



Nationality, Immigration and Asylum Act 2002

2002 CHAPTER 41

PART 5

IMMIGRATION AND ASYLUM APPEALS

Exceptions and limitations

94 Appeal from within United Kingdom: unfounded human rights or asylum claim

- (1) This section applies to an appeal under section 82(1) where the appellant has made an asylum claim or a human rights claim (or both).
- (2) A person may not bring an appeal to which this section applies in reliance on section 92(4) if the Secretary of State certifies that the claim or claims mentioned in subsection (1) is or are clearly unfounded.
- (3) If the Secretary of State is satisfied that an asylum claimant or human rights claimant is entitled to reside in a State listed in subsection (4) he shall certify the claim under subsection (2) unless satisfied that it is not clearly unfounded.
- (4) 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

Status: This is the original version (as it was originally enacted).

- (j) the Republic of Slovenia.
- (5) The Secretary of State may by order add a State, or part of a State, to the list in subsection (4) 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.
- (6) The Secretary of State may by order remove from the list in subsection (4) a State or part added under subsection (5).
- (7) A person may not bring an appeal to which this section applies in reliance on section 92(4) 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.
- (8) In determining whether a person in relation to whom a certificate has been issued under subsection (7) 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.
- (9) Where a person in relation to whom a certificate is issued under this section subsequently brings an appeal under section 82(1) while outside the United Kingdom, the appeal shall be considered as if he had not been removed from the United Kingdom.