

SCHEDULES

SCHEDULE 2

Section 2.

APPEALS: SUPPLEMENTARY

Suspension of variation of limited leave pending appeal

- 1 The limitation on the taking effect of a variation and on a requirement to leave the United Kingdom contained in section 14(1) of the Immigration Act 1971 shall have effect as if appeals under any of the following provisions of section 2(1) above were appeals under section 14(1) of the 1971 Act—
- (a) paragraph (b),
 - (b) paragraph (f), and
 - (c) paragraph (g), so far as relating to section 8(2) of the Asylum and Immigration Appeals Act 1993.

Deportation order not to be made while appeal pending

- 2 In section 15(2) of the Immigration Act 1971 references to an appeal against a decision to make a deportation order shall include references to an appeal against such a decision under any of the following provisions of section 2(1) above—
- (a) paragraph (c),
 - (b) paragraph (e), and
 - (c) paragraph (g), so far as relating to section 8(3)(a) of the Asylum and Immigration Appeals Act 1993.

Stay of removal directions pending appeal and bail

- 3 (1) Part II of Schedule 2 to the Immigration Act 1971 shall have effect as if the references to appeals under section 13(1) of that Act included appeals under any of the following provisions of section 2(1) above—
- (a) paragraph (a),
 - (b) paragraph (d), and
 - (c) paragraph (g), so far as relating to section 8(1) of the Asylum and Immigration Appeals Act 1993,
- and as if sub-paragraph (5) of paragraph 28 of Schedule 2 were omitted.
- (2) Paragraph 3 of Schedule 3 to the Immigration Act 1971 shall have effect as if the reference to appeals under section 15(1)(a) of the 1971 Act included appeals under any of the following provisions of section 2(1) above—
- (a) paragraph (c),
 - (b) paragraph (e), and
 - (c) paragraph (g), so far as relating to section 8(3)(a) of the Asylum and Immigration Appeals Act 1993.

Status: This is the original version (as it was originally enacted).

Construction of references to pending appeal

- 4 For the purposes of the Immigration Act 1971 as applied by paragraphs 1 to 3 above, an appeal under section 2 above shall be treated as pending during the period beginning when notice of appeal is duly given and ending when the appeal is finally determined or withdrawn; and an appeal shall not be treated as finally determined so long as a further appeal can be brought by virtue of section 7 above, nor, if such an appeal is duly brought, until it is determined or withdrawn.

Appeals involving asylum

- 5 Where a person brings an appeal under section 2(1)(g) above, the Special Immigration Appeals Commission shall in the same proceedings deal with—
- (a) any appeal against the refusal, variation or decision (as the case may be) which the person is entitled to bring under—
 - (i) Part II of the Immigration Act 1971, or
 - (ii) the Immigration (European Economic Area) Order 1994,on any other ground on which he seeks to rely, and
 - (b) any appeal brought by the person under that Part of that Act or that Order against any other decision or action.

Notice of appealable decisions and statement of appeal rights etc

- 6 Section 18 of the Immigration Act 1971 shall have effect as if section 2 above were contained in Part II of that Act.

Financial support for organisations helping persons with rights of appeal

- 7 Section 23 of the Immigration Act 1971 shall have effect as if section 2 above were contained in Part II of that Act.