

*Status: This version of this provision is prospective.*

*Changes to legislation: Immigration, Asylum and Nationality Act 2006, Section 12 is up to date with all changes known to be in force on or before 18 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



# Immigration, Asylum and Nationality Act 2006

## 2006 CHAPTER 13

### *Appeals*

PROSPECTIVE

#### **12 Asylum and human rights claims: definition**

(1) Section 113(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41) (appeals: interpretation) shall be amended as follows.

(2) For the definition of “asylum claim” substitute—

“asylum claim—

- (a) means a claim made by a person that to remove him from or require him to leave the United Kingdom would breach the United Kingdom's obligations under the Refugee Convention, but
- (b) does not include a claim which, having regard to a former claim, falls to be disregarded for the purposes of this Part in accordance with immigration rules,”.

(3) For the definition of “human rights claim” substitute—

“human rights claim—

- (a) means a claim made by a person that to remove him from or require him to leave the United Kingdom<sup>F1</sup> or to refuse him entry into the United Kingdom] would be unlawful under section 6 of the Human Rights Act 1998 (c. 42) (public authority not to act contrary to Convention)<sup>F2</sup> ..., but
- (b) does not include a claim which, having regard to a former claim, falls to be disregarded for the purposes of this Part in accordance with immigration rules,”.

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### Textual Amendments

- F1** Words in s. 12(3) inserted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 57\(2\)\(a\)](#); [S.I. 2014/2771](#), art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))
- F2** Words in s. 12(3) omitted (20.10.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 57\(2\)\(b\)](#); [S.I. 2014/2771](#), art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 32(5)(d) and word inserted by [2006 c. 48 s. 14\(3\)](#)
- s. 33(5)(d) and word inserted by [2006 c. 48 s. 14\(3\)](#)
- s. 38(5A) inserted by [2006 c. 48 s. 14\(5\)](#)