EXPLANATORY MEMORANDUM TO STATUTORY INSTRUMENT

Title:

The Immigration and Asylum Appeals (Fast Track Procedure) (Amendment) Rules 2004 No. 1891 (L. 10)

Laying Authority and Purpose

This explanatory memorandum is laid before Parliament by Command of Her Majesty.

Department responsible

Department for Constitutional Affairs

1. Description:

The instrument amends the Immigration and Asylum Appeals (Fast Track Procedure) Rules 2003, which set out provision for appeals subject to a fast track procedure. The amendment extends the scope of the rules to cover two new removal centres.

2. Matters of special interest to the Joint Committee on Statutory Instruments/Select Committee on Statutory Instruments:

The instrument breaches the 21-day rule. The introduction of two new removal centres enables the fast track to continue despite the evacuation of Harmondsworth Immigration Removal Centre. If the 21-day rule were not breached, the Immigration and Asylum Appeals (Fast Track Procedure) Rules 2003 would not apply to detainees moved to another centre.

3. Legislative Background:

i) The instrument is being made in exercise of the powers conferred by sections 106(1)-(3) and 112(3) of the Nationality, Immigration and Asylum Act 2002. It amends the Immigration and Asylum Appeals (Fast Track Procedure) Rules 2003.

ii) The instrument does not implement EU legislation.

4. Extent:

The instrument applies to the UK.

5. European Convention on Human Rights:

In the view of the Minister the provisions of the instrument are compatible with Convention rights under the Human Rights Act 1998.

6. Policy background: state in particular:

- The policy objective is to ensure that the fast track provisions can apply, despite the evacuation of Harmondsworth Immigration Removal Centre. This ensures that cases which are straightforward can be dealt with swiftly and fairly.
- Approximately 150 people will continue to be subject to fast track procedures and the fast track can continue to operate in the coming months.
- There has been media interest in the events at Harmondsworth and it is important to the Government that the fast track process is maintained.

7. Impact:

There is some impact on a limited number of legal representatives whose clients will be in a different location. They will be contacted by telephone.

8. Contact:

Rachel Kamm
Asylum Policy and Programme Division
Room 5.50 Selborne House
54-60 Victoria Street
SW1E 6QW

Rachel.kamm@dca.gsi.gov.uk