



Immigration Act 2014

CHAPTER 22

IMMIGRATION ACT 2014

PART 1

REMOVAL AND OTHER POWERS

Removal

- 1 Removal of persons unlawfully in the United Kingdom
- 2 Restriction on removal of children and their parents etc
- 3 Independent Family Returns Panel

Powers of immigration officers

- 4 Enforcement powers

Detention and bail

- 5 Restrictions on detention of unaccompanied children
- 6 Pre-departure accommodation for families
- 7 Immigration bail: repeat applications and effect of removal directions

Biometrics

- 8 Provision of biometric information with immigration applications
- 9 Identifying persons liable to detention
- 10 Provision of biometric information with citizenship applications
- 11 Biometric immigration documents
- 12 Meaning of “biometric information”
- 13 Safeguards for children
- 14 Use and retention of biometric information

Status: Point in time view as at 01/02/2016.

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PART 2

APPEALS ETC

- 15 Right of appeal to First-tier Tribunal
- 16 Report by Chief Inspector on administrative review
- 17 Place from which appeal may be brought or continued
- 18 Review of certain deportation decisions by Special Immigration Appeals Commission
- 19 Article 8 of the ECHR: public interest considerations

PART 3

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RESIDENTIAL TENANCIES

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- 21 Persons disqualified by immigration status or with limited right to rent

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- 23 Penalty notices: landlords
- 24 Excuses available to landlords
- 25 Penalty notices: agents
- 26 Excuses available to agents
- 27 Eligibility period
- 28 Penalty notices: general

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CHAPTER 2

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National Health Service

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- 39 Related provision: charges for health services

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- 40 Prohibition on opening current accounts for disqualified persons
- 41 Regulation by Financial Conduct Authority
- 42 “Bank” and “building society”
- 43 Power to amend

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- 44 Appeals against penalty notices
- 45 Recovery of sums payable under penalty notices

Driving licences

- 46 Grant of driving licences: residence requirement
- 47 Revocation of driving licences on grounds of immigration status

PART 4

MARRIAGE AND CIVIL PARTNERSHIP

CHAPTER 1

REFERRAL AND INVESTIGATION OF PROPOSED MARRIAGES AND CIVIL PARTNERSHIPS

Investigation

- 48 Decision whether to investigate
- 49 Exempt persons
- 50 Conduct of investigation
- 51 Investigations: supplementary

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- 52 Referral of proposed marriages and civil partnerships in England and Wales

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- 53 Extension of scheme to Scotland and Northern Ireland
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- 55 Meaning of “sham marriage” and “sham civil partnership”
- 56 Duty to report suspicious marriages and civil partnerships

CHAPTER 3

OTHER PROVISIONS

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- 61 Notices
- 62 Interpretation of this Part

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- 63 Immigration advisers and immigration service providers

Police Ombudsman for Northern Ireland

- 64 Police Ombudsman for Northern Ireland

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- 65 Persons unable to acquire citizenship: natural father not married to mother
- 66 Deprivation if conduct seriously prejudicial to vital interests of the UK

Embarkation checks

- 67 Embarkation checks

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- 68 Fees
- 69 Fees orders and fees regulations: supplemental
- 70 Power to charge fees for attendance services in particular cases

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- 71 Duty regarding the welfare of children

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- 72 Financial provision
- 73 Transitional and consequential provision
- 74 Orders and regulations
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77 Short title

SCHEDULES

SCHEDULE 1 — Enforcement powers

Power to escort detained persons

- 1 In Schedule 2 to the Immigration Act 1971, in paragraph...

Power to search detained persons

- 2 (1) In Schedule 2 to the Immigration Act 1971, after...

Entry and search of premises

- 3 (1) Paragraph 25A of Schedule 2 to the Immigration Act...
4 In sections 28J(11) and 28K(14) of the Immigration Act 1971...

General power to use reasonable force

- 5 In section 146(1) of the Immigration and Asylum Act 1999...

