

*These notes refer to the Immigration and Asylum Act 1999
(c.33) which received Royal Assent on 11 November 1999*

IMMIGRATION AND ASYLUM ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part IV: Appeals

Section 76: Result of failure to comply with section 74

221. This section sets out the consequences of failure to comply with the requirements of section 74. It provides that if an applicant fails to mention a particular ground on which he intends to rely in his statement, even though he was aware of it at the time, he may not rely on that ground in any appeal. The section provides for exceptions to this general principle. Subsection (3) disappplies the principle where the ground is a claim for asylum or a claim that an act breached the applicant's human rights, or where the Secretary of State considers that the applicant had a reasonable excuse for the omission.
222. Subsection (5) provides that if an applicant claims asylum after the prescribed period for the statement required under section 74, no appeal may be made against a refusal of that claim if the Secretary of State certifies that one purpose of making the claim for asylum was to delay removal from the United Kingdom and that the applicant had no other legitimate purpose.