

*Status: Point in time view as at 28/06/2022.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

Section 26

#### Textual Amendments

- F1** Sch. 1 repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, [Sch. 3](#) (with Sch. 4)

### SCHEDULE 2

Section 26

#### ASYLUM AND IMMIGRATION TRIBUNAL: CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISION

##### PART 1

##### CONSEQUENTIAL AMENDMENTS

###### *Immigration Act 1971 (c. 77)*

- 1 (1) Schedule 2 to the Immigration Act 1971 (control on entry) shall be amended as follows.

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

- (3) In paragraph 24(3) for “An adjudicator, justice of the peace or sheriff before whom a person is brought by virtue of sub-paragraph (2)(a) above” substitute “ Where a person is brought before the Asylum and Immigration Tribunal, a justice of the peace or the sheriff by virtue of sub-paragraph (2)(a), the Tribunal, justice of the peace or sheriff”.

- (4) In paragraph 29—

<sup>F3</sup>(a) .....

- (b) in sub-paragraph (3)—

<sup>F4</sup>(i) .....

(ii) for “that or any other adjudicator” substitute “ the Tribunal ”,

(iii) omit the words from “and where an adjudicator dismisses” to the end,

- (c) omit sub-paragraph (4), and

- (d) in sub-paragraph (6)—

<sup>F5</sup>(i) .....

*Status: Point in time view as at 28/06/2022.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (ii) for “the adjudicator or Tribunal” substitute “ the Tribunal ”, and  
 (iii) for “the adjudicator or the Tribunal” substitute “ the Tribunal ”.

(5) In paragraphs 30, 31, 32 and 33—

- (a) for “an adjudicator and the Tribunal” substitute “ the Tribunal ”,
- (b) for “an adjudicator or the Tribunal” substitute “ the Tribunal ”,
- (c) for “the adjudicator or the Tribunal, as the case may be” substitute “ the Tribunal ”,
- (d) for “the adjudicator or Tribunal” substitute “ the Tribunal ”,
- (e) for “the adjudicator or the Tribunal” substitute “ the Tribunal ”,
- (f) for “an adjudicator or Tribunal” substitute “ the Tribunal ”, and
- (g) for “before an adjudicator or before the Tribunal” substitute “ before the Tribunal ”.

(6) In paragraph 33—

- (a) in sub-paragraph (2)(a) for “before an adjudicator” substitute “ before the Tribunal ”,
- (b) in sub-paragraph (2)(b) for “before that adjudicator or before the Tribunal, as the case may be” substitute “ before it ”, and
- (c) in sub-paragraph (3) for “An adjudicator, justice of the peace or sheriff before whom a person is brought by virtue of sub-paragraph (2)(a) above” substitute “ Where a person is brought before the Asylum and Immigration Tribunal, a justice of the peace or the sheriff by virtue of sub-paragraph (2)(a), the Tribunal, justice of the peace or sheriff ”.

#### Textual Amendments

- F2** Sch. 2 para. 1(2) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)
- F3** Sch. 2 para. 1(4)(a) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)
- F4** Sch. 2 para. 1(4)(b)(i) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)
- F5** Sch. 2 para. 1(4)(d)(i) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

#### Commencement Information

- I1** Sch. 2 para. 1 in force at 4.4.2005 by [S.I. 2005/565](#), **art. 2(d)** (with arts. 3-9)

#### *House of Commons Disqualification Act 1975 (c. 24)*

2 (1) Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices) shall be amended as follows.

<sup>F6</sup>(2) .....

(3) In Part III omit the entry relating to immigration adjudicators.

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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

- F6** Sch. 2 para. 2(2) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

**Commencement Information**

- I2** Sch. 2 para. 2 in force at 4.4.2005 by [S.I. 2005/565](#), **art. 2(d)** (with arts. 3-9)

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 3 (1) Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (disqualifying offices) shall be amended as follows.

<sup>F7</sup>(2) .....

