

*Draft Order laid before Parliament under section 112(4)(b) of the Nationality, Immigration and Asylum Act 2002 for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2003 No.**

**IMMIGRATION**

**Asylum (Designated States) Order 2003**

*Made - - - -*

*Coming into force in accordance with article 2*

Whereas a draft of this Order has been laid before and approved by resolution of each House of Parliament;

And whereas the Secretary of State is satisfied that there is in general in the States listed in articles 3 and 4 no serious risk of persecution of persons entitled to reside in those States and that removal to those States of persons entitled to reside there will not in general contravene the United Kingdom's obligations under the Human Rights Convention;

Now, therefore, in exercise of the powers conferred on him by sections 94(5) and 115(8) of the Nationality, Immigration and Asylum Act 2002(1), the Secretary of State hereby makes the following Order:

**Citation and interpretation**

- 1.—(1) This Order may be cited as the Asylum (Designated States) Order 2003.
- (2) In this Order, “the 2002 Act” means the Nationality, Immigration and Asylum Act 2002.

**Commencement**

2.—(1) This Order, except article 3, shall come into force on the day after the day on which this Order is made.

(2) Article 3 shall come into force on the day on which section 94(4) of the 2002 Act comes into force.

**Designated States**

3. The States listed below shall be added to the list of States in section 94(4) of the 2002 Act:
  - “(k) the Republic of Albania,

- (l) Bulgaria,
- (m) Serbia and Montenegro,
- (n) Jamaica,
- (o) Macedonia,
- (p) the Republic of Moldova, and
- (q) Romania.”.

**4.** The States listed below shall be added to the list of States in section 115(7) of the 2002 Act:

- “(k) the Republic of Albania,
- (l) Bulgaria,
  - (m) Serbia and Montenegro,
  - (n) Jamaica,
  - (o) Macedonia,
  - (p) the Republic of Moldova, and
  - (q) Romania.”.

Home Office  
2003

Minister of State

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 94 (Appeal from within United Kingdom: unfounded human rights or asylum claim) and section 115 (Appeal from within United Kingdom: unfounded human rights or asylum claim: transitional provision) of the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”) concern appeal rights for unfounded human rights or asylum claims.

Under section 94(1) of the 2002 Act, a person may not bring an appeal under section 82(1) of the 2002 Act where he has made an asylum claim or a human rights claim (or both) while in the United Kingdom 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.

Under section 115(1) of the 2002 Act, a person may not bring a human rights or asylum appeal under section 65 or 69 of the Immigration and Asylum Act 1999 while in the United Kingdom if the Secretary of State certifies that the appeal relates to a human rights or asylum claim that is clearly unfounded and the person does not have another right of appeal while in the United Kingdom under Part IV of the Immigration and Asylum Act 1999. The Secretary of State shall issue a certificate under section 115(1) of the 2002 Act if he is satisfied that the person making the claim is entitled to reside in a State listed in section 115(7) of the 2002 Act unless he is satisfied that the claim is not clearly unfounded.

This Order adds the Republic of Albania, Serbia and Montenegro, Jamaica, Macedonia, the Republic of Moldova and Romania to the list of States in sections 94(4) and 115(7) of the 2002 Act.