
Changes to legislation: Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Part 2 is up to date with all changes known to be in force on or before 13 July 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) View outstanding changes

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,
 - [^{F1}(ba) Bulgaria,]
 - [^{F2}(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,
 - (l) Iceland,
 - (m) Ireland,
 - (n) Italy,
 - (o) Latvia,
 - [^{F3}(oa) Principality of Liechtenstein,]
 - (p) Lithuania,
 - (q) Luxembourg,
 - (r) Malta,
 - (s) Netherlands,
 - (t) Norway,
 - (u) Poland,
 - (v) Portugal,
 - [^{F4}(va) Romania,]
 - (w) Slovak Republic,
 - (x) Slovenia,
 - (y) Spain, ^{F5}...
 - (z) Sweden,

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[^{F6}(z1) Switzerland.]

Textual Amendments

- F1** 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)**
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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))
- F6** 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

- I1** 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 [^{F7}(the “claimant”)] may be removed—
 - (a) from the United Kingdom, and
 - (b) to a State of which he is not a national or citizen.

- [^{F8}(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—
 - (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,
 - [^{F9}(b) and
 - (c) from which a person will not be sent to another State otherwise than in accordance with the Refugee Convention.

Textual Amendments

- F7** 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)**

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- F8** 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)**
- F9** 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

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

F104

Textual Amendments

- F10** 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.

F11(2)

- (3) The person may not bring an immigration appeal **F12**... 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, **F13**...

F13(b)

- (4) The person may not bring an immigration appeal **F14**... in reliance on a human rights claim **F15**... if the Secretary of State certifies that the claim is clearly unfounded; and the Secretary of State shall certify a human rights claim **F15**... unless satisfied that the claim is not clearly unfounded.

F16(5)

Textual Amendments

- F11** 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))
- F12** 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**
- F13** 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))
- F14** 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))
- F15** 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))
- F16** 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))

Changes to legislation: *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Part 2 is up to date with all changes known to be in force on or before 13 July 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) View outstanding changes*

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Commencement Information

I3 Sch. 3 para. 5 in force at 1.10.2004 by [S.I. 2004/2523](#), [art. 2](#), [Sch.](#)

F17₆

.....

Textual Amendments

F17 [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](#)

Changes to legislation:

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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. 8(1A)(1B) inserted by [2022 c. 36 s. 19\(2\)](#)
- s. 8(3A)(3B) inserted by [2022 c. 36 s. 19\(3\)](#)
- s. 8(6A)(6B) inserted by [2022 c. 36 s. 19\(4\)](#)
- s. 8(9A)(a) word inserted by [2022 c. 36 Sch. 3 para. 7\(b\)](#)
- s. 8(9A)(b) and word inserted by [2022 c. 36 Sch. 3 para. 7\(c\)](#)
- s. 8(9B) inserted by [2022 c. 36 s. 19\(6\)](#)
- Sch. 3 para. 3(3) inserted by [2023 c. 37 s. 10\(9\)\(a\)](#)
- Sch. 3 para. 8(3) inserted by [2023 c. 37 s. 10\(9\)\(b\)](#)
- Sch. 3 para. 13(3) inserted by [2023 c. 37 s. 10\(9\)\(c\)](#)