



Nationality, Immigration and Asylum Act 2002

2002 CHAPTER 41

PART 5

IMMIGRATION AND ASYLUM APPEALS

Appeal to adjudicator

82 Right of appeal: general

- (1) Where an immigration decision is made in respect of a person he may appeal to an adjudicator.
- (2) In this Part “immigration decision” means—
 - (a) refusal of leave to enter the United Kingdom,
 - (b) refusal of entry clearance,
 - (c) refusal of a certificate of entitlement under section 10 of this Act,
 - (d) refusal to vary a person’s leave to enter or remain in the United Kingdom if the result of the refusal is that the person has no leave to enter or remain,
 - (e) variation of a person’s leave to enter or remain in the United Kingdom if when the variation takes effect the person has no leave to enter or remain,
 - (f) revocation under section 76 of this Act of indefinite leave to enter or remain in the United Kingdom,
 - (g) a decision that a person is to be removed from the United Kingdom by way of directions under section 10(1)(a), (b) or (c) of the Immigration and Asylum Act 1999 (c. 33) (removal of person unlawfully in United Kingdom),
 - (h) a decision that an illegal entrant is to be removed from the United Kingdom by way of directions under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971 (c. 77) (control of entry: removal),
 - (i) a decision that a person is to be removed from the United Kingdom by way of directions given by virtue of paragraph 10A of that Schedule (family),

Status: Point in time view as at 01/10/2004. This version of this provision has been superseded.

Changes to legislation: *Nationality, Immigration and Asylum Act 2002, Section 82 is up to date with all changes known to be in force on or before 03 July 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)*

- [^{F1}(ia) a decision that a person is to be removed from the United Kingdom by way of directions under paragraph 12(2) of Schedule 2 to the Immigration Act 1971 (c. 77) (seamen and aircrews),]
- (j) a decision to make a deportation order under section 5(1) of that Act, and
- (k) refusal to revoke a deportation order under section 5(2) of that Act.
- (3) A variation or revocation of the kind referred to in subsection (2)(e) or (f) shall not have effect while an appeal under subsection (1) against that variation or revocation—
- (a) could be brought (ignoring any possibility of an appeal out of time with permission), or
- (b) is pending.
- (4) The right of appeal under subsection (1) is subject to the exceptions and limitations specified in this Part.

Textual Amendments

- F1** S. 82(2)(ia) inserted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 31, 48\(1\)-\(3\)](#); [S.I. 2004/2523](#), [art. 2](#) Sch.

Modifications etc. (not altering text)

- C1** Ss. 82-99 restricted (14.3.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Commencement No. 4\) Order 2003 \(S.I. 2003/754\)](#), [arts. 3, 4](#) (with transitional provisions in [arts. 3, 4](#), [Sch. 2](#) (as amended by [S.I. 2003/1040](#), [S.I. 2003/1339](#) and [S.I. 2003/2993](#)))
- C2** [S. 82\(3\)](#) applied (with modifications) (1.4.2003) by [1997 c. 68, s. 2\(2\)\(d\)](#) (as substituted (1.4.2003) by [2002 c. 41, ss. 114, 162\(2\)](#), [Sch. 7 para. 20](#) (with [s. 159](#))); [S.I.2003/754](#) {[art. 2\(1\)](#)}, [Sch. 1](#) (with transitional provisions in [arts. 3, 4](#), [Sch. 2](#) (as amended by [S.I. 2003/1040](#), [S.I. 2003/1339](#), and [S.I. 2003/2993](#)))

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