
STATUTORY INSTRUMENTS

2000 No. 2244

**The Immigration and Asylum Appeals
(One-Stop Procedure) Regulations 2000**

Citation and commencement

1. These Regulations may be cited as the Immigration and Asylum Appeals (One-Stop Procedure) Regulations 2000 and shall come into force on 2nd October 2000.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Immigration and Asylum Act 1999;

“the 1997 Act” means the Special Immigration Appeals Commission Act 1997(1);

“claim” means a claim to which section 75 applies;

“decision-taker” means the Secretary of State or an immigration officer, as the case may be;

“notice” means a section 74 or section 75 notice, as the case may be;

“representative” means a person who appears to the decision-taker—

(a) to be the representative of a requisite person; and

(b) not to be prohibited from acting as a representative by section 84 of the Act;

“requisite person” means the person on whom the notice is required to be served;

“section 74 notice” means a notice which is required to be served under section 74(4);

“section 75 notice” means a notice which is required to be served under section 75(2);

“statement” means the statement specifying additional grounds which the requisite person has or may have for wishing to enter or remain in the United Kingdom; and

“statement form” means the form shown in Part III of the Schedule to these Regulations.

(2) Where reference is made in these Regulations to a form shown in the Schedule to these Regulations, that form, or a form to like effect, may be used with such variations as the circumstances may require.

(3) In these Regulations, a section referred to by number alone is a reference to a section of the Act.

One-stop procedure

The notice

3.—(1) A section 74 notice is to be in the form shown in Part I of the Schedule to these Regulations.

(2) A section 75 notice is to be in the form shown in Part II of the Schedule to these Regulations.

- (3) The notice is to—
 - (a) provide a postal address to which the statement may be returned by post;
 - (b) provide an address to which the statement may be returned by hand;
 - (c) provide a fax number which may be used to return the statement by fax; and
 - (d) be accompanied by a copy of the statement form.
- (4) The notice may be served—
 - (a) by hand;
 - (b) by fax; or
 - (c) by sending it by postal service in which delivery or receipt is recorded to—
 - (i) the last known or usual place of abode of the requisite person or his representative; or
 - (ii) an address provided by him or his representative for correspondence.
- (5) The notice may be served on the requisite person by serving it on his representative.
- (6) If the notice is served by post, addressed to the requisite person, it is to be taken to have been received by the requisite person on the second day after the day on which it was posted, unless the contrary is proved.

The statement

- 4.—(1) The statement is to be made by completing in full, and in English, a statement form.
- (2) The statement form must be signed by the requisite person or his representative.
- (3) For the purposes of section 74(6)(b) (the period before the end of which a statement must be served in response to a section 74 notice)—
 - (a) the period of ten days is prescribed, where the applicant is entitled to appeal under the Act;
 - (b) the period of five days is prescribed, where the applicant is entitled to appeal under the 1997 Act.
- (4) for the purposes of section 75(3)(b) (the period before the end of which the statement must be served in response to a section 75 notice), the period of ten days is prescribed.
- (5) For the purposes of paragraphs (3) and (4)—
 - (a) the prescribed period is to be calculated from the expiry of the day on which the notice was received by the requisite person or his representative; and
 - (b) where the prescribed period—
 - (i) expires on an excluded day, the statement is to be taken to have been served as required if served on the next day that is not an excluded day;
 - (ii) includes an excluded day, that day is to be discounted.
- (6) The statement may be served—
 - (a) by hand;
 - (b) by post; or
 - (c) by fax;using the address or fax number specified in the notice.
- (7) The statement is to be taken to have been served as required on the day on which it is received at the address or fax number specified in the notice.
- (8) Unless paragraph (9) applies, where the requisite person is in custody, the statement may also be served by giving it to the person who has custody of the requisite person.

(9) This paragraph applies where a section 74 notice has been served and the requisite person is entitled to appeal under the 1997 Act.

(10) “Bank holiday” means a day that is specified in, or appointed under, the Banking and Financial Dealings Act 1971(2).

(11) “Excluded day” means a Saturday, a Sunday, a bank holiday, Christmas Day, 27th to 31st December or Good Friday.

Applications of sections 73, 76 and 77 to section 75 notices

Application of sections 73, 76 and 77 to section 75 notices

5.—(1) Subject to paragraph (2), this regulation applies if a claim is determined against a person on whom a section 75 notice has been served and that person appeals against the determination.

(2) With the exception of the modification to section 77(5), this regulation does not apply if the claim is determined before the expiry of the period prescribed in regulation 4(4).

(3) Section 73 applies to the appeal subject to the following modification.

(4) In subsections (2)(a)(i) and (4) of section 73, the references to “section 74” are to be read as references to “section 75”.

(5) Section 76 applies to the appeal subject to the following modifications—

(a) in subsection (1)—

- (i) the reference to “section 74(4)” is to be read as a reference to “section 75(2)”; and
- (ii) the reference to “the Secretary of State” is to be read as a reference to “the person who is responsible for the determination of the claim”;

(b) in subsection (5)—

- (i) the reference to “section 74(6)(b)” is to be read as a reference to “section 75(3)(b)”; and
- (ii) the reference to “the Secretary of State” is to be read as a reference to “the Secretary of State or an immigration officer”.

(6) Section 77 applies to the appeal subject to the following modifications—

(a) in subsection (2)(b), the reference to “any provision of section 76 ” is to be read as a reference to “any provision of section 76 as applied and modified by regulations made under section 75(6)”;

(b) in subsection (5)—

- (i) the reference to “the Secretary of State” is to be read as a reference to “the person who is responsible for the determination of the claim”; and
- (ii) the reference to “section 74(4)” is to be read as a reference to “section 75(2)”.

Family member definitions

Relevant member of the applicant’s family: section 74

6. For the purposes of section 74(8), a relevant member of an applicant’s family is a person—

- (a) who is the subject of a decision mentioned in subsection (1)(a), (2)(a) or 3(a) of section 74, but is not himself an applicant for the purposes of section 74(4); and

- (b) who appears to the decision-taker to be—
 - (i) his spouse;
 - (ii) a child of his or of his spouse;
 - (iii) a person who has been living with him as a member of an unmarried couple for at least two of the three years before the day on which the decision was made;
 - (iv) a person who is dependent on him; or
 - (v) a person on whom he is dependent.

Relevant member of the claimant’s family: section 75

- 7. For the purposes of section 75(5), a relevant member of a claimant’s family is a person—
 - (a) who has made an application for leave to enter or remain in the United Kingdom, but is not himself a claimant for the purposes of section 75(2); and
 - (b) who appears to the decision-taker to be—
 - (i) his spouse;
 - (ii) a child of his or of his spouse;
 - (iii) a person who has been living with him as a member of an unmarried couple for at least two of the three years before the day on which the claim was made;
 - (iv) a person who is dependent on him; or
 - (v) a person on whom he is dependent.

Member of the family: section 76

- 8.—(1) For the purposes of section 76(6), “member of the family” means—
 - (a) a person on whom the applicant is dependent; or
 - (b) a person who, in relation to the applicant—
 - (i) is his spouse;
 - (ii) is a child of his or of his spouse;
 - (iii) has been living with him as a member of an unmarried couple for at least two of the three years before the day on which the applicant claimed asylum; or
 - (iv) is dependent on him.

Home Office
16th August 2000

Steve Bassam
Parliamentary Under-Secretary of State