British Immigration, Nationality, and Citizenship Act

CHAPTER XX [DRAFT]

A BILL to make provision for the restoration of sovereign authority over the nationality of the United Kingdom; to reconstitute the legal status of indigenous and diaspora citizens upon traceable descent and territorial birth; to repeal discretionary naturalisation prospectively; to abolish asylum as a distinct immigration category; to establish a framework of differentiated civic status based upon descent, allegiance and contribution; to withdraw from certain international instruments incompatible with sovereign immigration control; to consolidate twenty Acts relating to nationality, immigration and asylum into a single code; and for connected purposes.

[XX XXXX 2025]

Presented By

Alexander Coppen Michael Reiners

BE IT THEREFORE ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Section 1. Repeal of enactments

(1) The enactments listed in Part 1 of Schedule 1, together with any subordinate legislation, statutory instruments, orders, rules, or regulations made thereunder, are repealed or revoked in their entirety, subject to any transitional, saving, or consequential provisions contained in this Act or any Schedule hereto.

(2) The repeal of an enactment by subsection (1) does not affect the validity of anything done under that enactment before the commencement of this section.

(3) The repeal of an enactment by subsection (1) does not affect the punishment of an offence committed under that enactment before the commencement of this section.

Section 2. Saving provisions

(1) Any passport, certificate of entitlement, registration certificate, biometric residence permit, visa vignette, status letter, or tribunal determination issued under a repealed enactment remains valid evidence of the facts stated in it for the purpose of classification under Part 2 and for the transitional steps in Schedule 4.

(2) No person has a vested right to any immigration status, leave to enter or remain, settlement, indefinite leave to remain, or any derivative right by reason of the repeal of an enactment.

(3) Any expectation, legitimate or otherwise, arising from a policy, guidance, or administrative practice under a repealed enactment ceases to have effect on commencement.

Section 3. Transitional arrangements

(1) Every person present in the United Kingdom or claiming a connection to the United Kingdom on the date of commencement must be classified under one of the five statuses established by Part 2.

(2) The Secretary of State must complete the initial classification of all persons within twelve months of commencement using the automatic conversion rules set out in Schedule 4.

(3) During the period between commencement and the completion of initial classification, a person may continue to exercise such rights as are set out in Schedule 4 in respect of their former status.

(4) A person who is dissatisfied with their automatic classification may apply for reconsideration within ninety days of notification, but only on the ground that a factual error has been made in applying the conversion rules.

Section 4. Mapping of old statuses to new framework

(1) The mapping of statuses held under repealed enactments to statuses under this Act is set out in Schedule 4.

(2) Where a person held more than one status under the repealed enactments, the highest status under the hierarchy set out in section 6 subsection (4) applies.

(3) Where Schedule 4 does not provide for the conversion of a particular status, or where a person held no status under the repealed enactments, that person is classified as a Visitor.

Where any provision of this Act is expressed to be ‘void ab initio,’ any certificate, passport, or privilege derived therefrom is equally void and confers no legal or equitable rights whatsoever

Interpretation and Definitions

Section 5. Definitions of key terms

In this Act, unless the context otherwise requires:

"Britannic Isles" means England, Wales, Scotland, and Northern Ireland, being the four constituent nations of the United Kingdom, and for the avoidance of doubt excludes: (a) the Channel Islands (Jersey, Guernsey, Alderney, Sark); (b) the Isle of Man; (c) Gibraltar; (d) all British Overseas Territories; and (e) all Crown Dependencies not otherwise mentioned, whether present or future.

"Direct ancestor" means a biological parent, grandparent, or great-grandparent traced through any combination of maternal and paternal lines, or a person who becomes a parent by virtue of lawful adoption as defined in section 51. For the avoidance of doubt, no collateral relative, step-relative, foster-parent, or guardian qualifies as a direct ancestor.

"Approved Country" means any country that is not listed in Schedule 10 as a Tier B Country. The status of a country as an Approved Country is determined by its absence from Schedule 10 at the time of assessment and is not affected by subsequent additions or removals.

"Tier B Country" means a country listed in Schedule 10, being a country whose culture the Secretary of State has determined to be substantially different from that of the United Kingdom.

"Tier C Country" means a country listed in Schedule 11, being a country whose nationals have demonstrated high criminality rates among United Kingdom immigrant populations based on evidence set out in that Schedule.

"Recognised State or Territory" means a State or Territory listed in Schedule 3.

"Fourteen ancestors" means two parents, four grandparents, and eight great-grandparents.

"Seventy-five year period" means, in relation to a person born in a given year, the period beginning on the first day of January in the year calculated by subtracting seventy-five from that year and ending on the date of the person's birth. Where the birth years of the parents differ, the younger parent’s birth year is used as the anchor year for calculating the seventy-five-year period.

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

"Immigration officer" means a person appointed by the Secretary of State as an immigration officer for the purposes of this Act.

"Confidence Index" means the number of birth certificates or equivalent documentary evidence produced in respect of the fourteen ancestors required for Indigenous British Citizen status, and has a value between zero and fourteen. A Confidence Index of fourteen constitutes conclusive proof of lineage; any lower score classifies the person provisionally as an Inherited Conditional British Citizen until rectified.

All terms used in this Act shall have their ordinary and natural meaning in English law unless expressly defined herein; no interpretation by analogy or policy inference shall extend any definition beyond its text.

Section 6. Indigenous, ICBC, Hereditary, Honorary citizenship defined

(1) "Indigenous British Citizen" means a person who satisfies the requirements set out in section 18.

(2) "Inherited Conditional British Citizen" or "ICBC" means a person who satisfies the requirements set out in section 25.

(3) "Hereditary British Citizen" means a person who satisfies the requirements set out in section 31.

a) Where a person simultaneously satisfies the criteria for Indigenous British Citizen status and Hereditary British Citizen status, the Indigenous classification prevails.

(4) Where a person meets the criteria for more than one category of citizenship, the person holds the highest status in the following hierarchy: Indigenous British Citizen; Hereditary British Citizen; Inherited Conditional British Citizen; Honorary British Citizen.

(5) No person may hold more than one status concurrently; upon recognition of a higher status, any lower status ceases automatically.

a) For avoidance of doubt, the assignment of one citizenship status under this Act precludes recognition of any other nationality or status by Her Majesty's Government except as expressly permitted under section 286.

(6) "Honorary British Citizen" means a person to whom citizenship has been granted solely by Act of Parliament or letters patent in accordance with section 38 and cannot be acquired or inherited by any other means.

Section 7. British Subject defined

(1) "British Subject" means a person who satisfies the requirements set out in section 56 or section 57.

(2) British Subject status does not confer citizenship of the United Kingdom.

(3) A British Subject has no right to vote in parliamentary elections or local elections, and is ineligible to hold public office as defined in section 287.

Section 8. Visitor defined

(1) "Visitor" means any person who is not an Indigenous British Citizen, an Inherited Conditional British Citizen, a Hereditary British Citizen, an Honorary British Citizen, or a British Subject.

(2) Every person within the jurisdiction of the United Kingdom who does not hold one of the statuses referred to in subsection (1) is a Visitor regardless of the purpose or duration of their presence.

Section 9. Meaning of "British parent"

(1) In this Act "British parent" means a parent who is an Indigenous British Citizen, an Inherited Conditional British Citizen, a Hereditary British Citizen, or an Honorary British Citizen.

(2) A British Subject is not a British parent for the purposes of this Act.

(3) "Parent" includes the gestational mother and a person who is a parent by virtue of a parental order or adoption order recognised in any part of the United Kingdom, and references to parentage are construed accordingly.

Section 10. Construction of references to birth, marriage, and death

(1) For the purposes of this Act, the date and place of birth are as recorded on the birth certificate issued by the General Register Office or equivalent registration authority.

(2) A marriage is recognised for the purposes of this Act if it is valid under the law of England and Wales, Scotland, or Northern Ireland, or if it is a marriage contracted overseas that is recognised as valid under the law of any part of the United Kingdom.

(3) References to death include a person who has been declared dead by an order of a court of competent jurisdiction.

Section 11. National Integrity Assessment defined

(1) "National Integrity Assessment" means the assessment conducted under Part 5 at five-yearly intervals in respect of every Inherited Conditional British Citizen and every British Subject.

(2) The National Integrity Assessment does not apply to Indigenous British Citizens, Hereditary British Citizens, Honorary British Citizens, or Visitors.

(3) The National Integrity Assessment is conducted by algorithmic calculation in accordance with the formula set out in Schedule 12, using data obtained from sources specified in section 140.

Section 12. "Leave to remain" abolished

(1) No provision of this Act authorises the grant of leave to enter, leave to remain, indefinite leave to remain, settlement, or any status conferring a right to reside in the United Kingdom save as expressly provided in Parts 2 and 3.

(2) All temporary presence in the United Kingdom by a Visitor is governed by the provisions of Part 4.

(3) Any reference in any enactment to leave to enter, leave to remain, indefinite leave to remain, or settlement is to be construed, where the context permits, as a reference to the relevant status under this Act.

Section 13. Fast-track removal principles

(1) The Secretary of State may direct the removal of any Visitor from the United Kingdom at any time.

(2) The Secretary of State may direct the removal of any British Subject or Inherited Conditional British Citizen in accordance with Part 8.

(3) A removal direction takes effect within forty-eight hours of being given unless otherwise specified.

(4) A person who is the subject of a removal direction has no right to remain in the United Kingdom pending any challenge to that direction.

Commencement and Extent

Section 14. Territorial extent

(1) This Act extends to England and Wales, Scotland, and Northern Ireland.

(2) Section 15 makes provision for the application of this Act to the Channel Islands and the Isle of Man.

(3) The Secretary of State may by Order in Council extend any provision of this Act to any British Overseas Territory, with or without modifications.

Section 15. Application to Crown Dependencies

(1) A person born in the Channel Islands or the Isle of Man to a parent who is an Indigenous British Citizen or an Inherited Conditional British Citizen acquires the status of British Subject by birth.

(2) A person born in the Channel Islands or the Isle of Man before commencement who held British citizenship under the repealed enactments is classified as a British Subject under Schedule 4.

(3) The Channel Islands and the Isle of Man may by local legislation adopt the provisions of this Act in whole or in part, and may modify those provisions to suit local circumstances with the consent of His Majesty in Council.

Section 16. Commencement provisions

(1) This Act comes into force on the day after the day on which it receives Royal Assent.

(2) The repeal of enactments by section 1 takes effect on commencement.

(3) The revocation of subordinate legislation by Schedule 1 takes effect on commencement.

(4) The withdrawal from international treaties by section 477 and Schedule 2 takes effect domestically on commencement, and the Secretary of State must give such notice to treaty depositaries as is required by each instrument within fourteen days of commencement.

Section 17. Reserved

This section is reserved.

PART 2 — BRITISH CITIZENSHIP

Indigenous Citizens

Section 18. Definition and requirements

(1) A person is an Indigenous British Citizen if and only if:

(a) that person was born within the Britannic Isles; and

(b) each of the fourteen direct ancestors was born within the Britannic Isles during the seventy-five-year period; and

(c) each of those fourteen ancestors was at birth a British subject or would have been entitled to British subject status under the law then in force.

(d) Where any ancestor's birth documentation is unobtainable for reasons outside the person's control, the classification defaults to provisional Inherited Conditional British Citizen status pending verification.

(2) For the purposes of subsection (1), the fourteen direct ancestors are the two parents, the four grandparents, and the eight great-grandparents of the person.

(3) A single marriage between any ancestor and a Tier B country national within the relevant seventy-five-year period disqualifies all descendants from Indigenous British Citizen status until reconnection under section 21.

(4) Where a person's status as an Indigenous British Citizen depends upon adoption, section 51 applies.

Section 19. Rolling seventy-five year calculation method

(1) The seventy-five year period is calculated by subtracting seventy-five from the year of the person's birth and beginning on the first day of January in that year.

(2) Where documentary evidence establishes that an ancestor's recorded birth date falls within twenty-four months before the start of the seventy-five-year period, and such margin of error is reasonably attributable to administrative delay in registration under the law then in force, and at least twelve of the other ancestors qualify, the Secretary of State may treat that ancestor as within the period.

(3) For the purposes of calculating whether all fourteen ancestors were born within the seventy-five year period, the date of birth of the younger parent is used as the reference point where the parents were born in different years.

(4) All calculations under this section are based on calendar years; fractional years are disregarded for simplicity and certainty. The calculation under this section shall not be reopened or recalculated on account of any later statutory amendment, ministerial order, or reclassification of countries.

Section 20. Tier B country marriage lineage break

(1) Where any of the fourteen direct ancestors married a Tier B country national, the requirement in section 18 subsection (1) is not satisfied.

(2) For the purposes of subsection (1), a Tier B country is a person who:

> (a) at the time of marriage, was a national of a country listed in Schedule 10; or
>
> (b) at the time of marriage, was a national of a country subsequently added to Schedule 10, provided that marriage occurred within the seventy-five-year window relevant to the person claiming Indigenous status.

(3) A marriage to a Tier B country permanently interrupts the Indigenous lineage for all subsequent generations unless reconnection occurs under section 21; this interruption is known as the Tier B taint.

(4) A person who is disqualified from Indigenous British Citizen status by reason of subsection (1) is an Inherited Conditional British Citizen if that person satisfies the requirements of section 24.

(5) The Tier B taint applies retrospectively only within the seventy-five-year window relevant to the person's birth and does not affect ancestors outside that period. No ministerial discretion, waiver, or amnesty may remove or suspend the effect of Tier B without amendment of this Act by Parliament.

Section 21. Reconnection: Tier B taint is permanent

(1) Where any ancestor within the relevant seventy-five-year period married a Tier B country national, all descendants are permanently disqualified from Indigenous British Citizen status.

(2) No administrative process, ministerial discretion, or passage of time removes the Tier B country B taint.

(3) The only means by which a line affected by Tier B country taint may produce Indigenous British Citizens is where:

> (a) the tainted line intermarries with an untainted Indigenous line; and
>
> (b) sufficient generations pass that all fourteen ancestors within the seventy-five-year window are free of the taint; and
>
> (c) all those fourteen ancestors were born in the Britannic Isles to British parents.

Section 22. Status Recognition Certificate procedures

(1) A person claiming to be an Indigenous British Citizen may apply to the Secretary of State for a Status Recognition Certificate.

(2) A person who is an Indigenous British Citizen is not required to obtain a Status Recognition Certificate but may be required to produce documentary evidence of that status when asserting rights, applying for employment, applying for benefits or services, or sponsoring a spouse.

(3) An application under subsection (1) must be accompanied by birth certificates or certified equivalent documentary evidence for the person and for all fourteen ancestors, or by certification from an approved identity provider under section 45 that such documentary evidence has been verified.

(4) Where one or more birth certificates cannot be obtained for reasons outside the applicant's control, the Secretary of State may accept alternative evidence including parish register entries, census records, statutory declarations by two Indigenous British Citizens with personal knowledge, or other corroborative documentary evidence.

(5) Where the Confidence Index equals fourteen, the Secretary of State must issue a Status Recognition Certificate without discretion or delay.

(6) Where the Confidence Index is less than fourteen:

> (a) the person is classified as Inherited Conditional British Citizen; and
>
> (b) the Secretary of State must specify in writing which certificates are missing; and
>
> (c) the person may apply for reclassification as Indigenous British Citizen within five years of initial classification upon production of the missing certificates; and
>
> (d) after five years, the classification as Inherited Conditional British Citizen becomes permanent and may not be reopened save for manifest clerical error.

Section 23. Rights and privileges

(1) An Indigenous British Citizen has the right to enter and remain in the United Kingdom without restriction.

(2) An Indigenous British Citizen has the right to vote in all parliamentary elections, local elections, and referendums.

(3) An Indigenous British Citizen is eligible to stand for election to public office and to hold public office without restriction, subject to section 286.

(4) An Indigenous British Citizen is entitled to the full protection of the law and to all services provided by public authorities without condition.

Section 24. Inalienability of indigenous status

(1) Indigenous British Citizen status may not be revoked, cancelled, or removed except as provided in section 40.

(2) An Indigenous British Citizen may be temporarily expelled from the United Kingdom for a period not exceeding ten years in accordance with section 227, but such expulsion does not extinguish the person's status as an Indigenous British Citizen.

(3) An Indigenous British Citizen who is temporarily expelled under section 227 is entitled to return to the United Kingdom automatically upon the expiry of the expulsion period and the person's passport must be reissued upon return.

Inherited Conditional British Citizens

Section 25. Acquisition by birth in Britannic Isles to British parent

(1) A person is an Inherited Conditional British Citizen if that person was born in the Britannic Isles and at least one parent of that person is a British parent as defined in section 9.

(2) A person who would be an Indigenous British Citizen under section 18 is not an Inherited Conditional British Citizen.

(3) A person born in the Britannic Isles to two non-British parents, neither of whom satisfies section 9, is not an Inherited Conditional British Citizen and is a Visitor notwithstanding birth on British soil.

(4) Where one parent is a British parent and the other is not, the child's classification is determined solely by the matrix in Schedule 4 (Indigenous, ICBC, Subject, Visitor) without discretion.

(5) No discretion, humanitarian ground, or ministerial order shall confer Inherited Conditional British Citizenship outside the criteria of this section.

Section 26. Conditions where not all fourteen ancestors meet indigenous test

(1) An Inherited Conditional British Citizen is subject to the conditions set out in this section.

(2) The person must comply with all requirements imposed by immigration officers and with all conditions attached to their status by the Secretary of State.

(3) The person is subject to National Integrity Assessment at five-yearly intervals in accordance with Part 5.

(4) The person's status may be revoked in accordance with Part 8 where the National Integrity Assessment produces a score below zero or where the person is convicted of an offence specified in section 215.

Section 27. ICBC from Tier B or Tier C background

(1) An Inherited Conditional British Citizen who is descended from a Tier B country national or a Tier B country national is subject to enhanced scrutiny under the National Integrity Assessment.

(2) For the purposes of subsection (1), a person is descended from a Tier B country national if any of the fourteen ancestors married a Tier B country national.

(3) For the purposes of subsection (1), a person is descended from a Tier C country national if either parent is a national of a Tier B country.

(4) Where subsection (1) applies, the criminality factor in the National Integrity Assessment formula is multiplied by two.

(5) Where subsection (1) applies and the person is convicted of any of the specific offences listed in section 215, the person's status is automatically revoked and the person is removed in accordance with section 218 regardless of the National Integrity Assessment score.

Section 28. Rights equivalent to indigenous citizens

(1) Subject to the conditions in section 26, an Inherited Conditional British Citizen has the same rights as an Indigenous British Citizen, including the right to vote and the right to stand for public office.

(2) An Inherited Conditional British Citizen is entitled to the full protection of the law and to all services provided by public authorities on the same terms as an Indigenous British Citizen.

(3) An Inherited Conditional British Citizen may be temporarily expelled from the United Kingdom for a period not exceeding twenty-five years in accordance with section 227, but such expulsion does not extinguish the person's status as an Inherited Conditional British Citizen.

Section 29. Path to indigenous status through generational time

(1) An Inherited Conditional British Citizen may become an Indigenous British Citizen where the requirements of section 18 are satisfied as the seventy-five year period rolls forward.

(2) Subsection (1) does not apply where any ancestor within the relevant seventy-five year period married a Tier B country national, unless reconnection has occurred under section 21.

(3) The Secretary of State must review the status of an Inherited Conditional British Citizen at the time of each National Integrity Assessment to determine whether the person has become eligible for Indigenous British Citizen status under subsection (1).

Section 30. Stability of children's ICBC status

(1) The status of a child who is an Inherited Conditional British Citizen is determined at birth and is unaffected by any subsequent change in the status of either parent, save where the child's status was obtained by fraud.

(2) Where both parents of a child who is an Inherited Conditional British Citizen lose their status under Part 8, the child is removed from the United Kingdom with both parents but retains Inherited Conditional British Citizen status and may return to the United Kingdom upon attaining the age of eighteen.

(3) Where one parent of a child who is an Inherited Conditional British Citizen loses their status under Part 8 and the other parent retains their status, the child remains in the United Kingdom with the parent who retains status.

(4) Where one parent of a child who is an Inherited Conditional British Citizen is an Indigenous British Citizen or a Hereditary British Citizen, the child remains in the United Kingdom with that parent regardless of any change in the other parent's status.

Hereditary Citizens

Section 31. Birth overseas to British citizen parent

(1) A person is a Hereditary British Citizen if:

(a) born outside the Britannic Isles;

(b) one parent was an Indigenous British Citizen or Inherited Conditional British Citizen at the time of the child's birth;

(c) the birth was registered with a United Kingdom consulate within five years; and

(d) the person was born in a Recognised State or Territory.

(1A) For the purposes of subsection (1)(b), the parent's status at the time of birth is determinative; subsequent loss of parental status does not affect the child's Hereditary status unless the parental status was obtained by fraud.

(2) A person born outside the Britannic Isles to a parent who is a Hereditary British Citizen is not a Hereditary British Citizen but is a Visitor.

a) This exclusion applies notwithstanding any later Act or Order unless that instrument expressly repeals or amends this subsection.

Section 32. One generation transmission only

(1) Hereditary British Citizen status is available for exactly one generation born outside the Britannic Isles to a qualifying British parent, provided the birth occurs in a Recognised State or Territory and is registered within five years.

(2) Hereditary British Citizen status transmits for one generation only. A child born outside the Britannic Isles to a Hereditary British Citizen parent does not acquire citizenship under this Act and is classified as a Visitor, regardless of whether both parents are Hereditary British Citizens.

(3) To transmit citizenship to a child born overseas, a Hereditary British Citizen must return to the Britannic Isles and have the child born within the Britannic Isles, whereupon that child acquires Inherited Conditional British Citizen status or Indigenous British Citizen status in accordance with section 18.

(4) For the purposes of this section, a child born in the Britannic Isles to a Hereditary British Citizen acquires Inherited Conditional British Citizen status regardless of the status of the other parent, unless the other parent is also an Indigenous British Citizen or an Inherited Conditional British Citizen and the child satisfies the requirements for Indigenous British Citizen status under section 18.

Section 33. Diplomatic and military service exception

(1) A child born outside the Britannic Isles to a British parent who is serving in an official Crown capacity at the time of birth is treated as if born in the Britannic Isles for the purposes of determining that child's status.

(2) For the purposes of subsection (1), official Crown capacity means employment as a member of the Diplomatic Service of the Foreign, Commonwealth and Development Office, as a member of His Majesty's Armed Forces on deployment, or as a member of the Secret Intelligence Service, the Security Service, or the Government Communications Headquarters.

(3) A child to whom subsection (1) applies acquires the same status that the child would have acquired if born in the Britannic Isles, being either Indigenous British Citizen status or Inherited Conditional British Citizen status depending on whether the requirements of section 18 are satisfied.

(4) Official Crown capacity does not include employment by a private contractor, even where that contractor provides services to the Crown.

Section 34. Registration requirements for births overseas

(1) The parent of a child born overseas who claims that the child is a Hereditary British Citizen must register the birth with a United Kingdom consulate within five years of the date of birth.

(2) Late registration is permitted only where the failure to register within five years was due to war, armed conflict, or the closure of the United Kingdom consulate in the country of birth, and the registration must be made within twelve months of those circumstances ending.

(3) Failure to register within the time limits specified in subsections (1) and (2) results in the child being classified as a Visitor.

Section 35. Hereditary Eligible Persons provisions

(1) A person who satisfies the requirements for Hereditary British Citizen status but has not completed the assimilation requirements prescribed by the Secretary of State is a Hereditary Eligible Person.

(2) A Hereditary Eligible Person has provisional rights equivalent to those of a British Subject during the assimilation window.

(3) The assimilation window is five years from the date of first entry to the United Kingdom, extendable once by two years for good cause shown.

(4) The assimilation requirements include demonstration of English language proficiency, knowledge of life in the United Kingdom, and taking the oath of allegiance prescribed in section 38.

(5) Failure to complete the assimilation requirements within the assimilation window results in reclassification as an Inherited Conditional British Citizen or as a Visitor as appropriate.

Section 36. Provisional residence rights pending documentation

(1) A Hereditary Eligible Person may reside in the United Kingdom and work without restriction during the assimilation window.

(2) The rights conferred by subsection (1) are equivalent to those of a British Subject and are subject to the same conditions and restrictions.

(3) A Hereditary British Citizen may be permanently expelled from the United Kingdom in accordance with section 227, and such expulsion extinguishes the person's status as a Hereditary British Citizen.

(4) A Hereditary British Citizen who is permanently expelled under section 227 has no entitlement to return to the United Kingdom and the person's passport must not be reissued.

Section 37. Proof of lineage requirements

(1) A person claiming to be a Hereditary British Citizen must provide birth certificates for that person, for both parents, for all four grandparents, and for all eight great-grandparents, or must provide certification from an approved identity provider that such documentary evidence has been verified.

(2) Where a birth certificate cannot be obtained for reasons outside the person's control, the Secretary of State may accept alternative documentary evidence in accordance with section 22 subsection (4).

(3) The Secretary of State may require the person to attend an interview and to provide any other evidence reasonably required to establish the claim, but may not require the provision of biometric information save for the recording of travel to Tier B countries at the border as permitted by section 50.

Honorary Citizens

Section 38. Parliamentary grant of citizenship for exceptional service

(1) His Majesty may by letters patent or Parliament may by Act grant Honorary British Citizen status to a person who has rendered exceptional service to the United Kingdom.