- (3) In Part III omit the entry relating to immigration adjudicators.

**Textual Amendments**

- F7** Sch. 2 para. 3(2) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

**Commencement Information**

- I3** Sch. 2 para. 3 in force at 4.4.2005 by [S.I. 2005/565](#), **art. 2(d)** (with arts. 3-9)

*British Nationality Act 1981 (c. 61)*

- 4 In section 40A of the British Nationality Act 1981 (deprivation of citizenship: appeal)—

<sup>F8</sup>(a) .....

- (b) for subsections (3) to (5) substitute—

“(3) The following provisions of the Nationality, Immigration and Asylum Act 2002 (c. 41) shall apply in relation to an appeal under this section as they apply in relation to an appeal under section 82 or 83 of that Act—

- (a) section 87 (successful appeal: direction) (for which purpose a direction may, in particular, provide for an order under section 40 above to be treated as having had no effect),
- (b) sections 103A to 103E (review and appeal),
- (c) section 106 (rules), and
- (d) section 107 (practice directions).”

- (c) omit subsections (6) to (8).

**Textual Amendments**

- F8** Sch. 2 para. 4(a) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

**Commencement Information**

**I4** Sch. 2 para. 4 in force at 4.4.2005 by [S.I. 2005/565](#), **art. 2(d)** (with [arts. 3-9](#))

*Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))*

5 (1) For paragraph 6A of Part 1 of Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (proceedings for which legal aid may be given under Part II of that Order) substitute—

“6A Proceedings before the Asylum and Immigration Tribunal or the Special Immigration Appeals Commission.”

(2) The amendment made by sub-paragraph (1) is without prejudice to any power to amend or revoke the provision inserted by that sub-paragraph.

**Commencement Information**

**I5** Sch. 2 para. 5 in force at 4.4.2005 by [S.I. 2005/565](#), **art. 2(d)** (with [arts. 3-9](#))

*Courts and Legal Services Act 1990 (c. 41)*

<sup>F9</sup>6 .....

**Textual Amendments**

**F9** Sch. 2 para. 6 repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), [art. 1](#), **Sch. 3** (with [Sch. 4](#))

*Tribunals and Inquiries Act 1992 (c. 53)*

7 (1) The Tribunals and Inquiries Act 1992 shall be amended as follows.

(2) In section 7 (dismissal) omit subsection (3).

<sup>F10</sup>(3) .....

**Textual Amendments**

**F10** Sch. 2 para. 7(3) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), [art. 1](#), **Sch. 3** (with [Sch. 4](#))

**Commencement Information**

**I6** Sch. 2 para. 7 in force at 4.4.2005 by [S.I. 2005/565](#), **art. 2(d)** (with [arts. 3-9](#))

*Judicial Pensions and Retirement Act 1993 (c. 8)*

<sup>F11</sup>8 .....

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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

- F11** Sch. 2 para. 8 repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, [Sch. 3](#) (with Sch. 4)

*Asylum and Immigration Appeals Act 1993 (c. 23)*

- 9 Section 9A of the Asylum and Immigration Appeals Act 1993 (bail) shall cease to have effect.

**Commencement Information**

- I7** Sch. 2 para. 9 in force at 4.4.2005 by [S.I. 2005/565](#), [art. 2\(d\)](#) (with arts. 3-9)

*Special Immigration Appeals Commission Act 1997 (c. 68)*

- 10 The Special Immigration Appeals Commission Act 1997 shall be amended as follows.

**Commencement Information**

- I8** Sch. 2 para. 10 in force at 4.4.2005 by [S.I. 2005/565](#), [art. 2\(d\)](#) (with arts. 3-9)

- 11 At the end of section 2B (deprivation of citizenship) insert “ (and section 40A(3) (a) shall have effect in relation to appeals under this section). ”

**Commencement Information**

- I9** Sch. 2 para. 11 in force at 4.4.2005 by [S.I. 2005/565](#), [art. 2\(d\)](#) (with arts. 3-9)

- 12 (1) In Schedule 1 (constitution, &c.) for paragraph 5(b) substitute—  
“ (b) at least one is or has been a legally qualified member of the Asylum and Immigration Tribunal.”  
(2) A person is qualified for the purposes of paragraph 5(b) of that Schedule as it has effect after the commencement of sub-paragraph (1) above if he is qualified for the purposes of paragraph 5(b) as it had effect at any time since its commencement.

