

2005 No. 1016

IMMIGRATION

The Asylum (Designated States) (Amendment) Order 2005

Made - - - - 31st March 2005

Laid before Parliament 1st April 2005

Coming into force - - 22nd April 2005

The Secretary of State, in exercise of the powers conferred upon him by section 94(6) of the Nationality, Immigration and Asylum Act 2002(a), hereby makes the following Order:

1. This Order may be cited as the Asylum (Designated States) (Amendment) Order 2005 and shall come into force on 22 April 2005.

2. The list of States in section 94(4) of the Nationality, Immigration and Asylum Act 2002(b) is amended by omitting “(r) Bangladesh,”.

Home Office
31st March 2005

Caroline Flint
Parliamentary Under Secretary of State

(a) 2002 c.41; section 94(6) was substituted by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19), section 27(6).

(b) Bangladesh was added by order (the Asylum (Designated States) (No.2) Order 2003 (S.I. 2003/1919)) made under the Nationality, Immigration and Asylum Act 2002 (c.41), section 94(5).

EXPLANATORY NOTE

(This note is not part of the Order)

Section 94 (Appeal from within United Kingdom: unfounded human rights or asylum claim) of the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act) concerns appeal rights for unfounded human rights or asylum claims.

Under section 94(2) of the 2002 Act, a person may not bring an appeal under section 82(1) of the 2002 Act while in the United Kingdom where he has made an asylum or human rights claim (or both) if the Secretary of State certifies that the claim or claims is or are clearly unfounded. The Secretary of State shall issue a certificate under section 94(2) of the 2002 Act if he is satisfied that the asylum claimant or human rights claimant is entitled to reside in a State listed in section 94(4) of the 2002 Act unless he is satisfied that the claim is not clearly unfounded.

This Order removes Bangladesh from the list of States in section 94(4) of the 2002 Act.

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