



# Nationality, Immigration and Asylum Act 2002

## CHAPTER 41

### NATIONALITY, IMMIGRATION AND ASYLUM ACT 2002

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**Changes to legislation:** Nationality, Immigration and Asylum Act 2002 is up to date with all changes known to be in force on or before 04 May 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

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## SCHEDULES

### SCHEDULE 1 — Citizenship Ceremony, Oath and Pledge

- 1 The following shall be substituted for section 42 of the...
- 2 The following shall be substituted for Schedule 5 to the...
- 3 Section 41 of the British Nationality Act 1981 (c. 61)...
- 4 For subsection (1)(d) substitute— (d) for the time within which...
- 5 In subsection (2)(c)— (a) for “the taking there of any...
- 6 In subsection (3)(a) for “taking of oaths of allegiance” substitute...
- 7 After subsection (3) insert— (3A) Regulations under subsection (1)(d) to...
- 8 The Secretary of State may make a payment to a...
- 9 (1) A local authority must— (a) comply with a requirement...

### SCHEDULE 2 — Nationality: Repeal of Spent Provisions

- 1 The following provisions of the British Nationality Act 1981 (c....
- 2 Nothing in this Schedule has any effect in relation to...

### SCHEDULE 3 — Withholding and Withdrawal of Support

#### *Ineligibility for support*

- 1 (1) A person to whom this paragraph applies shall not...

#### *Exceptions*

- 2 (1) Paragraph 1 does not prevent the provision of support...
- 3 Paragraph 1 does not prevent the exercise of a power...

#### *First class of ineligible person: refugee status abroad*

- 4 (1) Paragraph 1 applies to a person if he—

#### *Second class of ineligible person: citizen of other EEA State*

- 5 Paragraph 1 applies to a person if he—

#### *Third class of ineligible person: failed asylum-seeker*

- 6 (1) Paragraph 1 applies to a person if—

#### *Fourth class of ineligible person: person unlawfully in United Kingdom*

- 7 Paragraph 1 applies to a person if—

#### *Fifth class of ineligible person: failed asylum-seeker with family*

- 7A (1) Paragraph 1 applies to a person if—

#### *Travel assistance*

- 8 The Secretary of State may make regulations providing for arrangements...

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### *Temporary accommodation*

- 9 (1) The Secretary of State may make regulations providing for...
- 10 (1) The Secretary of State may make regulations providing for...

### *Assistance and accommodation: general*

- 11 Regulations under paragraph 8, 9 or 10 may—
- 12 (1) Regulations may, in particular, provide that if a person...

### *Offences*

- 13 (1) A person who leaves the United Kingdom in accordance...

### *Information*

- 14 (1) If it appears to a local authority that paragraph...

### *Power to amend Schedule*

- 15 The Secretary of State may by order amend this Schedule...

### *Orders and regulations*

- 16 (1) An order or regulations under this Schedule must be...

### *Interpretation*

- 17 (1) In this Schedule— “asylum-seeker” means a person— who is...

## Schedule 4 — The Asylum and Immigration Tribunal

### *Membership*

- 1 The Lord Chancellor shall appoint the members of the Asylum...
- 2 (1) A person is eligible for appointment as a member...
- 3 (1) A member— (a) may resign by notice in writing...
- 4 (1) The Lord Chancellor may by order make provision for...

### *Presidency*

- 5 (1) The Lord Chancellor shall appoint— (a) a member of...

### *Judicial Assistance*

- 5A (1) The Senior President of Tribunals, with the consent of...
- 5B .....

### *Proceedings*

- 6 The Tribunal shall sit at times and places determined by...
- 7 (1) The jurisdiction of the Tribunal shall be exercised by...
- 8 (1) The Senior President of Tribunals may make arrangements for...

### *Staff*

- 9 The Lord Chancellor may appoint staff for the Tribunal.

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### *Money*

- 10 The Lord Chancellor— (a) may pay remuneration and allowances to...
- 11 The Lord Chancellor may pay compensation to a person who...

### *Delegation*

- 12 (1) The Lord Chief Justice of England and Wales may...

### *Training etc.*

- 13 The Senior President of Tribunals is responsible, within the resources...

### *Oaths*

- 14 (1) Sub-paragraph (2) applies to a person (“ the appointee...

