



Equality Act 2010

2010 CHAPTER 15

PART 9

ENFORCEMENT

CHAPTER 2

CIVIL COURTS

115 Immigration cases

- (1) A claim is within this section if it relates to the act of an immigration authority in taking a relevant decision and—
 - (a) the question whether the act is a contravention of Part 3 has been or could be raised on an appeal which is pending, or could be brought, under the immigration provisions, or
 - (b) it has been decided on an appeal under those provisions that the act is not a contravention of Part 3.
- (2) The relevant decision is not—
 - (a) subject to challenge in proceedings on a claim within section 114(1)(a), or
 - (b) affected by the decision of a court in such proceedings.
- (3) For the purposes of subsection (1)(a) a power to grant permission to appeal out of time must be ignored.
- (4) Each of the following is an immigration authority—
 - (a) the Secretary of State;
 - (b) an immigration officer;
 - (c) a person responsible for the grant or refusal of entry clearance (within the meaning of section 33(1) of the [Immigration Act 1971](#)).
- (5) The immigration provisions are—

Status: This is the original version (as it was originally enacted).

- (a) the [Special Immigration Appeals Commission Act 1997](#), or
 - (b) Part 5 of the [Nationality, Immigration and Asylum Act 2002](#).
- (6) A relevant decision is—
- (a) a decision under the Immigration Acts relating to the entitlement of a person to enter or remain in the United Kingdom;
 - (b) a decision on an appeal under the immigration provisions relating to a decision within paragraph (a).
- (7) An appeal is pending if it is pending for the purposes of section 104 of the [Nationality, Immigration and Asylum Act 2002](#) or (as the case may be) for the purposes of that section as it is applied by section 2(2)(j) of the [Special Immigration Appeals Commission Act 1997](#).