



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART IV

#### APPEALS

##### *“One-stop procedure”*

#### **74 Duty to disclose grounds for appeal etc**

- (1) This section applies if—
- (a) the decision on an application for leave to enter or remain in the United Kingdom is that the application be refused; and
  - (b) the applicant, while he is in the United Kingdom, is entitled to appeal against the refusal under the Special Immigration Appeals Commission Act 1997 or this Act.
- (2) This section also applies if—
- (a) as a result of a decision to vary, or to refuse to vary, any limited leave to enter or remain in the United Kingdom which a person has, he may be required to leave the United Kingdom within 28 days of being notified of the decision; and
  - (b) that person is entitled to appeal against the decision under the Special Immigration Appeals Commission Act 1997 or this Act.
- (3) This section also applies if—
- (a) the Secretary of State has decided to make a deportation order against a person under section 5(1) of the 1971 Act as a result of his liability to deportation under section 3(5) of that Act; and
  - (b) that person, while he is in the United Kingdom, is entitled to appeal against that decision under the Special Immigration Appeals Commission Act 1997 or this Act.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The decision-maker must serve on the applicant and on any relevant member of his family a notice requiring the recipient of the notice to state any additional grounds which he has or may have for wishing to enter or remain in the United Kingdom.
- (5) “Decision-maker” means the Secretary of State or (as the case may be) an immigration officer.
- (6) The statement must be—
  - (a) in writing; and
  - (b) served on the Secretary of State before the end of such period as may be prescribed.
- (7) A statement required under this section must—
  - (a) if the person making it wishes to claim asylum, include a claim for asylum; and
  - (b) if he claims that an act breached his human rights, include notice of that claim.
- (8) Regulations may prescribe the persons who, in relation to an applicant, are relevant members of his family.
- (9) Regulations may prescribe the procedure to be followed in connection with notices given and statements made in accordance with this section and, in particular, may prescribe the form in which such notices and statements are to be given or made.