



Nationality, Immigration and Asylum Act 2002

CHAPTER 41

NATIONALITY, IMMIGRATION AND ASYLUM ACT 2002

PART 1

NATIONALITY

- 1 Naturalisation: knowledge of language and society
- 2 Naturalisation: spouse of citizen
- 3 Citizenship ceremony, oath and pledge
- 4 Deprivation of citizenship
- 5 Resumption of citizenship
- 6 Nationality decision: discrimination
- 7 Nationality decision: reasons and review
- 8 Citizenship: registration
- 9 Legitimacy of child
- 10 Right of abode: certificate of entitlement
- 11 Unlawful presence in United Kingdom
- 12 British citizenship: registration of certain persons without other citizenship
- 13 British citizenship: registration of certain persons born between 1961 and 1983
- 14 Hong Kong
- 15 Repeal of spent provisions

PART 2

ACCOMMODATION CENTRES

Status: Point in time view as at 13/12/2006.

Changes to legislation: Nationality, Immigration and Asylum Act 2002 is up to date with all changes known to be in force on or before 01 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)

Establishment

16 Establishment of centres

Use of centres

- 17 Support for destitute asylum-seeker
- 18 Asylum-seeker: definition
- 19 Destitution: definition
- 20 Dependant: definition
- 21 Sections 17 to 20: supplementary
- 22 Immigration and Asylum Act 1999, s. 95
- 23 Person subject to United Kingdom entrance control
- 24 Provisional assistance
- 25 Length of stay
- 26 Withdrawal of support

Operation of centres

- 27 Resident of centre
- 28 Manager of centre
- 29 Facilities
- 30 Conditions of residence
- 31 Financial contribution by resident
- 32 Tenure
- 33 Advisory Groups

General

- 34 The Monitor of Accommodation Centres
- 35 Ancillary provisions
- 36 Education: general
- 37 Education: special cases
- 38 Local authority
- 39 “Prescribed”: orders and regulations
- 40 Scotland
- 41 Northern Ireland
- 42 Wales

PART 3

OTHER SUPPORT AND ASSISTANCE

- 43 Asylum-seeker: form of support
- 44 Destitute asylum-seeker
- 45 Section 44: supplemental
- 46 Section 44: supplemental: Scotland and Northern Ireland
- 47 Asylum-seeker: family with children
- 48 Young asylum-seeker
- 49 Failed asylum-seeker
- 50 Conditions of support
- 51 Choice of form of support
- 52 Back-dating of benefit for refugee
- 53 Asylum-seeker: appeal against refusal to support
- 54 Withholding and withdrawal of support
- 55 Late claim for asylum: refusal of support

Status: Point in time view as at 13/12/2006.

Changes to legislation: Nationality, Immigration and Asylum Act 2002 is up to date with all changes known to be in force on or before 01 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)

- 56 Provision of support by local authority
- 57 Application for support: false or incomplete information
- 58 Voluntary departure from United Kingdom
- 59 International projects
- 60 Northern Ireland authorities
- 61 Repeal of spent provisions

PART 4

DETENTION AND REMOVAL

Detention

- 62 Detention by Secretary of State
- 63 Control of entry to United Kingdom, &c.: use of force
- 64 Escorts
- 65 Detention centres: custodial functions
- 66 Detention centres: change of name
- 67 Construction of reference to person liable to detention

Temporary release

- 68 Bail
- 69 Reporting restriction: travel expenses
- 70 Induction
- 71 Asylum-seeker: residence, &c. restriction

Removal

- 72 Serious criminal
- 73 Family
- 74 Deception
- 75 Exemption from deportation
- 76 Revocation of leave to enter or remain
- 77 No removal while claim for asylum pending
- 78 No removal while appeal pending
- 79 Deportation order: appeal
- 80 Removal of asylum-seeker to third country

PART 5

IMMIGRATION AND ASYLUM APPEALS

Appeal to Tribunal

- 81 The Asylum and Immigration Tribunal
- 82 Right of appeal: general
- 83 Appeal: asylum claim
- 83A Appeal: variation of limited leave
- 84 Grounds of appeal
- 85 Matters to be considered
- 85A Matters to be considered: new evidence: exceptions
- 86 Determination of appeal
- 87 Successful appeal: direction

Status: Point in time view as at 13/12/2006.

