

# Nationality, Immigration and Asylum Act 2002

## Part 5 Immigration and Asylum Appeals

Part 6 Immigration Procedure

Keeling Schedule

Showing the Act as amended by the  
Immigration Act 2014, Sections 15 and  
17 and Schedule 9 Part 4.

This schedule has been prepared by the Home Office. It is intended for illustrative purposes only to assist the reader of the Immigration Act 2014 to understand the changes to Parts 5 and 6 of the Nationality, Immigration and Asylum Act 2002.

## Part 5 Immigration and Asylum Appeals

### Appeal to Tribunal

#### 81 Meaning of “the Tribunal”

In this Part “the Tribunal” means the First-tier Tribunal.

#### 82 Right of appeal to the Tribunal

(1) A person (“P”) may appeal to the Tribunal where—

- (a) the Secretary of State has decided to refuse a protection claim made by P, (b) the Secretary of State has decided to refuse a human rights claim made by P, or
- (c) the Secretary of State has decided to revoke P’s protection status.

(2) For the purposes of this Part—

(a) a “protection claim” is a claim made by a person (“P”) that removal of P from the United Kingdom—

(i) would breach the United Kingdom’s obligations under the Refugee Convention, or

(ii) would breach the United Kingdom’s obligations in relation to persons eligible for a grant of humanitarian protection;

(b) P’s protection claim is refused if the Secretary of State makes one or more of the following decisions—

(i) that removal of P from the United Kingdom would not breach the United Kingdom’s obligations under the Refugee Convention;

(ii) that removal of P from the United Kingdom would not breach the United Kingdom’s obligations in relation to persons eligible for a grant of humanitarian protection;

(c) a person has “protection status” if the person has been granted leave to enter or remain in the United Kingdom as a refugee or as a person eligible for a grant of humanitarian protection;

(d) “humanitarian protection” is to be construed in accordance with the immigration rules;

(e) “refugee” has the same meaning as in the Refugee Convention.

(3) The right of appeal under subsection (1) is subject to the exceptions and limitations specified in this Part

#### 84 Grounds of appeal

(1) An appeal under section 82(1)(a) (refusal of protection claim) must be brought on one or more of the following grounds—

(a) that removal of the appellant from the United Kingdom would breach the United Kingdom’s obligations under the Refugee Convention;

(b) that removal of the appellant from the United Kingdom would breach the United Kingdom’s obligations in relation to persons eligible for a grant of humanitarian protection;

(c) that removal of the appellant from the United Kingdom would be unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention).

(2) An appeal under section 82(1)(b) (refusal of human rights claim) must be brought on the ground that the decision is unlawful under section 6 of the Human Rights Act 1998.

(3) An appeal under section 82(1)(c) (revocation of protection status) must be brought on one or more of the following grounds—

(a) that the decision to revoke the appellant's protection status breaches the United Kingdom's obligations under the Refugee Convention;

(b) that the decision to revoke the appellant's protection status breaches the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection.

## **85 Matters to be considered**

(1) An appeal under section 82(1) against a decision shall be treated by the Tribunal as including an appeal against any decision in respect of which the appellant has a right of appeal under section 82(1).

(2) If an appellant under section 82(1) makes a statement under section 120, the Tribunal shall consider any matter raised in the statement which constitutes a ground of appeal of a kind listed in section 84 against the decision appealed against.

(3) Subsection (2) applies to a statement made under section 120 whether the statement was made before or after the appeal was commenced.

(4) On an appeal under section 82(1) against a decision the Tribunal may consider any matter which it thinks relevant to the substance of the decision, including a matter arising after the date of the decision.

(5) But the Tribunal must not consider a new matter unless the Secretary of State has given the Tribunal consent to do so.

(6) A matter is a "new matter" if—

(a) it constitutes a ground of appeal of a kind listed in section 84, and  
(b) the Secretary of State has not previously considered the matter in the context of—

- (i) the decision mentioned in section 82(1), or
- (ii) a statement made by the appellant under section 120.

## **86 Determination of appeal**

(1) This section applies on an appeal under section

82(1) (2) The Tribunal must determine—

- (a) any matter raised as a ground of appeal, and
- (b) any matter which section 85 requires it to consider.

## ***Exceptions and limitations***

## **92 Place from which an appeal may be brought or continued**

(1) This section applies to determine the place from which an appeal under section 82(1) may be brought or continued.

