



Anti-terrorism, Crime and Security Act 2001

2001 CHAPTER 24

PART 4

IMMIGRATION AND ASYLUM

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 makes a claim for asylum (within the meaning given by section 167(1) of the Immigration and Asylum Act 1999 (c. 33)), 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 a claim for asylum (before considering any other aspect of the case).

Status: This is the original version (as it was originally enacted).

- (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) the claim for asylum made in the course of the asylum appeal shall be treated for the purposes of section 15 of the Immigration and Asylum Act 1999 (interim protection from removal) as undecided 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 a claim for asylum (within the meaning given by section 167(1) of the Immigration and Asylum Act 1999) 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.

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.