(2) Exceptional service includes service in war, significant contributions to science, medicine, the arts, or culture, or other service of such exceptional character as to merit recognition by the grant of citizenship.

Section 39. Procedures for nomination and approval

(1) A nomination for Honorary British Citizen status may be made by a Minister of the Crown or by not fewer than one hundred Members of the House of Commons.

(2) A nomination under subsection (1) must set out in detail the grounds on which it is claimed that the person has rendered exceptional service.

(3) The nomination must be approved by resolution of both Houses of Parliament.

Section 40. Rights and limitations

(1) An Honorary British Citizen has the same rights as an Indigenous British Citizen, including the right to vote and the right to stand for election to public office, subject to section 286.

(2) Honorary British Citizen status does not extend to the spouse or children of the Honorary British Citizen.

(2) An Honorary British Citizen may be permanently expelled from the United Kingdom in accordance with section 227, and such expulsion extinguishes the person's status as an Honorary British Citizen.

(4) An Honorary British Citizen who is permanently expelled under section 227 has no entitlement to return to the United Kingdom and the person's passport must not be reissued.

Section 41. Non-transferability and non-heritability

(1) Honorary British Citizen status is strictly non-heritable, non-transferable, and personal to the grantee. Honorary British Citizen status is personal to the person to whom it is granted and does not pass to any other person by marriage, descent, or any other means.

(2) A child born to an Honorary British Citizen is an Inherited Conditional British Citizen if born in the Britannic Isles, or a Visitor if born overseas.

(3) Parliament must maintain a register of all Honorary British Citizens granted under this section, recording the date of grant and the instrument by which granted.

(4) No Act or instrument granting Honorary British Citizenship may name more than one person unless each person is individually identified by full name and date of birth.

(5) Any purported grant of Honorary British Citizenship to a person identified only by class, description, group membership, or other collective designation is void ab initio.

Any attempt to circumvent this section by issuing concurrent or serial instruments of identical effect shall constitute one single act for the purposes of subsection (3).

Honorary British Citizenship confers ceremonial dignity only and shall not confer rights of residence, voting, or public office unless specifically authorised.

Section 42. Revocation provisions

(1) Honorary British Citizen status may be revoked by resolution of both Houses of Parliament at any time.

(2) The threshold for revocation under subsection (1) is lower than the threshold for deprivation of Indigenous British Citizen status under section 40, and

revocation may be made on grounds including conduct unbecoming, conviction of any criminal offence, or conduct prejudicial to the interests of the United Kingdom. Revocation under this section extinguishes all rights immediately upon parliamentary resolution; no residual privileges continue thereafter.

Status Recognition and Documentation

Section 43. Status Recognition Certificate system

(1) The Secretary of State must issue a Status Recognition Certificate to every person who establishes eligibility for Indigenous British Citizen status, Inherited Conditional British Citizen status, Hereditary British Citizen status, or Honorary British Citizen status and who applies for such a certificate.

(2) A Status Recognition Certificate is conclusive evidence of the status stated in it unless and until that status is varied or revoked in accordance with this Act.

(3) A Status Recognition Certificate may be issued in physical form only and may not be issued in digital form.

(4) No citizen is required to obtain a Status Recognition Certificate, but a citizen may be required to produce documentary evidence of status when asserting rights, applying for employment, applying for benefits or services, or sponsoring a spouse or other person.

Section 44. Birth certificate requirements

(1) An application for a Status Recognition Certificate must be accompanied by birth certificates for the applicant and for the fourteen ancestors where the applicant claims Indigenous British Citizen status, or by birth certificates for the applicant and for the ancestors required to establish Inherited Conditional British Citizen status or Hereditary British Citizen status.

(2) Birth certificates must be originals or certified copies issued by the General Register Office or by an equivalent registration authority approved by the Secretary of State, or the applicant may provide certification from an approved identity provider that electronic records of such birth certificates have been verified.

(3) Where an applicant provides certification from an approved identity provider, that certification is treated as equivalent to the production of birth certificates for the purposes of this section.

Section 45. Identity provider framework

(1) The Secretary of State may approve identity providers for the purpose of verifying and storing documentary evidence required for Status Recognition Certificates.

(2) An approved identity provider must be a company incorporated in the United Kingdom, must have its principal place of business in the United Kingdom, must be wholly owned by British indigenous citizens, and must be wholly operated by indigenous British citizens.

(3) An approved identity provider must use secure methods to store documentary evidence and must be able to produce that evidence to the Secretary of State or to an immigration officer on demand.

(4) A person may use an approved identity provider to submit an application for a Status Recognition Certificate without submitting paper copies of birth certificates, provided that the identity provider certifies that it holds electronic records of the original documents or certified copies and that those records have been verified.

Section 46. Zero-knowledge proof requirements

(1) An approved identity provider must use cryptographic methods including zero-knowledge proofs or equivalent anonymisation techniques to verify the accuracy of information without disclosing the identity of the person to whom the information relates except where disclosure is required by law or by order of a court.

(2) The Secretary of State may by regulations prescribe standards for cryptographic methods and for the security of data held by identity providers.

(3) An approved identity provider must not share personal information with any person save where required by law, by order of a court, or with the express consent of the person to whom the information relates.

Section 47. Digital identity systems

(1) The Secretary of State is prohibited from establishing any digital identity system in respect of any person who is an Indigenous British Citizen, an Inherited Conditional British Citizen, a Hereditary British Citizen, or an Honorary British Citizen.

(2) The Secretary of State may establish a register recording the name, date of birth, place of birth, and status of persons classified under this Act, but that register may not include biometric information in respect of citizens or information unrelated to it.

(3) Subsection (1) does not prevent the Secretary of State from recording travel records at the border for the purpose of monitoring travel to Tier B countries under the National Integrity Assessment, provided that such records do not include biometric information beyond that contained in a passport photograph.

Section 48. Reusable certification process

(1) A Status Recognition Certificate is valid for the lifetime of the holder unless the status is varied or revoked.

(2) A person who has been issued a Status Recognition Certificate may use that certificate as evidence of status for any purpose including applications for employment, applications for services, and border crossings.

(3) A person who has not been issued a Status Recognition Certificate may produce birth certificates or other documentary evidence as proof of status for any purpose.

Section 49. General Register Office cooperation

(1) The Registrar General must provide to the Secretary of State such information from the General Register Office as the Secretary of State reasonably requires for the purposes of verifying applications for Status Recognition Certificates.

(2) The provision of information under subsection (1) does not breach any duty of confidentiality and is not a contravention of any data protection legislation.

Section 50. Biometric collection prohibited

(1) The Secretary of State, an immigration officer, and any other public authority is prohibited from requiring any person who is an Indigenous British Citizen, an Inherited Conditional British Citizen, a Hereditary British Citizen, or an Honorary British Citizen to provide fingerprints, iris scans, facial recognition data beyond a passport photograph, DNA samples, or any other biometric information for the purpose of determining that person's status under this Act, for the purpose of issuing a Status Recognition Certificate, or for any other purpose connected with the administration of this Act.

(2) Subsection (1) does not prevent the recording at the border of:

(a) travel document details including document number and photograph contained therein;

(b) entry and exit dates;

(c) destination and origin information provided by the carrier; and

(d) such other information as is reasonably necessary to determine travel patterns to Tier B countries for the purposes of the National Integrity Assessment,

provided that no biometric information beyond that contained in the travel document is collected or stored.

(3) Subsection (1) does not apply to the collection of biometric information by a police officer for the purpose of investigating a criminal offence where that collection is authorised by a judicial warrant.

(4) Any biometric information collected in contravention of subsection (1) is inadmissible in any proceedings and must be destroyed immediately upon discovery of the contravention.

Adoption

Section 51. Adopted children acquire Inherited Conditional British Citizen status

(1) Where a child is adopted under the law of England and Wales, Scotland, or Northern Ireland by a parent who is an Indigenous British Citizen, an Inherited Conditional British Citizen, a Hereditary British Citizen, or an Honorary British Citizen, the child acquires Inherited Conditional British Citizen status with effect from the date of the adoption order.

(2) An adopted child does not acquire Indigenous British Citizen status by virtue of adoption, regardless of the status of the adoptive parent.

(3) For the purposes of determining whether an adopted child may later qualify for Indigenous British Citizen status under section 29, the adoptive parents' lineage is substituted for the child's biological lineage.

Section 52. Inter-country adoption provisions

(1) Where a child is adopted under the law of a country outside the United Kingdom, that adoption is recognised for the purposes of this Act if the adoption order is recognised under the law of England and Wales, Scotland, or Northern Ireland.

(2) The Secretary of State may by regulations prescribe the criteria for recognition of foreign adoption orders.

(3) A child adopted under the law of a foreign country acquires Inherited Conditional British Citizen status if the adoption is recognised under subsection (1) and the adoptive parent is a British citizen.

Section 53. Adult adoption does not confer citizenship

(1) Where a person is adopted after attaining the age of eighteen, that adoption does not confer any status under this Act.

(2) An adoption that takes place after the child has attained the age of five does not transmit any Tier B taint from the adoptive parent to the child for the purposes of section 20.

Section 54. Anti-fraud provisions

(1) Where an adoption is shown to have been effected for the purpose of conferring status under this Act and not for the purpose of establishing a genuine parent-child relationship, the adoption is disregarded for the purposes of this Act.

(2) A person who makes arrangements for a sham adoption or who participates in a sham adoption commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding five years.

Section 55. Recognition of foreign adoption orders

(1) The Secretary of State must maintain a list of countries whose adoption orders are automatically recognised for the purposes of this Act.

(2) An adoption order from a country not on the list maintained under subsection (1) may be recognised if the Secretary of State is satisfied that the adoption was effected in accordance with standards equivalent to those applicable in the United Kingdom.

PART 3 — BRITISH SUBJECTS

Acquisition of Subject Status

Section 56. Marriage to British citizen from approved country

(1) A person who marries a British citizen and who is a national of an Approved Country acquires the status of British Subject with effect from the date of the marriage.

(2) For the purposes of subsection (1), an Approved Country is any country that is not listed in Schedule 10 as a Tier B Country.

(3) A person who is a national of a Tier B Country does not acquire British Subject status by marriage to a British citizen and remains classified as a Visitor.

(4) Acquisition of British Subject status under this section is immediate upon production of satisfactory evidence of the marriage and of the nationality of the person claiming status.

(5) No application process, waiting period, or administrative procedure is required beyond the production of evidence specified in subsection (4).

Section 57. Birth in United Kingdom Overseas Territory

(1) A person born in a United Kingdom Overseas Territory listed in Schedule 3 acquires British Subject status by birth.

(2) For the purposes of subsection (1), United Kingdom Overseas Territory includes Gibraltar, the Falkland Islands, the British Virgin Islands, the Cayman Islands, Bermuda, and such other territories as are specified in Schedule 3.

(3) British Subject status acquired under this section is permanent and is not affected by any change in marital status.

Section 58. Instant recognition upon proof

(1) The Secretary of State must issue a British Subject document to any person who produces satisfactory evidence of entitlement under section 56 or section 57.

(2) Satisfactory evidence for the purposes of section 56 consists of a marriage certificate recognised under the law of England and Wales, Scotland, or Northern Ireland, evidence of the identity and nationality of both parties to the marriage, and a Status Recognition Certificate or equivalent evidence that one party is a British citizen.

(3) Satisfactory evidence for the purposes of section 57 consists of a birth certificate showing birth in a United Kingdom Overseas Territory.

Section 59. Documentation requirements

(1) The British Subject document issued under section 58 is in a form prescribed by the Secretary of State and serves as evidence of the holder's status.

(2) The British Subject document has the appearance and format of a passport and is valid for a period of ten years from the date of issue.

(3) A British Subject may use the British Subject document for the purpose of entering and leaving the United Kingdom and for the purpose of proving status to employers, landlords, and providers of services.

Rights and Obligations

Section 60. Right to live and work in United Kingdom

(1) A British Subject has the right to enter and remain in the United Kingdom without restriction.

(2) A British Subject has the right to work in the United Kingdom in any capacity without the need for any work permit or other authorisation.

(3) A British Subject has the right to establish and operate a business in the United Kingdom on the same terms as a British citizen.

Section 61. Passport-equivalent documentation

(1) The British Subject document issued under section 58 serves as a travel document and may be used for international travel in the same manner as a passport.

(2) The British Subject document must be recognised by carriers and by border authorities as valid travel documentation.

(3) The Secretary of State may enter into arrangements with other countries for the recognition of the British Subject document for the purposes of visa-free travel or other facilitation.

Section 62. Border crossing rights

(1) A British Subject is entitled to use the channel designated for British citizens at ports of entry to the United Kingdom.

(2) A British Subject is not required to complete any immigration forms or to undergo examination by an immigration officer save where the immigration officer has reasonable grounds to suspect that the person is not entitled to British Subject status or that the person presents a security risk.

Section 63. Equivalence to former leave to remain

(1) British Subject status confers rights equivalent to those formerly conferred by indefinite leave to remain under the repealed enactments, but British Subject status is not indefinite leave to remain and is not a form of settlement.

(2) British Subject status is conditional upon the continuation of the qualifying marriage under section 56 or upon birth in a United Kingdom Overseas Territory under section 57.

Section 64. Conditionality upon marriage or territorial connection

(1) British Subject status acquired under section 56 ceases to have effect upon the termination of the marriage by divorce or annulment.

(2) British Subject status acquired under section 57 is not conditional upon any continuing connection to the United Kingdom Overseas Territory and does not cease upon relocation to the United Kingdom or to another country.

Section 65. Subject to National Integrity Assessment

(1) A British Subject is subject to National Integrity Assessment at five-yearly intervals in accordance with Part 5.

(2) Where a National Integrity Assessment produces a score below zero, the British Subject's status is revoked and the person is removed in accordance with Part 8.

(3) Where a National Integrity Assessment produces a score between zero and nine, the Secretary of State has discretion to revoke the status or to retain it subject to conditions.

(4) Where a National Integrity Assessment produces a score of ten or above, the British Subject's status is retained until the next assessment.

Termination of Subject Status

Section 66. Divorce from British citizen spouse

(1) Where a British Subject acquired that status under section 56 and the marriage to the British citizen is terminated by divorce or annulment, the person's status as a British Subject ceases with effect from the date on which the decree of divorce or decree of annulment is made absolute or final.

(2) A person whose status ceases under subsection (1) is reclassified as a Visitor and has thirty days from the date on which the decree is made absolute or final to depart from the United Kingdom voluntarily.

(3) Where the person does not depart within thirty days, the person is liable to removal in accordance with Part 8.

Section 67. Automatic reversion to visitor status

(1) The reclassification under section 66 takes effect automatically without the need for any decision or notice by the Secretary of State.

(2) The person whose status has ceased under section 66 must surrender the British Subject document to the Secretary of State within fourteen days of the date on which the decree is made absolute or final.

(3) Failure to surrender the document within the time specified in subsection (2) is an offence and the person is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Section 68. Criminality provisions

(1) Where a British Subject is convicted of an offence and is sentenced to a term of imprisonment of twelve months or more, the Secretary of State must revoke the person's status unless there are exceptional circumstances that make revocation unjust.

(2) For the purposes of subsection (1), sentences include consecutive or concurrent sentences that amount in aggregate to twelve months or more, and include suspended sentences.

(3) For the purposes of subsection (1), a conviction in a court outside the United Kingdom is treated as a conviction in the United Kingdom if the conduct would constitute an offence under the law of England and Wales, Scotland, or Northern Ireland.

Section 69. United Kingdom Overseas Territory subjects unaffected

(1) Section 66 does not apply to a British Subject who acquired that status under section 57.

(2) A British Subject who acquired status under section 57 retains that status regardless of marriage, divorce, or any other change in personal circumstances, subject to revocation under section 68 or under Part 5.

Section 70. Notice and fast-track removal procedures

(1) Where a British Subject's status is revoked under section 68 or under Part 5, the Secretary of State must give notice in writing to the person.

(2) The notice under subsection (1) must specify the date on which the revocation takes effect and must inform the person that the person has fourteen days from that date to depart from the United Kingdom voluntarily.

(3) Where the person does not depart within fourteen days, the person is liable to removal in accordance with Part 8.

(4) A British Subject may be permanently expelled from the United Kingdom in accordance with section 227, and such expulsion extinguishes the person's status as a British Subject.

(5) A British Subject who is permanently expelled under section 227 has no entitlement to return to the United Kingdom.

Marriage Restrictions

Section 71. No Subject status for Tier B nationals

(1) A person who is a national of a Tier B Country does not acquire British Subject status upon marriage to a British citizen.

(2) A person described in subsection (1) remains classified as a Visitor regardless of the duration or nature of the marriage.

(3) A child born in the United Kingdom to a British citizen and to a Tier B national is an Inherited Conditional British Citizen in accordance with section 25, with the Tier B taint recorded under section 20 for the purposes of determining Indigenous status of future generations, and is subject to enhanced scrutiny under section 27 for the purposes of the National Integrity Assessment.

(4) A child born outside the United Kingdom to a British citizen and to a Tier B country national is a Visitor and does not acquire any citizenship status under this Act.

Section 72. Existing marriages at commencement

(1) Where a person held British Subject status or any equivalent status under the repealed enactments by reason of marriage to a British citizen, and that person is a national of a Tier B Country, the person's status is revoked with effect from the date of commencement.

(2) A person whose status is revoked under subsection (1) is reclassified as a Visitor and is granted an extended visitor permission of ninety days from the date of commencement to regularise their status or to depart from the United Kingdom.

(3) No refund of any fees paid in connection with the acquisition of status under the repealed enactments is payable by reason of revocation under this section.

(4) No appeal lies against revocation under this section.

Culturally Distant Countries

Section 73. Statutory list maintenance

(1) The Secretary of State must maintain a list of Tier B Countries, being countries whose culture is substantially different from that of the United Kingdom.

(2) The list of Tier B Countries is set out in Schedule 10 and may be amended in accordance with this Chapter.

(3) The determination that a country's culture is substantially different from that of the United Kingdom is a matter for the Secretary of State and is not justiciable.

All ministerial powers under this Act are executory only; they do not include discretion to create, modify, or expand any category of citizenship.

Section 74. Criteria for inclusion

(1) In determining whether a country should be included in Schedule 10, the Secretary of State may have regard to any factors deemed relevant given in Schedule 9 of this Act.

(2) The Secretary of State may determine that a country should be included in where two or more of the factors in subsection (1) apply, but the Secretary of State is not required to apply any particular test and may determine that a country should be included on other grounds or on a single ground where the Secretary of State considers it appropriate.

(3) The Secretary of State's determination under this section is not justiciable and no court may review the merits of the inclusion or exclusion of a country from Schedule 10.

Section 75. Initial Tier B countries

(1) The countries listed in Schedule 10 as at the date of commencement are given in Schedule 10 of this Act.

(2) The inclusion of a country in Schedule 10 as at the date of commencement does not prevent the Secretary of State from removing that country from Schedule 10 in accordance with section 76.

Section 76. Annual review of Tier B

(1) The Secretary of State must review Schedule 10 at intervals of not more than twelve months.

(2) Following a review under subsection (1), the Secretary of State may by order made by statutory instrument add a country to Schedule 10 or remove a country from Schedule 10.

(3) An order under subsection (2) that adds a country to Schedule 10 is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) An order under subsection (2) that removes a country from Schedule 10 is subject to annulment in pursuance of a resolution of either House of Parliament.

Section 77. Parliamentary approval for additions and removals

(1) An order under section 76 subsection (2) must be laid before Parliament within five sitting days of being made.

(2) If either House of Parliament resolves within forty sitting days that the order should be annulled, the order ceases to have effect, but without prejudice to the making of a new order.

(3) The presumption is that an order under section 76 subsection (2) stands unless Parliament resolves to annul it.

Section 78. Emergency additions by Order in Council

(1) Where the Secretary of State is satisfied that a country should be added to Schedule 10 as a matter of urgency by reason of national security, terrorism, or a grave threat to public order, the Secretary of State may recommend to His Majesty in Council that the country be added to Schedule 10 by Order in Council.

(2) An Order in Council under subsection (1) takes effect immediately upon being made and does not require Parliamentary approval.

(3) The Secretary of State must notify Parliament of the making of an Order in Council under subsection (1) within five sitting days of the Order being made.

(4) An Order in Council under subsection (1) remains in force unless Parliament resolves within twenty-eight sitting days that the Order should be revoked, in which case the Order ceases to have effect.

High Criminality Indicators

Section 79. Countries with demonstrated high criminality among UK immigrant populations

(1) The Secretary of State must maintain a list of Tier C Countries, being countries whose nationals have demonstrated high criminality rates among United Kingdom immigrant populations.

(2) The list of Tier C Countries is set out in Schedule 11.

Section 80. Criteria

(1) A country is included in Schedule 11 where evidence demonstrates any of the following:

(a) nationals of that country are over-represented in the prison population of the United Kingdom relative to their representation in the general population;

(b) nationals of that country have been convicted in significant numbers of specific types of offences including but not limited to organised grooming of children, drug trafficking, gang violence, or rape;

(c) evidence from other European countries demonstrates that nationals of that country have high criminality rates in those countries and that pattern is likely to be transferable to the United Kingdom.

(2) The evidence on which a determination under subsection (1) is based must be published by the Secretary of State and must include references to official statistics from the Ministry of Justice, the Office for National Statistics, the Police National Computer, or equivalent sources from other countries.

Section 81. Initial Tier C countries

(1) The countries listed in Schedule 11 as at the date of commencement are designated for the purposes of this Act

(2) The inclusion of a country in Schedule 11 as at the date of commencement does not prevent the Secretary of State from removing that country from Schedule 11 in accordance with section 83.

Section 82. Effects on Integrity Assessment

(1) Where an Inherited Conditional British Citizen or a British Subject is a national of a Tier C Country or is directly descended from a national of a Tier C Country, the criminality factor in the National Integrity Assessment formula is multiplied by two.

(2) For the purposes of subsection (1), a person is directly descended from a national of a Tier C Country if either parent is a national of a Tier C Country.

Section 83. Enhanced visa scrutiny

(1) The Secretary of State may subject applications for visitor permissions from nationals of Tier C Countries to enhanced scrutiny including additional background checks and additional evidence requirements.

(2) Enhanced scrutiny under subsection (1) does not constitute discrimination for the purposes of any enactment prohibiting discrimination.

Section 84. Annual review based on updated data

(1) The Secretary of State must review Schedule 11 at intervals of not more than twelve months using updated statistical data.

(2) Following a review under subsection (1), the Secretary of State may by order made by statutory instrument add a country to Schedule 11 or remove a country from Schedule 11.

(3) An order under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament in accordance with the procedure set out in section 77.

PART 4 — VISITORS

Visitor Framework

Section 85. Definition

(1) A Visitor is any person who is not an Indigenous British Citizen, an Inherited Conditional British Citizen, a Hereditary British Citizen, an Honorary British Citizen, or a British Subject.

(2) Every person within the jurisdiction of the United Kingdom who does not hold one of the statuses referred to in subsection (1) is a Visitor regardless of the purpose, nature, or duration of their presence.

(3) All asylum seekers, all persons claiming refugee status, all persons claiming protection on humanitarian grounds, and all persons formerly holding indefinite leave to remain or settlement under the repealed enactments are classified as Visitors unless they qualify for citizenship or British Subject status under this Act.

Section 86. Default visa requirement and background vetting

(1) Every Visitor must obtain a visa or other authorisation from the Secretary of State before approaching the border of the United Kingdom, save where the person is exempt under section 157 or section 160.

(2) The Secretary of State may refuse to grant a visa or other authorisation to any person without giving reasons and without any right of appeal.

(3) Before granting a visa or other authorisation, the Secretary of State must conduct background checks including checks of criminal records, security databases, and such other checks as the Secretary of State considers appropriate.

Section 87. No pathway to citizenship except through approved marriage or Parliamentary grant

(1) A Visitor may not acquire citizenship of the United Kingdom by any means save by marriage to a British citizen in accordance with section 56, provided that the Visitor is not a national of a Tier B Country, or by Parliamentary grant in accordance with section 38.

(2) No length of residence, no employment, no investment, no purchase of property, and no other connection to the United Kingdom creates any entitlement to citizenship or to British Subject status.

Section 88. All temporary permissions are visits regardless of purpose

(1) All permissions granted to Visitors under this Part are temporary and are described as visitor permissions regardless of the stated purpose of the visit.

(2) A visitor permission may be granted for the purposes of tourism, business, study, medical treatment, marriage, or any other lawful purpose, but in every case the permission is a visitor permission and confers no right to remain beyond the period specified.

Section 89. Leave to remain abolished

(1) No provision of this Act authorises the grant of leave to enter, leave to remain, indefinite leave to remain, settlement, or any other status that was available under the repealed enactments.

(2) Any reference in any enactment to leave to enter or leave to remain is to be construed, where the context permits, as a reference to a visitor permission under this Part.

Visitor Permissions

Section 90. Default thirty-day stamp

(1) Where a Visitor enters the United Kingdom without having obtained a visa or other advance authorisation specifying a different period, the immigration officer must grant a visitor permission for a period of thirty days from the date of entry.

(2) The thirty-day period under subsection (1) may not be extended save in exceptional circumstances at the discretion of the Secretary of State.

