
STATUTORY INSTRUMENTS

2024 No. 815

IMMIGRATION AND ASYLUM

The Illegal Migration Act 2023 (Amendment) Regulations 2024

Made - - - - *22nd July 2024*
Laid before Parliament *23rd July 2024*
Coming into force in accordance with regulation 1(2)
and (3)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 3(1) and 3(2) of the Illegal Migration Act 2023(1).

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Illegal Migration Act 2023 (Amendment) Regulations 2024.

(2) These Regulations come into force on the day after the day on which they are made, subject to paragraph (3).

(3) Where a provision amended by these regulations is not in force on the day after the day on which they are made—

- (a) if that provision is brought into force for all purposes, the amendment comes into force at the same time as the provision it amends, and
- (b) if that provision is brought into force for a particular purpose, the amendment comes into force for that purpose at the same time as the provision it amends comes into force for that purpose.

(4) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(5) This regulation, paragraph (7)(c) of regulation 3 and paragraph (6) of regulation 3 so far as relating to paragraph (7)(c) also extend to the Channel Islands, the Isle of Man and the British overseas territories.

(6) In these Regulations, “the Act” means the Illegal Migration Act 2023.

Amendment of sections 2 and 6 of the Act

2.—(1) In section 2(3) of the Act (duty to make arrangements for removal: date of entry or arrival), for “the day on which this Act is passed” substitute “the day on which this section came into force in relation to the person”.

(2) In section 6(14)(a) of the Act (removal for purposes of section 2 or 4: claims made on or after date of passing of the Act), for “the day on which this Act is passed” substitute “the day on which this section came into force in relation to the person”.

Consequential amendments

3.—(1) In section 5 of the Act (disregard of certain claims, applications etc) omit subsection (7) (claims made on or after the date of passing of the Act).

(2) In section 6 of the Act (removal for the purposes of section 2 or 4) omit subsection (12) (claims made on or after the date of passing of the Act).

(3) In section 22 of the Act (modern slavery: provisions relating to removal and leave) omit subsections (8) to (10) (revocation of leave granted on or after 7 March 2023).

(4) In section 28 of the Act (amendments relating to sections 22 and 25) omit subsection (12) (amendment of section 65 of the Nationality and Borders Act 2022⁽²⁾).

(5) In section 30 of the Act (entry into and settlement in the United Kingdom) omit subsections (4) to (7) (grants of leave until section 2(1) of the Act comes into force).

(6) In each of the provisions listed in paragraph (7) omit “, reading subsection (3) of that section as if it referred to a person entering or arriving in the United Kingdom as mentioned in subsection (2) of that section on or after 7 March 2023”.

(7) The provisions referred to in paragraph (6) are—

- (a) section 8(1)(d) of the Immigration Act 1971⁽³⁾ as inserted by section 30(2) of the Act (exceptions for seamen, aircrews and other special cases);
- (b) section 8AA(1) of the Immigration Act 1971 as inserted by section 30(3) of the Act (persons ineligible for leave to enter and remain, entry clearance and ETA);
- (c) section 31(3) of the Act (persons prevented from obtaining British citizenship etc).

22nd July 2024

Yvette Cooper
Secretary of State
Home Office

(2) 2022 c. 36.
(3) 1971 c. 77.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 2(1) of the Illegal Migration Act 2023 (c. 37) (“the Act”) requires the Secretary of State to make arrangements for the removal of a person from the United Kingdom if the person meets the four conditions. The second of those four conditions, see section 2(3), is that the person entered or arrived in the United Kingdom on or after the day on which the Act was passed, which was 20th July 2023. Section 6 of the Act makes provision about removal for the purposes of sections 2 and 4 of the Act. Section 6(14) applies where a State is added to the list of safe States in section 80AA of the Nationality, Immigration and Asylum Act 2002. It provides for certain provisions of section 6 to apply to a national of that State if they have made a protection or human rights claim on or after the day on which the Act is passed and the claim has not been decided before the amendment to section 80AA comes into force.

Regulation 2 amends the references in sections 2(3) and 6(14)(a) of the Act to the day on which the Act was passed, so that they instead refer to the day on which section 2 of the Act comes into force.

Regulation 3 omits sections 5(7), 6(12), 22(8) to (10), 28(12) and 30(4) to (7) from the Act as they are no longer required as a consequence of regulation 2.

Section 30 of the Act amends the Immigration Act 1971 so that illegal migrants who have ever satisfied the four conditions in section 2 of the Act are barred from securing leave to enter or leave to remain in the United Kingdom, entry clearance or an electronic travel authorisation subject to certain exceptions. Regulation 3 amends the Immigration Act 1971 so that the bar will apply to persons illegally entering or arriving in the United Kingdom on or after the day on which section 2 of the Act comes into force.

Section 31 of the Act provides for people not to be eligible for British citizenship, British overseas territories citizenship, British overseas citizenship and British subject status because they have entered the United Kingdom, the Channel Islands and the Isle of Man, or an overseas territory unlawfully. Regulation 3 amends section 31(3) so that a person will not be eligible if they illegally enter or arrive in the United Kingdom on or after the date on which section 2 comes into force.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from Home Office, 2 Marsham Street, London, SW1P 4DF and it will be published alongside the Explanatory Memorandum at www.legislation.gov.uk.