



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART IV

APPEALS

EEA nationals

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- (1) The Secretary of State may by regulations make provision for appeals against any immigration decision in relation to—
 - (a) an EEA national;
 - (b) a member of the family of an EEA national;
 - (c) a member of the family of a United Kingdom national who is neither such a national nor an EEA national.
- (2) “Immigration decision” means a decision concerning a person’s removal from the United Kingdom or his entitlement—
 - (a) to be admitted to the United Kingdom;
 - (b) to reside, or to continue to reside, in the United Kingdom; or
 - (c) to be issued with, or not to have withdrawn, a residence permit.
- (3) The regulations may also make provision for appeals against any decision concerning the matters mentioned in subsection (1) taken in relation to a citizen of any other State on whom any such entitlement has been conferred by an agreement to which the United Kingdom is a party or by which it is bound.
- (4) An appeal under the regulations lies to an adjudicator or, in such circumstances as may be prescribed, to the Commission.
- (5) The regulations may provide for appeals from the adjudicator or the Commission.
- (6) The regulations may prescribe cases, or classes of case, in which a person is not entitled to appeal while he is in the United Kingdom.

Status: This is the original version (as it was originally enacted).

- (7) The regulations may make provision under which an appellant may be required to state, in such manner as may be prescribed, any grounds he has or may have for wishing to be admitted to, or to remain in, the United Kingdom additional to those on which he is appealing and for the consequences of such a requirement.
- (8) The regulations may—
- (a) amend sections 2 and 2A of the Special Immigration Appeals Commission Act 1997 (appellate jurisdiction of the Commission);
 - (b) amend or revoke the Immigration (European Economic Area) Order 1994.
- (9) Part IV has effect subject to any regulations made under this section.
- (10) “EEA national” means a person who is, or claims to be, a national of an EEA State (other than the United Kingdom).
- (11) “United Kingdom national” means a person who falls to be treated as a national of the United Kingdom for the purposes of the Community Treaties.
- (12) If a person claims to be an EEA national, he may not appeal under the regulations unless he produces—
- (a) a valid national identity card, or
 - (b) a valid passport,
- issued by an EEA State other than the United Kingdom.
- (13) For the purposes of subsection (12), a document—
- (a) is to be regarded as being what it purports to be unless its falsity is reasonably apparent; and
 - (b) is to be regarded as relating to the person producing it unless it is reasonably apparent that it relates to another person.
- (14) The regulations may—
- (a) prescribe the persons who, for the purposes of this section, are the members of a person’s family; and
 - (b) make provision as to the manner in which membership of a person’s family is to be established.
- (15) “Residence permit” means any permit or other document issued by the Secretary of State as proof of the holder’s right of residence in the United Kingdom.