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STATUTORY INSTRUMENTS

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**1993 No. 1656**

**IMMIGRATION**

**The Immigration (Restricted Right of Appeal  
against Deportation) (Exemption) Order 1993**

<i>Made</i>	- - - -	<i>2nd July 1993</i>
<i>Laid before Parliament</i>		<i>5th July 1993</i>
<i>Coming into force</i>	- -	<i>26th July 1993</i>

In exercise of the powers conferred upon me by section 5(2) of the Immigration Act 1988<sup>(1)</sup>, I hereby make the following Order:

1. (1) This Order may be cited as the Immigration (Restricted Right of Appeal against Deportation) (Exemption) Order 1993 and shall come into force on 26th July 1993.

(2) The Immigration (Restricted Right of Appeal against Deportation) (Exemption) (No. 2) Order 1988<sup>(2)</sup> is hereby revoked.

2. The following persons shall be exempt from section 5(1) of the Immigration Act 1988—

- (a) any person who would have been last given leave to enter the United Kingdom seven years or more before the date of the decision to make a deportation order against him but for his having obtained a subsequent leave after any absence from the United Kingdom within the period limited for the duration of the earlier leave;
- (b) any person whose limited leave to enter or remain in the United Kingdom has been curtailed by the Secretary of State under section 7(1) of the Asylum and Immigration Appeals Act 1993<sup>(3)</sup>.

Home Office  
2nd July 1993.

*Michael Howard*  
One of Her Majesty's Principal Secretaries of  
State

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(1) 1988 c. 14.  
(2) S.I.1988/1203.  
(3) 1993 c. 23.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 5(1) of the Immigration Act 1988 provides that a person who was last given leave to enter the United Kingdom less than seven years before the date of the decision to make a deportation order against him by virtue of section 3(5)(a) of the Immigration Act 1971 (breach of limited leave) or by virtue of section 3(5)(c) of that Act (as belonging to the family of a person who is or has been ordered to be deported by virtue of section 3(5)(a)), shall not be entitled to appeal under section 15 of the 1971 Act except on the ground that on the facts of his case there is in law no power to make the deportation order for the reasons stated in the notice of the decision.

However, the restriction on the right of appeal does not apply to a person who is exempt by virtue of an order made under section 5(2). This Order provides that a person is exempt if he would have last been given leave to enter seven years or more before the date of the decision to deport but for his having obtained a subsequent leave after an absence from the United Kingdom within the period limited for the duration of the earlier leave. The Order also provides that a person is exempt if his limited leave has been curtailed by the Secretary of State under section 7 of the Asylum and Immigration Appeals Act 1993.