(2) In the case of an appeal under section 82(1)(a) (protection claim appeal) the appeal must be brought from outside the United Kingdom if —

(a) the claim to which the appeal relates has been certified under section

94(1) or (7) (claim clearly unfounded or removal to safe third country), or

(b) paragraph 5(3)(a), 10(3), 15(3) or 19(b) of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (removal of asylum seeker to safe third country) applies.

Otherwise, the appeal must be brought from within the United Kingdom.

(3) In the case of an appeal under section 82(1)(b) (human rights claim appeal) where the claim to which the appeal relates was made while the appellant was in the United Kingdom, the appeal must be brought from outside the United Kingdom if—

(a) the claim to which the appeal relates has been certified under section 94(1) or (7) (claim clearly unfounded or removal to safe third country) or section 94B (certification of human rights claims made by persons liable to deportation), or

(b) paragraph 5(3)(b) or (4), 10(4), 15(4) or 19(c) of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (removal of asylum seeker to safe third country) applies.

Otherwise, the appeal must be brought from within the United Kingdom.

(4) In the case of an appeal under section 82(1)(b) (human rights claim appeal) where the claim to which the appeal relates was made while the appellant was outside the United Kingdom, the appeal must be brought from outside the United Kingdom.

(5) In the case of an appeal under section 82(1)(c) (revocation of protection status)—

(a) the appeal must be brought from within the United Kingdom if the decision to which the appeal relates was made while the appellant was in the United Kingdom;

(b) the appeal must be brought from outside the United Kingdom if the decision to which the appeal relates was made while the appellant was outside the United Kingdom.

(6) If, after an appeal under section 82(1)(a) or (b) has been brought from within the United Kingdom, the Secretary of State certifies the claim to which the appeal relates under section

94(1) or (7) or section 94B, the appeal must be continued from outside the United Kingdom.

(7) Where a person brings or continues an appeal under section 82(1)(a) (refusal of protection claim) from outside the United Kingdom, for the purposes of considering whether the grounds of appeal are satisfied the appeal is to be treated as if the person were not outside the United Kingdom.

(8) Where an appellant brings an appeal from within the United Kingdom but leaves the United Kingdom before the appeal is finally determined, the appeal is to be treated as abandoned unless the claim to which the appeal relates has been certified under section

94(1) or (7) or section 94B.

## **94 Appeal from within United Kingdom: unfounded human rights or protection claim**

(1) The Secretary of State may certify a protection claim or human rights claim as clearly unfounded.

(3) If the Secretary of State is satisfied that a claimant is entitled to reside in a State listed

in subsection (4) he shall certify the claim under subsection (1) unless satisfied that it is not clearly unfounded.

(4) Those States are—

(a) ..

(b) .

(c)

(d)

(e)

(f)

(g)

(h)

(i)

(j)

...

(k) the Republic of Albania, (l) ...

(m) ...

(n) Jamaica,

(o) Macedonia,

(p) the Republic of Moldova, .

(q) ... ,

(r) ...

(s) Bolivia,

(t) Brazil,

(u)

Ecuador, (v)

...

(w) South Africa, and

(x)

Ukraine, (y)

India,

[(z) Mongolia,

(aa) Ghana (in respect of men), (bb) Nigeria (in respect of men), (cc) Bosnia-

Herzegovina,

(dd) Gambia (in respect of men), (ee) Kenya (in respect of men),

(ff) Liberia (in respect of men), (gg) Malawi (in respect of men), (hh) Mali (in respect of men),

(ii) Mauritius,

(jj)

Montenegro, (kk)

Peru,

- (ll) Serbia,
- (mm) Sierra Leone (in respect of men), (nn) Kosovo,
- (oo) South Korea.

(5) The Secretary of State may by order add a State, or part of a State, to the list in subsection (4) if satisfied that—

- (a) there is in general in that State or part no serious risk of persecution of persons entitled to reside in that State or part, and
- (b) removal to that State or part of persons entitled to reside there will not in general contravene the United Kingdom's obligations under the Human Rights Convention.

(5A) If the Secretary of State is satisfied that the statements in subsection (5) (a) and (b) are true of a State or part of a State in relation to a description of person, an order under subsection (5) may add the State or part to the list in subsection (4) in respect of that description of person.

(5B) Where a State or part of a State is added to the list in subsection (4) in respect of a description of person, subsection (3) shall have effect in relation to a claimant only if the Secretary of State is satisfied that he is within that description (as well as being satisfied that he is entitled to reside in the State or part).

