

SCHEDULES

SCHEDULE 2

Section 12(1).

AMENDMENTS OF THE 1971 ACT AND THE IMMIGRATION ACT 1988

General provisions for regulation and control, &c.

- 1 (1) In subsection (1) of section 3 of the 1971 Act (general provisions for regulation and control), for paragraph (c) there shall be substituted the following paragraph—
- “(c) if he is given limited leave to enter or remain in the United Kingdom, it may be given subject to all or any of the following conditions, namely—
- (i) a condition restricting his employment or occupation in the United Kingdom;
 - (ii) a condition requiring him to maintain and accommodate himself, and any dependants of his, without recourse to public funds; and
 - (iii) a condition requiring him to register with the police.”
- (2) In subsection (5) (persons liable to deportation) of that section, after paragraph (a) there shall be inserted the following paragraph—
- “(aa) if he has obtained leave to remain by deception; or”.
- (3) In subsection (1) of section 5 of the Immigration Act 1988 (restricted right of appeal against deportation), after paragraph (a) there shall be inserted the following paragraph—
- “(aa) by virtue of section 3(5)(aa) of that Act (leave obtained by deception); or”.

Persons belonging to another’s family

- 2 In subsection (4) of section 5 of the 1971 Act (persons belonging to another’s family), for paragraph (b) there shall be substituted the following paragraph—
- “(b) where that other person is a woman, her husband and her or his children under the age of eighteen;”.

Appeals against conditions

- 3 (1) After subsection (2) of section 14 of the 1971 Act (appeals against conditions), there shall be inserted the following subsection—
- “(2ZA) A person shall not be entitled to appeal under subsection (1) above against—
- (a) a variation of his leave which adds such a condition as is mentioned in section 3(1)(c)(ii) above; or
 - (b) a refusal to vary his leave by revoking such a condition.”

Status: This is the original version (as it was originally enacted).

(2) In subsection (2B) of that section, for paragraph (c) there shall be substituted the following paragraph—

“(c) work permits, or equivalent documents issued after entry.”

Interpretation

4 (1) In subsection (1) of section 33 of the 1971 Act (interpretation), for the definitions of “entrant” and “illegal entrant” there shall be substituted the following definitions—

““entrant” means a person entering or seeking to enter the United Kingdom and “illegal entrant” means a person—

- (a) unlawfully entering or seeking to enter in breach of a deportation order or of the immigration laws, or
- (b) entering or seeking to enter by means which include deception by another person,

and includes also a person who has entered as mentioned in paragraph (a) or (b) above;”.

(2) In subsection (4) of that section, after the words “determined or withdrawn”, in the first place where they occur, there shall be inserted the words “or is abandoned by reason of the appellant leaving the United Kingdom”.

Information and documents

5 (1) In sub-paragraph (2)(b) of paragraph 4 of Schedule 2 to the 1971 Act (information and documents), after the words “is carrying or conveying”, in the first place where they occur, there shall be inserted the words “, or has carried or conveyed,”.

(2) In sub-paragraph (3) of that paragraph—

- (a) after the words “is carrying or conveying” there shall be inserted the words “, or has carried or conveyed,”;
- (b) for the words from “he and any” to “control” there shall be substituted the following paragraphs—
 - “(a) he and any baggage or vehicle belonging to him or under his control; and
 - (b) any ship, aircraft or vehicle in which he arrived in the United Kingdom,”; and
- (c) after the words “is doing” there shall be inserted the words “or, as the case may be, has done”.

Removal of illegal entrants

6 Paragraph 9 of Schedule 2 to the 1971 Act (removal of illegal entrants) shall be renumbered as sub-paragraph (1) of that paragraph; and after that provision as so renumbered there shall be inserted the following sub-paragraph—

“(2) Any leave to enter the United Kingdom which is obtained by deception shall be disregarded for the purposes of this paragraph.”

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

Arrest of persons liable to detention

- 7 In sub-paragraph (2)(b) of paragraph 17 of Schedule 2 to the 1971 Act (arrest of persons liable to detention), the words “magistrate or” shall cease to have effect.

