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**Changes to legislation:** Immigration Act 2014, Cross Heading: Nationality, Immigration and Asylum Act 2002 (c. 41) is up to date with all changes known to be in force on or before 08 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)

## SCHEDULES

### SCHEDULE 9

#### TRANSITIONAL AND CONSEQUENTIAL PROVISION

#### PART 4

#### PROVISION RELATING TO APPEALS

##### *Nationality, Immigration and Asylum Act 2002 (c. 41)*

30 The Nationality, Immigration and Asylum Act 2002 is amended as follows.

##### Commencement Information

- I1** Sch. 9 para. 30 in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

- 31 In section 72 (serious criminal), in subsection (9)(a)—
- (a) omit “, 83, 83A or 101”;
  - (b) for the words from “that to remove him” to the end substitute “ mentioned in section 84(1)(a) or (3)(a) of this Act (breach of the United Kingdom’s obligations under the Refugee Convention), and ”.

##### Commencement Information

- I2** Sch. 9 para. 31 in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

#### PROSPECTIVE

- 32 In section 79 (deportation order: appeal), in subsection (1) for “against” substitute “ that may be brought or continued from within the United Kingdom relating to ”.
- 33 For the heading to Part 5, substitute “ Appeals in respect of Protection and Human Rights Claims ”.

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#### Commencement Information

- I3** Sch. 9 para. 33 in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

- 34 In section 85 (matters to be considered)—
- (a) in subsection (2), for “84(1)” substitute “ 84 ”;
  - (b) in subsection (4)—
    - (i) omit “, 83(2) or 83A(2)”;
    - (ii) omit “evidence about”;
    - (iii) omit “evidence which concerns”.

#### Commencement Information

- I4** Sch. 9 para. 34 in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

- 35 Section 85A (matters to be considered: new evidence: exceptions) is repealed.

#### Commencement Information

- I5** Sch. 9 para. 35 in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

- 36 In section 86 (determination of appeal)—
- (a) in subsection (1), omit “, 83 or 83A”;
  - (b) in subsection (2), omit “(whether or not by virtue of section 85(1))”;
  - (c) omit subsections (3) to (6).

#### Commencement Information

- I6** Sch. 9 para. 36 in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

- 37 Sections 87 to 91 are repealed.

#### Commencement Information

- I7** Sch. 9 para. 37 in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

- 38 (1) Section 94 (appeal from within the United Kingdom) is amended as follows.
- (2) In the heading, for “asylum” substitute “ protection ”.

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- (3) For subsections (1) to (2) substitute—
- “(1) The Secretary of State may certify a protection claim or human rights claim as clearly unfounded.”
- (4) In subsection (3)—
- (a) for “an asylum claimant or human rights” substitute “ a ”;
- (b) for “subsection (2)” substitute “ subsection (1) ”.
- (5) In subsection (6A) for “an asylum claimant or human rights” substitute “ a ”.
- (6) In subsection (7), for the words from the beginning to “certifies that” substitute “ The Secretary of State may certify a protection claim or human rights claim made by a person if ”.
- (7) In subsection (8)(b), at the end insert “ or with the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection ”.
- (8) Omit subsection (9).

#### Commencement Information

- 18** Sch. 9 para. 38 in force at 20.10.2014 by [S.I. 2014/2771](#), [art. 2\(e\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

- 39 In section 94A (European Common List of Safe Countries of Origin)—
- (a) in subsection (2), for “an asylum claim” substitute “ a protection claim ”;
- (b) in subsection (4) for “94(2)” substitute “ 94(1) ”.

#### Commencement Information

- 19** Sch. 9 para. 39 in force at 20.10.2014 by [S.I. 2014/2771](#), [art. 2\(e\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

- 40 Section 95 (appeal from outside the United Kingdom: removal) is repealed.