**Commencement Information**

- I10** Sch. 2 para. 12 in force at 4.4.2005 by [S.I. 2005/565](#), [art. 2\(d\)](#) (with arts. 3-9)

- 13 (1) Schedule 3 (bail) shall be amended as follows.  
(2) In paragraph 1(2) for “ “adjudicator” ” substitute

<sup>F12</sup>(3) .....

<sup>F12</sup>(4) .....

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

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

F12(5) .....

F12(6) .....

F12(7) .....

F12(8) .....

F12(9) .....

(10) In paragraph 6(2)(a) for “ “an adjudicator or the Tribunal”” substitute

(11) In paragraph 6(2)(b) for “ “the adjudicator or the Tribunal, as the case may be,”” substitute

(12) In paragraph 6(2)(c) for “ “the adjudicator or Tribunal”” substitute

(13) In paragraph 6(3)(a) for “ “an adjudicator or the Tribunal”” substitute

(14) In paragraph 6(3)(b) for “ “the adjudicator or Tribunal”” substitute

(15) In paragraph 7(a) for “ “an adjudicator or the Tribunal”” substitute

(16) In paragraph 7(b) for “ “the adjudicator or Tribunal”” substitute

(17) In paragraph 7(c) for “ “the adjudicator or the Tribunal”” substitute

**Textual Amendments**

**F12** Sch. 2 para. 13(3)-(9) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

**Commencement Information**

**I11** Sch. 2 para. 13 in force at 4.4.2005 by [S.I. 2005/565](#), **art. 2(d)** (with arts. 3-9)

*Access to Justice Act 1999 (c. 22)*

F13<sup>14</sup> .....

**Textual Amendments**

**F13** Sch. 2 para. 14 repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

*Immigration and Asylum Act 1999 (c. 33)*

<sup>F14</sup>15 .....

**Textual Amendments**

**F14** Sch. 2 para. 15 repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, [Sch. 3](#) (with [Sch. 4](#))

*Nationality, Immigration and Asylum Act 2002 (c. 41)*

16 The Nationality, Immigration and Asylum Act 2002 shall be amended as follows.

**Commencement Information**

**I12** Sch. 2 para. 16 in force at 4.4.2005 by [S.I. 2005/565](#), [art. 2\(d\)](#) (with [arts. 3-9](#))

17 In section 72(10)(serious criminal) omit “adjudicator,”.

**Commencement Information**

**I13** Sch. 2 para. 17 in force at 4.4.2005 by [S.I. 2005/565](#), [art. 2\(d\)](#) (with [arts. 3-9](#))

- 18 (1) In the provisions listed in sub-paragraph (2)—
- (a) for “an adjudicator” substitute “ the Tribunal ”,
  - (b) for “the adjudicator” substitute “ the Tribunal ”,
  - (c) for “he” in relation to an adjudicator substitute “ it ”,
  - (d) for “him” in relation to an adjudicator substitute “ it ”, and
  - (e) for “his” in relation to an adjudicator substitute “ its ”.
- (2) The provisions are—
- (a) section 85 (matters to be considered),
  - (b) section 86 (determination of appeal), and
  - <sup>F15</sup>(c) .....

**Textual Amendments**

**F15** Sch. 2 para. 18(2)(c) repealed (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 60](#) table; [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))

**Commencement Information**

**I14** Sch. 2 para. 18 in force at 4.4.2005 by [S.I. 2005/565](#), [art. 2\(d\)](#) (with [arts. 3-9](#))

<sup>F16</sup>19 .....

