

CXXVI. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND²⁰⁵

SUMMARY OF LEGISLATION OF THE UNITED KINGDOM RELATED TO TERRORISM

Under the United Kingdom's immigration control mechanisms, including the Immigration Acts, the Home Secretary has a personal power to exclude people from the United Kingdom. This power is usually exercised under one of three justifications – national security, public order or foreign relations. Anyone excluded because of possible terrorist links/involvement would fall into the national security category. The power is used sparingly, but regularly.

As far as removal is concerned, the Immigration Act 1971 (as amended) makes provision for the deportation of those whose presence in the United Kingdom is deemed not to be conducive to the public good. There is a right of appeal against any decision of this sort, and a special body, the Special Immigration Appeals Commission, set up to deal with security cases, which hears the appeal. The difficulty with removal is that Article 3 of the European Convention on Human Rights prevents removal to countries where there is a real risk of torture, or inhuman or degrading treatment. This has meant that very few people are removed on national security grounds.

The Anti-Terrorism, Crime and Security Act, which received royal assent on 14 December 2001, provides that, where removal from the United Kingdom is not a realistic possibility, those involved in terrorist activities may be detained indefinitely in the United Kingdom. This procedure involves a five-year derogation from Article 5 of the European Convention on Human Rights.

From an immigration point of view, the Anti-Terrorism, Crime and Security Act enables the state to detain people indefinitely, where the Home Secretary has certified that they are a threat to United Kingdom national security and are suspected international terrorists, and where they cannot be removed to another country.

²⁰⁵ Transmitted to the Secretariat by that Government on 19 December 2001 (S/2001/1232, enclosure), on 19 June 2002 (S/2002/787, enclosure) and on 14 February 2003 (S/2003/264, enclosure). Information was provided concerning the Criminal Justice (Terrorism and Conspiracy) Act, 1998 and the Terrorism Act, 2000 (for text, see ST/LEG/SER.B/22). Information was also provided in respect of the following: the Firearms Act, 1968; the Firearms (Amendment) Act, 1997; the Immigration Act, 1971; the Customs and Excise Management Act, 1979; the Extradition Act, 1989; and the Export of Goods (Control) Order 1994.