



# 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 loan for refugees

#### *Enforcement powers*

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

*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

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**SCHEDULES****SCHEDULE 1 — 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

- 1 Immigration Act 1971 (c. 77)
- 2 House of Commons Disqualification Act 1975 (c. 24)
- 3 Northern Ireland Assembly Disqualification Act 1975 (c. 25)
- 4 British Nationality Act 1981 (c. 61)
- 5 Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))
- 6 Courts and Legal Services Act 1990 (c. 41)
- 7 Tribunals and Inquiries Act 1992 (c. 53)
- 8 Judicial Pensions and Retirement Act 1993 (c. 8)
- 9 Asylum and Immigration Appeals Act 1993 (c. 23)
- 10 Special Immigration Appeals Commission Act 1997 (c. 68)
- 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.
- 14 Access to Justice Act 1999 (c. 22)
- 15 Immigration and Asylum Act 1999 (c. 33)
- 16 Nationality, Immigration and Asylum Act 2002 (c. 41)
- 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....
- 25 Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))

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 A person who is outside the United Kingdom may not...

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 A person who is outside the United Kingdom may not...  
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 A person who is outside the United Kingdom may not...  
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 add a...  
21 (1) An order under paragraph 20(1) or (2)(a)—

SCHEDULE 4 — Repeals