



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART IV

#### APPEALS

##### *Leave to enter*

#### **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).

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*Status: This is the original version (as it was originally enacted).*

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- (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.