

## SCHEDULE

### Immigration and Asylum Act 1999

**11.** Section 12 of the Immigration and Asylum Act 1999<sup>(1)</sup> (removal of asylum claimant other than under standing arrangements with member States) shall be amended as follows—

- (a) in subsection (2)—
  - (i) for “section 15” there shall be substituted “section 77 of the Nationality, Immigration and Asylum Act 2002”, and
  - (ii) paragraph (b) shall be omitted,
- (b) subsection (3) shall be omitted,
- (c) in subsection (5)—
  - (i) for “section 15” there shall be substituted “section 77 of that Act”, and
  - (ii) paragraphs (b) and (c) shall be omitted,
- (d) subsection (6) shall be omitted,
- (e) after subsection (7) there shall be inserted—
  - “(7A) Subsection (7B) applies where a person who is the subject of a certificate under subsection (2) or (5)—
    - (a) has instituted or could institute an appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 (immigration appeal), and
    - (b) has made a human rights claim (within the meaning of section 113 of that Act).
  - (7B) The person may not be removed from the United Kingdom in reliance upon this section unless—
    - (a) the appeal is finally determined, withdrawn or abandoned (within the meaning of section 104 of that Act) or can no longer be brought (ignoring any possibility of an appeal out of time with permission), or
    - (b) the Secretary of State has issued a certificate in relation to the human rights claim under section 93(2)(b) of that Act (clearly unfounded claim).”.

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<sup>(1)</sup> 1999 c. 33.