



Sanctions and Anti-Money Laundering Act 2018

2018 CHAPTER 13

PART 1

SANCTIONS REGULATIONS

CHAPTER 5

MISCELLANEOUS

48 Power to make provision relating to certain appeals

- (1) In this section an “immigration designation” means a designation of a person (whether by name or by description) which—
 - (a) is made under a designation power contained in regulations under section 1, and
 - (b) designates the person for the purposes of any provision of the regulations that provides for designated persons to be excluded persons for the purposes of section 8B of the Immigration Act 1971.
- (2) In this section an “immigration claim” means any representation made by a person to an appropriate Minister which—
 - (a) is made in connection with an immigration designation of that person, and
 - (b) is within subsection (3).
- (3) A representation is within this subsection if it is a representation by a person—
 - (a) that removal from the United Kingdom of that person would—
 - (i) breach the United Kingdom’s obligations under the Human Rights Convention (“human rights obligations”), or
 - (ii) breach the United Kingdom’s obligations under the Refugee Convention (“Refugee Convention obligations”),

Status: This is the original version (as it was originally enacted).

- (b) that requiring that person to leave the United Kingdom would breach human rights obligations or breach Refugee Convention obligations, or
 - (c) that refusal of entry of that person into the United Kingdom would breach human rights obligations or breach Refugee Convention obligations.
- (4) The Secretary of State may by regulations make provision—
- (a) about the effect of an immigration claim, or a prescribed description of immigration claim, for the purposes of prescribed provisions of the Immigration Acts;
 - (b) for a decision of a prescribed description made by an appropriate Minister under this Part, or such a decision so far as relating to prescribed matters, to be treated as a decision from which a person may appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”);
 - (c) modifying Part 5 of the 2002 Act in relation to an appeal relating to such a decision;
 - (d) preventing the court in proceedings on an application under section 38 above from considering prescribed issues where—
 - (i) an immigration claim has been made and the circumstances are such as may be prescribed, or
 - (ii) a representation within subsection (3) is made in the proceedings and the circumstances are such as may be prescribed;
 - (e) in relation to any case where under regulations under section 1 above a person is an excluded person for the purposes of section 8B of the Immigration Act 1971, disapplying any of subsections (1), (2) and (3) of that section until the end of a prescribed period or until the occurrence of a prescribed event.
- (5) In this section “the Human Rights Convention” and “the Refugee Convention” have the same meaning as in section 8B of the Immigration Act 1971.