



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART IV

APPEALS

Asylum

69 Claims for asylum

- (1) A person who is refused leave to enter the United Kingdom under the 1971 Act may appeal against the refusal to an adjudicator on the ground that his removal in consequence of the refusal would be contrary to the Convention.
- (2) If, as a result of a decision to vary, or to refuse to vary, a person's limited leave to enter or remain in the United Kingdom, he may be required to leave the United Kingdom within 28 days of being notified of the decision, he may appeal against the decision to an adjudicator on the ground that such a requirement would be contrary to the Convention.
- (3) A person who—
 - (a) has been refused leave to enter or remain in the United Kingdom on the basis of a claim for asylum made by him, but
 - (b) has been granted (whether before or after the decision to refuse leave) limited leave to enter or remain,may, if that limited leave will not expire within 28 days of his being notified of the decision, appeal to an adjudicator against the refusal on the ground that requiring him to leave the United Kingdom after the time limited by that leave would be contrary to the Convention.
- (4) If the Secretary of State—
 - (a) has decided to make a deportation order against a person under section 5(1) of the 1971 Act, or
 - (b) has refused to revoke such an order,

that person may appeal to an adjudicator against the decision or refusal on the ground that his removal in pursuance of the order would be contrary to the Convention.

- (5) If directions are given as mentioned in section 66(1) for the removal of a person from the United Kingdom, he may appeal to an adjudicator on the ground that his removal in pursuance of the directions would be contrary to the Convention.
- (6) “Contrary to the Convention” means contrary to the United Kingdom’s obligations under the Refugee Convention.

70 Limitations on rights of appeal under section 69

- (1) Section 69(1) does not entitle a person to appeal against a refusal of leave to enter if—
 - (a) the Secretary of State certifies that directions have been given by the Secretary of State (and not by a person acting under his authority) for the appellant not to be given entry to the United Kingdom on the ground that his exclusion is in the interests of national security; or
 - (b) the leave to enter was refused in compliance with any such directions.
- (2) Section 69(2) does not entitle a person to appeal against—
 - (a) a variation of his leave which reduces its duration, or
 - (b) a refusal to enlarge or remove the limit on its duration,if either of the following conditions is satisfied.
- (3) The conditions are—
 - (a) that the Secretary of State has certified that the appellant’s departure from the United Kingdom would be in the interests of national security; or
 - (b) that the decision questioned by the appeal was taken on that ground by the Secretary of State (and not by a person acting under his authority).
- (4) Section 69(3) does not entitle a person to appeal against a refusal mentioned in paragraph (a) of that subsection if—
 - (a) the reason for the refusal was that he was a person to whom the Refugee Convention did not apply by reason of Article 1(F) of that Convention; and
 - (b) the Secretary of State has certified that the disclosure of material on which the refusal was based is not in the interests of national security.
- (5) Section 69(4)(a) does not entitle a person to appeal against a decision to make a deportation order against him if the ground of the decision was that his deportation is in the interests of national security.
- (6) Section 69(4)(b) does not entitle a person to appeal against a refusal to revoke a deportation order, if—
 - (a) the Secretary of State has certified that the appellant’s exclusion from the United Kingdom would be in the interests of national security; or
 - (b) if revocation was refused on that ground by the Secretary of State (and not by a person acting under his authority).
- (7) A person may not bring an appeal on any of the grounds mentioned in subsections (1) to (5) of section 69—
 - (a) if, before the time of the refusal, variation, decision or directions (as the case may be) he has not made a claim for asylum;
 - (b) otherwise than under that section.

- (8) A person may not appeal under section 69(4)(b) if he has had the right to appeal under section 69(4)(a) (whether or not he has exercised it).