



Asylum and Immigration Act 1996

1996 CHAPTER 49

Immigration offences

5 Assisting asylum claimants, and persons seeking to obtain leave by deception.

(1) In subsection (1) of section 25 of the 1971 Act (assisting illegal entry, and harbouring), for the words from “the entry” to “illegal entrant” there shall be substituted the following paragraphs—

- “(a) the entry into the United Kingdom of anyone whom he knows or has reasonable cause for believing to be an illegal entrant;
- (b) the entry into the United Kingdom of anyone whom he knows or has reasonable cause for believing to be an asylum claimant; or
- (c) the obtaining by anyone of leave to remain in the United Kingdom by means which he knows or has reasonable cause for believing to include deception.”.

(2) After that subsection there shall be inserted the following subsection—

- “(1A) Nothing in subsection (1)(b) above shall apply to anything which is done—
- (a) by a person otherwise than for gain, or in the course of his employment by a bona fide organisation whose purpose it is to assist refugees; or
 - (b) in relation to a person who has been detained under paragraph 16 of Schedule 2 to this Act, or has been granted temporary admission under paragraph 21 of that Schedule;
- and in that provision “asylum claimant” means a person who intends to make a claim for asylum (within the meaning of the ^{M1}Asylum and Immigration Appeals Act 1993).”

(3) In subsection (5) of that section, for the words “Subsection (1)” there shall be substituted the words “ Subsection (1)(a) ”.

(4) In subsection (6) of that section, for the words “subsection (1)” there shall be substituted the words “ subsection (1)(a) or (b) ”.

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Modifications etc. (not altering text)

- C1** [S. 5\(1\)\(2\)](#) extended (Guernsey) (with modifications) (20.7.1998) by [S.I. 1998/1264](#), [art. 3](#), [Sch. S. 5\(1\)\(2\)](#) extended (Jersey) (with modifications) (22.6.1998) by [S.I. 1998/1070](#), [art. 3](#), [Sch.](#)

Commencement Information

- I1** [S. 5](#) wholly in force at 1.10.1996; [s. 5](#) not in force at Royal Assent see [s. 13\(3\)](#); [s. 5](#) in force at 1.10.1996 by [S.I. 1996/2053](#), [art.2](#), [Sch. Pt. III](#)

Marginal Citations

- M1** [1993 c.23](#).

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Changes and effects yet to be applied to :

- s. 5 repealed by [2002 c. 41 Sch. 9](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act excluded by [2024 c. 8 s. 2\(5\)\(a\)5](#)