

Changes to legislation: Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Paragraph 3 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

REMOVAL OF ASYLUM SEEKER TO SAFE COUNTRY

PART 2

FIRST LIST OF SAFE COUNTRIES (REFUGEE CONVENTION AND HUMAN RIGHTS (1))

- 3 (1) This paragraph applies for the purposes of the determination by any person, tribunal or court whether a person who has made an asylum claim or a human rights claim [^{F1}(the “claimant”)] may be removed—
- (a) from the United Kingdom, and
 - (b) to a State of which he is not a national or citizen.
- [^{F2}(1A) Unless the contrary is shown by the claimant to be the case in their particular circumstances, a State to which this Part applies is to be treated, in so far as relevant to the question mentioned in sub-paragraph (1), as a place—
- (a) to which a person can be removed without their Convention rights under Article 3 (no torture or inhuman or degrading treatment or punishment) being contravened, and
 - (b) from which a person will not be sent to another State in contravention of their Convention rights.]
- (2) A State to which this Part applies shall be treated, in so far as relevant to the question mentioned in sub-paragraph (1), as a place—
- (a) where a person’s life and liberty are not threatened by reason of his race, religion, nationality, membership of a particular social group or political opinion,
 - ^{F3}(b) and
 - (c) from which a person will not be sent to another State otherwise than in accordance with the Refugee Convention.

Textual Amendments

- F1** Words in Sch. 3 para. 3(1) inserted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), s. 87(5) (b), Sch. 4 para. 5(2)
- F2** Sch. 3 para. 3(1A) inserted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 5(3)
- F3** Sch. 3 para. 3(2)(b) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5) (b), Sch. 4 para. 5(4)

Commencement Information

- I1** Sch. 3 para. 3 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8(1A)(1B) inserted by [2022 c. 36 s. 19\(2\)](#)
- s. 8(3A)(3B) inserted by [2022 c. 36 s. 19\(3\)](#)
- s. 8(6A)(6B) inserted by [2022 c. 36 s. 19\(4\)](#)
- s. 8(9A)(a) word inserted by [2022 c. 36 Sch. 3 para. 7\(b\)](#)
- s. 8(9A)(b) and word inserted by [2022 c. 36 Sch. 3 para. 7\(c\)](#)
- s. 8(9B) inserted by [2022 c. 36 s. 19\(6\)](#)
- Sch. 3 para. 3(3) inserted by [2023 c. 37 s. 10\(9\)\(a\)](#)
- Sch. 3 para. 8(3) inserted by [2023 c. 37 s. 10\(9\)\(b\)](#)
- Sch. 3 para. 13(3) inserted by [2023 c. 37 s. 10\(9\)\(c\)](#)