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Lords Written Answers Thursday 3rd April 2003

Nationality, Immigration and Asylum Act: Section 55 Decisions

Earl Russell asked Her Majesty's Government:

What action, if any, they propose to take in response to paragraph 63 of the judgment of the Court of Appeal in *The Queen on the application of Q and others and the Secretary of State for the Home Department*, in which it is held that "he [the Home Secretary] must, however, be prepared to entertain further applications from those to whom he has refused support who have not been able to find any charitable support or other lawful reasons if fending for themselves." [HL2268]

The Parliamentary Under-Secretary of State, Home Office (Lord Filkin): It is always open to an individual to present further evidence if their circumstances change or if they have further information which they wish to be considered in relation to Section 55 decisions.

Lord Laird asked Her Majesty's Government:

Whether they will review existing legislation on asylum seekers and amend or repeal Section 55 of the Nationality, Immigration and Asylum Act 2002, as proposed by the Northern Ireland Human Rights Commission; and whether they accept the commission's view that the claims of asylum seekers in Northern Ireland are not assessed in a fair and timely manner. [HL2273]

Lord Filkin: The Government have noted the comments of the Northern Ireland Human Rights Commission.

On the first point, the Court of Appeal judgment of 18 March reinforced the key legal points in relation to Section 55 and confirmed that the Nationality, Immigration and Asylum Act 2002 is compatible with the European Convention of Human Rights. This has enabled the Government to continue to implement the robust but fair system of asylum support for which Parliament has legislated.

On the second point, the Government have increased the resources targeted at reducing both the number of cases awaiting an initial decision and the

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time taken to reach a decision with positive results. The Government's strategy for tackling asylum decisions in a fair and timely manner has been implemented on a nation-wide basis: the place of residence of an asylum seeker in the United Kingdom has no bearing on either the timeliness or the substance of the decision. All decisions are made fairly, with due regard to the evidence presented and in accordance with policy advice relating to the country in question.