



# Asylum and Immigration Act 1996

## 1996 CHAPTER 49

### *Asylum claims*

#### **1 Extension of special appeals procedures**

For paragraph 5 of Schedule 2 to the Asylum and Immigration Appeals Act 1993 (“the 1993 Act”) there shall be substituted the following paragraph—

- “5 (1) This paragraph applies to an appeal by a person on any of the grounds mentioned in subsections (1) to (4) of section 8 of this Act if the Secretary of State has certified that, in his opinion, the person’s claim on the ground that it would be contrary to the United Kingdom’s obligations under the Convention for him to be removed from, or be required to leave, the United Kingdom is one to which—
- (a) sub-paragraph (2), (3) or (4) below applies; and
  - (b) sub-paragraph (5) below does not apply.
- (2) This sub-paragraph applies to a claim if the country or territory to which the appellant is to be sent is designated in an order made by the Secretary of State by statutory instrument as a country or territory in which it appears to him that there is in general no serious risk of persecution.
- (3) This sub-paragraph applies to a claim if, on his arrival in the United Kingdom, the appellant was required by an immigration officer to produce a valid passport and either—
- (a) he failed to produce a passport without giving a reasonable explanation for his failure to do so; or
  - (b) he produced a passport which was not in fact valid and failed to inform the officer of that fact.
- (4) This sub-paragraph applies to a claim if—
- (a) it does not show a fear of persecution by reason of the appellant’s race, religion, nationality, membership of a particular social group, or political opinion;

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*Status: This is the original version (as it was originally enacted).*

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- (b) it shows a fear of such persecution, but the fear is manifestly unfounded or the circumstances which gave rise to the fear no longer subsist;
  - (c) it is made at any time after the appellant—
    - (i) has been refused leave to enter under the 1971 Act,
    - (ii) has been recommended for deportation by a court empowered by that Act to do so,
    - (iii) has been notified of the Secretary of State's decision to make a deportation order against him by virtue of section 3(5) of that Act, or
    - (iv) has been notified of his liability to removal under paragraph 9 of Schedule 2 to that Act;
  - (d) it is manifestly fraudulent, or any of the evidence adduced in its support is manifestly false; or
  - (e) it is frivolous or vexatious.
- (5) This sub-paragraph applies to a claim if the evidence adduced in its support establishes a reasonable likelihood that the appellant has been tortured in the country or territory to which he is to be sent.
- (6) Rules of procedure under section 22 of the 1971 Act may make special provision in relation to appeals to which this paragraph applies.
- (7) If on an appeal to which this paragraph applies the special adjudicator agrees that the claim is one to which—
  - (a) sub-paragraph (2), (3) or (4) above applies; and
  - (b) sub-paragraph (5) above does not apply,section 20(1) of that Act shall not confer on the appellant any right to appeal to the Immigration Appeal Tribunal.
- (8) The first order under this paragraph shall not be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (9) A statutory instrument containing a subsequent order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this paragraph—
  - “immigration officer” means an immigration officer appointed for the purposes of the 1971 Act;
  - “passport”, in relation to an appellant, means a passport with photograph or some other document satisfactorily establishing his identity and nationality or citizenship.”