(5C) A description for the purposes of subsection (5A) may refer to—

- (a) gender,
- (b) language, (c) race,
- (d) religion,
- (e) nationality,
- (f) membership of a social or other group, (g) political opinion, or
- (h) any other attribute or circumstance that the Secretary of State thinks appropriate.

(5D) In deciding whether the statements in subsection (5) (a) and (b) are true of a State or part of a State, the Secretary of State—

- (a) shall have regard to all the circumstances of the State or part (including its laws and how they are applied), and
- (b) shall have regard to information from any appropriate source (including other member States and international organisations).

(6) The Secretary of State may by order amend the list in subsection (4) so as to omit a State or part added under subsection (5); and the omission may be—

- (a) general, or
- (b) effected so that the State or part remains listed in respect of a description of person.

(6A) Subsection (3) shall not apply in relation to a claimant who—

- (a) is the subject of a certificate under section 2 or 70 of the Extradition Act 2003 (c 41),

- (b) is in custody pursuant to arrest under section 5 of that Act,
- (c) is the subject of a provisional warrant under section 73 of that Act,
- (d) is the subject of an authority to proceed under section 7 of the Extradition Act

1989 (c 33) or an order under paragraph 4(2) of Schedule 1 to that Act, or

- (e) is the subject of a provisional warrant under section 8 of that Act or of a warrant under paragraph 5(1)(b) of Schedule 1 to that Act.

(7) The Secretary of State may certify a protection claim or human rights claim made by a person if —

- (a) it is proposed to remove the person to a country of which he is not a national or citizen, and
- (b) there is no reason to believe that the person's rights under the Human Rights Convention will be breached in that country.

(8) In determining whether a person in relation to whom a certificate has been issued under subsection (7) may be removed from the United Kingdom, the country specified in the certificate is to be regarded as—

- (a) a place where a person's life and liberty is not threatened by reason of his race, religion, nationality, membership of a particular social group, or political opinion, and
- (b) a place from which a person will not be sent to another country otherwise than in accordance with the Refugee Convention or with the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection.

#### **94A European Common List of Safe Countries of Origin**

(1) The Secretary of State shall by order prescribe a list of States to be known as the "European Common List of Safe Countries of Origin".

(2) Subsections (3) and (4) apply where a person makes a protection claim or a human rights claim (or both) and that person is—

- (a) a national of a State which is listed in the European Common List of Safe Countries of Origin, or
- (b) a Stateless person who was formerly habitually resident in such a State.

(3) The Secretary of State shall consider the claim or claims mentioned in subsection (2) to be unfounded unless satisfied that there are serious grounds for considering that the State in

question is not safe in the particular circumstances of the person mentioned in that subsection.

(4) The Secretary of State shall also certify the claim or claims mentioned in subsection (2) under section 94(1) unless satisfied that the claim or claims is or are not clearly

unfounded. (5) An order under subsection (1)—

- (a) may be made only if the Secretary of State thinks it necessary for the purpose of complying with the United Kingdom's obligations under EU law,
- (b) may include transitional, consequential or incidental provision, (c) shall be made by statutory instrument, and
- (d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **94B Appeal from within the United Kingdom: certification of human rights claims made by persons liable to deportation**

- (1) This section applies where a human rights claim has been made by a person (“P”)

who is liable to deportation under-

- (a) Section 3(5)(a) of the Immigration Act 1971 (Secretary of State deeming deportation conducive to public good), or
- (b) Section 3 (6) of that Act (court recommending deportation following conviction).

(2) The Secretary of State may certify the claim if the Secretary of State considers that, despite the appeals process not having been begun or not having been exhausted, removal of P to the country or territory to which P is proposed to be removed, pending the outcome of an appeal in relation to P's claim, would not be unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention).

(3) The grounds upon which the Secretary of State may certify a claim under subsection (2) include (in particular) that P would not, before the appeals process is exhausted, face a real risk of serious irreversible harm if removed to the country or territory to which P is proposed to be removed.

#### **96 Earlier right of appeal**

- (1) A person may not bring an appeal under section 82 against a decision (“the new decision”) if the Secretary of State or an immigration officer certifies—

- (a) that the person was notified of a right of appeal under that section against another decision (“the old decision”) (whether or not an appeal was brought and whether or not any appeal brought has been determined),
- (b) that the claim or application to which the new decision relates relies on a ground that could have been raised in an appeal against the old decision, and

(c) that, in the opinion of the Secretary of State or the immigration officer, there is no satisfactory reason for that ground not having been raised in an appeal against the old decision.

