



# Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

## CHAPTER 19

### ASYLUM AND IMMIGRATION (TREATMENT OF CLAIMANTS, ETC.) ACT 2004

#### *Offences*

- 1 Assisting unlawful immigration
- 2 Entering United Kingdom without passport, &c.
- 3 Immigration documents: forgery
- 4 Trafficking people for exploitation
- 5 Section 4: supplemental
- 6 Employment
- 7 Advice of Director of Public Prosecutions

#### *Treatment of claimants*

- 8 Claimant's credibility
- 9 Failed asylum seekers: withdrawal of support
- 10 Failed asylum seekers: accommodation
- 11 Accommodation for asylum seekers: local connection
- 12 Refugee: back-dating of benefits
- 13 Integration loans for refugees and others

#### *Enforcement powers*

- 14 Immigration officer: power of arrest
- 15 Fingerprinting
- 16 Information about passengers
- 17 Retention of documents
- 18 Control of entry

*Changes to legislation:* Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

### *Procedure for marriage*

- 19 England and Wales
- 20 England and Wales: supplemental
- 21 Scotland
- 22 Scotland: supplemental
- 23 Northern Ireland
- 24 Northern Ireland: supplemental
- 25 Application for permission under section 19(3)(b), 21(3)(b) or 23(3)(b)

### *Appeals*

- 26 Unification of appeal system
- 27 Unfounded human rights or asylum claim
- 28 Appeal from within United Kingdom
- 29 Entry clearance
- 30 Earlier right of appeal
- 31 Seamen and aircrews: right of appeal
- 32 Suspected international terrorist: bail

### *Removal and detention*

- 33 Removing asylum seeker to safe country
- 34 Detention pending deportation
- 35 Deportation or removal: cooperation
- 36 Electronic monitoring

### *Immigration services*

- 37 Provision of immigration services
- 38 Immigration Services Commissioner: power of entry
- 39 Offence of advertising services
- 40 Appeal to Immigration Services Tribunal
- 41 Professional bodies

### *Fees*

- 42 Amount of fees
- 43 Transfer of leave stamps

### *General*

- 44 Interpretation: “the Immigration Acts”
- 45 Interpretation: immigration officer
- 46 Money
- 47 Repeals
- 48 Commencement
- 49 Extent
- 50 Short title

---

## SCHEDULES

### SCHEDULE 1 — New Schedule 4 to the Nationality, Immigration and Asylum Act 2002

New Schedule 4 to the Nationality, Immigration and Asylum Act 2002

SCHEDULE 2 — Asylum and Immigration Tribunal: Consequential Amendments  
and Transitional Provision

Part 1 — CONSEQUENTIAL AMENDMENTS

*Immigration Act 1971 (c. 77)*

1 (1) Schedule 2 to the Immigration Act 1971 (control on...

*House of Commons Disqualification Act 1975 (c. 24)*

2 (1) Schedule 1 to the House of Commons Disqualification Act...

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

3 (1) Schedule 1 to the Northern Ireland Assembly Disqualification Act...

*British Nationality Act 1981 (c. 61)*

4 In section 40A of the British Nationality Act 1981 (deprivation...

*Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))*

5 (1) For paragraph 6A of Part 1 of Schedule 1...

*Courts and Legal Services Act 1990 (c. 41)*

6 In Schedule 11 to the Courts and Legal Services Act...

*Tribunals and Inquiries Act 1992 (c. 53)*

7 (1) The Tribunals and Inquiries Act 1992 shall be amended...

*Judicial Pensions and Retirement Act 1993 (c. 8)*

8 (1) The Judicial Pensions and Retirement Act 1993 shall be...

*Asylum and Immigration Appeals Act 1993 (c. 23)*

9 Section 9A of the Asylum and Immigration Appeals Act 1993...

*Special Immigration Appeals Commission Act 1997 (c. 68)*

10 The Special Immigration Appeals Commission Act 1997 shall be  
amended...

11 At the end of section 2B (deprivation of citizenship) insert...

12 (1) In Schedule 1 (constitution, &c.) for paragraph 5(b) substitute—...

13 (1) Schedule 3 (bail) shall be amended as follows.

*Access to Justice Act 1999 (c. 22)*

14 For paragraph 2(1)(h) of Schedule 2 to the Access to...

*Immigration and Asylum Act 1999 (c. 33)*

15 In section 156(3) of the Immigration and Asylum Act 1999...

*Nationality, Immigration and Asylum Act 2002 (c. 41)*

16 The Nationality, Immigration and Asylum Act 2002 shall be amended...

**Changes to legislation:** Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- 17 In section 72(10)(serious criminal) omit “adjudicator.”  
 18 (1) In the provisions listed in sub-paragraph (2)—  
 19 In section 87— (a) for subsection (3) substitute—  
 20 In section 104 (pending appeal)— (a) for subsection (2) substitute—...  
 21 In section 106 (rules)— (a) in subsection (1)(a) for “,...  
 22 (1) In section 107 (practice directions)— (a) for “the Immigration...  
 23 In section 108 (forged document: proceedings in private)—  
 24 (1) Section 112 (regulations, &c.) shall be amended as follows....

*Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))*

- 25 (1) For paragraph 2(i) of Schedule 2 to the Access...  
     Part 2 — TRANSITIONAL PROVISION  
 26 In this Part “commencement” means the coming into force of...  
 27 A person who immediately before commencement is, or is to...  
 28 Where immediately before commencement a person is a member of...  
 29 A person who immediately before commencement is a member of...  
 30 (1) This paragraph shall have effect in relation to applications...

SCHEDULE 3 — Removal of Asylum Seeker to Safe Country

Part 1 — INTRODUCTORY

- 1 (1) In this Schedule— “asylum claim” means a claim by...  
     Part 2 — FIRST LIST OF SAFE COUNTRIES (REFUGEE CONVENTION AND  
     HUMAN RIGHTS (1))

- 2 This Part applies to— (a) Austria, (b) Belgium,  
 3 (1) This paragraph applies for the purposes of the determination...  
 4 Section 77 of the Nationality, Immigration and Asylum Act 2002...  
 5 (1) This paragraph applies where the Secretary of State certifies...  
 6 .....

Part 3 — SECOND LIST OF SAFE COUNTRIES (REFUGEE CONVENTION AND  
 HUMAN RIGHTS (2))

- 7 (1) This Part applies to such States as the Secretary...  
 8 (1) This paragraph applies for the purposes of the determination...  
 9 Section 77 of the Nationality, Immigration and Asylum Act 2002...  
 10 (1) This paragraph applies where the Secretary of State certifies...  
 11 .....

Part 4 — THIRD LIST OF SAFE COUNTRIES (REFUGEE CONVENTION ONLY)

- 12 (1) This Part applies to such States as the Secretary...  
 13 (1) This paragraph applies for the purposes of the determination...  
 14 Section 77 of the Nationality, Immigration and Asylum Act 2002...  
 15 (1) This paragraph applies where the Secretary of State certifies...  
 16 .....

Part 5 — COUNTRIES CERTIFIED AS SAFE FOR INDIVIDUALS

- 17 This Part applies to a person who has made an...  
 18 Where this Part applies to a person section 77 of...  
 19 Where this Part applies to a person—

Part 6 — AMENDMENT OF LISTS

- 20 (1) The Secretary of State may by order  
 21 (1) An order under paragraph 20(1)(a) or (2)(a)—

SCHEDULE 4 — Repeals

**Changes to legislation:**

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 2(4)(b) words substituted by [S.I. 2019/745 reg. 14](#) (This amendment not applied to legislation.gov.uk. Reg. 14 omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 2(5)(b) words substituted by [S.I. 2019/745 reg. 14](#) (This amendment not applied to legislation.gov.uk. Reg. 14 omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 8(7) words inserted by [2022 c. 36 s. 19\(5\)](#)
- s. 8(9A) words substituted by [2022 c. 36 Sch. 3 para. 7\(a\)](#)
- s. 9(1)(4) omitted by [2016 c. 19 Sch. 11 para. 27\(a\)](#)
- s. 9(1)(2) power to repeal conferred by [2006 c. 13 s. 44\(2\)\(a\)](#)
- s. 9(3)(a)(b) power to repeal conferred by [2006 c. 13 s. 44\(2\)\(b\)](#)
- s. 9(3)(a)(b) words omitted by [2016 c. 19 Sch. 11 para. 27\(b\)](#)
- s. 9(4) power to repeal conferred by [2006 c. 13 s. 44\(2\)\(a\)](#)
- s. 10 omitted by [2016 c. 19 Sch. 11 para. 2\(h\)](#)
- s. 36 applied (with modifications) by [2008 c. 4 s. 133\(3\)](#)

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8(1A)(1B) inserted by [2022 c. 36 s. 19\(2\)](#)
- s. 8(3A)(3B) inserted by [2022 c. 36 s. 19\(3\)](#)
- s. 8(6A)(6B) inserted by [2022 c. 36 s. 19\(4\)](#)
- s. 8(9A)(a) word inserted by [2022 c. 36 Sch. 3 para. 7\(b\)](#)
- s. 8(9A)(b) and word inserted by [2022 c. 36 Sch. 3 para. 7\(c\)](#)
- s. 8(9B) inserted by [2022 c. 36 s. 19\(6\)](#)
- Sch. 3 para. 3(3) inserted by [2023 c. 37 s. 10\(9\)\(a\)](#)
- Sch. 3 para. 8(3) inserted by [2023 c. 37 s. 10\(9\)\(b\)](#)
- Sch. 3 para. 13(3) inserted by [2023 c. 37 s. 10\(9\)\(c\)](#)