



# Special Immigration Appeals Commission Act 1997

## 1997 CHAPTER 68

### 2 Jurisdiction: appeals

- (1) A person may appeal to the Special Immigration Appeals Commission against—
- (a) any matter in relation to which he would be entitled to appeal under subsection (1) of section 13 of the Immigration Act 1971 (appeal to an adjudicator against refusal of leave to enter), but for subsection (5) of that section (exclusion conducive to public good),
  - (b) any matter in relation to which he would be entitled to appeal under subsection (1) of section 14 of that Act (appeal to an adjudicator against variation of limited leave or any refusal to vary it), but for subsection (3) of that section (departure conducive to public good),
  - (c) any matter in relation to which he would be entitled to appeal under subsection (1)(a) of section 15 of that Act (appeal to an adjudicator or the Appeal Tribunal against a decision to make a deportation order), but for subsection (3) of that section (deportation conducive to public good),
  - (d) any matter in relation to which he would be entitled to appeal under Article 15(1) of the Immigration (European Economic Area) Order 1994 (appeal against refusal of admission), but for Article 20(2)(b) of that Order (exclusion conducive to public good),
  - (e) any matter in relation to which he would be entitled to appeal under Article 15(2) of that Order (appeal against decision to remove), but for Article 20(2)(d) of that Order (removal conducive to public good),
  - (f) any matter in relation to which he would be entitled to appeal under Article 18 of that Order (appeal against refusal or withdrawal of residence permit or residence document), but for Article 20(2)(c) of that Order (departure conducive to public good), and
  - (g) any matter in relation to which he would be entitled to appeal under section 8(1), (2) or (3) of the Asylum and Immigration Appeals Act 1993 (appeal to special adjudicator in cases involving claim to asylum), but for

paragraph 6 of Schedule 2 to that Act (exclusion, departure or deportation in the interests of national security).

- (2) A person may appeal to the Special Immigration Appeals Commission against the refusal of an entry clearance if he would be entitled to appeal against the refusal under subsection (2) of section 13 of the Immigration Act 1971, but for subsection (5) of that section (exclusion conducive to public good), and—
- (a) he seeks to rely on an enforceable Community right or any provision made under section 2(2) of the European Communities Act 1972, or
  - (b) he seeks to enter the United Kingdom under immigration rules making provision about entry—
    - (i) to exercise rights of access to a child resident there,
    - (ii) as the spouse or fiancée of a person present and settled there, or
    - (iii) as the parent, grandparent or other dependent relative of a person present and settled there.
- (3) Schedule 2 to this Act (which makes supplementary provision relating to appeals under this section) shall have effect.
- (4) In this section, “immigration rules” has the same meaning as in the Immigration Act 1971.