

IMMIGRATION ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Removal and other powers

Section 1: Removal of persons unlawfully in the United Kingdom

38. This section replaces section 10 of the 1999 Act and provides a power for the Secretary of State or an immigration officer to authorise the removal of a person who requires leave to enter or remain in the UK but does not have it (subsection (1)) or their family members (subsection (2)).
39. *Subsections (3), (4) and (5)* define the conditions to be met for a family member to be removed under subsection (2). Subsection (6) provides for any leave to enter or remain in the UK that a family member has to be invalidated by the service of a notice under subsection (2).
40. *Subsection (7)* allows the Secretary of State or an immigration officer to give directions for the removal of those persons described in subsections (1) and (2). Removal directions may be given to the captains or owners or agents of ships or aircraft to remove a person or to make arrangements for removal to the country or territory as specified in paragraphs 8 to 10 of Schedule 2 to the 1971 Act. However under subsection (8) persons being deported will continue to be removed under Schedule 3 to the 1971 Act.
41. *Subsection (9)* lists relevant paragraphs of Schedule 2 to the 1971 Act which will also apply to persons subject to removal under this section. This includes provision for arrest, detention, bail and searches for removal documents.
42. *Subsection (10)* provides a power for the Secretary of State to make regulations about the time period during which a family member may be removed under subsection (2) and the service of a notice under subsection (2).
43. *Subsection (11)* defines a child for the purpose of this section.