Changes to legislation: Nationality, Immigration and Asylum Act 2002 is up to date with all changes known to be in force on or before 01 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)

Exceptions and limitations

- 88 Ineligibility
- 88A Ineligibility: entry clearance
- 89 Refusal of leave to enter
- 90 Non-family visitor
- 91 Student
- 92 Appeal from within United Kingdom: general
- 93 Appeal from within United Kingdom: “third country” removal
- 94 Appeal from within United Kingdom: unfounded human rights or asylum claim
- 94A European Common List of Safe Countries of Origin
- 95 Appeal from outside United Kingdom: removal
- 96 Earlier right of appeal
- 97 National security, &c.
- 97A National security: deportation
- 98 Other grounds of public good
- 99 Sections 96 to 98: appeal in progress

Appeal from adjudicator

- 100 Immigration Appeal Tribunal
- 101 Appeal to Tribunal
- 102 Decision
- 103 Appeal from Tribunal

Procedure

- 103A Review of Tribunal’s decision
- 103B Appeal from Tribunal following reconsideration
- 103C Appeal from Tribunal instead of reconsideration
- 103D Reconsideration: legal aid
- 103E Appeal from Tribunal sitting as panel
- 104 Pending appeal
- 105 Notice of immigration decision
- 106 Rules
- 107 Practice directions
- 108 Forged document: proceedings in private

General

- 109 European Union and European Economic Area
- 110 Grants
- 111 Monitor of certification of claims as unfounded
- 112 Regulations, &c.
- 113 Interpretation
- 114 Repeal
- 115 Appeal from within United Kingdom: unfounded human rights or asylum claim: transitional provision
- 116 Special Immigration Appeals Commission: Community Legal Service
- 117 Northern Ireland appeals: legal aid

PART 6

IMMIGRATION PROCEDURE

Status: Point in time view as at 13/12/2006.

Changes to legislation: Nationality, Immigration and Asylum Act 2002 is up to date with all changes known to be in force on or before 01 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)

Applications

- 118 Leave pending decision on variation application
- 119 Deemed leave on cancellation of notice
- 120 Requirement to state additional grounds for application
- 121 Compliance with procedure

Work permit

- 122 Fee for work permit, &c.
- 123 Advice about work permit, &c.

Authority-to-carry scheme

- 124 Authority to carry

Evasion of procedure

- 125 Carriers' liability

Provision of information by traveller

- 126 Physical data: compulsory provision
- 127 Physical data: voluntary provision
- 128 Data collection under Immigration and Asylum Act 1999

Disclosure of information by public authority

- 129 Local authority
- 130 Inland Revenue
- 131 Police, &c.
- 132 Supply of document, &c. to Secretary of State
- 133 Medical inspectors

Disclosure of information by private person

- 134 Employer
- 135 Financial institution
- 136 Notice
- 137 Disclosure of information: offences
- 138 Offence by body
- 139 Privilege against self-incrimination

Immigration services

- 140 Immigration Services Commissioner

Immigration control

- 141 EEA ports: juxtaposed controls

Country information

- 142 Advisory Panel on Country Information

PART 7

OFFENCES

Status: Point in time view as at 13/12/2006.

Changes to legislation: Nationality, Immigration and Asylum Act 2002 is up to date with all changes known to be in force on or before 01 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)

Substance

- 143 Assisting unlawful immigration, &c.
- 144 Section 143: consequential amendments
- 145 Traffic in prostitution
- 146 Section 145: supplementary
- 147 Employment
- 148 Registration card
- 149 Immigration stamp
- 150 Sections 148 and 149: consequential amendments
- 151 False information

Procedure

- 152 Arrest by immigration officer
- 153 Power of entry
- 154 Power to search for evidence
- 155 Sections 153 and 154: supplemental
- 156 Time limit on prosecution

PART 8

GENERAL

- 157 Consequential and incidental provision
- 158 Interpretation: “the Immigration Acts”
- 159 Applied provision
- 160 Money
- 161 Repeals
- 162 Commencement
- 163 Extent
- 164 Short title

SCHEDULES

SCHEDULE 1 — Citizenship Ceremony, Oath and Pledge

- 1 The following shall be substituted for section 42 of the...
- 2 The following shall be substituted for Schedule 5 to the...
- 3 Section 41 of the British Nationality Act 1981 (c. 61)...
- 4 For subsection (1)(d) substitute— (d) for the time within which...
- 5 In subsection (2)(c)— (a) for “the taking there of any...
- 6 In subsection (3)(a) for “taking of oaths of allegiance” substitute...
- 7 After subsection (3) insert— (3A) Regulations under subsection (1)(d) to...
- 8 The Secretary of State may make a payment to a...
- 9 (1) A local authority must— (a) comply with a requirement...

SCHEDULE 2 — Nationality: Repeal of Spent Provisions

- 1 The following provisions of the British Nationality Act 1981 (c....
- 2 Nothing in this Schedule has any effect in relation to...

