



# Nationality, Immigration and Asylum Act 2002

## CHAPTER 41

### NATIONALITY, IMMIGRATION AND ASYLUM ACT 2002

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*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Nationality, Immigration and Asylum Act 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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**SCHEDULES**
**SCHEDULE 1 — Citizenship Ceremony, Oath and Pledge**

- 1 The following shall be substituted for section 42 of the...
- 2 The following shall be substituted for Schedule 5 to the...
- 3 Section 41 of the British Nationality Act 1981 (c. 61)...
- 4 For subsection (1)(d) substitute— (d) for the time within which...
- 5 In subsection (2)(c)— (a) for “the taking there of any...
- 6 In subsection (3)(a) for “taking of oaths of allegiance” substitute...
- 7 After subsection (3) insert— (3A) Regulations under subsection (1)(d)  
to...
- 8 The Secretary of State may make a payment to a...
- 9 (1) A local authority must— (a) comply with a requirement...

**SCHEDULE 2 — Nationality: Repeal of Spent Provisions**

- 1 The following provisions of the British Nationality Act 1981 (c....
- 2 Nothing in this Schedule has any effect in relation to...

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### SCHEDULE 3 — Withholding and Withdrawal of Support

#### *Ineligibility for support*

- 1 (1) A person to whom this paragraph applies shall not...

#### *Exceptions*

- 2 (1) Paragraph 1 does not prevent the provision of support...  
3 Paragraph 1 does not prevent the exercise of a power...

#### *First class of ineligible person: refugee status abroad*

- 4 (1) Paragraph 1 applies to a person if he—

#### *Second class of ineligible person: citizen of other EEA State*

- 5 Paragraph 1 applies to a person if he—

#### *Third class of ineligible person: failed asylum-seeker*

- 6 (1) Paragraph 1 applies to a person if—

#### *Fourth class of ineligible person: person unlawfully in United Kingdom*

- 7 Paragraph 1 applies to a person if—

#### *Fifth class of ineligible person: failed asylum-seeker with family*

- 7A (1) Paragraph 1 applies to a person if—

#### *Travel assistance*

- 8 The Secretary of State may make regulations providing for arrangements...

#### *Temporary accommodation*

- 9 (1) The Secretary of State may make regulations providing for...  
10 (1) The Secretary of State may make regulations providing for...

#### *Assistance and accommodation: general*

- 11 Regulations under paragraph 8, 9 or 10 may—  
12 (1) Regulations may, in particular, provide that if a person...

#### *Offences*

- 13 (1) A person who leaves the United Kingdom in accordance...

#### *Information*

- 14 (1) If it appears to a local authority that paragraph...

#### *Power to amend Schedule*

- 15 The Secretary of State may by order amend this Schedule...

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### *Orders and regulations*

- 16 (1) An order or regulations under this Schedule must be...

### *Interpretation*

- 17 (1) In this Schedule— “asylum-seeker” means a person— who is...

### Schedule 4 — The Asylum and Immigration Tribunal

#### *Membership*

- 1 The Lord Chancellor shall appoint the members of the Asylum...  
 2 (1) A person is eligible for appointment as a member...  
 3 (1) A member— (a) may resign by notice in writing...  
 4 (1) The Lord Chancellor may by order make provision for...

#### *Presidency*

- 5 (1) The Lord Chancellor shall appoint— (a) a member of...

#### *Judicial assistance*

- 5A (1) The Senior President of Tribunals, with the consent of...  
 5B (1) The Senior President of Tribunals may—

#### *Proceedings*

- 6 The Tribunal shall sit at times and places determined by...  
 7 (1) The jurisdiction of the Tribunal shall be exercised by...  
 8 (1) The President may make arrangements for the allocation of...

#### *Staff*

- 9 The Lord Chancellor may appoint staff for the Tribunal.

#### *Money*

- 10 The Lord Chancellor— (a) may pay remuneration and allowances to...  
 11 The Lord Chancellor may pay compensation to a person who...

#### *Delegation*

- 12 (1) The Lord Chief Justice of England and Wales may...

#### *Training etc.*

- 13 The Senior President of Tribunals is responsible, within the resources...

#### *Oaths*

- 14 (1) Sub-paragraph (2) applies to a person (“ the appointee...

