



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART I

#### IMMIGRATION: GENERAL

##### *Removal from the United Kingdom*

#### **[<sup>F1</sup>10] Removal of persons unlawfully in the United Kingdom**

(1) A person [<sup>F2</sup>is liable to removal] from the United Kingdom <sup>F3</sup>... if the person requires leave to enter or remain in the United Kingdom but does not have it.

[<sup>F4</sup>(2) Where a person (“P”) is liable to removal, or has been removed, from the United Kingdom under this section, a member of P’s family who meets the following three conditions is also liable to removal from the United Kingdom, provided that the Secretary of State or an immigration officer has given the family member written notice of the fact that they are liable to removal.]

(3) The first condition is that the family member is—

- (a) P’s partner,
- (b) P’s child, or a child living in the same household as P in circumstances where P has care of the child,
- (c) in a case where P is a child, P’s parent, or
- (d) an adult dependent relative of P.

(4) The second condition is that—

- (a) in a case where the family member has leave to enter or remain in the United Kingdom, that leave was granted on the basis of his or her family life with P;
- (b) in a case where the family member does not have leave to enter or remain in the United Kingdom, in the opinion of the Secretary of State or immigration officer the family member—

- (i) would not, on making an application for such leave, be granted leave in his or her own right, but

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(ii) would be granted leave on the basis of his or her family life with P, if P had leave to enter or remain.

- (5) The third condition is that the family member is <sup>F5</sup>none of the following—
  - (a) a British citizen,
  - (b) an Irish citizen,
  - (c) a person who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules.]

(6) A notice given to a family member under subsection (2) invalidates any leave to enter or remain in the United Kingdom previously given to the family member.

<sup>F6</sup>(6A) A person who is liable to removal from the United Kingdom under this section may be removed only under the authority of the Secretary of State or an immigration officer and in accordance with sections 10A to 10E.]

(7) For the purposes of removing a person from the United Kingdom under <sup>F7</sup>this section], the Secretary of State or an immigration officer may give any such direction for the removal of the person as may be given under paragraphs 8 to 10 of Schedule 2 to the 1971 Act.

(8) But subsection (7) does not apply where a deportation order is in force against a person (and any directions for such a person's removal must be given under Schedule 3 to the 1971 Act).

(9) The following paragraphs of Schedule 2 to the 1971 Act apply in relation to directions under subsection (7) (and the persons subject to those directions) as they apply in relation to directions under paragraphs 8 to 10 of Schedule 2 (and the persons subject to those directions)—

- (a) paragraph 11 (placing of person on board ship or aircraft);
- (b) paragraph <sup>F8</sup>16(2) to (2B), (3) and (4)] (detention of person where reasonable grounds for suspecting removal directions may be given or pending removal in pursuance of directions);
- (c) paragraph 17 (arrest of person liable to be detained and search of premises for person liable to arrest);
- <sup>F9</sup>(ca) paragraph 17A (period for which persons may be detained);]
- (d) paragraph 18 (supplementary provisions on detention);
- (e) paragraph 18A (search of detained person);
- (f) paragraph 18B (detention of unaccompanied children);
- (g) paragraphs 19 and 20 (payment of expenses of custody etc);
- <sup>F10</sup>(h) .....
- <sup>F10</sup>(i) .....
- (j) paragraphs 25A to 25E (searches etc).

- (10) The Secretary of State may by regulations make further provision about—
  - (a) the time period during which a family member may be removed under <sup>F11</sup>this section];
  - (b) the service of a notice under subsection (2) <sup>F12</sup>or sections 10A to 10E].

(11) In this section “child” means a person who is under the age of 18.]