## SCHEDULE 5 —

### *Membership*

- 1 The Lord Chancellor shall appoint the members of the Tribunal....
- 2 (1) A member— (a) may resign by notice in writing...

### *Presidency*

- 3 The Lord Chancellor shall appoint as President of the Tribunal...
- 4 (1) The Lord Chancellor shall appoint one legally qualified member...

### *Proceedings*

- 5 The Tribunal shall sit at times and places determined by...
- 6 The Tribunal may sit in more than one division.
- 7 (1) The jurisdiction of the Tribunal may be exercised by...

### *Staff*

- 8 The Lord Chancellor may appoint staff for the Tribunal.

### *Money*

- 9 The Lord Chancellor— (a) may pay remuneration and allowances to...
- 10 The Lord Chancellor may pay compensation to a person who...

### *Interpretation: legally qualified member*

- 11 (1) For the purpose of this Schedule a member of...

## SCHEDULE 6 — Immigration and Asylum Appeals: Transitional Provision

### *“Commencement”*

- 1 In this Schedule “commencement” means the coming into force of...

### *Adjudicator*

- 2 Where a person is an adjudicator under section 57 of...

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### *Tribunal*

- 3 (1) Where a person is a member of the Immigration...

### *Earlier appeal*

- 4 In the application of section 96— (a) a reference to...

### *Saving*

- 5 (1) This Schedule is without prejudice to the power to...

## SCHEDULE 7 — Immigration and Asylum Appeals: Consequential Amendments

### *Immigration Act 1971 (c. 77)*

- 1 In section 33(4) of the Immigration Act 1971 (c. 77)...
- 2 In paragraph 2A(9) of Schedule 2 to that Act (control...
- 3 In paragraph 4(4) of that Schedule (examination and detention of...
- 4 In paragraph 8(2) of that Schedule (time within which directions...
- 5 In paragraph 25 of that Schedule (rules) for “section 22...
- 6 In paragraph 29 of that Schedule (bail pending appeal)—
- 7 In paragraph 2(2) of Schedule 3 to that Act (deportation)...
- 8 For paragraph 3 of that Schedule (deportation: effect of appeal)...

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

- 9 In Part III of Schedule 1 to the House of...

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

- 10 In Part III of Schedule 1 to the Northern Ireland...

...

- 11 .....  
 12 .....  
 13 .....  
 14 .....  
 15 .....

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

- 16 In Schedule 11 to the Courts and Legal Services Act...

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

- 17 In paragraph 22 of Schedule 1 to the Tribunals and...

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

- 18 In Part II of Schedule 1 to the Judicial Pensions...
- 19 In Schedule 5 to that Act (retirement provisions: the relevant...

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

- 20 The following shall be substituted for section 2 of the...
- 21 Section 2A of that Act (human rights) shall cease to...

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- 22 Section 4 of that Act (determination of appeals) shall cease...
- 23 In section 5 of that Act (procedure)—
- 24 Section 7A of that Act (pending appeals) shall cease to...
- 25 In paragraph 5 of Schedule 1 to that Act—
- 26 Schedule 2 to that Act shall cease to have effect....

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

- 27 In section 23(1) of the Immigration and Asylum Act 1999...
- 28 In section 53(4) of that Act (bail) for “this Act”...
- 29 (1) Paragraph 9 of Schedule 4 to that Act (appeals:...

*Anti-terrorism, Crime and Security Act 2001 (c. 24)*

- 30 The following shall be substituted for section 27(10) of the...

*Proceeds of Crime Act 2002 (c. 29)*

- 31 The following shall be substituted for paragraph 4 of Schedule...
- 32 In paragraph 4 of Schedule 4 to that Act (lifestyle...
- 33 The following shall be substituted for paragraph 4 of Schedule...

