



# Illegal Migration Act 2023

## 2023 CHAPTER 37

### *Introduction*

#### **1 Introduction**

- (1) The purpose of this Act is to prevent and deter unlawful migration, and in particular migration by unsafe and illegal routes, by requiring the removal from the United Kingdom of certain persons who enter or arrive in the United Kingdom in breach of immigration control.
- (2) To advance that purpose, this Act—
  - (a) places a duty on the Secretary of State to make arrangements for the removal of certain persons who enter or arrive in the United Kingdom in breach of immigration control as soon as is reasonably practicable after their entry or arrival, subject only to the exceptions specified by or under this Act;
  - (b) provides for protection claims and certain human rights claims made by persons who meet the conditions for removal under this Act to be inadmissible;
  - (c) provides for the detention of persons who are subject to removal under this Act;
  - (d) provides for protections and entitlements to assistance and support which are available to victims of modern slavery or human trafficking not to apply to persons who are subject to removal under this Act;
  - (e) prevents persons who meet the conditions for removal under this Act from being given leave to enter or remain in the United Kingdom;
  - (f) prevents persons who meet the conditions for removal under this Act from settling in the United Kingdom or obtaining citizenship;
  - (g) provides a procedure for persons who are subject to removal under this Act to challenge their removal by means of a suspensive claim (as defined in section 38);
  - (h) has the effect that all other legal challenges to the removal of persons under this Act do not suspend the duty to make arrangements for their removal.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Accordingly, and so far as it is possible to do so, provision made by or by virtue of this Act must be read and given effect so as to achieve the purpose mentioned in subsection (1).
- (4) In addition, this Act makes provision—
- (a) about the period for which persons may be detained in immigration detention;
  - (b) for protections that apply to victims of modern slavery or human trafficking not to apply to persons who are a threat to public order or who have claimed to be victims in bad faith unless compelling circumstances apply;
  - (c) for persons who have been sentenced to a period of imprisonment for an offence or who are liable to deportation to be deemed to be a threat to public order for the purposes of the disapplication of those protections;
  - (d) for asylum claims and human rights claims made by nationals of certain safe States to be inadmissible;
  - (e) for the maximum number of persons who may enter the United Kingdom annually using safe and legal routes to be specified in regulations which are subject to approval by Parliament;
  - (f) for certain kinds of behaviour relating to an identity document or electronic information by a person who makes an asylum claim or a human rights claim to be taken into account as damaging the claimant's credibility.
- (5) Section 3 of the Human Rights Act 1998 (interpretation of legislation) does not apply in relation to provision made by or by virtue of this Act.