



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART IV

APPEALS

Miscellaneous

73 Limitation on further appeals

- (1) This section applies where a person (“the appellant”) has appealed under the Special Immigration Appeals Commission Act 1997 or this Act and that appeal (“the original appeal”) has been finally determined.
- (2) If the appellant serves a notice of appeal making a claim that a decision of a decision-maker was in breach of the appellant’s human rights, the Secretary of State may certify that in his opinion—
 - (a) the appellant’s claim—
 - (i) could reasonably have been included in a statement required from him under section 74 but was not so included, or
 - (ii) could reasonably have been made in the original appeal but was not so made;
 - (b) one purpose of such a claim would be to delay the removal from the United Kingdom of the appellant or of any member of his family; and
 - (c) the appellant had no other legitimate purpose for making the claim.
- (3) On the issuing of a certificate by the Secretary of State under subsection (2), the appeal, so far as relating to that claim, is to be treated as finally determined.
- (4) Subsection (5) applies if a notice under section 74 was served on the appellant before the determination of his original appeal and the appellant has served a further notice of appeal.
- (5) The Secretary of State may certify that grounds contained in the notice of appeal were considered in the original appeal.

Status: This is the original version (as it was originally enacted).

- (6) On the issuing of a certificate by the Secretary of State under subsection (5), the appeal, so far as relating to those grounds, is to be treated as finally determined.
- (7) Subsection (8) applies if, on the application of the appellant, an immigration officer or the Secretary of State makes a decision in relation to the appellant.
- (8) The immigration officer or, as the case may be, the Secretary of State may certify that in his opinion—
 - (a) one purpose of making the application was to delay the removal from the United Kingdom of the appellant or any member of his family; and
 - (b) the appellant had no other legitimate purpose for making the application.
- (9) No appeal may be brought under the Special Immigration Appeals Commission Act 1997 or this Act against a decision on an application in respect of which a certificate has been issued under subsection (8).
- (10) Nothing in section 58(6) affects the operation of subsections (3) and (6).