



Race Relations (Amendment) Act 2000

2000 CHAPTER 34

Special cases: procedural and other consequences

6 Immigration and asylum appeals

(1) After section 57(6) of the 1976 Act (enforcement of Part III of that Act) there is added—

“(7) This section has effect subject to section 57A.”

(2) After section 57 of that Act there is inserted—

“57A Claims under section 19B in immigration cases

(1) No proceedings may be brought by a claimant under section 57(1) in respect of an immigration claim if—

- (a) the act to which the claim relates was done in the taking by an immigration authority of a relevant decision and the question whether that act was unlawful by virtue of section 19B has been or could be raised in proceedings on an appeal which is pending, or could be brought, under the 1997 Act or Part IV of the 1999 Act; or
- (b) it has been decided in relevant immigration proceedings that that act was not unlawful by virtue of that section.

(2) For the purposes of this section an immigration claim is a claim that a person—

- (a) has committed a relevant act of discrimination against the claimant which is unlawful by virtue of section 19B; or
- (b) is by virtue of section 32 or 33 to be treated as having committed such an act of discrimination against the claimant.

(3) Where it has been decided in relevant immigration proceedings that an act to which an immigration claim relates was unlawful by virtue of section 19B, any court hearing that claim under section 57 shall treat that act as an act which is unlawful by virtue of section 19B for the purposes of the proceedings before it.

Status: This is the original version (as it was originally enacted).

(4) No relevant decision of an immigration authority involving an act to which an immigration claim relates and no relevant decision of an immigration appellate body in relation to such a decision shall be subject to challenge or otherwise affected by virtue of a decision of a court hearing the immigration claim under section 57.

(5) In this section—

“the Immigration Acts” has the same meaning as in the 1999 Act;

“immigration appellate body” means an adjudicator appointed for the purposes of the 1999 Act, the Immigration Appeal Tribunal, the Special Immigration Appeals Commission, the Court of Appeal, the Court of Session or the House of Lords;

“immigration authority” means an authority within the meaning of section 65 of the 1999 Act (human rights and racial discrimination cases);

“immigration claim” has the meaning given by subsection (2) above;

“pending” has the same meaning as in the 1997 Act or, as the case may be, Part IV of the 1999 Act;

“relevant act of discrimination” means an act of discrimination done by an immigration authority in taking any relevant decision;

“relevant decision” means—

(a) in relation to an immigration authority, any decision under the Immigration Acts relating to the entitlement of the claimant to enter or remain in the United Kingdom; and

(b) in relation to an immigration appellate body, any decision on an appeal under the 1997 Act or Part IV of the 1999 Act in relation to a decision falling within paragraph (a);

“relevant immigration proceedings” means proceedings on an appeal under the 1997 Act or Part IV of the 1999 Act;

“the 1997 Act” means the Special Immigration Appeals Commission Act 1997;

“the 1999 Act” means the Immigration and Asylum Act 1999;

and, for the purposes of subsection (1)(a), any power to grant leave to appeal out of time shall be disregarded.”

(3) In section 65(1) of the Immigration and Asylum Act 1999 (acts made unlawful by section 6(1) of the Human Rights Act 1998) after “United Kingdom,” there is inserted “racially discriminated against him or”.

(4) In section 65(2) of that Act, after “Part” there is inserted “—

(a) an authority racially discriminates against a person if he acts, or fails to act, in relation to that other person in a way which is unlawful by virtue of section 19B of the Race Relations Act 1976; and

(b)”.