
EXPLANATORY NOTE

(This note is not part of the Order)

This Order adds the Republic of Kosovo and the Republic of South Korea to the list in section 94(4) of the Nationality, Immigration and Asylum Act 2002. Section 94 of the Nationality Immigration and Asylum Act 2002 concerns appeal rights for unfounded human rights and asylum claims.

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

Section 94(5) allows the Secretary of State to add a State, or part of a State, to the list in section 94(4) if he is satisfied that: (a) there is in general in that State or part no serious risk of persecution of persons entitled to reside in that State or part, and (b) removal to that State or part of persons entitled to reside there will not in general contravene the United Kingdom's obligations under the Human Rights Convention.