

RACE RELATIONS ACT 1976

SECTION 19D MINISTERIAL AUTHORISATION

Race Relations (Immigration and Asylum) Authorisation 2004

Made 12th February 2004

Coming into Operation 12th February 2004

I make the following authorisation under section 19D(3)(a) of the Race Relations Act 1976a.

PART 1

GENERAL

Citation, commencement and interpretation

1. This authorisation may be cited as the Race Relations (Immigration and Asylum) Authorisation 2004 and shall come into operation on 12th February 2004. It replaces the Race Relations (Immigration and Asylum) Authorisation 2003 which came into operation on 25 July 2003 and that authorisation is hereby revoked.

2. In this authorisation –

“claim for asylum” means a claim that it would be contrary to the United Kingdom’s obligations under the Refugee Convention or under Article 3 of the Human Rights Convention, for the claimant to be removed from, or required to leave, the United Kingdom;

“immigration laws” has the meaning given to it in the Immigration Act 1971b;

“immigration rules” means the rules for the time being laid down under section 3(2) of the Immigration Act 1971;

“Refugee Convention” and “Human Rights Convention” have the meanings given to them in the Nationality, Immigration and Asylum Act 2002c.

PART II

DISCRIMINATION ON GROUND OF NATIONALITY

Examination of passengers

3. (1) This paragraph applies where a person is liable to be examined by an immigration officer under paragraph 2 of Schedule 2 to the Immigration Act 1971.

(2) If the condition in paragraph 6 is satisfied, the immigration officer may, by reason of the person's nationality –

(a) subject the person to a more rigorous examination than other persons in the same circumstances:

(b) exercise powers under paragraphs 2(3), 2A, 4 and 21 of Schedule 2 to the Immigration Act 1971;

(c) detain the person pending his examination under paragraph 16(1) of Schedule 2 to the Immigration Act 1971;

(d) decline to give the person's notice of grant or refusal of leave to enter in a form permitted by Part III of the Immigration (Leave to Enter and Remain) Order 2000, and

(e) impose a condition or restriction on the person's temporary admission to the United Kingdom.

Persons wishing to travel to the United Kingdom

4. (1) This paragraph applies where a person is outside the United Kingdom but wishes to travel to the United Kingdom.

(2) If the condition in paragraph 6 is satisfied, an immigration officer or, as the case may be, the secretary of State may, by reason of the person's nationality –

(a) decline to give or refuse the person leave to enter before he arrives in the United Kingdom; and

(b) exercise the powers to seek information and documents under articles 7(2), 7(3) and 13(8) of the Immigration (Leave to Enter and Remain) Order 2000.

Removal Directions

5. Persons responsible for giving directions under section 10 of the Immigration and Asylum Act 1999 or under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971 may give priority to the setting of directions for the removal of a particular nationality if the condition in paragraph 6 is satisfied.

Conditions

6. (i) The condition is that the person is, or claims to be, of a nationality which appears on a list of nationalities approved personally by the Minister for the purpose of this authorisation:
(ii) The conditions for inclusion on the list of nationalities are that the Minister is satisfied that:
 - (a) there is statistical evidence showing that in at least one of the preceding three months, the total number of adverse decisions or breaches of the immigration laws by persons of that nationality exceeds 50 in total and 5 for every 1,000 admitted persons of that nationality; or
 - (b) there is specific intelligence or information which has been received and processed in accordance with the IND Code of Practice for the recording and dissemination of intelligence material and which suggests that a significant number of persons of that nationality have breached or will attempt to breach the immigration laws; or
 - (c) there is statistical evidence showing an emerging trend of adverse decisions or breaches of the immigration laws by persons of that nationality.

Duration

7. This authorisation will remain in force until revoked.

a 1976 c. 74. Section 19D is inserted by section 1 of the Race Relations (Amendment) Act 2000 (c.34).

b 1971 c.77.

c 2002 c.41

Home Office
12th February 2004

Beverley Hughes
Minister of State