

# IMMIGRATION ACT 2014

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## EXPLANATORY NOTES

### SUMMARY

4. This Act is in 7 parts.
5. [Part 1](#) of the Act, and Schedules 1 and 2, contain powers to enable the removal of persons unlawfully in the United Kingdom (“the UK”), enforcement powers, restrictions on bail and additional powers to take biometric information.
6. [Part 2](#) amends rights of appeal, limiting immigration appeals to circumstances where there has been a refusal of a human rights or asylum or humanitarian protection claim, or where refugee status or humanitarian protection has been revoked. It also provides a power for the Secretary of State to certify that to require an appellant who is liable to deportation to leave the UK before their appeal is determined would not cause serious irreversible harm, in which case the person may only appeal from outside the UK. It also provides that a court or tribunal considering a claim that a decision is unlawful on the grounds that it would breach a person’s right to respect for private and family life under Article 8 of the European Convention on Human Rights (“the ECHR”) must, in particular, have regard to the public interest and sets out what the public interest requires.
7. [Part 3](#), and Schedule 3, cover new powers to regulate migrants’ access to services. In general, landlords will be liable to a civil penalty if they rent out premises to migrants who are not lawfully present in the UK. Migrants with time-limited immigration status, such as certain categories of workers and students, can be required to make a contribution to the National Health Service (“the NHS”) via a charge payable when applying for entry clearance or an extension of their leave to enter or remain. Banks will be required to undertake an immigration status check before opening a current account and will be prohibited from opening new accounts for those who are known to be unlawfully in the UK and who are disqualified from opening an account, and those unlawfully in the UK will be unable to obtain a UK driving licence and may have their licence revoked. Provision is also made for the enforcement of civil penalties against employers of persons without a right to work in the UK.
8. [Part 4](#), and Schedules 4, 5 and 6, contain new powers to investigate suspected sham marriages and civil partnerships and extend powers for information to be shared by, and with, registration officials. Notices of marriage or civil partnership involving a non-European Economic Area (“non-EEA”) national (without settled status or an EU law right of permanent residence and not exempt from immigration control or holding a marriage or civil partnership visa) will be referred to the Home Office for a decision whether to investigate whether the proposed marriage or civil partnership is a sham.
9. [Part 5](#), and Schedule 7, strengthen the powers of the Office of the Immigration Services Commissioner (“OISC”) and simplify the regulatory scheme for the immigration advice sector. This Part also makes provision for oversight of immigration enforcement functions in Northern Ireland.

*These notes refer to the Immigration Act 2014 (c.22)  
which received Royal Assent on 14 May 2014*

10. [Part 6](#) contains five miscellaneous matters. Firstly, it provides a power to register certain adults born to unmarried parents before 1 July 2006 as British citizens. Secondly, the power to deprive a person of their British citizenship is amended. Thirdly, this Part, together with Schedule 8, provides for the Secretary of State to enable third parties, including carrier and port operator staff, (as ‘designated persons’), to undertake embarkation checks on passengers departing from the UK. Schedule 8 also contains powers to direct carriers and port operators to make arrangements for a designated person to conduct embarkation checks. Fourthly, Part 6 makes provision for fees to be charged for immigration applications and other functions. Fifthly, it confirms the duty imposed on the Secretary of State or any other person by section 55 of the Borders, Citizenship and Immigration Act 2009 regarding the welfare of children.
11. [Part 7](#) contains general provisions, including a power, by order, to make minor and consequential amendments to other enactments, general provisions about commencement and extent and provisions in respect of the parliamentary procedure to be applied to orders and regulations made under the Act.