- (2) A person may not bring an appeal under section 82 if the Secretary of State or an immigration officer certifies—

- (a) that the person has received a notice under section 120(2),
- (b) that the appeal relies on a ground that should have been, but has not been, raised in a statement made under section 120(2) or (5), and

(c) that, in the opinion of the Secretary of State or the immigration officer, there is no satisfactory reason for that ground not having been raised in a statement under section 120(2) or (5).

(4) In subsection (1) “notified” means notified in accordance with regulations under section 105.

(5) Subsections (1) and (2) apply to prevent] a person's right of appeal whether or not he has been outside the United Kingdom since an earlier right of appeal arose or since a requirement under section 120 was imposed.

(6) In this section a reference to an appeal under section 82(1) includes a reference to an appeal under section 2 of the Special Immigration Appeals Commission Act 1997 (c 68) which is or could be brought by reference to an appeal under section 82(1).

(7) A certificate under subsection (1) or (2) shall have no effect in relation to an appeal instituted before the certificate is issued.

## **97 National security, &c**

(1) An appeal under section 82(1) against a decision in respect of a person may not be brought or continued if the Secretary of State certifies that the decision is or was taken—

(a) by the Secretary of State wholly or partly on a ground listed in subsection (2), or

(b) in accordance with a direction of the Secretary of State which identifies the person to whom the decision relates and which is given wholly or partly on a ground listed in subsection (2).

(2) The grounds mentioned in subsection (1) are that the person's exclusion or removal from the United Kingdom is—

(a) in the interests of national security, or

(b) in the interests of the relationship between the United Kingdom and another country.

(3) An appeal under section 82(1) against a decision may not be brought or continued if the Secretary of State certifies that the decision is or was taken wholly or partly in reliance on information which in his opinion should not be made public—

(a) in the interests of national security,

(b) in the interests of the relationship between the United Kingdom and another country, or

(c) otherwise in the public interest.

(4) In subsections (1)(a) and (b) and (3) a reference to the Secretary of State is to the Secretary of State acting in person.

## **97A National security: deportation**

(1) This section applies where the Secretary of State certifies that the decision to make a deportation order in respect of a person was taken on the

grounds that his removal from the United Kingdom would be in the interests of national security.

(1A) This section also applies where the Secretary of State certifies, in the case of a person in respect of whom a deportation order has been made which states that it is made in accordance with section 32(5) of the UK Borders Act 2007, that the person's removal from the United Kingdom would be in the interests of national security.

(2) Where this section applies—

- (a) section 79 shall not apply,
- (b) the Secretary of State shall be taken to have certified the decision to make the deportation order under section 97, and
- (c) section 2(5) of the Special Immigration Appeals Commission Act 1997 (whether appeals brought against decisions certified under section 97 may be brought from within the United Kingdom) does not apply, but see instead the following provisions of this section.

(2A) The person while in the United Kingdom may not bring or continue an appeal under section 2 of the Special Immigration Appeals Commission Act 1997—

- (a) against the decision to make the deportation order, or
- (b) against any refusal to revoke the deportation order, unless the person has made a human rights claim while in the United Kingdom.

(2B) Subsection (2A) does not allow the person while in the United Kingdom to bring or continue an appeal if the Secretary of State certifies that removal of the person—

- (a) to the country or territory to which the person is proposed to be removed, and
- (b) despite the appeals process not having been begun or not having been exhausted, would not be unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention).

(2C) The grounds upon which a certificate may be given under subsection (2B) include (in particular)—

- (a) that the person would not, before the appeals process is exhausted, face a real risk of serious irreversible harm if removed to the country or territory to which the person is proposed to be removed;
- (b) that the whole or part of any human rights claim made by the person is clearly unfounded.

(2F) If a certificate in respect of a person is given under subsection (2B), the person may apply to the Special Immigration Appeals Commission to set aside the certificate.

(2G) If a person makes an application under subsection (2F) then the Commission, in determining whether the certificate should be set aside, must apply the principles that would be applied in judicial review proceedings.

(2H) The Commission's determination of a review under subsection (2F) is final.

(2J) The Commission may direct that a person who has made and not withdrawn an application under subsection (2F) is not to be removed from the United Kingdom at a time when the review has not been finally determined by the Commission.

(2K) Sections 5 and 6 of the Special Immigration Appeals Commission Act 1997 apply in relation to reviews under subsection (2F) (and to applicants for such reviews) as they apply in relation to appeals under section 2 or 2B of that Act (and to persons bringing such appeals).

