



The Right Honourable
Alex Chalk KC MP
Lord Chancellor & Secretary
of State for Justice

Dame Diana Johnson DBE MP
Chair of the Home Affairs Committee
House of Commons
London
SW1A 0AA

MoJ ref: SUB114605

2 May 2024

Dear Dame Diana,

**STATUTORY INSTRUMENT TO MAKE TRIBUNAL RULES FOR ILLEGAL MIGRATION ACT
SUSPENSIVE CLAIM APPEALS**

As Chair of the Home Affairs Committee, I am writing to inform you that, on 1 May 2024, The Tribunal Procedure (Upper Tribunal) (Immigration and Asylum Chamber) (Amendment) Rules 2023 statutory instrument (SI) were laid before Parliament. This SI makes the Upper Tribunal Rules for Illegal Migration Act Suspendive Claim Appeals, in exercise of the powers conferred on the Lord Chancellor by section 50(1) and (5) of the Illegal Migration Act 2023.

This SI delivers the Rules necessary to implement the new appeals regime for 'suspendive claims', already approved by Parliament as part of the Illegal Migration Act. They have been drafted to give effect to the timings set out in the Act, and I am confident that they are clear, fair and simply expressed for HMCTS staff and all users of the Tribunal.

The Rules do not come into effect until the commencement of the Duty to Remove under section 2 of the Illegal Migration Act.

In accordance with section 50(2) of that Act, I have consulted the Senior President of Tribunals (SPT), the Lord Chief Justice of England and Wales, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland on the Rules.

The power I have as Lord Chancellor to make Rules has now been spent, the Tribunal Procedure Committee (TPC) retains its Rule-making power and will be able to amend or replace the Rules as it deems appropriate under its usual procedures.

If you have any questions, please do not hesitate to get in touch.

Yours sincerely,

RT HON ALEX CHALK KC MP

LORD CHANCELLOR AND SECRETARY OF STATE FOR JUSTICE