### SCHEDULE 5 — The Immigration Appeal Tribunal

#### *Membership*

- 1 The Lord Chancellor shall appoint the members of the Tribunal...  
 2 (1) A member— (a) may resign by notice in writing...

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### *Presidency*

- 3 The Lord Chancellor shall appoint as President of the Tribunal...  
4 (1) The Lord Chancellor shall appoint one legally qualified member...

### *Proceedings*

- 5 The Tribunal shall sit at times and places determined by...  
6 The Tribunal may sit in more than one division.  
7 (1) The jurisdiction of the Tribunal may be exercised by...

### *Staff*

- 8 The Lord Chancellor may appoint staff for the Tribunal.

### *Money*

- 9 The Lord Chancellor— (a) may pay remuneration and allowances to...  
10 The Lord Chancellor may pay compensation to a person who...

### *Interpretation: legally qualified member*

- 11 (1) For the purpose of this Schedule a member of...

## SCHEDULE 6 — Immigration and Asylum Appeals: Transitional Provision

### *“Commencement”*

- 1 In this Schedule “commencement” means the coming into force of...

### *Adjudicator*

- 2 Where a person is an adjudicator under section 57 of...

### *Tribunal*

- 3 (1) Where a person is a member of the Immigration...

### *Earlier appeal*

- 4 In the application of section 96— (a) a reference to...

### *Saving*

- 5 (1) This Schedule is without prejudice to the power to...

## SCHEDULE 7 — Immigration and Asylum Appeals: Consequential Amendments

### *Immigration Act 1971 (c. 77)*

- 1 In section 33(4) of the Immigration Act 1971 (c. 77)...  
2 In paragraph 2A(9) of Schedule 2 to that Act (control...  
3 In paragraph 4(4) of that Schedule (examination and detention of...  
4 In paragraph 8(2) of that Schedule (time within which directions...  
5 In paragraph 25 of that Schedule (rules) for “section 22...  
6 In paragraph 29 of that Schedule (bail pending appeal)—  
7 In paragraph 2(2) of Schedule 3 to that Act (deportation)...  
8 For paragraph 3 of that Schedule (deportation: effect of appeal)...

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*House of Commons Disqualification Act 1975 (c. 24)*

- 9 In Part III of Schedule 1 to the House of...

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 10 In Part III of Schedule 1 to the Northern Ireland...

*Race Relations Act 1976 (c. 74)*

- 11 In section 53(1) (restriction of proceedings) for “Part IV of...  
12 Section 57A (immigration cases) shall be amended as follows—  
13 In section 62(1)(ba) (persistent discrimination) for “Part IV of the...  
14 In section 65(7)(b) (help for aggrieved person) for “Part IV...  
15 In section 66 (assistance by Commission)— (a) in subsection (8)...

*Courts and Legal Services Act 1990 (c. 41)*

- 16 In Schedule 11 to the Courts and Legal Services Act...

*Tribunals and Inquiries Act 1992 (c. 53)*

- 17 In paragraph 22 of Schedule 1 to the Tribunals and...

*Judicial Pensions and Retirement Act 1993 (c. 8)*

- 18 In Part II of Schedule 1 to the Judicial Pensions...  
19 In Schedule 5 to that Act (retirement provisions: the relevant...

*Special Immigration Appeals Commission Act 1997 (c. 68)*

- 20 The following shall be substituted for section 2 of the...  
21 Section 2A of that Act (human rights) shall cease to...  
22 Section 4 of that Act (determination of appeals) shall cease...  
23 In section 5 of that Act (procedure)—  
24 Section 7A of that Act (pending appeals) shall cease to...  
25 In paragraph 5 of Schedule 1 to that Act—  
26 Schedule 2 to that Act shall cease to have effect....

*Immigration and Asylum Act 1999 (c. 33)*

- 27 In section 23(1) of the Immigration and Asylum Act 1999...  
28 In section 53(4) of that Act (bail) for “this Act”...  
29 (1) Paragraph 9 of Schedule 4 to that Act (appeals:...

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

- 30 The following shall be substituted for section 27(10) of the...

*Proceeds of Crime Act 2002 (c. 29)*

- 31 The following shall be substituted for paragraph 4 of Schedule...  
32 In paragraph 4 of Schedule 4 to that Act (lifestyle...  
33 The following shall be substituted for paragraph 4 of Schedule...

