



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART IV

APPEALS

Variation of limited leave to enter or remain

61 Variation of limited leave to enter or remain

A person may appeal against a decision to vary, or to refuse to vary, any limited leave to enter or remain in the United Kingdom which he has if, as a result of that decision, he may be required to leave the United Kingdom within 28 days of being notified of the decision.

62 Limitations on rights of appeal under section 61

- (1) Section 61 does not entitle a person or a person whose dependant he is to appeal against a refusal to vary leave if the refusal is on the ground that—
 - (a) a relevant document which is required by the immigration rules has not been issued;
 - (b) the person does not satisfy a requirement of the immigration rules as to age or nationality or citizenship;
 - (c) the variation would result in the duration of a person's leave exceeding that permitted by the immigration rules; or
 - (d) any fee required by or under any enactment has not been paid.
- (2) The following are relevant documents—
 - (a) entry clearances;
 - (b) passports or other identity documents; and
 - (c) work permits or equivalent documents issued after entry.
- (3) Section 61 does not entitle a person to appeal against a refusal to vary leave if either of the following conditions is satisfied.

Status: This is the original version (as it was originally enacted).

- (4) The conditions are—
- (a) that the Secretary of State has certified that the appellant's departure from the United Kingdom would be conducive to the public good as being in the interests of national security, the relations between the United Kingdom and any other country or for other reasons of a political nature; or
 - (b) that the decision questioned by the appeal was taken on that ground by the Secretary of State (and not by a person acting under his authority).
- (5) A person is not entitled to appeal under section 61 against—
- (a) a variation made by statutory instrument; or
 - (b) a refusal of the Secretary of State to make a statutory instrument.