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## 29. Repeat asylum claims

### Definition

Part 5 of the Nationality, Immigration and Asylum Act 2002, came into force on 01/04/03. Section 96 of the Act widened the category of persons who may have their application to leave or remain in (including an asylum or human rights claim) certified. As a result there is no right of appeal against the immigration decision under section 82.

Under the 1999 Act an application could only be certified if the individual had previously had a one-stop appeal which had finally been determined. However, the 2002 Act only requires that the individual has either been notified of an opportunity to appeal under the 1999 Act or 2002 Act on a previous occasion, or to have previously been served with a one-stop notice. There is no longer a requirement that they need actually to have had an appeal finally determined.

### 29.1 Procedures – Project Janus

This applies to applicants who meet **all** of the following criteria:

- ◆ They have had a previous asylum application in the UK refused;
- ◆ They have had a one-stop appeal determined since 2<sup>nd</sup> October 2000;
- ◆ They were in the UK on the date of the final appeal determination;
- ◆ They hold a valid travel document or are able to be documented;
- ◆ They are removable to a country or territory of which they are a national or citizen, or in which they have obtained a passport or other document or identity, or to which there is reason to believe that they will be admitted.

The applicant should be screened to the appropriate level and asked whether, and in what way their claim differs from their previous claim. The response should be appended to the screening form. The SCSEF Cover letter, SCSEF, IS75 &76, ARC/SAL or SCF information document, should not be issued.

Refer to OSCU

Repeat Applicant cases should be detained both pending a referral to OSCU and post refusal pending removal

