



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Time for extradition

40 Certificate in respect of asylum claimant

- (1) Section 39(3) does not apply in relation to a person if the Secretary of State has certified that the conditions in subsection (2) or the conditions in subsection (3) are satisfied in relation to him.
- (2) The conditions are that—
 - (a) the category 1 territory to which the person's extradition has been ordered has accepted that, under standing arrangements, it is the responsible State in relation to the person's asylum claim;
 - (b) in the opinion of the Secretary of State, the person is not a national or citizen of the territory.
- (3) The conditions are that, in the opinion of the Secretary of State—
 - (a) the person is not a national or citizen of the category 1 territory to which his extradition has been ordered;
 - (b) the person's life and liberty would not be threatened in that territory by reason of his race, religion, nationality, political opinion or membership of a particular social group;
 - (c) the government of the territory would not send the person to another country otherwise than in accordance with the Refugee Convention.
- (4) In this section—

“the Refugee Convention” has the meaning given by section 167(1) of the Immigration and Asylum Act 1999 (c. 33);

Status: This is the original version (as it was originally enacted).

“standing arrangements” means arrangements in force between the United Kingdom and the category 1 territory for determining which State is responsible for considering applications for asylum.