

2008 No. 684

IMMIGRATION

The Immigration (Notices) (Amendment) Regulations 2008

<i>Made</i>	- - - -	<i>10th March 2008</i>
<i>Laid before Parliament</i>		<i>11th March 2008</i>
<i>Coming into force</i>	- -	<i>1st April 2008</i>

The Secretary of State, in the exercise of the powers conferred by sections 105 and 112(2) 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 2008 and shall come into force on 1st April 2008.

Amendment of the Immigration (Notices) Regulations 2003

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

(1) In regulation 5(1)(b), after “(h),” insert “(ha),”.

(2) In regulation 5(6), after “88(4)” insert “88A(3),” and for “89(3)” substitute “89(2)”.

(3) In regulation 7(1) —

(a) in sub-paragraph (c), omit “.” and insert “;”;

(b) at the end of sub-paragraph (c) insert —

“(c) sent electronically;

(d) sent by document exchange to a document exchange number or address;

(e) sent by courier; or

(f) collected by the person who is the subject of the decision or their representative.”

Home Office
10th March 2008

Liam Byrne
Minister of State

(a) 2002 c. 41. Section 112(2) was amended by section 26(2) of, and paragraph 24(2) of Schedule 2 to, the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19).
(b) S.I. 2003/658, as amended by S.I. 2006/1003, S.I. 2006/2168 and S.I. 2007/3187.

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 (S.I. 2006/1003). They also govern the information that the notice of decision must contain.

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), (ia) 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)(ha) of the 2002 Act (as inserted by section 47(6) of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”) (regulation 2(1)).

Regulation 5(6) of the 2003 Regulations provides that where a right of appeal may only be exercised on the grounds referred to in section 88(4), 89(3), 90(4), 91(2), 98(4) or (5) of the 2002 Act, a notice given under the 2003 Regulations need not comply with the notification of appeal rights required by Regulation 5(3) to (5) of those Regulations. These Regulations amend regulation 5(6) to include reference to a right of appeal exercised on the grounds referred to in section 88A of the 2002 Act (as substituted by section 4(1) of the 2006 Act) (regulation 2(2)).

These Regulations also amend regulation 7(1) of the 2003 Regulation to provide that notices under the 2003 Regulations may be served electronically, by document exchange, by courier or can be collected (regulation 2(3)).

The Regulations also make a consequential amendment to Regulation 5(6) to update the reference to section 89 of the 2002 Act (which was amended by section 6 of the 2006 Act) (regulation 2(2)).

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