



Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

2004 CHAPTER 19

Appeals

28 Appeal from within United Kingdom

For section 92(3) of the Nationality, Immigration and Asylum Act 2002 (c. 41) (appeal from within United Kingdom: person with entry clearance or work permit) substitute—

“(3) This section also applies to an appeal against refusal of leave to enter the United Kingdom if—

- (a) at the time of the refusal the appellant is in the United Kingdom, and
- (b) on his arrival in the United Kingdom the appellant had entry clearance.

(3A) But this section does not apply by virtue of subsection (3) if subsection (3B) or (3C) applies to the refusal of leave to enter.

(3B) This subsection applies to a refusal of leave to enter which is a deemed refusal under paragraph 2A(9) of Schedule 2 to the Immigration Act 1971 (c. 77) resulting from cancellation of leave to enter by an immigration officer—

- (a) under paragraph 2A(8) of that Schedule, and
- (b) on the grounds specified in paragraph 2A(2A) of that Schedule.

(3C) This subsection applies to a refusal of leave to enter which specifies that the grounds for refusal are that the leave is sought for a purpose other than that specified in the entry clearance.

(3D) This section also applies to an appeal against refusal of leave to enter the United Kingdom if at the time of the refusal the appellant—

- (a) is in the United Kingdom,
- (b) has a work permit, and
- (c) is any of the following (within the meaning of the British Nationality Act 1981 (c. 61))—

Status: This is the original version (as it was originally enacted).

- (i) a British overseas territories citizen,
- (ii) a British Overseas citizen,
- (iii) a British National (Overseas),
- (iv) a British protected person, or
- (v) a British subject.”