



Nationality, Immigration and Asylum Act 2002

2002 CHAPTER 41

PART 5

IMMIGRATION AND ASYLUM APPEALS

General

115 Appeal from within United Kingdom: unfounded human rights or asylum claim: transitional provision

- (1) A person may not bring an appeal under section 65 or 69 of the Immigration and Asylum Act 1999 (human rights and asylum) while in the United Kingdom if—
 - (a) the Secretary of State certifies that the appeal relates to a human rights claim or an asylum claim which is clearly unfounded, and
 - (b) the person does not have another right of appeal while in the United Kingdom under Part IV of that Act.
- (2) A person while in the United Kingdom may not bring an appeal under section 69 of that Act, or raise a question which relates to the Human Rights Convention under section 77 of that Act, if the Secretary of State certifies that—
 - (a) it is proposed to remove the person to a country of which he is not a national or citizen, and
 - (b) there is no reason to believe that the person's rights under the Human Rights Convention will be breached in that country.
- (3) A person while in the United Kingdom may not bring an appeal under section 65 of that Act (human rights) if the Secretary of State certifies that—
 - (a) it is proposed to remove the person to a country of which he is not a national or citizen, and
 - (b) there is no reason to believe that the person's rights under the Human Rights Convention will be breached in that country.

Status: This is the original version (as it was originally enacted).

- (4) In determining whether a person in relation to whom a certificate has been issued under subsection (2) or (3) may be removed from the United Kingdom, the country specified in the certificate is to be regarded as—
- (a) a place where a person's life and liberty is not threatened by reason of his race, religion, nationality, membership of a particular social group, or political opinion, and
 - (b) a place from which a person will not be sent to another country otherwise than in accordance with the Refugee Convention.
- (5) Where a person in relation to whom a certificate is issued under this section subsequently brings an appeal or raises a question under section 65, 69 or 77 of that Act while outside the United Kingdom, the appeal or question shall be considered as if he had not been removed from the United Kingdom.
- (6) If the Secretary of State is satisfied that a person who makes a human rights claim or an asylum claim is entitled to reside in a State listed in subsection (7), he shall issue a certificate under subsection (1) unless satisfied that the claim is not clearly unfounded.
- (7) Those States are—
- (a) the Republic of Cyprus,
 - (b) the Czech Republic,
 - (c) the Republic of Estonia,
 - (d) the Republic of Hungary,
 - (e) the Republic of Latvia,
 - (f) the Republic of Lithuania,
 - (g) the Republic of Malta,
 - (h) the Republic of Poland,
 - (i) the Slovak Republic, and
 - (j) the Republic of Slovenia.
- (8) The Secretary of State may by order add a State, or part of a State, to the list in subsection (7) if 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.
- (9) The Secretary of State may by order remove from the list in subsection (7) a State or part added under subsection (8).
- (10) In this section “asylum claim” and “human rights claim” have the meanings given by section 113 but—
- (a) a reference to a claim in that section shall be treated as including a reference to an allegation, and
 - (b) a reference in that section to making a claim at a place designated by the Secretary of State shall be ignored.