



# Illegal Migration Act 2023

## 2023 CHAPTER 37

### *Legal proceedings*

PROSPECTIVE

#### **38      Suspensive claims: interpretation**

- (1) The definitions in subsections (2) to (8) have effect for the purposes of this section and sections 39 to 53.
- (2) “Suspensive claim” means—
  - (a) a serious harm suspensive claim (see section 39), or
  - (b) a removal conditions suspensive claim.
- (3) “Removal conditions suspensive claim” means a claim by a person who has been given a removal notice that the person does not meet the removal conditions.
- (4) “Removal notice” means a notice of removal given to a person under section 8(2)(a) (further provisions about removal).
- (5) “Third country removal notice” means a removal notice under which a person is to be removed to a third country.
- (6) “Third country”, in relation to a person, means a country or territory other than—
  - (a) a country of which the person is a national, or
  - (b) a country or territory in which the person has obtained a passport or other document of identity.
- (7) “Removal conditions” means the four conditions in section 2 (duty to make arrangements for removal).
- (8) “Working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

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*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Illegal Migration Act 2023, Section 38. (See end of Document for details)*

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- (9) Where a removal notice specifies part of a country or territory, references in this section and sections 39 to 53 to the country or territory specified in the removal notice are to the part of the country or territory so specified.

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**Commencement Information**

- II** S. 38 not in force at Royal Assent, see [s. 68\(1\)](#)

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**Changes to legislation:**

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