

Changes to legislation: Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Paragraph 5 is up to date with all changes known to be in force on or before 19 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))

- 5 (1) This paragraph applies where the Secretary of State certifies that—
- (a) it is proposed to remove a person to a State to which this Part applies, and
 - (b) in the Secretary of State’s opinion the person is not a national or citizen of the State.

^{F1}(2)

- (3) The person may not bring an immigration appeal ^{F2}... in reliance on—
- (a) an asylum claim which asserts that to remove the person to a specified State to which this Part applies would breach the United Kingdom’s obligations under the Refugee Convention, ^{F3}...

^{F3}(b)

- (4) The person may not bring an immigration appeal ^{F4}... in reliance on a human rights claim ^{F5}... if the Secretary of State certifies that the claim is clearly unfounded; and the Secretary of State shall certify a human rights claim ^{F5}... unless satisfied that the claim is not clearly unfounded.

^{F6}(5)

Textual Amendments

- F1** Sch. 3 para. 5(2) omitted (20.10.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 56\(3\)\(a\)](#); [S.I. 2014/2771](#), art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))
- F2** Words in Sch. 3 para. 5(3) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 11](#)
- F3** Sch. 3 para. 5(3)(b) and word omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 6\(a\)](#) (with Sch. 4 para. 19(1))
- F4** Words in Sch. 3 para. 5(4) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 11](#) (with Sch. 4 para. 19(2)(a))
- F5** Words in Sch. 3 para. 5(4) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 6\(b\)](#) (with Sch. 4 para. 19(1))
- F6** Sch. 3 para. 5(5) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 6\(c\)](#) (with Sch. 4 para. 19(1))

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Commencement Information

II Sch. 3 para. 5 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\(9\)\(c\)](#)