

## **RACE RELATIONS (AMENDMENT) ACT 2000**

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### **EXPLANATORY NOTES**

#### **COMMENTARY**

##### ***Section 6: Immigration and Asylum Appeals***

55. Section 57 of the 1976 Act provides that proceedings under Part III of the Act shall be brought in a designated county court (a sheriff court in Scotland). Section 77 of the Immigration and Asylum Act 1999 establishes a "one-stop" procedure for immigration and asylum appeals, where all grounds for appeal must be adduced before the immigration appellate authorities in appeal proceedings against an immigration or asylum decision.
56. Section 6 of the 2000 Act inserts **new section 57A** into the 1976 Act. It provides that race relations complaints relating to immigration decisions may be brought before the immigration appellate authorities under Part IV of the Immigration Appeals Act 1999, in the same way as appeals lodged on human rights grounds. *Appellate authority* is defined in section 77(6) of the Immigration and Asylum Act 1999 as an adjudicator, the Immigration Appeal Tribunal, or the Special Immigration Appeals Commission.
57. **Section 57A(1)** prevents an **immigration claim** being made to the county court if an appeal could be brought, or is pending, before the immigration appellate authorities. It also prevents a further appeal to the county or sheriff court if an appeal on race relations' grounds to the immigration appellate authorities is dismissed.
58. **Section 57A(2)** defines immigration claims in respect of immigration decisions as a claim that a person has committed an act of discrimination against the claimant which is unlawful by virtue of section 19B or that section and sections 32 and 33 of the 1976 Act.
59. **Section 57A(3)** prevents the county court from **questioning a decision of the immigration appellate authorities** that a particular act was discriminatory and unlawful under section 19B. Where the immigration appellate authority finds that a person has been the subject of race discrimination under section 19B the appeal may be allowed on that ground only, and the matter may be referred to the county or sheriff court to assess a claim for damages under section 57(1). This section prevents the immigration appellate authorities' decision in respect of section 19B from being overturned.
60. **Section 57A(4)** prevents the county court from **challenging the immigration decision** to which an immigration claim relates, or an appeal determination in respect of such a decision. There is the possibility that an immigration claim might be made to the county or sheriff court only after the conclusion of an appeal to the immigration appellate authorities on other grounds, as a means of delaying the enforcement of an immigration decision. The amendment seeks to avoid the likelihood of the court granting an injunction against the enforcement of the immigration decision, by preventing the court from questioning that decision.

*These notes refer to the Race Relations (Amendment) Act 2000  
(c.34) which received Royal Assent on 30 November 2000*

61. Subsections (3) and (4) of section 6 of the 2000 Act also **amend section 65 of the Immigration and Asylum Act 1999**, which creates a new right of appeal to the immigration appellate bodies on human rights grounds against decisions affecting a person's entitlement to enter or remain in the United Kingdom which are alleged to be unlawful under section 6(1) of the Human Rights Act 1998. They provide that there shall in addition be a **right of appeal to the immigration appellate bodies on the grounds of racial discrimination**.