



Immigration Act 2014

2014 CHAPTER 22

PART 1

REMOVAL AND OTHER POWERS

Removal

1 Removal of persons unlawfully in the United Kingdom

For section 10 of the Immigration and Asylum Act 1999, substitute—

“10 Removal of persons unlawfully in the United Kingdom

- (1) A person may be removed from the United Kingdom under the authority of the Secretary of State or an immigration officer if the person requires leave to enter or remain in the United Kingdom but does not have it.
- (2) Where a person (“P”) is liable to be or has been removed from the United Kingdom under subsection (1), a member of P’s family who meets the following three conditions may also be removed from the United Kingdom under the authority of the Secretary of State or an immigration officer, provided that the Secretary of State or immigration officer has given the family member written notice of the intention to remove him or her.
- (3) The first condition is that the family member is—
 - (a) P’s partner,
 - (b) P’s child, or a child living in the same household as P in circumstances where P has care of the child,
 - (c) in a case where P is a child, P’s parent, or
 - (d) an adult dependent relative of P.
- (4) The second condition is that—

Status: This is the original version (as it was originally enacted).

- (a) in a case where the family member has leave to enter or remain in the United Kingdom, that leave was granted on the basis of his or her family life with P;
 - (b) in a case where the family member does not have leave to enter or remain in the United Kingdom, in the opinion of the Secretary of State or immigration officer the family member—
 - (i) would not, on making an application for such leave, be granted leave in his or her own right, but
 - (ii) would be granted leave on the basis of his or her family life with P, if P had leave to enter or remain.
- (5) The third condition is that the family member is neither a British citizen, nor is he or she entitled to enter or remain in the United Kingdom by virtue of an enforceable EU right or of any provision made under section 2(2) of the European Communities Act 1972.
- (6) A notice given to a family member under subsection (2) invalidates any leave to enter or remain in the United Kingdom previously given to the family member.
- (7) For the purposes of removing a person from the United Kingdom under subsection (1) or (2), the Secretary of State or an immigration officer may give any such direction for the removal of the person as may be given under paragraphs 8 to 10 of Schedule 2 to the 1971 Act.
- (8) But subsection (7) does not apply where a deportation order is in force against a person (and any directions for such a person's removal must be given under Schedule 3 to the 1971 Act).
- (9) The following paragraphs of Schedule 2 to the 1971 Act apply in relation to directions under subsection (7) (and the persons subject to those directions) as they apply in relation to directions under paragraphs 8 to 10 of Schedule 2 (and the persons subject to those directions)—
- (a) paragraph 11 (placing of person on board ship or aircraft);
 - (b) paragraph 16(2) to (4) (detention of person where reasonable grounds for suspecting removal directions may be given or pending removal in pursuance of directions);
 - (c) paragraph 17 (arrest of person liable to be detained and search of premises for person liable to arrest);
 - (d) paragraph 18 (supplementary provisions on detention);
 - (e) paragraph 18A (search of detained person);
 - (f) paragraph 18B (detention of unaccompanied children);
 - (g) paragraphs 19 and 20 (payment of expenses of custody etc);
 - (h) paragraph 21 (temporary admission to UK of person liable to detention);
 - (i) paragraphs 22 to 25 (bail);
 - (j) paragraphs 25A to 25E (searches etc).
- (10) The Secretary of State may by regulations make further provision about—
- (a) the time period during which a family member may be removed under subsection (2);
 - (b) the service of a notice under subsection (2).

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(11) In this section “child” means a person who is under the age of 18.”