



Illegal Migration Act 2023

2023 CHAPTER 37

Inadmissibility of certain asylum and human rights claims

59 Inadmissibility of certain asylum and human rights claims

- (1) Part 4A of the Nationality, Immigration and Asylum Act 2002 (inadmissible asylum claims) is amended as follows.
- (2) In section 80A (asylum claims by EU nationals)—
 - (a) in subsection (1)—
 - (i) after “claim” insert “or a human rights claim”;
 - (ii) for “member State” substitute “State listed in section 80AA(1)”;
 - (b) in subsection (2), for “An asylum” substitute “A”;
 - (c) in subsection (3)—
 - (i) for “an asylum” substitute “a”;
 - (ii) after “82(1)(a)” insert “or (b)”;
 - (iii) after “protection claim” insert “or human rights claim”;
 - (d) in subsection (5)—
 - (i) in the words before paragraph (a), omit from “where” to “national”;
 - (ii) in paragraph (a), at the beginning insert “in a case where the claimant is a national of a State that is a signatory to the Human Rights Convention, where that State”;
 - (iii) in paragraph (b), at the beginning insert “in a case where the claimant is a national of a member State, where that State”;
 - (e) in subsection (6)—
 - (i) after “this section” insert “and section 80AA”;
 - (ii) after “claim,” insert ““human rights claim””;
 - (iii) at the appropriate place insert—

““national” includes citizen”;
 - (f) for the heading, substitute “Claims by nationals of listed safe States”.
- (3) After section 80A insert—

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“80AA Safe States for the purposes of section 80A

- (1) The States are—
- (a) Albania,
 - (b) Austria,
 - (c) Belgium,
 - (d) Bulgaria,
 - (e) Republic of Croatia,
 - (f) Republic of Cyprus,
 - (g) Czech Republic,
 - (h) Denmark,
 - (i) Estonia,
 - (j) Finland,
 - (k) France,
 - (l) Germany,
 - (m) Greece,
 - (n) Hungary,
 - (o) Iceland,
 - (p) Republic of Ireland,
 - (q) Italy,
 - (r) Latvia,
 - (s) Principality of Liechtenstein,
 - (t) Lithuania,
 - (u) Luxembourg,
 - (v) Malta,
 - (w) Netherlands,
 - (x) Norway,
 - (y) Poland,
 - (z) Portugal,
 - (z1) Romania,
 - (z2) Slovak Republic,
 - (z3) Slovenia,
 - (z4) Spain,
 - (z5) Sweden,
 - (z6) Switzerland.
- (2) The Secretary of State may by regulations amend the list in subsection (1) so as to add or remove a State.
- (3) The Secretary of State may add a State to the list only if satisfied that—
- (a) there is in general in that State no serious risk of persecution of nationals of that State, and
 - (b) removal to that State of nationals of that State will not in general contravene the United Kingdom’s obligations under the Human Rights Convention.

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- (4) In deciding whether the statements in subsection (3)(a) and (b) are true of a State, the Secretary of State—
- (a) must have regard to all the circumstances of the State (including its laws and how they are applied), and
 - (b) must have regard to information from any appropriate source (including member States and international organisations).
- (5) Regulations under this section—
- (a) must be made by statutory instrument;
 - (b) may include transitional or saving provision.
- (6) A statutory instrument containing—
- (a) regulations which add a State to the list in subsection (1), or
 - (b) regulations which both add a State to, and remove a State from, that list,
- may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (7) A statutory instrument containing regulations under this section, other than one to which subsection (6) applies, is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) In the heading to Part 4A, after “Asylum” insert “and Human Rights”.

Commencement Information

- I1** S. 59 not in force at Royal Assent, see [s. 68\(1\)](#)
- I2** S. 59 in force at 28.9.2023 for specified purposes by [S.I. 2023/989](#), [reg. 2\(c\)](#)

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

- Act excluded by [2024 c. 8 s. 2\(5\)\(a\)](#)

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

- s. 39(4A) inserted by [2024 c. 8 s. 7\(2\)](#)