



# Illegal Migration Act 2023

## 2023 CHAPTER 37

### *Entry, settlement and citizenship*

#### **30 Entry into and settlement in the United Kingdom**

- (1) The Immigration Act 1971 is amended in accordance with subsections (2) and (3).
- (2) In section 8(1) (exceptions for seamen, aircrews and other special cases), at the end of paragraph (c) insert “or
  - (d) the person has ever met the four conditions in section 2 of the Illegal Migration Act 2023 (conditions relating to removal from the United Kingdom), reading subsection (3) of that section as if it referred to a person entering or arriving in the United Kingdom as mentioned in subsection (2) of that section on or after 7 March 2023;”.
- (3) After section 8A, insert—

#### **“8AA Persons ineligible for leave to enter and remain, entry clearance and ETA**

- (1) This section applies in relation to a person who has ever met the four conditions in section 2 of the Illegal Migration Act 2023 (conditions relating to removal from the United Kingdom), reading subsection (3) of that section as if it referred to a person entering or arriving in the United Kingdom as mentioned in subsection (2) of that section on or after 7 March 2023.
- (2) Subject to subsections (3) to (5), the person—
  - (a) must not be given leave to enter or leave to remain in the United Kingdom, unless it is—
    - (i) limited leave given under the immigration rules to a person within section 4(1) of that Act (unaccompanied children), or
    - (ii) limited leave to remain given under section 65 of the Nationality and Borders Act 2022 (leave to remain for victims of slavery or human trafficking) as it has effect

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*Changes to legislation:* There are currently no known outstanding effects for the Illegal Migration Act 2023, Section 30. (See end of Document for details)

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- by virtue of [section 22](#) of the Illegal Migration Act 2023 (provisions relating to removal and leave),
- (b) must not be granted an entry clearance, and
  - (c) must not be granted an ETA.
- (3) The Secretary of State may give the person limited leave to enter the United Kingdom, or grant to the person an entry clearance or an ETA, if—
- (a) the person has left or been removed from the United Kingdom after having become a person within subsection (1), and
  - (b) the Secretary of State considers that—
    - (i) failure to give the leave or grant the entry clearance or ETA would contravene the United Kingdom’s obligations under the Human Rights Convention, or
    - (ii) there are other exceptional circumstances which apply in relation to the person which mean that it is appropriate to give the leave or grant the entry clearance or ETA.
- (4) The Secretary of State may give the person limited leave to remain in the United Kingdom if—
- (a) the Secretary of State considers that failure to do so would contravene the United Kingdom’s obligations under the Human Rights Convention or any other international agreement to which the United Kingdom is a party, or
  - (b) the Secretary of State has exercised the power in [subsection \(3\)](#) in respect of the person, and the Secretary of State considers that there are other exceptional circumstances which apply in relation to the person which mean that it is appropriate to give the person limited leave to remain.
- (5) The Secretary of State may give the person indefinite leave to remain in the United Kingdom if the Secretary of State considers that failure to do so would contravene the United Kingdom’s obligations under the Human Rights Convention.
- (6) In this section, “the Human Rights Convention” means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4 November 1950 as it has effect for the time being in relation to the United Kingdom.”
- (4) Until [section 2\(1\)](#) comes into force in relation to a person, [section 8AA](#) of the Immigration Act 1971 has effect in relation to that person as if it also permitted the Secretary of State to give the person limited leave to enter or limited leave to remain in the United Kingdom in any other circumstances, subject as follows.
- (5) If a person in relation to whom [section 8AA](#) of the Immigration Act 1971 applies leaves or is removed from the United Kingdom after having become such a person, [subsection \(4\)](#) of this section does not permit the Secretary of State to give the person limited leave to enter the United Kingdom if the person returns to the United Kingdom (but see [section 8AA\(3\)](#) of that Act).
- (6) If a person in relation to whom [section 8AA](#) of the Immigration Act 1971 applies is given limited leave to enter the United Kingdom under [subsection \(3\)](#) of that section, [subsection \(4\)](#) of this section does not permit the Secretary of State to give the person limited leave to remain in the United Kingdom (but see [section 8AA\(4\)](#) of that Act).

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- (7) Any leave to enter or remain in the United Kingdom given to a person by virtue of subsection (4) is to be disregarded in determining, for the purposes of this Act or any other enactment, whether the person meets the four conditions in section 2.

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**Commencement Information**

**I1** S. 30 in force at Royal Assent, see [s. 68\(3\)\(a\)](#)

**Changes to legislation:**

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