



# Equality Act 2010

## 2010 CHAPTER 15

### PART 9

#### ENFORCEMENT

### CHAPTER 2

#### CIVIL COURTS

#### 115 Immigration cases

- (1) A claim is within this section if it relates to the act of an immigration authority in taking a relevant decision and—
  - (a) the question whether the act is a contravention of Part 3 has been or could be raised on an appeal which is pending, or could be brought, under the immigration provisions, or
  - (b) it has been decided on an appeal under those provisions that the act is not a contravention of Part 3.
- (2) The relevant decision is not—
  - (a) subject to challenge in proceedings on a claim within section 114(1)(a), or
  - (b) affected by the decision of a court in such proceedings.
- (3) For the purposes of subsection (1)(a) a power to grant permission to appeal out of time must be ignored.
- (4) Each of the following is an immigration authority—
  - (a) the Secretary of State;
  - (b) an immigration officer;
  - (c) a person responsible for the grant or refusal of entry clearance (within the meaning of section 33(1) of the Immigration Act 1971).
- (5) The immigration provisions are—

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*Status: Point in time view as at 09/01/2016. This version of this provision has been superseded.*

*Changes to legislation: Equality Act 2010, Section 115 is up to date with all changes known to be in force on or before 30 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)*

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- (a) the Special Immigration Appeals Commission Act 1997, or
  - (b) Part 5 of the Nationality, Immigration and Asylum Act 2002.
- (6) A relevant decision is—
- (a) a decision under the Immigration Acts relating to the entitlement of a person to enter or remain in the United Kingdom;
  - (b) a decision on an appeal under the immigration provisions relating to a decision within paragraph (a).
- (7) An appeal is pending if it is pending for the purposes of section 104 of the Nationality, Immigration and Asylum Act 2002 or (as the case may be) for the purposes of that section as it is applied by section 2(2)(j) of the Special Immigration Appeals Commission Act 1997.
- [<sup>F1</sup>(8) This section applies in relation to reviews under section 2D [<sup>F2</sup>and 2E] of the Special Immigration Appeals Commission Act 1997 as it applies in relation to appeals under the immigration provisions.]

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#### Textual Amendments

- F1** S. 115(8) inserted (25.6.2013) by [Justice and Security Act 2013 \(c. 18\)](#), s. 20(1), **Sch. 2 para. 12**; [S.I. 2013/1482](#), art. 2 (with arts. 3, 4)
- F2** Words in s. 115(8) inserted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 9 para. 59**; [S.I. 2014/2771](#), art. 2(e) (with arts. 9-11) (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))

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#### Commencement Information

- I1** S. 115 wholly in force; s. 115 not in force at Royal Assent see s. 216; s. 115 in force at 1.10.2010 by [S.I. 2010/2317](#), **art. 2(1)(9)(a)** (with art. 15, and subject to transitional provision in art. 7)

**Status:**

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**Changes to legislation:**

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