



Asylum and Immigration Act 1996

1996 CHAPTER 49

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;”.

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 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)”.

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”.

7 Power of arrest and search warrants

- (1) A constable or immigration officer may arrest without warrant anyone whom he has reasonable grounds for suspecting to have committed an offence to which this section applies.
- (2) If—
 - (a) a justice of the peace is by written information on oath satisfied that there is reasonable ground for suspecting that a person who is liable to be arrested under subsection (1) above is to be found on any premises; or
 - (b) in Scotland, a sheriff, or a justice of the peace, having jurisdiction in the place where the premises are situated is by evidence on oath so satisfied,
 he may grant a warrant authorising any constable to enter, if need be by force, the premises named in the warrant for the purposes of searching for and arresting that person.
- (3) The following provisions, namely—
 - (a) section 8 of the Police and Criminal Evidence Act 1984 (power of justice to authorise entry and search of premises); and
 - (b) Article 10 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (corresponding provision for Northern Ireland),
 shall have effect as if the reference in subsection (1) of that section or, as the case may be, paragraph (1) of that Article to a serious arrestable offence included a reference to an offence to which this section applies.
- (4) This section applies to the following offences under section 24(1) of the 1971 Act, namely—
 - (a) an offence under paragraph (a) (illegal entry);
 - (b) an offence under paragraph (aa) (obtaining leave to enter or remain by deception); and

- (c) an offence under paragraph (b) (remaining beyond time limited by leave or failing to observe condition of leave).
- (5) In this section “immigration officer” has the same meaning as in the 1971 Act.