

information sheet

Information sheets provide general information only, accurate as at the date of the information sheet. Law, policy and practice may change over time.

ILPA members listed in the directory at www.ilpa.org.uk provide legal advice on individual cases. ILPA does not do so.

The ILPA information service is funded by the Joseph Rowntree Charitable Trust.

An archive of information sheets is available at www.ilpa.org.uk/infoservice.html

Shauna Gillan ILPA Legal Officer 020-7490 1553 shauna.gillan@ilpa.org.uk

Immigration Law Practitioners' Association www.ilpa.org.uk 020-7251 8383 (t) 020-7251 8384 (f)

Immigration Act 2014: provisions in force July 2014

July 2014

The Immigration Act 2014 received Royal Assent on 14 May 2014 but only a few administrative sections of the Act (sections 72 to 77) came into force on that date. The substantive provisions started to come into force in July 2014. This information sheet gives an overview of the new provisions which are now in force, in the order in which they appear in the Act.

Part 1: Removal and Other Powers

Measures placing time limits on the detention of children, whether separated or in families, and making provision in law (instead of just policy) for the Independent Family Returns Panel are now in force. “Cedars” where families are held, has been rechristened “pre departure accommodation” (Sections 2, 3, 5 and 6).

New powers for immigration officers, including the power use reasonable force in the exercise of any of their duties is now in force (Section 4).

Provisions that require that the Secretary of State has to consent before a person can be released on bail if there are removal directions in force that would see them removed within 14 days of the decision to grant bail are in force, but the other provisions on bail are not yet in force (Section 7). See further our Information Sheet: [Immigration Act: Bail](#)

Provisions about when biometric information can be required (photographs, fingerprints, images of the iris of the eye, etc.), and about retaining that information, are now in force (sections 8 to 14).

Part 2: Appeals, etc

Section 17, *Place from which appeal may be brought or continued* is now in force has the effect of removing the right to an in-country appeal from certain persons subject to deportation. On 28 July 2014 when it came into force, the Government also brought in powers to deport European Nationals with pending appeals in equivalent, but not exactly

the same, circumstances, reflecting the different protections against deportation in European Union law.

Section 19: *Article 8 of the ECHR: public interest considerations* is also in force. See further ILPA's information sheet [Immigration Act - Appeals](#) which covers all of these things (except the European cases).

Part 3: Access to Services

Sections 40 to 43 which prohibit a bank or building society from opening a current account (not other accounts) for anyone who requires leave but does not have it are in force.

Sections 44 and 45, which change the system by which employers challenge a civil penalty imposed for employing a person who does not have permission to work, are in force.

Sections 46 and 47 are in force. These make it a matter of law, not just policy, as before, that those unlawfully in the UK without leave are not permitted to hold a UK driving licence.

Part 4: Marriage and Civil Partnership

The new system of investigation of sham marriages/civil partnerships is not yet in force, but some provisions that work with both the current system and the new one are in force. These are Section 56, which requires registrars to report information received even before a person gives formal notice of a marriage/civil partnership; Section 59 and Schedule 6, which together dramatically increase the powers of registrars to share information with each other, and section 62 on interpretation.

Part 5: Oversight

Parts of section 63 and Schedule 7, which give the Office of the Immigration Services Commissioner powers to require entry to business premises to conduct inspections, whether or not she has received a complaint, are in force.

Section 64, which paves the way for the Police Ombuds in Northern Ireland to have similar powers over immigration officers as has the Independent Police Complaints Commission is in force.

Part 6: Miscellaneous

Section 66, is concerned with deprivation of citizenship. The Secretary of State is given new powers to deprive naturalised citizens who have done something seriously prejudicial to the vital interests of the UK of their British citizenship. She can now do so where this would make them stateless, but only if she reasonably believes that the person can acquire another nationality or citizenship.

Section 67 and Schedule 8, which pave the way for the introduction of exit checks at ports and airports, and for port and airline staff, etc., to carry out those checks are in force.

Section 70, which provides for fees to be charged for optional and bespoke premium services outside the UK, is in force.