
STATUTORY INSTRUMENTS

2020 No. 61

The Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020

PART 2

Appeals in respect of citizens' rights immigration decisions

CHAPTER 3

Procedural matters and certification

Pending appeal

- 13.—(1) An appeal under these Regulations is to be treated as pending during the period which—
- (a) begins when the notice of appeal is given in accordance with the relevant rules, and
 - (b) ends when the appeal is finally determined, withdrawn or abandoned (or lapses under paragraph 3 of Schedule 1).
- (2) An appeal is not finally determined for the purposes of paragraph (1)(b) while (as the case may be)—
- (a) an application for permission to appeal under section 11 or 13 of the Tribunals, Courts and Enforcement Act 2007(1) could be made or is awaiting determination,
 - (b) permission to appeal under either of those sections has been granted and the appeal is awaiting determination,
 - (c) an appeal has been remitted under section 12 or 14 of that Act and is awaiting determination,
 - (d) any of the following applications could be made—
 - (i) an application for leave to appeal under section 7 of the applied 1997 Act;
 - (ii) an application for a certificate under section 7B of the applied 1997 Act;
 - (iii) an application for permission to appeal under section 7C of the applied 1997 Act(2),
or
 - (e) leave to appeal under section 7, or permission to appeal under section 7C, of the applied 1997 Act has been granted and the appeal is awaiting determination.
- (3) An appeal under these Regulations is to be treated as abandoned if the appellant (“A”) is granted leave to enter or remain in the United Kingdom by virtue of residence scheme immigration rules.
- (4) But paragraph (3) does not apply where—

(1) 2007 c. 15.

(2) Sections 7B and 7C of the 1997 Act were inserted by the Criminal Justice and Courts Act 2015 (c. 2), section 68.

- (a) A is not granted indefinite leave to enter or remain in the United Kingdom, or A's indefinite leave to enter or remain in the United Kingdom is cancelled or revoked, and
 - (b) A gives notice, in accordance with the relevant rules, that A wishes to pursue the appeal insofar as it relates to a decision not to grant A, or to cancel or revoke A's, indefinite leave to enter or remain in the United Kingdom.
- (5) An appeal under these Regulations is not to be treated as abandoned solely because the appellant leaves the United Kingdom.
- (6) In this regulation—
- “the applied 1997 Act” means the 1997 Act as it applies for the purposes of these Regulations by virtue of Part 2 of Schedule 1;
- “the relevant rules”—
- (a) where the appeal is before the Tribunal, means Tribunal Procedure Rules⁽³⁾;
 - (b) where the appeal is before the Special Immigration Appeals Commission, means rules made under section 5 of the 1997 Act, insofar as they apply in relation to an appeal under these Regulations, or rules made under section 5 of the applied 1997 Act⁽⁴⁾.

(3) See section 22 of the Tribunal, Courts and Enforcement Act 2007 (c. 15) for the meaning of “Tribunal Procedure Rules”. The relevant Tribunal Procedure Rules are currently the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014 (S.I. 2014/2604).

(4) The relevant rules are currently the Special Immigration Appeals Commission (Procedure) Rules 2003 (S.I. 2003/1034).