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**Changes to legislation:** Nationality and Borders Act 2022, Paragraph 1 is up to date with all changes known to be in force on or before 22 April 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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## SCHEDULES

### SCHEDULE 4

#### REMOVAL OF ASYLUM SEEKER TO SAFE COUNTRY

##### *Amendments to section 77 of the Nationality, Immigration and Asylum Act 2002*

- 1 In section 77 of the Nationality, Immigration and Asylum Act 2002 (no removal while claim for asylum pending), after subsection (2) insert—
- “(2A) This section does not prevent a person being removed to, or being required to leave to go to, a State falling within subsection (2B).
- (2B) A State falls within this subsection if—
- (a) it is a place where a person’s life and liberty are not threatened by reason of the person’s race, religion, nationality, membership of a particular social group or political opinion,
  - (b) it is a place from which a person will not be removed elsewhere other than in accordance with the Refugee Convention,
  - (c) it is a place—
    - (i) 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
    - (ii) from which a person will not be sent to another State in contravention of the person’s Convention rights, and
  - (d) the person is not a national or citizen of the State.
- (2C) For the purposes of this section—
- (a) any State to which Part 2 or 3 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 for the time being applies—
    - (i) is to be presumed to be a State falling within subsection (2B)(a) and (b), and
    - (ii) is, unless the contrary is shown by a person to be the case in their particular circumstances, to be presumed to be a State falling within subsection (2B)(c)(i) and (ii);
  - (b) any State to which Part 4 of that Schedule for the time being applies is to be presumed to be a State falling within subsection (2B)(a) and (b);
  - (c) 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;
  - (d) “State” includes any territory outside of the United Kingdom.”

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#### Commencement Information

- I1** Sch. 4 para. 1 not in force at Royal Assent, see **s. 87(1)**
- I2** Sch. 4 para. 1 in force at 28.6.2022 by S.I. 2022/590, regs. 1(2), 2, **Sch. 1 para. 17** (with Sch. 2 para. 4(4))

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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. 54(6)(c) and word inserted by [2023 c. 37 s. 57\(11\)\(b\)](#)
- s. 63(2A) inserted by [2023 c. 37 s. 29\(3\)](#)
- s. 63(3)(fa)(fb) inserted by [2023 c. 37 s. 29\(4\)\(b\)](#)
- s. 63(5A)(5B) inserted by [2023 c. 37 s. 29\(5\)](#)
- s. 63(8) inserted by [2023 c. 37 s. 28\(9\)](#)
- s. 65(8A) inserted by [2023 c. 37 s. 28\(12\)](#)