



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART VI

#### SUPPORT FOR ASYLUM-SEEKERS

##### *Appeals*

#### **102 Asylum Support Adjudicators**

- (1) There are to be adjudicators to hear appeals under this Part.
- (2) A person appointed as an adjudicator under this Part is to be known as an Asylum Support Adjudicator (but is referred to in this Part as “an adjudicator”).
- (3) Schedule 10 makes further provision with respect to adjudicators.

#### **103 Appeals**

- (1) If, on an application for support under section 95, the Secretary of State decides that the applicant does not qualify for support under that section, the applicant may appeal to an adjudicator.
- (2) If the Secretary of State decides to stop providing support for a person under section 95 before that support would otherwise have come to an end, that person may appeal to an adjudicator.
- (3) On an appeal under this section, the adjudicator may—
  - (a) require the Secretary of State to reconsider the matter;
  - (b) substitute his decision for the decision appealed against; or
  - (c) dismiss the appeal.
- (4) The adjudicator must give his reasons in writing.
- (5) The decision of the adjudicator is final.

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*Status: This is the original version (as it was originally enacted).*

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- (6) If an appeal is dismissed, no further application by the appellant for support under section 95 is to be entertained unless the Secretary of State is satisfied that there has been a material change in the circumstances.
- (7) The Secretary of State may by regulations provide for decisions as to where support provided under section 95 is to be provided to be appealable to an adjudicator under this Part.
- (8) Regulations under subsection (7) may provide for any provision of this section to have effect, in relation to an appeal brought by virtue of the regulations, subject to such modifications as may be prescribed.
- (9) The Secretary of State may pay any reasonable travelling expenses incurred by an appellant in connection with attendance at any place for the purposes of an appeal under this section.

#### **104 Secretary of State's rules**

- (1) The Secretary of State may make rules regulating—
  - (a) the bringing of appeals under this Part; and
  - (b) the practice and procedure of the adjudicators.
- (2) The rules may, in particular, make provision—
  - (a) for the period within which an appeal must be brought;
  - (b) as to the burden of proof on an appeal;
  - (c) as to the giving and admissibility of evidence;
  - (d) for summoning witnesses;
  - (e) for an appeal to be heard in the absence of the appellant;
  - (f) for determining an appeal without a hearing;
  - (g) requiring reports of decisions of adjudicators to be published;
  - (h) conferring such ancillary powers on adjudicators as the Secretary of State considers necessary for the proper discharge of their functions.
- (3) In making the rules, the Secretary of State must have regard to the desirability of securing, so far as is reasonably practicable, that appeals are brought and disposed of with the minimum of delay.