



Immigration Act 1971

1971 CHAPTER 77

^{F1}PART II

APPEALS

Appeals from adjudicator to Tribunal, and review of decisions

20 Appeal to Tribunal from determination of adjudicator.

- (1) Subject to any requirement of rules of procedure as to leave to appeal, any party to an appeal to an adjudicator may, if dissatisfied with his determination thereon, appeal to the Appeal Tribunal, and the Tribunal may affirm the determination or make any other determination which could have been made by the adjudicator.
- (2) Directions given by an adjudicator under section 19(3) above need not be complied with so long as an appeal can be brought against his determination and, if such an appeal is duly brought, so long as the appeal is pending; and if the Tribunal affirm his determination allowing the appeal, they may alter or add to his directions and recommendations under section 19(3) or replace them with their own directions and recommendations, and the provisions of that subsection shall apply to directions given by them accordingly.
- (3) Where an appeal is dismissed by an adjudicator but allowed by the Tribunal, section 19(3) above shall apply with the substitution of references to the Tribunal for references to the adjudicator.

Modifications etc. (not altering text)

- C1** Ss. 18-21, 22(1)-(4)(6)(7), 23 and Sch. 5 amended (26.7.1993) by [1993 c. 23, s. 8\(6\), Sch. 2 para. 4\(2\)\(a\)-\(f\)](#); [S.I. 1993/1655, art. 2](#)
- C2** S. 20(1) restricted (26.7.1993) by [1993 c. 23, s. 8\(6\), Sch. 2 para. 5\(5\)](#); [S.I. 1993/1655, art. 2](#)
S. 20(1) excluded (21.10.1996) by [1993 c. 23, Sch. 2 para. 5](#) (as substituted (21.10.1996) by [1996 c. 49, s.1](#); [S.I. 1996/2127, art. 2, Sch. Pt.III](#))

Status: Point in time view as at 20/07/2023.

Changes to legislation: Immigration Act 1971, Cross Heading: Appeals from adjudicator to Tribunal, and review of decisions is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

21 Reference of cases for further consideration.

(1) Where in any case—

- (a) an adjudicator has dismissed an appeal, and there has been no further appeal to the Appeal Tribunal, or the Tribunal has dismissed an appeal made to them in the first instance by virtue of section 15 above; or
- (b) the Appeal Tribunal has affirmed the determination of an adjudicator dismissing an appeal, or reversed the determination of an adjudicator allowing an appeal;

the Secretary of State may at any time refer for consideration under this section any matter relating to the case which was not before the adjudicator or Tribunal.

(2) Any reference under this section shall be to an adjudicator or to the Appeal Tribunal, and the adjudicator or Tribunal shall consider the matter which is the subject of the reference and report to the Secretary of State the opinion of the adjudicator or Tribunal thereon.

Modifications etc. (not altering text)

- C3** Ss. 18-21, 22(1)-(4)(6)(7), 23 and Sch. 5 amended (26.7.1993) by 1993 c. 23, s. 8(6), **Sch. 2 para. 4(2) (a)-(f)**; S.I. 1993/1655, **art. 2**
S. 21 amended (1.9.1996) by 1996 c. 49, s. 3(4)(c); S.I. 1996/2053, art. 2, **Sch. Pt.II**

Status:

Point in time view as at 20/07/2023.

Changes to legislation:

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