
STATUTORY INSTRUMENTS

2020 No. 61

The Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020

PART 2

Appeals in respect of citizens' rights immigration decisions

CHAPTER 1

Appeals: general

Matters to be considered by the relevant authority

9.—(1) If an appellant makes a section 120 statement, the relevant authority must consider any matter raised in that statement which constitutes a specified ground of appeal against the decision appealed against.

For the purposes of this paragraph, a “specified ground of appeal” is a ground of appeal of a kind listed in regulation 8 or section 84 of the 2002 Act⁽¹⁾.

(2) In this regulation, “section 120 statement” means a statement made under section 120 of the 2002 Act⁽²⁾ and includes any statement made under that section, as applied by Schedule 1 or 2 to these Regulations.

(3) For the purposes of this regulation, it does not matter whether a section 120 statement is made before or after the appeal under these Regulations is commenced.

(4) The relevant authority may also consider any matter which it thinks relevant to the substance of the decision appealed against, including a matter arising after the date of the decision.

(5) But the relevant authority must not consider a new matter without the consent of the Secretary of State.

(6) A matter is a “new matter” if—

- (a) it constitutes a ground of appeal of a kind listed in regulation 8 or section 84 of the 2002 Act, and
- (b) the Secretary of State has not previously considered the matter in the context of—
 - (i) the decision appealed against under these Regulations, or
 - (ii) a section 120 statement made by the appellant.

⁽¹⁾ Section 84 was substituted by the Immigration Act 2014 (c. 22), section 15.

⁽²⁾ Section 120 was substituted by the Immigration Act 2014, Schedule 9, paragraph 55, and amended by the Immigration Act 2016 (c. 19), section 64.