



Justice and Security Act 2013

2013 CHAPTER 18

PART 2

DISCLOSURE OF SENSITIVE MATERIAL

Closed material procedure: immigration

15 Certain exclusion, naturalisation and citizenship decisions

After section 2B of the Special Immigration Appeals Commission Act 1997 (appeals against certain deprivation of citizenship decisions) insert—

“2C Jurisdiction: review of certain exclusion decisions

- (1) Subsection (2) applies in relation to any direction about the exclusion of a non-EEA national from the United Kingdom which—
 - (a) is made by the Secretary of State wholly or partly on the ground that the exclusion from the United Kingdom of the non-EEA national is conducive to the public good,
 - (b) is not subject to a right of appeal, and
 - (c) is certified by the Secretary of State as a direction that was made wholly or partly in reliance on information which, in the opinion of the Secretary of State, should not be made public—
 - (i) in the interests of national security,
 - (ii) in the interests of the relationship between the United Kingdom and another country, or
 - (iii) otherwise in the public interest.
- (2) The non-EEA national to whom the direction relates may apply to the Special Immigration Appeals Commission to set aside the direction.
- (3) In determining whether the direction should be set aside, the Commission must apply the principles which would be applied in judicial review proceedings.

Status: This is the original version (as it was originally enacted).

- (4) If the Commission decides that the direction should be set aside, it may make any such order, or give any such relief, as may be made or given in judicial review proceedings.
- (5) In this section—
“non-EEA national” means any person who is not a national of an EEA state,
and references in this section to the Secretary of State are to the Secretary of State acting in person.

2D Jurisdiction: review of certain naturalisation and citizenship decisions

- (1) Subsection (2) applies in relation to any decision of the Secretary of State which—
- (a) is either—
- (i) a refusal to issue a certificate of naturalisation under section 6 of the British Nationality Act 1981 to an applicant under that section, or
 - (ii) a refusal to grant an application of the kind mentioned in section 41A of that Act (applications to register an adult or young person as a British citizen etc.), and
- (b) is certified by the Secretary of State as a decision that was made wholly or partly in reliance on information which, in the opinion of the Secretary of State, should not be made public—
- (i) in the interests of national security,
 - (ii) in the interests of the relationship between the United Kingdom and another country, or
 - (iii) otherwise in the public interest.
- (2) The applicant to whom the decision relates may apply to the Special Immigration Appeals Commission to set aside the decision.
- (3) In determining whether the decision should be set aside, the Commission must apply the principles which would be applied in judicial review proceedings.
- (4) If the Commission decides that the decision should be set aside, it may make any such order, or give any such relief, as may be made or given in judicial review proceedings.”