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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

**F16** Sch. 2 para. 19 repealed (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 9 para. 60** table; [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))

**Commencement Information**

**I15** Sch. 2 para. 19 in force at 4.4.2005 by [S.I. 2005/565](#), **art. 2(d)** (with arts. 3-9)

20 In section 104 (pending appeal)—

<sup>F17</sup>(a) . . . . .

(b) omit subsection (3)(remittal to adjudicator).

**Textual Amendments**

**F17** Sch. 2 para. 20(a) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

**Commencement Information**

**I16** Sch. 2 para. 20 in force at 4.4.2005 by [S.I. 2005/565](#), **art. 2(d)** (with arts. 3-9)

<sup>F18</sup>21 . . . . .

**Textual Amendments**

**F18** Sch. 2 para. 21 repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

22 (1) In section 107 (practice directions)—

<sup>F19</sup>(a) . . . . .

(b) omit subsection (2), and

<sup>F20</sup>(c) . . . . .

<sup>F21</sup>(2) . . . . .

**Textual Amendments**

**F19** Sch. 2 para. 22(1)(a) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

**F20** Sch. 2 para. 22(1)(c) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

**F21** Sch. 2 para. 22(2) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

**Commencement Information**

**I17** Sch. 2 para. 22 in force at 4.4.2005 by [S.I. 2005/565](#), **art. 2(d)** (with arts. 3-9)

23 In section 108 (forged document: proceedings in private)—



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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) in subsection (1)(a) for “, 83 or 101” substitute “ or 83 ”, and
- (b) in subsection (2) for “The adjudicator or the Immigration Appeal Tribunal” substitute “ The Tribunal ”.

**Commencement Information**

**I18** Sch. 2 para. 23 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

F2224 .....

**Textual Amendments**

**F22** Sch. 2 para. 24 repealed (15.2.2010) by The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), art. 1, Sch. 3 (with Sch. 4)

*Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))*

- 25 (1) For paragraph 2(i) of Schedule 2 to the Access to Justice (Northern Ireland) Order 2003 (civil legal services: excluded services) substitute—
- “(i) proceedings before the Asylum and Immigration Tribunal or the Special Immigration Appeals Commission.”.
- (2) The amendment made by sub-paragraph (1) is without prejudice to any power to amend or revoke the provision inserted by that sub-paragraph.

**Commencement Information**

**I19** Sch. 2 para. 25 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

**PART 2**

TRANSITIONAL PROVISION

- 26 In this Part “commencement” means the coming into force of section 26.

**Commencement Information**

**I20** Sch. 2 para. 26 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

- 27 A person who immediately before commencement is, or is to be treated as, an adjudicator appointed under section 81 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (appeals) (as it has effect before commencement) shall be treated as having been appointed as a member of the Asylum and Immigration Tribunal under paragraph 1 of Schedule 4 to that Act (as it has effect after commencement) immediately after commencement.

**Commencement Information**

**I21** Sch. 2 para. 27 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- 28 Where immediately before commencement a person is a member of the Immigration Appeal Tribunal—
- (a) he shall be treated as having been appointed as a member of the Asylum and Immigration Tribunal under paragraph 1 of Schedule 4 to that Act immediately after commencement, and
  - (b) if he was a legally qualified member of the Immigration Appeal Tribunal (within the meaning of Schedule 5 to that Act) he shall be treated as having been appointed as a legally qualified member of the Asylum and Immigration Tribunal.

**Commencement Information**

**I22** Sch. 2 para. 28 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

- 29 A person who immediately before commencement is a member of staff of adjudicators appointed or treated as appointed under section 81 of the Nationality, Immigration and Asylum Act 2002 (c. 41) or of the Immigration Appeal Tribunal shall be treated as having been appointed as a member of the staff of the Asylum and Immigration Tribunal under paragraph 9 of Schedule 4 to the Nationality, Immigration and Asylum Act 2002 immediately after commencement.

**Commencement Information**

**I23** Sch. 2 para. 29 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

F23 30 .....