Section 91. Extended stay periods

(1) The Secretary of State may grant a visitor permission for a period of up to one hundred and eighty days in any rolling twelve-month period.

(2) For the purposes of subsection (1), a rolling twelve-month period is calculated by reference to the date of each entry to the United Kingdom.

(3) Where a Visitor has been present in the United Kingdom for one hundred and eighty days in a rolling twelve-month period, the Visitor may not be granted any further visitor permission until the expiry of that twelve-month period.

Section 92. Study visits

(1) The Secretary of State may grant a visitor permission for the purpose of study at an educational institution approved by the Secretary of State.

(2) The duration of a visitor permission granted under subsection (1) is at the discretion of the Secretary of State and may exceed one hundred and eighty days where the course of study requires a longer period.

(3) A visitor permission granted under subsection (1) is renewable at the discretion of the Secretary of State for the duration of the course of study.

(4) A visitor permission granted under subsection (1) does not create any pathway to citizenship or to British Subject status and does not count as residence for any purpose.

Section 93. Business visits

(1) The Secretary of State may grant a visitor permission for the purpose of conducting business in the United Kingdom, including attending meetings, negotiating contracts, and engaging in other business activities that do not amount to employment.

(2) A visitor permission granted under subsection (1) is renewable at the discretion of the Secretary of State and may be granted for periods exceeding one hundred and eighty days where the business activities require a longer period.

(3) A Visitor holding a visitor permission granted under subsection (1) may not be employed by any person in the United Kingdom but may conduct business on behalf of an overseas employer or on a self-employed basis where the business does not require the Visitor to establish a place of business in the United Kingdom.

Section 94. Marriage visits

(1) The Secretary of State may grant a visitor permission for the purpose of marrying a British citizen in the United Kingdom.

(2) Where a Visitor marries a British citizen and the Visitor is a national of an Approved Country, the Visitor acquires British Subject status in accordance with section 56 with effect from the date of the marriage.

(3) Where a Visitor marries a British citizen and the Visitor is a national of a Tier B Country, the Visitor does not acquire British Subject status and remains a Visitor, and the Secretary of State may grant an extended visitor permission at discretion.

Section 95. Medical treatment visits

(1) The Secretary of State may grant a visitor permission for the purpose of receiving medical treatment in the United Kingdom.

(2) A visitor permission granted under subsection (1) is extendable for the duration of the medical treatment where the Secretary of State is satisfied that the treatment cannot reasonably be completed within the initial period granted.

(3) A Visitor holding a visitor permission granted under subsection (1) must pay all charges for medical treatment in accordance with section 308.

Section 96. Discretionary extensions

(1) The Secretary of State has discretion to extend any visitor permission for such period and subject to such conditions as the Secretary of State considers appropriate.

(2) An extension under subsection (1) is not appealable and no reasons need be given for a refusal to extend.

(3) The Secretary of State may impose conditions on an extension under subsection (1) including conditions as to residence, reporting, and restrictions on activities.

Section 97. Family members of long-term visitors

(1) Where a Visitor holds a visitor permission of more than six months duration, the spouse and minor children of that Visitor may be granted visitor permissions of the same duration.

(2) A visitor permission granted under subsection (1) is subject to the same conditions as the principal Visitor's permission and expires on the same date.

(3) Family members granted visitor permissions under subsection (1) do not acquire any independent right to remain and their permissions cease if the principal Visitor's permission is revoked or expires.

Conditions and Restrictions

Section 98. Conditions of each visit type

(1) Every visitor permission is subject to conditions, and the Secretary of State must specify the conditions applicable to each type of visitor permission by notice published and kept available for public inspection.

(2) Conditions may include but are not limited to restrictions on employment, restrictions on access to public funds, restrictions on study, reporting requirements, and residence requirements.

(3) A Visitor must comply with all conditions attached to the visitor permission and breach of any condition renders the Visitor liable to immediate removal in accordance with section 205.

Section 99. Work restrictions

(1) A Visitor may not work in the United Kingdom unless the visitor permission expressly permits work.

(2) For the purposes of subsection (1), work includes employment, self-employment, provision of services for payment, and any other activity undertaken for financial gain or reward.

(3) A Visitor who works in breach of subsection (1) commits an offence under section 297 and is liable to immediate removal.

Section 100. Study restrictions

(1) A Visitor may not study at an educational institution in the United Kingdom for a period exceeding six months unless the visitor permission expressly permits study.

(2) A Visitor who studies in breach of subsection (1) is liable to have the visitor permission revoked and is liable to immediate removal.

Section 101. Business activity permissions

(1) A Visitor holding a visitor permission granted under section 93 may engage in business activities specified in that permission.

(2) Business activities that may be permitted include attending meetings, negotiating contracts, conducting site visits, attending conferences, and other similar activities that do not amount to employment or establishment of a business in the United Kingdom.

(3) A Visitor holding a business visitor permission may receive payment from an overseas employer for work done during the visit but may not receive payment from a person or entity in the United Kingdom save for reimbursement of expenses.

Section 102. Breach of conditions triggers immediate removal

(1) Where an immigration officer or the Secretary of State has reasonable grounds to believe that a Visitor has breached any condition of the visitor permission, the immigration officer or the Secretary of State may direct the immediate removal of the Visitor.

(2) A removal direction under subsection (1) takes effect immediately upon being given and no notice period is required.

(3) A Visitor who is the subject of a removal direction under subsection (1) has no right to appeal save on the ground that a manifest procedural error has been made, and any such appeal must be brought within seven days in accordance with Part 12.

Section 103. Instant revocability of all visitor permissions

(1) The Secretary of State may revoke any visitor permission at any time without giving reasons and without any right of appeal.

(2) Where a visitor permission is revoked under subsection (1), the Visitor must leave the United Kingdom immediately and is liable to removal if the Visitor does not leave voluntarily.

(3) Revocation under subsection (1) does not require any notice period and takes effect from the moment the revocation is communicated to the Visitor by any means including electronic communication, telephone, or written notice.

(4) A Visitor may be permanently expelled from the United Kingdom in accordance with section 227.

(5) A Visitor who is permanently expelled under section 227 has no entitlement to return to the United Kingdom.

Children Born to Visitors

Section 104. No citizenship by birth on soil alone

(1) A child born in the United Kingdom does not acquire citizenship by reason of birth in the United Kingdom alone.

(2) A child born in the United Kingdom acquires citizenship only where at least one parent is a British parent as defined in section 9.

Section 105. Requirement for British parent

(1) For the purposes of section 104, a British parent is a parent who is an Indigenous British Citizen, an Inherited Conditional British Citizen, a Hereditary British Citizen, or an Honorary British Citizen.

(2) A British Subject is not a British parent for the purposes of section 104.

Section 106. Stateless children: Temporary Conditional British Status

(1) Where a child is born in the United Kingdom and would be stateless by reason of section 104, the Secretary of State must grant the child Temporary Conditional British Status.

(2) Temporary Conditional British Status confers no right of inheritance, no right of permanent settlement, and no pathway to citizenship before the child attains the age of eighteen.

(3) A child granted Temporary Conditional British Status under this section is subject to the following conditions:

(a) the child must be continuously resident in the United Kingdom from birth;

(b) the child must be registered with the Secretary of State within thirty days of birth;

(c) the child must not be convicted of any serious criminal offence;

(d) the parents must comply with all requirements imposed by the Secretary of State including reporting requirements.

(4) A person granted Temporary Conditional British Status who attains the age of eighteen may apply for Inherited Conditional British Citizen status within six months of attaining that age.

(5) An application under subsection (4) must be accompanied by evidence that all conditions in subsection (3) have been satisfied, including:

(a) documentary evidence of continuous residence from birth;

(b) school attendance records;

(c) certificate from the police that the person has no criminal convictions; and

(d) proof of registration under subsection (3)(b).

(6) Where the Secretary of State is satisfied that the conditions in subsection (3) have been satisfied, the Secretary of State must grant Inherited Conditional British Citizen status.

(7) Where an application is not made within six months of attaining the age of eighteen, or where the Secretary of State is not satisfied that the conditions have been satisfied, the person is reclassified as a Visitor and is liable to removal.

Section 107. TCBS conditions and non-heritability before age eighteen

(1) Temporary Conditional British Status grants the child the right to remain in the United Kingdom and the right to access education and healthcare.

(2) Temporary Conditional British Status does not grant the child the right to vote, the right to hold public office, or any right that is reserved to citizens.

(3) A child holding Temporary Conditional British Status does not transmit any status to that child's own children, and any child born to a person holding Temporary Conditional British Status is a Visitor.

Section 108. Adult without conversion: reclassified as Visitor

(1) Where a person holding Temporary Conditional British Status attains the age of eighteen and does not satisfy the conditions for automatic conversion to

Inherited Conditional British Citizen status under section 106 subsection (4), that person is reclassified as a Visitor with effect from the person's eighteenth birthday.

(2) A person reclassified as a Visitor under subsection (1) is liable to immediate removal and must leave the United Kingdom within thirty days of attaining the age of eighteen.

(3) No appeal lies against reclassification under this section save on the ground that a manifest procedural error has been made in determining whether the conditions in section 106 subsection (3) were satisfied.

Age Assessment

Section 109. Scientific age assessment mandatory for disputed ages

(1) Where an immigration officer or the Secretary of State reasonably suspects that a person claiming to be under the age of eighteen is not under that age, the immigration officer or the Secretary of State may require the person to submit to scientific age assessment.

(2) Scientific age assessment comprises dental examination including X-ray of teeth development, wrist X-ray for bone ossification analysis, and such other scientific methods as are prescribed by the Secretary of State.

(3) Scientific age assessment must be conducted by a qualified medical practitioner whose name appears on a list of approved practitioners maintained by the Secretary of State.

(4) A person who is required to submit to scientific age assessment under this section must attend the assessment and must cooperate fully with the medical practitioner conducting the assessment.

Section 110. Presumption from scientific assessment

(1) The result of a scientific age assessment conducted in accordance with section 109 is conclusive as to the person's age unless a manifest factual error is shown.

(2) Where a person refuses to submit to scientific age assessment or refuses to cooperate with the medical practitioner conducting the assessment, the immigration officer or the Secretary of State must presume that the person is twenty-five years of age.

(3) The result of a scientific age assessment is admissible in all proceedings under this Act and in all criminal proceedings.

(4) No appeal lies against the result of a scientific age assessment save on the ground that a manifest factual error has been made in the conduct of the assessment or in the recording of the result.

Section 111. Age dispute threshold

(1) An immigration officer or the Secretary of State may require a person to submit to scientific age assessment where the claimed age and the person's physical appearance differ by five years or more.

(2) An immigration officer or the Secretary of State has discretion to require a person to submit to scientific age assessment in any case where there is reasonable doubt as to the person's claimed age, regardless of whether the difference is five years or more.

Section 112. Safeguards

(1) Where a scientific age assessment is to be conducted on a person who appears to be under the age of sixteen, an appropriate adult must be present during the assessment.

(2) For the purposes of subsection (1), an appropriate adult is a social worker, a parent or guardian, or another adult approved by the immigration officer or the Secretary of State.

(3) Medical practitioners conducting scientific age assessments must comply with all applicable professional standards and medical ethics requirements.

(4) The results of scientific age assessments are confidential and may be disclosed only for the purposes of immigration proceedings, criminal proceedings, or other proceedings relating to the person's age or status.

Enhanced Commercial Visitor Status

Section 113. Commercial visitor permissions

(1) A person classified as a Visitor under section 11 may be granted enhanced commercial permissions where the Secretary of State is satisfied that such permissions serve the economic interests of the United Kingdom.

(2) Enhanced commercial permissions may include:

a) authority to establish or acquire interests in companies registered in the United Kingdom;

b) authority to acquire or hold interests in land or property for investment purposes;

c) authority to participate in investment opportunities as may be available to holders of a United Kingdom Investment Passport granted under separate enactment;

d) authority to remain in the United Kingdom for periods exceeding those ordinarily available to Visitors, subject to mandatory absences as prescribed; and

e) such other commercial activities as the Secretary of State may specify by order.

Section 114. Duration and conditions

(1) Enhanced commercial permissions granted under section 113 shall be for such period as the Secretary of State considers appropriate, not exceeding five years on any single grant.

(2) The Secretary of State may impose conditions including but not limited to:

a) minimum levels of investment or economic activity;

b) requirements for periodic reporting;

c) restrictions on the type or location of commercial activity;

d) requirements for residence outside the United Kingdom for specified periods; and

e) prohibitions on access to public funds or employment of United Kingdom workers.

(3) Permissions granted under this section are renewable at the absolute discretion of the Secretary of State and no person shall acquire any legitimate expectation of renewal.

Section 115. No pathway to citizenship

(1) Enhanced commercial permissions granted under section 113 do not create, and shall not be construed as creating, any pathway to citizenship or to any status other than Visitor.

(2) Time spent in the United Kingdom under enhanced commercial permissions shall not count towards any residence requirement that may exist under any other provision of this Act or any other enactment.

(3) Children born in the United Kingdom to persons holding enhanced commercial permissions are subject to section 104 and acquire no status by reason of their parent's commercial permissions.

Section 116. Revocation

(1) The Secretary of State may revoke enhanced commercial permissions at any time without providing reasons where the Secretary of State considers revocation to be in the public interest or necessary for national security.

(2) Upon revocation, the person shall revert to ordinary Visitor status with immediate effect and shall depart the United Kingdom within thirty days unless granted leave to remain for the purpose of concluding business affairs.

(3) There is no right of appeal against revocation except on the ground of manifest factual error as to identity pursuant to Part 12.

Section 117. Reserved

Section 118. Reserved

PART 5 — NATIONAL INTEGRITY ASSESSMENT

General Provisions

Section 119. Application to Inherited Conditional British Citizens and British Subjects

(1) This Part applies to every person classified as an Inherited Conditional British Citizen under section 24 or as a British Subject under section 56 or section 57.

(2) This Part does not apply to persons classified as Visitors under section 11.

(3) Every person to whom this Part applies shall undergo a National Integrity Assessment in accordance with this Part for the purpose of determining whether that person's status shall be retained or revoked.

(4) The assessment prescribed by this Part constitutes the sole mechanism by which the status of an Inherited Conditional British Citizen or British Subject may be reviewed during the currency of that status, save where immediate revocation is required under Part 8 for reasons of criminality or national security.

Section 120. Exempt categories

(1) The following categories of person are exempt from assessment under this Part:

a) Indigenous British Citizens as defined in section 18;

b) Hereditary British Citizens as defined in section 31;

c) Honorary British Citizens as defined in section 38.

(2) The status of persons specified in subsection (1) is not subject to review, scoring, or assessment under this Part and cannot be revoked by operation of this Part.

(3) Nothing in subsection (2) prevents the temporary expulsion of an Indigenous British Citizen in accordance with section 227 or the removal of a Hereditary British Citizen in accordance with section 220.

Section 121. Five-year audit cycle

(1) Every person to whom this Part applies shall undergo a National Integrity Assessment at intervals of five years commencing from the date specified in subsection (2) or subsection (3).

(2) For persons holding Inherited Conditional British Citizen or British Subject status immediately before the date of commencement of this Act, the first assessment shall occur within twelve months of commencement on a date to be notified by the Secretary of State.

(3) For persons acquiring Inherited Conditional British Citizen or British Subject status on or after the date of commencement, the first assessment shall occur within five years of the date on which that status was acquired.

(4) Subsequent assessments shall occur at intervals of five years from the date of the previous assessment unless an earlier assessment is required under section 129(4) or section 138(2).

(5) The Secretary of State may by order prescribe the scheduling of assessments across the relevant population for the purpose of ensuring efficient administration, provided that no person's assessment is delayed beyond the period specified in this section.

Section 122. Mathematical scoring system

(1) Assessments under this Part shall be conducted by means of automated calculation of data obtained from the sources specified in section 140.

(2) The calculation shall provide a numerical score for each person assessed according to the formula and detailed methodology set out in Schedule 12.

(3) The calculation performed shall be deterministic, applying uniform methodology to all persons subject to assessment without variation based on individual circumstances save as expressly provided in this Part or in Schedule 12.

(4) The Secretary of State shall maintain the means of calculation and shall ensure that it functions in accordance with the formula and methodology prescribed in Schedule 12.

Section 123. Limited application to citizenship status determination

(1) The National Integrity Assessment established by this Part applies solely for the purpose of determining whether the status of an Inherited Conditional British Citizen or British Subject shall be retained or revoked under this Act.

(2) Scores calculated under this Part do not affect and shall not be used for any purpose other than that specified in subsection (1), including but not limited to:

a) determining eligibility for services, benefits, or entitlements available to persons holding the relevant status;

b) influencing employment decisions by private employers;

c) determining eligibility for admission to educational institutions;

d) influencing commercial transactions, credit decisions, or contractual relationships;

e) determining eligibility for any licence, permission, or authorisation granted by any public authority; or

f) any other purpose whatsoever not related to the retention or revocation of status under this Act.

(3) The disclosure of any person's score to any body or person other than the person assessed and the Secretary of State is prohibited except where required by order of a court or where authorised by the person assessed.

(4) This Part does not establish and shall not be construed as establishing a social credit system applicable to the general conduct of civic life.

Section 124. Automated processing with ministerial oversight for borderline cases

(1) The processing of assessments under this Part shall be fully automated without manual intervention in the calculation of scores.

(2) Where an assessment produces a score falling within the range specified in section 131, the Secretary of State may exercise discretion as to whether the person's status shall be retained, retained subject to conditions, or revoked.

(3) The Secretary of State shall publish guidance on the exercise of discretion under subsection (2), which guidance shall be laid before Parliament.

(4) The exercise of discretion under subsection (2) is not subject to challenge except on the ground of manifest procedural error as provided in Part 12.

National Integrity Assessment Formula

Section 125. Formula and methodology defined in Schedule

(1) The National Integrity Assessment score for each person subject to assessment shall be calculated according to the formula and detailed methodology set out in Schedule 12.

(2) The formula produces a single numerical score by combining positive factors and negative factors, each factor being weighted according to the multipliers specified in Schedule 12.

(3) The positive factors are added together after application of their respective weightings, the negative factors are added together after application of their respective weightings, and the sum of the negative factors is subtracted from the sum of the positive factors to produce the final score.

(4) The specific calculation methodology, the data inputs required for each factor, and the precise weightings applied to each factor are set out in Schedule 12 and are binding on the Secretary of State in the operation of the algorithmic system.

Section 126. Positive factors enumerated

(1) The positive factors contributing to a person's score under the formula in Schedule 12 are: given in Schedule 12.

(2) Each positive factor listed in subsection (1) is assigned a weighting multiplier, and the methodology for calculating the value of each factor before application of the multiplier is specified in Schedule 12.

(3) The aggregate positive contribution to a person's score is the sum of all positive factors after application of their respective weightings.

Section 127. Negative factors enumerated

(1) The negative factors reducing a person's score are given in Schedule 12.

(2) Each negative factor listed in subsection (1) is assigned a weighting multiplier, and the methodology for calculating the value of each factor before application of the multiplier is specified in Schedule 12.

(3) The aggregate negative contribution to a person's score is the sum of all negative factors after application of their respective weightings.

(4) The aggregate negative contribution is subtracted from the aggregate positive contribution to produce the final score.

Section 128. Enhanced weighting for travel to Tier B countries

(1) For the purposes of section 127(1)(e), frequent or prolonged travel to Tier B countries comprises:

a) more than three separate journeys to countries listed in Schedule 10 during the five-year assessment period; or

b) cumulative time spent in countries listed in Schedule 10 exceeding ninety days during any consecutive twelve-month period falling within the assessment period.

(2) Where a person's travel to Tier B countries meets the threshold specified in subsection (1), an enhanced negative weighting shall be applied in accordance with the methodology set out in Schedule 12.

(3) The enhanced weighting prescribed by subsection (2) may be reduced at the discretion of the Secretary of State where satisfied that:

a) the person has extended family members ordinarily resident in a Tier B country; and

b) the travel was undertaken solely for the purpose of maintaining family relationships; and

c) the person did not engage in activities contrary to the interests of the United Kingdom during such travel.

(4) Travel data for the purposes of this section shall be obtained from records maintained by border authorities and from carriers pursuant to section 140(1)(d).

(5) The collection and retention of travel data under subsection (4) does not contravene the prohibition on biometric collection in section 50, travel records being limited to dates, destinations, and durations of travel.

Section 129. Enhanced weighting for Tier C background

(1) For the purposes of section 127(1)(a), where a person is of Tier C background, the weighting multiplier applied to the criminality factor shall be doubled in accordance with the methodology set out in Schedule 12.

(2) A person is of Tier C background if:

a) the person was born in a country listed in Schedule 11; or

b) either parent of the person was born in a country listed in Schedule 11.

(3) Where a person of Tier C background is convicted of any offence specified in section 215, being offences of terrorism, child sexual exploitation, rape, or serious violence, the person's status shall be revoked immediately without awaiting the outcome of an assessment, and the person shall be removed in accordance with Part 8.

(4) Where a person of Tier C background is convicted of any offence resulting in a custodial sentence, the Secretary of State shall conduct an immediate review of that person's status by means of an assessment under this Part, notwithstanding that the five-year assessment cycle specified in section 121 has not elapsed.

(5) For the purposes of subsection (4), a custodial sentence includes any sentence of imprisonment, detention in a young offender institution, or detention at His Majesty's pleasure, whether served in full, suspended, or served in part.

Scoring Outcomes

Section 130. Automatic revocation for scores below zero

(1) Where an assessment conducted under this Part produces a score below zero, the person's status as an Inherited Conditional British Citizen or British Subject shall be revoked automatically without further decision or discretion.

(2) The Secretary of State shall issue a written notice of revocation to the person within fourteen days of the date on which the assessment was completed, such notice to be sent by electronic communication or by post to the person's last known address.

(3) Revocation under this section takes effect on the date specified in the notice, which date shall be no fewer than seven days and no more than fourteen days after the date on which the notice is sent.

(4) A person whose status is revoked under this section shall be removed from the United Kingdom in accordance with Part 8 without further notice beyond the decision letter specified in subsection (2).

(5) There is no right of appeal against a revocation under this section except on the ground of manifest factual error as to the person's identity or as to the data inputs used in the calculation, such challenge to be brought in accordance with Part 12.

Section 131. Discretionary review for scores between zero and nine

(1) Where an assessment conducted under this Part produces a score of zero or above but less than ten, the Secretary of State may in the Secretary of State's absolute discretion:

> a) retain the person's status until the date of the next assessment in accordance with section 121;
>
> b) retain the person's status subject to such additional conditions as the Secretary of State considers appropriate, including but not limited to reporting requirements, residence requirements, or restrictions on travel; or
>
> c) revoke the person's status and remove the person from the United Kingdom in accordance with Part 8.

(2) In exercising discretion under subsection (1), the Secretary of State may have regard to any matter considered relevant, including but not limited to:

a) the proximity of the person's score to the threshold of zero specified in section 130 or the threshold of ten specified in section 132;

b) the trend in the person's scoring over previous assessments, where such previous assessments exist;

c) the nature, seriousness, and recency of any negative factors contributing to the person's score;

d) the existence and welfare of any children of the person who hold British citizenship;

e) the length of time the person has held the status being reviewed; and

f) any representations made by the person under section 135.

(3) The Secretary of State's decision under subsection (1) is final and shall not be subject to challenge in any court except on the ground of manifest procedural error in accordance with Part 12.

(4) Where the Secretary of State decides to retain a person's status subject to additional conditions under subsection (1)(b), those conditions shall be specified in writing and shall be enforceable as if they were conditions of the person's status under Part 2.

(5) Breach of a condition imposed under subsection (1)(b) constitutes grounds for immediate revocation of status and removal under Part 8.

Section 132. Automatic retention for scores of ten or above

(1) Where an assessment conducted under this Part produces a score of ten or above, the person's status as an Inherited Conditional British Citizen or British

Subject shall be retained until the date of the next assessment in accordance with section 121.

(2) The Secretary of State shall issue a written notice to the person confirming the retention of status, such notice to be sent within twenty-eight days of the date on which the assessment was completed.

(3) No further action is required under this Part in respect of a person whose status is retained under this section until the date on which the next assessment falls due.

Section 133. Alternative subtractive scoring model

(1) The Secretary of State may by order made by statutory instrument prescribe an alternative subtractive scoring model to be used in place of the additive model specified in Schedule 12.

(2) A subtractive scoring model prescribed under subsection (1) shall operate as follows:

a) each person subject to assessment begins with a baseline score of one hundred points;

b) points are deducted from the baseline score for each negative indicator present, the quantum of each deduction being specified in the order;

c) positive indicators do not add points but may reduce the quantum of deductions or exempt the person from certain categories of deduction; and

d) a person's status is revoked where the person's final score falls below forty points.

(3) An order under subsection (1) must:

a) specify the schedule of deductions to be applied for each negative indicator;

b) specify the treatment of positive indicators;

c) specify the threshold score below which status is revoked;

d) make provision for the transition from the additive model to the subtractive model, including provision for the reassessment of persons previously assessed under the additive model; and

e) be laid before Parliament and be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Where an order under subsection (1) is in force, references in this Part to the formula in Schedule 12 shall be construed as references to the subtractive model prescribed by the order.

Assessment Procedures

Section 134. Automated notice of assessment

(1) The Secretary of State shall issue written notice to each person subject to assessment under this Part no fewer than sixty days before the date on which the assessment is to be conducted.

