



Special Immigration Appeals Commission Act 1997

1997 CHAPTER 68

[^{F1}2] **Jurisdiction: appeals**

- (1) A person may appeal to the Special Immigration Appeals Commission against a decision if—
- (a) he would be able to appeal against the decision under section 82(1)[^{F2}, 83(2) or 83A(2)] of the Nationality, Immigration and Asylum Act 2002 but for a certificate of the Secretary of State under section 97 of that Act (national security, &c.), or
 - (b) an appeal against the decision under section 82(1)[^{F2}, 83(2) or 83A(2)] of that Act lapsed under section 99 of that Act by virtue of a certificate of the Secretary of State under section 97 of that Act.
- (2) The following provisions shall apply, with any necessary modifications, in relation to an appeal against an immigration decision under this section as they apply in relation to an appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002—
- (a) section 3C ^{F3}... of the Immigration Act 1971 (c. 77) [^{F4}continuation of leave],
 - (b) section 78 of the Nationality, Immigration and Asylum Act 2002 (no removal while appeal pending),
 - (c) section 79 of that Act (deportation order: appeal),
 - [^{F5}(ca) section 78A of that Act (restriction on removal of children and their parents),]
 - (d) section 82(3) of that Act (variation or revocation of leave to enter or remain: appeal),
 - (e) section 84 of that Act (grounds of appeal),
 - (f) section 85 of that Act (matters to be considered),
 - (g) section 86 of that Act (determination of appeal),
 - (h) section 87 of that Act (successful appeal: direction),
 - (i) section 96 of that Act (earlier right of appeal),
 - (j) section 104 of that Act (pending appeal),
 - (k) section 105 of that Act (notice of immigration decision), and

Changes to legislation: Special Immigration Appeals Commission Act 1997, Section 2 is up to date with all changes known to be in force on or before 10 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (l) section 110 of that Act (grants).
- (3) The following provisions shall apply, with any necessary modifications, in relation to [^{F6}an appeal against a decision other than an immigration decision] under this section as they apply in relation to an appeal under section 83(2) [^{F7}or 83A(2)] of the Nationality, Immigration and Asylum Act 2002—
- (a) section 85(4) of that Act (matters to be considered),
 - (b) section 86 of that Act (determination of appeal),
 - (c) section 87 of that Act (successful appeal: direction), and
 - (d) section 110 of that Act (grants).
- (4) An appeal against the rejection of a claim for asylum under this section shall be treated as abandoned if the appellant leaves the United Kingdom.
- (5) A person may bring or continue an appeal against an immigration decision under this section while he is in the United Kingdom only if he would be able to bring or continue the appeal while he was in the United Kingdom if it were an appeal under section 82(1) of that Act.
- (6) In this section “immigration decision” has the meaning given by section 82(2) of the Nationality, Immigration and Asylum Act 2002.]

Textual Amendments

- F1** S. 2 substituted (1.4.2003) by 2002 c. 41, ss. 114(3), 162(1), **Sch. 7 para. 20** (with s. 159); S.I. 2003/754, art. 2(1), **Sch. 1** (with arts. 3, 4, Sch. 2 para. 5) (as amended (8.4.2003) by S.I. 2003/1040, art. 2)
- F2** Words in s. 2(1)(a)(b) substituted (31.8.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), s. 62(1)(2), **Sch. 1 para. 14(a)**; S.I. 2006/2226, art. 3, Sch. 1
- F3** Words in s. 2(2)(a) omitted (1.12.2016) by virtue of Immigration Act 2016 (c. 19), **ss. 64(2)**, 94(1) (with s. 64(5)); S.I. 2016/1037, reg. 5(h)
- F4** Words in s. 2(2)(a) substituted (31.8.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), s. 62(1)(2), **Sch. 1 para. 14(b)(ii)**; S.I. 2006/2226, art. 3, Sch. 1
- F5** S. 2(2)(ca) inserted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 9 para. 2**; S.I. 2014/1820, art. 3(cc)
- F6** Words in s. 2(3) substituted (31.8.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), s. 62(1)(2), **Sch. 1 para. 14(c)(i)**; S.I. 2006/2226, art. 3, Sch. 1
- F7** Words in s. 2(3) inserted (31.8.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), s. 62(1)(2), **Sch. 1 para. 14(c)(ii)**; S.I. 2006/2226, art. 3, Sch. 1

Modifications etc. (not altering text)

- C1** S. 2 excluded (30.4.2006) by The Immigration (European Economic Area) Regulations 2006 (S.I. 2006/1003), reg. 1, **Sch. 2 para. 4(2)**
- C2** S. 2(5) excluded by 2002 c. 41, s. 97A(2)(c) (as substituted (25.6.2013) by Crime and Courts Act 2013 (c. 22), **ss. 54(3)**, 61(2); S.I. 2013/1042, art. 4(c))

Changes to legislation:

Special Immigration Appeals Commission Act 1997, Section 2 is up to date with all changes known to be in force on or before 10 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- s. 2(1)(a) words omitted by 2014 c. 22 Sch. 9 para. 26(2)(a)
- s. 2(1)(b) words omitted by 2014 c. 22 Sch. 9 para. 26(2)(b)
- s. 2(2)(d) omitted by 2014 c. 22 Sch. 9 para. 26(2)(c)
- s. 2(2)(h) omitted by 2014 c. 22 Sch. 9 para. 26(2)(c)
- s. 2(2)(l) omitted by 2014 c. 22 Sch. 9 para. 26(2)(c)
- s. 2(3)(4) omitted by 2014 c. 22 Sch. 9 para. 26(2)(d)
- s. 2(5) words omitted by 2014 c. 22 Sch. 9 para. 26(2)(e)
- s. 2(6) omitted by 2014 c. 22 Sch. 9 para. 26(2)(f)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2AA2AB inserted by 2023 c. 37 s. 53(5)
- s. 5(10)-(13) inserted by 2023 c. 37 s. 53(7)(c)