



# Asylum and Immigration Act 1996

## 1996 CHAPTER 49

### *Asylum claims*

#### **2 Removal etc. of asylum claimants to safe third countries**

- (1) Nothing in section 6 of the 1993 Act (protection of claimants from deportation etc.) shall prevent a person who has made a claim for asylum being removed from the United Kingdom if—
  - (a) the Secretary of State has certified that, in his opinion, the conditions mentioned in subsection (2) below are fulfilled;
  - (b) the certificate has not been set aside on an appeal under section 3 below; and
  - (c) except in the case of a person who is to be sent to a country or territory to which subsection (3) below applies, the time for giving notice of such an appeal has expired and no such appeal is pending.
- (2) The conditions are—
  - (a) that the person is not a national or citizen of the country or territory to which he is to be sent;
  - (b) that his life and liberty would not be threatened in that country or territory by reason of his race, religion, nationality, membership of a particular social group, or political opinion; and
  - (c) that the government of that country or territory would not send him to another country or territory otherwise than in accordance with the Convention.
- (3) This subsection applies to any country or territory which is or forms part of a member State, or is designated for the purposes of this subsection in an order made by the Secretary of State by statutory instrument.
- (4) The first order under this section shall not be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (5) A statutory instrument containing a subsequent order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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*Status: This is the original version (as it was originally enacted).*

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- (6) For the purposes of this section, an appeal under section 3 below is pending during the period beginning when notice of appeal is duly given and ending when the appeal is finally determined or withdrawn.
- (7) In this section “claim for asylum” and “the Convention” have the same meanings as in the 1993 Act.