



# Immigration, Asylum and Nationality Act 2006

## 2006 CHAPTER 13

### *Miscellaneous*

#### **55 Refugee Convention: certification**

- (1) This section applies to an asylum appeal where the Secretary of State issues a certificate that the appellant is not entitled to the protection of Article 33(1) of the Refugee Convention because—
  - (a) Article 1(F) applies to him (whether or not he would otherwise be entitled to protection), or
  - (b) Article 33(2) applies to him on grounds of national security (whether or not he would otherwise be entitled to protection).
- (2) In this section—
  - (a) “asylum appeal” means an appeal—
    - (i) which is brought under section 82<sup>F1</sup>... of the Nationality, Immigration and Asylum Act 2002 (c. 41) or section 2 of the Special Immigration Appeals Commission Act 1997 (c. 68), and
    - <sup>F2</sup>(ii) which is brought on the ground mentioned in section 84(1)(a) or (3) (a) of that Act (breach of United Kingdom's obligations under the Refugee Convention);]
  - (b) “the Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951.
- (3) The [<sup>F3</sup>First-tier Tribunal] or the Special Immigration Appeals Commission must begin substantive deliberations on the asylum appeal by considering the statements in the Secretary of State's certificate.
- (4) If the Tribunal or Commission agrees with those statements it must dismiss such part of the asylum appeal as amounts to an asylum claim (before considering any other aspect of the case).

**Changes to legislation:** Immigration, Asylum and Nationality Act 2006, Section 55 is up to date with all changes known to be in force on or before 31 May 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

(5) Section 72(10)(a) of the Nationality, Immigration and Asylum Act 2002 (serious criminal: Tribunal or Commission to begin by considering certificate) shall have effect subject to subsection (3) above.

[<sup>F4</sup>(5A) Subsections (3) and (4) also apply in relation to the Upper Tribunal when it acts under section 12(2)(b)(ii) of the Tribunals, Courts and Enforcement Act 2007.]

(6) Section 33 of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (certificate of non-application of Refugee Convention) shall cease to have effect.

#### Textual Amendments

- F1** Words in s. 55(2)(a)(i) omitted (20.10.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 57\(4\)\(a\)](#); [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** [S. 55\(2\)\(a\)\(ii\)](#) substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 57\(4\)\(b\)](#); [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))
- F3** Words in s. 55(3) substituted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, [Sch. 1 para. 35\(a\)](#) (with Sch. 4)
- F4** [S. 55\(5A\)](#) inserted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, [Sch. 1 para. 35\(b\)](#) (with Sch. 4)

#### Commencement Information

- I1** [S. 55](#) in force at 31.8.2006 by [S.I. 2006/2226](#), art. 3, [Sch. 1](#) (with art. 4(8))

**Changes to legislation:**

Immigration, Asylum and Nationality Act 2006, Section 55 is up to date with all changes known to be in force on or before 31 May 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.

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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\(5\)](#)