STATUTORY INSTRUMENTS

2006 No. 3215

IMMIGRATION

The Asylum (Designated States) (Amendment) Order 2006

Made - - - -	*30th November 2006*
Laid before Parliament	*6th December 2006*
Coming into force - -	*1st January 2007*

The Secretary of State, in exercise of the powers conferred by section 94(6) of the Nationality, Immigration and Asylum Act 2002(**a**), makes the following Order:

1. This Order may be cited as the Asylum (Designated States) (Amendment) Order 2006 and shall come into force on 1st January 2007.

2. The list in section 94(4) of the Nationality, Immigration and Asylum Act 2002(**b**) is amended by omitting "(l) Bulgaria" and "(q) Romania".

Home Office
30th November 2006

Liam Byrne
Minister of State

(**a**) 2002 c.41; section 94(6) was substituted by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19), section 27(6).
(**b**) Bulgaria and Romania were added by order (the Asylum (Designated States) Order 2003 (S.I. 2003/970)) made under the Nationality, Immigration and Asylum Act 2002 (c.41), section 94(5).

EXPLANATORY NOTE

(This note is not part of the Order)

Section 94 (Appeal from within United Kingdom: unfounded human rights or asylum claim) of the Nationality, Immigration and Asylum Act 2002 ("the 2002 Act") concerns appeal rights for unfounded human rights or asylum claims.

Under section 94(2) of the 2002 Act, a person may not bring an appeal under section 82(1) of the 2002 Act while in the United Kingdom where he has made an asylum or human rights claim (or both) if the Secretary of State certifies that the claim or claims is or are clearly unfounded. The Secretary of State shall issue a certificate under section 94(2) of the 2002 Act if he is satisfied that the asylum claimant or human rights claimant is entitled to reside in a State listed in section 94(4) of the 2002 Act unless he is satisfied that the claim is not clearly unfounded.

This Order removes Bulgaria and Romania from the list of States in section 94(4) of the 2002 Act. Those States accede to the European Union on 1st January 2007, and from that date the Immigration (European Economic Area) Regulations 2006(**a**) will govern the appeal rights of people who are citizens of those States.

(**a**) S.I. 2006/1003.

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