**SCHEDULE 8 — Carriers’ Liability**

- 1 The Immigration and Asylum Act 1999 (c. 33) shall be...
- 2 (1) Section 32 (penalty for carrying clandestine entrant) shall be...
- 3 After section 32 insert— Level of penalty: code of practice...
- 4 The heading of section 33 (code of practice) becomes “...
- 5 In section 33(2)(b) omit “both Houses of”.
- 6 (1) Section 34 (defence) shall be amended as follows.
- 7 (1) Section 35 (notification and objection) shall be amended as...
- 8 After section 35 insert— Appeal (1) A person may appeal to the court against a...
- 9 (1) Section 36 (detention of vehicle) shall be amended as...
- 10 After section 36 insert— Detention in default of payment (1) This section applies where a person to whom a...
- 11 (1) Section 37 (effect of detention of transporter) shall be...
- 12 Section 39(rail freight) shall cease to have effect.
- 13 For section 40 (charge in respect of passenger without proper...
- 14 Section 42(power to detain vehicle, &c. carrying person without proper...
- 15 In section 43 (interpretation) (which becomes subsection (1))—
- 16 (1) Schedule 1 (sale of transporter) shall be amended as...
- 17 (1) This paragraph applies to a code of practice which—...

**SCHEDULE 9 — Repeals**

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

- s. 22 heading words substituted by 2022 c. 36 s. 13(6)(c)
- s. 16(3)(b) words substituted by 2016 c. 19 Sch. 11 para. 34
- s. 17(1) words inserted by 2022 c. 36 s. 13(5)
- s. 18(1ZA) words inserted by 2023 c. 37 s. 9(5)
- s. 18(2) omitted by 2016 c. 19 Sch. 11 para. 26(2)
- s. 18(3) substituted by 2016 c. 19 Sch. 11 para. 31(3)
- s. 21(3) words substituted by 2016 c. 19 Sch. 11 para. 35
- s. 21(3)(a) words inserted by 2023 c. 37 s. 9(6)
- s. 22 words inserted by 2022 c. 36 s. 13(6)(a)
- s. 22 words substituted by 2022 c. 36 s. 13(6)(b)
- s. 23(5) omitted by 2016 c. 19 Sch. 11 para. 2(g)(i)
- s. 24(1) words inserted by 2022 c. 36 s. 13(8)
- s. 25(4) word substituted by 2022 c. 36 s. 13(9)
- s. 26(3) word omitted by 2016 c. 19 Sch. 11 para. 2(g)(ii)
- s. 26(3) words omitted by 2016 c. 19 Sch. 11 para. 26(3)(b)
- s. 26(3) words substituted by 2016 c. 19 Sch. 11 para. 26(3)(a)
- s. 29(1)(c) words substituted by 2016 c. 19 Sch. 11 para. 36
- s. 35(2) words substituted by 2016 c. 19 Sch. 11 para. 26(4)(a)
- s. 35(3) words inserted by 2016 c. 19 Sch. 11 para. 26(4)(b)
- s. 43 heading substituted by 2016 c. 19 Sch. 11 para. 26(5)(b)
- s. 43(1) words substituted by 2016 c. 19 Sch. 11 para. 26(5)(a)
- s. 44 repealed by 2016 c. 19 Sch. 11 para. 41(a)
- s. 45 repealed by 2016 c. 19 Sch. 11 para. 41(b)
- s. 46 repealed by 2016 c. 19 Sch. 11 para. 41(b)
- s. 47 repealed by 2016 c. 19 Sch. 11 para. 41(c)
- s. 49 omitted by 2016 c. 19 Sch. 11 para. 2(g)(iii)
- s. 51(2) word omitted by 2016 c. 19 Sch. 11 para. 26(6)
- s. 51(2)(b) omitted by 2016 c. 19 Sch. 11 para. 2(g)(iv)
- s. 53 repealed by 2016 c. 19 Sch. 11 para. 41(d)
- s. 55 heading substituted by 2016 c. 19 Sch. 11 para. 37(4)
- s. 55(1)(a) words substituted by 2016 c. 19 Sch. 11 para. 37(2)
- s. 55(2)(a) word omitted by 2016 c. 19 Sch. 11 para. 2(g)(v)
- s. 55(3)(a) words substituted by 2016 c. 19 Sch. 11 para. 37(2)
- s. 55(6)(a) words substituted by 2016 c. 19 Sch. 11 para. 37(2)
- s. 55(9) words substituted by 2016 c. 19 Sch. 11 para. 37(3)
- s. 62(3) words substituted by 2023 c. 37 s. 11(7)
- s. 62(7) words substituted by 2023 c. 37 s. 11(9)
- s. 62(7A) words substituted by 2023 c. 37 s. 11(10)
- s. 69 applied by 2008 c. 4 s. 133(4)
- s. 70(3) words inserted by 2016 c. 19 Sch. 11 para. 38
- s. 71(1) words substituted by 2016 c. 19 Sch. 11 para. 39(3)
- s. 71(1)(a) words substituted by 2016 c. 19 Sch. 11 para. 39(2)
- s. 71(5) words substituted by 2016 c. 19 Sch. 11 para. 39(3)
- s. 82(1)(a)(b) restricted by 2023 c. 37 s. 5(4)
- s. 82(1)(a)(b) restricted by 2023 c. 37 s. 41(2)
- s. 82(1)(a)(b) restricted by 2023 c. 37 s. 41(4)
- s. 82(3) words inserted by 2023 c. 37 s. 41(6)
- s. 85(1) words inserted by 2022 c. 36 Sch. 3 para. 2(a)
- s. 85(2) words inserted by 2022 c. 36 Sch. 3 para. 2(a)
- s. 85(4) words inserted by 2022 c. 36 Sch. 3 para. 2(a)

