



Nationality, Immigration and Asylum Act 2002

2002 CHAPTER 41

PART 5

IMMIGRATION AND ASYLUM APPEALS

[^{F1}Appeal to Tribunal]

[^{F1}85A Matters to be considered: new evidence: exceptions

- (1) This section sets out the exceptions mentioned in section 85(5).
- (2) Exception 1 is that in relation to an appeal under section 82(1) against an immigration decision of a kind specified in section 82(2)(b) or (c) the Tribunal may consider only the circumstances appertaining at the time of the decision.
- (3) Exception 2 applies to an appeal under section 82(1) if—
 - (a) the appeal is against an immigration decision of a kind specified in section 82(2)(a) or (d),
 - (b) the immigration decision concerned an application of a kind identified in immigration rules as requiring to be considered under a “Points Based System”, and
 - (c) the appeal relies wholly or partly on grounds specified in section 84(1)(a), (e) or (f).
- (4) Where Exception 2 applies the Tribunal may consider evidence adduced by the appellant only if it—
 - (a) was submitted in support of, and at the time of making, the application to which the immigration decision related,
 - (b) relates to the appeal in so far as it relies on grounds other than those specified in subsection (3)(c),
 - (c) is adduced to prove that a document is genuine or valid, or

Status: Point in time view as at 23/05/2011. This version of this provision has been superseded.

Changes to legislation: *Nationality, Immigration and Asylum Act 2002, Section 85A is up to date with all changes known to be in force on or before 10 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)*

- (d) is adduced in connection with the Secretary of State’s reliance on a discretion under immigration rules, or compliance with a requirement of immigration rules, to refuse an application on grounds not related to the acquisition of “points” under the “Points Based System”.]

Textual Amendments

- F1** S. 85A inserted (23.5.2011) by [UK Borders Act 2007 \(c. 30\)](#), **ss. 19(2)**, 59(2); [S.I. 2011/1293](#), **art. 2** (with [art. 3](#))

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