



# Nationality and Borders Act 2022

## 2022 CHAPTER 36

### PART 2

#### ASYLUM

##### *Interpretation of Refugee Convention*

#### **35 Article 1(A)(2): internal relocation**

- (1) An asylum seeker is not to be taken to be a refugee for the purposes of Article 1(A)(2) of the Refugee Convention if—
  - (a) they would not have a well-founded fear of being persecuted in a part of their country of nationality (or in a case where they do not have a nationality, the country of their former habitual residence), and
  - (b) they can reasonably be expected to travel to and remain in that part of the country.
- (2) In considering whether an asylum seeker can reasonably be expected to travel to and remain in a part of a country, a decision-maker—
  - (a) must have regard to—
    - (i) the general circumstances prevailing in that part of the country, and
    - (ii) the personal circumstances of the asylum seeker;
  - (b) must disregard any technical obstacles relating to travel to that part of that country.

#### **Commencement Information**

**II** [S. 35](#) in force at 28.6.2022, see [s. 87\(5\)\(d\)](#)

**Changes to legislation:**

Nationality and Borders Act 2022, Section 35 is up to date with all changes known to be in force on or before 25 May 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.

[View outstanding changes](#)

**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\(12\)](#)