SCHEDULE 3 — Withholding and Withdrawal of Support

Status: Point in time view as at 13/12/2006.

Changes to legislation: Nationality, Immigration and Asylum Act 2002 is up to date with all changes known to be in force on or before 01 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)

Ineligibility for support

1 (1) A person to whom this paragraph applies shall not...

Exceptions

2 (1) Paragraph 1 does not prevent the provision of support...

3 Paragraph 1 does not prevent the exercise of a power...

First class of ineligible person: refugee status abroad

4 (1) Paragraph 1 applies to a person if he—

Second class of ineligible person: citizen of other EEA State

5 Paragraph 1 applies to a person if he—

Third class of ineligible person: failed asylum-seeker

6 (1) Paragraph 1 applies to a person if—

Fourth class of ineligible person: person unlawfully in United Kingdom

7 Paragraph 1 applies to a person if—

Fifth class of ineligible person: failed asylum-seeker with family

7A (1) Paragraph 1 applies to a person if—

Travel assistance

8 The Secretary of State may make regulations providing for arrangements...

Temporary accommodation

9 (1) The Secretary of State may make regulations providing for...

10 (1) The Secretary of State may make regulations providing for...

Assistance and accommodation: general

11 Regulations under paragraph 8, 9 or 10 may—

12 (1) Regulations may, in particular, provide that if a person...

Offences

13 (1) A person who leaves the United Kingdom in accordance...

Information

14 (1) If it appears to a local authority that paragraph...

Power to amend Schedule

15 The Secretary of State may by order amend this Schedule...

Orders and regulations

16 (1) An order or regulations under this Schedule must be...

Status: Point in time view as at 13/12/2006.

Changes to legislation: Nationality, Immigration and Asylum Act 2002 is up to date with all changes known to be in force on or before 01 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)

Interpretation

- 17 (1) In this Schedule— “asylum-seeker” means a person— who is...

Schedule 4 — The Asylum and Immigration Tribunal

Membership

- 1 The Lord Chancellor shall appoint the members of the Asylum...
2 (1) A person is eligible for appointment as a member...
3 (1) A member— (a) may resign by notice in writing...
4 (1) The Lord Chancellor may by order make provision for...

Presidency

- 5 (1) The Lord Chancellor shall appoint— (a) a member of...

Judicial assistance

- 5A (1) The Senior President of Tribunals, with the consent of...
5B (1) The Senior President of Tribunals may—

Proceedings

- 6 The Tribunal shall sit at times and places determined by...
7 (1) The jurisdiction of the Tribunal shall be exercised by...
8 (1) The President may make arrangements for the allocation of...

Staff

- 9 The Lord Chancellor may appoint staff for the Tribunal.

Money

- 10 The Lord Chancellor— (a) may pay remuneration and allowances to...
11 The Lord Chancellor may pay compensation to a person who...

Delegation

- 12 (1) The Lord Chief Justice of England and Wales may...

Training etc.

- 13 The Senior President of Tribunals is responsible, within the resources...

Oaths

- 14 (1) Sub-paragraph (2) applies to a person (“ the appointee...

SCHEDULE 5 —

Membership

- 1 The Lord Chancellor shall appoint the members of the Tribunal...
2 (1) A member— (a) may resign by notice in writing...

Presidency

- 3 The Lord Chancellor shall appoint as President of the Tribunal...

Status: Point in time view as at 13/12/2006.

Changes to legislation: Nationality, Immigration and Asylum Act 2002 is up to date with all changes known to be in force on or before 01 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)

- 4 (1) The Lord Chancellor shall appoint one legally qualified member...

Proceedings

- 5 The Tribunal shall sit at times and places determined by...
6 The Tribunal may sit in more than one division.
7 (1) The jurisdiction of the Tribunal may be exercised by...

Staff

- 8 The Lord Chancellor may appoint staff for the Tribunal.

Money

- 9 The Lord Chancellor— (a) may pay remuneration and allowances to...
10 The Lord Chancellor may pay compensation to a person who...

Interpretation: legally qualified member

- 11 (1) For the purpose of this Schedule a member of...

SCHEDULE 6 — Immigration and Asylum Appeals: Transitional Provision

“Commencement”

- 1 In this Schedule “commencement” means the coming into force of...

Adjudicator

- 2 Where a person is an adjudicator under section 57 of...

Tribunal

- 3 (1) Where a person is a member of the Immigration...

Earlier appeal

- 4 In the application of section 96— (a) a reference to...

Saving

- 5 (1) This Schedule is without prejudice to the power to...