SCHEDULE 2 — Meaning of biometric information

Immigration Act 1971 (c. 77)

- 1 (1) Schedule 2 to the Immigration Act 1971 (entry control)...

Immigration and Asylum Act 1999 (c. 33)

- 2 (1) Section 144 of the Immigration and Asylum Act 1999...

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 3 (1) Section 126 of the Nationality, Immigration and Asylum Act...
4 (1) Section 127 of that Act (voluntary provision of physical...

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)

- 5 In section 35(2) of the Asylum and Immigration (Treatment of...

SCHEDULE 3 — Excluded residential tenancy agreements

Social housing

- 1 (1) An agreement that grants a right of occupation in...
2 (1) This paragraph applies for the purposes of paragraph 1....

Care homes

- 3 (1) An agreement that grants a right of occupation in...

Hospitals and hospices

- 4 (1) An agreement that grants a right of occupation of...

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Other accommodation relating to healthcare provision

- 5 (1) An agreement— (a) under which accommodation is provided to...

Hostels and refuges

- 6 (1) An agreement that grants a right of occupation of...

Accommodation from or involving local authorities

- 7 (1) An agreement— (a) under which accommodation is provided to...

Accommodation provided by virtue of immigration provisions

- 8 An agreement granting a right of occupation of accommodation that...

Mobile homes

- 9 An agreement to which the Mobile Homes Act 1983 applies....

Tied accommodation

- 10 (1) An agreement that grants a right of occupation of...

Student accommodation

- 11 (1) An agreement that grants a right of occupation in...
12 An agreement under which accommodation is provided to a student...

Long leases

- 13 (1) An agreement that— (a) is, or is for, a...

Interpretation

- 14 (1) This paragraph applies for the purposes of this Schedule....

SCHEDULE 4 — Referral of proposed marriages and civil partnerships in England and Wales

PART 1 — MARRIAGE

Introduction

- 1 The Marriage Act 1949 is amended in accordance with this...

Supply of additional information and evidence

- 2 (1) Section 27 (notice of marriage) is amended in accordance...
3 (1) After section 27 insert— Entry of particulars in notice...
4 After section 27D insert— Additional information if party not relevant...
5 In section 28 (declaration to accompany notice of marriage), in...
6 (1) Section 28A (power to require evidence) is amended in...
7 After section 28A insert— Provision of evidence (1) A notice of marriage under section 27 must, in...

Referral to Secretary of State

- 8 After section 28G insert— Referral of proposed marriage to Secretary...

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- 9 Before Schedule 4 insert— SCHEDULE 3A Modifications if proposed marriage...

Notice period

- 10 (1) Section 31 (marriage under certificate without licence) is amended...

Marriage referred to Secretary of State: issue of certificates

- 11 (1) In section 31 (marriage under certificate without licence), at...

Certificates

- 12 (1) Section 35 (marriage in registration district in which neither...

One party resident in Scotland

- 13 In section 37 (one party resident in Scotland), in subsection...

Proof of certain matters not necessary to validity of marriages

- 14 In section 48 (proof of certain matters not necessary to...

Regulations etc

- 15 In section 74 (regulations), after subsection (2) insert—

Offences

- 16 In section 75 (offences relating to solemnization of marriages), in...

Relevant nationals

- 17 In section 78 (interpretation of the 1949 Act), in subsection...
PART 2 — CIVIL PARTNERSHIP

Introduction

- 18 The Civil Partnership Act 2004 is amended in accordance with...

Supply of additional information and evidence

- 19 (1) Section 8 (notice of proposed civil partnership and declaration)...
20 After section 8 insert— Additional information if party not relevant...
21 For section 9 substitute— Evidence (1) A notice of proposed civil partnership under section 8...

Notice period

- 22 In section 11 (meaning of “the waiting period”), for “15”...
23 (1) Section 12 (power to shorten the waiting period) is...

Referral to Secretary of State

- 24 After section 12 insert— Referral of proposed civil partnership to...
25 After Schedule 3 insert— SCHEDULE 3A Modifications if proposed civil...

