingdom has been curtailed	Vary leave to enter/remain in the United Kingdom so that no leave remains	On [date] a decision was made to refuse to grant asylum under paragraph 336 of HC 395 (as amended), and on [date] a decision was made to vary leave to [enter/remain in] the United Kingdom so that no leave remains.
Overstayers/breaches of conditions of stay/leave by deception (including families of these cases)	Removal directions under Section 10 of the 1999 Immigration and Asylum Act	On [date] a decision was made to refuse to grant asylum under paragraph 336 of HC 395 (as amended), and on [date] a decision was made to remove from the United Kingdom by way of directions under Section 10 of the Immigration and Asylum Act 1999.
Illegal entry cases	Removal directions under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971 as an illegal entrant	On [date] a decision was made to refuse to grant asylum under paragraph 336 of HC 395 (as amended), and on [date] a decision was made to remove an illegal entrant from the United Kingdom by way of directions under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971.

Dependants of illegal entrants (who have made a claim for asylum in	Removal directions under paragraph	On [date] a decision was made to refuse to grant asylum under paragraph 336 of HC 395 (as amended), and on [date] a decision was made to remove from the United Kingdom by way of directions under paragraph 10A of Schedule 2 to the Immigration Act 1971.
Deportation cases	Deportation order under Section 5(1) of the Immigration	On [date] a decision was made to refuse to grant asylum under paragraph 336 of HC 395 (as amended), and on [date] a decision was made to make a deportation order under Section 5(1) of the Immigration Act 1971.
Where an application for revocation of a deportation order has been refused	Refusal to revoke a deportation order under Section 5(2) of the Immigration Act 1971	On [date] a decision was made to refuse to grant asylum under paragraph 336 of HC 395 (as amended), and on [date] a decision was made to refuse to revoke a deportation order under Section 5(2) of the Immigration Act 1971.

Claims That Have Been Certified as 'Clearly Unfounded' (Non Suspensive Appeals)

In cases where the claim has been certified 'clearly unfounded' under section 94(2) of the Nationality, Immigration and Asylum Act 2002 officers must insert the following after the decision wording:

A decision has also been made to certify the claim as clearly unfounded under section 94(2) of the Nationality, Immigration and Asylum Act 2002

Recording the Appellant's Immigration History on the PF1

The immigration history must be a concise but complete account of the appellant's immigration status, date and method of entry into the United Kingdom and any relevant events since their arrival. It must include:

- Method of entry into the United Kingdom and immigration status
- Dependants (if applicable), including full name, nationality and date of birth
- Dates of any periods of detention (if applicable)
- Date and place where asylum claim was made

Where, prior to making the asylum claim, the appellant had obtained leave to enter/remain in the United Kingdom in another capacity, for example as a student or work permit holder, this must be recorded in this section, noting the date and outcome of any applications for extensions of stay. Officers should not refer to immigration codes (e.g. 'code 1, code 2' etc) but must explain the conditions of the appellant's stay. Suggested wordings are:

- Without restriction on employment, but recourse to public funds prohibited
- Without restriction on employment or recourse to public funds
- Subject to a condition restricting employment and recourse to public funds
- Subject to a condition prohibiting employment other than with(stated employer) and prohibiting recourse to public funds
- Employment and recourse to public funds prohibited

Recording Documents on the PF1

The documents to be annexed must be recorded on the PF1 in the form of a list in the following way: (See Annexing Documents for guidance on annexing.)

- Annex A Sols letter dated [date] A1-A5
- Annex B Statement of Evidence form dated [date] B1-B13

Country of Origin Information Service (COIS) reports must not be annexed.

The notices sub-section of the PF1, which follows the list of documents annexed, must be completed by the appropriate officer in Asylum Team or at the Appeals Processing Centre (APC). All notices that are generated as part of the decision must be recorded.

Recording Appeals Information on the PF1

After an appeal has been lodged, the appropriate officer must add the date the appeal was lodged and a list of any documents submitted in support of the appeal to the PF1 when the appeal has been received.

Dependants of Applicants for Asylum or Active Review

It is necessary to complete a separate PF1 for dependants only where the dependant has a suspensive right of appeal in his or her own right. This will apply only to dependants who had leave to enter or remain in the United Kingdom at the time the application was made (i.e. the application was made 'in time in country') and at the date of the decision to refuse the application, there was no leave extant, either because it had expired before the decision was made, or because the leave was curtailed when the application was refused.

Where it is necessary to complete a PF1 for a dependant of an asylum applicant, the template ASL.1991 must be used.

Where it is necessary to complete a PF1 for a dependant of an applicant for Active Review, the standard Active Review template ASL.2187 must be used.

Officers must ensure that the documents annexed are exactly as shown on the PF1 completed in respect of the lead applicant.

Glossary

Term	Meaning
ASL.1989	Section 82 Right of Appeal
ASL.1990	Section 83 Right of Appeal
ASL.1991	Dependant with Suspensive Section 82 Right of Appeal
ASL.2187	PF1 – Active Review

Document Control

Change Record

Version	Authors	Date	Change Reference
1.0	SS	21/02/07	New web style implemented
2.0	MO	18/04/07	General Update
3.0	G T	26/11/08	Update branding only