



Nationality, Immigration and Asylum Act 2002

2002 CHAPTER 41

PART 6

IMMIGRATION PROCEDURE

Applications

118 Leave pending decision on variation application

The following shall be substituted for section 3C of the Immigration Act 1971 (c. 77)
(continuation of leave to enter or remain pending decision on application for variation)

“3C Continuation of leave pending variation decision

- (1) This section applies if—
- (a) a person who has limited leave to enter or remain in the United Kingdom applies to the Secretary of State for variation of the leave,
 - (b) the application for variation is made before the leave expires, and
 - (c) the leave expires without the application for variation having been decided.
- (2) The leave is extended by virtue of this section during any period when—
- (a) the application for variation is neither decided nor withdrawn,
 - (b) an appeal under section 82(1) of the Nationality, Asylum and Immigration Act 2002 could be brought against the decision on the application for variation (ignoring any possibility of an appeal out of time with permission), or
 - (c) an appeal under that section against that decision is pending (within the meaning of section 104 of that Act).

Status: This is the original version (as it was originally enacted).

- (3) Leave extended by virtue of this section shall lapse if the applicant leaves the United Kingdom.
- (4) A person may not make an application for variation of his leave to enter or remain in the United Kingdom while that leave is extended by virtue of this section.
- (5) But subsection (4) does not prevent the variation of the application mentioned in subsection (1)(a).
- (6) In this section a reference to an application being decided is a reference to notice of the decision being given in accordance with regulations under section 105 of that Act (notice of immigration decision).”

119 Deemed leave on cancellation of notice

In paragraph 6(3) of Schedule 2 to the Immigration Act 1971 (c. 77) (deemed leave on cancellation of notice of refusal) after “and the immigration officer does not at the same time give him indefinite or limited leave to enter” there shall be inserted “or require him to submit to further examination”.

120 Requirement to state additional grounds for application

- (1) This section applies to a person if—
 - (a) he has made an application to enter or remain in the United Kingdom, or
 - (b) an immigration decision within the meaning of section 82 has been taken or may be taken in respect of him.
- (2) The Secretary of State or an immigration officer may by notice in writing require the person to state—
 - (a) his reasons for wishing to enter or remain in the United Kingdom,
 - (b) any grounds on which he should be permitted to enter or remain in the United Kingdom, and
 - (c) any grounds on which he 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) the application mentioned in subsection (1)(a), or
 - (b) an application to which the immigration decision mentioned in subsection (1)(b) relates.

121 Compliance with procedure

The following shall be inserted after section 31A(3) of the Immigration Act 1971 (procedural requirements for application)—

- “(3A) Regulations under this section may provide that a failure to comply with a specified requirement of the regulations—
- (a) invalidates an application,
 - (b) does not invalidate an application, or

- (c) invalidates an application in specified circumstances (which may be described wholly or partly by reference to action by the applicant, the Secretary of State, an immigration officer or another person).”