



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART IV

APPEALS

Human rights

65 [F¹Racial discrimination and breach of human rights.]

- (1) A person who alleges that an authority has, in taking any decision under the Immigration Acts relating to that person's entitlement to enter or remain in the United Kingdom, [F²racially discriminated against him or] acted in breach of his human rights may appeal to an adjudicator against that decision unless he has grounds for bringing an appeal against the decision under the ^{M1}Special Immigration Appeals Commission Act 1997.
- (2) For the purposes of this Part [F³—
 - (a) an authority racially discriminates against a person if he acts, or fails to act, in relation to that other person in a way which is unlawful by virtue of section 19B of the ^{M2}Race Relations Act 1976; and
 - (b)] an authority acts in breach of a person's human rights if he acts, or fails to act, in relation to that other person in a way which is made unlawful by section 6(1) of the ^{M3}Human Rights Act 1998.
- (3) Subsections (4) and (5) apply if, in proceedings before an adjudicator or the Immigration Appeal Tribunal on an appeal, a question arises as to whether an authority has, in taking any decision under the Immigration Acts relating to the appellant's entitlement to enter or remain in the United Kingdom, [F⁴racially discriminated against the appellant or] acted in breach of the appellant's human rights.
- (4) The adjudicator, or the Tribunal, has jurisdiction to consider the question.
- (5) If the adjudicator, or the Tribunal, decides that the authority concerned [F⁵—
 - (a) racially discriminated against the appellant; or

Status: Point in time view as at 02/04/2001.

Changes to legislation: Immigration and Asylum Act 1999, Cross Heading: Human rights is up to date with all changes known to be in force on or before 18 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b)] acted in breach of the appellant’s human rights, the appeal may be allowed on [^{F6}the ground in question].
- (6) No appeal may be brought under this section by any person in respect of a decision if—
- (a) that decision is already the subject of an appeal brought by him under the Special Immigration Appeals Commission Act 1997; and
 - (b) the appeal under that Act has not been determined.
- (7) “Authority” means—
- (a) the Secretary of State;
 - (b) an immigration officer;
 - (c) a person responsible for the grant or refusal of entry clearance.

Textual Amendments

- F1** Side-note to s. 65 substituted (2.4.2001) by 2000 c. 34, s. 9(1), **Sch. 2 para. 34** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**
- F2** Words in s. 65(1) inserted (2.4.2001) by 2000 c. 34, s. 6(3) (with s. 10(5)); S.I. 2001/566, **art. 2(1)**
- F3** S. 65(2)(a) and word “(b)” inserted (2.4.2001) by 2000 c. 34, s. 6(4), (with s. 10(5)); S.I. 2001/566, **art. 2(1)**
- F4** Words in s. 65(3) inserted (2.4.2001) by 2000 c. 34, s. 9(1), **Sch. 2 para. 32** (with S. 10(5)); S.I. 2001/566, **art. 2(1)**
- F5** S. 65(5)(a) and word “(b)” inserted (2.4.2001) by 2000 c. 34, s. 9(1), **Sch. 2 para. 33(a)** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**
- F6** Words in s. 65(5) substituted (2.4.2001) by 2000 c. 34, s. 9(1), **Sch. 2 para. 33(b)** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**

Modifications etc. (not altering text)

- C1** S. 65 restricted (2.10.2000) by S.I. 2000/2444, art. 3, **Sch. 2 para. 1(7)**

Commencement Information

- I1** Ss. 61-65 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, **Sch. 1** (subject to the transitional provisions in arts. 3, 4, Sch. 2)

Marginal Citations

- M1** 1997 c. 68.
M2 1976 c. 74.
M3 1998 c. 42.

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