
EXPLANATORY NOTE

(This note is not part of the Order)

The Immigration Act 2014 (Commencement No. 3, Transitional and Saving Provisions) Order 2014 (S.I. 2014/2771) (“the Commencement Order”) commenced, amongst other provisions, provisions labelled “the relevant provisions”, but also contained saving provisions limiting the circumstances in which the relevant provisions would have effect. This Order expands the circumstances in which the relevant provisions have effect so that they have effect in relation to deportation decisions made by the Secretary of State in relation to people who are foreign criminals within the definition set out in section 117D(2) of the Nationality, Immigration and Asylum Act 2002, as inserted by section 19 of the Immigration Act 2014 (c. 22) (“the 2014 Act”), and in relation to family members of such foreign criminals.

This Order also provides that paragraph 26(1) and (4) of Schedule 9 to the 2014 Act has effect generally. These provisions were commenced by the Commencement Order, but did not come into effect generally when the Commencement Order was made. They amend section 6A of the Special Immigration Appeals Commission Act 1997 (c. 68) (“the 1997 Act”) so that rules can be made, and special advocates can be appointed, in relation to reviews under section 2E of the 1997 Act. Section 2E of the 1997 Act is inserted by section 18 of the 2014 Act. Section 18 of the 2014 Act has not yet been commenced. Bringing paragraph 26(1) and (4) of Schedule 9 to the 2014 Act into effect generally will allow rules to be made prior to the commencement of section 18 of the 2014 Act, so that reviews under section 2E of the 1997 Act can take place as soon as section 18 of the 2014 Act is commenced and section 2E of the 1997 Act comes into force.