



Illegal Migration Act 2023

2023 CHAPTER 37

Duty to make arrangements for removal

10 Other consequential amendments relating to removal

- (1) The Immigration Act 1971 is amended in accordance with subsections (2) to (4).
- (2) In section 24(1) (illegal entry and similar offences), after paragraph (f) insert—
 - “(fa) if the person disembarks in the United Kingdom from a ship, aircraft, train or vehicle after being placed on board under section 8(11) of the Illegal Migration Act 2023 with a view to the person’s removal from the United Kingdom;”.
- (3) In section 27(1) (offences by persons connected with ships or aircraft)—
 - (a) after paragraph (a) insert—
 - “(aa) if, being the captain of a ship or aircraft, the train manager of a train or the driver of a vehicle, the person knowingly permits a person to disembark in the United Kingdom when required under section 8(12)(a) of the Illegal Migration Act 2023 to prevent it;”, and
 - (b) after paragraph (b) insert—
 - “(ba) if, as owner or agent of a ship, aircraft, train or vehicle, the person fails, without reasonable excuse, to make arrangements for or in connection with the removal of a person from the United Kingdom when required to do so by directions given under section 8(8) or (9) of the Illegal Migration Act 2023;”.
- (4) In Schedule 2 (administrative provisions as to control on entry etc), after paragraph 11 insert—
 - “11A Paragraphs 8 to 10 do not apply to a person if—
 - (a) the Secretary of State is required by section 2(1) of the Illegal Migration Act 2023 to make arrangements for the removal of the person from the United Kingdom, or

Status: This is the original version (as it was originally enacted).

- (b) the Secretary of State may make arrangements for the removal of the person from the United Kingdom under section 4(2) of that Act,
 but see section 8 of that Act.”
- (5) The Immigration and Asylum Act 1999 is amended in accordance with subsections (6) and (7).
- (6) In section 10 (removal of persons unlawfully in the United Kingdom), after subsection (11) insert—
- “(12) This section does not apply to a person if—
- (a) the Secretary of State is required by section 2(1) of the Illegal Migration Act 2023 to make arrangements for the removal of the person from the United Kingdom, or
- (b) the Secretary of State may make arrangements for the removal of the person from the United Kingdom under section 4(2) of that Act,
 but see section 8 of that Act.”
- (7) In section 156(1)(b) (arrangements for the provision of escorts and custody), for “or this Act” substitute “, this Act or the Illegal Migration Act 2023”.
- (8) In section 80A of the Nationality, Immigration and Asylum Act 2002 (claims by nationals of listed safe States), after subsection (5) insert—
- “(5A) This section does not apply to a person who meets the four conditions in section 2 of the Illegal Migration Act 2023 (duty to make arrangements for removal).”
- (9) In Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (removal of asylum seeker to safe country)—
- (a) in paragraph 3, after sub-paragraph (2) insert—
- “(3) This paragraph does not apply for the purposes of determining whether a person who has made an asylum claim or a human rights claim may be removed from the United Kingdom to a State of which the person is not a national or citizen if—
- (a) the Secretary of State is required by section 2(1) of the Illegal Migration Act 2023 to make arrangements for the removal of the person from the United Kingdom, or
- (b) the Secretary of State may make arrangements for the removal of the person from the United Kingdom under section 4(2) of that Act,
 but see section 6 of that Act.”;
- (b) in paragraph 8, after sub-paragraph (2) insert—
- “(3) This paragraph does not apply for the purposes of determining whether a person who has made an asylum claim may be removed from the United Kingdom to a State of which the person is not a national or citizen if—
- (a) the Secretary of State is required by section 2(1) of the Illegal Migration Act 2023 to make arrangements for the removal of the person from the United Kingdom, or

- (b) the Secretary of State may make arrangements for the removal of the person from the United Kingdom under section 4(2) of that Act,
but see section 6 of that Act.”;
- (c) in paragraph 13, after sub-paragraph (2) insert—
 - “(3) This paragraph does not apply for the purposes of determining whether a person who has made an asylum claim may be removed from the United Kingdom to a State of which the person is not a national or citizen if—
 - (a) the Secretary of State is required by section 2(1) of the Illegal Migration Act 2023 to make arrangements for the removal of the person from the United Kingdom, or
 - (b) the Secretary of State may make arrangements for the removal of the person from the United Kingdom under section 4(2) of that Act,
but see section 6 of that Act.”