The New Independent Appeals Body (IAB): Call for evidence

Law Centre NI response

About Law Centre NI

1. Law Centre NI (LCNI) promotes social justice by providing specialist legal services to advice organisations and disadvantaged individuals in Northern Ireland. We provide legal advice, casework, training and policy services in the areas of immigration, employment and social security. We operate a regional immigration advice service with expertise in forced migration, offering priority to asylum seekers and refugees as well as victims and survivors of human trafficking and other migrants who are particularly vulnerable. In 2024-25, we provided immigration advice or support to almost 3,000 people and opened 300 immigration cases.[1]

2. Our Migration Justice Project adopts a unique blend of legal, policy and community engagement tools with the aim of securing positive outcomes for individuals and bringing about social change. We are conveners of the Refugee & Asylum Forum, a Northern Ireland-wide network of over 100 organisations with expertise in frontline support, policy and advocacy for refugee and asylum rights.

3. Law Centre NI is one of a very small number of organisations in Northern Ireland providing specialist immigration legal advice and representation. As Dr Jo Wilding's 2025 report 'No Access to Justice 2' identifies, Northern Ireland suffers from "an extreme shortage" of immigration and asylum legal aid provision.[2] Our response is rooted in our daily casework, our policy and law reform work, and our engagement with the wider migration justice sector across these islands.

Summary

4. Law Centre NI strongly opposes the proposal to replace the First-tier Tribunal (Immigration and Asylum Chamber) ("FtTIAC") with a new Independent Appeals Body (IAB). The proposals risk dismantling a system staffed by independent, legally qualified judges and replacing it with a body whose adjudicators may have no legal training, no specialist immigration expertise and no professional regulation. In an arena of decision making which can have the most profound consequences, it is difficult to see any benefit to replacing the former system with the latter. We have real concerns that the proposed IAB risks undermining judicial independence and the rule of law and damages the right to a fair hearing.

5. As a preliminary point, we highlight that a four-week consultation, belatedly extended to 6 May 2026 over the Easter period, on a proposal of this magnitude is not consistent with proper engagement. We urge the UK Government to undertake meaningful, sustained engagement with the legal sector in all jurisdictions of the United Kingdom, including dedicated engagement with practitioners in Northern Ireland. Any reform of the asylum and immigration appeals system is a matter of profound consequence. Appeals frequently determine whether a person will be

[1] Law Centre NI Impact Report 2024-25. Available here
[2] Dr Jo Wilding, 'No Access to Justice 2' (Justice Together: 2025), p 39. Available here.

returned to a country where they face persecution, torture or death and other questions of fundamental rights. The right to a fair hearing before an independent and competent tribunal is a fundamental safeguard that gives substance to the rights protected by the 1951 Refugee Convention, the European Convention on Human Rights and the common law. Given the significance of these matters, they should not be rushed for political expediency.

Concerns

6. We share the concerns expressed by the Law Society of England and Wales,[3] the Anti Trafficking and Labour Exploitation Unit (ATLEU), the Immigration Law Practitioners' Association[4] and others. We do not repeat them in full here. Rather, this short submission draws attention to the Northern Ireland dimensions of these proposals – dimensions which, in our experience, are too frequently overlooked when reform is designed in Westminster.

7. We also adopt as our framework the standards which the United Nations High Commissioner for Refugees (UNHCR) has identified as necessary for any new asylum appeals body, namely:

    - the opportunity to present a claim in person;
    - accessible, reliable and high-quality government-funded legal aid;
    - the capacity to undertake a full and *ex nunc* examination of both facts and points of law;
    - adequate time for claimants to seek legal advice and file representations; and
    - appropriately trained decision-makers[5]

8. Our view is that several of the Government's proposals fall short of these standards. We make the following key points.

9. Immigration law has become extremely complex. Indeed, in *Pokhriyal v SSHD*, Jackson LJ observed that immigration law provisions have 'achieved a degree of complexity which even the Byzantine emperors would have envied'.[6] Given the complexity, and the fact that appellants may not be literate or have English language skills, access to quality legal advice and representation is critical.

10. And yet, Northern Ireland is a small jurisdiction with a very limited immigration legal sector. Dr Jo Wilding's 2025 report records that, although 32 firms undertook at least one immigration advice and assistance case in 2022-23, only 27 undertook any representation in higher work and only five firms undertook more than five appeals or bail cases in the year.[7] At the time of her first report in 2022, only nine firms in Northern Ireland confirmed to the Law Society of Northern Ireland that they actually

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[3] Law Society, 'Independent appeals body for immigration and asylum appeals- Law Society response' (22 April 2026) available here.
[4] ILPA, 'Response to Home Office Call for Evidence: the New Independent Appeals Body (6 May 2026) available here.
[5] UNHCR, 'Observations on Restoring Order and Control: A Statement on the UK Government's Asylum and Returns Policy' (31 December 2025) at para 57. Available here.
[6] *Pokhriyal v SSHD* [2013] EWCA Civ 1568, para 4.
[7] Dr Jo Wilding, 'No Access to Justice 2' (Justice Together: 2025), p 106. Available here.

undertook immigration legal aid work.[8] Any reform that destabilises this may quickly produce an advice vacuum.