- s. 85(5) words inserted by [2022 c. 36 Sch. 3 para. 2\(b\)\(i\)](#)
- s. 85(5) words substituted by [2022 c. 36 Sch. 3 para. 2\(b\)\(ii\)](#)
- s. 86(2) words inserted by [2022 c. 36 Sch. 3 para. 3](#)
- s. 87(4) repealed by [2004 c. 19 Sch. 4](#)
- s. 106(3) words inserted by [2022 c. 36 Sch. 3 para. 4](#)
- s. 106(4) words inserted by [2022 c. 36 Sch. 3 para. 4](#)
- s. 107(3) words substituted by [2022 c. 36 Sch. 3 para. 5\(b\)](#)
- s. 108(2) words inserted by [2022 c. 36 Sch. 3 para. 6](#)
- s. 109(1) words substituted by [S.I. 2019/745 reg. 12\(2\)](#) (This amendment not applied to legislation.gov.uk. Reg. 12(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 112 word substituted by [2006 c. 13 Sch. 1 para. 11](#)
- s. 113(1) words substituted by [2006 c. 13 s. 12\(2\)](#)
- s. 113(1) words substituted by [2006 c. 13 s. 12\(3\)](#)
- s. 126(2)(e) words substituted by [S.I. 2019/745 reg. 12\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 12(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 133(4)(a)(ii) words omitted by [2012 c. 7 Sch. 14 para. 83](#)
- s. 133(4)(b)(ii) words omitted by [2012 c. 7 Sch. 14 para. 83](#)
- s. 137(2)(a) words substituted by [2003 c. 44 Sch. 26 para. 58](#)
- Sch. 3 modified by [2016 c. 19 Sch. 11 para. 48](#)
- Sch. 3 para. 7A omitted by [2016 c. 19 Sch. 11 para. 26\(8\)\(a\)](#)
- Sch. 3 para. 7A power to repeal conferred by [2006 c. 13 s. 44\(1\)](#)
- Sch. 3 para. 6(1) words inserted by [2016 c. 19 Sch. 12 para. 7](#)
- Sch. 3 para. 7 words inserted by [2016 c. 19 Sch. 12 para. 8](#)
- Sch. 3 para. 15(c) words inserted by [2016 c. 19 Sch. 12 para. 14\(3\)](#)
- Sch. 3 para. 16(2)(d) words inserted by [2016 c. 19 Sch. 12 para. 15\(2\)](#)
- Sch. 3 para. 16(3) words inserted by [2016 c. 19 Sch. 12 para. 15\(3\)](#)
- Sch. 3 para. 17(2A) words inserted by [2023 c. 37 s. 9\(7\)](#)
- Sch. 3 para. 5(a) words omitted by [S.I. 2019/745 reg. 12\(5\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 12(5)(a)(c)(d) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 5(b) words omitted by [S.I. 2019/745 reg. 12\(5\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 12(5)(a)(c)(d) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 1(1)(h) words substituted by [2016 c. 19 Sch. 12 para. 2\(3\)](#)
- Sch. 3 para. 2(1)(c) words substituted by [2016 c. 19 Sch. 12 para. 4\(2\)](#)
- Sch. 3 para. 11 words substituted by [2016 c. 19 Sch. 12 para. 11](#)
- Sch. 3 para. 13(1)(b) words substituted by [2016 c. 19 Sch. 12 para. 12](#)
- Sch. 3 para. 13(2)(a) words substituted by [2016 c. 19 Sch. 12 para. 12](#)
- Sch. 3 para. 14(1)(2) words substituted by [2016 c. 19 Sch. 11 para. 26\(8\)\(b\)](#)
- Sch. 3 para. 14(1)(2) words substituted by [2016 c. 19 Sch. 12 para. 13](#) (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(d))
- Sch. 3 para. 17(1) words substituted by [2016 c. 19 Sch. 11 para. 40](#)
- Sch. 3 para. 3 words substituted by [S.I. 2019/745 reg. 12\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 12(5)(a)(c)(d) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 5 cross-heading word omitted by [S.I. 2019/745 reg. 12\(5\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 12(5)(a)(c)(d) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)