**Textual Amendments**

**F23** Sch. 2 para. 30 repealed (15.2.2010) by The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), art. 1, Sch. 3 (with Sch. 4)

SCHEDULE 3

Section 33

REMOVAL OF ASYLUM SEEKER TO SAFE COUNTRY

PART 1

INTRODUCTORY

- 1 (1) In this Schedule—
- “asylum claim” means a claim by a person that to remove him from or require him to leave the United Kingdom would breach the United Kingdom’s obligations under the Refugee Convention,
- “Convention rights” means the rights identified as Convention rights by section 1 of the Human Rights Act 1998 (c. 42) (whether or not in relation to a State that is a party to the Convention),

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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

“human rights claim” means a claim by a person that to remove him from or require him to leave the United Kingdom would be unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Convention) as being incompatible with his Convention rights,

“immigration appeal” means an appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41) (appeal against immigration decision),

“the Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol, and

[<sup>F24</sup>“State” includes any territory outside of the United Kingdom.]

(2) In this Schedule a reference to anything being done in accordance with the Refugee Convention is a reference to the thing being done in accordance with the principles of the Convention, whether or not by a signatory to it.

[<sup>F25</sup>(3) Section 92 of the Nationality, Immigration and Asylum Act 2002 makes further provision about the place from which an appeal relating to an asylum or human rights claim may be brought or continued.]

#### Textual Amendments

**F24** Words in [Sch. 3 para. 1\(1\)](#) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5) (b), [Sch. 4 para. 7](#)

**F25** [Sch. 3 para. 1\(3\)](#) inserted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 56\(2\)](#); [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))

#### Commencement Information

**I24** [Sch. 3 para. 1](#) in force at 1.10.2004 by [S.I. 2004/2523](#), art. 2, [Sch.](#)

## PART 2

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

- 2 This Part applies to—
- (a) Austria,
  - (b) Belgium,
  - [<sup>F26</sup>(ba) Bulgaria,]
  - [<sup>F27</sup>(bb) Republic of Croatia,]
  - (c) Republic of Cyprus,
  - (d) Czech Republic,
  - (e) Denmark,
  - (f) Estonia,
  - (g) Finland,
  - (h) France,
  - (i) Germany,
  - (j) Greece,
  - (k) Hungary,

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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (l) Iceland,
- (m) Ireland,
- (n) Italy,
- (o) Latvia,
- [<sup>F28</sup>(oa) Principality of Liechtenstein,]
- (p) Lithuania,
- (q) Luxembourg,
- (r) Malta,
- (s) Netherlands,
- (t) Norway,
- (u) Poland,
- (v) Portugal,
- [<sup>F29</sup>(va) Romania,]
- (w) Slovak Republic,
- (x) Slovenia,
- (y) Spain, <sup>F30</sup> ...
- (z) Sweden,
- [<sup>F31</sup>(z1) Switzerland.]

#### Textual Amendments

- F26** Sch. 3 para. 2(ba) inserted (with effect in accordance with art. 1(3) of the commencing S.I.) by [Asylum \(First List of Safe Countries\) \(Amendment\) Order 2006 \(S.I. 2006/3393\)](#), arts. 1(2), **2(2)**
- F27** Sch. 3 para. 2(bb) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), **Sch. 4 para. 8(a)**
- F28** Sch. 3 para. 2(oa) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), **Sch. 4 para. 8(b)**
- F29** Sch. 3 para. 2(va) inserted (with effect in accordance with art. 1(3) of the commencing S.I.) by [Asylum \(First List of Safe Countries\) \(Amendment\) Order 2006 \(S.I. 2006/3393\)](#), arts. 1(2), **2(3)**
- F30** Word in Sch. 3 para. 2(y) deleted (with application in accordance with art. 1(3)(a) of the amending S.I.) by virtue of [The Asylum \(First List of Safe Countries\) \(Amendment\) Order 2010 \(S.I. 2010/2802\)](#), arts. 1(2), **2(a)** (with art. 1(3)(b))
- F31** Sch. 3 para. 2(z1) inserted (with application in accordance with art. 1(3)(a) of the amending S.I.) by [The Asylum \(First List of Safe Countries\) \(Amendment\) Order 2010 \(S.I. 2010/2802\)](#), arts. 1(2), **2(b)** (with art. 1(3)(b))