SCHEDULE 8 — Carriers’ Liability

- 1 The Immigration and Asylum Act 1999 (c. 33) shall be...  
2 (1) Section 32 (penalty for carrying clandestine entrant) shall be...

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- 3 After section 32 insert— Level of penalty: code of practice...
- 4 The heading of section 33 (code of practice) becomes “...
- 5 In section 33(2)(b) omit “both Houses of”.
- 6 (1) Section 34 (defence) shall be amended as follows.
- 7 (1) Section 35 (notification and objection) shall be amended as...
- 8 After section 35 insert— Appeal (1) A person may appeal to the court  
against a...
- 9 (1) Section 36 (detention of vehicle) shall be amended as...
- 10 After section 36 insert— Detention in default of payment (1) This  
section applies where a person to whom a...
- 11 (1) Section 37 (effect of detention of transporter) shall be...
- 12 Section 39(rail freight) shall cease to have effect.
- 13 For section 40 (charge in respect of passenger without proper...
- 14 Section 42(power to detain vehicle, &c. carrying person without  
proper...
- 15 In section 43 (interpretation) (which becomes subsection (1))—
- 16 (1) Schedule 1 (sale of transporter) shall be amended as...
- 17 (1) This paragraph applies to a code of practice which—...

#### SCHEDULE 9 — Repeals

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Pt. 2 applied (with modifications) by S.I. 2008/212 reg. 5(a) Sch. 1
- s. 6(1)-(4) omitted by S.I. 2011/1060 art. 4(a)
- s. 6(5) repealed by 2010 c. 15 Sch. 27 Pt. 1A (as inserted) by S.I. 2011/1060 Sch. 3
- s. 10 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 11 repealed by 2009 c. 11 s. 48(2) Sch. Pt. 2
- s. 36(1) text amended by S.I. 2010/1158 Sch. 2 para. 51(2)(a)
- s. 36(4)(b) text amended by S.I. 2010/1158 Sch. 2 para. 51(2)(b)
- s. 36(6) text amended by S.I. 2008/2833 Sch. 3 para. 197
- s. 37 text amended by S.I. 2010/1158 Sch. 2 para. 51(3)
- s. 62 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 63 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 69 applied by 2008 c. 4 s. 133(4)
- s. 72-76 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 72(10A) inserted by S.I. 2010/21 Sch. 1 para. 21
- s. 78 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 79 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 81 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 81 substituted by S.I. 2010/21 Sch. 1 para. 22
- s. 82 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 84-87 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 84(1)(b) text amended by S.I. 2011/1060 art. 4(b)
- s. 85A(5) inserted by S.I. 2010/21 Sch. 1 para. 23
- s. 87(3) substituted by S.I. 2010/21 Sch. 1 para. 24(a)
- s. 87(4) text amended by S.I. 2010/21 Sch. 1 para. 24(b)
- s. 88-92 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 94-99 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 94(4)(nn)(oo) inserted by S.I. 2010/561 art. 3
- s. 103A-103E omitted by S.I. 2010/21 Sch. 1 para. 25
- s. 103E extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 104-106 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 104(2) substituted by S.I. 2010/21 Sch. 1 para. 26(a)
- s. 104(4B)(b) text amended by S.I. 2010/21 Sch. 1 para. 26(b)
- s. 104(4C) text amended by S.I. 2010/21 Sch. 1 para. 26(b)
- s. 106(1) omitted by S.I. 2010/21 Sch. 1 para. 27(a)
- s. 106(1A) omitted by S.I. 2010/21 Sch. 1 para. 27(a)
- s. 106(2) omitted by S.I. 2010/21 Sch. 1 para. 27(a)
- s. 106(3) substituted by S.I. 2010/21 Sch. 1 para. 27(b)
- s. 106(4) text amended by S.I. 2010/21 Sch. 1 para. 27(c)
- s. 107(1) omitted by S.I. 2010/21 Sch. 1 para. 28(a)
- s. 107(1A) omitted by S.I. 2010/21 Sch. 1 para. 28(a)
- s. 107(3) substituted by S.I. 2010/21 Sch. 1 para. 28(b)
- s. 107(3A) inserted by S.I. 2010/21 Sch. 1 para. 28(c)
- s. 107(4)-(7) omitted by S.I. 2010/21 Sch. 1 para. 28(a)
- s. 108 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 109 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 112 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7
- s. 112(2) text amended by S.I. 2010/21 Sch. 1 para. 29(a)
- s. 112(3) text amended by S.I. 2010/21 Sch. 1 para. 29(b)
- s. 112(6)(7) omitted by S.I. 2010/21 Sch. 1 para. 29(c)
- s. 113 extended (Isle of Man) (with modifications) by S.I. 2008/680 art. 16 Sch. 7

