



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Time for extradition

39 Asylum claim

- (1) This section applies if—
 - (a) a person in respect of whom a Part 1 warrant is issued makes an asylum claim at any time in the relevant period;
 - (b) an order is made under this Part for the person to be extradited in pursuance of the warrant.
- (2) The relevant period is the period—
 - (a) starting when a certificate is issued under section 2 in respect of the warrant;
 - (b) ending when the person is extradited in pursuance of the warrant.
- (3) The person must not be extradited in pursuance of the warrant before the asylum claim is finally determined; and sections 35, 36, 47 and 49 have effect subject to this.
- (4) Subsection (3) is subject to section 40.
- (5) If the Secretary of State allows the asylum claim, the claim is finally determined when he makes his decision on the claim.
- (6) If the Secretary of State rejects the asylum claim, the claim is finally determined—
 - (a) when the Secretary of State makes his decision on the claim, if there is no right to appeal against the Secretary of State's decision on the claim;
 - (b) when the period permitted for appealing against the Secretary of State's decision on the claim ends, if there is such a right but there is no such appeal;
 - (c) when the appeal against that decision is finally determined or is withdrawn or abandoned, if there is such an appeal.

Status: This is the original version (as it was originally enacted).

- (7) An appeal against the Secretary of State's decision on an asylum claim is not finally determined for the purposes of subsection (6) at any time when a further appeal or an application for leave to bring a further appeal—
- (a) has been instituted and has not been finally determined or withdrawn or abandoned, or
 - (b) may be brought.
- (8) The remittal of an appeal is not a final determination for the purposes of subsection (7).
- (9) The possibility of an appeal out of time with leave must be ignored for the purposes of subsections (6) and (7).