

## SCHEDULES

### SCHEDULE 3

#### REMOVAL OF ASYLUM SEEKER TO SAFE COUNTRY

##### PART 2

##### FIRST LIST OF SAFE COUNTRIES (REFUGEE CONVENTION AND HUMAN RIGHTS (1))

- 2 This Part applies to—
- (a) Austria,
  - (b) Belgium,
  - (c) Republic of Cyprus,
  - (d) Czech Republic,
  - (e) Denmark,
  - (f) Estonia,
  - (g) Finland,
  - (h) France,
  - (i) Germany,
  - (j) Greece,
  - (k) Hungary,
  - (l) Iceland,
  - (m) Ireland,
  - (n) Italy,
  - (o) Latvia,
  - (p) Lithuania,
  - (q) Luxembourg,
  - (r) Malta,
  - (s) Netherlands,
  - (t) Norway,
  - (u) Poland,
  - (v) Portugal,
  - (w) Slovak Republic,
  - (x) Slovenia,
  - (y) Spain, and
  - (z) Sweden.
- 3 (1) This paragraph applies for the purposes of the determination by any person, tribunal or court whether a person who has made an asylum claim or a human rights claim may be removed—
- (a) from the United Kingdom, and
  - (b) to a State of which he is not a national or citizen.

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*Status: This is the original version (as it was originally enacted).*

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- (2) A State to which this Part applies shall be treated, in so far as relevant to the question mentioned in sub-paragraph (1), as a place—
- (a) where a person's life and liberty are not threatened by reason of his race, religion, nationality, membership of a particular social group or political opinion,
  - (b) from which a person will not be sent to another State in contravention of his Convention rights, and
  - (c) from which a person will not be sent to another State otherwise than in accordance with the Refugee Convention.
- 4 Section 77 of the [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#) (no removal while claim for asylum pending) shall not prevent a person who has made a claim for asylum from being removed—
- (a) from the United Kingdom, and
  - (b) to a State to which this Part applies;
- provided that the Secretary of State certifies that in his opinion the person is not a national or citizen of the State.
- 5 (1) This paragraph applies where the Secretary of State certifies that—
- (a) it is proposed to remove a person to a State to which this Part applies, and
  - (b) in the Secretary of State's opinion the person is not a national or citizen of the State.
- (2) The person may not bring an immigration appeal by virtue of section 92(2) or (3) of that Act (appeal from within United Kingdom: general).
- (3) The person may not bring an immigration appeal by virtue of section 92(4)(a) of that Act (appeal from within United Kingdom: asylum or human rights) in reliance on—
- (a) an asylum claim which asserts that to remove the person to a specified State to which this Part applies would breach the United Kingdom's obligations under the Refugee Convention, or
  - (b) a human rights claim in so far as it asserts that to remove the person to a specified State to which this Part applies would be unlawful under section 6 of the Human Rights Act 1998 because of the possibility of removal from that State to another State.
- (4) The person may not bring an immigration appeal by virtue of section 92(4)(a) of that Act in reliance on a human rights claim to which this sub-paragraph applies if the Secretary of State certifies that the claim is clearly unfounded; and the Secretary of State shall certify a human rights claim to which this sub-paragraph applies unless satisfied that the claim is not clearly unfounded.
- (5) Sub-paragraph (4) applies to a human rights claim if, or in so far as, it asserts a matter other than that specified in sub-paragraph (3)(b).
- 6 A person who is outside the United Kingdom may not bring an immigration appeal on any ground that is inconsistent with treating a State to which this Part applies as a place—
- (a) where a person's life and liberty are not threatened by reason of his race, religion, nationality, membership of a particular social group or political opinion,
  - (b) from which a person will not be sent to another State in contravention of his Convention rights, and

- (c) from which a person will not be sent to another State otherwise than in accordance with the Refugee Convention.