#### Commencement Information

- 110** Sch. 9 para. 40 in force at 20.10.2014 by [S.I. 2014/2771](#), [art. 2\(e\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

- 41 (1) Section 96 (earlier right of appeal) is amended as follows.
- (2) In subsection (1)—
- (a) in the opening words, for the words from the beginning to “brought” substitute “ A person may not bring an appeal under section 82 against a decision (“the new decision”) ”;
- (b) in paragraph (a), omit “immigration”;
- (c) in paragraph (b) for “matter” substitute “ ground ”;

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(d) in paragraph (c) for “matter” substitute “ ground ”.

(3) For subsection (2) substitute—

“(2) A person may not bring an appeal under section 82 if the Secretary of State or an immigration officer certifies—

- (a) that the person has received a notice under section 120(2),
- (b) that the appeal relies on a ground that should have been, but has not been, raised in a statement made under section 120(2) or (5), and
- (c) that, in the opinion of the Secretary of State or the immigration officer, there is no satisfactory reason for that ground not having been raised in a statement under section 120(2) or (5).”

**Commencement Information**

**I11** Sch. 9 para. 41 in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

42 In section 97 (national security etc)—

- (a) in subsection (1), omit “, 83(2) or 83A(2)”;
- (b) in subsection (3), omit “, 83(2) or 83A(2)”.

**Commencement Information**

**I12** Sch. 9 para. 42 in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

43 In section 97A (national security: deportation)—

- (a) in subsection (2B), for the words from “breach” to the end substitute “ be unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention) ”;
- (b) omit subsections (2D), (2E) and (3).

**Commencement Information**

**I13** Sch. 9 para. 43 in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

44 Section 97B (variation of leave on grounds of public good: rights of appeal) is repealed.

**Commencement Information**

**I14** Sch. 9 para. 44 in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

45 Section 98 (other grounds of public good) is repealed.

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**I15** Sch. 9 para. 45 in force at 20.10.2014 by [S.I. 2014/2771](#), [art. 2\(e\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

46 In section 99—

- (a) in the heading, for “Sections 97 and 98” substitute “ Section 97 ”;
- (b) in subsection (1), omit “or 98”.

#### Commencement Information

**I16** Sch. 9 para. 46 in force at 20.10.2014 by [S.I. 2014/2771](#), [art. 2\(e\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

47 (1) Section 104 (pending appeal) is amended as follows.

- (2) Omit subsection (4).
- (3) In subsection (4A), for “subsections (4B) and (4C)” substitute “ subsection (4B) ”.
- (4) In subsection (4B)—
  - (a) for “the ground relating to the Refugee Convention specified in section 84(1)(g)” substitute “ a ground specified in section 84(1)(a) or (b) or 84(3) (asylum or humanitarian protection) ”;
  - (b) omit paragraph (a) (and the “and” immediately following it).
- (5) Omit subsections (4C) and (5).

#### Commencement Information

**I17** Sch. 9 para. 47 in force at 20.10.2014 by [S.I. 2014/2771](#), [art. 2\(e\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

48 (1) Section 105 (notice of immigration decision) is amended as follows.

- (2) In subsection (1), for “immigration” substitute “ appealable ”.
- (3) In subsection (2)—
  - (a) in the opening words, for “a decision against which the person is entitled to appeal under section 82(1)” substitute “ an appealable decision ”;
  - (b) in paragraph (a) for “that section” substitute “ section 82 ”.
- (4) At the end insert—

“(4) In this section “appealable decision” means a decision mentioned in section 82(1).”

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**I18** Sch. 9 para. 48 in force at 20.10.2014 by [S.I. 2014/2771](#), [art. 2\(e\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

- 49 In section 106 (rules)—
- (a) in subsection (3), omit “, 83 or 83A”;
  - (b) in subsection (4), omit “, 83 or 83A”.

#### Commencement Information

**I19** Sch. 9 para. 49 in force at 20.10.2014 by [S.I. 2014/2771](#), [art. 2\(e\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

- 50 In section 107 (practice directions), in subsection (3), omit “, 83 or 83A”.

