

*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 IV: Appeals

Section 77: “One-stop” appeals

223. *Section 77* sets out a number of matters in respect of asylum appeals and the new “one-stop” appeal process. Its purpose is to require an adjudicator considering an asylum appeal also to deal with any other appealable matters raised by the appellant in his statement in response to the notice to him under section 74 and which he is not prevented from relying on by section 76. Section 77(3) embodies the principle, established in current case law, that in asylum matters the appellate body is to consider the evidence of the situation which obtains when the appeal is heard, rather than being limited to reviewing the evidence available when the initial decision was taken. Issues relating to Article 3 of the Human Rights Convention are included in this category. In other cases, however, the evidence must relate to the situation at the time of the decision (subsection (4)).