
STATUTORY INSTRUMENTS

2023 No. 989 (C. 57)

IMMIGRATION AND ASYLUM

**The Illegal Migration Act 2023
(Commencement No. 1) Regulations 2023**

Made - - - - 11th September 2023

The Secretary of State makes these Regulations in exercise of the powers conferred by section 68(1) and (2) of the Illegal Migration Act 2023⁽¹⁾.

Citation and extent

1.—(1) These Regulations may be cited as the Illegal Migration Act 2023 (Commencement No. 1) Regulations 2023.

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

Provisions of the Illegal Migration Act 2023 coming into force on 28th September 2023

2. The following provisions of the Illegal Migration Act 2023 come into force on 28th September 2023—

- (a) section 12 (period for which persons may be detained);
- (b) section 15 and the following paragraphs of Schedule 2 (electronic devices etc), for the purpose of making regulations—
 - (i) paragraph 8 (power of retention);
 - (ii) paragraph 10 (relevant articles containing items subject to legal privilege);
 - (iii) paragraph 11 (extension of powers to other persons);
- (c) section 59 (inadmissibility of certain asylum and human rights claims), for the purpose of making regulations;
- (d) section 60 (cap on number of entrants using safe and legal routes), so far as not already in force⁽²⁾;
- (e) section 61 (report on safe and legal routes);
- (f) section 62 (credibility of claimant: concealment of information etc).

⁽¹⁾ 2023 c. 37.

⁽²⁾ By virtue of section 68(4)(l) of the Illegal Migration Act 2023, section 60(7) of that Act came into force on 20th July 2023 for the purposes of making regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

11th September 2023

Robert Jenrick
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the first commencement regulations made under the Illegal Migration Act 2023 (c. 37) (“the Act”).

These Regulations bring into force on 28th September 2023 the provisions of the Act referred to in regulation 2, so far as not already in force. Section 12 of the Act relates to the period for which a person may be detained and applies to all immigration detention powers. Section 60 of the Act relates to a maximum annual number of persons to be admitted to the United Kingdom under safe and legal routes. Section 61 relates to a duty to report on safe and legal routes to enter the United Kingdom. Section 62 of the Act amends section 8 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19) and relates to the credibility of a person who has made an asylum or human rights claim. Section 15 of, and paragraphs 8, 10 and 11 of Schedule 2 to, the Act, which relate to search and seizure of electronic devices, and section 59 of the Act, which relates to inadmissibility, are brought into force for the purposes of making regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector or community bodies is foreseen. An impact assessment was published in relation to the Illegal Migration Bill and can be found at <https://bills.parliament.uk/publications/51897/documents/3699> or a copy can be obtained from the Home Office, 2 Marsham Street, London SW1P 4DF.