



# Special Immigration Appeals Commission Act 1997

## 1997 CHAPTER 68

### [<sup>F1</sup>2F **Jurisdiction: review of certain immigration decisions**

- (1) Subsection (2) applies in relation to any decision of the Secretary of State which—
  - (a) relates to a person's entitlement to enter, reside in or remain in the United Kingdom, or to a person's removal from the United Kingdom,
  - (b) is not subject—
    - (i) to a right of appeal, or
    - (ii) to a right under a provision other than subsection (2) to apply to the Special Immigration Appeals Commission for the decision to be set aside, and
  - (c) is certified by the Secretary of State acting in person as a decision that was made wholly or partly in reliance on information which, in the opinion of the Secretary of State, should not be made public—
    - (i) in the interests of national security,
    - (ii) in the interests of the relationship between the United Kingdom and another country, or
    - (iii) otherwise in the public interest.
- (2) The person to whom the decision relates may apply to the Special Immigration Appeals Commission to set aside the decision.
- (3) In determining whether the decision should be set aside, the Commission must apply the principles which would be applied in judicial review proceedings.
- (4) If the Commission decides that the decision should be set aside, it may make any such order, or give any such relief, as may be made or given in judicial review proceedings.]

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**Changes to legislation:** *Special Immigration Appeals Commission Act 1997, Section 2F is up to date with all changes known to be in force on or before 25 October 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*

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#### **Textual Amendments**

- F1** [S. 2F](#) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), [ss. 77\(2\)](#), [87\(1\)](#); [S.I. 2022/590](#), [regs. 1\(2\)](#), [2](#), [Sch. 1 para. 27](#)

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**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\(7\)\(c\)](#)