



Asylum and Immigration Act 1996

1996 CHAPTER 49

Asylum claims

F1

Textual Amendments

F1 S. 1 repealed (2.10.2000) by 1999 c. 33, s. 169(3), [Sch. 16](#); S.I. 2000/2444, art. 2, [Sch. 1](#) (with transitional provisions in [arts. 3, 4](#))

F2

Textual Amendments

F2 S. 2 repealed (2.10.2000) by 1999 c. 33, s. 169(3), [Sch. 16](#); S.I. 2000/2444, art. 2, [Sch. 1](#) (with transitional provisions in [arts. 3, 4](#) and subject to transitional provision in [Sch. 2 para. 4\(1\)](#))

F3

Textual Amendments

F3 S. 3 repealed (2.10.2000) by 1999 c. 33, s. 169(3), [Sch. 16](#); S.I. 2000/2444, art. 2, [Sch. 1](#) (with transitional provisions in [arts. 3, 4](#) and subject to transitional provision in [Sch. 2 para. 4\(2\)](#))

Changes to legislation: Asylum and Immigration Act 1996 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Immigration offences

4 Obtaining leave by deception.

In subsection (1) of section 24 of the 1971 Act (illegal entry and similar offences), after paragraph (a) there shall be inserted the following paragraph—

“(aa) if, by means which include deception by him, he obtains or seeks to obtain leave to enter or remain in the United Kingdom;”.

Modifications etc. (not altering text)

- C1** S. 4 extended (Guernsey) (with modifications) (20.7.1998) by S.I. 1998/1264, art. 3, **Sch.**
S. 4 extended (Jersey) (with modifications) (22.6.1998) by S.I. 1998/1070, art. 3, **Sch.**
- C2** S. 4 extended (with modifications) (5.6.2003) by **The Immigration and Asylum Act 1999 (Jersey) Order 2003 (S.I. 2003/1252)**, arts. 1(1), 2, **Sch.**

Commencement Information

- II** S. 4 wholly in force at 1.10.1996; S. 4 not in force at Royal Assent see s. 13(3); S. 4 in force at 1.10.1996 by S.I. 1996/2053, art. 2, **Sch. Pt. III**

5 Assisting asylum claimants, and persons seeking to obtain leave by deception.

(1) In subsection (1) of section 25 of the 1971 Act (assisting illegal entry, and harbouring), for the words from “the entry” to “illegal entrant” there shall be substituted the following paragraphs—

- “(a) the entry into the United Kingdom of anyone whom he knows or has reasonable cause for believing to be an illegal entrant;
- (b) the entry into the United Kingdom of anyone whom he knows or has reasonable cause for believing to be an asylum claimant; or
- (c) the obtaining by anyone of leave to remain in the United Kingdom by means which he knows or has reasonable cause for believing to include deception.”.

(2) After that subsection there shall be inserted the following subsection—

“(1A) Nothing in subsection (1)(b) above shall apply to anything which is done—

(a) by a person otherwise than for gain, or in the course of his employment by a bona fide organisation whose purpose it is to assist refugees; or

(b) in relation to a person who has been detained under paragraph 16 of Schedule 2 to this Act, or has been granted temporary admission under paragraph 21 of that Schedule;

and in that provision “asylum claimant” means a person who intends to make a claim for asylum (within the meaning of the ^{M1}Asylum and Immigration Appeals Act 1993).”

(3) In subsection (5) of that section, for the words “Subsection (1)” there shall be substituted the words “ Subsection (1)(a) ”.

(4) In subsection (6) of that section, for the words “subsection (1)” there shall be substituted the words “ subsection (1)(a) or (b) ”.

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Modifications etc. (not altering text)

- C3** S. 5(1)(2) extended (Guernsey) (with modifications) (20.7.1998) by S.I. 1998/1264, art. 3, Sch.
S. 5(1)(2) extended (Jersey) (with modifications) (22.6.1998) by S.I. 1998/1070, art. 3, Sch.

Commencement Information

- I2** S. 5 wholly in force at 1.10.1996; s. 5 not in force at Royal Assent see s. 13(3); s. 5 in force at 1.10.1996 by S.I. 1996/2053, art.2, Sch. Pt. III

Marginal Citations

- M1** 1993 c.23.

6 Increased penalties.

In the following provisions, namely—

- (a) subsection (1) of section 24 of the 1971 Act (illegal entry and similar offences);
- (b) subsection (1) of section 26 (general offences in connection with administration of Act); and
- (c) section 27 (offences by persons connected with ships or aircraft or with ports), for the words “level 4” there shall be substituted the words “ level 5 ”.

Commencement Information

- I3** S. 6 wholly in force at 1.10.1996; s. 6 not in force at Royal Assent see s. 13(3); s. 6 in force at 1.10.1996 by S.I. 1996/2053, art. 2, Sch. Pt. III

F47

Textual Amendments

- F4** S. 7 repealed (14.2.2000) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 108, 109, Sch. 16; S.I. 2000/168, art. 2, Sch. (with transitional provisions in art. 3); (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)

Persons subject to immigration control

F58 Restrictions on employment.