#### Commencement Information

- I25** Sch. 3 para. 2 in force at 1.10.2004 by [S.I. 2004/2523](#), art. 2, **Sch.**

- 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 [<sup>F32</sup>(the “claimant”)] may be removed—
- (a) from the United Kingdom, and
  - (b) to a State of which he is not a national or citizen.
- [<sup>F33</sup>(1A) Unless the contrary is shown by the claimant to be the case in their particular circumstances, a State to which this Part applies is to be treated, in so far as relevant to the question mentioned in sub-paragraph (1), as a place—

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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) to which a person can be removed without their Convention rights under Article 3 (no torture or inhuman or degrading treatment or punishment) being contravened, and
  - (b) from which a person will not be sent to another State in contravention of their Convention rights.]
- (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,
  - <sup>F34</sup>(b) ..... and
  - (c) from which a person will not be sent to another State otherwise than in accordance with the Refugee Convention.

**Textual Amendments**

- F32** Words in [Sch. 3 para. 3\(1\)](#) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5) (b), [Sch. 4 para. 5\(2\)](#)
- F33** [Sch. 3 para. 3\(1A\)](#) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 5\(3\)](#)
- F34** [Sch. 3 para. 3\(2\)\(b\)](#) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5) (b), [Sch. 4 para. 5\(4\)](#)

**Commencement Information**

- I26** [Sch. 3 para. 3](#) in force at 1.10.2004 by [S.I. 2004/2523](#), art. 2, [Sch.](#)

<sup>F35</sup>4 .....

**Textual Amendments**

- F35** [Sch. 3 para. 4](#) 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\(4\)](#))

- 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.
- <sup>F36</sup>(2) .....
- (3) The person may not bring an immigration appeal <sup>F37</sup> ... 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, <sup>F38</sup> ...
  - <sup>F38</sup>(b) .....
- (4) The person may not bring an immigration appeal <sup>F39</sup> ... in reliance on a human rights claim <sup>F40</sup> ... if the Secretary of State certifies that the claim is clearly unfounded; and the Secretary of State shall certify a human rights claim <sup>F40</sup> ... unless satisfied that the claim is not clearly unfounded.

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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

F41(5) .....

#### Textual Amendments

- F36** Sch. 3 para. 5(2) omitted (20.10.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 9 para. 56(3)(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))
- F37** Words in Sch. 3 para. 5(3) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), **Sch. 4 para. 11**
- F38** Sch. 3 para. 5(3)(b) and word omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), **Sch. 4 para. 6(a)** (with Sch. 4 para. 19(1))
- F39** Words in Sch. 3 para. 5(4) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), **Sch. 4 para. 11** (with Sch. 4 para. 19(2)(a))
- F40** Words in Sch. 3 para. 5(4) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), **Sch. 4 para. 6(b)** (with Sch. 4 para. 19(1))
- F41** Sch. 3 para. 5(5) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), **Sch. 4 para. 6(c)** (with Sch. 4 para. 19(1))

#### Commencement Information

- I27** Sch. 3 para. 5 in force at 1.10.2004 by [S.I. 2004/2523](#), art. 2, **Sch.**

F426 .....

#### Textual Amendments

- F42** Sch. 3 para. 6 omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), **Sch. 4 para. 12**

### 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

- I28** 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.

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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (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

**I29** Sch. 3 para. 8 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

F439

#### Textual Amendments

**F43** 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—
- (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.

F44(2) .....