Recovery of expenses incurred in detaining persons refused leave to enter

- 8 In sub-paragraph (1) of paragraph 19 of Schedule 2 to the 1971 Act (recovery of expenses incurred in detaining persons refused leave to enter), for the words “at any time” there shall be substituted the words “for any period (not exceeding 14 days)”.

Recovery of expenses incurred in detaining illegal entrants

- 9 (1) In sub-paragraph (1) of paragraph 20 of Schedule 2 to the 1971 Act (recovery of expenses incurred in detaining illegal entrants), for the words “at any time” there shall be substituted the words “for any period (not exceeding 14 days)”.

- (2) After that sub-paragraph there shall be inserted the following sub-paragraph—

“(1A) Sub-paragraph (1) above shall not apply to expenses in respect of an illegal entrant if he obtained leave to enter by deception and the leave has not been cancelled under paragraph 6(2) above.”.

Temporary admission of persons liable to detention

- 10 After sub-paragraph (2) of paragraph 21 of Schedule 2 to the 1971 Act (temporary admission of persons liable to detention) there shall be inserted the following sub-paragraphs—

“(3) Sub-paragraph (4) below applies where a person who is at large in the United Kingdom by virtue of this paragraph is subject to a restriction as to reporting to an immigration officer with a view to the conclusion of his examination under paragraph 2 above.

- (4) If the person fails at any time to comply with that restriction—

- (a) an immigration officer may direct that the person’s examination under paragraph 2 above shall be treated as concluded at that time; but
- (b) nothing in paragraph 6 above shall require the notice giving or refusing him leave to enter the United Kingdom to be given within twenty-four hours after that time.”

Temporary release of persons liable to detention

- 11 (1) For sub-paragraph (1) of paragraph 22 of Schedule 2 to the 1971 Act (temporary release of persons liable to detention) there shall be substituted the following sub-paragraphs—

“(1) The following, namely—

- (a) a person detained under paragraph 16(1) above pending examination; and
- (b) a person detained under paragraph 16(2) above pending the giving of directions,

may be released on bail in accordance with this paragraph.

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

(1A) An immigration officer not below the rank of chief immigration officer or an adjudicator may release a person so detained on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before an immigration officer at a time and place named in the recognizance or bail bond or at such other time and place as may in the meantime be notified to him in writing by an immigration officer.

(1B) Sub-paragraph (1)(a) above shall not apply unless seven days have elapsed since the date of the person's arrival in the United Kingdom."

(2) In sub-paragraph (2) of that paragraph—

- (a) for the word "adjudicator", in the first place where it occurs, there shall be substituted the words "immigration officer or adjudicator"; and
- (b) for the word "adjudicator", in the second place where it occurs, there shall be substituted the words "officer or adjudicator".

(3) In sub-paragraph (3) of that paragraph—

- (a) for the word "adjudicator", in the first place where it occurs, there shall be substituted the words "immigration officer or adjudicator"; and
- (b) for the word "adjudicator", in the second and third places where it occurs, there shall be substituted the words "officer or adjudicator".

Grant of bail pending removal

12 After paragraph 33 of Schedule 2 to the 1971 Act there shall be inserted the following paragraph—

"Grant of bail pending removal

34 (1) Paragraph 22 above shall apply in relation to a person—

- (a) directions for whose removal from the United Kingdom are for the time being in force; and
- (b) who is for the time being detained under Part I of this Schedule, as it applies in relation to a person detained under paragraph 16(1) above pending examination or detained under paragraph 16(2) above pending the giving of directions.

(2) Paragraphs 23 to 25 above shall apply as if any reference to paragraph 22 above included a reference to that paragraph as it applies by virtue of this paragraph."

Supplementary provisions as to deportation

13 In paragraph 2(5) of Schedule 3 to the 1971 Act (supplementary provisions as to deportation), after the words "the police" there shall be inserted the words "or an immigration officer".