(2L) Any exercise of power to make rules under section 5 of that Act in relation to reviews under subsection (2F) is to be with a view to securing that proceedings on such reviews are handled expeditiously.

(3) . . .

(4) The Secretary of State may repeal this section by order.

### **99 Section 97: appeal in progress**

(1) This section applies where a certificate is issued under section . . . 97 in respect of a pending appeal.

(2) The appeal shall lapse.

### **104 Pending appeal**

(1) An appeal under section 82(1) is pending during the period—

- (a) beginning when it is instituted, and
- (b) ending when it is finally determined, withdrawn or abandoned (or when it lapses under section 99).

(2) An appeal under section 82(1) is not finally determined for the purpose of subsection

(1)(b) while—

- (a) an application for permission to appeal under section 11 or 13 of the Tribunals, Courts and Enforcement Act 2007 could be made or is awaiting determination,
- (b) permission to appeal under either of those sections has been granted and the appeal is awaiting determination, or
- (c) an appeal has been remitted under section 12 or 14 of that Act and is awaiting determination.

(3) . . .

(4A) An appeal under section 82(1) brought by a person while he is in the United Kingdom shall be treated as abandoned if the appellant is granted leave to enter or remain in the United Kingdom (subject to subsection (4B)).

(4B) Subsection (4A) shall not apply to an appeal in so far as it is brought on a ground specified in section 84 (1)(a) or (b) or 84 (3) (asylum or humanitarian protection) where the appellant—

(a) . . .

(b) gives notice, in accordance with Tribunal Procedure Rules, that he wishes to pursue the appeal in so far as it is brought on that ground.

### **105 Notice of immigration decision**

(1) The Secretary of State may make regulations requiring a person to be given written notice where an appealable decision is taken in respect of him.

(2) The regulations may, in particular, provide that a notice under subsection (1) of an appealable decision must state—

- (a) that there is a right of appeal under section 82, and
- (b) how and when that right may be exercised.

(3) The regulations may make provision (which may include presumptions) about service. (4) In this section “appealable decision” means a decision mentioned in section 82 (1).

### **106 Rules**

(1) . . .

(1A) . .

. (2) . .

.

(3) In the case of an appeal under section 82 or by virtue of section 109, Tribunal Procedure Rules may enable the Tribunal to certify that the appeal had no merit (and shall make provision for the consequences of the issue of a certificate).

(4) A person commits an offence if without reasonable excuse he fails to comply with a requirement imposed in accordance with [Tribunal Procedure Rules in connection with proceedings under section 82 or by virtue of section 109] to attend before . . . the Tribunal—

- (a) to give evidence, or
- (b) to produce a document.

(5) A person who is guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **107 Practice directions**

(1) . . .

(1A) . .

. (2) . .

.

(3) In the case of proceedings under section 82 or by virtue of section 109, or proceedings in the Upper Tribunal arising out of such proceedings, practice

directions under section 23 of the Tribunals, Courts and Enforcement Act 2007—

- (a) may require the Tribunal to treat a specified decision of the Tribunal or Upper Tribunal as authoritative in respect of a particular matter; and
- (b) may require the Upper Tribunal to treat a specified decision of the Tribunal or Upper Tribunal as authoritative in respect of a particular

matter. (3A) In subsection (3) the reference to a decision of the Tribunal includes—

- (a) a decision of the Asylum and Immigration Tribunal, and
- (b) a decision of the Immigration Appeal

Tribunal. (4) . . .

(5) . .

. (6) .

. .

(7) . . .

### **108 Forged document: proceedings in private**

(1) This section applies where it is alleged—

- (a) that a document relied on by a party to an appeal under section 82 is a forgery, and
- (b) that disclosure to that party of a matter relating to the detection of the forgery would be contrary to the public

interest. (2) The Tribunal—

- (a) must investigate the allegation in private, and
- (b) may proceed in private so far as necessary to prevent disclosure of the matter referred to in subsection (1)(b).

### **General**

### **109 European Union and European Economic Area**

(1) Regulations may provide for, or make provision about, an appeal against an immigration decision taken in respect of a person who has or claims to have a right under any of the EU Treaties.

(2) The regulations may—

- (a) apply a provision of this Act or the Special Immigration Appeals Commission Act 1997 (c 68) with or without modification;
- (b) make provision similar to a provision made by or under this Act or that Act;

(c) disapply or modify the effect of a provision of this Act or that

Act. (3) In subsection (1) “immigration decision” means a decision about—

- (a) a person's entitlement to enter or remain in the United Kingdom, or
- (b) removal of a person from the United Kingdom.