(2) The notice shall:

a) inform the person of the date on which the assessment will be conducted;

b) inform the person of the data sources from which information will be obtained for the purposes of the assessment;

c) inform the person of the right to submit evidence under section 135; and

d) inform the person of the consequences of different scoring outcomes under sections 130 to 132.

(3) Notice under subsection (1) may be given by:

a) electronic communication sent to an email address or other electronic address provided by the person to the Secretary of State for the purpose of correspondence;

b) postal communication sent by first-class post to the person's last known address as recorded in the National Register maintained under section 19; or

c) such other method as may be prescribed by order of the Secretary of State.

(4) Where notice is given by electronic communication, the notice is deemed to have been received on the second day after the day on which it was sent.

(5) Where notice is given by postal communication, the notice is deemed to have been received on the second day after the day on which it was posted.

(6) Failure by a person to receive notice under this section does not invalidate the assessment or affect the scoring outcome.

Section 135. Evidence submission window for factual corrections

(1) A person who receives notice under section 134 may within fourteen days of receiving such notice submit written evidence to the Secretary of State for the purpose of correcting manifest factual errors in the data to be used for the assessment.

(2) Evidence submitted under subsection (1) may relate only to:

a) errors as to the identity of the person, including cases of mistaken identity or confusion with another person of similar name;

b) errors as to dates, amounts, or other factual particulars in records obtained from the data sources specified in section 140;

c) failure of data sources to account for evidence in the person's possession that demonstrates factual inaccuracy in the records held by those sources; and

d) other manifest factual inaccuracies capable of objective verification.

(3) Evidence submitted under subsection (1) may not challenge:

a) the formula or methodology specified in Schedule 12;

b) the weightings or multipliers applied to factors under that formula;

c) the Secretary of State's interpretation or application of assimilation indicators under sections 144 to 146;

d) the inclusion of any country in Schedule 10 or Schedule 11;

e) any policy decision underlying the structure or operation of the assessment; or

f) the exercise of discretion by the Secretary of State under section 131.

(4) The Secretary of State shall consider all evidence submitted under subsection (1) and shall amend the data to be used for the assessment if satisfied on the balance of probabilities that a factual error exists.

(5) The Secretary of State shall notify the person in writing of the decision on the evidence submitted, such notification to be given before the assessment is conducted.

(6) A decision by the Secretary of State not to amend data under subsection (4) is final and is not subject to challenge except on the ground of manifest procedural error in accordance with Part 12.

Section 136. Prohibition on oral hearings

(1) Assessments conducted under this Part shall be determined solely on the basis of documentary evidence and data obtained from the sources specified in section 140.

(2) There is no entitlement to an oral hearing, interview, appearance before any official, or representation before any tribunal or court in connection with an assessment under this Part.

(3) The prohibition in subsection (2) applies whether the hearing is sought before the assessment is conducted, during the processing of the assessment, or after the scoring outcome has been determined.

(4) Nothing in this section prevents a person from making written representations under section 135 or from bringing a challenge on the grounds permitted by Part 12.

Section 137. Finality of decisions subject to limited challenge

(1) A decision resulting from an assessment conducted under this Part is final and shall not be subject to appeal, review, or challenge in any court except:

a) on the ground of manifest factual error as to the person's identity;

b) on the ground of manifest factual error as to the data inputs used in calculating the person's score; or

c) on the ground of manifest procedural error in the conduct of the assessment.

(2) The grounds specified in subsection (1) are exhaustive, and no court shall entertain any challenge to an assessment decision on any ground not specified in that subsection.

(3) A challenge under subsection (1) must be brought in accordance with Part 12 within the time limits specified in that Part.

(4) The bringing of a challenge under subsection (1) does not suspend the effect of the decision challenged, and where a person's status is revoked under section 130 or section 131(1)(c), removal proceedings under Part 8 may continue notwithstanding that a challenge has been brought.

(5) Where a challenge under subsection (1) is successful and the court orders that the assessment be conducted afresh, the person's previous status is reinstated pending the fresh assessment only if the court so orders.

Section 138. Removal procedures for automatic revocation

(1) Where a person's status is revoked under section 130, the person becomes liable to removal from the United Kingdom in accordance with Part 8 without any further notice beyond the decision letter issued under section 130(2).

(2) The Secretary of State shall issue a removal direction under section 411 within seven days of the date on which the notice of revocation takes effect under section 130(3).

(3) Removal shall be effected in accordance with the provisions of Part 8, and the person may be detained under section 386 pending removal.

(4) The fact that a person has brought a challenge under section 137(1) does not prevent or delay the removal of that person under this section.

Data Sources and Administration

Section 139. Algorithm development and maintenance

(1) The Secretary of State shall develop, maintain, and operate the algorithmic system for calculating scores in accordance with the formula and methodology set out in Schedule 12.

(2) The algorithmic system shall be capable of:

a) receiving data in electronic form from the sources specified in section 140;

b) matching data received to individual persons recorded in the National Register maintained under section 19;

c) calculating scores according to the formula in Schedule 12 without manual intervention;

d) producing a score and a written assessment report for each person assessed; and

e) generating notifications in accordance with sections 134, 130, and 132.

(3) The algorithmic system shall be reviewed annually by the Secretary of State, and the Secretary of State may by order made by statutory instrument modify the system to:

a) reflect changes in the availability, format, or quality of data from sources specified in section 140;

b) implement changes to the weightings, multipliers, or methodology specified in Schedule 12;

c) improve the computational efficiency or accuracy of the system; or

d) correct errors or deficiencies identified in the operation of the system.

(4) An order under subsection (3) that makes changes to the weightings, multipliers, or methodology specified in Schedule 12 must be laid before Parliament and is subject to annulment in pursuance of a resolution of either House of Parliament.

(5) An order under subsection (3) that makes technical or administrative changes without altering the weightings, multipliers, or methodology may be made without being laid before Parliament.

(6) Modifications made to the algorithmic system pursuant to subsection (3) do not require the retrospective recalculation of scores from previous assessments unless the Secretary of State by order so directs.

Section 140. Mandatory data sources and disclosure duties

(1) The Secretary of State shall obtain data for the purposes of conducting assessments under this Part from the following sources:

a) His Majesty's Revenue and Customs, in respect of income tax paid, national insurance contributions made, employment records, and self-employment records for each person assessed;

b) the Department for Work and Pensions, in respect of welfare payments, unemployment benefits, housing benefits, disability benefits, and all other public funds paid to each person assessed;

c) the Police National Computer and police forces in England, Wales, Scotland, and Northern Ireland, in respect of criminal convictions, cautions, warnings, reprimands, findings of guilt, and ongoing investigations for each person assessed;

d) border authorities responsible for immigration control, in respect of records of entry to and departure from the United Kingdom, travel destinations, and duration of stays abroad for each person assessed;

e) local authorities in England, Wales, Scotland, and Northern Ireland, in respect of council tax payments, council tax arrears, housing records, homelessness applications, and school attendance records for children of each person assessed;

f) the National Health Service and its constituent bodies, in respect of registration with general practitioners, usage of health services, and charges for health services unpaid by each person assessed;

g) banks, building societies, and other financial institutions authorised under the Financial Services and Markets Act 2000, in respect of international money transfers exceeding ten thousand pounds made by each person assessed; and

h) such other public authorities, educational institutions, and regulators as the Secretary of State may specify by order.

(2) Every body specified in subsection (1) and every body specified in an order under subsection (1)(h) is under a duty to provide data to the Secretary of State in electronic form at such intervals, in such format, and containing such particulars as the Secretary of State may require.

(3) Data provided under subsection (2) must be provided:

a) at intervals of not less than once per calendar month; and

b) in a format compatible with the algorithmic system and capable of being matched to records in the National Register.

(4) Failure by any body to provide data in accordance with subsection (2) is a breach of statutory duty and may be enforced by mandatory order obtained by the Secretary of State.

(5) The duty imposed by subsection (2) overrides any duty of confidentiality, any restriction on disclosure imposed by any enactment, and any obligation arising under the data protection legislation, to the extent necessary to enable the provision of data for the purposes of this Part.

(6) No action for breach of confidence or breach of data protection legislation shall lie against any body providing data in accordance with subsection (2).

Section 141. Real-time data matching and alerts

(1) Data obtained by the Secretary of State pursuant to section 140 shall be processed by automated systems to match records to individual persons recorded in the National Register maintained under section 19.

(2) Data matching under subsection (1) shall occur at intervals of not less than once per calendar month for the purpose of ensuring that data used in assessments is current and accurate.

(3) Where data matching identifies a discrepancy between the status recorded for a person in the National Register and the activities or circumstances disclosed by data from the sources in section 140, the algorithmic system shall generate an automated alert for investigation by an immigration officer.

(4) Discrepancies warranting investigation under subsection (3) include but are not limited to:

a) a person recorded as holding Inherited Conditional British Citizen or British Subject status who appears from employment records to be working in breach of conditions;

b) a person recorded as a Visitor who appears from employment, tax, or benefits records to be residing in the United Kingdom beyond the permitted period;

c) a person who appears from travel records to have departed the United Kingdom and not returned within a period suggesting abandonment of residence;

d) a person who appears from criminal records to have been convicted of an offence warranting immediate review under section 129(4) or immediate revocation under section 129(3); and

e) such other discrepancies as may indicate non-compliance with this Act.

(5) An immigration officer who receives an alert under subsection (3) shall conduct such investigation as appears necessary and may exercise any power conferred by Part 13 for the purpose of determining whether an offence has been committed or whether a person's status should be reviewed or revoked.

Section 142. Minimal privacy protections

(1) Data obtained and processed under this Part shall be used solely for the following purposes:

a) conducting National Integrity Assessments in accordance with this Part;

b) detecting and preventing offences under this Act;

c) enforcing conditions of status imposed under this Act;

d) removing persons whose status has been revoked; and

e) such other purposes related to the administration and enforcement of this Act as the Secretary of State may specify by order.

(2) Data obtained under this Part shall be retained by the Secretary of State for such period as the Secretary of State considers necessary for the purposes specified in subsection (1).

(3) Disclosure of data to any person or body other than for the purposes specified in subsection (1) is prohibited except where:

a) required by order of a court of competent jurisdiction;

b) necessary for the prevention, detection, or investigation of crime;

c) necessary for the protection of national security;

d) necessary for the safeguarding of children or vulnerable adults; or

e) authorised by or under any other enactment.

(4) The data protection legislation applies to data obtained and processed under this Part only to the extent that application of that legislation is consistent with the purposes specified in subsection (1) and does not impede the efficient operation of this Part.

(5) Where there is any conflict between the provisions of the data protection legislation and the provisions of this Part, the provisions of this Part shall prevail.

(6) For the purposes of this section, "data protection legislation" means the Data Protection Act 2018, the General Data Protection Regulation as it forms part of retained EU law, and any subordinate legislation made under those enactments.

Section 143. Annual aggregate transparency reporting

(1) The Secretary of State shall, no later than six months after the end of each calendar year, lay before Parliament a report containing aggregate statistics on assessments conducted under this Part during that calendar year.

(2) The report required by subsection (1) shall include:

a) the total number of persons subject to assessment during the calendar year;

b) the number of assessments producing scores below zero, resulting in automatic revocation;

c) the number of assessments producing scores of between zero and nine, resulting in discretionary review;

d) the number of assessments producing scores of ten or above, resulting in automatic retention;

e) the number of persons whose status was retained, retained subject to conditions, or revoked following discretionary review under section 131;

f) the number of persons removed from the United Kingdom following revocation of status under this Part;

g) the distribution of scores across scoring bands, presented in such detail as the Secretary of State considers appropriate;

h) demographic breakdowns of persons assessed, including breakdowns by age, sex, region of residence, and length of time holding the status under review; and

i) such other statistical information as the Secretary of State considers would promote public understanding of the operation of this Part.

(3) The report required by subsection (1) shall not contain any information that would enable the identification of any individual person, either directly or by means of cross-referencing with other publicly available information.

(4) The Secretary of State may withhold from the report any information the disclosure of which would, in the Secretary of State's opinion, be contrary to the public interest or prejudicial to national security.

Assimilation Indicators

Section 144. Enumeration of indicators

(1) For the purposes of section 126(1)(b), the assimilation indicators are given in Schedule 13.

(2) Each indicator listed in subsection (1) is assigned a value according to the extent to which the person satisfies that indicator, and the methodology for determining such value is set out in Schedule 13.

(3) The aggregate assimilation score for a person is calculated by summing the values assigned for each indicator and applying the weighting multiplier specified in the formula in Schedule 13.

(4) A person's failure to satisfy one or more indicators does not automatically result in a negative score but reduces the positive contribution made by the assimilation factor to the person's overall score.

Section 145. Integration assessment tools

(1) The Secretary of State may by order prescribe the tools, tests, criteria, or other means to be used in assessing whether and to what extent a person satisfies the assimilation indicators specified in section 144(1).

(2) Tools prescribed under subsection (1) may include:

a) approved language proficiency tests conducted by bodies designated by the Secretary of State;

b) methods for verifying employment history, including examination of tax records, national insurance records, and employer records;

c) methods for verifying community participation, including testimony from Indigenous British Citizens and records maintained by community organisations, religious institutions, or voluntary associations;

d) methods for verifying school attendance, including data obtained from local education authorities and schools; and

e) such other assessment tools, tests, or verification methods as the Secretary of State considers appropriate.

(3) An order under subsection (1) shall specify:

a) the standard or threshold that must be met to satisfy each indicator;

b) the manner in which evidence of satisfaction is to be provided or verified;

c) the value to be assigned where the standard or threshold is met, partially met, or not met; and

d) any alternative means by which a person may demonstrate satisfaction of an indicator where the primary method is unavailable through no fault of the person.

(4) An order under subsection (1) is subject to the negative resolution procedure.

Section 146. Scoring methodology for assimilation

(1) The methodology for calculating a person's aggregate assimilation score is set out in Schedule 13.

(2) The methodology prescribed by Schedule 13 shall:

a) assign a numerical value to each indicator specified in section 144(1) based on the extent to which the person satisfies that indicator;

b) sum the numerical values assigned to all indicators to produce an aggregate assimilation value; and

c) apply the weighting multiplier specified in the formula to the aggregate assimilation value to produce the assimilation component of the person's overall score.

(3) The numerical values assigned to indicators and the weighting multiplier applied to the aggregate assimilation value are binding on the Secretary of State and shall be applied uniformly to all persons assessed.

Character Affidavits

Section 147. Provision by Indigenous British Citizens only

(1) Character affidavits for the purposes of section 126(1)(d) may be provided only by persons who hold Indigenous British Citizen status as defined in section 18.

(2) A person providing a character affidavit must:

a) have known the person subject to assessment personally and continuously for a period of at least two years immediately preceding the date on which the affidavit is provided;

b) attest to the good character, conduct, and contribution to the community of the person subject to assessment, giving specific examples based on personal knowledge;

c) declare any conflict of interest, family relationship, financial relationship, or other material connection with the person subject to assessment; and

d) declare that the contents of the affidavit are true to the best of the provider's knowledge and belief.

(3) Where a person providing a character affidavit fails to comply with any requirement of subsection (2), the affidavit shall be disregarded for the purposes of the assessment.

Section 148. Weight in assessment

(1) Each valid character affidavit provided in accordance with section 147 shall contribute to the person's score according to the weighting and methodology specified in Schedule 12.

(2) No more than three character affidavits shall be counted in any assessment.

(3) Where a person submits more than three character affidavits, only the three that most strongly attest to the person's character, conduct, and contribution shall be counted, as determined by the algorithmic system according to the methodology in Schedule 12.

(4) The algorithmic calculation shall assign a numerical value to each character affidavit based on the strength and specificity of the attestations contained in the affidavit, and shall sum the values assigned to the counted affidavits and apply the weighting multiplier specified in the formula to produce the character affidavit component of the person's overall score.

Section 149. False affidavit penalties

(1) A person commits an offence who knowingly or recklessly provides a character affidavit for the purposes of this Part that:

a) contains a statement that is false or misleading in a material particular;

b) omits information that is material to the assessment and the omission of which makes the affidavit misleading;

c) attests to matters of which the person providing the affidavit has no personal knowledge; or

d) is provided in circumstances where the provider knows or ought reasonably to know that a conflict of interest or material relationship exists that has not been declared.

(2) A person guilty of an offence under subsection (1) is liable:

a) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine, or to both; or

b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(3) A person convicted of an offence under subsection (1) is disqualified from providing character affidavits for any other person for a period of ten years commencing on the date of conviction.

(4) Where a person is convicted of an offence under subsection (1), the Secretary of State shall review the assessment of any person for whom the convicted person provided a character affidavit, and shall conduct a fresh assessment disregarding any affidavit provided by the convicted person.

(5) The fact that a character affidavit was provided by a person subsequently convicted under subsection (1) does not automatically invalidate the assessment of the person for whom the affidavit was provided, provided that the person subject to assessment did not know and had no reason to suspect that the affidavit was false or misleading.

Section 150. No minimum number required

(1) There is no minimum number of character affidavits required for an assessment conducted under this Part.

(2) Where a person subject to assessment does not submit any character affidavits, or where all affidavits submitted are invalid or disregarded, the person is assigned zero points for the character affidavit component of the score, but the assessment proceeds and the person's score is calculated on the basis of the other factors.

(3) The absence of character affidavits does not give rise to any adverse inference against the person subject to assessment beyond the loss of the positive contribution that valid affidavits would have made to the person's score.

Section 151. Prescribed form and content requirements

(1) Character affidavits must be provided in the form prescribed by the Secretary of State by order.

(2) The prescribed form shall require the following information:

a) the full name, date of birth, and current address of the person providing the affidavit;

b) the Status Recognition Certificate number of the person providing the affidavit, for the purpose of verifying Indigenous British Citizen status;

c) the full name and date of birth of the person subject to assessment;

d) a statement of the length of time for which the provider has known the person subject to assessment and the capacity in which the provider knows that person;

e) specific examples of the character, conduct, and contribution to the community of the person subject to assessment, based on the provider's personal knowledge and observation;

f) a declaration of any conflict of interest, family relationship, financial relationship, or other material connection between the provider and the person subject to assessment;

g) a declaration that the contents of the affidavit are true to the best of the provider's knowledge and belief; and

h) the signature of the provider and the date on which the affidavit is signed.

(3) Character affidavits must be submitted in writing, whether in physical form by post or in electronic form by means of a system designated by the Secretary of State for that purpose.

(4) An affidavit that does not comply with the requirements of the prescribed form may be rejected by the algorithmic system and shall not be counted in the assessment.

(5) The Secretary of State may by order amend the prescribed form to require additional information or to simplify the form, such order being subject to the negative resolution procedure.

PART 6 — BORDER CONTROL AND ENTRY

Visa Requirements and Background Vetting

Section 152. Universal visa requirement

(1) Every person who is not a British citizen must obtain a visa before travelling to the United Kingdom, save as provided in sections 157 and 160.

(2) A visa granted under this section confers no right of entry, but only permission to present oneself for examination at a port of entry.

(3) The Secretary of State may refuse to grant a visa to any person without providing reasons, and such refusal is not subject to appeal or judicial review.

(4) A visa remains valid only for the period and purposes specified in the visa endorsement, and any breach of conditions renders the visa void.

Section 153. Background verification procedures

(1) Before granting a visa, the Secretary of State must conduct background verification comprising examination of criminal records, security intelligence databases, and health screening as deemed necessary.

(2) The Secretary of State may refuse a visa where background verification reveals:

(a) any criminal conviction in any jurisdiction;

(b) any adverse security intelligence;

(c) any communicable disease of public health significance;

(d) any previous breach of immigration law in the United Kingdom or any other jurisdiction;

(e) any false or misleading information provided in the visa application; or

(f) any other matter indicating the person would not comply with the conditions of their visa or would be contrary to the public interest.

(3) A refusal under subsection (2) is final and not subject to review, save for correction of manifest factual error regarding the identity of the applicant.

Section 154. Approved country lists for visa exemption

(1) The Secretary of State may by order designate countries whose nationals are exempt from the visa requirement in section 152, but only where those nationals qualify for the Common Trust Channel established under section 160.

(2) No designation may be made under subsection (1) for any country listed in Schedule 10.

(3) An order under subsection (1) is subject to negative resolution procedure.

Section 155. Non-justiciability of visa decisions

(1) A decision by the Secretary of State to refuse a visa under this Part is not subject to appeal.

(2) No court may entertain any proceedings for judicial review of a visa refusal except on the sole ground that the wrong person was refused due to manifest error of identity.

(3) An application under subsection (2) must be made within seven days of the refusal decision and must be accompanied by documentary proof of identity error.

Section 156. Enhanced scrutiny for Tier B and Tier C nationals

(1) Where a visa application is made by a national of a country listed in Schedule 10 or Schedule 11, the Secretary of State must apply enhanced security verification procedures.

(2) Enhanced verification under subsection (1) includes:

(a) extended background checks with security and intelligence services;

(b) verification of claimed purpose of travel through independent sources;

(c) assessment of likelihood of overstaying or breaching visa conditions; and

(d) consideration of the applicant's ties to their country of nationality.

(3) Where the applicant is a national of a Tier B country, there is a presumption against granting a visa unless the applicant demonstrates exceptional circumstances justifying entry.

(4) The Secretary of State may set lower approval thresholds for nationals of Tier B and Tier C countries than for nationals of other countries.

Common Travel Area

Section 157. Continuation of Common Travel Area arrangements

(1) The Common Travel Area between the United Kingdom and Ireland continues in force, and Irish citizens are not subject to immigration control when entering the United Kingdom from within the Common Travel Area.

(2) The Secretary of State may by agreement with the Government of Ireland establish administrative arrangements for the operation of the Common Travel Area, including arrangements for information sharing and cooperation on immigration enforcement.

(3) Nothing in this section confers any status under this Act upon an Irish citizen, who remains subject to classification under Part 2 according to their circumstances of birth and lineage.

Section 158. Irish citizens: rights and procedures

(1) An Irish citizen entering the United Kingdom from within the Common Travel Area is not required to present a passport or other travel document, but may be required to satisfy an immigration officer of their identity and Irish citizenship.

(2) An Irish citizen who enters the United Kingdom may reside and work without restriction, subject to their classification under Part 2.

(3) Where an Irish citizen born in Northern Ireland has made a declaration declining British citizenship under section 485, that person is classified as a Visitor for all purposes under this Act notwithstanding their right of residence under subsection (2).

Section 159. Exemption from visa requirement

(1) Irish citizens are exempt from the visa requirement in section 152.

(2) The exemption in subsection (1) does not apply to an Irish citizen who:

> (a) has been excluded from the United Kingdom under section 176; or
>
> (b) is subject to a removal order under Part 8; or
>
> (c) has been convicted of an offence under Part 16 and has not completed any sentence of imprisonment.

Common Trust Channel

Section 160. Approved anglophonic countries

(1) The Secretary of State may establish a Common Trust Channel for nationals of approved anglophonic countries, providing for expedited immigration processing and reduced visa requirements.

(2) The approved Tier A anglophonic countries are given in Schedule 3 of this Act.

(3) The Secretary of State may by order add or remove countries from the list in subsection (2), subject to the criteria in section 161 and the exclusion in section 172.

Section 161. Cultural similarity and historical ties

(1) A country may be designated under section 160 only if the Secretary of State is satisfied that the country has:

(a) substantial cultural similarity to the United Kingdom;

(b) historical ties to the United Kingdom arising from shared institutions, common legal traditions, or membership of the Commonwealth; and

(c) a population substantially sharing the English language.

(2) In determining cultural similarity under subsection (1)(a), the Secretary of State must have regard to:

(a) predominant religious affiliation;

(b) legal system and constitutional traditions;

(c) patterns of immigration and integration; and

(d) reciprocal treatment of United Kingdom nationals.

Section 162. Lenient conditions and expedited processing

(1) Nationals of approved anglophonic countries designated under section 160 benefit from:

(a) expedited visa processing with reduced documentation requirements;

(b) longer validity periods for visitor visas;

(c) access to dedicated immigration lanes at ports of entry; and

(d) simplified procedures for extending visitor status.

(2) The Secretary of State may by regulations prescribe the specific benefits and procedures applicable to Common Trust Channel nationals.

Section 163. Reduced trade and commercial barriers

(1) The Secretary of State may by regulations provide for reduced administrative barriers to trade and commercial activity by nationals of approved anglophonic countries, including:

(a) simplified procedures for business visitor status;

(b) longer periods of authorised business activity; and

(c) reduced fees for business-related applications.

(2) Nothing in this section creates any right that is enforceable in any court or tribunal.

Expedited Crossing Programme

Section 164. Eligibility criteria

(1) A national of an approved anglophonic country may apply for admission to the Expedited Crossing Programme if that person has:

(a) entered the United Kingdom lawfully on at least five occasions during the preceding twenty-four months; and

(b) complied with all conditions of entry on each previous occasion; and

(c) no criminal convictions in any jurisdiction; and

(d) no adverse security intelligence indicators.

(2) Eligibility under subsection (1) does not create any entitlement to admission to the Expedited Crossing Programme.

Section 165. Application and approval process

(1) An application for admission to the Expedited Crossing Programme must be made to a United Kingdom consulate in the applicant's country of nationality.

(2) The application must be accompanied by:

(a) evidence of previous entries to the United Kingdom;

(b) a valid passport;

(c) evidence of residence in the country of nationality;

(d) two character references; and

(e) any fee prescribed by regulations.

