



# Nationality, Immigration and Asylum Act 2002

## 2002 CHAPTER 41

### [<sup>F1</sup>PART 5A

#### ARTICLE 8 OF THE ECHR: PUBLIC INTEREST CONSIDERATIONS

#### [<sup>F1</sup>117A Application of this Part

- (1) This Part applies where a court or tribunal is required to determine whether a decision made under the Immigration Acts—
  - (a) breaches a person's right to respect for private and family life under Article 8, and
  - (b) as a result would be unlawful under section 6 of the Human Rights Act 1998.
- (2) In considering the public interest question, the court or tribunal must (in particular) have regard—
  - (a) in all cases, to the considerations listed in section 117B, and
  - (b) in cases concerning the deportation of foreign criminals, to the considerations listed in section 117C.
- (3) In subsection (2), “the public interest question” means the question of whether an interference with a person's right to respect for private and family life is justified under Article 8(2).]

#### Textual Amendments

**F1** Pt. 5A inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 19**, 75(3); [S.I. 2014/1820](#), art. 3(o)

**Status:**

Point in time view as at 28/07/2014.

**Changes to legislation:**

Nationality, Immigration and Asylum Act 2002, Section 117A is up to date with all changes known to be in force on or before 27 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.