**110 . . .**

**111 . . .**

## **112 Regulations, &c**

(1) Regulations under this Part shall be made by the Secretary of State. (2) Regulations . . . under this Part. . .—

- (a) must be made by statutory instrument, and
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Regulations . . . under this Part—

- (a) may make provision which applies generally or only in a specified case or in specified circumstances,
- (b) may make different provision for different cases or circumstances, (c) may include consequential, transitional or incidental provision, and (d) may include savings.

(4) An order under section 94(5)—

- (a) must be made by statutory instrument,
- (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament, and
- (c) may include transitional

provision. (5) An order under section

94(6)—

- (a) must be made by statutory instrument,
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament, and
- (c) may include transitional provision.

(5A) If an instrument makes provision under section 94(5) and 94(6)—

- (a) subsection (4)(b) above shall apply, and
- (b) subsection (5)(b) above shall not

apply. (5B) An order under section 97A(4)—

- (a) must be made by statutory instrument,

- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament, and
- (c) may include transitional

provision. (6) . . .

(7) . . .

### **113 Interpretation**

(1) In this Part, unless a contrary intention appears—

“asylum claim” means a claim made by a person to the Secretary of State at a place designated by the Secretary of State that to remove the person from or require him to leave the United Kingdom would breach the United Kingdom's obligations under the Refugee Convention,

“humanitarian protection” has the meaning given in section 82

(2); “protection claim” has the meaning given in section 82

(2); “protection status” has the meaning given in section 82

(2);

“human rights claim” means a claim made by a person to the Secretary of State at a place designated by the Secretary of State that to remove the person from or require him to leave the United Kingdom or to refuse him entry into the United Kingdom would be unlawful under *section 6* of the Human Rights Act 1998 (c 42) (public authority not to act contrary to Convention).

“the Human Rights Convention” has the same meaning as “the Convention” in the Human Rights Act 1998 and “Convention rights” shall be construed in accordance with section 1 of that Act,

“immigration rules” means rules under section 1(4) of the Immigration Act 1971 (general immigration rules),

“the Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol,

### **114 Repeal**

(1) Part IV of the Immigration and Asylum Act 1999 (c 33) (appeals) shall cease to have effect.

(2) Schedule 6 (which makes transitional provision in connection with the repeal of Part IV of that Act and its replacement by this Part) shall have

effect. (3) Schedule 7 (consequential amendments)

shall have effect.

## Part 6 – Immigration Procedure

### 120 Requirement to state additional grounds for application etc

(1) Subsection (2) applies to a person (“P”) if—

- (a) P has made a protection claim or a human rights claim,
- (b) P has made an application to enter or remain in the United Kingdom, or
- (c) a decision to deport or remove P has been or may be taken.

(2) The Secretary of State or an immigration officer may serve a notice on P requiring P to provide a statement setting out—

- (a) P’s reasons for wishing to enter or remain in the United Kingdom,
- (b) any grounds on which P should be permitted to enter or remain in the United Kingdom, and
- (c) any grounds on which P should not be removed from or required to leave the United Kingdom.

(3) A statement under subsection (2) need not repeat reasons or grounds set out in—

- (a) P’s protection or human rights claim,
- (b) the application mentioned in subsection (1)(b), or
- (c) an application to which the decision mentioned in subsection (1)(c) relates.

(4) Subsection (5) applies to a person (“P”) if P has previously been served with a notice under subsection (2) and—

- (a) P requires leave to enter or remain in the United Kingdom but does not have it, or
- (b) P has leave to enter or remain in the United Kingdom only by virtue of section 3C or 3D of the Immigration Act 1971 (continuation of leave pending decision or appeal).

(5) Where P’s circumstances have changed since the Secretary of State or an immigration officer was last made aware of them (whether in the application or claim mentioned in subsection (1) or in a statement under subsection (2) or this subsection) so that P has—

- (a) additional reasons for wishing to enter or remain in the United Kingdom,
- (b) additional grounds on which P should be permitted to enter or remain in the United Kingdom, or
- (c) additional grounds on which P should not be removed from or required to leave the United Kingdom,

P must, as soon as reasonably practicable, provide a supplementary statement to the Secretary of State or an immigration officer setting out the new circumstances and the additional reasons or grounds.

(6) In this section—

“human rights claim” and “protection claim” have the same meanings as in Part 5;

references to “grounds” are to grounds on which an appeal under Part 5 may be brought (see section 84).