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Civil partnership referred to Secretary of State: issue of civil partnership schedule

26 (1) In section 14 (issue of civil partnership schedule), at...

Relevant nationals

27 After section 30 insert— Relevant nationals In this Chapter “relevant national” means— (a) a British citizen,...

Regulations and orders

28 (1) Section 36 (regulations and orders) is amended in accordance...

Proof of certain matters not necessary to validity of civil partnership

29 In section 52 (proof of certain matters not necessary to...

SCHEDULE 5 — Sham marriage and civil partnership: administrative regulations

Introduction

1 (1) This Schedule sets out the kinds of regulations which...

Notices

2 (1) The Secretary of State may make regulations which make...

Evidence

3 (1) The Secretary of State may make regulations about the...

Change of address

4 (1) The Secretary of State may, by regulations, make provision...

Referral

5 (1) The Secretary of State may make regulations requiring a...

Applications for shortening of waiting period

6 (1) The Secretary of State may make regulations about the...

SCHEDULE 6 — Information

PART 1 — DISCLOSURE OF INFORMATION ETC WHERE PROPOSED MARRIAGE OR CIVIL PARTNERSHIP REFERRED TO SECRETARY OF STATE

1 (1) This paragraph applies if— (a) a superintendent registrar refers...

PART 2 — DISCLOSURE OF INFORMATION ETC FOR IMMIGRATION PURPOSES ETC

Disclosures by registration officials

2 (1) A registration official may— (a) disclose any information held...
3 A registration official may disclose to another registration official—

Disclosures by the Secretary of State

4 (1) The Secretary of State may— (a) disclose any information...

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PART 3 — DISCLOSURE OF INFORMATION ETC FOR PREVENTION OF CRIME
ETC

- 5 (1) A registration official may— (a) disclose any information held...

PART 4 — GENERAL PROVISIONS

Limitations on powers

- 6 This Schedule does not authorise— (a) a disclosure, in contravention...

No breach of confidentiality etc

- 7 A disclosure of information which is authorised by this Schedule...

Retention, copying and disposal of documents

- 8 A person to whom a document is supplied under any...

Saving for existing powers

- 9 This Schedule does not limit any other power under which—...

Meaning of “registration official”

- 10 A “registration official” is any of the following—

SCHEDULE 7 — Immigration advisers and immigration service providers

Introductory

- 1 Part 5 of the Immigration and Asylum Act 1999 (which...

Removal of Commissioner's power of exemption from registration

- 2 (1) In section 84(4) (persons exempt from prohibition on provision...

Waiver of fees for registration

- 3 (1) Paragraph 5 of Schedule 6 (fees for registration) is...

Cancellation of registration by Commissioner

- 4 (1) In section 87(3) (decisions of Commissioner which may be...

Suspension of registration

- 5 (1) In section 84(3) (limitations on effect of registration)—

Inspections

- 6 After paragraph 4 of Schedule 5 insert— Inspections The Commissioner may carry out inspections of the activities and...

Complaints and investigations

- 7 (1) For section 89(2) (powers of Tribunal on hearing charge...

Power of entry and inspection

- 8 (1) Omit paragraph 7 of Schedule 5 (and the cross-heading...

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SCHEDULE 8 — Embarkation checks

PART 1 — FUNCTIONS EXERCISABLE BY DESIGNATED PERSONS

Introduction

- 1 Schedule 2 to the Immigration Act 1971 (administrative provisions as...

Examinations by designated person

- 2 (1) Paragraph 3 is amended as follows.

Information and documents

- 3 (1) Paragraph 4 is amended as follows.

Embarkation cards

- 4 (1) Paragraph 5 is amended in accordance with sub-paragraphs (2)...

Designations

- 5 After paragraph 5 insert— Designated persons (1) In this Schedule “designated person” means a person designated...

Directions to carriers and operators of ports

- 6 After paragraph 5A (inserted by paragraph 5 above) insert—
Directions...

