



# 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, 83 or 101 of the Nationality, Immigration and Asylum Act 2002 (c. 41) or section 2 of the Special Immigration Appeals Commission Act 1997 (c. 68), and
    - (ii) in which the appellant claims that to remove him from or require him to leave the United Kingdom would be contrary to the United Kingdom’s obligations under the Refugee Convention, and
  - (b) “the Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951.
- (3) The Asylum and Immigration 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).

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*Status: This is the original version (as it was originally enacted).*

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- (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.
- (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.