- s. 114(3) extended in part (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- s. 118-121 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- s. 125 extended in part (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- s. 126-128 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- s. 131(b)-(bb) substituted for s. 131(b) by [2009 c. 11 s. 47\(4\)](#)
- s. 133 amendment to earlier affecting provision [SI 2008/680 art. 16\(2\)\(d\)\(v\) Sch. 7 para. 37\(3\)](#) by [S.I. 2011/1408 Sch. para. 6](#)
- s. 133 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- s. 133(4)(c)(iia) inserted by [S.I. 2011/2581 Sch. 2 para. 5](#)
- s. 134 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- s. 136-139 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- s. 143 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- s. 144 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- s. 145-151 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- s. 152-155 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- s. 159 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- s. 160 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- s. 161 extended in part (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- s. 164 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- Sch. 3 applied (with modifications) by [S.I. 2008/212 reg. 5\(b\) Sch. 2](#)
- Sch. 3 para. 1(1)(g) text amended by [2008 c. 23 s. 22\(6\)](#)
- Sch. 3 para. 7(a) text amended by [2009 c. 11 s. 48\(6\)](#)
- Sch. 4 omitted by [S.I. 2010/21 Sch. 1 para. 30](#)
- Sch. 7 para. 1 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- Sch. 7 para. 2 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- Sch. 7 para. 4 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- Sch. 7 para. 5 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- Sch. 7 para. 6(a) extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- Sch. 7 para. 7 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- Sch. 7 para. 8 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- Sch. 7 para. 11 repealed by [2010 c. 15 Sch. 27 Pt. 1 \(as substituted\) by S.I. 2010/2279 Sch. 2](#)
- Sch. 7 para. 12 repealed by [2010 c. 15 Sch. 27 Pt. 1 \(as substituted\) by S.I. 2010/2279 Sch. 2](#)
- Sch. 7 para. 14 repealed by [2010 c. 15 Sch. 27 Pt. 1 \(as substituted\) by S.I. 2010/2279 Sch. 2](#)
- Sch. 7 para. 14 cross-heading repealed by [2010 c. 15 Sch. 27 Pt. 1 \(as substituted\) by S.I. 2010/2279 Sch. 2](#)
- Sch. 8 para. 1-11 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- Sch. 8 para. 15 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)

- Sch. 8 para. 16(1) extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- Sch. 8 para. 16(3) extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- Sch. 8 para. 13 extended (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)
- Sch. 9 extended in part (Isle of Man) (with modifications) by [S.I. 2008/680 art. 16 Sch. 7](#)

**Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:**

- Act amendment to earlier commencing SI 2007/1109 art. 6 by [S.I. 2011/1158 art. 4 6](#)
- Blanket amendment text amended by [S.I. 2011/1043 art. 3 4](#)
- Blanket amendment text amended by [S.I. 2011/1043 art. 3 6](#)

**Commencement Orders yet to be applied to the Nationality, Immigration and Asylum Act 2002:**

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2008/99 art. 2](#) commences (2007 c. 30)
- [S.I. 2008/309 art. 2-4](#) commences (2007 c. 30)
- [S.I. 2008/310 art. 2 3](#) commences (2006 c. 13)
- [S.I. 2008/1653 art. 2](#) commences (2007 c. 15)
- [S.I. 2008/1818 art. 2](#) commences (2007 c. 30)
- [S.I. 2008/2696 art. 2 5 6](#) commences (2007 c. 15)
- [S.I. 2009/1604 art. 2](#) commences (2005 c. 4)
- [S.I. 2009/2731 art. 2-4](#) commences (2009 c. 11)
- [S.I. 2010/2317 art. 2 3](#) commences (2010 c. 15)
- [S.I. 2010/2981 art. 2-4](#) commences (2008 c. 23)
- [S.I. 2011/1066 art. 2](#) commences (2010 c. 15)
- [S.I. 2011/1293 art. 2](#) commences (2007 c. 30)