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STATUTORY INSTRUMENTS

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**2020 No. 1101**

**The Immigration (Persons Designated under Sanctions Regulations) (EU Exit) Regulations 2020**

**Treatment of refusal of immigration claim etc.**

**6.—(1)** A decision to refuse an immigration claim is to be treated as if it were a decision of the Secretary of State appealable under section 82(1) of the Nationality, Immigration and Asylum Act 2002<sup>(1)</sup>.

(2) So far as the claim was based on representations concerning a breach of the United Kingdom's obligations under the Human Rights Convention<sup>(2)</sup>, the appeal is to be treated as an appeal under section 82(1)(b) of that Act.

(3) So far as the claim was based on representations concerning a breach of United Kingdom's obligations under the Refugee Convention<sup>(3)</sup> it is to be treated as an appeal under section 82(1)(a) of that Act.

(4) A decision under regulation 4(1) to give a direction for the enforcement of the effect of an immigration designation is to be treated as if it were a decision of the Secretary of State appealable under section 82(1) of the Nationality, Immigration and Asylum Act 2002.

(5) If a decision is treated as an appealable decision as a result of paragraph (1) or (4) and the person concerned was lawfully in the United Kingdom at the time of the immigration designation, that person may not be required to leave or be removed from the United Kingdom before the expiry of the period within which an appeal may be instituted (ignoring any possibility of an appeal out of time with permission).

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**Commencement Information**

**II** [Reg. 6](#) in force at 30.10.2020 in accordance with reg. 1

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(1) [2002 c. 41](#); section 82 was substituted by section 15(2) of the Immigration Act 2014 ([c. 22](#)).

(2) By virtue of section 48(5) of the 2018 Act, section 8B of the 1971 Act and section 167(1) of the Immigration and Asylum Act 1999, "the Human Rights Convention" means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950 as it has effect for the time being in relation to the United Kingdom.

(3) By virtue of section 48(5) of the 2018 Act, section 8B of the 1971 Act and section 167(1) of the Immigration and Asylum Act 1999, "the Refugee Convention" means the Convention relating to the Status of Refugees done at Geneva on 28th July 1961 and the Protocol to the Convention.

**Changes to legislation:**

There are currently no known outstanding effects for the The Immigration (Persons Designated under Sanctions Regulations) (EU Exit) Regulations 2020, Section 6.