

# CRIME AND COURTS ACT 2013

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 51: Immigration cases: appeal rights; and facilitating combined appeals*

623. *Subsection (1)* amends the Nationality, Immigration and Asylum Act 2002 (the “2002 Act”) to reinstate race discrimination as a ground of appeal against an immigration decision by inserting a reference into section 84(1)(b) to section 29 of the Equality Act 2010 so far as it relates to race, as defined in section 9(1) of the Equality Act 2010. Prior to the Equality Act 2010, it was possible to bring an immigration appeal on the grounds that an immigration decision was unlawful under the Race Relations Act 1976. However, the Equality Act 2010 repealed the Race Relations Act and related consequential amendments removed the associated ground of appeal. This subsection therefore restores the position that existed prior to the commencement of the Equality Act.
624. *Subsection (2)* amends the 2002 Act by deleting a reference in section 99 of that Act to section 96 of the 2002 Act so that where a case is certified under section 96, which means that an appeal cannot be brought against a refusal decision, that certification will have no effect on an appeal that is already underway.
625. *Subsection (3)* amends section 47 of the Immigration, Asylum and Nationality Act 2006 by inserting new subsections (1) and (1A) so as to clarify when an appealable decision to remove a person from the United Kingdom can be made. Where the Secretary of State gives a person notice of a “pre-removal” decision, new section 47(1) allows the Secretary of State to give the person notice that the person is to be removed from the United Kingdom. In particular, it allows the removal notice to be given alongside the notice of the pre-removal decision. New section 47(1A) defines a “pre-removal” decision.