



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 2

ASYLUM

Interpretation of Refugee Convention

34 Article 1(A)(2): protection from persecution

- (1) For the purposes of Article 1(A)(2) of the Refugee Convention, protection from persecution can be provided by—
- (a) the State, or
 - (b) any party or organisation, including any international organisation, controlling the State or a substantial part of the territory of the State.
- (2) An asylum seeker is to be taken to be able to avail themselves of protection from persecution if—
- (a) the State, party or organisation mentioned in subsection (1) takes reasonable steps to prevent the persecution by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution, and
 - (b) the asylum seeker is able to access the protection.

Commencement Information

II [S. 34](#) in force at 28.6.2022, see [s. 87\(5\)\(d\)](#)

Changes to legislation:

Nationality and Borders Act 2022, Section 34 is up to date with all changes known to be in force on or before 16 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.

[View outstanding changes](#)

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\(12\)](#)