(3) The Secretary of State must conduct background checks and security vetting before determining an application.

(4) The Secretary of State may refuse an application without providing reasons, and such refusal is not subject to appeal.

Section 166. Permissions and conditions

(1) A person admitted to the Expedited Crossing Programme shall receive authorisation to remain in the United Kingdom for periods of up to twelve months on each entry.

(2) Authorisation under subsection (1) is subject to a mandatory absence from the United Kingdom of at least three months between each twelve-month period of presence.

(3) The Secretary of State may by regulations prescribe conditions applicable to Expedited Crossing Programme members, including conditions relating to:

(a) reporting requirements;

(b) restrictions on employment or business activity;

(c) notification of change of address or circumstances; and

(d) cooperation with immigration authorities.

Section 167. Verification and monitoring

(1) Before granting authorisation under section 166, the Secretary of State must conduct enhanced background checks including:

(a) verification of criminal records in all countries of residence;

(b) consultation with security and intelligence services;

(c) verification of financial standing; and

(d) assessment of risk of overstaying or breaching conditions.

(2) The Secretary of State may at any time conduct further verification and monitoring of Expedited Crossing Programme members.

Section 168. Revocability

(1) Expedited Crossing Programme membership is revocable at any time by the Secretary of State without notice and without providing reasons.

(2) Revocation under subsection (1) is not subject to appeal or judicial review.

(3) A person whose membership has been revoked must depart the United Kingdom within seven days unless granted visitor status under Part 4.

Jurisdiction Management

Section 169. Criteria for trusted channel eligibility

(1) A country may be designated for Common Trust Channel benefits under section 160 or Expedited Crossing Programme access under section 164 only if fewer than two of the following criteria apply:

> (a) the population of that country is predominantly of a non-Christian religion;
>
> (b) the legal system of that country is not based upon common law principles derived from English law;
>
> (c) the country had no substantial constitutional ties to the United Kingdom as at the first day of January 1945; or
>
> (d) the homicide rate in that country exceeds five times the homicide rate in the United Kingdom.

(2) For the purposes of subsection (1)(a), a population is predominantly of a non-Christian religion where fewer than forty per cent of the population are recognised as Christian according to the most recent reliable statistical data.

(3) For the purposes of subsection (1)(d), homicide rates are calculated using data from the United Nations Office on Drugs and Crime or other reliable international statistical sources.

Section 170. Application of two-criteria test

(1) Where two or more of the criteria in section 169(1) apply to a country, that country is ineligible for designation under section 160 and its nationals are ineligible for the Expedited Crossing Programme under section 164.

(2) The Secretary of State must maintain and publish a list of countries meeting the criteria in section 169(1), updated annually.

(3) The determination under subsection (1) is not justiciable, and no court may review the application of the criteria save for manifest arithmetical error.

Section 171. Parliamentary approval for designation changes

(1) An order adding or removing a country from the list of approved anglophonic countries under section 160(3) is subject to annulment by resolution of either House of Parliament within forty sitting days.

(2) An order under subsection (1) takes effect immediately upon being made, but ceases to have effect if annulled under that subsection.

(3) The Secretary of State must lay before Parliament annual statistics regarding Common Trust Channel usage and Expedited Crossing Programme participation.

Section 172. Automatic exclusion of Tier B and Tier C countries

(1) No country listed in Schedule 10 or Schedule 11 may be designated under section 160, and nationals of Tier B and Tier C countries are ineligible for the Expedited Crossing Programme.

(2) Where a country is added to Schedule 10 or Schedule 11, any existing designation under section 160 or Expedited Crossing Programme membership held by nationals of that country is automatically revoked.

(3) Revocation under subsection (2) takes effect on the date the country is added to Schedule 10 or Schedule 11, and persons affected have fourteen days to depart the United Kingdom or obtain alternative visitor status.

Port Procedures

Section 173. Examination by immigration officer

(1) Every person seeking to enter the United Kingdom, other than a British citizen or British Subject exercising the right of abode, shall be subject to examination by an immigration officer.

(2) An immigration officer may examine any person to determine:

(a) their identity and nationality;

(b) their classification under Part 2;

(c) whether they hold valid entry clearance or are exempt from the requirement to hold entry clearance;

(d) the purpose and proposed duration of their visit;

(e) their means of support during their proposed stay;

(f) their compliance with any visa conditions; and

(g) whether their entry would be contrary to the public interest.

(3) An immigration officer may require any person to provide biographic information and travel history for the sole purpose of monitoring travel to Tier B or Tier C countries as required by section 177.

Section 174. Powers of immigration officers at ports

(1) An immigration officer conducting an examination under section 173 may:

(a) require the person to answer questions orally or in writing;

(b) require the person to produce any documents in their possession or control relating to their identity, nationality, travel, or purpose of visit;

(c) inspect any documents produced;

(d) make copies of any documents produced;

(e) retain temporarily any documents for the purpose of further examination;

(f) search the person and any baggage accompanying them; and

(g) require the person to submit to further examination at a designated location within the port.

(2) A person who without reasonable excuse fails to comply with a requirement under subsection (1) commits an offence.

(3) An immigration officer may use reasonable force to effect a search under subsection (1)(f) where the person refuses to comply.

Section 175. Document verification procedures

(1) An immigration officer must verify the authenticity of any passport, visa, or other document presented by a person seeking entry.

(2) Verification under subsection (1) must be by documentary examination only, and immigration officers are prohibited from collecting fingerprints, facial images, or any other biometric data except as permitted under section 177(3).

(3) Where an immigration officer has reasonable grounds to believe that a document is forged, counterfeit, or improperly obtained, the officer may:

(a) refuse the person entry under section 176;

(b) seize the document; and

(c) refer the matter for investigation under Part 16.

Section 176. Refusal of entry

(1) An immigration officer may refuse entry to any person who:

(a) does not hold valid entry clearance where required;

(b) fails to satisfy the officer as to their identity or nationality;

(c) fails to satisfy the officer as to the purpose of their visit;

(d) provides false or misleading information;

(e) has breached immigration law on a previous occasion;

(f) presents forged or counterfeit documents;

(g) poses a risk to public health, public safety, or national security; or

(h) in the officer's judgment should be refused entry in the public interest.

(2) A person refused entry under subsection (1) must be returned immediately to their point of embarkation or to another country willing to receive them.

(3) A refusal under subsection (1) is not subject to appeal or judicial review.

(4) The carrier that brought the person to the United Kingdom must return that person to the point of embarkation at the carrier's expense and without delay.

Section 177. Monitoring of Tier B and Tier C travel

(1) The Secretary of State must establish and maintain systems to record all travel by British citizens and British Subjects to countries listed in Schedule 10 and Schedule 11.

(2) For the purpose of subsection (1), an immigration officer may require any person departing from or arriving in the United Kingdom to provide information regarding:

(a) countries visited during the period of absence from the United Kingdom;

(b) duration of stay in each country;

(c) purpose of travel to each country; and

(d) frequency of travel to Tier B or Tier C countries during the preceding five years.

(3) An immigration officer may collect travel record data, including passport stamps and boarding passes, but is prohibited from collecting biometric data save as expressly authorised by this section for travel monitoring purposes only.

(4) Information collected under this section is used solely for the purpose of the National Integrity Assessment under Part 5 for persons subject to that assessment.

(5) Frequent travel to Tier B or Tier C countries, calculated as more than ninety cumulative days in any twelve-month period, is a negative factor in the National Integrity Assessment as prescribed in Schedule 12.

Electronic Systems and Carrier Requirements

Section 178. Advance Passenger Information requirement

(1) Every carrier bringing passengers to the United Kingdom by air or sea must transmit Advance Passenger Information to the Secretary of State before departure from the point of embarkation.

(2) Advance Passenger Information must include for each passenger:

(a) full name as shown in passport;

(b) date of birth;

(c) nationality;

(d) passport number and issuing authority;

(e) travel document type;

(f) flight or voyage number;

(g) departure point;

(h) intended arrival point in the United Kingdom; and

(i) any other information prescribed by regulations.

(3) The Secretary of State may by regulations prescribe the format, timing, and method of transmission of Advance Passenger Information.

(4) A carrier that fails without reasonable excuse to transmit Advance Passenger Information in accordance with this section is liable to a civil penalty of five thousand pounds for each passenger in respect of whom information was not transmitted.

(5) The Secretary of State may impose a penalty under subsection (4) by notice in writing, and the penalty is recoverable as a civil debt.

(6) A carrier may object to a penalty notice within twenty-eight days on the sole ground of factual error, and an objection is determined in accordance with Part 12.

Section 179. Authority-to-carry schemes

(1) The Secretary of State may by regulations establish an authority-to-carry scheme under which carriers must obtain approval before permitting a person to board transport destined for the United Kingdom.

(2) A scheme under subsection (1) may provide for:

(a) real-time screening of Advance Passenger Information against immigration and security databases;

(b) automated determination of whether a person is approved for boarding;

(c) denial of boarding where approval is not obtained; and

(d) civil penalties for carriers that permit boarding without obtaining approval.

(3) Where a scheme under subsection (1) is in operation, a carrier must not permit a person to board transport to the United Kingdom unless approval has been obtained under the scheme.

(4) The Secretary of State may refuse to grant approval for boarding to any person identified as a high-risk passenger, including any person:

(a) without valid entry clearance;

(b) whose entry clearance has been revoked;

(c) subject to an exclusion order;

(d) previously removed from the United Kingdom; or

(e) who presents other risk indicators prescribed by regulations.

(5) A refusal under subsection (4) is not subject to appeal or judicial review.

Section 180. Freight information requirements

(1) Every carrier bringing freight to the United Kingdom by air, sea, or land must provide advance manifest data to the Secretary of State.

(2) Manifest data under subsection (1) must include:

(a) description of goods;

(b) quantity and weight;

(c) consignor details;

(d) consignee details;

(e) container identification numbers; and

(f) any other information prescribed by regulations.

(3) The Secretary of State may by regulations prescribe container security standards that carriers must meet, including:

(a) physical security measures;

(b) screening procedures;

(c) sealing requirements; and

(d) record-keeping requirements.

(4) A carrier that fails to comply with requirements under this section is liable to a civil penalty determined in accordance with regulations.

Section 181. Electronic Travel Authorisation

(1) The Secretary of State may by regulations establish an Electronic Travel Authorisation scheme under which specified categories of persons must obtain electronic authorisation before travelling to the United Kingdom.

(2) A scheme under subsection (1) may apply to nationals of countries exempt from the visa requirement, requiring them to obtain electronic authorisation before departure.

(3) The Secretary of State may refuse to grant an Electronic Travel Authorisation without providing reasons, and such refusal is not subject to appeal or judicial review.

(4) An Electronic Travel Authorisation granted under this section confers no right of entry and may be revoked at any time.

(5) Regulations under this section may provide for fees to be charged for Electronic Travel Authorisations.

PART 7 — MARRIAGE AND FAMILY

Marriage to British Citizens

Section 182. Approved country requirement

(1) A person who is lawfully married to a British citizen may acquire the status of British Subject under this Part only if that person is a national of an approved country.

(2) For the purposes of this Part, an "approved country" means any country that is not designated as a Tier B country under section 73.

(3) Where a person is a national of a Tier B country, marriage to a British citizen does not confer any immigration status beyond that of Visitor, notwithstanding the existence of the marriage or any provision of this Act relating to marriage.

(4) The status of approved country shall be determined by reference to the Tier B list in force at the date of the application for Subject status.

Section 183. Immediate recognition of Subject status

(1) Where the Secretary of State is satisfied that a person is lawfully married to a British citizen and that person is a national of an approved country, the Secretary of State shall recognise that person as a British Subject without delay and without requirement for any formal application process beyond proof of identity and marriage.

(2) Proof required under subsection (1) shall consist of such documents as the Secretary of State may by regulations prescribe, but shall at minimum include a marriage certificate recognised in law and identity documents of both parties.

(3) Upon recognition under this section, the Secretary of State shall issue to the person a certificate of British Subject status and such travel documents as may be prescribed.

(4) Subject status conferred under this section takes effect from the date of recognition and continues for so long as the marriage subsists and the person remains in compliance with the conditions of that status.

Section 184. Recognition of marriages contracted overseas

(1) For the purposes of this Part, a marriage contracted outside the United Kingdom shall be recognised if it would be recognised as valid under the law of England and Wales.

(2) The Secretary of State may refuse to recognise a marriage for the purposes of conferring Subject status where satisfied on the balance of probabilities that the marriage is a sham marriage within the meaning of section 197.

(3) Where a marriage was contracted in a country that does not maintain formal diplomatic relations with the United Kingdom, the Secretary of State may require additional evidence to establish the validity of the marriage before recognition.

(4) The Secretary of State shall refuse to recognise a marriage contracted overseas for the purposes of conferring Subject status where satisfied that the marriage is polygamous in nature or that the parties to the marriage are party to any other subsisting marriage at the time of the purported marriage.

(5) The Secretary of State may refuse to recognise a marriage where satisfied on the balance of probabilities that the marriage was contracted as a result of coercion, duress, or force applied to either party.

(6) The Secretary of State may refuse to recognise a marriage where there is evidence that either party has been the victim of domestic violence or abuse

within the marriage, and may defer any decision on Subject status until satisfied that such matters have been adequately investigated and resolved.

(7) For the purposes of subsection (6), domestic violence includes physical violence, psychological abuse, coercive control, financial control, or any other conduct that constitutes domestic abuse within the meaning of relevant legislation.

Section 185. Documentary requirements

(1) An application for recognition as a British Subject through marriage shall be accompanied by such documents as the Secretary of State may prescribe by regulations.

(2) Documents prescribed under subsection (1) shall include at minimum the following, or such equivalent documents as the Secretary of State deems acceptable:

(a) a marriage certificate issued by the competent authority in the jurisdiction where the marriage was contracted, or if contracted in the United Kingdom, a certificate issued under the relevant marriage legislation;

(b) a valid passport or other travel document of the applicant;

(c) a valid passport or Status Recognition Certificate of the British citizen spouse;

(d) proof of identity of both parties in such form as may be prescribed;

(e) where the marriage was contracted overseas, such evidence of the validity of the marriage under the law of that jurisdiction as the Secretary of State may require;

(f) a declaration in such form as may be prescribed that neither party is party to any other subsisting marriage;

(g) such other documents or evidence as the Secretary of State may require to establish that the marriage was freely entered into without coercion or duress.

(3) All documents not in the English language shall be accompanied by a certified translation.

(4) The Secretary of State may verify the authenticity of any document submitted and may refuse an application where satisfied that any document is false, forged, or obtained by deception.

(5) Where the Secretary of State requires further evidence under subsection (2)(g), the Secretary of State may defer determination of Subject status and may require that the parties attend an interview or provide such further information as may be necessary to establish that the marriage is valid and freely entered into.

Children of Mixed Status Marriages

Section 186. Children born to British citizen and Tier B national

(1) Where a child is born to parents one of whom is a British citizen and the other a national of a Tier B country, the status of the child shall be determined in accordance with this section.

(2) Where the child is born in the United Kingdom, the child shall be classified as an Inherited Conditional British Citizen and shall be subject to the National Integrity Assessment in accordance with Part 5.

(3) For the purposes of the National Integrity Assessment, a child classified under subsection (2) shall be treated as having Tier B background and the enhanced scrutiny provisions of section 218 shall apply.

(4) Where the child is born outside the United Kingdom, the child shall be classified as a Visitor and has no entitlement to British citizenship by reason of parentage alone.

(5) Notwithstanding the provisions of section 188, where any direct ancestor of a person within the 75-year rolling window married a national of a Tier B country, that person shall not qualify as an Indigenous British Citizen and no descendant of that person may accumulate Indigenous status through the passage of time alone.

Section 187. Children born to British citizen and approved country national

(1) Where a child is born to parents one of whom is a British citizen and the other a national of an approved country who holds Subject status, the status of the child shall be determined in accordance with this section.

(2) Where the child is born in the United Kingdom, the child shall be classified as an Inherited Conditional British Citizen.

(3) Where the child is born outside the United Kingdom and the British citizen parent is classified as Indigenous, Inherited Conditional British Citizen, or Hereditary British Citizen, the child shall be classified as a Hereditary British Citizen subject to the provisions of Part 2.

(4) Subsection (3) does not apply where the child would otherwise be classified as a Visitor under the one-generation limitation set out in section 31.

Section 188. Permanent bar to Indigenous status

(1) Where any person within the 75-year rolling window applicable to a person seeking Indigenous status under section 18 married a national of a Tier B country, the person seeking status shall not qualify as an Indigenous British Citizen.

(2) The bar created by subsection (1) operates permanently and no passage of time, change in circumstances, or reclassification of Tier B countries shall permit a person whose lineage includes a Tier B marriage within the relevant window to acquire Indigenous status.

(3) For the purposes of this section, "married" includes any lawful marriage whether contracted within or outside the United Kingdom and whether or not that marriage has subsequently been dissolved.

(4) Where the bar in subsection (1) applies, the person shall be classified as an Inherited Conditional British Citizen if otherwise eligible under Part 2.

Section 189. Requirement for British parentage

(1) No child shall acquire British citizenship by reason of birth on the soil of the United Kingdom alone.

(2) For a child born in the United Kingdom to acquire citizenship status, at least one parent must hold one of the following statuses at the time of birth:

(a) Indigenous British Citizen;

(b) Inherited Conditional British Citizen;

(c) Hereditary British Citizen;

(d) Honorary British Citizen.

(3) Where neither parent holds a status specified in subsection (2), the child shall be classified as a Visitor unless the provisions of section 106 apply to prevent statelessness.

Section 190. Stability of children's status

(1) The classification of a child's status under this Part is determined at the time of birth and is not affected by subsequent changes to the status of either parent.

(2) Where a parent loses British citizenship or British Subject status after the birth of a child, the child's status remains unchanged unless that status was obtained through fraud or material misrepresentation.

(3) Where parents divorce after the birth of a child, the child's status is unaffected by the divorce.

(4) Where both parents of a child under the age of eighteen lose status under Part 5 or Part 8, the provisions of section 218 shall apply to determine whether the child is removed from the United Kingdom with the parents.

(5) Subsections (1) to (4) do not apply where the child's status was itself obtained through fraud or material misrepresentation, in which case the status is void from the outset and may be revoked at any time.

Approved Countries

Section 191. Definition of approved countries

(1) For the purposes of this Part, an approved country is any country that is given in Schedule 3 of this Act and not designated as a Tier B country under section 73.

(2) The list of approved countries shall be maintained by the Secretary of State and shall be the inverse of the Tier B list set out in Schedule 10.

(3) Where a country is added to Tier B under section 74, that country ceases to be an approved country of Schedule 3 from the date the addition takes effect.

(4) Where a country is removed from Tier B under section 74, that country becomes an approved country from the date the removal takes effect.

Section 192. Criteria for approval

(1) No specific criteria beyond absence from Tier B are required for a country to be classified as an approved country.

(2) The classification of a country as approved or Tier B rests solely on the provisions of Part 3, Chapter 5.

Section 193. Automatic cessation of approved status

(1) Where a country is added to Tier B, approved country status ceases immediately upon the addition taking effect.

(2) Where a person holds Subject status by reason of marriage to a British citizen and that person's country of nationality is added to Tier B, the provisions of section 72 shall apply.

Section 194. Parliamentary oversight

(1) Any addition to or removal from Tier B requires Parliamentary approval in accordance with section 74.

(2) The Secretary of State shall lay before Parliament an annual report on the operation of Tier B and the number of persons affected by additions or removals during the preceding year.

Prevention of Sham Marriages

Section 195. Investigation powers

(1) Where the Secretary of State has reasonable grounds to suspect that a proposed marriage or an existing marriage is a sham marriage within the meaning of section 197, the Secretary of State may direct that an investigation be conducted.

(2) An investigation under subsection (1) may be conducted by immigration officers, Border Force officers, or such other persons as the Secretary of State may authorise.

(3) In conducting an investigation, an officer may require any person to attend an interview and to answer questions relevant to the investigation.

(4) An officer conducting an investigation may require the production of documents and may inspect premises with the consent of the occupier or under warrant issued by a justice of the peace.

(5) Failure to cooperate with an investigation under this section without reasonable excuse is an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

Section 196. Reporting duties of registrars

(1) A person who is a registrar of marriages or a person who is authorised to solemnise marriages under the law of any part of the United Kingdom shall report to the Secretary of State any marriage which that person reasonably suspects to be a sham marriage.

(2) A report under subsection (1) shall be made as soon as reasonably practicable and in any event within fourteen days of the suspicion arising.

(3) A report made in good faith under this section does not constitute a breach of any duty of confidentiality and does not give rise to any civil or criminal liability.

(4) Failure to report under subsection (1) where the person had reasonable grounds to suspect a sham marriage is an offence punishable on summary conviction by a fine not exceeding level 4 on the standard scale.

Section 197. Sham marriage offences and penalties

(1) For the purposes of this Part, a sham marriage is a marriage contracted for the dominant purpose of obtaining or facilitating the acquisition of immigration status under this Act.

(2) A person commits an offence who contracts a sham marriage knowing or having reasonable cause to believe that the marriage is contracted for the purpose specified in subsection (1).

(3) A person commits an offence who facilitates or assists another person to contract a sham marriage knowing or having reasonable cause to believe that the marriage is a sham marriage.

(4) A person guilty of an offence under subsection (2) or (3) is liable on conviction on indictment to imprisonment for a term not exceeding five years, to a fine, or to both.

(5) Where a person is convicted of an offence under this section and that person has obtained British Subject status or any other immigration status by reason of the marriage, that status shall be revoked immediately and the person shall be classified as a Visitor and shall be liable to removal under Part 8.

(6) Where the British citizen party to a sham marriage knew or had reasonable cause to believe that the marriage was a sham marriage, that person commits an offence punishable in accordance with subsection (4).

Section 198. Investigation procedures

(1) The Secretary of State may prescribe by regulations the procedures to be followed in conducting an investigation under section 195.

(2) Regulations under subsection (1) may include provision for the conduct of interviews, the taking of statements, the gathering of evidence, and such other matters as the Secretary of State considers necessary or expedient.

(3) In conducting an investigation, officers shall have regard to the need to respect the private and family life of persons involved, but the protection of immigration control shall be the paramount consideration.

Section 199. Retrospective revocation

(1) Where the Secretary of State is satisfied on the balance of probabilities that a marriage was a sham marriage, the Secretary of State may revoke any status obtained by reason of that marriage notwithstanding that the marriage may have subsequently been dissolved or that a substantial period of time has elapsed since the marriage.

(2) Revocation under subsection (1) may occur at any time and is not subject to any limitation period.

(3) Where status is revoked under subsection (1), the person whose status is revoked shall be reclassified in accordance with the provisions of Part 2 as if the marriage had never occurred.

Section 200. Status of children born during sham marriage

(1) Where a sham marriage is identified and status is revoked under section 199, any child born during the subsistence of that marriage shall be treated in accordance with this section.

(2) Where a child was born in the United Kingdom and classified as an Inherited Conditional British Citizen under section 187, that classification shall remain in effect and shall not be revoked by reason only of the subsequent determination that the marriage was a sham marriage.

(3) A child whose status is preserved under subsection (2) may be removed from the United Kingdom together with the parents where both parents are subject to removal under Part 8.

(4) The principle set out in section 71 that families should not be separated does not apply where status was obtained through a sham marriage, and children may be removed together with parents in accordance with the provisions of this Part.

(5) Nothing in this section prevents the revocation of a child's status where that status was itself obtained through fraud or material misrepresentation distinct from the sham marriage of the parents.

PART 8 — REVOCATION, DENATURALISATION, AND REMOVAL

General Principles

Section 201. Secretary of State's powers

(1) The Secretary of State may revoke any status held by a person who is not an Indigenous British Citizen where the Secretary of State is satisfied that such revocation serves the national interest.

(2) The power conferred by subsection (1) is exercisable without prior notice and is not subject to appeal save as provided in Part 12.

(3) For the purposes of this section, "national interest" includes but is not limited to considerations of public safety, national security, public order, the protection of the welfare state, and the maintenance of effective immigration control.

(4) A determination by the Secretary of State under this section is final and is not justiciable as to its merits.

Section 202. National interest grounds

(1) In determining whether revocation serves the national interest under section 201, the Secretary of State may have regard to any matter which appears relevant, including but not limited to the conduct, associations, affiliations, statements, or circumstances of the person concerned.

(2) The Secretary of State is not required to disclose the reasons for a determination under this section beyond stating that the national interest test is satisfied.

(3) No court or tribunal may review the substantive merits of a national interest determination made under this Part.

Section 203. Fast-track removal

(1) Where a person's status is revoked under this Part, the Secretary of State may issue a removal direction requiring that person to leave the United Kingdom within such period as the Secretary of State considers appropriate.

(2) The default period for removal under subsection (1) is 48 hours from service of the removal direction, unless the Secretary of State specifies a different period.

(3) A removal direction under this section takes effect notwithstanding any application for review or any other legal proceedings.

Section 204. No suspensive right of appeal

(1) No appeal, application for judicial review, or other legal challenge shall operate to suspend or delay the operation of a removal direction issued under this Part.

(2) Where a person subject to a removal direction is removed from the United Kingdom before the conclusion of any legal proceedings, those proceedings may continue but shall be conducted as if the person were outside the United Kingdom.

