

*Status: Point in time view as at 06/04/2015.*

**Changes to legislation:** *Nationality, Immigration and Asylum Act 2002, Cross Heading: Special Immigration Appeals Commission Act 1997 (c. 68) is up to date with all changes known to be in force on or before 15 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)*

## SCHEDULES

### SCHEDULE 7

#### IMMIGRATION AND ASYLUM APPEALS: CONSEQUENTIAL AMENDMENTS

##### *Special Immigration Appeals Commission Act 1997 (c. 68)*

20 The following shall be substituted for section 2 of the Special Immigration Appeals Commission Act 1997 (jurisdiction: appeals)—

#### **“2 Jurisdiction: appeals**

- (1) A person may appeal to the Special Immigration Appeals Commission against a decision if—
  - (a) he would be able to appeal against the decision under section 82(1) or 83(2) of the Nationality, Immigration and Asylum Act 2002 but for a certificate of the Secretary of State under section 97 of that Act (national security, &c.), or
  - (b) an appeal against the decision under section 82(1) or 83(2) of that Act lapsed under section 99 of that Act by virtue of a certificate of the Secretary of State under section 97 of that Act.
- (2) The following provisions shall apply, with any necessary modifications, in relation to an appeal against an immigration decision under this section as they apply in relation to an appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002—
  - (a) section 3C of the Immigration Act 1971 (c. 77) (continuation of leave pending variation decision),
  - (b) section 78 of the Nationality, Immigration and Asylum Act 2002 (no removal while appeal pending),
  - (c) section 79 of that Act (deportation order: appeal),
  - (d) section 82(3) of that Act (variation or revocation of leave to enter or remain: appeal),
  - (e) section 84 of that Act (grounds of appeal),
  - (f) section 85 of that Act (matters to be considered),
  - (g) section 86 of that Act (determination of appeal),
  - (h) section 87 of that Act (successful appeal: direction),
  - (i) section 96 of that Act (earlier right of appeal),
  - (j) section 104 of that Act (pending appeal),
  - (k) section 105 of that Act (notice of immigration decision), and
  - (l) section 110 of that Act (grants).
- (3) The following provisions shall apply, with any necessary modifications, in relation to an appeal against the rejection of a claim for asylum under this

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section as they apply in relation to an appeal under section 83(2) of the Nationality, Immigration and Asylum Act 2002—

- (a) section 85(4) of that Act (matters to be considered),
- (b) section 86 of that Act (determination of appeal),
- (c) section 87 of that Act (successful appeal: direction), and
- (d) section 110 of that Act (grants).

(4) An appeal against the rejection of a claim for asylum under this section shall be treated as abandoned if the appellant leaves the United Kingdom.

(5) A person may bring or continue an appeal against an immigration decision under this section while he is in the United Kingdom only if he would be able to bring or continue the appeal while he was in the United Kingdom if it were an appeal under section 82(1) of that Act.

(6) In this section “immigration decision” has the meaning given by section 82(2) of the Nationality, Immigration and Asylum Act 2002.”

21 Section 2A of that Act (human rights) shall cease to have effect.

22 Section 4 of that Act (determination of appeals) shall cease to have effect.

23 In section 5 of that Act (procedure)—

- (a) in subsections (1)(a) and (b) and (2) omit “or 2A”, and
- (b) after subsection (2) insert—

“(2A) Rules under this section may, in particular, do anything which may be done by rules under section 106 of the Nationality, Immigration and Asylum Act 2002 (appeals: rules).”

24 Section 7A of that Act (pending appeals) shall cease to have effect.

25 In paragraph 5 of Schedule 1 to that Act—

- (a) in sub-paragraph (b)(i), for “section 57(2) of the Immigration and Asylum Act 1999” substitute “section 81(3)(a) of the Nationality, Immigration and Asylum Act 2002”, and
- (b) in sub-paragraph (b)(ii), for “paragraph 1(3) of Schedule 2” substitute “paragraph 11 of Schedule 5”.

26 Schedule 2 to that Act shall cease to have effect.

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