



# Anti-terrorism, Crime and Security Act 2001

## 2001 CHAPTER 24

### PART 4

#### IMMIGRATION AND ASYLUM

##### *Suspected international terrorists*

#### 21 Suspected international terrorist: certification

F1 .....

##### Textual Amendments

F1 Ss. 21-32 repealed (14.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\)](#), s. 16(2)-(4)

#### 22 Deportation, removal, &c.

F2 .....

##### Textual Amendments

F2 Ss. 21-32 repealed (14.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\)](#), ss. 16(2)-(4)

#### 23 Detention

F3 .....

*Status: Point in time view as at 14/03/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Part 4. (See end of Document for details)*

**Textual Amendments**

**F3** Ss. 21-32 repealed (14.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\), ss. 16\(2\)-\(4\)](#)

**24 Bail**

**F4** .....

**Textual Amendments**

**F4** Ss. 21-32 repealed (14.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\), s. 16\(2\)-\(4\)](#)

**25 Certification: appeal**

**F5** .....

**Textual Amendments**

**F5** Ss. 21-32 repealed (14.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\), s. 16\(2\)-\(4\)](#)

**26 Certification: review**

**F6** .....

**Textual Amendments**

**F6** Ss. 21-32 repealed (14.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\), s. 16\(2\)-\(4\)](#)

**27 Appeal and review: supplementary**

**F7** .....

**Textual Amendments**

**F7** Ss. 21-32 repealed (14.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\), s. 16\(2\)-\(4\)](#)

**28 Review of sections 21 to 23**

**F8** .....

**Textual Amendments**

**F8** Ss. 21-32 repealed (14.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\), s. 16\(2\)-\(4\)](#)

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## 29 Duration of sections 21 to 23

F9 .....

### Textual Amendments

F9 Ss. 21-32 repealed (14.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\)](#), s. 16(2)-(4)

## 30 Legal proceedings: derogation

F10 .....

### Textual Amendments

F10 Ss. 21-32 repealed (14.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\)](#), s. 16(2)-(4)

## 31 Interpretation

F11 .....

### Textual Amendments

F11 Ss. 21-32 repealed (14.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\)](#), s. 16(2)-(4)

## 32 Channel Islands and Isle of Man

F12 .....

### Textual Amendments

F12 Ss. 21-32 repealed (14.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\)](#), s. 16(2)-(4)

## *Refugee Convention*

## 33 Certificate that Convention does not apply

(1) This section applies to an asylum appeal before the Special Immigration Appeals Commission where the Secretary of State issues a certificate that—

- (a) the appellant is not entitled to the protection of Article 33(1) of the Refugee Convention because Article 1(F) or 33(2) applies to him (whether or not he would be entitled to protection if that Article did not apply), and
- (b) the removal of the appellant from the United Kingdom would be conducive to the public good.

(2) In this section—

“asylum appeal” means an appeal under section 2 of the Special Immigration Appeals Commission Act 1997 (c. 68) in which the appellant

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makes [<sup>F13</sup>an asylum claim (within the meaning given by section 113(1) of the Nationality, Immigration and Asylum Act 2002)], and

“the Refugee Convention” has the meaning given by that section.

- (3) Where this section applies the Commission must begin its substantive deliberations on the asylum appeal by considering the statements in the Secretary of State’s certificate.
- (4) If the Commission agrees with those statements it must dismiss such part of the asylum appeal as amounts to [<sup>F14</sup>an asylum claim] (before considering any other aspect of the case).
- (5) If the Commission does not agree with those statements it must quash the decision or action against which the asylum appeal is brought.
- (6) Where a decision or action is quashed under subsection (5)—
  - (a) the quashing shall not prejudice any later decision or action, whether taken on the grounds of a change of circumstance or otherwise, and
  - (b) [<sup>F15</sup>the asylum claim made in the course of the asylum appeal shall be treated for the purposes of section 77 of the Nationality, Immigration and Asylum Act 2002 (no removal while claim for asylum pending) as pending] until it has been determined whether to take a new decision or action of the kind quashed.
- (7) The Secretary of State may revoke a certificate issued under subsection (1).
- (8) No court may entertain proceedings for questioning—
  - (a) a decision or action of the Secretary of State in connection with certification under subsection (1),
  - (b) a decision of the Secretary of State in connection with [<sup>F16</sup>an asylum claim (within the meaning given by section 113(1) of the Nationality, Immigration and Asylum Act 2002)] in a case in respect of which he issues a certificate under subsection (1) above, or
  - (c) a decision or action of the Secretary of State taken as a consequence of the dismissal of all or part of an asylum appeal in pursuance of subsection (4).
- (9) Subsection (8) shall not prevent an appeal under section 7 of the Special Immigration Appeals Commission Act 1997 (appeal on point of law).
- (10) Her Majesty may by Order in Council direct that this section shall extend, with such modifications as appear to Her Majesty to be appropriate, to any of the Channel Islands or the Isle of Man.

#### Textual Amendments

- F13** Words in s. 33(2) substituted (4.4.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Consequential and Incidental Provisions\) Order 2003 \(S.I. 2003/1016\)](#), arts. 2, 3, **Sch. para. 16(1)**
- F14** Words in s. 33(4) substituted (4.4.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Consequential and Incidental Provisions\) Order 2003 \(S.I. 2003/1016\)](#), arts. 2, 3, **Sch. para. 16(2)**
- F15** Words in s. 33(6)(b) substituted (4.4.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Consequential and Incidental Provisions\) Order 2003 \(S.I. 2003/1016\)](#), arts. 2, 3, **Sch. para. 16(3)**
- F16** Words in s. 33(8)(b) substituted (4.4.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Consequential and Incidental Provisions\) Order 2003 \(S.I. 2003/1016\)](#), arts. 2, 3, **Sch. para. 16(4)**

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### **34 Construction**

- (1) Articles 1(F) and 33(2) of the Refugee Convention (exclusions: war criminals, national security, &c.) shall not be taken to require consideration of the gravity of—
  - (a) events or fear by virtue of which Article 1(A) would or might apply to a person if Article 1(F) did not apply, or
  - (b) a threat by reason of which Article 33(1) would or might apply to a person if Article 33(2) did not apply.
- (2) In this section “the Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to the Convention.

#### *Special Immigration Appeals Commission*

### **35 Status of Commission**

At the end of section 1 of the Special Immigration Appeals Commission Act 1997 (c. 68) insert—

- “(3) The Commission shall be a superior court of record.
- (4) A decision of the Commission shall be questioned in legal proceedings only in accordance with—
  - (a) section 7, or
  - (b) section 30(5)(a) of the Anti-terrorism, Crime and Security Act 2001 (derogation).”

#### *Fingerprints*

### **36 Destruction of fingerprints**

- (1) In section 143 of the Immigration and Asylum Act 1999 (c. 33) (destruction of fingerprints)—
  - (a) subsections (3) to (8) (requirement to destroy fingerprints on resolution of asylum and immigration cases) shall cease to have effect,
  - (b) in subsection (9) (dependants) after “F” insert “ (within the meaning of section 141(7)) ”, and
  - (c) subsection (14) (interpretation) shall cease to have effect.
- (2) Subsection (1)—
  - (a) shall have effect in relation to fingerprints whether taken before or after the coming into force of this section, and
  - (b) in relation to fingerprints which before the coming into force of this section were required by section 143 to be destroyed, shall be treated as having had effect before the requirement arose.

**Status:**

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**Changes to legislation:**

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