PART 2 — OTHER PROVISION

Offences

- 7 (1) Section 27 of the Immigration Act 1971 (offences by...

SCHEDULE 9 — Transitional and consequential provision

PART 1 — PROVISION RELATING TO REMOVAL

Immigration Act 1971 (c. 77)

- 1 In Schedule 2 to the Immigration Act 1971 (administrative provisions...

Special Immigration Appeals Commission Act 1997 (c. 68)

- 2 In section 2 of the Special Immigration Appeals Commission Act...

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 3 (1) The Nationality, Immigration and Asylum Act 2002 is amended...

Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19)

- 4 In section 8(7) of the Asylum and Immigration (Treatment of...

Immigration, Asylum and Nationality Act 2006 (c. 13)

- 5 In the Immigration, Asylum and Nationality Act 2006, section 47...

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Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

- 6 In Schedule 1 to the Legal Aid, Sentencing and Punishment...

Consequential repeals

- 7 The provisions shown in the table below are repealed in...
PART 2 — PROVISION RELATING TO DETENTION AND BAIL

Prison Act 1952 (c. 52)

- 8 (1) Section 5A of the Prison Act 1952 (appointment and...

Immigration Act 1971 (c. 77)

- 9 In Schedule 3 to the Immigration Act 1971 (supplementary provisions...

Special Immigration Appeals Commission Act 1997 (c. 68)

- 10 (1) The Special Immigration Appeals Commission Act 1997 is amended...

Northern Ireland Act 1998 (c. 47)

- 11 In section 69C of the Northern Ireland Act 1998 (investigations:...

Immigration and Asylum Act 1999 (c. 33)

- 12 (1) The Immigration and Asylum Act 1999 is amended as...

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 13 In section 62 of the Nationality, Immigration and Asylum Act...

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 14 In section 59 of the Safeguarding Vulnerable Groups Act 2006...

Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

- 15 In section 2 of the Corporate Manslaughter and Corporate Homicide...

UK Borders Act 2007 (c. 30)

- 16 In section 48 of the UK Borders Act 2007 (establishment...
PART 3 — PROVISION RELATING TO BIOMETRICS

Immigration and Asylum Act 1999 (c. 33)

- 17 (1) The Immigration and Asylum Act 1999 is amended as...

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

- 18 Section 36 of the Anti-terrorism, Crime and Security Act 2001...

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 19 In section 126 of the Nationality, Immigration and Asylum Act...
PART 4 — PROVISION RELATING TO APPEALS

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Immigration Act 1971 (c. 77)

- 20 The Immigration Act 1971 is amended as follows.
- 21 (1) Section 3C (continuation of leave pending variation decision) is...
- 22 (1) Section 3D (continuation of leave following revocation) is amended...
- 23 In Schedule 2 (administrative provisions as to control on entry...
- 24 In Schedule 3 (supplementary provisions as to deportation), in paragraph...

British Nationality Act 1981 (c. 61)

- 25 In section 40A of the British Nationality Act 1981 (deprivation...

Special Immigration Appeals Commission Act 1997 (c. 68)

- 26 (1) The Special Immigration Appeals Commission Act 1997 is amended...

Immigration and Asylum Act 1999 (c. 33)

- 27 The Immigration and Asylum Act 1999 is amended as follows....
- 28 Section 23 (monitoring refusals of entry clearance) is repealed.
- 29 (1) Section 141 (fingerprinting) is amended as follows.

