



# Nationality and Borders Act 2022

## 2022 CHAPTER 36

### PART 2

#### ASYLUM

##### *Interpretation of Refugee Convention*

#### **30 Refugee Convention: general**

- (1) The following sections apply for the purposes of the determination by any person, court or tribunal whether a person (referred to in those sections as an “asylum seeker”) is a refugee within the meaning of Article 1(A)(2) of the Refugee Convention—
  - (a) section 31 (persecution);
  - (b) section 32 (well-founded fear);
  - (c) section 33 (reasons for persecution);
  - (d) section 34 (protection from persecution);
  - (e) section 35 (internal relocation).
- (2) Section 36 applies for the purposes of the determination by any person, court or tribunal whether the provisions of the Refugee Convention do not apply to a person as a result of Article 1(F) of that Convention (disapplication of Convention to serious criminals etc).
- (3) Section 37 applies for the purposes of the determination by any person, court or tribunal whether Article 31(1) of the Refugee Convention (immunity from certain penalties) applies in relation to a person who is a refugee within the meaning of Article 1(A)(2) of the Refugee Convention.
- (4) The Refugee or Person in Need of International Protection (Qualification) Regulations 2006 ([S.I. 2006/2525](#)) are revoked.
- (5) Subsections (1) and (2), and sections 31 to 36, apply only in relation to a determination relating to a claim for asylum where the claim was made on or after the day on which this section comes into force.

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**Changes to legislation:** Nationality and Borders Act 2022, Section 30 is up to date with all changes known to be in force on or before 17 August 2023. 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](#)

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- (6) For the purposes of subsection (5), a claim for asylum includes a claim, in any form or to any person, which falls to be determined as mentioned in subsection (1).

**Modifications etc. (not altering text)**

- C1** [S. 30\(4\)](#) excluded (26.5.2022) by [The Nationality and Borders Act 2022 \(Commencement No. 1, Transitional and Saving Provisions\) Regulations 2022 \(S.I. 2022/590\)](#), reg. 1(2), [Sch. 2 para. 5](#)

**Commencement Information**

- I1** [S. 30\(1\)\(2\)\(4\)-\(6\)](#) in force at 28.6.2022, see [s. 87\(5\)\(c\)](#)  
**I2** [S. 30\(3\)](#) in force at 28.6.2022 by [S.I. 2022/590](#), regs. 1(2), 2, [Sch. 1 para. 18](#)

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

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

- s. 54(6)(c) and word inserted by [2023 c. 37 s. 57\(11\)\(b\)](#)
- s. 63(2A) inserted by [2023 c. 37 s. 29\(3\)](#)
- s. 63(3)(fa)(fb) inserted by [2023 c. 37 s. 29\(4\)\(b\)](#)
- s. 63(5A)(5B) inserted by [2023 c. 37 s. 29\(5\)](#)
- s. 63(8) inserted by [2023 c. 37 s. 28\(9\)](#)
- s. 65(8A) inserted by [2023 c. 37 s. 28\(12\)](#)