



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART IV

#### APPEALS

##### *Miscellaneous*

#### **72 Miscellaneous limitations on rights of appeal.**

- (1) Unless a certificate issued under section 11 or 12 has been set aside on an appeal under section 65 or 71 or otherwise ceases to have effect, the person in respect of whom the certificate was issued is not entitled to appeal under this Act as respects any matter arising before his removal from the United Kingdom.
- (2) A person who has been, or is to be, sent to a member State or to a country designated under section 12(1)(b) is not, while he is in the United Kingdom, entitled to appeal—
  - (a) under section 65 if the Secretary of State certifies that his allegation that a person acted in breach of his human rights is manifestly unfounded; or
  - (b) under section 71.
- (3) No appeal under this Part may be made in relation to a decision made on an application if—
  - (a) the application was required to be made in a prescribed form but was not made in that form; or
  - (b) the applicant was required to take prescribed steps in relation to the application, or to take such steps at a prescribed time or within a prescribed period, but failed to do so.

#### **Commencement Information**

- II** S. 72 wholly in force at 2.10.2000; s. 72 not in force at Royal Assent see s. 170(4); s. 72(3) in force for certain purposes at 22.5.2000 by S.I. 2000/1282, art. 2, Sch.; s. 72 in force at 2.10.2000 so far as not already in force by S.I. 2000/2444, art. 2, Sch. 1 (subject to arts. 3, 4, Sch. 2)

*Status: Point in time view as at 22/05/2000. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Immigration and Asylum Act 1999, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 23 May 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)*

VALID FROM 02/10/2000

### 73 Limitation on further appeals.

- (1) This section applies where a person (“the appellant”) has appealed under the <sup>M1</sup>Special Immigration Appeals Commission Act 1997 or this Act and that appeal (“the original appeal”) has been finally determined.
- (2) If the appellant serves a notice of appeal making a claim that a decision of a decision-maker was in breach of the appellant’s human rights, the Secretary of State may certify that in his opinion—
  - (a) the appellant’s claim—
    - (i) could reasonably have been included in a statement required from him under section 74 but was not so included, or
    - (ii) could reasonably have been made in the original appeal but was not so made;
  - (b) one purpose of such a claim would be to delay the removal from the United Kingdom of the appellant or of any member of his family; and
  - (c) the appellant had no other legitimate purpose for making the claim.
- (3) On the issuing of a certificate by the Secretary of State under subsection (2), the appeal, so far as relating to that claim, is to be treated as finally determined.
- (4) Subsection (5) applies if a notice under section 74 was served on the appellant before the determination of his original appeal and the appellant has served a further notice of appeal.
- (5) The Secretary of State may certify that grounds contained in the notice of appeal were considered in the original appeal.
- (6) On the issuing of a certificate by the Secretary of State under subsection (5), the appeal, so far as relating to those grounds, is to be treated as finally determined.
- (7) Subsection (8) applies if, on the application of the appellant, an immigration officer or the Secretary of State makes a decision in relation to the appellant.
- (8) The immigration officer or, as the case may be, the Secretary of State may certify that in his opinion—
  - (a) one purpose of making the application was to delay the removal from the United Kingdom of the appellant or any member of his family; and
  - (b) the appellant had no other legitimate purpose for making the application.
- (9) No appeal may be brought under the <sup>M2</sup>Special Immigration Appeals Commission Act 1997 or this Act against a decision on an application in respect of which a certificate has been issued under subsection (8).
- (10) Nothing in section 58(6) affects the operation of subsections (3) and (6).

#### Modifications etc. (not altering text)

C1 S. 73 applied (with modifications) (2.10.2000) by S.I. 2000/2244, reg. 5(3)(4)

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#### Commencement Information

**I2** S. 73 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

#### Marginal Citations

**M1** 1997 c. 68.

**M2** 1997 c. 68.

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