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

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

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

- s. 18(1)(1A) substituted for s. 18(1) by [2016 c. 19 Sch. 11 para. 31\(2\)](#)

- s. 22A inserted by [2022 c. 36 s. 13\(7\)](#)
- s. 27(ba) inserted by [2022 c. 36 s. 13\(10\)](#)
- s. 51(2)(d) and word inserted by [2016 c. 19 Sch. 11 para. 26\(6\)](#)
- s. 55(2)(aa) inserted by [2016 c. 19 Sch. 11 para. 26\(7\)](#)
- s. 62(3A) inserted by [2023 c. 37 s. 11\(8\)](#)
- s. 80A(5A) inserted by [2023 c. 37 s. 10\(8\)](#)
- s. 82A inserted by [2022 c. 36 s. 23\(1\)](#)
- s. 94(6B) inserted by [2006 c. 13 s. 13](#)
- s. 106(2)(ua) inserted by [2007 c. 30 s. 19\(3\)](#)
- s. 107(2A) inserted by [2022 c. 36 Sch. 3 para. 5\(a\)](#)
- s. 126(2A) inserted by [S.I. 2019/745 reg. 12\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 12(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 1(1)(ga) inserted by [2016 c. 19 Sch. 12 para. 2\(2\)](#) (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(a))
- Sch. 3 para. 1(2A) inserted by [2016 c. 19 Sch. 12 para. 2\(4\)](#) (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(b))
- Sch. 3 para. 1A inserted by [2016 c. 19 Sch. 12 para. 3](#)
- Sch. 3 para. 2(1)(ca) inserted by [2016 c. 19 Sch. 12 para. 4\(3\)](#)
- Sch. 3 para. 2A inserted by [2016 c. 19 Sch. 12 para. 5](#)
- Sch. 3 para. 3A-3C inserted by [2016 c. 19 Sch. 12 para. 6](#)
- Sch. 3 para. 7B7C and cross-headings inserted by [2016 c. 19 Sch. 12 para. 9](#)
- Sch. 3 para. 10A10B inserted by [2016 c. 19 Sch. 12 para. 10](#) (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(c))
- Sch. 3 para. 15(aa) inserted by [2016 c. 19 Sch. 12 para. 14\(2\)](#)
- Sch. 3 para. 15(d)-(f) inserted by [2016 c. 19 Sch. 12 para. 14\(4\)](#)
- Sch. 3 para. 7C(1)(c) word substituted by [S.I. 2019/745 reg. 12\(5\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Reg. 12(5)(a)(c)(d) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 5 para. 3(1) Sch. 5 para. 3 renumbered as Sch. 5 para. 3(1) by [2005 c. 4 Sch. 4 para. 407\(2\)](#) (This amendment not applied to legislation.gov.uk. The "original amending provision" is already fully in force, see Sch. 4 paras. 361, 407(5))
- Sch. 5 para. 3(2)-(4) inserted by [2005 c. 4 Sch. 4 para. 407\(4\)](#) (This amendment not applied to legislation.gov.uk. The "original amending provision" is already fully in force, see Sch. 4 paras. 361, 407(5))
- Sch. 5 para. 3(1) words inserted by [2005 c. 4 Sch. 4 para. 407\(3\)](#) (This amendment not applied to legislation.gov.uk. The "original amending provision" is already fully in force, see Sch. 4 paras. 361, 407(5))