



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART IV

APPEALS

Human rights

65 Acts made unlawful by section 6(1) of the Human Rights Act 1998

- (1) A person who alleges that an authority has, in taking any decision under the Immigration Acts relating to that person's entitlement to enter or remain in the United Kingdom, acted in breach of his human rights may appeal to an adjudicator against that decision unless he has grounds for bringing an appeal against the decision under the Special Immigration Appeals Commission Act 1997.
- (2) For the purposes of this Part, an authority acts in breach of a person's human rights if he acts, or fails to act, in relation to that other person in a way which is made unlawful by section 6(1) of the Human Rights Act 1998.
- (3) Subsections (4) and (5) apply if, in proceedings before an adjudicator or the Immigration Appeal Tribunal on an appeal, a question arises as to whether an authority has, in taking any decision under the Immigration Acts relating to the appellant's entitlement to enter or remain in the United Kingdom, acted in breach of the appellant's human rights.
- (4) The adjudicator, or the Tribunal, has jurisdiction to consider the question.
- (5) If the adjudicator, or the Tribunal, decides that the authority concerned acted in breach of the appellant's human rights, the appeal may be allowed on that ground.
- (6) No appeal may be brought under this section by any person in respect of a decision if—
 - (a) that decision is already the subject of an appeal brought by him under the Special Immigration Appeals Commission Act 1997; and
 - (b) the appeal under that Act has not been determined.

Status: This is the original version (as it was originally enacted).

(7) “Authority” means—

- (a) the Secretary of State;
- (b) an immigration officer;
- (c) a person responsible for the grant or refusal of entry clearance.