



Special Immigration Appeals Commission Act 1997

1997 CHAPTER 68

4 Determination of appeals

- (1) The Special Immigration Appeals Commission on an appeal to it under this Act—
 - (a) shall allow the appeal if it considers—
 - (i) that the decision or action against which the appeal is brought was not in accordance with the law or with any immigration rules applicable to the case, or
 - (ii) where the decision or action involved the exercise of a discretion by the Secretary of State or an officer, that the discretion should have been exercised differently, and
 - (b) in any other case, shall dismiss the appeal.
- (2) Where an appeal is allowed, the Commission shall give such directions for giving effect to the determination as it thinks requisite, and may also make recommendations with respect to any other action which it considers should be taken in the case under the Immigration Act 1971; and it shall be the duty of the Secretary of State and of any officer to whom directions are given under this subsection to comply with them.
- (3) In this section, “immigration rules” has the same meaning as in the Immigration Act 1971.