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 30 The Nationality, Immigration and Asylum Act 2002 is amended as...
- 31 In section 72 (serious criminal), in subsection (9)(a)—
- 32 In section 79 (deportation order: appeal), in subsection (1) for...
- 33 For the heading to Part 5, substitute “ Appeals in...
- 34 In section 85 (matters to be considered)—
- 35 Section 85A (matters to be considered: new evidence: exceptions) is...
- 36 In section 86 (determination of appeal)— (a) in subsection (1),...
- 37 Sections 87 to 91 are repealed.
- 38 (1) Section 94 (appeal from within the United Kingdom) is...
- 39 In section 94A (European Common List of Safe Countries of...
- 40 Section 95 (appeal from outside the United Kingdom: removal) is...
- 41 (1) Section 96 (earlier right of appeal) is amended as...
- 42 In section 97 (national security etc)— (a) in subsection (1),...
- 43 In section 97A (national security: deportation)— (a) in subsection (2B),...
- 44 Section 97B (variation of leave on grounds of public good:...
- 45 Section 98 (other grounds of public good) is repealed.
- 46 In section 99— (a) in the heading, for “Sections 97...
- 47 (1) Section 104 (pending appeal) is amended as follows.
- 48 (1) Section 105 (notice of immigration decision) is amended as...
- 49 In section 106 (rules)— (a) in subsection (3), omit “,...
- 50 In section 107 (practice directions), in subsection (3), omit “,...
- 51 In section 108 (forged documents: proceedings in private), in subsection...
- 52 In section 112 (regulations etc)— (a) omit subsection (3A);
- 53 (1) Section 113 (interpretation) is amended as follows.
- 54 Section 115 (appeal from within United Kingdom: unfounded human rights...

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- 55 For section 120 (requirement to state additional grounds for application)...
- Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19)*
- 56 (1) Schedule 3 to the Asylum and Immigration (Treatment of...
Immigration, Asylum and Nationality Act 2006 (c. 13)
- 57 (1) The Immigration, Asylum and Nationality Act 2006 is amended...
UK Borders Act 2007 (c. 30)
- 58 In section 17 of the UK Borders Act 2007 (support...
Equality Act 2010 (c. 15)
- 59 In section 115 of the Equality Act 2010 (immigration cases),...
Consequential repeals
- 60 The provisions shown in the table below are repealed in...
PART 5 — PROVISION RELATING TO EMPLOYMENT
Immigration, Asylum and Nationality Act 2006 (c. 13)
- 61 In section 15 of the Immigration, Asylum and Nationality Act...
PART 6 — PROVISION RELATING TO DRIVING LICENCES
Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1))
- 62 In Article 5 of the Road Traffic (Northern Ireland) Order...
Road Traffic Act 1988 (c. 52)
- 63 In section 89 of the Road Traffic Act 1988 (tests...
Road Safety Act 2006 (c. 49)
- 64 In Schedule 3 to the Road Safety Act 2006 (endorsement:...
Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10))
- 65 In Schedule 5 to the Road Traffic (Northern Ireland) Order...
PART 7 — PROVISION RELATING TO MARRIAGE AND CIVIL PARTNERSHIP
Transitional provision
- 66 The provisions of sections 48 to 51, and the amendments...
PART 8 — PROVISION RELATING TO IMMIGRATION ADVISERS AND
IMMIGRATION SERVICE PROVIDERS
Transitional provision
- 67 (1) On the day on which paragraph 2 of Schedule...
68 (1) In the provisions listed in sub-paragraph (2)—
69 (1) The provisions listed in paragraph 68(2) (apart from paragraph...

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PART 9 — PROVISION RELATING TO PERSONS UNABLE TO ACQUIRE
NATIONALITY BECAUSE NATURAL FATHER NOT MARRIED TO
MOTHER

British Nationality Act 1981

70 (1) The British Nationality Act 1981 is amended as follows....

British Nationality (General) Regulations 2003

71 (1) In regulation 14 of the British Nationality (General) Regulations...
PART 10 — PROVISION RELATING TO EMBARKATION CHECKS

Transitional provision

72 (1) Any order or direction under paragraph 5 of Schedule...
PART 11 — PROVISION RELATING TO FEES

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)

73 (1) Section 42 of the Asylum and Immigration (Treatment of...

Immigration, Asylum and Nationality Act 2006 (c. 13)

74 Sections 51 and 52 of the Immigration, Asylum and Nationality...

UK Borders Act 2007 (c. 30)

75 For section 15(2)(b) of the UK Borders Act 2007 (application...

Consequential repeals

76 The following provisions are repealed in consequence of the
amendments...

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