



# Nationality, Immigration and Asylum Act 2002

## 2002 CHAPTER 41

### [<sup>F1</sup>PART 4A

#### INADMISSIBLE ASYLUM [<sup>F1</sup>AND HUMAN RIGHTS] CLAIMS

#### [<sup>F1</sup> <sup>F2</sup>80C] **Meaning of “connection” to a safe third State**

- (1) Condition 1 is that the claimant—
  - (a) has been recognised as a refugee in the safe third State, and
  - (b) remains able to access protection in accordance with the Refugee Convention in that State.
- (2) Condition 2 is that the claimant—
  - (a) has otherwise been granted protection in a safe third State as a result of which the claimant would not be sent from the safe third State to another State—
    - (i) otherwise than in accordance with the Refugee Convention, or
    - (ii) in contravention of their rights under Article 3 of the Human Rights Convention, and
  - (b) remains able to access that protection in that State.
- (3) Condition 3 is that the claimant has made a relevant claim to the safe third State and the claim—
  - (a) has not yet been determined, or
  - (b) has been refused.
- (4) Condition 4 is that—
  - (a) the claimant was previously present in, and eligible to make a relevant claim to, the safe third State,
  - (b) it would have been reasonable to expect them to make such a claim, and
  - (c) they failed to do so.

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*Changes to legislation: Nationality, Immigration and Asylum Act 2002, Section 80C is up to date with all changes known to be in force on or before 05 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. (See end of Document for details) View outstanding changes*

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- (5) Condition 5 is that, in the claimant’s particular circumstances, it would have been reasonable to expect them to have made a relevant claim to the safe third State (instead of making a claim in the United Kingdom).
- (6) For the purposes of this section, a “relevant claim” to a safe third State is a claim—
- (a) to be recognised as a refugee in the State for the purposes of the Refugee Convention, or
  - (b) for protection in the State of the kind mentioned in subsection (2)(a).
- (7) For the purposes of this section “claimant” and “safe third State” have the same meanings as in section 80B; and see subsection (8) of that section.]]

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#### Textual Amendments

- F1** Pt. 4A inserted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), ss. 15(1), 87(1); S.I. 2022/590, reg. 2, Sch. 1 para. 14 (with Sch. 2 para. 4(3))
- F2** Ss. 80B, 80C inserted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), ss. 16, 87(1); S.I. 2022/590, reg. 2, Sch. 1 para. 15 (with Sch. 2 para. 4(3))

### Changes to legislation:

Nationality, Immigration and Asylum Act 2002, Section 80C is up to date with all changes known to be in force on or before 05 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.

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### Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(1)(1A) substituted for s. 18(1) by [2016 c. 19 Sch. 11 para. 31\(2\)](#)
- s. 22A inserted by [2022 c. 36 s. 13\(7\)](#)
- s. 27(ba) inserted by [2022 c. 36 s. 13\(10\)](#)
- s. 51(2)(d) and word inserted by [2016 c. 19 Sch. 11 para. 26\(6\)](#)
- s. 55(2)(aa) inserted by [2016 c. 19 Sch. 11 para. 26\(7\)](#)
- s. 62(3A) inserted by [2023 c. 37 s. 11\(8\)](#)
- s. 80A(5A) inserted by [2023 c. 37 s. 10\(8\)](#)
- s. 82A inserted by [2022 c. 36 s. 23\(1\)](#)
- s. 94(6B) inserted by [2006 c. 13 s. 13](#)
- s. 106(2)(ua) inserted by [2007 c. 30 s. 19\(3\)](#)
- s. 107(2A) inserted by [2022 c. 36 Sch. 3 para. 5\(a\)](#)
- s. 126(2A) inserted by [S.I. 2019/745 reg. 12\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). [Reg. 12\(2\)\(3\)](#) omitted immediately before IP completion day by virtue of [S.I. 2020/1309](#), regs. 1(2)(a), 48)
- [Sch. 3 para. 1\(1\)\(ga\)](#) inserted by [2016 c. 19 Sch. 12 para. 2\(2\)](#) (This Act is amended by [S.I. 2020/1309](#), [Sch. 1 para. 3\(a\)](#))
- [Sch. 3 para. 1\(2A\)](#) inserted by [2016 c. 19 Sch. 12 para. 2\(4\)](#) (This Act is amended by [S.I. 2020/1309](#), [Sch. 1 para. 3\(b\)](#))
- [Sch. 3 para. 1A](#) inserted by [2016 c. 19 Sch. 12 para. 3](#)
- [Sch. 3 para. 2\(1\)\(ca\)](#) inserted by [2016 c. 19 Sch. 12 para. 4\(3\)](#)
- [Sch. 3 para. 2A](#) inserted by [2016 c. 19 Sch. 12 para. 5](#)
- [Sch. 3 para. 3A-3C](#) inserted by [2016 c. 19 Sch. 12 para. 6](#)
- [Sch. 3 para. 7B7C](#) and cross-headings inserted by [2016 c. 19 Sch. 12 para. 9](#)
- [Sch. 3 para. 10A10B](#) inserted by [2016 c. 19 Sch. 12 para. 10](#) (This Act is amended by [S.I. 2020/1309](#), [Sch. 1 para. 3\(c\)](#))
- [Sch. 3 para. 15\(aa\)](#) inserted by [2016 c. 19 Sch. 12 para. 14\(2\)](#)
- [Sch. 3 para. 15\(d\)-\(f\)](#) inserted by [2016 c. 19 Sch. 12 para. 14\(4\)](#)
- [Sch. 3 para. 7C\(1\)\(c\)](#) word substituted by [S.I. 2019/745 reg. 12\(5\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). [Reg. 12\(5\)\(a\)\(c\)\(d\)](#) omitted immediately before IP completion day by virtue of [S.I. 2020/1309](#), regs. 1(2)(a), 48)
- [Sch. 5 para. 3\(1\)](#) [Sch. 5 para. 3](#) renumbered as [Sch. 5 para. 3\(1\)](#) by [2005 c. 4 Sch. 4 para. 407\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))
- [Sch. 5 para. 3\(2\)-\(4\)](#) inserted by [2005 c. 4 Sch. 4 para. 407\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))
- [Sch. 5 para. 3\(1\)](#) words inserted by [2005 c. 4 Sch. 4 para. 407\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))