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Textual Amendments

- F5** S. 8 repealed (29.2.2008) by Immigration, Asylum and Nationality Act 2006 (c. 13), ss. 26, 62(1)(2), Sch. 3; S.I. 2008/310, art. 2(1)(d)(e) (with art. 5(1)(2))

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F6 8A Code of practice.

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Textual Amendments
F6 S. 8A repealed (29.2.2008) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), ss. 26, 62(1)(2), [Sch. 3](#); [S.I. 2008/310](#), art. 2(1)(d)(e) (with art. 5(1)(2))

F7 9

Textual Amendments
F7 S. 9 repealed (1.3.2000) by [1999 c. 33](#), s. 169(1)(3), [Sch. 14](#) paras. 108, 110, [Sch. 16](#); [S.I. 2000/464](#), art. 2, [Sch.](#)

F8 10

Textual Amendments
F8 S. 10 repealed (3.4.2000) by [1999 c. 33](#), s. 169(1)(3), [Sch. 14](#) paras. 108, 111, [Sch. 16](#); [S.I. 2000/464](#), art. 2, [Sch.](#)

F9 11

Textual Amendments
F9 S. 11 repealed (3.4.2000) by [1999 c. 33](#), s. 169(1)(3), [Sch. 14](#) paras. 108, 112, [Sch. 16](#); [S.I. 2000/464](#), art. 2, [Sch.](#)

Miscellaneous and supplemental

12 Other amendments and repeals.

- (1) Schedule 2 to this Act (which contains amendments of the 1971 Act and a related amendment of the ^{M2}Immigration Act 1988) shall have effect.
- (2) Schedule 3 to this Act (which contains amendments of the 1993 Act) shall have effect.
- (3) The enactments specified in Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Modifications etc. (not altering text)
C4 S. 12(1) extended (Guernsey) (with modifications) (20.7.1998) by [S.I. 1998/1264](#), art. 3, [Sch.](#)
S. 12(1) extended (Jersey) (with modifications) (22.6.1998) by [S.I. 1998/1070](#), art. 3, [Sch.](#)

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Commencement Information

- I4** S. 12 partly in force; s. 12 not in force at Royal Assent see s. 13(3); s. 12 in force for certain purposes at 1.9.1996 by S.I. 1996/2053, art. 2, Sch. Pt. II; s. 12(1)(3) in force for certain purposes at 1.10.1996 by S.I. 1996/2053, art. 2, Sch. Pt. III

Marginal Citations

- M2** 1988 c. 14.

13 Short title, interpretation, commencement and extent.

- (1) This Act may be cited as the Asylum and Immigration Act 1996.
- (2) In this Act—
 - “the 1971 Act” means the ^{M3}Immigration Act 1971;
 - “the 1993 Act” means the ^{M4}Asylum and Immigration Appeals Act 1993;
 - “person subject to immigration control” means a person who under the 1971 Act requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).
- (3) This Act, except section 11 and Schedule 1, shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different purposes.
- (4) An order under subsection (3) above may make such transitional and supplemental provision as the Secretary of State thinks necessary or expedient.
- (5) Her Majesty may by Order in Council direct that any of the provisions of this Act shall extend, with such modifications as appear to Her Majesty to be appropriate, to any of the Channel Islands or the Isle of Man.
- (6) This Act extends to Northern Ireland.

Subordinate Legislation Made

- P1** S. 13(3) power partly exercised (25.7.1996): different dates appointed for specified provisions by S.I. 1996/2053
S. 13(3) power partly exercised (11.8.1996): different dates appointed for specified provisions by S.I. 1996/2127
S. 13(3) power partly exercised (25.11.1996): 27.1.1997 appointed for s. 8 by S.I. 1996/2970

Modifications etc. (not altering text)

- C5** S. 13(1) extended (Guernsey) (20.7.1998) by S.I. 1998/1264, art. 3, Sch.
S. 13(1) extended (Jersey) (22.6.1998) by S.I. 1998/1070, art. 3, Sch.
- C6** S. 13(2) extended (Guernsey) (with modifications) (20.7.1998) by S.I. 1998/2164, art. 3, Sch.
S. 13(2) extended (Jersey) (with modifications) (22.6.1998) by S.I. 1998/1070, art. 3, Sch.
- C7** S. 13(5) power extended (28.4.2022) by Nationality and Borders Act 2022 (c. 36), ss., 86(6)(c), 87(3)(c) 86(5)

Commencement Information

- I5** S. 13 wholly in force at 26.7.1996; s. 13 not in force at Royal Assent see s. 13(3); s. 13 in force at 26.7.1996 by S.I. 1996/2053, art. 2, Sch. Pt. I

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Marginal Citations

M3 1971 c.77.

M4 1993 c.23.

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Changes and effects yet to be applied to :

- s. 4 repealed by [1999 c. 33 Sch. 16](#)
- s. 5 repealed by [2002 c. 41 Sch. 9](#)