

Draft Regulations laid before Parliament under section 80AA(6) of the Nationality, Immigration, and Asylum Act 2002, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2024 No. XXX

IMMIGRATION AND ASYLUM

**The Nationality, Immigration and Asylum Act 2002
(Amendment of List of Safe States) Regulations 2024**

*Made - - - - - ***
Coming into force in accordance with regulation 1(2)*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 80AA(2) of the Nationality, Immigration and Asylum Act 2002(1).

In accordance with section 80AA(3) of that Act, the Secretary of State is satisfied that (a) there is in general in the States to be added to section 80AA(1) of that Act by these Regulations no serious risk of persecution of nationals of those States and that (b) removal to those States of nationals of those States will not in general contravene the United Kingdom’s obligations under the Human Rights Convention(2).

In accordance with section 80AA(6) of that Act, a draft of these Regulations has been laid before and approved by resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Nationality, Immigration and Asylum Act 2002 (Amendment of List of Safe States) Regulations 2024.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendment of the Nationality, Immigration and Asylum Act 2002

2. In the Nationality, Immigration and Asylum Act 2002, in section 80AA(1) (Safe States for the purposes of section 80A)—

(a) after paragraph (k), insert—

“(ka) Georgia,” and

(1) 2002 c. 41; section 80AA was inserted by section 59(1) and (3) of the Illegal Migration Act 2023 (c. 37).

(2) See section 113 of the Nationality, Immigration and Asylum Act 2002 for the definition of “the Human Rights Convention” (c. 42).

- (b) after paragraph (o), insert—
 “(oa) India.”.

Name
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations add Georgia and India to the list of safe States in section 80AA(1) of the 2002 Act. The section 80AA list of safe States is used for the purposes of section 80A (claims by nationals of listed safe States) of the 2002 Act, and section 4 (unaccompanied children and power to provide for exceptions) and section 6 (removal for the purposes of section 2 or 4) of the Illegal Migration Act 2023.

An impact assessment was published in relation to the Illegal Migration Bill and can be found at <https://bills.parliament.uk/publications/51897/documents/3699> or a copy can be obtained from the Home Office, 2 Marsham Street, London SW1P 4DF. A separate impact assessment has not been produced for this instrument.