



# UK Borders Act 2007

## 2007 CHAPTER 30

### *Deportation of criminals*

#### **35 Appeal**

- (1) The Nationality, Immigration and Asylum Act 2002 (c. 41) is amended as follows.
- (2) At the end of section 79 (no deportation order pending appeal) add—
  - “(3) This section does not apply to a deportation order which states that it is made in accordance with section 32(5) of the UK Borders Act 2007.
  - (4) But a deportation order made in reliance on subsection (3) does not invalidate leave to enter or remain, in accordance with section 5(1) of the Immigration Act 1971, if and for so long as section 78 above applies.”
- (3) Before section 82(4) (general right of appeal) insert—
  - “(3A) Subsection (2)(j) does not apply to a decision to make a deportation order which states that it is made in accordance with section 32(5) of the UK Borders Act 2007; but—
    - (a) a decision that section 32(5) applies is an immigration decision for the purposes of this Part, and
    - (b) a reference in this Part to an appeal against an automatic deportation order is a reference to an appeal against a decision of the Secretary of State that section 32(5) applies.”