#### Commencement Information

**I20** Sch. 9 para. 50 in force at 20.10.2014 by [S.I. 2014/2771](#), [art. 2\(e\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

- 51 In section 108 (forged documents: proceedings in private), in subsection (1)(a), omit “, 83 or 83A”.

#### Commencement Information

**I21** Sch. 9 para. 51 in force at 20.10.2014 by [S.I. 2014/2771](#), [art. 2\(e\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

- 52 In section 112 (regulations etc)—
- (a) omit subsection (3A);
  - (b) in subsection (4), omit “or 115(8)”;
  - (c) in subsection (5), omit “or 115(9)”.

#### Commencement Information

**I22** Sch. 9 para. 52 in force at 20.10.2014 by [S.I. 2014/2771](#), [art. 2\(e\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

- 53 (1) Section 113 (interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) in the definition of “human rights claim”—
    - (i) after “Kingdom” insert “ or to refuse him entry into the United Kingdom ”;

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- (ii) omit “as being incompatible with his Convention rights”;
- (b) at the appropriate places insert—
  - ““humanitarian protection” has the meaning given in section 82(2);”
  - ““protection claim” has the meaning given in section 82(2);”
  - ““protection status” has the meaning given in section 82(2);”
- (c) omit the definitions of “entry clearance”, “illegal entrant”, “prescribed”, “visitor” and “work permit”;
- (d) in the definition of “immigration rules”, for “that Act” substitute “ the Immigration Act 1971 ”.

(3) Omit subsection (2).

#### Commencement Information

**I23** Sch. 9 para. 53 in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

54 Section 115 (appeal from within United Kingdom: unfounded human rights or asylum claim: transitional provision) is repealed.

#### Commencement Information

**I24** Sch. 9 para. 54 in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

55 For section 120 (requirement to state additional grounds for application) substitute—

#### “120 Requirement to state additional grounds for application etc

- (1) Subsection (2) applies to a person (“P”) if—
  - (a) P has made a protection claim or a human rights claim,
  - (b) P has made an application to enter or remain in the United Kingdom, or
  - (c) a decision to deport or remove P has been or may be taken.
- (2) The Secretary of State or an immigration officer may serve a notice on P requiring P to provide a statement setting out—
  - (a) P's reasons for wishing to enter or remain in the United Kingdom,
  - (b) any grounds on which P should be permitted to enter or remain in the United Kingdom, and
  - (c) any grounds on which P should not be removed from or required to leave the United Kingdom.
- (3) A statement under subsection (2) need not repeat reasons or grounds set out in—
  - (a) P's protection or human rights claim,

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- (b) the application mentioned in subsection (1)(b), or
  - (c) an application to which the decision mentioned in subsection (1)(c) relates.
- (4) Subsection (5) applies to a person (“P”) if P has previously been served with a notice under subsection (2) and—
- (a) P requires leave to enter or remain in the United Kingdom but does not have it, or
  - (b) P has leave to enter or remain in the United Kingdom only by virtue of section 3C or 3D of the Immigration Act 1971 (continuation of leave pending decision or appeal).
- (5) Where P’s circumstances have changed since the Secretary of State or an immigration officer was last made aware of them (whether in the application or claim mentioned in subsection (1) or in a statement under subsection (2) or this subsection) so that P has—
- (a) additional reasons for wishing to enter or remain in the United Kingdom,
  - (b) additional grounds on which P should be permitted to enter or remain in the United Kingdom, or
  - (c) additional grounds on which P should not be removed from or required to leave the United Kingdom,
- P must, as soon as reasonably practicable, provide a supplementary statement to the Secretary of State or an immigration officer setting out the new circumstances and the additional reasons or grounds.
- (6) In this section—
- “human rights claim” and “protection claim” have the same meanings as in Part 5;
  - references to “grounds” are to grounds on which an appeal under Part 5 may be brought (see section 84).”

#### **Commencement Information**

**I25** Sch. 9 para. 55 in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))



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