
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Immigration and Asylum Appeals (Notices) Regulations 2000 (the 2000 Regulations).

Regulation 4 requires written notice of any immigration decision, EEA decision or appealable decision under section 83 of the 2002 Act to be given to a person, or his representative.

Regulation 5 deals with the contents of the notice. Reasons must be given for the decision in the notice. Where a decision is appealable, the notice must state the rights of appeal and give details of whether the right can be exercised in the United Kingdom. It must also state the grounds on which such an appeal can be brought, the facilities available for advice and assistance and be accompanied by a notice of appeal. Where the decision or action is not appealable or the exercise of an appeal is restricted, the provision, exemption or limitation should be referred to. A residual right of appeal does not need to be notified unless the person raises one of the relevant issues in relation to the decision.

Regulation 6 provides that where a notice of decision is served under section 4 of the Immigration Act 1971 or paragraph 6 of Schedule 2 to that Act, providing that the notice is served in accordance with regulation 7 and information about appeal rights is provided, the notice will be taken to have been given under regulation 4(1) of these Regulations.

Regulation 7 deals with service of the notice given under regulation 4. It may be given by hand, sent by fax or sent by way of recorded delivery to an address which has been provided for correspondence. Where no such address has been provided, or the address is defective, false or no longer in use, the notice can be sent to the last known or usual place of abode or business. Regulation 7(2) provides for deemed service in a case where a person's whereabouts are not known, no address has been provided or it is defective, false or no longer in use and there appears to be no representative. Regulation 7(7) provides for service on a person acting on behalf of a minor.