
STATUTORY INSTRUMENTS

2000 No. 2326

The Immigration (European Economic Area) Regulations 2000

Part VII

Appeals

Amendments to the 1997 Act

32.—(1) The 1997 Act is amended as follows.

(2) In section 2 (appellate jurisdiction of the Commission), for subsection (1) substitute—

“(1) A person may appeal to the Special Immigration Appeals Commission against a decision which he would be entitled to appeal against under Part IV of the Immigration and Asylum Act 1999 (“the 1999 Act”) but for a public interest provision.

(1A) Subsection (1) does not apply to an appeal under section 59(2) of the 1999 Act.

(1B) “Public interest provision” means any of sections 60(9), 62(4), 64(1) or (2) or 70(1) to (6) of the 1999 Act.

(1C) A reference in this Act to an appeal under this section includes a reference to an appeal under regulation 29(1) of the Immigration (European Economic Area) Regulations 2000 (other than on the ground mentioned in paragraph (2) of that regulation) which lies to the Commission as a result of regulation 31 of those Regulations.”.

(3) In section 2A (jurisdiction: human rights)(1), after subsection (6) insert—

“(7) “Appealable decision” means a decision against which a person would be entitled to appeal under Part IV of the 1999 Act but for a public interest provision.

(8) “The 1999 Act” and “public interest provision” have the same meaning as in section 2.

(9) A reference in this Act to an appeal under this section includes a reference to an appeal under regulation 29(1) of the Immigration (European Economic Area) Regulations 2000, on the ground mentioned in paragraph (2) of that regulation, which lies to the Commission as a result of regulation 31 of those Regulations.”.

(4) Schedule 14 to the 1999 Act (consequential amendments)(2) is amended as follows—

(a) paragraph 119 is repealed;

(b) paragraph 121 is repealed in so far as it relates to the insertion of subsections (7) and (8) of section 2A in the 1997 Act.

(1) Subsections (1) to (6) of section 2A were inserted by paragraph 121 of Schedule 14 to the 1999 Act.

(2) Paragraphs 119 and 121 of Schedule 14 provide for consequential amendments to the 1997 Act which are in part superseded by the provisions of this regulation.