



# Immigration Act 2016

## 2016 CHAPTER 19

### PART 4

#### APPEALS

#### **63 Appeals within the United Kingdom: certification of human rights claims**

- (1) Section 94B of the Nationality, Immigration and Asylum Act 2002 (appeals from within the United Kingdom: certification of human rights claims made by persons liable to deportation) is amended in accordance with subsections (2) to (5).
- (2) In the heading omit “made by persons liable to deportation”.
- (3) In subsection (1) omit the words from “who is liable” to the end of paragraph (b).
- (4) In subsection (2) for the words from “removal” to “removed” substitute “refusing P entry to, removing P from or requiring P to leave the United Kingdom”.
- (5) In subsection (3) for the words from “removed” in the first place it appears to “removed” in the second place it appears substitute “refused entry to, removed from or required to leave the United Kingdom”.
- (6) In section 92(3)(a) of that Act (cases where human rights claim appeal must be brought from outside the United Kingdom) omit “made by persons liable to deportation”.

#### **64 Continuation of leave: repeals**

- (1) In the Immigration Act 1971 omit section 3D (continuation of leave following revocation).
- (2) In section 2(2)(a) of the Special Immigration Appeals Commission Act 1997 (jurisdiction: appeals) omit “or 3D”.
- (3) In section 120(4)(b) of the Nationality, Immigration and Asylum Act 2002 (requirement to state additional grounds for application etc) omit “or 3D”.
- (4) In consequence of the repeals made by this section, the following are repealed—

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*Status: This is the original version (as it was originally enacted).*

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- (a) paragraph 14(b)(i) of Schedule 1 to the Immigration, Asylum and Nationality Act 2006, and
  - (b) paragraph 22 of Schedule 9 to the Immigration Act 2014.
- (5) The repeals made by this section do not apply in relation to a person (“P”) where—
  - (a) P’s leave was extended by virtue of section 3D of the Immigration Act 1971 immediately before 6 April 2015, and
  - (b) immediately before the coming into force of this section an appeal by P against the variation or revocation of P’s leave to enter or remain in the United Kingdom was pending within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002.

**65 Deemed refusal of leave to enter: repeals**

- (1) In the Immigration Act 1971 omit paragraph 2A(9) of Schedule 2 (deemed refusal of leave to enter).
- (2) In consequence of the repeal made by this section, paragraph 23 of Schedule 9 to the Immigration Act 2014 is repealed.
- (3) The repeals made by this section do not apply in relation to a person if, immediately before the coming into force of this section, the person’s appeal by virtue of paragraph 2A(9) of Schedule 2 to the Immigration Act 1971 against the cancellation of the person’s leave to enter under paragraph 2A(8) of that Schedule was pending within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002.