(3) The removal of a person from the United Kingdom under this Part does not preclude that person from pursuing such limited rights of challenge as are provided in Part 12, but no order for return to the United Kingdom may be made save where a manifest procedural error has been established.

Removal of Visitors

Section 205. Immediate removability for breach of condition

(1) A Visitor who breaches any condition attached to his permission to enter or remain in the United Kingdom is liable to immediate removal.

(2) Breach of condition includes but is not limited to remaining beyond the period permitted, engaging in employment or study without permission, accessing public funds, or acting in a manner inconsistent with the purpose for which permission was granted.

(3) An immigration officer may issue a removal direction under section 203 upon being satisfied on the balance of probabilities that a breach of condition has occurred.

Section 206. No appeal rights

(1) A removal direction issued to a Visitor under this Part is final and is not subject to appeal.

(2) The only ground upon which a Visitor may seek review under Part 12 is manifest procedural error in the identification of the person or in the recording of the facts giving rise to the removal direction.

Section 207. Emergency removal procedures

(1) Where an immigration officer considers it necessary in the public interest to effect immediate removal of a Visitor, the officer may serve a removal direction requiring departure within 24 hours.

(2) The power conferred by subsection (1) may be exercised where the immigration officer is satisfied that the Visitor presents a risk to public safety, national security, or public order, or where there is reason to believe that the Visitor will abscond if given longer notice.

(3) Service of a removal direction under this section may be effected by any reasonable means, including electronic communication or oral notification recorded in writing.

Section 208. Port removals

(1) Where a person seeking to enter the United Kingdom at a port or other place of arrival is refused leave to enter, an immigration officer may direct that person's immediate return to the country from which he embarked or to any other country willing to receive him.

(2) A person refused entry under subsection (1) has no right to enter the territory of the United Kingdom pending any challenge to the refusal.

(3) The decision to refuse entry and the direction for return under this section are final and not subject to appeal, save for review on the ground of manifest procedural error under Part 12.

Section 209. Detention unlimited pending removal

(1) An immigration officer or the Secretary of State may detain a Visitor liable to removal under this Part for such period as is necessary to effect removal.

(2) There is no maximum period of detention under subsection (1), and detention may continue until removal is effected or until the Secretary of State directs release.

(3) A person detained under this section has no right to apply for bail.

Revocation of Subject Status

Section 210. Divorce-triggered automatic loss

(1) Where a person holds British Subject status by virtue of marriage to a British citizen and that marriage is dissolved by divorce, the Subject status is automatically revoked on the date the decree absolute is granted.

(2) A person whose status is revoked under subsection (1) becomes a Visitor and must depart the United Kingdom within 30 days of the revocation.

(3) This section does not apply to a person who holds British Subject status by virtue of birth in a United Kingdom Overseas Territory.

Section 211. Criminality

(1) The Secretary of State must revoke the British Subject status of a person who is convicted of a criminal offence for which a sentence of imprisonment of 12 months or more is imposed, whether or not that sentence is suspended.

(2) For the purposes of subsection (1)—

(a) consecutive sentences of imprisonment are aggregated to determine whether the 12-month threshold is met;

(b) concurrent sentences are counted individually, and revocation occurs if any individual sentence meets the threshold;

(c) a suspended sentence counts as a sentence of imprisonment for the purpose of determining whether the threshold is met;

(d) a conviction in a foreign jurisdiction counts if the conduct would constitute a criminal offence under the law of England and Wales and if the sentence imposed would meet the threshold under that law.

(3) A spent conviction under the Rehabilitation of Offenders Act 1974 remains relevant for the purposes of this section.

(4) Revocation under this section takes effect upon conviction, and the person becomes a Visitor with no permission to remain.

Section 212. Breach of status conditions

(1) The Secretary of State may revoke British Subject status where the person has breached any condition attached to that status, including but not limited to conditions relating to residence, employment, or conduct.

(2) Revocation under subsection (1) is at the discretion of the Secretary of State and is not subject to appeal save on the ground of manifest procedural error under Part 12.

Section 213. Exception for United Kingdom Overseas Territory subjects

(1) Sections 210 and 212 do not apply to a person who holds British Subject status by virtue of birth in a United Kingdom Overseas Territory.

(2) Such a person's status may be revoked only on the grounds set out in section 211 or where revocation is required in the national interest under section 201.

Section 214. Fast-track removal procedures

(1) Where British Subject status is revoked under this Chapter, the Secretary of State may issue a removal direction requiring departure within 14 days of service.

(2) The provisions of sections 203 and 204 apply to removals under this section.

Denaturalisation of Inherited Conditional British Citizens

Section 215. Serious criminality grounds

(1) The Secretary of State must revoke the status of an Inherited Conditional British Citizen who is convicted of any of the following offences—

(a) any offence under the Terrorism Acts 2000 and 2006, the Counter-Terrorism and Security Act 2015, or any other enactment relating to terrorism;

(b) child sexual exploitation, including any offence under sections 47 to 50 of the Sexual Offences Act 2003 or any offence involving the grooming, abuse, or exploitation of a person under the age of 18;

(c) rape or sexual assault, including any offence under sections 1 to 4 of the Sexual Offences Act 2003;

(d) murder, manslaughter, or causing death by dangerous driving;

(e) an offence under section 18 or 20 of the Offences Against the Person Act 1861 (grievous bodily harm or wounding);

(f) any offence relating to the trafficking in controlled drugs contrary to the Misuse of Drugs Act 1971 where the offence involves supply, production, or importation with intent to supply;

(g) any offence relating to the possession, use, or supply of firearms or prohibited weapons contrary to the Firearms Act 1968;

(h) any offence relating to human trafficking contrary to the Modern Slavery Act 2015;

(i) robbery where violence or the threat of violence was used;

(j) such other grave offences as may be prescribed by the Secretary of State by statutory instrument subject to the negative resolution procedure.

(2) For the purposes of subsection (1), a person is convicted of an offence if convicted by a court in any part of the United Kingdom or, in the case of a foreign conviction, if the conduct would constitute one of the offences listed in subsection (1) had it occurred in England and Wales.

(3) Revocation under this section is mandatory and is not subject to discretion.

Section 216. Post-sentence removal

(1) Where the status of an Inherited Conditional British Citizen is revoked under section 215, the person shall be removed from the United Kingdom upon completion of any custodial sentence imposed for the offence giving rise to the revocation.

(2) "Completion of custodial sentence" for the purposes of subsection (1) means the date on which the person is released from prison, whether on completion of the full term or on licence.

(3) The provisions of sections 203 and 204 apply to removal under this section.

Section 217. Statelessness no bar to removal

(1) The fact that revocation of status under this Chapter would render a person stateless is not a bar to revocation.

(2) Where a person would be rendered stateless by revocation under this Chapter, the Secretary of State may nevertheless proceed with revocation and removal, and the person may be removed to any country willing to receive him or to an offshore processing facility designated under section 256.

(3) For the purposes of this section, a person is stateless if he does not possess the nationality or citizenship of any State.

Section 218. Tier B or Tier C background: enhanced removal

(1) This section applies to an Inherited Conditional British Citizen where that person, or either of that person's parents or grandparents, is a national of a country listed in Tier B or Tier C.

(2) Where subsection (1) applies, the threshold for revocation under section 215 is modified as follows—

> (a) any custodial sentence, regardless of length, triggers an assessment under Part 5 for potential revocation;
>
> (b) a conviction for any offence listed in section 215(1)(a) to (i) results in immediate and automatic revocation, regardless of the National Integrity Assessment score;

(c) the criminality factor in the National Integrity Assessment formula is doubled.

(3) Where the status of a person to whom subsection (1) applies is revoked, and that person is the parent of children under the age of 18, the entire family unit shall be removed together.

(4) For the purposes of subsection (3), there is no exception on the ground of family separation or the best interests of the child, save where one parent retains Inherited Conditional British Citizen status or holds Indigenous British Citizen or Hereditary British Citizen status.

Section 219. Community petition provisions

(1) A community petition under section 243 may be brought in respect of an Inherited Conditional British Citizen who is subject to revocation proceedings under this Chapter.

(2) Where the person is of Tier B or Tier C background within the meaning of section 218(1), the community petition process is expedited, and a decision must be reached within 28 days of the petition being lodged.

(3) The decision of the community jury under this section is binding on the Secretary of State as to the timing of removal but does not affect the revocation of status, which remains automatic under section 215 or section 218 as applicable.

Removal of Hereditary Citizens

Section 220. High treason

(1) The Secretary of State may revoke the status of a Hereditary British Citizen who is convicted of high treason.

(2) For the purposes of this section, "high treason" has the meaning given by the Treason Act 1351 and subsequent enactments relating to treason.

(3) Revocation under this section is at the discretion of the Secretary of State and may be exercised where the Secretary of State is satisfied that revocation serves the national interest.

Section 221. Terrorism

(1) The Secretary of State may revoke the status of a Hereditary British Citizen who is convicted of an offence under any of the Terrorism Acts or who is found by the Secretary of State to have engaged in conduct related to terrorism that poses a threat to national security.

(2) For the purposes of subsection (1), "conduct related to terrorism" includes but is not limited to membership of a proscribed organisation, facilitation of terrorism, encouragement of terrorism, or preparation of terrorist acts.

(3) A finding under subsection (1) may be made on the basis of intelligence material and is not subject to the criminal standard of proof.

Section 222. Espionage

(1) The Secretary of State may revoke the status of a Hereditary British Citizen who is convicted of an offence under the Official Secrets Acts 1911 to 1989 or who is found by the Secretary of State to have engaged in espionage or conduct prejudicial to the safety or interests of the United Kingdom.

(2) For the purposes of subsection (1), "espionage" includes obtaining, communicating, or retaining protected information for the benefit of a foreign power or terrorist organisation.

Section 223. Grave threats to national security

(1) The Secretary of State may revoke the status of a Hereditary British Citizen where the Secretary of State is satisfied that the person poses a grave threat to national security.

(2) A determination under subsection (1) may be based upon any intelligence or information available to the Secretary of State and is not subject to disclosure or challenge save on the ground of manifest procedural error under Part 12.

Section 224. Serious criminal offences

(1) The Secretary of State may revoke the status of a Hereditary British Citizen who is convicted of a serious criminal offence.

(2) For the purposes of subsection (1), "serious criminal offence" means—

(a) any offence for which a sentence of imprisonment of five years or more is imposed;

(b) any offence listed in section 215(1)(a) to (i);

(c) such other offences as may be prescribed by the Secretary of State by statutory instrument subject to the negative resolution procedure.

(3) Revocation under this section is discretionary and the Secretary of State must have regard to all the circumstances, including the nature and gravity of the offence, the sentence imposed, and the national interest.

Section 225. Entry ban provisions

(1) Where the status of a Hereditary British Citizen is revoked under this Chapter, the Secretary of State may impose a ban on re-entry to the United Kingdom.

(2) A ban under subsection (1) shall be for a minimum period of ten years from the date of removal, and may be for life where the Secretary of State considers it appropriate.

(3) A ban imposed under this section may be reviewed after the minimum period has elapsed, but there is no entitlement to re-entry and any decision on review is at the absolute discretion of the Secretary of State.

Section 226. Community petition provisions

(1) A community petition under section 243 may be brought in respect of a Hereditary British Citizen who is subject to revocation proceedings under this Chapter.

(2) The provisions of sections 243 to 251 apply to petitions under this section subject to such modifications as are necessary.

Temporary Expulsion of Indigenous Citizens

Section 227. Exceptional circumstances only

(1) An Indigenous British Citizen may be subject to a temporary expulsion order only in exceptional circumstances where the public interest or national interest requires temporary removal from the United Kingdom.

(2) For the purposes of subsection (1), "exceptional circumstances" exist only where—

(a) the person has been convicted of an offence of such gravity that a custodial sentence of life imprisonment or an aggregate of custodial sentences exceeding 15 years has been imposed; or

(b) the person has been convicted of repeated attempts at sedition, insurrection, or conduct intended to subvert the constitutional order; or

(c) the person has been convicted of an offence amounting to treason as defined in the Treason Act 1351 and subsequent enactments, but the offence does not warrant a sentence of death or life imprisonment; or

(d) the person has demonstrated repeated improper public conduct of a nature which is so gravely injurious to the dignity or traditional customs of the British people as to necessitate expulsion on account of public order.

Section 228. Maximum ten-year expulsion

(1) A temporary expulsion order made under this Chapter may not exceed a period of ten years from the date the order takes effect.

(2) Upon the expiry of the period specified in the order, the person shall have an automatic right to return to the United Kingdom and to resume the full exercise of his rights as an Indigenous British Citizen.

(3) During the period of expulsion, the person's status as an Indigenous British Citizen is suspended but not extinguished.

(4) The Secretary of State may at their discretion reduce the status of the person to Inherited Conditional citizenship.

Section 229. Public or national interest grounds

(1) An expulsion order under this Chapter may be made only where the court is satisfied that expulsion is necessary in the public interest or the national interest.

(2) In determining whether expulsion is necessary under subsection (1), the court must have regard to—

> (a) the nature and gravity of the offence or offences for which the person has been convicted;
>
> (b) the risk posed by the person to public safety, national security, or public order;
>
> (c) the deterrent effect of expulsion on others;
>
> (d) the person's conduct, character, and associations;
>
> (e) any other matter which appears relevant to the court.

Section 230. Community nomination process

(1) A temporary expulsion order may be initiated by a community petition in accordance with this section.

(2) A petition under subsection (1) must be signed by not fewer than 100 residents of the local area in which the person resides, where "local area" means the district, borough, or unitary authority area.

(3) Upon receipt of a petition that meets the requirements of subsection (2), the magistrates' court for the area must conduct an initial screening to determine whether the petition is facially valid.

(4) If the petition is found to be facially valid, the magistrates' court must convene a community jury in accordance with section 245.

(5) The community jury shall consist of 12 persons who are Indigenous British Citizens or Hereditary British Citizens, drawn by lot from the local jury list.

(6) The community jury may, by a simple majority of not fewer than seven members, nominate the person for temporary expulsion.

(7) A nomination under subsection (6) does not result in expulsion unless and until an expulsion order is made by the Crown Court in accordance with section 231.

Section 231. Jury trial requirement

(1) No temporary expulsion order may be made under this Chapter unless the person has been tried and convicted by a jury in the Crown Court of an offence meeting the criteria in section 227(2).

(2) Following conviction, the Crown Court may, on application by the prosecution, consider whether to make a temporary expulsion order.

(3) The court may make an expulsion order only if satisfied beyond reasonable doubt that the criteria in section 227 are met and that expulsion is necessary in the public interest under section 229.

Section 232. Offences of exceptional seriousness

(1) For the purposes of this Chapter, an offence is of exceptional seriousness if it falls within any of the following categories—

(a) repeated attempts at sedition, meaning conduct intended to incite others to violence or insurrection against His Majesty's Government or to subvert the constitutional order, where the person has been convicted of such conduct on more than one occasion;

(b) severe criminality, meaning conduct for which multiple custodial sentences have been imposed such that the aggregate period of imprisonment exceeds 15 years or a single sentence of life imprisonment has been imposed;

(c) treason as defined in the Treason Act 1351 and subsequent enactments, but where the offence does not warrant a sentence of death or life imprisonment.

Section 233. Court order requirements

(1) A temporary expulsion order must specify—

(a) the period of expulsion, which may not exceed ten years;

(b) the grounds upon which the order is made;

(c) the date upon which the order takes effect.

(2) In making an expulsion order, the court must find that exceptional circumstances exist within the meaning of section 227 and must record that finding in the order.

(3) An expulsion order takes effect upon the person's release from prison or, if the person is not in prison, upon service of the order.

Section 234. Automatic return rights after expulsion period

(1) Upon the expiry of the period specified in a temporary expulsion order, the person is entitled to return to the United Kingdom without further application or permission.

(2) The Secretary of State must, upon request, issue to the person such documentation as is necessary to facilitate return, including a passport if required.

(3) Upon return, the person resumes the full exercise of all rights and privileges attaching to Indigenous British Citizen status.

Section 235. No statelessness

(1) An Indigenous British Citizen cannot be rendered stateless by any action taken under this Part.

(2) A temporary expulsion order suspends but does not extinguish the person's status as an Indigenous British Citizen.

(3) During the period of expulsion, the person retains the right to apply for consular assistance and to such other protections as are afforded to British citizens abroad, save that he has no right to enter the United Kingdom until the expulsion period has expired.

National Integrity Assessment Removals

Section 236. Automatic removal for score below zero

(1) Where a person's National Integrity Assessment score as calculated under Part 5 falls below zero, that person's status is automatically revoked and the person becomes liable to removal.

(2) Revocation under subsection (1) is not subject to discretion and takes effect immediately upon the calculation being finalised.

(3) The Secretary of State must issue a removal direction in accordance with section 203.

Section 237. Fourteen-day notice period

(1) Save where immediate removal is required in the national interest, a person whose status is revoked under section 236 shall be given 14 days' notice of removal.

(2) The notice period under subsection (1) is administrative only and does not confer any right of appeal or suspensive effect.

(3) During the notice period, the person may submit documentary evidence of factual error in accordance with Part 12, but no other grounds of challenge are permitted.

Section 238. Removal destination

(1) A person removed under this Chapter may be removed to—

(a) the country of which the person is a national or citizen;

(b) a country listed in Tier B;

(c) a safe third country designated under section 261; or

(d) an offshore processing facility designated under section 256.

(2) The choice of destination under subsection (1) is at the absolute discretion of the Secretary of State and is not subject to appeal or challenge.

Section 239. Family removal provisions

(1) Where a person removed under this Chapter is the parent of children under the age of 18, the entire family unit shall be removed together unless subsection (2) applies.

(2) Children are not removed with the parent if—

(a) the other parent retains British citizenship of any category and is exercising parental responsibility; or

(b) a court order grants custody or care to another person who is lawfully present in the United Kingdom.

(3) For the purposes of this section, "family unit" means the person removed, his spouse or civil partner if present in the United Kingdom, and any children under the age of 18 who are dependants of that person.

Section 240. Children under eighteen removed with parents

(1) Children under the age of 18 who are removed with parents under section 239 retain their status as Inherited Conditional British Citizens or British Subjects as applicable.

(2) Such children may return to the United Kingdom upon attaining the age of 18 if their status has not been separately revoked.

(3) No application or permission is required for return under subsection (2), but the person must satisfy an immigration officer at the port of entry that he holds the status claimed.

Section 241. Children over eighteen: separate assessment

(1) A child who has attained the age of 18 is subject to separate assessment under Part 5 and is not removed solely by reason of a parent's removal.

(2) Where a child over the age of 18 is assessed under Part 5 and his score falls below zero, he is liable to removal in his own right in accordance with this Chapter.

Section 242. No appeal except factual error correction

(1) A removal under this Chapter is not subject to appeal save on the ground of factual error as provided in Part 12.

(2) For the purposes of subsection (1), "factual error" means an error in the identity of the person, an error in the recording of data used in the calculation of the National Integrity Assessment score, or an arithmetical error in the calculation itself.

(3) No challenge may be made to the methodology used to calculate the score, the weighting of factors, or any discretionary element of the assessment.

Community Petition Process

Section 243. Community standing and definition

(1) A community petition under this Chapter may be brought by residents of the local area in which the person concerned resides.

(2) For the purposes of subsection (1), "local area" means the district, borough, or unitary authority area.

(3) A petition must be signed by not fewer than 100 residents of the local area who are entitled to vote in local elections.

(4) The petition must state clearly whether it seeks—

(a) inclusion, meaning the grant of status, the continuation of status, or a stay of removal; or

(b) removal, meaning the revocation of status or the deportation of the person.

Section 244. Petition procedures

(1) A petition under this Chapter must be submitted in writing to the magistrates' court for the local area.

(2) The petition must include—

(a) the name and address of the person to whom the petition relates;

(b) the status currently held by that person or claimed by that person;

(c) the grounds upon which inclusion or removal is sought;

(d) the names, addresses, and signatures of the persons supporting the petition.

(3) Upon receipt of a petition, the magistrates' court must conduct an initial screening within seven days to determine whether the petition is facially valid.

(4) A petition is facially valid if it meets the requirements of subsections (1) and (2) and if the grounds stated are capable of supporting the relief sought.

(5) If the petition is found to be facially valid, the court must convene a community jury in accordance with section 245 within 21 days.

Section 245. Jury selection

(1) A community jury under this Chapter shall consist of 12 persons who are Indigenous British Citizens or Hereditary British Citizens.

(2) Jurors shall be drawn by lot from the local jury list maintained by the magistrates' court for the local area.

(3) The senior magistrate for the area, or such other magistrate as the senior magistrate may appoint, shall preside over the community jury proceedings in a non-voting capacity.

(4) The presiding magistrate shall ensure that the proceedings are conducted fairly and in accordance with the principles of natural justice, but shall not participate in the deliberations or the decision of the jury.

Section 246. Standards of proof

(1) The community jury shall determine the petition on the balance of probabilities.

(2) The proceedings before the community jury are inquisitorial in nature, and the jury may receive evidence in such form as it considers appropriate, including hearsay evidence, documentary evidence, and oral testimony.

(3) The person to whom the petition relates is entitled to be present at the hearing and may be accompanied by a lay representative.

(4) The person is entitled to give evidence and to present witnesses, but there is no right to legal representation.

Section 247. Nomination for inclusion or removal

(1) A community jury may, by a simple majority of not fewer than seven members, grant the relief sought in the petition.

(2) The relief that may be granted includes—

(a) in the case of a petition for inclusion—

(i) a recommendation that status be granted to a person who does not currently hold status;

(ii) a stay of removal for a person whose status has been revoked or who is liable to removal;

(iii) a direction that the person be permitted to remain in the United Kingdom for a specified period not exceeding 12 months, renewable once only;

(b) in the case of a petition for removal—

(i) a recommendation that status be revoked;

(ii) a direction that the person be removed from the United Kingdom within 24 hours of service of the direction, subject to a right of appeal on procedural grounds only within seven days.

Section 248. Entry status change petitions

(1) A community jury may receive a petition seeking a change in the status of a person, including an application for reclassification from Visitor to British Subject, or from British Subject to Inherited Conditional British Citizen, provided that the person meets the statutory criteria for the status sought.

(2) A decision by the community jury under subsection (1) is a recommendation only and does not bind the Secretary of State as to classification.

(3) The Secretary of State must have regard to a recommendation under subsection (1) but may decline to follow it where the national interest requires a different outcome.

Section 249. Simple majority required

(1) A decision of the community jury requires the agreement of not fewer than seven of the twelve members.

(2) Voting shall be by secret ballot, and the presiding magistrate shall count the votes and declare the result.

(3) If fewer than seven members agree, the petition is refused.

Section 250. Decision binding on Secretary of State as to timing

(1) A decision by the community jury to grant a stay of removal under section 247(2)(a)(ii) or (iii) binds the Secretary of State as to the timing of removal.

(2) The Secretary of State must not issue a removal direction during the period of the stay, save where national security requires immediate removal.

(3) A decision by the community jury does not bind the Secretary of State as to the classification of the person's status or as to any decision on the merits of a status application.

Section 251. Parliamentary oversight

(1) The Secretary of State must lay before Parliament an annual report on the operation of the community petition process under this Chapter.

(2) The report under subsection (1) must include—

> (a) the number of petitions received, broken down by local area;
>
> (b) the number of petitions found to be facially valid and the number refused at the initial screening stage;
>
> (c) the number of community juries convened and the outcomes of their decisions;

(d) such other information as the Secretary of State considers relevant.

(3) The report under subsection (1) must be laid before Parliament within six months of the end of each calendar year.

Fast-Track Removal Procedures

Section 252. Immediate removal powers

(1) The Secretary of State may direct the immediate removal of any Visitor from the United Kingdom without prior notice where the Secretary of State is satisfied that immediate removal is necessary in the public interest or the national interest.

(2) No notice period is required for removal under subsection (1) where the Visitor has breached any condition of his permission to remain.

(3) A person refused leave to enter at a port or place of arrival may be removed within 48 hours of the refusal, and no further notice is required.

(4) A person whose status as an Inherited Conditional British Citizen has been revoked following assessment under Part 5 may be removed within 14 days of service of notice of revocation, save where the Secretary of State directs a shorter period.

(5) No suspensive right arises by reason of any application for review or any other legal challenge, and removal may proceed notwithstanding any such application or challenge.

Section 253. Detention pending removal

(1) A person liable to removal under this Part may be detained for such period as is necessary to effect removal, and there is no maximum period of detention.

(2) A person detained under subsection (1) has no right to apply for bail if that person is a Visitor.

(3) A person detained under subsection (1) who is an Inherited Conditional British Citizen or a British Subject whose status has been revoked may apply for bail in accordance with Part 14, but the grant of bail is at the discretion of the Secretary of State and is not a matter of right.

(4) No application for judicial review may be brought in respect of a decision to detain under this section, save on the ground of manifest procedural error in accordance with Part 12.

Section 254. Removal to any willing country

(1) A person removed under this Part may be removed to any country willing to receive him, and there is no requirement that the Secretary of State establish the person's identity or nationality before effecting removal.

(2) The Secretary of State may remove a person to—

> (a) a country of which the person is a national or in which he has previously resided;
>
> (b) a safe third country designated under section 261;
>
> (c) an offshore processing facility designated under section 256; or
>
> (d) any other country that has agreed to receive the person, whether by formal treaty, administrative arrangement, or on a case-by-case basis.

