



# Nationality, Immigration and Asylum Act 2002

## 2002 CHAPTER 41

### [<sup>F1</sup>PART 4A

#### INADMISSIBLE ASYLUM [<sup>F1</sup>AND HUMAN RIGHTS] CLAIMS

##### [<sup>F1</sup> <sup>F2</sup>80B] **Asylum claims by persons with connection to safe third State**

- (1) The Secretary of State may declare an asylum claim made by a person (a “claimant”) who has a connection to a safe third State inadmissible.
- (2) Subject to subsection (7), an asylum claim declared inadmissible under subsection (1) cannot be considered under the immigration rules.
- (3) A declaration under subsection (1) that an asylum claim is inadmissible is not a decision to refuse the claim and, accordingly, no right of appeal under section 82(1) (a) (appeal against refusal of protection claim) arises.
- (4) For the purposes of this section, a State is a “safe third State” in relation to a claimant if—
  - (a) the claimant’s life and liberty are not threatened in that State by reason of their race, religion, nationality, membership of a particular social group or political opinion,
  - (b) the State is one from which a person will not be sent to another State—
    - (i) otherwise than in accordance with the Refugee Convention, or
    - (ii) in contravention of their rights under Article 3 of the Human Rights Convention (freedom from torture or inhuman or degrading treatment), and
  - (c) a person may apply to be recognised as a refugee and (if so recognised) receive protection in accordance with the Refugee Convention, in that State.
- (5) For the purposes of this section, a claimant has “a connection” to a safe third State if they meet any of conditions 1 to 5 set out in section 80C in relation to the State.

*Changes to legislation: Nationality, Immigration and Asylum Act 2002, Section 80B is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (6) The fact that an asylum claim has been declared inadmissible under subsection (1) by virtue of the claimant’s connection to a particular safe third State does not prevent the Secretary of State from removing the claimant to any other safe third State.
- (7) An asylum claim that has been declared inadmissible under subsection (1) may nevertheless be considered under the immigration rules—
- (a) if the Secretary of State determines that there are exceptional circumstances in the particular case that mean the claim should be considered, or
  - (b) in such other cases as may be provided for in the immigration rules.
- (8) In this section and section 80C—
- (a) “asylum claim”, “Human Rights Convention”, “immigration rules” and “the Refugee Convention” have the same meanings as in section 80A;
  - (b) a reference to anything being done in accordance with the Refugee Convention is a reference to the thing being done in accordance with the principles of the Convention, whether or not by a signatory to it.]]

#### Textual Amendments

- F1** Pt. 4A inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 15(1)**, 87(1); S.I. 2022/590, reg. 2, **Sch. 1 para. 14** (with Sch. 2 para. 4(3))
- F2** Ss. 80B, 80C inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 16**, 87(1); S.I. 2022/590, reg. 2, **Sch. 1 para. 15** (with Sch. 2 para. 4(3))

### Changes to legislation:

Nationality, Immigration and Asylum Act 2002, Section 80B is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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### Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(1)(1A) substituted for s. 18(1) by [2016 c. 19 Sch. 11 para. 31\(2\)](#)
- s. 22A inserted by [2022 c. 36 s. 13\(7\)](#)
- s. 27(ba) inserted by [2022 c. 36 s. 13\(10\)](#)
- s. 51(2)(d) and word inserted by [2016 c. 19 Sch. 11 para. 26\(6\)](#)
- s. 55(2)(aa) inserted by [2016 c. 19 Sch. 11 para. 26\(7\)](#)
- s. 62(3A) inserted by [2023 c. 37 s. 11\(8\)](#)
- s. 80A(5A) inserted by [2023 c. 37 s. 10\(8\)](#)
- s. 82A inserted by [2022 c. 36 s. 23\(1\)](#)
- s. 94(6B) inserted by [2006 c. 13 s. 13](#)
- s. 106(2)(ua) inserted by [2007 c. 30 s. 19\(3\)](#)
- s. 107(2A) inserted by [2022 c. 36 Sch. 3 para. 5\(a\)](#)
- s. 126(2A) inserted by [S.I. 2019/745 reg. 12\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). [Reg. 12\(2\)\(3\)](#) omitted immediately before IP completion day by virtue of [S.I. 2020/1309](#), regs. 1(2)(a), 48)
- [Sch. 3 para. 1\(1\)\(ga\)](#) inserted by [2016 c. 19 Sch. 12 para. 2\(2\)](#) (This Act is amended by [S.I. 2020/1309](#), [Sch. 1 para. 3\(a\)](#))
- [Sch. 3 para. 1\(2A\)](#) inserted by [2016 c. 19 Sch. 12 para. 2\(4\)](#) (This Act is amended by [S.I. 2020/1309](#), [Sch. 1 para. 3\(b\)](#))
- [Sch. 3 para. 1A](#) inserted by [2016 c. 19 Sch. 12 para. 3](#)
- [Sch. 3 para. 2\(1\)\(ca\)](#) inserted by [2016 c. 19 Sch. 12 para. 4\(3\)](#)
- [Sch. 3 para. 2A](#) inserted by [2016 c. 19 Sch. 12 para. 5](#)
- [Sch. 3 para. 3A-3C](#) inserted by [2016 c. 19 Sch. 12 para. 6](#)
- [Sch. 3 para. 7B7C](#) and cross-headings inserted by [2016 c. 19 Sch. 12 para. 9](#)
- [Sch. 3 para. 10A10B](#) inserted by [2016 c. 19 Sch. 12 para. 10](#) (This Act is amended by [S.I. 2020/1309](#), [Sch. 1 para. 3\(c\)](#))
- [Sch. 3 para. 15\(aa\)](#) inserted by [2016 c. 19 Sch. 12 para. 14\(2\)](#)
- [Sch. 3 para. 15\(d\)-\(f\)](#) inserted by [2016 c. 19 Sch. 12 para. 14\(4\)](#)
- [Sch. 3 para. 7C\(1\)\(c\)](#) word substituted by [S.I. 2019/745 reg. 12\(5\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). [Reg. 12\(5\)\(a\)\(c\)\(d\)](#) omitted immediately before IP completion day by virtue of [S.I. 2020/1309](#), regs. 1(2)(a), 48)
- [Sch. 5 para. 3\(1\)](#) [Sch. 5 para. 3](#) renumbered as [Sch. 5 para. 3\(1\)](#) by [2005 c. 4 Sch. 4 para. 407\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))
- [Sch. 5 para. 3\(2\)-\(4\)](#) inserted by [2005 c. 4 Sch. 4 para. 407\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))
- [Sch. 5 para. 3\(1\)](#) words inserted by [2005 c. 4 Sch. 4 para. 407\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))