- (3) The person may not bring an immigration appeal <sup>F45</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>F46</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

**F44** 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))

**F45** 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

**F46** 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

**I30** Sch. 3 para. 10 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

F47 11

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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

- F47** 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](#)

### PART 4

#### THIRD LIST OF SAFE COUNTRIES (REFUGEE CONVENTION ONLY)

- 12 (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

- I31** Sch. 3 para. 12 in force at 1.10.2004 by [S.I. 2004/2523](#), art. 2, [Sch.](#)

- 13 (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

- I32** Sch. 3 para. 13 in force at 1.10.2004 by [S.I. 2004/2523](#), art. 2, [Sch.](#)

**F48** 14 . . . . .

#### Textual Amendments

- F48** Sch. 3 para. 14 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\(4\)](#))

- 15 (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.



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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

<sup>F49</sup>(2) .....

- (3) The person may not bring an immigration appeal <sup>F50</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>F51</sup>... in reliance on a human rights claim if the Secretary of State certifies that the claim is clearly unfounded.

#### Textual Amendments

- F49** Sch. 3 para. 15(2) omitted (20.10.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 56\(5\)\(a\)](#); [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))
- F50** Words in [Sch. 3 para. 15\(3\)](#) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 15](#)
- F51** Words in [Sch. 3 para. 15\(4\)](#) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 15](#) (with [Sch. 4 para. 19\(2\)\(c\)](#))

#### Commencement Information

- I33** Sch. 3 para. 15 in force at 1.10.2004 by [S.I. 2004/2523](#), art. 2, [Sch.](#)

<sup>F52</sup>16 .....

#### Textual Amendments

- F52** [Sch. 3 para. 16](#) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 16](#)

## PART 5

### COUNTRIES CERTIFIED AS SAFE FOR INDIVIDUALS

- 17 This Part applies to a person who has made an asylum claim if the Secretary of State certifies that—
- (a) it is proposed to remove the person to a specified State,
- (b) in the Secretary of State's opinion the person is not a national or citizen of the specified State, and
- (c) in the Secretary of State's opinion the specified State is a place—
- (i) where the person's life and liberty will not be threatened by reason of his race, religion, nationality, membership of a particular social group or political opinion, and
- (ii) from which the person will not be sent to another State otherwise than in accordance with the Refugee Convention.

#### Commencement Information

- I34** [Sch. 3 para. 17](#) in force at 1.10.2004 by [S.I. 2004/2523](#), art. 2, [Sch.](#)

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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

<sup>F53</sup>18 .....

#### Textual Amendments

**F53** Sch. 3 para. 18 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\(4\)](#))

19 Where this Part applies to a person—

- <sup>F54</sup>(a) .....
- (b) he may not bring an immigration appeal <sup>F55</sup>... in reliance on an asylum claim which asserts that to remove the person to the State specified under paragraph 17 would breach the United Kingdom’s obligations under the Refugee Convention,
- (c) he may not bring an immigration appeal <sup>F56</sup>... in reliance on a human rights claim if the Secretary of State certifies that the claim is clearly unfounded, and
- <sup>F57</sup>(d) .....

#### Textual Amendments

- F54** Sch. 3 para. 19(a) omitted (20.10.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 56\(6\)\(a\)](#); [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))
- F55** Words in [Sch. 3 para. 19\(b\)](#) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 17\(a\)](#)
- F56** Words in [Sch. 3 para. 19\(c\)](#) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 17\(a\)](#) (with [Sch. 4 para. 19\(2\)\(d\)](#))
- F57** [Sch. 3 para. 19\(d\)](#) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 17\(b\)](#)

#### Commencement Information

**I35** Sch. 3 para. 19 in force at 1.10.2004 by [S.I. 2004/2523](#), art. 2, [Sch.](#)

## PART 6

### AMENDMENT OF LISTS

- 20 (1) The Secretary of State may by order
- <sup>F58</sup>(a) add a State to the list specified in paragraph 2 <sup>F59</sup>, or
- (b) remove a State from that list.]
- (2) The Secretary of State may by order —
- (a) add a State to a list specified under paragraph 7 or 12, or
- (b) remove a State from a list specified under paragraph 7 or 12.

