



Immigration, Asylum and Nationality Act 2006

2006 CHAPTER 13

Appeals

11 Continuation of leave

- (1) Section 3C of the Immigration Act 1971 (c. 77) (continuation of leave to enter or remain pending variation decision) shall be amended as follows.
- (2) In subsection (2)(b) (continuation pending possible appeal) after “could be brought” insert “, while the appellant is in the United Kingdom”.
- (3) In subsection (2)(c) (continuation pending actual appeal) after “against that decision” insert “, brought while the appellant is in the United Kingdom,”.
- (4) For subsection (6) (decision) substitute—
 - “(6) The Secretary of State may make regulations determining when an application is decided for the purposes of this section; and the regulations—
 - (a) may make provision by reference to receipt of a notice,
 - (b) may provide for a notice to be treated as having been received in specified circumstances,
 - (c) may make different provision for different purposes or circumstances,
 - (d) shall be made by statutory instrument, and
 - (e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (5) After section 3C insert—

“3D Continuation of leave following revocation

- (1) This section applies if a person’s leave to enter or remain in the United Kingdom—

- (a) is varied with the result that he has no leave to enter or remain in the United Kingdom, or
 - (b) is revoked.
- (2) The person's leave is extended by virtue of this section during any period when—
 - (a) an appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 could be brought, while the person is in the United Kingdom, against the variation or revocation (ignoring any possibility of an appeal out of time with permission), or
 - (b) an appeal under that section against the variation or revocation, brought while the appellant is in the United Kingdom, is pending (within the meaning of section 104 of that Act).
- (3) A person's leave as extended by virtue of this section shall lapse if he leaves the United Kingdom.
- (4) A person may not make an application for variation of his leave to enter or remain in the United Kingdom while that leave is extended by virtue of this section.”
- (6) Section 82(3) of the Nationality, Immigration and Asylum Act 2002 (c. 41) (variation and revocation: extension of leave pending appeal) shall cease to have effect.