

Status:  Law In Force

## Nationality, Immigration and Asylum Act 2002 c. 41

### Part 5 Appeals in respect of Protection and Human Rights Claims

#### Appeal to Tribunal

This version in force from: **October 20, 2014 to present**

(version 8 of 8)

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#### **82 Right of appeal to the Tribunal**

- (1) A person ("P") may appeal to the Tribunal where—
- (a) the Secretary of State has decided to refuse a protection claim made by P,
  - (b) the Secretary of State has decided to refuse a human rights claim made by P, or
  - (c) the Secretary of State has decided to revoke P's protection status.
- (2) For the purposes of this Part—
- (a) a "*protection claim*" is a claim made by a person ("P") that removal of P from the United Kingdom—
    - (i) would breach the United Kingdom's obligations under the Refugee Convention, or
    - (ii) would breach the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection;
  - (b) P's protection claim is refused if the Secretary of State makes one or more of the following decisions—
    - (i) that removal of P from the United Kingdom would not breach the United Kingdom's obligations under the Refugee Convention;
    - (ii) that removal of P from the United Kingdom would not breach the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection;
  - (c) a person has "protection status" if the person has been granted leave to enter or remain in the United Kingdom as a refugee or as a person eligible for a grant of humanitarian protection;
  - (d) "*humanitarian protection*" is to be construed in accordance with the immigration rules;

(e) “refugee” has the same meaning as in the Refugee Convention.

(3) The right of appeal under subsection (1) is subject to the exceptions and limitations specified in this Part.

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1

## Notes

1. Substituted by Immigration Act 2014 c. 22 [Pt 2 s.15\(2\)](#) (October 20, 2014 subject to savings and transitional provisions as specified in SI 2014/2771 arts 9-11)

## Modifications

Pt 5	Modified in relation to the Isle of Man by <a href="#">Immigration (Isle of Man) Order 2008/680, Sch. 7 para. 7, art. 16, Sch. 2 para. 5</a>
Pt 5 s. 82	Modified in relation to 2002 c.41 as it has effect in the Isle of Man by <a href="#">Immigration (Isle of Man) Order 2008/680, art. 5</a>
	Modified in relation to the Isle of Man by <a href="#">Immigration (Isle of Man) Order 2008/680, art. 16(2)(c)(i), art. 17, Sch. 2 para. 5, Sch. 10(5) para. 1</a>
Pt 5 s. 82(2)	Modified in relation to the Isle of Man by <a href="#">Immigration (Isle of Man) Order 2008/680, Sch. 7 para. 9, art. 16, Sch. 2 para. 5</a>
Pt 5 s. 82(3A)	Modified in relation to the Isle of Man by <a href="#">Immigration (Isle of Man) Order 2008/680, Sch. 7 para. 9, art. 16, Sch. 2 para. 5</a>
Pt 5 s. 82(3)	Modified in relation to the Isle of Man by <a href="#">Immigration (Isle of Man) Order 2008/680, Sch. 7 para. 9, art. 16, Sch. 2 para. 5</a>

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