



Nationality, Immigration and Asylum Act 2002

2002 CHAPTER 41

PART 5

IMMIGRATION AND ASYLUM APPEALS

Exceptions and limitations

92 Appeal from within United Kingdom: general

- (1) A person may not appeal under section 82(1) while he is in the United Kingdom unless his appeal is of a kind to which this section applies.
- (2) This section applies to an appeal against an immigration decision of a kind specified in section 82(2)(c), (d), (e), (f) [^{F1}, (ha)] and (j).
- [^{F2}(2A) So far as it relates to an immigration decision of a kind specified in section 82(2)(e), subsection (2) is subject to section 97B]
- [^{F3}(3) This section also applies to an appeal against refusal of leave to enter the United Kingdom if—
 - (a) at the time of the refusal the appellant is in the United Kingdom, and
 - (b) on his arrival in the United Kingdom the appellant had entry clearance.
- (3A) But this section does not apply by virtue of subsection (3) if subsection (3B) or (3C) applies to the refusal of leave to enter.
- (3B) This subsection applies to a refusal of leave to enter which is a deemed refusal under paragraph 2A(9) of Schedule 2 to the Immigration Act 1971 (c. 77) resulting from cancellation of leave to enter by an immigration officer—
 - (a) under paragraph 2A(8) of that Schedule, and
 - (b) on the grounds specified in paragraph 2A(2A) of that Schedule.

Status: Point in time view as at 01/01/2014. This version of this provision has been superseded.

Changes to legislation: Nationality, Immigration and Asylum Act 2002, Section 92 is up to date with all changes known to be in force on or before 01 August 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)

- (3C) This subsection applies to a refusal of leave to enter which specifies that the grounds for refusal are that the leave is sought for a purpose other than that specified in the entry clearance.
- (3D) This section also applies to an appeal against refusal of leave to enter the United Kingdom if at the time of the refusal the appellant—
- (a) is in the United Kingdom,
 - (b) has a work permit, and
 - (c) is any of the following (within the meaning of the British Nationality Act 1981 (c. 61))—
 - (i) a British overseas territories citizen,
 - (ii) a British Overseas citizen,
 - (iii) a British National (Overseas),
 - (iv) a British protected person, or
 - (v) a British subject.]
- (4) This section also applies to an appeal against an immigration decision if the appellant—
- (a) has made an asylum claim, or a human rights claim, while in the United Kingdom, or
 - (b) is an EEA national or a member of the family of an EEA national and makes a claim to the Secretary of State that the decision breaches the appellant’s rights under the [F4EU] Treaties in respect of entry to or residence in the United Kingdom.

Textual Amendments

- F1** Word in s. 92(2) inserted (1.4.2008) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), **ss. 47(7), 62(1)(2)**; [S.I. 2008/310](#), art. 3(c)
- F2** S. 92(2A) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 53(2), 61(2)**; [S.I. 2013/1042](#), art. 4(b)
- F3** S. 92(3)-(3D) substituted (1.10.2004) for s. 92(3) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), **ss. 28, 48(1)-(3)**; [S.I. 2004/2523](#), **art. 2**, Sch.
- F4** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), **arts. 2, 3, 6** (with arts. 3(2)(3), 4(2), 6(4)(5))

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](#)))

Status:

Point in time view as at 01/01/2014. This version of this provision has been superseded.

Changes to legislation:

Nationality, Immigration and Asylum Act 2002, Section 92 is up to date with all changes known to be in force on or before 01 August 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.