

SCHEDULE 3

Regulation 12

Admission on bail to the United Kingdom to make submissions in person in connection with an appeal

Application for permission to be admitted on bail to the United Kingdom to make submissions in person

1.—(1) An appellant (“A”) may apply to the Secretary of State for permission to be admitted on bail to the United Kingdom in order to make submissions in person at a hearing if the conditions in sub-paragraph (2) are satisfied.

(2) The conditions are—

- (a) that the Secretary of State has certified A’s removal from the United Kingdom under regulation 16(3),
- (b) the hearing forms part of the proceedings on, or in connection with, an appeal to the Tribunal against the appealable decision in respect of which A’s removal was certified under regulation 16(3),
- (c) a date for the hearing has been set by the Tribunal, the Upper Tribunal or the court (as the case may be) before which the hearing is to take place, and
- (d) A is outside the United Kingdom.

(3) The Secretary of State must give such permission to A unless A’s appearance may cause serious troubles to public policy or public security.

(4) The Secretary of State must have regard to the dates on which A will be required to make submissions in person when determining—

- (a) when A is entitled to be given permission, and
- (b) the duration of A’s admission on bail, should permission be given.

(5) Nothing in this paragraph affects any power of the Secretary of State to remove A from the United Kingdom while A’s appeal is pending if—

- (a) A is admitted on bail to the United Kingdom under this paragraph, and
- (b) the relevant hearing has taken place.

(6) If A is removed from the United Kingdom while A’s appeal is pending, A is not prevented from applying for admission to the United Kingdom on bail in order to make submissions in person at any subsequent hearing in accordance with this paragraph.

Application of enactments to person given permission under paragraph 1

2.—(1) Where the Secretary of State gives an appellant (“A”) permission to be admitted on bail to the United Kingdom under paragraph 1—

- (a) upon such admission, A is to be treated for the purposes of paragraphs 8, 10, 10A, 11 and 16 to 18A of Schedule 2 to the 1971 Act⁽¹⁾ as if they were a person refused leave to enter under that Act, and

(1) Paragraph 8 was amended by paragraph 9(1) of the Schedule to the Immigration Act 1988 (c. 14) and paragraph 4 of Schedule 7 to the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”); paragraph 10 was amended by paragraph 9(2) of the Schedule to the Immigration Act 1988; paragraph 10A was inserted by section 73(1) of the 2002 Act; paragraph 11 was amended by paragraph 1 of Schedule 9 to the Immigration Act 2014 (“the 2014 Act”); paragraph 16 was amended by section 140(1) of, and paragraph 60 of Schedule 14 to, the Immigration and Asylum Act 1999 (“the 1999 Act”), section 73(5) of the 2002 Act, section 42(3) of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”), section 5(2) of the 2014 Act, section 60(10) of the Immigration Act 2016, and S.I. 1993/1813; paragraph 17 was amended by paragraph 1 of Schedule 4 to the Asylum and Immigration Act 1996 (c. 49), section 140(2) of the 1999 Act, and sections 63 and 64 of the 2002 Act; paragraph 18 was amended by paragraph 61 of Schedule 14 to the 1999 Act, sections 5(3), 9 and 13(3) of, and

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

- (b) the provisions of Schedule 10 to the Immigration Act 2016 apply accordingly.
- (2) Where Schedule 2 to the 1971 Act so applies, it has effect as if—
 - (a) the reference, in the opening words of sub-paragraph (1) of paragraph 8, to leave to enter were a reference to admission on bail pursuant to paragraph 1, and
 - (b) the reference in paragraph 16(1) to detention pending a decision regarding leave to enter were to detention pending submission of the appellant’s case in person in accordance with paragraph 1.
- (3) A is deemed not to have been admitted to the United Kingdom during any time during which A is admitted on bail to the United Kingdom pursuant to this Schedule.
- (4) For the purposes of this Schedule, a person is admitted on bail to the United Kingdom if they are admitted on bail under Schedule 10 to the Immigration Act 2016, as applied by this paragraph, without having otherwise been admitted, and the expression “admission on bail” is to be construed accordingly.

paragraph 1 of Schedule 1 and paragraph 1(4) of Schedule 2 to, the 2014 Act; paragraph 18A was inserted by paragraph 2(1) of Schedule 1 to the 2014 Act.