



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART IV

APPEALS

Deportation

63 Deportation orders

- (1) A person may appeal to an adjudicator against—
 - (a) a decision of the Secretary of State to make a deportation order against him under section 5(1) of the 1971 Act as a result of his liability to deportation under section 3(5) of that Act; or
 - (b) a refusal by the Secretary of State to revoke a deportation order made against him.
- (2) A deportation order is not to be made against a person under section 5(1) of the 1971 Act while an appeal may be brought against the decision to make it.
- (3) Subsection (4) applies if—
 - (a) a person appeals under this section; and
 - (b) before or after he appeals, the Secretary of State serves on him notice that any directions which may be given for his removal as a result of the deportation order will be for his removal to a country or one of several countries specified in the notice.
- (4) The appellant may object to the country specified in the notice (or to one or more of those specified), and claim that he ought to be removed (if at all) to a different country specified by him.

64 Limitations on rights of appeal under section 63

- (1) Section 63 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 conducive to

Status: This is the original version (as it was originally enacted).

the public good as being in the interests of national security or of the relations between the United Kingdom and any other country or for other reasons of a political nature.

- (2) Section 63 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 conducive to the public good; or
 - (b) revocation was refused on that ground by the Secretary of State (and not by a person acting under his authority).
- (3) Section 63 does not entitle a person to appeal against a refusal to revoke a deportation order while he is in the United Kingdom, whether because he has not complied with the requirement to leave or because he has contravened the prohibition on entering.
- (4) Subsection (5) applies to—
 - (a) an appeal against a decision to make a deportation order against a person as belonging to the family of another person; or
 - (b) an appeal against a refusal to revoke a deportation order so made.
- (5) The appellant is not to be allowed, for the purpose of showing that he does not or did not belong to another person's family, to dispute any statement made with a view to obtaining leave for the appellant to enter or remain in the United Kingdom (including any statement made to obtain an entry clearance).
- (6) But subsection (5) does not apply if the appellant shows—
 - (a) that the statement was not so made by him or by any person acting with his authority; and
 - (b) that, when he took the benefit of the leave, he did not know any such statement had been made to obtain it or, if he did know, he was under the age of eighteen.