
STATUTORY INSTRUMENTS

2002 No. 1832

IMMIGRATION

**The Immigration (Entry Otherwise
than by Sea or Air) Order 2002**

Made - - - - - *16th July 2002*

Coming into force - - - - - *17th July 2002*

At the Court at Buckingham Palace, the 16th day of July 2002

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and approved by a resolution of each House in accordance with section 10(3) of the Immigration Act 1971(1);

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 10(1) of the Immigration Act 1971(2), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Immigration (Entry Otherwise than by Sea or Air) Order 2002 and shall come into force on the day after the day on which it is made.

2.—(1) This article applies where—

(a) a person who requires leave to enter the United Kingdom by virtue of section 9(4) of the Immigration Act 1971(3) or by virtue of article 3 of the Immigration (Control of Entry through Republic of Ireland) Order 1972(4); or

(b) a person in respect of whom a deportation order is in force,

has entered or is seeking to enter the United Kingdom from the Republic of Ireland.

(1) 1971 c. 77.

(2) Section 10(1) was amended by the Channel Tunnel (Fire Services, Immigration and Prevention of Terrorism) Order 1990 (S.I. 1990/2227), article 3 and Schedule 1, Part I, paragraph 2; but the amendment was repealed by the Channel Tunnel (International Arrangements) Order 1993 (S.I. 1993/1813), article 9 and Schedule 6, Part I.

(3) Section 9(4) is amended in relevant respects by the British Nationality Act 1981 (c. 61), section 39(6) and Schedule 4, paragraph 2.

(4) S.I. 1972/610; article 3 is amended in relevant respects by the Immigration (Control of Entry through Republic of Ireland) (Amendment) Order 1979 (S.I. 1979/730).

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(2) Where this article applies, paragraphs 8, 9 and 11 of Schedule 2 to the Immigration Act 1971(5) shall have effect in relation to persons entering or seeking to enter the United Kingdom on arrival otherwise than by ship or aircraft as they have effect in the case of a person arriving by ship or aircraft, with the modifications set out in the Schedule to this Order.

3. Article 2 shall apply where an illegal entrant entered the United Kingdom before the date when this Order comes into force, as well as where he entered the United Kingdom on or after that date.

(3) Article 2 shall not apply where a person has arrived in, but not entered, the United Kingdom before the date on which this Order comes into force.

A. K. Galloway
Clerk of the Privy Council

(5) Paragraph 8 was amended by the Channel Tunnel (Fire Services, Immigration and Prevention of Terrorism) Order 1990 (S.I. 1990/2227), article 3 and Schedule 1, Part I, paragraph 9 but the amendment was repealed by the Channel Tunnel (International Arrangements) Order 1993 (S.I. 1993/1813), article 9 and Schedule 6, Part I. Paragraph 8 is amended in relevant respects by the Immigration Act 1988 (c. 14), section 10 and Schedule, paragraph 9(1). Paragraph 9 is amended in relevant respects by the Asylum and Immigration Act 1996 (c. 49), Schedule 2, paragraph 6. Paragraph 10 is amended in relevant respects by the Immigration Act 1988 (c. 14), section 10 and Schedule, paragraph 9(2).

SCHEDULE

Article 2(2)

MODIFICATIONS TO SCHEDULE 2 OF THE IMMIGRATION ACT 1971

1. In this Schedule “Schedule 2” means Schedule 2 to the Immigration Act 1971.
2. For paragraph 8 of Schedule 2, substitute:

“8.—(1) Where a person arriving in the United Kingdom is refused leave to enter, an immigration officer or the Secretary of State may give the owners or agents of any train, vehicle, ship or aircraft directions requiring them to make arrangements for that person’s removal from the United Kingdom in any train, vehicle, ship or aircraft specified or indicated in the direction to a country or territory so specified being—

 - (a) a country of which he is a national or citizen; or
 - (b) a country or territory in which he has obtained a passport or other document of identify; or
 - (c) a country or territory in which he embarked for the United Kingdom; or
 - (d) a country or territory to which there is reason to believe that he will be admitted.

(2) The costs of complying with any directions given under this paragraph shall be defrayed by the Secretary of State.”.
3. In paragraph 9(1) of Schedule 2:
 - (a) after “immigration officer”, insert “or the Secretary of State”; and
 - (b) after “authorised by paragraph 8(1)”, insert “and the costs of complying with any directions given under this paragraph shall be defrayed by the Secretary of State”.
4. In paragraph 11 of Schedule 2, after “on board any”, insert “train, vehicle,”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends paragraphs 8, 9 and 11 of Schedule 2 to the Immigration Act 1971. Paragraphs 8, 9 and 11 permit immigration officers to give directions for the removal of persons refused leave to enter the United Kingdom and of illegal entrants to the United Kingdom and allow the Secretary of State to give directions as well as immigration officers. These provisions previously only applied to persons who had arrived in the United Kingdom by ship or aircraft and this Order applies them also to persons who have arrived otherwise than by ship or aircraft.

Article 2 provides that the relevant provisions apply where a person travelling from the Republic of Ireland who would not normally require leave to enter the United Kingdom does require such leave by virtue of section 9(4) of the Immigration Act 1971 or by virtue of article 3 of the Immigration (Control of Entry through Republic of Ireland) Order 1972 (S.I.1972/1613). The relevant provisions are also applied in relation to a person in respect of whom a deportation order is in force.

Article 3 states that the Order will give power to remove all illegal entrants, regardless of when they entered the United Kingdom. However, where a person has not entered illegally but falls to be

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removed because he has been refused leave to enter, the Order will not give power to remove him unless he entered on or after the day the Order comes into force.

The Schedule sets out the modifications with which the paragraphs are to be extended. These modifications mean that those liable to removal may be removed in trains or vehicles as well as ships and aircraft. In addition, the modifications have the result that the cost of all removals under Schedule 2 are met by the Secretary of State, rather than the owner or agent of the vehicle, train, ship or aircraft.