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### Textual Amendments

- F1** S. 10 substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 1**, 75(3); S.I. 2014/2771, art. 2(a) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))
- F2** Words in s. 10(1) substituted (20.11.2023) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 46(2)(a)**, 87(1); S.I. 2023/1130, reg. 2(a) (with reg. 3)
- F3** Words in s. 10(1) omitted (20.11.2023) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 46(2)(b)**, 87(1); S.I. 2023/1130, reg. 2(a) (with reg. 3)
- F4** S. 10(2) substituted (20.11.2023) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 46(3)**, 87(1); S.I. 2023/1130, reg. 2(a) (with reg. 3)
- F5** Words in s. 10(5) substituted (1.7.2021) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(c), **12(2)**
- F6** S. 10(6A) inserted (20.11.2023) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 46(4)**, 87(1); S.I. 2023/1130, reg. 2(a) (with reg. 3)
- F7** Words in s. 10(7) substituted (20.11.2023) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 46(5)**, 87(1); S.I. 2023/1130, reg. 2(a) (with reg. 3)
- F8** Words in s. 10(9)(b) substituted (28.9.2023) by [Illegal Migration Act 2023 \(c. 37\)](#), **ss. 12(3)(a)**, 68(1) (with s. 55(9)); S.I. 2023/989, reg. 2(a)
- F9** S. 10(9)(ca) inserted (28.9.2023) by [Illegal Migration Act 2023 \(c. 37\)](#), **ss. 12(3)(b)**, 68(1) (with s. 55(9)); S.I. 2023/989, reg. 2(a)
- F10** S. 10(9)(h)(i) omitted (15.1.2018) by virtue of [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 10 para. 27**; S.I. 2017/1241, reg. 2(c) (with Sch.) (as amended by S.I. 2018/31, reg. 2)
- F11** Words in s. 10(10)(a) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 46(6)(a)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 23
- F12** Words in s. 10(10)(b) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 46(6)(b)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 23

### Modifications etc. (not altering text)

- C1** S. 10 applied (1.2.2017 for specified purposes) by [The Immigration \(European Economic Area\) Regulations 2016 \(S.I. 2016/1052\)](#), regs. 1(2)(b), **32(2)**
- C2** S. 10 applied (with modifications) (31.12.2020) by [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1209\)](#), regs. 1(1), **3(4)**, 4(5), 12(1)(h)

**Changes to legislation:**

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

- s. 10(5) words substituted by [S.I. 2019/745 reg. 11\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 11(2)(5) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 10(5A) inserted by [S.I. 2019/745 reg. 11\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 11(2)(5) 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:**

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

- s. 10(12) inserted by [2023 c. 37 s. 10\(6\)](#)
- s. 40(1)-(1C) substituted for s. 40(1) by [2022 c. 36 s. 76\(2\)](#)
- s. 40(4A)(4B) inserted by [2022 c. 36 s. 76\(5\)](#)
- s. 72(10) repealed by [2004 c. 19 Sch. 4](#)
- s. 94(2A)-(2C) inserted by [2016 c. 19 Sch. 11 para. 3\(3\)](#)
- s. 94(2D) inserted by [2016 c. 19 Sch. 11 para. 7\(4\)](#)
- s. 94(3)(3A) substituted for s. 94(3) by [2002 c. 41 s. 44\(4\)](#) (This amendment is repealed (prosp.) by [2016 c. 19, Sch. 11 para. 41](#))
- s. 94(3A)-(3D) inserted by [2016 c. 19 Sch. 11 para. 3\(5\)](#)
- s. 95A inserted by [2016 c. 19 Sch. 11 para. 9](#)
- s. 96(1A) inserted by [2016 c. 19 Sch. 11 para. 10\(3\)](#)
- s. 97(3A)(b)(iv) inserted by [2022 c. 36 s. 13\(2\)\(c\)\(ii\)](#)
- s. 97(8)(9) inserted by [2016 c. 19 Sch. 11 para. 11\(4\)](#)
- s. 98A inserted by [2016 c. 19 Sch. 11 para. 13](#)
- s. 98A(5) inserted by [2022 c. 36 s. 13\(4\)](#)
- s. 103(4)(a) words substituted by [2004 c. 19 s. 10\(4\)\(b\)](#)
- s. 103(5)(b) word substituted by [S.I. 2008/2833 Sch. 3 para. 183\(ii\)](#)
- s. 103A(1) words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) heading words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) words substituted by [S.I. 2008/2833 Sch. 3 para. 184](#)
- s. 125(2)(ba) inserted by [2016 c. 19 Sch. 11 para. 22\(3\)\(b\)](#)
- s. 146(2)(za) inserted by [2016 c. 19 s. 44\(9\)](#)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by [2016 c. 19 Sch. 11 para. 24\(2\)](#)
- s. 166(5A)(5B) inserted by [2016 c. 19 Sch. 11 para. 24\(3\)](#)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by [2016 c. 19 Sch. 11 para. 24\(4\)](#)
- Sch. 2 para. 21 modified by [2002 c. 41 s. 23\(2\)\(a\)](#)
- Sch. 3 para. 2(5) modified by [2002 c. 41 s. 23\(2\)\(b\)](#)