

2006 No. 2168

IMMIGRATION

The Immigration (Notices) (Amendment) Regulations 2006

| | |
|-------------------------------|-------------------------|
| <i>Made</i> - - - - | <i>3rd August 2006</i> |
| <i>Laid before Parliament</i> | <i>10th August 2006</i> |
| <i>Coming into force</i> - - | <i>31st August 2006</i> |

The Secretary of State, in the exercise of the powers conferred on him by sections 105 and 112(1) to (3) of the Nationality, Immigration and Asylum Act 2002(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Immigration (Notices) (Amendment) Regulations 2006 and shall come into force on the 31st August 2006.

Amendment of the Immigration (Notices) Regulations 2003

2. The Immigration (Notices) Regulations 2003(b) are amended as follows.

3. After regulation 4(2) (Notice of decisions) insert—

“(2A) The decision-maker must give written notice to a person of a decision that they are no longer a refugee if as a result of that decision a right of appeal arises under section 83A(2) of the 2002 Act(c).”.

4. In regulation 5 of the Immigration (Notices) Regulations 2003 (Contents of notice), for paragraph (1) substitute the following—

“(1) A notice given under regulation 4(1)—

- (a) is to include or be accompanied by a statement of the reasons for the decision to which it relates; and
- (b) if it relates to an immigration decision specified in section 82(2)(a), (g), (h), (i), (ia)(d) or (j) of the 2002 Act—
 - (i) shall state the country or territory to which it is proposed to remove the person; or
 - (i) may, if it appears to the decision-maker that the person to whom the notice is to be given may be removable to more than one country or territory, state any such countries or territories.”.

(a) 2002 c.41.

(b) S.I. 2003/658.

(c) Section 83A(2) was inserted by section 1 of the Immigration, Asylum and Nationality Act 2006 (c.13).

(d) Inserted by section 31 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration (Notices) Regulations 2003 ('The 2003 Regulations').

The 2003 Regulations govern the circumstances in which a person or his representative must be notified of an appealable decision under Part 5 of the Nationality, Immigration and Asylum Act 2002 ('The 2002 Act') or under the Immigration (European Economic Area) Regulations 2006 (SI 2006/1003). They also govern the information that the notice of decision must contain.

Regulation 4 of the 2003 Regulations specifies the circumstances in which a written notice of decision must be provided. These regulations amend regulation 4 so that a notice of decision must be given where a right of appeal arises under section 83A(2) of the 2002 Act.

Regulation 5(1)(b) of the 2003 Regulations provides that where the notice relates to an immigration decision specified in section 82(2)(a), (g), (h), (i), or (j) of the 2002 Act it must state the country or territory to which it is proposed to remove the affected party. These Regulations amend regulation 5(1)(b) so that it includes reference to an immigration decision as defined in section 82(2)(ia) of the 2002 Act. The Regulations also amend regulation 5(1)(b) so that where the decision-maker feels that the affected party may be removable to more than one country or territory any such countries or territories may be specified in the notice of decision.

£3.00

© Crown copyright 2006

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1095 8/2006 161095T 19585