

*Status: Point in time view as at 28/06/2022.*

*Changes to legislation: Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Part 3 is up to date with all changes known to be in force on or before 02 June 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)*

## SCHEDULES

### SCHEDULE 3

#### REMOVAL OF ASYLUM SEEKER TO SAFE COUNTRY

##### PART 3

##### SECOND LIST OF SAFE COUNTRIES (REFUGEE CONVENTION AND HUMAN RIGHTS (2))

- 7 (1) This Part applies to such States as the Secretary of State may by order specify.
- (2) An order under this paragraph—
- (a) shall be made by statutory instrument, and
  - (b) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.

##### Commencement Information

**I1** Sch. 3 para. 7 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

- 8 (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 may be removed—
- (a) from the United Kingdom, and
  - (b) to a State of which he is not a national or citizen.
- (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, and
  - (b) from which a person will not be sent to another State otherwise than in accordance with the Refugee Convention.

##### Commencement Information

**I2** Sch. 3 para. 8 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

**F19** .....

##### Textual Amendments

**F1** Sch. 3 para. 9 omitted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), s. 87(1), Sch. 4 para. 4; S.I. 2022/590, reg. 1(2), 2, Sch. 1 para. 17 (with Sch. 2 para. 4(4))

- 10 (1) This paragraph applies where the Secretary of State certifies that—

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- (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.

<sup>F2</sup>(2) .....

- (3) The person may not bring an immigration appeal <sup>F3</sup>... in reliance on 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.
- (4) The person may not bring an immigration appeal <sup>F4</sup>... in reliance on a human rights claim if the Secretary of State certifies that the claim is clearly unfounded; and the Secretary of State shall certify a human rights claim where this paragraph applies unless satisfied that the claim is not clearly unfounded.

#### Textual Amendments

- F2** Sch. 3 para. 10(2) omitted (20.10.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 56\(4\)\(a\)](#); [S.I. 2014/2771](#), art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which [S.I.](#) is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))
- F3** Words in [Sch. 3 para. 10\(3\)](#) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 13](#)
- F4** Words in [Sch. 3 para. 10\(4\)](#) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 13](#) (with [Sch. 4 para. 19\(2\)\(b\)](#))

#### Commencement Information

- I3** Sch. 3 para. 10 in force at 1.10.2004 by [S.I. 2004/2523](#), art. 2, [Sch.](#)

<sup>F5</sup>1 .....

#### Textual Amendments

- F5** [Sch. 3 para. 11](#) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 14](#)

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