



Nationality, Immigration and Asylum Act 2002

2002 CHAPTER 41

PART 5

[^{F1}APPEALS IN RESPECT OF PROTECTION AND HUMAN RIGHTS CLAIMS]

Exceptions and limitations

[^{F192} Place from which an appeal may be brought or continued

(1) This section applies to determine the place from which an appeal under section 82(1) may be brought or continued.

(2) In the case of an appeal under section 82(1)(a) (protection claim appeal), the appeal must be brought from outside the United Kingdom if—

(a) the claim to which the appeal relates has been certified under section [^{F2}94(7) (removal to a safe country)], ^{F3}...

^{F3}(b)

Otherwise, the appeal must be brought from within the United Kingdom.

(3) In the case of an appeal under section 82(1)(b) (human rights claim appeal) where the claim to which the appeal relates was made while the appellant was in the United Kingdom, the appeal must be brought from outside the United Kingdom if—

(a) the claim to which the appeal relates has been certified under section [^{F4}94(7) (removal to a safe country)] or section 94B (certification of human rights claims ^{F5}...), ^{F6}...

^{F6}(b)

Otherwise, the appeal must be brought from within the United Kingdom.

Changes to legislation: *Nationality, Immigration and Asylum Act 2002, Section 92 is up to date with all changes known to be in force on or before 25 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) View outstanding changes*

- (4) In the case of an appeal under section 82(1)(b) (human rights claim appeal) where the claim to which the appeal relates was made while the appellant was outside the United Kingdom, the appeal must be brought from outside the United Kingdom.
- (5) In the case of an appeal under section 82(1)(c) (revocation of protection status)—
 - (a) the appeal must be brought from within the United Kingdom if the decision to which the appeal relates was made while the appellant was in the United Kingdom;
 - (b) the appeal must be brought from outside the United Kingdom if the decision to which the appeal relates was made while the appellant was outside the United Kingdom.
- (6) If, after an appeal under section 82(1)(a) or (b) has been brought from within the United Kingdom, the Secretary of State certifies the claim to which the appeal relates under section [F794(7)] or section 94B, the appeal must be continued from outside the United Kingdom.
- (7) Where a person brings or continues an appeal under section 82(1)(a) (refusal of protection claim) from outside the United Kingdom, for the purposes of considering whether the grounds of appeal are satisfied, the appeal is to be treated as if the person were not outside the United Kingdom.
- (8) Where an appellant brings an appeal from within the United Kingdom but leaves the United Kingdom before the appeal is finally determined, the appeal is to be treated as abandoned unless the claim to which the appeal relates has been certified under section [F894(7)] or section 94B.]

Textual Amendments

- F1** S. 92 substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 17(2), 75(3)**; S.I. 2014/2771, art. 2(c) (with [arts. 9-11, 15](#)) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))
- F2** Words in s. 92(2)(a) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 28(2)(a), 87(5)(a)** (with s. 28(4))
- F3** S. 92(2)(b) and word omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), **Sch. 4 para. 18(a)**
- F4** Words in s. 92(3)(a) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 28(2)(a), 87(5)(a)** (with s. 28(4))
- F5** Words in s. 92(3)(a) omitted (1.12.2016) by virtue of [Immigration Act 2016 \(c. 19\)](#), **ss. 63(6), 94(1)**; S.I. 2016/1037, reg. 5(h)
- F6** S. 92(3)(b) and word omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), **Sch. 4 para. 18(b)**
- F7** Word in s. 92(6) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 28(2)(b), 87(5)(a)** (with s. 28(4))
- F8** Word in s. 92(8) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 28(2)(b), 87(5)(a)** (with s. 28(4))

Modifications etc. (not altering text)

- C1** Ss. 82-99 restricted (14.3.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Commencement No. 4\) Order 2003 \(S.I. 2003/754\)](#), **arts. 3, 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))

Changes to legislation:

Nationality, Immigration and Asylum Act 2002, Section 92 is up to date with all changes known to be in force on or before 25 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(1)(1A) substituted for s. 18(1) by [2016 c. 19 Sch. 11 para. 31\(2\)](#)
- s. 22A inserted by [2022 c. 36 s. 13\(7\)](#)
- s. 27(ba) inserted by [2022 c. 36 s. 13\(10\)](#)
- s. 51(2)(d) and word inserted by [2016 c. 19 Sch. 11 para. 26\(6\)](#)
- s. 55(2)(aa) inserted by [2016 c. 19 Sch. 11 para. 26\(7\)](#)
- s. 62(3A) inserted by [2023 c. 37 s. 11\(8\)](#)
- s. 80A(5A) inserted by [2023 c. 37 s. 10\(8\)](#)
- s. 82A inserted by [2022 c. 36 s. 23\(1\)](#)
- s. 94(6B) inserted by [2006 c. 13 s. 13](#)
- s. 106(2)(ua) inserted by [2007 c. 30 s. 19\(3\)](#)
- s. 107(2A) inserted by [2022 c. 36 Sch. 3 para. 5\(a\)](#)
- s. 126(2A) inserted by [S.I. 2019/745 reg. 12\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). [Reg. 12\(2\)\(3\)](#) omitted immediately before IP completion day by virtue of [S.I. 2020/1309](#), regs. 1(2)(a), 48)
- [Sch. 3 para. 1\(1\)\(ga\)](#) inserted by [2016 c. 19 Sch. 12 para. 2\(2\)](#) (This Act is amended by [S.I. 2020/1309](#), [Sch. 1 para. 3\(a\)](#))
- [Sch. 3 para. 1\(2A\)](#) inserted by [2016 c. 19 Sch. 12 para. 2\(4\)](#) (This Act is amended by [S.I. 2020/1309](#), [Sch. 1 para. 3\(b\)](#))
- [Sch. 3 para. 1A](#) inserted by [2016 c. 19 Sch. 12 para. 3](#)
- [Sch. 3 para. 2\(1\)\(ca\)](#) inserted by [2016 c. 19 Sch. 12 para. 4\(3\)](#)
- [Sch. 3 para. 2A](#) inserted by [2016 c. 19 Sch. 12 para. 5](#)
- [Sch. 3 para. 3A-3C](#) inserted by [2016 c. 19 Sch. 12 para. 6](#)
- [Sch. 3 para. 7B7C](#) and cross-headings inserted by [2016 c. 19 Sch. 12 para. 9](#)
- [Sch. 3 para. 10A10B](#) inserted by [2016 c. 19 Sch. 12 para. 10](#) (This Act is amended by [S.I. 2020/1309](#), [Sch. 1 para. 3\(c\)](#))
- [Sch. 3 para. 15\(aa\)](#) inserted by [2016 c. 19 Sch. 12 para. 14\(2\)](#)
- [Sch. 3 para. 15\(d\)-\(f\)](#) inserted by [2016 c. 19 Sch. 12 para. 14\(4\)](#)
- [Sch. 3 para. 7C\(1\)\(c\)](#) word substituted by [S.I. 2019/745 reg. 12\(5\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). [Reg. 12\(5\)\(a\)\(c\)\(d\)](#) omitted immediately before IP completion day by virtue of [S.I. 2020/1309](#), regs. 1(2)(a), 48)
- [Sch. 5 para. 3\(1\)](#) [Sch. 5 para. 3](#) renumbered as [Sch. 5 para. 3\(1\)](#) by [2005 c. 4 Sch. 4 para. 407\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))
- [Sch. 5 para. 3\(2\)-\(4\)](#) inserted by [2005 c. 4 Sch. 4 para. 407\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))
- [Sch. 5 para. 3\(1\)](#) words inserted by [2005 c. 4 Sch. 4 para. 407\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))