
Changes to legislation: Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Part 4 is up to date with all changes known to be in force on or before 22 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 4

THIRD LIST OF SAFE COUNTRIES (REFUGEE CONVENTION ONLY)

- 12 (1) This Part applies to such States as the Secretary of State may by order specify.
- (2) An order under this paragraph—
- (a) shall be made by statutory instrument, and
 - (b) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.

Commencement Information

I1 Sch. 3 para. 12 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

- 13 (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 may be removed—
- (a) from the United Kingdom, and
 - (b) to a State of which he is not a national or citizen.
- (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, and
 - (b) from which a person will not be sent to another State otherwise than in accordance with the Refugee Convention.

Commencement Information

I2 Sch. 3 para. 13 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

^{F1}14

Textual Amendments

F1 Sch. 3 para. 14 omitted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), s. 87(1), Sch. 4 para. 4; S.I. 2022/590, reg. 1(2), 2, Sch. 1 para. 17 (with Sch. 2 para. 4(4))

- 15 (1) This paragraph applies where the Secretary of State certifies that—

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- (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.

^{F2}(2)

- (3) The person may not bring an immigration appeal ^{F3}... in reliance on 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.
- (4) The person may not bring an immigration appeal ^{F4}... in reliance on a human rights claim if the Secretary of State certifies that the claim is clearly unfounded.

Textual Amendments

- F2** Sch. 3 para. 15(2) omitted (20.10.2014) by virtue of Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 56(5)(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))
- F3** Words in Sch. 3 para. 15(3) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 15
- F4** Words in Sch. 3 para. 15(4) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 15 (with Sch. 4 para. 19(2)(c))

Commencement Information

- I3** Sch. 3 para. 15 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

^{F5}16

Textual Amendments

- F5** Sch. 3 para. 16 omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 16

Changes to legislation:

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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\(9\)\(c\)](#)