



# Nationality, Immigration and Asylum Act 2002

## 2002 CHAPTER 41

### PART 4

#### DETENTION AND REMOVAL

##### *Removal*

#### **79**      **Deportation order: appeal**

- (1) A deportation order may not be made in respect of a person while an appeal under section 82(1) [<sup>F1</sup>that may be brought or continued from within the United Kingdom relating to] the decision to make the order—
- (a) could be brought (ignoring any possibility of an appeal out of time with permission), or
  - (b) is pending.
- (2) In this section “pending” has the meaning given by section 104.
- [<sup>F2</sup>(3) This section does not apply to a deportation order which states that it is made in accordance with section 32(5) of the UK Borders Act 2007.
- (4) But a deportation order made in reliance on subsection (3) does not invalidate leave to enter or remain, in accordance with section 5(1) of the Immigration Act 1971, if and for so long as section 78 above applies.]

#### **Textual Amendments**

- F1** Words in s. 79(1) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 32](#); [S.I. 2014/1820](#), art. 3(cc)
- F2** S. 79(3)(4) added (1.8.2008 for specified purposes) by [UK Borders Act 2007 \(c. 30\)](#), [ss. 35\(2\)](#), 59(2); [S.I. 2008/1818](#), art. 2(a), [Sch.](#)

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*Status: Point in time view as at 08/05/2023.*

*Changes to legislation: Nationality, Immigration and Asylum Act 2002, Section 79 is up to date with all changes known to be in force on or before 02 June 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)*

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

- C1** S. 79 applied (with modifications) by 1997 c. 68, **s. 2(2)(c)** (as substituted (1.4.2003) by 2002 c. 41, ss. 114, 162(2), **Sch. 7 para. 20** (with s. 159); S.I. 2003/754, art. 2(1), **Sch. 1**)  
S. 79 extended (14.3.2003) by **The Nationality Immigration and Asylum Act 2002 (Commencement No. 4) Order 2003** (S.I. 2003/754), art. 3, **Sch. 2 para. 1(4)** (with transitional provisions in arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040, S.I. 2003/1339 and S.I. 2003/2993))
- C2** Ss. 78-79 applied (with modifications) (31.1.2020) by **The Immigration (Citizens Rights Appeals) (EU Exit) Regulations 2020** (S.I. 2020/61), reg. 1(2), **Sch. 2 paras. 1-3** (as amended (8.5.2023) by **The Immigration (Citizens' Rights Appeals) (EU Exit) (Amendment) Regulations 2023** (S.I. 2023/441), **reg. 7(2)**)

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