



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART IV

APPEALS

Leave to enter

59 Leave to enter the United Kingdom

- (1) A person who is refused leave to enter the United Kingdom under any provision of the 1971 Act may appeal to an adjudicator against—
 - (a) the decision that he requires leave; or
 - (b) the refusal.
- (2) A person who, on an application duly made, is refused a certificate of entitlement or an entry clearance may appeal to an adjudicator against the refusal.
- (3) Subsection (4) applies if a person appeals under this section on being refused leave to enter the United Kingdom and—
 - (a) before he appeals, directions have been given for his removal from the United Kingdom; or
 - (b) before or after he appeals, the Secretary of State or an immigration officer serves on him notice that any directions which may be given for his removal as a result of the refusal will be for his removal to a country or one of several countries specified in the notice.
- (4) The appellant may—
 - (a) object to the country to which he would be removed in accordance with the directions, or
 - (b) 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.

60 Limitations on rights of appeal under section 59

- (1) Section 59 does not entitle a person to appeal, on the ground that he has a right of abode in the United Kingdom, against a decision that he requires leave to enter the United Kingdom if he does not hold—
 - (a) a United Kingdom passport describing him as a British citizen or as a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom; or
 - (b) a certificate of entitlement.
- (2) Section 59 does not entitle a person to appeal, on the ground that he does not require leave to enter the United Kingdom, against a decision that he does require such leave if he is required by immigration rules or an order under section 8(2) of the 1971 Act to hold a specified document but does not do so.
- (3) Section 59 does not entitle a person to appeal against a refusal of leave to enter while he is in the United Kingdom unless, at the time of the refusal, he held a current entry clearance or was a person named in a current work permit.
- (4) Subsection (5) applies to a person who seeks to enter the United Kingdom—
 - (a) as a visitor;
 - (b) in order to follow a course of study of not more than six months' duration for which he has been accepted;
 - (c) with the intention of studying but without having been accepted for any course of study; or
 - (d) as a dependant of a person within paragraph (a), (b) or (c).
- (5) That person—
 - (a) is not entitled to appeal under section 59 against a refusal of an entry clearance unless he is a family visitor; and
 - (b) is not entitled to appeal against a refusal of leave to enter if he does not hold a current entry clearance at the time of the refusal.
- (6) The Secretary of State may by regulations make provision—
 - (a) requiring a family visitor appealing under section 59 to pay such fee as may be fixed by the regulations;
 - (b) for such an appeal not to be entertained unless the required fee has been paid by the appellant;
 - (c) for the repayment of any such fee if the appeal is successful.
- (7) Section 59 does not entitle a person to appeal against a refusal of leave to enter, or against a refusal of an entry clearance, if the refusal is on the ground that he or any person whose dependant he is—
 - (a) does not hold a relevant document required by the immigration rules;
 - (b) does not satisfy a requirement of the immigration rules as to age or nationality or citizenship; or
 - (c) seeks entry for a period exceeding that permitted by the immigration rules.
- (8) The following are relevant documents—
 - (a) entry clearances;
 - (b) passports or other identity documents; and
 - (c) work permits.

- (9) Section 59 does not entitle a person to appeal against a refusal of leave to enter, or against a refusal of an entry clearance, 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 conducive to the public good; or
 - (b) the leave to enter, or entry clearance, was refused in compliance with any such directions.
- (10) “Family visitor” has such meaning as may be prescribed.