



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART I

IMMIGRATION: GENERAL

Removal from the United Kingdom

12 Removal of asylum claimants in other circumstances

- (1) Subsection (2) applies if the Secretary of State intends to remove a person who has made a claim for asylum (“the claimant”) from the United Kingdom to—
 - (a) a member State, or a territory which forms part of a member State, otherwise than under standing arrangements; or
 - (b) a country other than a member State which is designated by order made by the Secretary of State for the purposes of this section.
- (2) Nothing in section 15 prevents the claimant’s removal if—
 - (a) the Secretary of State has certified that, in his opinion, the conditions set out in subsection (7) are fulfilled;
 - (b) the certificate has not been set aside on an appeal under section 65.
- (3) Unless a certificate has been issued under section 72(2)(a) in relation to a person, he is not to be removed from the United Kingdom—
 - (a) if he has an appeal under section 65 against the decision to remove him in accordance with subsection (2) pending; or
 - (b) before the time for giving notice of such an appeal has expired.
- (4) Subsection (5) applies if the Secretary of State intends to remove a person who has made a claim for asylum (“the claimant”) from the United Kingdom to a country which is not—
 - (a) a member State; or
 - (b) a country designated under subsection (1)(b).
- (5) Nothing in section 15 prevents the claimant’s removal if—

Status: This is the original version (as it was originally enacted).

- (a) the Secretary of State has certified that, in his opinion, the conditions set out in subsection (7) are fulfilled;
 - (b) the certificate has not been set aside on an appeal under section 65 or 71; and
 - (c) the time for giving notice of such an appeal has expired and no such appeal is pending.
- (6) For the purposes of subsection (5)(c), an appeal under section 65 is not to be regarded as pending if the Secretary of State has issued a certificate under section 72(2)(a) in relation to the allegation on which it is founded.
- (7) The conditions are that—
- (a) he is not a national or citizen of the country to which he is to be sent;
 - (b) his life and liberty would not be threatened there by reason of his race, religion, nationality, membership of a particular social group, or political opinion; and
 - (c) the government of that country would not send him to another country otherwise than in accordance with the Refugee Convention.
- (8) “Standing arrangements” has the same meaning as in section 11.