

*These notes refer to the Crime and Courts Act 2013
(c.22) which received Royal Assent on 25 April 2013*

CRIME AND COURTS ACT 2013

EXPLANATORY NOTES

BACKGROUND

Part 3: Miscellaneous and General

Section 51: Immigration cases: appeal rights; and facilitating combined appeals

66. Section 47 of the Immigration, Asylum and Nationality Act 2006 provides for the Secretary of State to make a decision that a person may be removed from the United Kingdom whilst the person has their leave extended so that they can bring an appeal against a decision on the variation, curtailment or revocation of their leave. Making both decisions and serving them simultaneously enables the two appeals to be considered at the same time. However, the Upper Tribunal concluded in the cases of both *Ahmadi*¹ and *Adamally and Jaferi*² that secondary legislation prevents the simultaneous service of these two decisions because the removal decision cannot be made until written notice of the decision to refuse to vary a person's leave to remain has been given to that person. To ensure section 47 of the 2006 Act remains effective, section 51 clarifies when the decision to remove can be made, so that written notice of this decision and the decision to refuse to vary, or to curtail or revoke, leave may be given in the same document or at the same time.

¹ http://www.bailii.org/uk/cases/UKUT/IAC/2012/00147_ukat_iac_2012_ja_afghanistan.html

² http://www.bailii.org/uk/cases/UKUT/IAC/2012/00414_ukat_iac_2012_ma_sj_srilanka.html