



Asylum and Immigration Act 1996

1996 CHAPTER 49

Immigration offences

4 Obtaining leave by deception.

In subsection (1) of section 24 of the 1971 Act (illegal entry and similar offences), after paragraph (a) there shall be inserted the following paragraph—

“(aa) if, by means which include deception by him, he obtains or seeks to obtain leave to enter or remain in the United Kingdom;”.

Modifications etc. (not altering text)

- C1** S. 4 extended (Guernsey) (with modifications) (20.7.1998) by [S.I. 1998/1264, art. 3, Sch.](#)
S. 4 extended (Jersey) (with modifications) (22.6.1998) by [S.I. 1998/1070, art. 3, Sch.](#)
- C2** S. 4 extended (with modifications) (5.6.2003) by [The Immigration and Asylum Act 1999 \(Jersey\) Order 2003 \(S.I. 2003/1252\), arts. 1\(1\), 2, Sch.](#)

Commencement Information

- II** S. 4 wholly in force at 1.10.1996; S. 4 not in force at Royal Assent see [s. 13\(3\)](#); S. 4 in force at 1.10.1996 by [S.I. 1996/2053, art. 2, Sch. Pt. III](#)

5 Assisting asylum claimants, and persons seeking to obtain leave by deception.

(1) In subsection (1) of section 25 of the 1971 Act (assisting illegal entry, and harbouring), for the words from “the entry” to “illegal entrant” there shall be substituted the following paragraphs—

- “(a) the entry into the United Kingdom of anyone whom he knows or has reasonable cause for believing to be an illegal entrant;
- (b) the entry into the United Kingdom of anyone whom he knows or has reasonable cause for believing to be an asylum claimant; or
- (c) the obtaining by anyone of leave to remain in the United Kingdom by means which he knows or has reasonable cause for believing to include deception.”.

Changes to legislation: There are currently no known outstanding effects for the Asylum and Immigration Act 1996, Cross Heading: Immigration offences. (See end of Document for details)

(2) After that subsection there shall be inserted the following subsection—

“(1A) Nothing in subsection (1)(b) above shall apply to anything which is done—
(a) by a person otherwise than for gain, or in the course of his employment by a bona fide organisation whose purpose it is to assist refugees; or
(b) in relation to a person who has been detained under paragraph 16 of Schedule 2 to this Act, or has been granted temporary admission under paragraph 21 of that Schedule;
and in that provision “asylum claimant” means a person who intends to make a claim for asylum (within the meaning of the ^{M1}Asylum and Immigration Appeals Act 1993).”

(3) In subsection (5) of that section, for the words “Subsection (1)” there shall be substituted the words “ Subsection (1)(a) ”.

(4) In subsection (6) of that section, for the words “subsection (1)” there shall be substituted the words “ subsection (1)(a) or (b) ”.

Modifications etc. (not altering text)

C3 S. 5(1)(2) extended (Guernsey) (with modifications) (20.7.1998) by S.I. 1998/1264, art. 3, Sch. 5(1)(2) extended (Jersey) (with modifications) (22.6.1998) by S.I. 1998/1070, art. 3, Sch.

Commencement Information

I2 S. 5 wholly in force at 1.10.1996; s. 5 not in force at Royal Assent see s. 13(3); s. 5 in force at 1.10.1996 by S.I. 1996/2053, art.2, Sch. Pt. III

Marginal Citations

M1 1993 c.23.

6 Increased penalties.

In the following provisions, namely—

- (a) subsection (1) of section 24 of the 1971 Act (illegal entry and similar offences);
 - (b) subsection (1) of section 26 (general offences in connection with administration of Act); and
 - (c) section 27 (offences by persons connected with ships or aircraft or with ports),
- for the words “level 4” there shall be substituted the words “ level 5 ”.

Commencement Information

I3 S. 6 wholly in force at 1.10.1996; s. 6 not in force at Royal Assent see s. 13(3); s. 6 in force at 1.10.1996 by S.I. 1996/2053, art. 2, Sch. Pt. III

Changes to legislation: *There are currently no known outstanding effects for the Asylum and Immigration Act 1996, Cross Heading: Immigration offences. (See end of Document for details)*

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Textual Amendments

- F1** S. 7 repealed (14.2.2000) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 108, 109, **Sch. 16**; S.I. 2000/168, art. 2, **Sch.** (with transitional provisions in art. 3); (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)

Changes to legislation:

There are currently no known outstanding effects for the Asylum and Immigration Act 1996,
Cross Heading: Immigration offences.