



# Immigration, Asylum and Nationality Act 2006

## 2006 CHAPTER 13

### *Miscellaneous*

#### **53 Arrest pending deportation**

At the end of paragraph 2(4) of Schedule 3 to the Immigration Act 1971 (c. 77) (deportation: power to detain) insert “; and for that purpose the reference in paragraph 17(1) to a person liable to detention includes a reference to a person who would be liable to detention upon receipt of a notice which is ready to be given to him.”

#### **54 Refugee Convention: construction**

(1) In the construction and application of Article 1(F)(c) of the Refugee Convention the reference to acts contrary to the purposes and principles of the United Nations shall be taken as including, in particular—

- (a) acts of committing, preparing or instigating terrorism (whether or not the acts amount to an actual or inchoate offence), and
- (b) acts of encouraging or inducing others to commit, prepare or instigate terrorism (whether or not the acts amount to an actual or inchoate offence).

(2) In this section—

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

“terrorism” has the meaning given by section 1 of the Terrorism Act 2000 (c. 11).

#### **55 Refugee Convention: certification**

(1) This section applies to an asylum appeal where the Secretary of State issues a certificate that the appellant is not entitled to the protection of Article 33(1) of the Refugee Convention because—

- (a) Article 1(F) applies to him (whether or not he would otherwise be entitled to protection), or
  - (b) Article 33(2) applies to him on grounds of national security (whether or not he would otherwise be entitled to protection).
- (2) In this section—
- (a) “asylum appeal” means an appeal—
    - (i) which is brought under section 82, 83 or 101 of the Nationality, Immigration and Asylum Act 2002 (c. 41) or section 2 of the Special Immigration Appeals Commission Act 1997 (c. 68), and
    - (ii) in which the appellant claims that to remove him from or require him to leave the United Kingdom would be contrary to the United Kingdom’s obligations under the Refugee Convention, and
  - (b) “the Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951.
- (3) The Asylum and Immigration Tribunal or the Special Immigration Appeals Commission must begin substantive deliberations on the asylum appeal by considering the statements in the Secretary of State’s certificate.
- (4) If the Tribunal or Commission agrees with those statements it must dismiss such part of the asylum appeal as amounts to an asylum claim (before considering any other aspect of the case).
- (5) Section 72(10)(a) of the Nationality, Immigration and Asylum Act 2002 (serious criminal: Tribunal or Commission to begin by considering certificate) shall have effect subject to subsection (3) above.
- (6) Section 33 of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (certificate of non-application of Refugee Convention) shall cease to have effect.

## 56 Deprivation of citizenship

- (1) For section 40(2) of the British Nationality Act 1981 (c. 61) (deprivation of citizenship: prejudicing UK interests) substitute—
- “(2) The Secretary of State may by order deprive a person of a citizenship status if the Secretary of State is satisfied that deprivation is conducive to the public good.”
- (2) At the end of section 40A(3) of that Act (deprivation: appeal) add—
- “, and
- (e) section 108 (forged document: proceedings in private).”;
- (and omit the word “and” before section 40A(3)(d)).

## 57 Deprivation of right of abode

- (1) After section 2 of the Immigration Act 1971 (c. 77) (right of abode) insert—

## **“2A Deprivation of right of abode**

- (1) The Secretary of State may by order remove from a specified person a right of abode in the United Kingdom which he has under section 2(1)(b).
  - (2) The Secretary of State may make an order under subsection (1) in respect of a person only if the Secretary of State thinks that it would be conducive to the public good for the person to be excluded or removed from the United Kingdom.
  - (3) An order under subsection (1) may be revoked by order of the Secretary of State.
  - (4) While an order under subsection (1) has effect in relation to a person—
    - (a) section 2(2) shall not apply to him, and
    - (b) any certificate of entitlement granted to him shall have no effect.”
- (2) In section 82(2) of the Nationality, Immigration and Asylum Act 2002 (c. 41) (right of appeal: definition of immigration decision) after paragraph (ia) insert—
- “(ib) a decision to make an order under section 2A of that Act (deprivation of right of abode),”.

## **58 Acquisition of British nationality, &c.**

- (1) The Secretary of State shall not grant an application for registration of an adult or young person as a citizen of any description or as a British subject under a provision listed in subsection (2) unless satisfied that the adult or young person is of good character.
- (2) Those provisions are—
  - (a) sections 1(3) and (4), 3(1) and (5), 4(2) and (5), 4A, 4C, 5, 10(1) and (2), 13(1) and (3) of the British Nationality Act 1981 (c. 61) (registration as British citizen),
  - (b) sections 15(3) and (4), 17(1) and (5), 22(1) and (2), 24, 27(1) and 32 of that Act (registration as British overseas territories citizen, &c.),
  - (c) section 1 of the Hong Kong (War Wives and Widows) Act 1996 (c. 41) (registration as British citizen), and
  - (d) section 1 of the British Nationality (Hong Kong) Act 1997 (c. 20) (registration as British citizen).
- (3) In subsection (1) “adult or young person” means a person who has attained the age of 10 at the time when the application is made.
- (4) Where the Secretary of State makes arrangements under section 43 of the British Nationality Act 1981 for a function to be exercised by some other person, subsection (1) above shall have effect in relation to that function as if the reference to the Secretary of State were a reference to that other person.

## **59 Detained persons: national minimum wage**

- (1) After section 153 of the Immigration and Asylum Act 1999 (c. 33) (removal centres: rules) insert—

**“153A Detained persons: national minimum wage**

A detained person does not qualify for the national minimum wage in respect of work which he does in pursuance of removal centre rules.”

- (2) After section 45A of the National Minimum Wage Act 1998 (c. 39) (exemptions from national minimum wage: persons discharging fines) insert—

**“45B Immigration: detained persons**

Section 153A of the Immigration and Asylum Act 1999 (c. 33) (persons detained in removal centres) disqualifies certain persons for the national minimum wage.”