

2023 No. 1127

IMMIGRATION

The Immigration (Removal Notices) Regulations 2023

Made - - - - at 10.15 a.m. on 25th October 2023

Laid before Parliament at 3.00 p.m. on 25th October 2023

Coming into force - - - - 20th November 2023

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 10(10)(b) and 166(3)(b) of the Immigration and Asylum Act 1999(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Immigration (Removal Notices) Regulations 2023 and come into force on 20th November 2023.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Interpretation

2. In these Regulations—

“the Act” means the Immigration and Asylum Act 1999;

“child” has the same meaning as in section 10(11) of the Act;

“notice” means a notice of intention to remove under section 10A of the Act, a notice of departure details under sections 10A to 10E of the Act or a priority removal notice under section 10D of the Act(b);

“P” means a person who is liable to be removed from the United Kingdom under section 10 of the Act;

“representative” means a person who appears to the Secretary of State or an immigration officer—

(a) to be the representative of P, and

(b) not to be prohibited from providing immigration advice or immigration services by section 84 of the Act(c);

“working day” has the same meaning as in section 10A(10) of the Act.

(a) 1999 c. 33; section 10 was substituted by section 1 of the Immigration Act 2014 (c. 22) and amended by section 46 of the Nationality and Borders Act 2022 (c. 36). There are other amendments to section 10 not relevant to these Regulations.

(b) Sections 10A to 10E of the Act were inserted by section 46 of the Nationality and Borders Act 2022 (c. 36).

(c) Section 84 was amended by section 37(1) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), paragraphs 12(2)(a) and (3) of Schedule 18(2) to the Legal Services Act 2007 (c. 29), paragraphs 2(1) and (2)(a), and 5(1) of Schedule 7 to the Immigration Act 2014 (c. 22) and S.I. 2019/745.

Methods of service

3. A notice may be—
- (a) given by hand,
 - (b) sent by fax,
 - (c) sent by postal service in which delivery or receipt is recorded to an address provided for correspondence by P or P's representative,
 - (d) sent electronically,
 - (e) sent by document exchange to a document exchange number or address, or
 - (f) sent by courier.

Address for service

4. Where no postal or e-mail address for correspondence has been provided, the notice may be sent—
- (a) by postal service in which delivery or receipt is recorded to—
 - (i) the last known or usual place of abode, place of study or place of business of P, or
 - (ii) the last known or usual place of business of P's representative, or
 - (b) by e-mail to—
 - (i) the last known e-mail address for P (including at P's last known place of study or place of business), or
 - (ii) the last known e-mail address of P's representative.

Notice given to a representative

- 5.—(1) If P has a representative, a notice will be deemed to have been given to P if—
- (a) the notice has been given to P and to the representative of P,
 - (b) the notice has been given to P and it is not possible to give the notice to the representative of P, or
 - (c) the notice has been given to the representative of P and it is not possible to give the notice to P.

(2) Where a notice has been given to P and to the representative of P, the date of service is the date the notice is given to the representative of P or, as the case may be, the date the notice is deemed to have been given to the representative of P.

Notice given to a child

- 6.—(1) A notice to be given to a child must be given—
- (a) to the parent, guardian or other responsible adult of the child, and
 - (b) in the case of a child who has a representative, to the representative of the child.
- (2) A notice given in accordance with this regulation will be deemed to have been given to the child.
- (3) Where a notice has been given under paragraph (1)(a) and (b), the date of service is the date the notice is given or, as the case may be, the date the notice is deemed to have been given under paragraph (1)(a).

Deemed date of service

7.—(1) A notice given by a method of service in column 1 of the table in the Schedule to these Regulations will be deemed to have been given on the day in the corresponding entry in column 2 of the table unless the contrary is proved.

- (2) A notice will be deemed to have been given, unless the contrary is proved—
- (a) on the second day after it was sent by postal service if sent to a place within the United Kingdom, and
 - (b) on the 28th day after it was sent by postal service if sent to a place outside the United Kingdom.
- (3) For the purpose of paragraph (2) the period is to be calculated excluding the day on which the notice is posted.
- (4) For the purpose of paragraph (2)(a) the period is to be calculated excluding any day which is not a working day.

Robert Jenrick
Minister of State
Home Office

At 10.15 a.m. on 25th October 2023

SCHEDULE Regulation 7(1)

Deemed date of service

<i>Method of service</i>	<i>Deemed date of service</i>
Sent electronically	Date the e-mail or other electronic transmission is sent.
Sent by document exchange	Date the notice is left at the document exchange.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision under the Immigration and Asylum Act 1999 (c. 33) (“the Act”), as amended by section 46 of the Nationality and Borders Act 2022 (c. 36), in respect of the service to a person who is liable to be removed under section 10(1) of the Act, as amended, of notices under sections 10 to 10E of the Act. These notices are a notice of intention to remove under section 10A of the Act, a notice of departure details under sections 10A to 10E of the Act and a priority removal notice under section 10D of the Act. The Regulations set out how such notices are to be served and make provision in respect of the date such notices are deemed to have been given.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary sector or community bodies is foreseen.

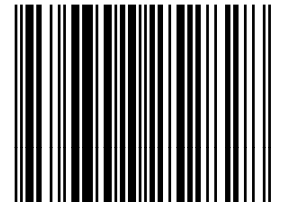
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