

*These notes refer to the Immigration and Asylum Act 1999
(c.33) which received Royal Assent on 11 November 1999*

IMMIGRATION AND ASYLUM ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part X: Miscellaneous and Supplemental

Section 165: Procedural requirements as to applications

439. Since November 1996 all applications (with the exception of those from asylum seekers, work permit holders and EEA nationals) for a variation of leave have to be made on an application form. It has also been the policy since the introduction of application forms that applications for leave to remain by people without leave must also be made on an application form (with the same exceptions as above). Applications made in any other way or on incomplete application forms are rejected as invalid.
440. [Section 165](#) introduces a new section 31A into the 1971 Act which brings these arrangements on to the face of the statute. It provides that applications made on a particular basis, to be defined by way of regulations, have to be made on a prescribed form. In addition, subsection (2) provides that the Secretary of State can prescribe any particular procedural or other steps that have to be followed, for example, the provision of a photograph.
441. The remainder of this Part of the Act makes provision applicable to the Act as a whole.