

## **Migration Court of Appeal**

The Migration Court of Appeal is the court of last instance in cases involving immigration and citizenship. The Court's principal task is to create precedents through its rulings, that is to say provide guidance to migration courts and public authorities regarding the manner in which applicable law is to be interpreted and applied. It is only in certain cases that a ruling can provide this type of guidance. Accordingly, there is no right to bring an appeal to the Migration Court of Appeal regarding a judgment or a decision from migration court. In order for the Migration Court of Appeal to examine a case, leave to appeal, i.e. permission, is necessary. The Migration Court of Appeal receives a large number of applications for leave to appeal each year. Leave to appeal is granted in only a limited number of these cases. The Migration Court of Appeal may grant leave to appeal in the following cases.

## **Leave to appeal for precedential reasons**

As a main rule, leave to appeal is granted by the Migration Court of Appeal only in cases in which the legal situation requires clarification, i.e. guidance as to the manner in which the law is to be interpreted.

There must be a need for a ruling (precedent) which can provide guidance to migration courts and public authorities as to the manner in which similar cases are to be decided in the future.

## **Leave to appeal based on extraordinary reasons**

Extraordinary reasons for leave to appeal may be the result of the fact that the outcome in the migration court was based on a grave oversight or mistake. For example, these cases

may involve situations in which the court has applied the wrong law, or a decision was taken by someone who did not possess the authority to take it. The fact that a case is important to a particular individual, on the other hand, is insufficient in order for the Migration Court of Appeal to grant leave to appeal. Thus, the fact that the migration court could have decided the matter in another way is also an insufficient basis for the Migration Court of Appeal to grant leave to appeal.

## **Decision to not grant leave of appeal**

If the Migration Court of Appeal has decided not to grant leave to appeal in a case, this means that the Migration Court's decision stands and that the case will not be tried on the merits. The Migration Court of Appeal will only justify such decisions based on the legal provision regarding the conditions for the issuance of a review permit. The Court will not

provide any further justification than the one found in the document containing the decision.

Decisions made by the Migration Court of Appeal cannot be appealed or re-examined.