



Asylum and Immigration Act 1996

1996 CHAPTER 49

Immigration offences

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

- (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) ”.

Changes to legislation: *Asylum and Immigration Act 1996, Section 5 is up to date with all changes known to be in force on or before 04 July 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*

Modifications etc. (not altering text)

- C1** [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

- II** [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.](#)

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Changes and effects yet to be applied to :

- s. 5 repealed by [2002 c. 41 Sch. 9](#)