SCHEDULE 7 — Immigration and Asylum Appeals: Consequential Amendments

Immigration Act 1971 (c. 77)

- 1 In section 33(4) of the Immigration Act 1971 (c. 77)...
2 In paragraph 2A(9) of Schedule 2 to that Act (control...
3 In paragraph 4(4) of that Schedule (examination and detention of...
4 In paragraph 8(2) of that Schedule (time within which directions...
5 In paragraph 25 of that Schedule (rules) for “section 22...
6 In paragraph 29 of that Schedule (bail pending appeal)—
7 In paragraph 2(2) of Schedule 3 to that Act (deportation)...
8 For paragraph 3 of that Schedule (deportation: effect of appeal)...

Status: Point in time view as at 13/12/2006.

Changes to legislation: Nationality, Immigration and Asylum Act 2002 is up to date with all changes known to be in force on or before 01 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)

House of Commons Disqualification Act 1975 (c. 24)

9 In Part III of Schedule 1 to the House of...

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

10 In Part III of Schedule 1 to the Northern Ireland...

Race Relations Act 1976 (c. 74)

11 In section 53(1) (restriction of proceedings) for “Part IV of...
12 Section 57A (immigration cases) shall be amended as follows—
13 In section 62(1)(ba) (persistent discrimination) for “Part IV of the...
14 In section 65(7)(b) (help for aggrieved person) for “Part IV...
15 In section 66 (assistance by Commission)— (a) in subsection (8)...

Courts and Legal Services Act 1990 (c. 41)

16 In Schedule 11 to the Courts and Legal Services Act...

Tribunals and Inquiries Act 1992 (c. 53)

17 In paragraph 22 of Schedule 1 to the Tribunals and...

Judicial Pensions and Retirement Act 1993 (c. 8)

18 In Part II of Schedule 1 to the Judicial Pensions...
19 In Schedule 5 to that Act (retirement provisions: the relevant...

Special Immigration Appeals Commission Act 1997 (c. 68)

20 The following shall be substituted for section 2 of the...
21 Section 2A of that Act (human rights) shall cease to...
22 Section 4 of that Act (determination of appeals) shall cease...
23 In section 5 of that Act (procedure)—
24 Section 7A of that Act (pending appeals) shall cease to...
25 In paragraph 5 of Schedule 1 to that Act—
26 Schedule 2 to that Act shall cease to have effect....

Immigration and Asylum Act 1999 (c. 33)

27 In section 23(1) of the Immigration and Asylum Act 1999...
28 In section 53(4) of that Act (bail) for “this Act”...
29 (1) Paragraph 9 of Schedule 4 to that Act (appeals:...

Anti-terrorism, Crime and Security Act 2001 (c. 24)

30 The following shall be substituted for section 27(10) of the...

Proceeds of Crime Act 2002 (c. 29)

31 The following shall be substituted for paragraph 4 of Schedule...
32 In paragraph 4 of Schedule 4 to that Act (lifestyle...
33 The following shall be substituted for paragraph 4 of Schedule...

SCHEDULE 8 — Carriers’ Liability

1 The Immigration and Asylum Act 1999 (c. 33) shall be...
2 (1) Section 32 (penalty for carrying clandestine entrant) shall be...

Status: Point in time view as at 13/12/2006.

Changes to legislation: *Nationality, Immigration and Asylum Act 2002 is up to date with all changes known to be in force on or before 01 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)*

- 3 After section 32 insert— Level of penalty: code of practice...
- 4 The heading of section 33 (code of practice) becomes “...
- 5 In section 33(2)(b) omit “both Houses of”.
- 6 (1) Section 34 (defence) shall be amended as follows.
- 7 (1) Section 35 (notification and objection) shall be amended as...
- 8 After section 35 insert— Appeal (1) A person may appeal to the court against a...
- 9 (1) Section 36 (detention of vehicle) shall be amended as...
- 10 After section 36 insert— Detention in default of payment (1) This section applies where a person to whom a...
- 11 (1) Section 37 (effect of detention of transporter) shall be...
- 12 Section 39(rail freight) shall cease to have effect.
- 13 For section 40 (charge in respect of passenger without proper...
- 14 Section 42(power to detain vehicle, &c. carrying person without proper...
- 15 In section 43 (interpretation) (which becomes subsection (1))—
- 16 (1) Schedule 1 (sale of transporter) shall be amended as...
- 17 (1) This paragraph applies to a code of practice which—...

SCHEDULE 9 — Repeals

Status:

Point in time view as at 13/12/2006.

Changes to legislation:

Nationality, Immigration and Asylum Act 2002 is up to date with all changes known to be in force on or before 01 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.