11. The advice deficit at appeal stage in Northern Ireland is acute. Dr Jo Wilding's 2025 mapping records that approximately 78% of the appeals-stage need is unmet and that provision covers, at most, one tenth of need.[9] The 16% civil legal aid fee uplift confirmed by the Justice Minister in March 2025 (and backdated to December 2024) is a first step, but on Dr Wilding's analysis is that it is too low to address the existential threat to the sector and a more substantial increase is required.

12. Northern Ireland currently has no FtTIAC hearing centre of its own. Hearings are conducted by judges who travel to Belfast on circuit. The Government's proposals make no mention of how the new body would be resourced to serve Northern Ireland and we are concerned that appellants here may end up either without access to in-person hearings or required to travel to Great Britain. We agree with the President of the First-Tier Tribunal (IAC), Judge Michael Clements who states 'face to face hearings are, in my view, the default position'.[10] While remote hearings may be beneficial in some instances, we maintain that appellants in Northern Ireland must continue to have access to face to face hearings.

13. Immigration is a reserved matter, but the consequences of a poorly designed appeals system fall heavily on devolved services in Northern Ireland – health and social care, education, the Department of Justice's human trafficking responsibilities, and the Executive Office's Refugee Integration Strategy. With this in mind, we urge the Executive Office, which has lead responsibility for migrant integration in Northern Ireland, to robustly engage in discussions on these reforms with UK Government.

14. The Government's proposals do not engage with the root causes of the delays and backlog in the appeals system. This includes the poor quality of initial Home Office decision-making. The National Audit Office's 'Analysis of the asylum system' report of 2025 noted that 'decision quality remains a challenge, with 42% of sampled decisions in a rolling twelve months to May 2025 having significant or fail errors.[11] The fact that 39% of appeals are allowed (i.e. the refusal is overturned) indicates a poor quality of initial decision making.[12] Unfortunately the Home Office has failed to publish the most recent statistics on its own quality checks.[13]

15. A further cause for delay and backlogs is the everchanging context of immigration policy. Indeed, recent changes and/or proposed changes to Home Office policy are only likely to significantly increase pressures at the appeal stage. For example, those who claim asylum on or after 2 March 2026 now receive 30 months of "core

[8] Dr Jo Wilding, 'No Access to Justice: How legal advice deserts fail refugees' (Refugee Action: 2022) available here.
[9] Dr Jo Wilding, 'No Access to Justice 2' (Justice Together: 2025), p 104. Available here.
[10] Senior President of Tribunals' Annual Report (2022) pg. 68. Available here.
[11] National Audit Office, An analysis of the asylum system (10 December 2025), para 2.31. Available here.
[12] In July to September 2025 39% of appeals which were determined were allowed,
[13] Colin Yeo, 'Briefing: the sorry state of the UK asylum system' (Free Movement: 16 January 2026) available here.

protection" rather than five years. A process of mandatory reviews will follow. The period of time it takes to settle could increase to 20 years in reforms announced in Autumn 2025.[14] This could mean that some refugees will make as many as nine applications before getting to settlement. This creates the prospect of vastly more appeals.

16. The National Audit Office in 2025 argued for a whole-system approach to asylum policy noting that 'efforts to improve the system in recent years have often been short-term and narrowly focused on one area of the system in reaction to large backlogs and sharply increasing costs'. This leads to the conclusion that 'increases in the speed of processing have sometimes come at the expense of decisions, and improvements in one area have shunted problems elsewhere'.[15] Both the proposals to change the appeals body and the plan to make people re-apply for protection every 2.5 years seem to continue with precisely the kind of piecemeal and reactive, non-strategic alterations that the NAO criticised only last year.

Conclusions

17. Law Centre NI concludes that changes are undoubtedly needed to ensure that people seeking protection have early access to (quality) legal advice, but tinkering with the appeals body is not one of those changes. We would recommend that the UK Government adopts a 'whole-systems approach' that addresses the true causes of the backlog and delays by:

    - improving the quality of initial decision making;
    - sustainable investment in legal aid provision including investment in the voluntary and community sector; and
    - reversing recent changes in asylum and immigration policy that will only exacerbate the current backlog.

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[14] Home Office, 'Restoring control over the immigration system: white paper' (12 May 2025) available here
[15] National Audit Office, An analysis of the asylum system (10 December 2025). Available here.