



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 2

ASYLUM

Interpretation of Refugee Convention

34 Article 1(A)(2): protection from persecution

- (1) For the purposes of Article 1(A)(2) of the Refugee Convention, protection from persecution can be provided by—
 - (a) the State, or
 - (b) any party or organisation, including any international organisation, controlling the State or a substantial part of the territory of the State.
- (2) An asylum seeker is to be taken to be able to avail themselves of protection from persecution if—
 - (a) the State, party or organisation mentioned in subsection (1) takes reasonable steps to prevent the persecution by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution, and
 - (b) the asylum seeker is able to access the protection.