



# Illegal Migration Act 2023

## CHAPTER 37

### ILLEGAL MIGRATION ACT 2023

#### *Introduction*

#### 1 Introduction

##### *Duty to make arrangements for removal*

- 2 Duty to make arrangements for removal
- 3 Amendment of date in section 2(3) etc
- 4 Unaccompanied children and power to provide for exceptions
- 5 Disregard of certain claims, applications etc
- 6 Removal for the purposes of section 2 or 4
- 7 Powers to amend Schedule 1
- 8 Further provisions about removal
- 9 Support where asylum claim inadmissible
- 10 Other consequential amendments relating to removal

##### *Detention, bail etc*

- 11 Powers of detention
- 12 Period for which persons may be detained
- 13 Powers to grant immigration bail
- 14 Disapplication of duty to consult Independent Family Returns Panel
- 15 Electronic devices etc

##### *Unaccompanied children*

- 16 Accommodation and other support for unaccompanied migrant children
- 17 Transfer of children from Secretary of State to local authority and vice versa
- 18 Duty of local authority to provide information to the Secretary of State

**Changes to legislation:** *Illegal Migration Act 2023 is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- 19 Enforcement of local authorities' duties under sections 17 and 18
- 20 Extension to Wales, Scotland and Northern Ireland
- 21 Transfer of children between local authorities

#### *Modern slavery*

- 22 Provisions relating to removal and leave
- 23 Provisions relating to support: England and Wales
- 24 Provisions relating to support: Scotland
- 25 Provisions relating to support: Northern Ireland
- 26 Suspension and revival of sections 22 to 25
- 27 Procedure for certain regulations under section 26
- 28 Amendments relating to sections 22 to 25
- 29 Disapplication of modern slavery provisions

#### *Entry, settlement and citizenship*

- 30 Entry into and settlement in the United Kingdom
- 31 Persons prevented from obtaining British citizenship etc
- 32 British citizenship
- 33 British overseas territories citizenship
- 34 British overseas citizenship
- 35 British subjects
- 36 Disapplication of sections 32 to 35
- 37 Amendments relating to sections 32 to 36

#### *Legal proceedings*

- 38 Suspensive claims: interpretation
- 39 Serious harm suspensive claims: interpretation
- 40 Meaning of "serious and irreversible harm"
- 41 Relationship with other proceedings
- 42 Serious harm suspensive claims
- 43 Removal conditions suspensive claims
- 44 Appeals in relation to suspensive claims
- 45 Permission to appeal in relation to suspensive claims certified as clearly unfounded
- 46 Suspensive claims out of time
- 47 Suspensive claims: duty to remove
- 48 Upper Tribunal consideration of new matters
- 49 Appeals in relation to suspensive claims: timing
- 50 Procedure for Tribunal Procedure Rules
- 51 Finality of certain decisions by the Upper Tribunal
- 52 Judges of First-tier Tribunal and Upper Tribunal
- 53 Special Immigration Appeals Commission
- 54 Interim remedies
- 55 Interim measures of the European Court of Human Rights
- 56 Legal aid

#### *Age assessments etc*

- 57 Decisions relating to a person's age
- 58 Age assessments: power to make provision about refusal to consent to scientific methods

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*Inadmissibility of certain asylum and human rights claims*

59 Inadmissibility of certain asylum and human rights claims

*Safe and legal routes*

60 Cap on number of entrants using safe and legal routes

61 Report on safe and legal routes

*Credibility of claimant*

62 Credibility of claimant: concealment of information etc

*General*

63 Financial provision

64 Consequential and minor provision

65 Regulations

66 Defined expressions

67 Extent

68 Commencement

69 Short title

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Schedules

Schedule 1 — Countries or territories to which a person may be removed

- 1 Republic of Albania.
- 2 Austria.
- 3 Belgium.
- 4 Bolivia.
- 5 Bosnia and Herzegovina.
- 6 Brazil.
- 7 Bulgaria.
- 8 Republic of Croatia.
- 9 Republic of Cyprus.
- 10 Czech Republic.
- 11 Denmark.
- 12 Ecuador.
- 13 Estonia.
- 14 Finland.
- 15 France.
- 16 Gambia (in respect of men).
- 17 Germany.
- 18 Ghana (in respect of men).
- 19 Greece.
- 20 Hungary.
- 21 Iceland.
- 22 India.
- 23 Republic of Ireland.
- 24 Italy.
- 25 Jamaica.
- 26 Kenya (in respect of men).
- 27 Kosovo.
- 28 Latvia.

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- 29 Liberia (in respect of men).
- 30 Principality of Liechtenstein.
- 31 Lithuania.
- 32 Luxembourg.
- 33 Malawi (in respect of men).
- 34 Mali (in respect of men).
- 35 Malta.
- 36 Mauritius.
- 37 The Republic of Moldova.
- 38 Mongolia.
- 39 Montenegro.
- 40 Netherlands.
- 41 Nigeria (in respect of men).
- 42 North Macedonia.
- 43 Norway.
- 44 Peru.
- 45 Poland.
- 46 Portugal.
- 47 Romania.
- 48 Republic of Rwanda.
- 49 Serbia.
- 50 Sierra Leone (in respect of men).
- 51 Slovak Republic.
- 52 Slovenia.
- 53 South Africa.
- 54 South Korea.
- 55 Spain.
- 56 Sweden.
- 57 Switzerland.

#### Schedule 2 — Electronic devices etc

- 1 Introduction
- 2 (1) In this Schedule— “appropriate adult”, in relation to a...
- 3 Power to search relevant persons
- 4 Power to search vehicles and containers
- 5 Power to search premises
- 6 Power to search property
- 7 Power of seizure
- 8 Power of retention
- 9 Power to access, copy and use information stored on relevant article
- 10 Relevant articles containing items subject to legal privilege
- 11 Extension of powers to other persons

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

- s. 44(3)-(6) applied (with modifications) by 1997 c. 68, s. 2AA(2)(3) (as inserted) by [2023 c. 37 s. 53\(5\)](#)
- s. 48(2)-(7) applied (with modifications) by 1997 c. 68, s. 2AA(2)(3) (as inserted) by [2023 c. 37 s. 53\(5\)](#)