

## **EXPLANATORY NOTES**

### **BORDERS, CITIZENSHIP AND IMMIGRATION ACT 2009**

#### **INTRODUCTION**

#### **OVERVIEW**

#### **SUMMARY**

##### **PART 1 – BORDER FUNCTIONS**

##### **PART 2 – CITIZENSHIP**

##### **PART 3 – IMMIGRATION**

##### **PART 4 – MISCELLANEOUS AND GENERAL**

#### **TERRITORIAL EXTENT**

#### **COMMENTARY**

##### **PART 1: BORDER FUNCTIONS**

###### **General customs functions of the Secretary of State**

Section 1: General customs functions of the Secretary of State

Section 2: Power of Secretary of State to modify functions

###### **General customs officials**

Section 3: Designation of general customs officials

Section 4: Designation: supplementary

Section 5: Directions by the Secretary of State

###### **The Director of Border Revenue**

Section 6: The Director of Border Revenue

Section 7: Customs revenue functions of the Director

Section 8: Power of Treasury to modify Director's functions

Section 9: Delegation of Director's functions

Section 10: Compliance with directions etc.

### **Customs revenue officials**

Section 11: Designation of customs revenue officials

Section 12: Designation: supplementary

Section 13: Directions by the Director

### **Use and disclosure of information**

Section 14: Use and disclosure of customs information

Section 15: Prohibition on disclosure of personal customs information

Section 16: Exceptions to section 15 prohibition

Section 17: Prohibition on further disclosure

Section 18: Offence of wrongful disclosure

Section 19: Application of statutory provisions

Section 20: Supply of Revenue and Customs information

Section 21: Duty to share information

Section 22: Application of the PACE orders

Section 23: Investigations and detention: England and Wales and Northern Ireland

Section 24: Investigations and detentions: Scotland

Section 25: Short-term holding facilities

### **Transfer of property etc**

Section 26: Transfer schemes

Section 27: Facilities and services

### **Inspection and oversight**

Section 28: Inspections by the Chief Inspector of the UK Border Agency

Section 29: Inspections by Her Majesty's Inspectors of Constabulary etc.

Section 30: Complaints and misconduct

Section 31: Prosecution of offences

Section 32: Payment of revenue to the Commissioners

Section 33: Power to require payment into the Consolidated Fund

Section 34: Children

## **Supplementary**

Section 35: Power to modify enactments

Section 36: Power to make supplementary etc. provision

Section 37: Subordinate legislation

Section 38: Interpretation

## **PART 2: CITIZENSHIP**

### **Acquisition of British citizenship by naturalisation**

Section 39: Application requirements: general

Section 40: Application requirements: family members etc.

Section 41: The qualifying period

### **Acquisition of British citizenship by birth**

Section 42: Children born in UK etc. to members of the armed forces

### **Acquisition of British citizenship etc. by registration**

Section 43: Minors

Section 44: British Nationals (Overseas) without other citizenship

Section 45: Descent through the female line

Section 46: Children born outside UK etc. to members of the armed forces

Section 47: Good character requirement

### **Interpretation**

Section 48: Meaning of references to being in breach of immigration laws

Section 49: Other interpretation etc.

## **PART 3: IMMIGRATION**

Section 50: Restriction on studies

Section 51: Fingerprinting of foreign criminals liable to automatic deportation

Section 52: Extension of sections 1 to 4 of the UK Borders Act 2007 to Scotland

## **PART 4: MISCELLANEOUS AND GENERAL**

Section 53: Transfer of certain immigration judicial review applications

Section 54: Trafficking people for exploitation

Section 55: Duty regarding the welfare of children

*These notes refer to the Borders, Citizenship and Immigration Act 2009 (c.11)*

Section 56: Repeals

Section 57: Extent

Section 58: Commencement

## **HANSARD REFERENCES**