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

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

#### Textual Amendments

- F58** Words in Sch. 3 para. 20(1) renumbered as Sch. 3 para. 20(1)(a) (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), s. 87\(5\)\(b\)](#), [Sch. 4 para. 9\(a\)](#)
- F59** [Sch. 3 para. 20\(1\)\(b\)](#) and word inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), s. 87\(5\)\(b\)](#), [Sch. 4 para. 9\(b\)](#)

#### Commencement Information

- I36** [Sch. 3 para. 20](#) in force at 1.10.2004 by [S.I. 2004/2523, art. 2, Sch.](#)

- 21 (1) An order under paragraph [<sup>F60</sup>20(1)(a)] or (2)(a)—
- (a) shall be made by statutory instrument,
  - (b) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament, and
  - (c) may include transitional provision.
- (2) An order under paragraph [<sup>F61</sup>20(1)(b) or (2)(b)]—
- (a) shall be made by statutory instrument,
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament, and
  - (c) may include transitional provision.

#### Textual Amendments

- F60** Word in [Sch. 3 para. 21\(1\)](#) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), s. 87\(5\)\(b\)](#), [Sch. 4 para. 10\(a\)](#)
- F61** Words in [Sch. 3 para. 21\(2\)](#) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), s. 87\(5\)\(b\)](#), [Sch. 4 para. 10\(b\)](#)

#### Commencement Information

- I37** [Sch. 3 para. 21](#) in force at 1.10.2004 by [S.I. 2004/2523, art. 2, Sch.](#)

## SCHEDULE 4

Section 47

### REPEALS

#### Commencement Information

- I38** [Sch. 4](#) in force at 1.10.2004 for specified purposes by [S.I. 2004/2523, art. 2, Sch.](#)
- I39** [Sch. 4](#) in force at 14.6.2007 by [S.I. 2007/1602, art. 2\(2\)](#) (with [art. 2\(3\)](#))

#### *Short title and chapter*

Immigration Act 1971 (c. 77)

#### *Extent of repeal*

In Schedule 2—

- (a) in paragraph 29(3), the words from “and where an adjudicator dismisses” to the end, and

---

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

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

---

	(b) paragraph 29(4).
House of Commons Disqualification Act 1975 (c. 24)	In Part III of Schedule 1, the entry relating to immigration adjudicators.
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Part III of Schedule 1, the entry relating to immigration adjudicators.
British Nationality Act 1981 (c. 61)	Section 40A(6) to (8).
Tribunals and Inquiries Act 1992 (c. 53)	Section 7(3).
Asylum and Immigration Appeals Act 1993 (c. 23)	Section 9A.
Asylum and Immigration Act 1996 (c. 49)	Section 8(9).
Immigration and Asylum Act 1999 (c. 33)	Sections 11 and 12. In section 72(10), “adjudicator”. In section 85(1), “and (b)”. Section 87(3)(f). Section 123. In Schedule 6, in paragraph 1(1), “or (b)”.
State Pension Credit Act 2002 (c. 16)	In Schedule 2, paragraph 42.
Tax Credits Act 2002 (c. 21)	In Schedule 4, paragraph 22.
Nationality, Immigration and Asylum Act 2002 (c. 41)	Section 52. Section 80. Section 87(4). Section 93. Section 94(4)(a) to (j). Sections 100 to 103. Section 104(3). In section 106— (a) in subsection (2)(e) and (f), “an adjudicator or”, (b) subsection (2)(j) and (k), (c) in subsection (2)(m), the words from “(which may” to the end, and (d) in subsections (2)(o), (p), (q), (r) and (s), (3)(a), (d), (e) and (4), “an adjudicator or”. Section 107(2). Schedule 5.
State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.))	In Schedule 2, paragraph 31.

---

**Status:**

Point in time view as at 28/06/2022.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations.