



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART IV

#### APPEALS

##### *“One-stop procedure”*

#### **76 Result of failure to comply with section 74**

- (1) In this section—
  - (a) “the applicant” means the person on whom a notice has been served under section 74(4);
  - (b) “notice” means a notice served under that section; and
  - (c) “statement” means the statement which the notice requires the applicant to make to the Secretary of State.
- (2) If the applicant’s statement does not mention a particular ground—
  - (a) on which he wishes to enter or remain in the United Kingdom, and
  - (b) of which he is aware at the material time,he may not rely on that ground in any appeal under the Special Immigration Appeals Commission Act 1997 or this Part.
- (3) Subsection (2) does not apply if—
  - (a) the ground is a claim for asylum or a claim that an act breached the applicant’s human rights; or
  - (b) the Secretary of State considers that the applicant had a reasonable excuse for the omission.
- (4) Subsection (5) applies if the applicant’s statement does not include a claim for asylum.
- (5) If the applicant claims asylum after the end of the period prescribed under section 74(6)
  - (b), no appeal may be made under section 69 if the Secretary of State has certified that in his opinion —

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*Status: This is the original version (as it was originally enacted).*

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- (a) one purpose of making the claim for asylum was to delay the removal from the United Kingdom of the applicant or of any member of his family; and
  - (b) the applicant had no other legitimate purpose for making the application.
- (6) “Member of the family” has such meaning as may be prescribed.