

IMMIGRATION ACT 2014

EXPLANATORY NOTES

BACKGROUND

Part 6: Miscellaneous

33. Section 50(9A) of the British Nationality Act 1981 (“the 1981 Act”) amended the definition of father to remove discrimination in that Act against illegitimate children born to British fathers. However this definition applied only to children born on or after 1 July 2006. This Act amends the 1981 Act to provide an entitlement to registration for persons born before 1 July 2006 to a British father who was not married to their mother at the time of their birth.
34. Currently any person may lose their citizenship if the Secretary of State is satisfied that doing so is conducive to the public good, provided that depriving them of their citizenship would not render them stateless. Following the Supreme Court judgment in *Al Jedda*¹, the Act will amend this power by allowing naturalised persons to be deprived of their citizenship where they conduct themselves in a manner seriously prejudicial to the vital interests of the UK, even where to do so may render them stateless, provided that the Secretary of State has reasonable grounds for believing they are able to become a national of another country or territory.
35. In May 2010 the Government published *The Coalition: our programme for government*² which included a commitment to reintroduce exit checks. Routine embarkation controls at UK ports were fully phased out by 1998. The powers to conduct embarkation controls exist in the 1971 Act. Exit checks are already being operated using the electronic capture of data of departing passengers and through targeted, intelligence-led embarkation controls. In delivering the exit checks commitment, the Government’s approach is to seek to minimise the impact on port operations and on the flow of legitimate passengers through airports, seaports and international rail terminals by integrating embarkation checks with existing processes, wherever possible. The Government will continue to discuss with carriers and port operators proposals to enable those who currently have a role in outbound passenger processes, such as carrier and port operator staff, to deliver exit checks. The Act allows the Secretary of State to enable third parties, including carriers and port operator staff, (as ‘designated persons’), to undertake embarkation checks. It also contains powers to enable the Secretary of State to direct carriers and port operators to make arrangements for a designated person to conduct embarkation checks.
36. The Secretary of State’s powers to charge fees in connection with immigration and nationality are currently set out in sections 51 and 52 of the 2006 Act, and section 42 of the Asylum and Immigration (Treatment of Claimants, etc.) Act (“the 2004 Act”), which is amended by section 20 of the 2007 Act. The Act consolidates these powers, to simplify the charging framework, and amends certain elements to ensure that it is

¹ *Al Jedda v SSHD* [2013] UKSC 62

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78977/coalition_programme_for_government.pdf

*These notes refer to the Immigration Act 2014 (c.22)
which received Royal Assent on 14 May 2014*

more responsive to the needs of the Government and people who use immigration and nationality services.