

*These notes refer to the Borders, Citizenship and Immigration Act 2009 (c.11) which received Royal Assent on 21 July 2009*

# **BORDERS, CITIZENSHIP AND IMMIGRATION ACT 2009**

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## **EXPLANATORY NOTES**

### **SUMMARY**

#### **Part 4 – Miscellaneous and General**

26. **Section 53** relates to judicial review applications in asylum, immigration and nationality matters, and provides for judicial review cases concerning “fresh claims applications” to be transferred from the High Court, Court of Session or High Court of Northern Ireland to the Upper Tribunal, subject to other conditions.
27. **Section 54** widens the definition of exploitation in the offence of human trafficking (for non-sexual purposes) in section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (“AITCA 2004”) to ensure that the use of certain categories of person by another to gain a benefit is conduct which is captured by that offence.
28. **Section 55** imposes a duty on the Secretary of State to make arrangements to ensure that certain specified functions are carried out having regard to the need to safeguard and promote the welfare of children who are in the UK. It also imposes a similar duty on the Director in relation to the Director’s functions.
29. **Sections 56 to 59** make general provision on repeals, extent, commencement and the short title of the Act. Section 58 in particular sets out certain transitional provisions which must be included in a commencement order giving effect to sections 39 to 41 of the Act (that is the provisions for earned citizenship and amendments to the BNA 1981).