



Immigration Act 2014

2014 CHAPTER 22

PART 2

APPEALS ETC

15 Right of appeal to First-tier Tribunal

- (1) Part 5 of the Nationality, Immigration and Asylum Act 2002 (immigration and asylum appeals) is amended as follows.
- (2) For section 82 substitute—

“82 Right of appeal to the Tribunal

- (1) A person (“P”) may appeal to the Tribunal where—
 - (a) the Secretary of State has decided to refuse a protection claim made by P,
 - (b) the Secretary of State has decided to refuse a human rights claim made by P, or
 - (c) the Secretary of State has decided to revoke P's protection status.
- (2) For the purposes of this Part—
 - (a) a “protection claim” is a claim made by a person (“P”) that removal of P from the United Kingdom—
 - (i) would breach the United Kingdom's obligations under the Refugee Convention, or
 - (ii) would breach the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection;
 - (b) P's protection claim is refused if the Secretary of State makes one or more of the following decisions—
 - (i) that removal of P from the United Kingdom would not breach the United Kingdom's obligations under the Refugee Convention;

Changes to legislation: Immigration Act 2014, Section 15 is up to date with all changes known to be in force on or before 29 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (ii) that removal of P from the United Kingdom would not breach the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection;
 - (c) a person has “protection status” if the person has been granted leave to enter or remain in the United Kingdom as a refugee or as a person eligible for a grant of humanitarian protection;
 - (d) “humanitarian protection” is to be construed in accordance with the immigration rules;
 - (e) “refugee” has the same meaning as in the Refugee Convention.
- (3) The right of appeal under subsection (1) is subject to the exceptions and limitations specified in this Part.”
- (3) Sections 83 and 83A (appeal rights in respect of asylum claims) are repealed.
- (4) For section 84 substitute—

“84 Grounds of appeal

- (1) An appeal under section 82(1)(a) (refusal of protection claim) must be brought on one or more of the following grounds—
 - (a) that removal of the appellant from the United Kingdom would breach the United Kingdom's obligations under the Refugee Convention;
 - (b) that removal of the appellant from the United Kingdom would breach the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection;
 - (c) that removal of the appellant from the United Kingdom would be unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention).
 - (2) An appeal under section 82(1)(b) (refusal of human rights claim) must be brought on the ground that the decision is unlawful under section 6 of the Human Rights Act 1998.
 - (3) An appeal under section 82(1)(c) (revocation of protection status) must be brought on one or more of the following grounds—
 - (a) that the decision to revoke the appellant's protection status breaches the United Kingdom's obligations under the Refugee Convention;
 - (b) that the decision to revoke the appellant's protection status breaches the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection.”
- (5) In section 85 (matters to be considered), for subsection (5) substitute—
- “(5) But the Tribunal must not consider a new matter unless the Secretary of State has given the Tribunal consent to do so.
- (6) A matter is a “new matter” if—
- (a) it constitutes a ground of appeal of a kind listed in section 84, and
 - (b) the Secretary of State has not previously considered the matter in the context of—
 - (i) the decision mentioned in section 82(1), or
 - (ii) a statement made by the appellant under section 120.”

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Commencement Information

- II** [S. 15](#) in force at 20.10.2014 by [S.I. 2014/2771](#), [art. 2\(b\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2014/2771 by [S.I. 2015/371 art. 78](#)
- specified provision(s) savings for earlier commencing SI 2014/2771 by [S.I. 2014/2928 art. 2](#) (Amendment already reflected in Appended Commentary in EXTOES for 2014 SI2771.)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(4A) inserted by [S.I. 2019/745 reg. 21\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 27(7) inserted by [S.I. 2019/745 reg. 21\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 70A(6A) inserted by [S.I. 2019/745 reg. 21\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(7) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 8A inserted by [2016 c. 19 Sch. 12 para. 16](#)