



UK Visas  
& Immigration

Ms Monique Hawkins

Our Reference: TO/0533412/23

Dear Monique

Thank you for your letter of 16 February 2023 regarding appeal implementation in the Home Office. Please accept our apologies for the delayed response to the questions you raise.

You have raised a series of questions which I will address in turn.

**What is the process for implementing EUSS appeal decisions of the First Tier Tribunal?**

The Home Office inclines to the interpretation of “implementation” as being the time taken to grant whatever status ensues once it has been established that the First-tier Tribunal is not to be challenged, either initially or further, by reason of a claimed error of law. That initial process is governed by the guidance you have cited and by the statutory deadlines for challenge provided by the First-tier Tribunal Procedure Rules.

**What organisational resources are dedicated to EUSS appeal implementation at the Home Office? Are these resources part of the EUSS caseworking structure, or are they separate from it and part of another organisational unit?**

The implementation of EUSS appeal decisions is actioned by a dedicated Post Decision case work team who have been specifically set up to implement allowed appeals. The team are only able to implement an allowed appeal upon confirmation there is to be no challenge. The dedicated Post Decision team is within the EUSS Operational caseworking structure but is separate from decision making teams to ensure that appeals and post decision work has a dedicated resource which can implement appeals as a priority.

**What are the service standards for EUSS appeal implementation?**

The overall aim is to implement allowed appeals in a timely manner. Whilst there are currently no agreed service standards to implement EUSS allowed appeals, we aim to

implement appeal decisions as swiftly as possible. It is important to note that whilst an individual goes through the appeal process the individual's rights are protected as part of the Withdrawal Agreement and the Certificate of Application remains valid.

### **What is the Home Office policy on onward EUSS appeals to the Upper Tribunal?**

There is clear, published policy for onward EUSS appeals to the Upper Tribunal. For ease of reference please see the attached document (Annex A), which is the onward appeals policy guidance for the Home Office.

### **How many such onward appeals have been made in total, and as a percentage of all appeals allowed by the First Tier Tribunal?**

As I hope you will appreciate, the figures relating to appeals are taken from a live operational database and these figures change as the system is updated with appeal outcomes. To give a historic view, looking at the time period up to 31 March 2023, the Home Office sought permission to appeal 463 EUSS appeals (31%) out of 1,480 allowed at the First-tier Tribunal.

### **What are the range of reasons for delays to appeal implementation beyond the deadline for an onward appeal?**

There are several reasons why a delay can occur when implementing an allowed appeal, many of which will be specific to the individual. On that basis it is not possible to provide an exhaustive list but factors to consider will include such things as:

- The Immigration Judge may not allow the appeal but instead refer the case back to the Home Office for reconsideration. This may require the customer to provide additional evidence for consideration.
- Instances where a customer is required to enrol biometrics and has not done so as part of the original EUSS application. In such cases, the Post Decision team arrange for a Biometric Enrolment letter to be issued to the customer and must await enrolment before implementing the appeal decision.
- Verification with the customer / representative that we hold up to date correspondence/contact information is required before an appeal can be implemented. If there are delays with any response this will unavoidably lead to a delay.

I can confirm that the resource assigned to implementing allowed appeals within European Casework is kept under review to ensure appeals are implemented as a priority. We are always looking at how we can improve our processes and, as a result, the Post Decision team do engage with our customers to keep them updated and informed should a delay occur.

### **Is the Home Office currently planning or making any changes to EUSS appeal implementation policy or resourcing?**

There are currently no planned changes to EUSS appeal implementation policy or resourcing.

**Does this mean these appeals are not implemented on the main EUSS caseworking database (PEGA) but, instead, on another caseworking system? If it is a different system, then what is it?**

Appeals are not implemented on the main EUSS caseworking database (PEGA). Currently all allowed EUSS appeals are implemented on the Casework Information Database (CID).

**Is the Home Office aware this causes problems for status holders logging to View & Prove using their original application credentials?**

To enable an allowed appeal to be processed there is a data exchange between the two case work systems PEGA and CID.

When processing an allowed appeal care is taken to ensure a customer's identity document is linked to the appeal implementation and is visible on the View and Prove system. However, if an individual is encountering problems with View and Prove they should contact the Settlement Resolution Centre. Our dedicated agents will work with the customer to resolve any issues they may encounter.

If you do have any further questions, please contact us at: [www.gov.uk/contact-ukvi-inside-outside-uk](http://www.gov.uk/contact-ukvi-inside-outside-uk)

Yours sincerely

J Nebel

Customer Operations Support Services

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