

ANTI-TERRORISM, CRIME AND SECURITY ACT 2001

EXPLANATORY NOTES

OVERVIEW

Immigration and asylum

12. **Part 4**, sections 21 to 32 (“Suspected international terrorists”) allow the detention of those the Secretary of State has certified as threats to national security and who are suspected of being international terrorists where their removal is not possible at the present time. Such detention would be subject to regular independent review by the Special Immigration Appeals Commission (SIAC). These provisions change the current law, which allows detention with a view to removal only where removal is a realistic option within a reasonable period of time. The detention powers will cease to have effect on 10 November 2006.
13. It is also intended to speed up the asylum process for suspected terrorists. The Act excludes substantive consideration of asylum claims where the Secretary of State certifies that their removal would be conducive to the public good. This would not be in breach of the 1951 Refugee Convention because they are excluded from the protection of that Convention.
14. It also prevents judicial review of decisions of the SIAC, which is the body that deals with suspected terrorists' appeals against immigration decisions: it has three members hearing an appeal, one of whom holds or has held high judicial office and another of whom is or has been an immigration judge. The Act makes SIAC a superior court of record. There remains an avenue of appeal from SIAC to the Court of Appeal on a point of law.
15. The Act allows for the retention, for 10 years, of fingerprints taken in asylum and certain immigration cases. This helps prevent applicants who have had their case resolved from re-applying and creating multiple identities, which can be used in the perpetration of terrorism or other serious crimes.