



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART IV

#### APPEALS

##### *“One-stop procedure”*

#### 77 “One-stop” appeals

- (1) This section applies in relation to—
  - (a) an appeal brought on any of the grounds mentioned in section 69;
  - (b) any other appeal against a decision—
    - (i) to refuse an application for leave to enter or remain in the United Kingdom;
    - (ii) to vary, or to refuse to vary, any limited leave to enter or remain in the United Kingdom, which has the result mentioned in section 74(2)(a); or
    - (iii) to make a deportation order against a person under section 5(1) of the 1971 Act as a result of his liability to deportation under section 3(5) of that Act.
- (2) Subject to section 72(2), the appellant is to be treated as also appealing on any additional grounds—
  - (a) which he may have for appealing against the refusal, variation, decision or directions in question under any other provision of this Act; and
  - (b) which he is not prevented (by any provision of section 76) from relying on.
- (3) In considering—
  - (a) any ground mentioned in section 69, or
  - (b) any question relating to the appellant’s rights under Article 3 of the Human Rights Convention,

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*Status: This is the original version (as it was originally enacted).*

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the appellate authority may take into account any evidence which it considers to be relevant to the appeal (including evidence about matters arising after the date on which the decision appealed against was taken).

- (4) In considering any other ground, the appellate authority may take into account only evidence—
- (a) which was available to the Secretary of State at the time when the decision appealed against was taken; or
  - (b) which relates to relevant facts as at that date.
- (5) “Additional grounds”, in relation to an appeal, means any grounds specified in a statement made to the Secretary of State under section 74(4) other than those on which the appeal has been brought.
- (6) “Appellate authority” means an adjudicator, the Tribunal or the Special Immigration Appeals Commission.