(3) The presumptions established in section 262 apply to removals under this section.

(4) The fact that removal would render a person stateless is not a bar to removal under this section.

Section 255. Port removals

(1) An immigration officer may direct the immediate return of a person who has been refused leave to enter at a port or place of arrival to the carrier by which that person arrived or to any other carrier willing to accept that person.

(2) A person subject to a direction under subsection (1) is not permitted to enter the territory of the United Kingdom, and the direction for return is not subject to appeal.

(3) A refusal of leave to enter and a direction for return under this section may be effected at juxtaposed controls in France, Belgium, or any other location where the United Kingdom operates immigration controls by agreement with another State.

(4) Where a person is subject to a direction for return under subsection (1), the carrier which brought that person to the port or place of arrival shall accept that person for return and shall transport that person from the United Kingdom at the carrier's own expense.

(5) A person refused leave to enter at a juxtaposed control and subject to a direction for return under this section is deemed never to have entered the United Kingdom for any purpose.

Section 255. Port removals (continued)

(4) Where a person is subject to a direction for return under subsection (1), the carrier which brought that person to the port or place of arrival shall accept that person for return and shall transport that person from the United Kingdom at the carrier's own expense.

(5) A person refused leave to enter at a juxtaposed control and subject to a direction for return under this section is deemed never to have entered the United Kingdom for any purpose.

Offshore Processing and Removal Centres

Section 256. Designation authority

(1) The Secretary of State may by order designate any facility, installation, or location as an offshore processing facility for the purposes of this Part.

(2) A facility designated under subsection (1) may be used for—

(a) the processing of applications for permission to enter the United Kingdom made by persons who would otherwise be classified as Visitors;

(b) the detention of persons liable to removal pending the completion of removal arrangements;

(c) the accommodation of persons who have been removed from the United Kingdom and who are stateless or whose country of nationality or former habitual residence has refused to accept them, pending acceptance by a third country.

(3) A designation under subsection (1) is not subject to appeal or judicial review.

Section 257. Location flexibility

(1) An offshore processing facility designated under section 256 may be located in—

(a) any third country that has agreed by treaty, memorandum of understanding, exchange of letters, or other administrative arrangement to host such a facility;

(b) a British Overseas Territory;

(c) a Crown Dependency, provided that the legislature of that Dependency has consented to the designation;

(d) territory leased by the United Kingdom from another State for the purpose of establishing such a facility;

(e) a vessel, platform, or other maritime installation under the control of the United Kingdom or of a contractor engaged by the Secretary of State; or

(f) an island or other remote territory designated by the Secretary of State.

(2) The Secretary of State may enter into financial arrangements with the government of a third country to secure the operation of a facility under subsection (1)(a), including payments for the reception, accommodation, processing, and integration of persons transferred to that facility.

Section 258. Deemed removal

(1) The transfer of a person to an offshore processing facility designated under section 256 constitutes removal from the United Kingdom for all purposes.

(2) Upon transfer under subsection (1), the person ceases to be within the jurisdiction of the United Kingdom for the purposes of immigration control, and no further immigration proceedings may be brought in respect of that person in the United Kingdom.

(3) The remedy of habeas corpus is available in respect of a person transferred to an offshore processing facility only on the ground of manifest procedural error, being—

(a) an error in the identity of the person transferred; or

(b) an error of law on the face of the removal direction such that the person was not in fact liable to removal.

(4) No court may grant an order for the return of a person to the United Kingdom following transfer to an offshore processing facility, save where a manifest procedural error within the meaning of subsection (3) is established.

Section 259. Standards and operation

(1) The Secretary of State must ensure that an offshore processing facility designated under section 256 meets basic humanitarian standards, being—

(a) the provision of adequate food, drinking water, and sanitation;

(b) the provision of shelter affording protection from the elements;

(c) the provision of basic medical care;

(d) the maintenance of safety and security within the facility.

(2) The standards specified in subsection (1) are minimum requirements only, and no court or tribunal may review the conditions in an offshore processing facility beyond determining whether those minimum standards are met.

(3) The operation and management of an offshore processing facility may be contracted to a private operator, and such an operator shall have such powers as are necessary to maintain order and security within the facility.

(4) The Secretary of State may by regulations prescribe further standards and operational requirements for offshore processing facilities, but such regulations do not create enforceable rights or grounds for judicial review beyond the minimum standards set out in subsection (1).

Section 260. Duration

(1) A person transferred to an offshore processing facility may be detained in that facility indefinitely pending—

(a) acceptance by a third country;

(b) voluntary return to the country of origin or former habitual residence; or

(c) a direction for release issued by the Secretary of State.

(2) A person detained in an offshore processing facility has no right to apply for release or for transfer to the United Kingdom.

(3) The Secretary of State may direct the release of a person from an offshore processing facility at any time, but such a direction is entirely at the discretion of the Secretary of State and is not subject to appeal or review.

Safe Third Country Framework

Section 261. Designation of safe third countries

(1) The Secretary of State may by order designate any country as a safe third country for the purposes of this Part.

(2) A designation under subsection (1) is a determination that the country in question is safe for the purpose of receiving persons removed from the United Kingdom, and that determination is final and not justiciable.

(3) No court or tribunal may review the merits of a designation under subsection (1) or entertain any challenge to such a designation on the ground that the country designated is not in fact safe.

(4) For the purposes of this section, the presumption is that all countries are safe for the purpose of receiving persons removed from the United Kingdom, save for countries that are designated by the Secretary of State as active war zones.

(5) A designation of a country as an active war zone under subsection (4) shall be reviewed annually, and the Secretary of State may by order remove a country from that designation where circumstances have changed.

Section 262. Irrebuttable presumption

(1) Once a country is designated as a safe third country under section 261, a person liable to removal may be removed to that country, and it is irrebuttably presumed that the person will not face persecution, torture, inhuman or degrading treatment, or any other harm in that country.

(2) No individual assessment of the safety of removal in the particular case may be made, and no court or tribunal may entertain any challenge to removal on the ground that the person will face harm in the receiving country.

(3) No appeal or judicial review may be brought on the ground that removal to the designated safe third country is unlawful by reason of the person's individual circumstances, including but not limited to—

(a) the person's health or medical condition;

(b) the person's family ties in the United Kingdom or elsewhere;

(c) the person's previous residence in the receiving country;

(d) the person's connections to or history in the receiving country;

(e) any risk of harm to the person in the receiving country.

(4) For the purposes of this section, the designation of a country as a safe third country is conclusive, and the irrebuttable presumption in subsection (1) applies notwithstanding any evidence to the contrary.

Section 263. Return agreements not required

(1) The Secretary of State may remove a person to any country willing to receive that person, and there is no requirement that a formal bilateral treaty or return agreement be in place before removal is effected.

(2) Payment may be made by the Secretary of State to a receiving country in consideration of that country's agreement to receive persons removed from the United Kingdom, and such payment may cover the costs of reception, accommodation, processing, and integration.

(3) An administrative arrangement is sufficient for the purposes of subsection (1), and such an arrangement may take the form of—

(a) a memorandum of understanding;

(b) an exchange of letters between governments;

(c) an oral agreement recorded in writing by officials; or

(d) a case-by-case acceptance communicated by diplomatic or other means.

(4) No requirement for Parliamentary approval, ratification, or scrutiny applies to administrative arrangements made under this section.

Section 264. Third country financial arrangements

(1) The Secretary of State may enter into financial arrangements with the government of a third country providing for—

(a) payments to that government in consideration of the reception of persons removed from the United Kingdom;

(b) payments to cover the costs of processing applications for status or protection made by persons removed to that country;

(c) payments to support the integration of persons removed to that country into the society and economy of that country; and

(d) such other payments as the Secretary of State considers appropriate to secure the cooperation of that country in receiving and accommodating persons removed from the United Kingdom.

(2) Arrangements under subsection (1) may provide for the establishment of offshore processing facilities in the third country, and such facilities shall be deemed to be offshore processing facilities for the purposes of section 256.

(3) The transfer of a person to a facility established under subsection (2) constitutes removal from the United Kingdom within the meaning of section 258, and the provisions of that section apply accordingly.

Section 265. List of designated safe third countries

(1) The following countries are designated as safe third countries upon the commencement of this section—

(a) the Republic of Rwanda;

(b) the Republic of Albania.

(2) The Secretary of State may by order add further countries to the list in subsection (1) or remove countries from that list.

(3) An order under subsection (2) is subject to the negative resolution procedure.

Section 266. Amendment of list

(1) An order under section 265(2) adding a country to the list of designated safe third countries or removing a country from that list takes effect immediately upon being made.

(2) The negative resolution procedure applies to an order under section 265(2), meaning that the order is laid before Parliament after being made and ceases to

have effect if either House of Parliament resolves that it be annulled within the period of 40 days beginning with the day on which it is made.

(3) The Secretary of State may by Order in Council add a country to the list of designated safe third countries without following the procedure in subsections (1) and (2) where the Secretary of State considers that an emergency addition is necessary on grounds of national security or terrorism.

(4) An Order in Council made under subsection (3) takes effect immediately and remains in force unless Parliament resolves that it be annulled within the period of 28 days beginning with the day on which it is laid before Parliament.

(5) No Parliamentary approval is required for an order removing a country from the list of designated safe third countries.

Deportation Destinations and Logistics

Section 267. Priority destinations

(1) A person liable to deportation or removal under this Part shall be removed to a destination determined by the Secretary of State in accordance with the following order of priority—

(a) the country of which the person is a national;

(b) the country in which the person has most recently habitually resided for a continuous period of not less than 12 months;

(c) a safe third country designated under section 261 that has agreed to receive the person;

(d) a country for which the person qualifies for citizenship due to their ethnic background, place of birth, or familial ties;

(e) an offshore processing facility designated under section 256;

(f) any other country willing to receive the person, whether by formal agreement or on a case-by-case basis.

(2) The order of priority in subsection (1) is indicative only, and the Secretary of State is not bound to follow that order where operational considerations, the national interest, or other relevant factors make it appropriate to select a different destination.

(3) The selection of a destination under this section is at the absolute discretion of the Secretary of State and is not subject to appeal, judicial review, or any other form of challenge.

Section 268. Travel documents

(1) The Secretary of State may issue a travel document to a person liable to removal under this Part for the purpose of effecting that person's removal, and such a document shall be accepted by carriers and receiving countries as sufficient evidence of identity and authority to travel.

(2) There is no requirement that the receiving country accept the person's claimed identity or nationality, and the issuance of a travel document by the Secretary of State under subsection (1) is sufficient to effect removal.

(3) A travel document issued under subsection (1) serves as a United Kingdom removal order and constitutes authority for the person to be removed from the United Kingdom and for the receiving country to accept that person.

(4) The form of travel documents issued under this section shall be prescribed by the Secretary of State, and such documents need not conform to any international standard or convention.

Section 269. Carrier obligations

(1) A carrier directed by the Secretary of State or by an immigration officer to accept a person for removal under this Part must accept that person and must transport that person to the destination specified in the removal direction.

(2) A carrier that fails to comply with subsection (1) without reasonable excuse commits an offence and is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(3) A carrier that complies with a direction under subsection (1) is entitled to payment of reasonable costs incurred in transporting the person, such payment to be made by the Secretary of State upon submission of an invoice.

(4) The Secretary of State may arrange for the chartering of aircraft or other means of transport for the purpose of effecting removals under this Part, and such arrangements may provide for the removal of multiple persons on a single flight or voyage.

Section 270. Use of force

(1) Reasonable force may be used by an immigration officer, a constable, a detainee custody officer, or any other person authorised by the Secretary of State where such force is necessary to effect removal under this Part.

(2) For the purposes of subsection (1), "reasonable force" includes such physical restraint as is necessary to—

(a) prevent the person from absconding or escaping;

(b) prevent the person from harming himself or others;

(c) compel the person to board a means of transport; or

(d) prevent the person from disrupting the removal process.

(3) The techniques of restraint that may be used for the purposes of subsection (1) shall be prescribed by regulations made by the Secretary of State, but such regulations do not create enforceable rights and do not provide grounds for judicial review or challenge to the use of force.

(4) Medical oversight shall be provided during removal where an immigration officer or other authorised person considers it necessary, having regard to the person's health, the level of restraint used, or any other relevant factor.

(5) The provision of medical oversight under subsection (4) does not create a duty of care enforceable by action for damages, and the only remedy for breach is such remedy as may be provided by the criminal law or by disciplinary proceedings against the person responsible for the breach.

PART 9 — DUAL NATIONALITY AND RENUNCIATION

Multiple Nationalities

Section 271. Unlimited foreign nationality holdings permitted

(1) A person may hold the nationality or citizenship of any number of foreign States in addition to holding British citizenship or British Subject status under this Act.

(2) The holding of foreign nationality does not affect the acquisition, retention, or exercise of any status conferred by this Act.

(3) For the purposes of this section, "foreign nationality" means the nationality or citizenship of any State other than the United Kingdom.

Section 272. British status determined solely by birth and lineage

(1) The status of a person under this Act is determined solely by the criteria set out in Part 2, being criteria relating to place of birth, descent, marriage, or Parliamentary grant.

(2) The acquisition of foreign nationality or citizenship by a person after that person has acquired status under this Act does not affect that status.

(3) The fact that a person holds or has held foreign nationality is irrelevant to the determination of that person's status under this Act, save where expressly provided otherwise in this Act.

Section 273. No effect on British status from foreign citizenship acquisition

(1) A person who is an Indigenous British Citizen, an Inherited Conditional British Citizen, or a Hereditary British Citizen does not lose that status by reason of acquiring the nationality or citizenship of a foreign State.

(2) A person who is a British Subject does not lose that status by reason of acquiring the nationality or citizenship of a foreign State, save where that acquisition constitutes a breach of a condition attached to the Subject status and the Secretary of State exercises the power of revocation conferred by section 212.

(3) A person who is an Honorary British Citizen does not lose that status by reason of acquiring the nationality or citizenship of a foreign State, save where the instrument conferring Honorary British Citizen status expressly provides otherwise.

Section 274. Public office prohibition for dual nationals

(1) A person who holds any nationality or citizenship other than British citizenship or British Subject status is disqualified from holding or being appointed to any public office specified in Part 10.

(2) The disqualification in subsection (1) applies notwithstanding that the person holds British citizenship of any category under this Act.

(3) The only exception to subsection (1) is where the person holds Irish citizenship by virtue of birth in the island of Ireland or by descent from a person born in the island of Ireland, in which case the person is not disqualified from public office by reason of holding Irish citizenship in addition to British citizenship.

(4) For the purposes of subsection (3), the exception applies only to Irish citizenship and does not extend to any other foreign nationality that the person may hold.

(5) The provisions of Part 10 govern the application of this section.

Renunciation

Section 275. Application for de-recognition

(1) A person who is an Indigenous British Citizen, an Inherited Conditional British Citizen, a Hereditary British Citizen, or an Honorary British Citizen may renounce that status by making a statutory declaration to that effect.

(2) A statutory declaration under subsection (1) must be made before a person authorised to administer oaths in the United Kingdom or, where the person is outside the United Kingdom, before a British consular officer or such other person as may be prescribed by regulations.

(3) A statutory declaration under subsection (1) must state—

(a) the full name and date of birth of the person making the declaration;

(b) the status held by that person under this Act;

(c) that the person wishes to renounce that status; and

(d) that the person understands the consequences of renunciation as set out in this section.

(4) A person who is a British Subject may not renounce that status under this section, but such status may be lost by operation of law in accordance with Part 8.

(5) Renunciation under this section takes effect upon the date on which the statutory declaration is received by the Secretary of State.

(6) A person may not renounce British citizenship under this section if that person is subject to proceedings for revocation of status under Part 8 or if that person is subject to any criminal proceedings in the United Kingdom.

Section 276. One-time resumption right

(1) A person who has renounced British citizenship under section 275 may apply to resume that status once only, provided that the application is made within ten years of the date of renunciation.

(2) An application under subsection (1) must be made in such form and manner as the Secretary of State may prescribe, and must be accompanied by such evidence as the Secretary of State may require to establish that the applicant previously held the status claimed and renounced that status in accordance with section 275.

(3) The Secretary of State must grant an application under subsection (1) if satisfied that the applicant meets the requirements of subsection (2) and that the applicant held the status claimed at the time of renunciation.

(4) Resumption of status under this section takes effect from the date on which the Secretary of State notifies the applicant in writing that the application has been granted.

(5) A person who has exercised the right of resumption under this section may not renounce and resume status a second time.

Section 277. Procedures and documentation

(1) The Secretary of State must maintain a register of persons who have renounced British citizenship under section 275 and of persons who have resumed British citizenship under section 276.

(2) The register maintained under subsection (1) is not open to public inspection but may be inspected by the person to whom the entry relates or by such other persons as the Secretary of State may permit.

(3) Upon renunciation of British citizenship under section 275, the person must surrender to the Secretary of State any passport, Status Recognition Certificate, or other document evidencing British citizenship issued to that person.

(4) Failure to surrender documents as required by subsection (3) does not invalidate the renunciation but constitutes an offence punishable on summary conviction by a fine not exceeding level 3 on the standard scale.

(5) Upon resumption of British citizenship under section 276, the Secretary of State must issue to the person such documentation as is appropriate to evidence the resumed status, including a passport and a Status Recognition Certificate if applicable.

Section 278. Effect on family members

(1) The renunciation of British citizenship by a person under section 275 does not affect the status of any other person, including the spouse, civil partner, or children of the person renouncing status.

(2) Where a person who is a British Subject by virtue of marriage to a British citizen renounces British citizenship, that renunciation does not affect the Subject status of the spouse, which continues unless and until it is lost by operation of law in accordance with Part 8.

(3) The children of a person who renounces British citizenship retain their own status under this Act, being the status determined by reference to the criteria in Part 2 at the time of their birth.

(4) Renunciation under this section is an individual act and has no effect on the status of any other person.

Section 279. Resumption procedures and proof of original status

(1) An applicant for resumption of British citizenship under section 276 must provide such evidence as the Secretary of State considers necessary to establish that the applicant previously held the status claimed.

(2) Evidence under subsection (1) may include—

(a) a copy of the statutory declaration of renunciation made under section 275;

(b) a copy of any passport or Status Recognition Certificate issued to the applicant before renunciation;

(c) an entry in the register maintained under section 277;

(d) birth certificates, marriage certificates, or other documents evidencing the basis upon which the applicant originally acquired the status claimed; or

(e) such other documentary or testimonial evidence as the Secretary of State considers sufficient.

(3) Where the Secretary of State is satisfied that the applicant has provided sufficient evidence under subsection (1), the Secretary of State must grant the application and issue a notice of resumption in writing.

(4) A notice of resumption issued under subsection (3) must specify—

(a) the status resumed;

(b) the date from which resumption takes effect; and

(c) such other particulars as the Secretary of State considers appropriate.

(5) Upon resumption taking effect, the person is treated as if that person had never renounced British citizenship, save that—

(a) the period during which the person did not hold British citizenship is not counted for the purpose of calculating any period of residence or presence in the United Kingdom required for any purpose under this Act;

(b) any act or omission during the period when the person did not hold British citizenship that would have constituted a breach of condition or ground for revocation had the person held British citizenship at that time may be taken into account in any future assessment under Part 5 or in any decision whether to revoke status under Part 8; and

(c) the person's right to renounce status a second time is extinguished.

(6) The Secretary of State may by regulations prescribe the form of applications for resumption, the manner in which such applications are to be made, the evidence required, and the fees payable.

(7) Regulations made under subsection (6) are subject to the negative resolution procedure.

PART 10 — EMPLOYMENT AND PUBLIC OFFICE

Right to Work

Section 280. Indigenous citizens

(1) An Indigenous British Citizen may engage in any form of employment, self-employment, or occupation without restriction or permission.

(2) No employer may require an Indigenous British Citizen to demonstrate immigration status beyond production of a valid passport or Status Recognition Certificate endorsed to indicate Indigenous status.

Section 281. Inherited Conditional British Citizens

(1) An Inherited Conditional British Citizen may engage in any form of employment, self-employment, or occupation without restriction or permission.

(2) The conditional nature of such status does not affect entitlement to work during the currency of that status.

Section 282. Hereditary citizens

(1) A Hereditary British Citizen may engage in any form of employment, self-employment, or occupation without restriction or permission whilst lawfully present in the United Kingdom.

(2) Absence from the United Kingdom does not suspend the right to work upon return.

Section 283. Honorary citizens

(1) An Honorary British Citizen may engage in any form of employment, self-employment, or occupation without restriction or permission for the duration of Honorary citizenship.

(2) The non-transferable and non-heritable nature of Honorary citizenship does not affect the right to work whilst that status subsists.

Section 284. British Subjects

(1) A British Subject may engage in any form of employment, self-employment, or occupation without restriction or permission.

(2) The conditional nature of Subject status does not affect entitlement to work during the currency of that status.

(3) Upon cessation of Subject status through divorce or revocation, the right to work ceases simultaneously.

Section 285. Visitors

(1) A Visitor may not engage in employment, self-employment, or occupation save where expressly permitted by the terms of visitor permission.

(2) Business Visitors may undertake activities specified in regulations, including attending meetings, negotiating contracts, and conducting site inspections, provided no services are rendered to persons in the United Kingdom.

(3) Study Visitors may not work save for placements integral to a course of study and approved by the Secretary of State.

(4) Any employment by a Visitor in breach of this section constitutes an offence under section 297.

Public Office Restrictions

Section 286. Prohibition on dual nationals holding public office

(1) No person who holds nationality of any state other than the United Kingdom may hold public office as defined in section 287.

(2) A person holding public office who acquires nationality of another state must resign that office within 28 days of such acquisition.

(3) Failure to resign within the period specified in subsection (2) results in automatic vacation of office.

(4) This section applies to all forms of dual or multiple nationality, whether acquired by birth, descent, naturalisation, registration, or any other means.

Section 287. Definition of public office

(1) For the purposes of this Part, public office means any of the following positions:

(a) Cabinet Minister or Minister of State;

(b) Member of His Majesty's Most Honourable Privy Council exercising governmental functions;

(c) Judge of the High Court, Court of Appeal, or Supreme Court of England and Wales, the Court of Session, the High Court of Justice in Northern Ireland, or the Court of Appeal in Northern Ireland;

(d) Permanent Secretary of a government department or person holding equivalent rank;

(e) Director or person of equivalent or higher rank in the civil service whose functions include policy formation or national security matters;

(f) Officer or employee of the Security Service, the Secret Intelligence Service, or the Government Communications Headquarters at any grade;

(g) Officer of His Majesty's armed forces holding rank of Brigadier or equivalent or above;

(h) Chief Constable, Deputy Chief Constable, or Assistant Chief Constable of any police force, or person holding equivalent rank in the Metropolitan Police Service or City of London Police;

(i) Chief Electoral Officer for Northern Ireland or person appointed as Returning Officer for parliamentary elections in Great Britain.

(2) The Secretary of State may by order subject to affirmative resolution specify additional categories of office to which this section applies where satisfied that such office involves matters of national security or policy formation affecting the vital interests of the United Kingdom.

(3) The exclusion of a particular office from subsection (1) does not imply that persons holding such office may hold dual nationality where any other enactment prohibits such holding.

Section 288. Verification procedures

(1) Every person appointed to public office must make a declaration in writing that he does not hold nationality of any state other than the United Kingdom.

(2) The declaration required by subsection (1) must be made before assumption of office and must be updated immediately upon any change in circumstances.

(3) The appointing authority must verify the declaration by such means as appear reasonable, which may include requiring production of passports, birth certificates, or statutory declarations.

(4) Where reasonable grounds exist to believe that a person holding public office may hold dual nationality, the appointing authority must investigate and may suspend the person from office pending completion of investigation.

Section 289. False declaration offence

(1) A person commits an offence if he makes a declaration under section 288 knowing it to be false or reckless as to its truth.

(2) A person guilty of an offence under subsection (1) is liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or to both.

(3) Proceedings for an offence under this section may be instituted only by or with the consent of the Director of Public Prosecutions.

Section 290. Automatic disqualification

(1) Where it is established that a person holding public office holds nationality of another state, that person is automatically disqualified from office from the date of discovery.

(2) Acts done by a person whilst disqualified under subsection (1) are void if done in the purported exercise of functions of the office.

(3) Salary or remuneration received during any period of disqualification is recoverable as a civil debt.

(4) Disqualification under this section does not constitute dismissal for the purposes of employment protection legislation.

Section 291. Exception for Irish nationality

(1) Section 286 does not apply to a person who holds both British citizenship and Irish citizenship provided that:

(a) the person is an Indigenous British Citizen or Hereditary British Citizen; and

(b) Irish citizenship was acquired by birth, descent, or registration on the basis of Irish ancestry.

(2) This exception recognises the special position of Irish citizens under the Common Travel Area arrangements and does not extend to citizenship of any other state.

(3) Where Irish citizenship has been renounced and subsequently reacquired, subsection (1) does not apply.

Employer Right to Work Checks

Section 292. Employer duty to verify work permission

(1) An employer must, before employing any person, verify that the person has permission to work in the United Kingdom.

(2) The duty in subsection (1) applies both at the commencement of employment and at such intervals during the continuation of employment as may be prescribed.

(3) Verification must be conducted by means specified in regulations, which must include provision for digital verification where available.

