

Status: Point in time view as at 01/01/2007.

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 30 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)

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,]
 - (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,
 - (p) Lithuania,
 - (q) Luxembourg,
 - (r) Malta,
 - (s) Netherlands,
 - (t) Norway,
 - (u) Poland,
 - (v) Portugal,
 - [^{F2}(va) Romania,]
 - (w) Slovak Republic,
 - (x) Slovenia,
 - (y) Spain, and
 - (z) Sweden.

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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(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)**

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 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,
 - (b) from which a person will not be sent to another State in contravention of his Convention rights, and
 - (c) from which a person will not be sent to another State otherwise than in accordance with the Refugee Convention.

Commencement Information

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

- 4 Section 77 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (no removal while claim for asylum pending) shall not prevent a person who has made a claim for asylum from being removed—
- (a) from the United Kingdom, and
 - (b) to a State to which this Part applies;
- provided that the Secretary of State certifies that in his opinion the person is not a national or citizen of the State.

Commencement Information

- I3** Sch. 3 para. 4 in force at 1.10.2004 by [S.I. 2004/2523](#), art. 2, [Sch.](#)

- 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.
- (2) The person may not bring an immigration appeal by virtue of section 92(2) or (3) of that Act (appeal from within United Kingdom: general).

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- (3) The person may not bring an immigration appeal by virtue of section 92(4)(a) of that Act (appeal from within United Kingdom: asylum or human rights) 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, or
 - (b) a human rights claim in so far as it asserts that to remove the person to a specified State to which this Part applies would be unlawful under section 6 of the Human Rights Act 1998 because of the possibility of removal from that State to another State.
- (4) The person may not bring an immigration appeal by virtue of section 92(4)(a) of that Act in reliance on a human rights claim to which this sub-paragraph applies if the Secretary of State certifies that the claim is clearly unfounded; and the Secretary of State shall certify a human rights claim to which this sub-paragraph applies unless satisfied that the claim is not clearly unfounded.
- (5) Sub-paragraph (4) applies to a human rights claim if, or in so far as, it asserts a matter other than that specified in sub-paragraph (3)(b).

Commencement Information

I4 Sch. 3 para. 5 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

- 6 A person who is outside the United Kingdom may not bring an immigration appeal on any ground that is inconsistent with treating a State to which this Part applies 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,
 - (b) from which a person will not be sent to another State in contravention of his Convention rights, and
 - (c) from which a person will not be sent to another State otherwise than in accordance with the Refugee Convention.

Commencement Information

I5 Sch. 3 para. 6 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

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