(4) An employer who fails to comply with subsection (1) without reasonable excuse is liable to a civil penalty under section 298 and may commit a criminal offence under section 300.

Section 293. Digital verification system

(1) The Secretary of State must establish and maintain a digital system enabling employers to verify in real time whether a person has permission to work.

(2) The system must:

(a) provide instant verification upon entry of prescribed particulars of the person;

(b) indicate the immigration status and any restrictions on employment;

(c) provide automatic notification to the employer of any change in the person's immigration status affecting permission to work;

(d) maintain a record of all verifications conducted;

(e) be accessible at any time without fee to any employer conducting verification in good faith.

(3) The system must interface with the National Register established under section 432 and must reflect status changes within 24 hours of such changes taking effect.

(4) Use of the digital verification system in accordance with prescribed procedures constitutes compliance with section 292 and establishes the statutory excuse in section 299.

Section 294. Documentary verification

(1) Where the digital verification system is unavailable, an employer may verify work permission by examining documents prescribed in regulations.

(2) Prescribed documents include:

(a) a Status Recognition Certificate endorsed to indicate permission to work;

(b) a British passport indicating that the holder is a British citizen or British Subject;

(c) a passport or travel document endorsed to show permission to work;

(d) such other documents as may be prescribed.

(3) An employer must examine original documents, retain copies, and verify that the person presenting the documents is the person to whom they relate.

(4) Compliance with this section establishes the statutory excuse in section 299 unless the employer knew or had reasonable cause to believe that employment would be in breach of this Act.

Section 295. Frequency of checks

(1) An employer must conduct verification:

(a) before employment commences; and

(b) in the case of a person who is not a British citizen, at intervals of not more than 12 months during the continuation of employment.

(2) Where the employer receives notification through the digital verification system that an employee's immigration status has changed, the employer must verify the current position within seven days.

(3) Failure to conduct verification at prescribed intervals renders the employer liable to civil penalty for each day of non-compliance following expiry of the relevant period.

Section 296. Record keeping

(1) An employer must retain records of all verifications conducted under this Part for a period of five years from the date of each verification.

(2) Records must be made available for inspection by immigration officers on demand.

(3) Records may be kept in electronic form provided they can be produced in legible form when required.

(4) Failure to retain records or produce records on demand constitutes reasonable grounds for imposition of civil penalty under section 298.

Illegal Working Offences and Penalties

Section 297. Offence of working without permission

(1) A Visitor who engages in employment in contravention of the terms of visitor permission commits an offence.

(2) A person guilty of an offence under subsection (1) is liable:

> (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
>
> (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(3) A person convicted of an offence under this section is subject to immediate removal under Part 8 upon completion of any custodial sentence imposed.

(4) Detection of a person working in breach of this section, whether or not proceedings are instituted, constitutes grounds for immediate removal.

Section 298. Civil penalty for employing illegal workers

(1) The Secretary of State may issue a civil penalty notice requiring an employer to pay a penalty where the employer has employed a person who does not have permission to work.

(2) The amount of the penalty is:

(a) £20,000 in respect of each illegal worker employed, where this is the first occasion on which a penalty has been imposed on that employer;

(b) £40,000 in respect of each illegal worker employed, where one or more penalties have previously been imposed on that employer.

(3) Where an employer continues to employ an illegal worker after service of a civil penalty notice, the employer is liable to a daily penalty of £500 for each day of continued employment.

(4) The penalty is payable within 28 days of service of the notice.

(5) The Secretary of State may recover unpaid penalties as a civil debt.

Section 299. Statutory excuse

(1) An employer is not liable to a civil penalty under section 298 if the employer establishes that:

(a) before employment commenced, prescribed right to work checks were conducted in good faith in accordance with this Part; and

(b) the checks indicated that the person had permission to work; and

(c) the employer had no reasonable cause to believe that employment would be in breach of this Act.

(2) Use of the digital verification system in accordance with section 293 conclusively establishes the matters in subsection (1)(a) and (b).

(3) Documentary verification in accordance with section 294 establishes the matters in subsection (1)(a) and (b) unless the Secretary of State proves that the employer knew or had reasonable cause to believe that employment would be unlawful.

(4) The statutory excuse applies only if the employer has complied with requirements as to timing and frequency of checks under section 295 and record keeping under section 296.

Section 300. Criminal offence by employers

(1) An employer commits an offence if the employer employs a person knowing that the person does not have permission to work or having reasonable cause to believe that employment is in breach of this Act.

(2) A person guilty of an offence under subsection (1) is liable on conviction on indictment to imprisonment for a term not exceeding five years or to an unlimited fine, or to both.

(3) Where an offence under this section is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary, or similar officer, that person as well as the body corporate is guilty of the offence.

(4) Proceedings for an offence under this section may be instituted only by or with the consent of the Director of Public Prosecutions.

Section 301. Objections and appeals

(1) A person on whom a civil penalty notice is served under section 298 may object to the Secretary of State within 28 days on the grounds that:

(a) the person named in the notice was not employed by the objector;

(b) the person had permission to work at the relevant time;

(c) the statutory excuse in section 299 applies;

(d) the amount of the penalty is incorrect.

(2) An objection under subsection (1) must be in writing and must state the grounds of objection with particularity.

(3) The Secretary of State must consider the objection and determine whether to uphold, vary, or cancel the penalty notice.

(4) No appeal lies from a determination under subsection (3) save to the extent that correction of factual error is available under Part 12.

(5) Service of an objection does not suspend the liability of the illegal worker to removal under Part 8.

(6) No appeal lies from a conviction for an offence under section 297 or section 300 save by the ordinary process of appellate review in criminal proceedings.

Workplace Enforcement

Section 302. Immigration officer powers

(1) An immigration officer may, for the purpose of determining whether section 297 or section 300 is being contravened, enter premises where he has reasonable grounds to suspect that employment is taking place.

(2) An officer exercising the power in subsection (1) may:

(a) inspect records relating to employment, remuneration, or immigration status;

(b) question any person found on the premises as to his immigration status and employment;

(c) require any person carrying on business at the premises to produce documents verifying compliance with this Part;

(d) make copies of any documents or records inspected.

(3) A person who without reasonable excuse obstructs an officer exercising powers under this section commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Section 303. Warrant requirements

(1) An immigration officer may enter premises for the purposes of section 302 without warrant during ordinary business hours where the premises are used for carrying on a trade, profession, or business.

(2) Entry to premises used wholly or mainly as a private dwelling requires a warrant issued by a justice of the peace.

(3) A justice may issue a warrant under subsection (2) if satisfied on sworn information that there are reasonable grounds to suspect that an offence under section 297 or section 300 has been or is being committed.

(4) A warrant authorises entry at any time within one month from the date of issue.

Section 304. Closure notices

(1) Where the Secretary of State is satisfied that an employer has committed a serious or repeated contravention of this Part, the Secretary of State may serve a closure notice requiring cessation of business at specified premises for a period not exceeding 48 hours.

(2) A closure notice must specify:

(a) the premises to which it applies;

(b) the period during which business must cease;

(c) the contraventions that have occurred;

(d) the date and time from which the notice takes effect.

(3) The Secretary of State may apply to the court for an order extending closure beyond the period specified in subsection (1) where satisfied that closure is necessary to secure compliance with this Part.

(4) The court may grant an order under subsection (3) for such period not exceeding 14 days as appears just and may impose conditions as to remedial steps to be taken.

(5) A person who without reasonable excuse operates a business in contravention of a closure notice commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale for each day of contravention.

Section 305. Compliance orders

(1) Where contraventions of this Part have occurred, the court may on application by the Secretary of State make a compliance order requiring the employer to take specified steps to ensure future compliance.

(2) A compliance order may require the employer to:

(a) implement systems for verification of immigration status;

(b) provide training to persons responsible for recruitment and employment;

(c) submit to periodic inspection by immigration officers;

(d) maintain enhanced records for a specified period;

(e) report to the Secretary of State on steps taken to ensure compliance.

(3) A compliance order may be made in addition to imposition of civil penalties or conviction for criminal offences under this Part.

(4) Failure to comply with a compliance order without reasonable excuse constitutes contempt of court.

PART 11 — ACCESS TO SERVICES

Healthcare

Section 306. Full healthcare access for citizens

(1) Indigenous British Citizens, Inherited Conditional British Citizens, Hereditary British Citizens, and Honorary British Citizens shall have unrestricted access to all services provided by or pursuant to the National Health Service Act 2006 and the National Health Service (Wales) Act 2006.

(2) Such persons shall not be liable to charges under any regulations made pursuant to section 175 of the National Health Service Act 2006 or section 121 of the National Health Service (Wales) Act 2006 save where those charges apply universally regardless of immigration status.

Section 307. Healthcare access for British Subjects

(1) British Subjects as defined in section 56 shall have access to services provided by or pursuant to the National Health Service Act 2006 and the National Health Service (Wales) Act 2006 on the same basis as citizens.

(2) British Subjects shall not be liable to immigration-related charges for healthcare services.

Section 308. Restricted healthcare access for visitors

(1) Visitors as defined in section 85 shall not have access to services provided by or pursuant to the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 save as provided in this section.

(2) Emergency treatment shall be provided to any visitor regardless of ability to pay, but the cost of such treatment shall be recoverable as a debt owed to the National Health Service body that provided the treatment.

(3) Immediately necessary treatment shall be provided to any visitor regardless of ability to pay, but the cost of such treatment shall be recoverable as a debt owed to the National Health Service body that provided the treatment.

(4) Elective treatment shall be refused to any visitor unless payment in full is made in advance of the commencement of treatment.

(5) For the purposes of this section "emergency treatment" means treatment that is required promptly to save a person's life, to prevent a condition from becoming immediately life-threatening, or to prevent permanent serious damage from occurring.

(6) For the purposes of this section "immediately necessary treatment" means treatment that a person needs promptly but which is not emergency treatment as defined in subsection (5).

(7) For the purposes of this section "elective treatment" means any treatment that is neither emergency treatment nor immediately necessary treatment.

(8) The Secretary of State may by regulations prescribe the charges to be levied for treatment provided under subsections (2), (3), and (4), provided that such charges shall not be less than one hundred and fifty per cent of the cost to the National Health Service of providing such treatment.

Section 309. Immigration health charge

(1) The Secretary of State may by regulations require visitors whose permission to remain exceeds six months to pay an immigration health charge as a condition of the grant or variation of such permission.

(2) Regulations made under subsection (1) may specify the amount of the charge, the manner of its collection, and circumstances in which exemptions or reductions may apply.

(3) The immigration health charge shall not entitle visitors to services beyond those specified in section 308.

Section 310. Data sharing for Integrity Assessment purposes

(1) National Health Service bodies in England and Wales shall provide to the Secretary of State such information regarding the use of National Health Service services by Inherited Conditional British Citizens and British Subjects as the Secretary of State may reasonably require for the purposes of conducting National Integrity Assessments under Part 5.

(2) Information to be provided under subsection (1) shall include the frequency of attendance at general practitioner surgeries, hospital admissions, use of accident and emergency services, maternity services, and such other services as the Secretary of State may specify by written notice.

(3) The provision of information under subsection (1) shall not constitute a breach of any duty of confidentiality or obligation under the General Data Protection Regulation or the Data Protection Act 2018 to the extent that such provision is necessary for immigration control purposes.

Education

Section 311. Full education access for citizens and subjects

(1) Indigenous British Citizens, Inherited Conditional British Citizens, Hereditary British Citizens, Honorary British Citizens, and British Subjects shall have unrestricted access to state-funded education in England, Wales, Scotland, and Northern Ireland on the same basis as any other person ordinarily resident in the relevant part of the United Kingdom.

(2) Such persons shall be eligible for student support under the Education Act 1962, the Teaching and Higher Education Act 1998, and any successor legislation

on the same basis as any other person ordinarily resident in the relevant part of the United Kingdom.

Section 312. Restricted education access for visitors

(1) The children of visitors whose permission to remain is for the purposes of study or employment and exceeds six months duration may attend state-funded schools in England, Wales, Scotland, and Northern Ireland.

(2) The Secretary of State may by regulations prescribe fees to be charged for the attendance of such children at state-funded schools.

(3) The children of visitors whose permission to remain does not exceed six months or who are present for purposes other than study or employment shall not be entitled to attend state-funded schools and may access education only through private provision.

(4) Visitors shall not be eligible for student support under the Education Act 1962, the Teaching and Higher Education Act 1998, or any successor legislation.

Section 313. Higher education fee differentials

(1) Nothing in this Act shall prevent higher education institutions from charging differential fees to visitors as compared with citizens and British Subjects.

(2) For the purposes of determining eligibility for home fee status at higher education institutions, visitors shall be treated as international students regardless of the duration of their presence in the United Kingdom.

Section 314. School attendance data sharing

(1) Local education authorities in England and Wales, education authorities in Scotland, and Education and Library Boards in Northern Ireland shall provide to the Secretary of State such information regarding school attendance by the children of Inherited Conditional British Citizens and British Subjects as the

Secretary of State may reasonably require for the purposes of conducting National Integrity Assessments under Part 5.

(2) Information to be provided under subsection (1) shall include attendance records, exclusion records, and such other information regarding engagement with education as the Secretary of State may specify by written notice.

(3) The provision of information under subsection (1) shall not constitute a breach of any duty of confidentiality or obligation under the General Data Protection Regulation or the Data Protection Act 2018 to the extent that such provision is necessary for immigration control purposes.

Housing

Section 315. Unrestricted housing access for citizens and subjects

(1) Indigenous British Citizens, Inherited Conditional British Citizens, Hereditary British Citizens, Honorary British Citizens, and British Subjects shall have unrestricted access to residential accommodation whether by way of tenancy, license, or any other arrangement for occupation.

(2) Nothing in this Part shall prevent such persons from entering into residential tenancy agreements or restrict their access to social housing, private rented accommodation, or owner-occupation.

Section 316. Right to rent checks for visitors

(1) A landlord shall not grant a residential tenancy or license to occupy residential premises to a visitor unless the landlord has verified the immigration status of that visitor using the digital verification system established under section 317(3).

(2) A landlord who has granted a residential tenancy or license to occupy residential premises to a visitor shall conduct a further verification of the

immigration status of that visitor using the digital verification system at intervals not exceeding twelve months.

(3) For the purposes of this section "landlord" includes any person who grants a right to occupy residential premises whether by way of tenancy, license, or any other arrangement.

(4) For the purposes of this section "residential premises" means premises used or intended to be used as a dwelling.

Section 317. Civil penalties for landlords

(1) A landlord who contravenes section 316(1) or 316(2) shall be liable to a civil penalty.

(2) The amount of the civil penalty shall be three thousand pounds in respect of each visitor in respect of whom the contravention occurred, where the landlord has not previously been found liable under this section within the preceding three years.

(3) The amount of the civil penalty shall be five thousand pounds in respect of each visitor in respect of whom the contravention occurred, where the landlord has previously been found liable under this section within the preceding three years.

(4) A landlord shall have a statutory excuse against liability for a civil penalty under this section if the landlord proves that before granting the tenancy or license or before the annual verification was due, the landlord conducted verification using the digital verification system established by the Secretary of State and that system indicated that the visitor had valid permission to remain.

(5) The Secretary of State shall establish and maintain a digital verification system by which landlords may verify in real time the immigration status of prospective or current tenants.

(6) The digital verification system shall provide an immediate response indicating whether a person has valid permission to occupy residential premises.

(7) A landlord who relies in good faith upon a response from the digital verification system indicating that a person has valid permission shall not be liable for a civil penalty under this section if that response subsequently proves to have been incorrect.

Section 318. Eviction procedures for disqualified persons

(1) Where a landlord has reasonable grounds to believe that a tenant or occupant is a visitor who does not have valid permission to remain in the United Kingdom, the landlord may serve notice requiring the tenant or occupant to vacate the premises within seven days.

(2) Following service of notice under subsection (1), the landlord may apply to the county court for an order for possession.

(3) The county court shall grant an order for possession if satisfied that the tenant or occupant is a visitor who does not have valid permission to remain in the United Kingdom.

(4) In determining whether to grant an order for possession under subsection (3), the court shall not have regard to considerations arising under Article 8 of the European Convention on Human Rights or any successor provision, such Convention having ceased to have effect in domestic law by virtue of Part 19 of this Act.

(5) An order for possession made under subsection (3) shall be enforceable by such means as are available for the enforcement of possession orders generally.

Banking and Financial Services

Section 319. Unrestricted banking access for citizens and subjects

(1) Indigenous British Citizens, Inherited Conditional British Citizens, Hereditary British Citizens, Honorary British Citizens, and British Subjects shall have unrestricted access to banking services and financial services provided by authorised persons within the meaning of the Financial Services and Markets Act 2000.

(2) Nothing in this Part shall prevent such persons from opening current accounts, savings accounts, or any other form of account with banks, building societies, or other financial institutions.

Section 320. Account opening checks for visitors

(1) An authorised person within the meaning of the Financial Services and Markets Act 2000 shall not open a current account or savings account for a visitor unless that authorised person has verified the immigration status of that visitor using the digital verification system established under subsection (2).

(2) The Secretary of State shall establish and maintain a digital verification system by which authorised persons may verify in real time the immigration status of persons seeking to open accounts.

(3) An authorised person who has opened an account for a visitor shall conduct a further verification of the immigration status of that visitor using the digital verification system at intervals not exceeding twelve months.

(4) The digital verification system shall provide an immediate response indicating whether a person has valid permission to hold a bank account in the United Kingdom.

Section 321. Account freezing and closure

(1) Where the Secretary of State notifies an authorised person that a person holding an account is a visitor who no longer has valid permission to remain in the United Kingdom, the authorised person shall immediately freeze that account such that no withdrawals may be made save as permitted by subsection (2).

(2) The authorised person shall permit withdrawals from a frozen account for a period of thirty days following the date of notification under subsection (1) solely for the purposes of the payment of wages into the account and the withdrawal of such wages.

(3) If at the expiry of the thirty-day period specified in subsection (2) the visitor has not regularised their immigration status, the authorised person shall close the account and transfer the balance to the Secretary of State.

(4) For the purposes of this section a "basic account" means an account provided pursuant to the Payment Accounts Regulations 2015 or any successor legislation.

Section 322. Large transaction monitoring

(1) An authorised person within the meaning of the Financial Services and Markets Act 2000 shall report to the Secretary of State any international transfer exceeding ten thousand pounds made from an account held by an Inherited Conditional British Citizen or a British Subject.

(2) For the purposes of this section "international transfer" means a transfer to an account held at a financial institution outside the United Kingdom.

(3) Information reported under subsection (1) shall be used for the purposes of conducting National Integrity Assessments under Part 5.

(4) The reporting requirement in subsection (1) shall not constitute a breach of any duty of confidentiality owed by the authorised person to the account holder.

Section 323. Financial institution data sharing obligations

(1) Authorised persons within the meaning of the Financial Services and Markets Act 2000 shall provide to the Secretary of State such information regarding accounts held by Inherited Conditional British Citizens and British Subjects as the Secretary of State may reasonably require for the purposes of conducting National Integrity Assessments under Part 5.

(2) The provision of information under subsection (1) shall not constitute a breach of any duty of confidentiality or obligation under the General Data Protection Regulation or the Data Protection Act 2018 to the extent that such provision is necessary for immigration control purposes.

Driving Licences

Section 324. Standard licensing for citizens and subjects

(1) Indigenous British Citizens, Inherited Conditional British Citizens, Hereditary British Citizens, Honorary British Citizens, and British Subjects shall be eligible to apply for driving licences pursuant to the Road Traffic Act 1988 on the same basis as any other person ordinarily resident in the United Kingdom.

(2) Nothing in this Part shall restrict the ability of such persons to obtain provisional licences, full licences, or any category of licence available under the Road Traffic Act 1988.

Section 325. Temporary licences for visitors

(1) A visitor may drive in the United Kingdom on an International Driving Permit issued in their country of nationality for the duration of their valid permission to remain, provided that such duration does not exceed twelve months from the date of entry.

(2) Visitors shall not be eligible to apply for a provisional driving licence or a full driving licence issued pursuant to the Road Traffic Act 1988.

(3) Any provisional licence or full licence issued to a person who subsequently becomes a visitor shall cease to be valid upon that person becoming a visitor.

Section 326. Automatic revocation upon status loss

(1) The Driver and Vehicle Licensing Agency shall revoke any driving licence held by a person who ceases to hold status as an Indigenous British Citizen, Inherited Conditional British Citizen, Hereditary British Citizen, Honorary British Citizen, or British Subject.

(2) The Secretary of State shall provide to the Driver and Vehicle Licensing Agency in real time such information regarding changes to the immigration status of persons holding driving licences as is necessary to enable the Driver and Vehicle Licensing Agency to perform its duty under subsection (1).

(3) The Driver and Vehicle Licensing Agency shall establish systems to receive notifications from the Secretary of State and to effect revocations under subsection (1) without delay.

Section 327. Search and seizure powers

(1) A constable may search any person whom the constable reasonably suspects to be a visitor who does not hold a valid International Driving Permit for the purposes of locating any driving licence issued pursuant to the Road Traffic Act 1988.

(2) A constable may seize any driving licence found in the course of a search under subsection (1) if the constable reasonably suspects that the person holding the licence is not entitled to hold such licence by virtue of section 325(2).

(3) A person who drives a motor vehicle on a road or other public place while disqualified from holding a driving licence commits an offence pursuant to

section 103 of the Road Traffic Act 1988, and nothing in this section shall affect the operation of that provision.

Social Security and Public Funds

Section 328. Full benefit entitlement for citizens and subjects

(1) Indigenous British Citizens, Inherited Conditional British Citizens, Hereditary British Citizens, Honorary British Citizens, and British Subjects shall be entitled to claim social security benefits under the Social Security Contributions and Benefits Act 1992, the Jobseekers Act 1995, the State Pension Credit Act 2002, the Welfare Reform Act 2007, the Welfare Reform Act 2012, and any successor legislation on the same basis as any other person ordinarily resident in the United Kingdom.

(2) Nothing in this Part shall restrict the entitlement of such persons to any form of social security benefit.

Section 329. No recourse to public funds for visitors

(1) Visitors shall have no recourse to public funds.

(2) Any condition attached to permission to enter or remain in the United Kingdom as a visitor stating that the person has no recourse to public funds shall be taken to prohibit recourse to all forms of public funds as defined in section 330.

Section 330. Definition of public funds

(1) For the purposes of this Part "public funds" means the following forms of assistance.

(2) Income-related benefits under the Social Security Contributions and Benefits Act 1992, including income support, income-based jobseeker's allowance, income-related employment and support allowance, and pension credit.

(3) Universal credit under Part 1 of the Welfare Reform Act 2012.

(4) Social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.

(5) Homelessness assistance under Part 7 of the Housing Act 1996.

(6) Council tax reduction under section 13A of the Local Government Finance Act 1992.

(7) Child benefit under Part 9 of the Social Security Contributions and Benefits Act 1992.

(8) Child tax credit and working tax credit under the Tax Credits Act 2002.

(9) The Secretary of State may by regulations amend the definition of public funds in subsections (2) to (8) to add, remove, or modify forms of assistance that constitute public funds.

Section 331. Benefits data sharing

(1) The Secretary of State for Work and Pensions shall provide to the Secretary of State such information regarding claims for social security benefits by Inherited Conditional British Citizens and British Subjects as the Secretary of State may reasonably require for the purposes of conducting National Integrity Assessments under Part 5.

(2) Information to be provided under subsection (1) shall include details of benefits claimed, the duration of such claims, and the amounts received.

(3) The provision of information under subsection (1) shall not constitute a breach of any duty of confidentiality or obligation under the General Data Protection Regulation or the Data Protection Act 2018 to the extent that such provision is necessary for immigration control purposes.

PART 12 — LIMITED ADMINISTRATIVE REVIEW

General Principles

Section 332. Prohibition on merits review

(1) No decision made under this Act may be subject to merits review or appeal on grounds of substance.

(2) Save as expressly provided in this Part, all decisions of the Secretary of State or an immigration officer under this Act are final.

(3) No court or tribunal may entertain proceedings that challenge the merits, reasonableness, proportionality, or fairness of any decision made under this Act.

Section 333. Scope limited to factual error correction

(1) The sole ground of challenge to any decision under this Act is manifest factual error as defined in Section 336.

(2) A manifest factual error is an error as to a matter of objective fact that, if corrected, would necessarily alter the outcome of the decision.

(3) No challenge may be brought on the basis that different facts might have been weighed differently or that discretion should have been exercised differently.

Section 334. Finality of decisions

(1) Except as provided in Sections 336 to 341, all decisions made under this Act are final and conclusive.

(2) No court or tribunal may reopen, reconsider, or otherwise review any decision made under this Act once the time limits in Section 338 have expired without challenge.

(3) Where a challenge is brought within time and dismissed, the decision becomes final and no further challenge may be brought.

Section 335. No suspensive effect

(1) The bringing of any challenge under this Part does not suspend the effect of the decision challenged.

(2) Where a decision requires removal from the United Kingdom, that removal shall proceed notwithstanding any pending challenge.

(3) Where a person is removed from the United Kingdom before the determination of a challenge, the challenge may continue to be prosecuted from outside the United Kingdom, but the person shall have no right to return to the United Kingdom pending determination.

(4) No court may grant any injunction, interim order, stay, or other relief that would prevent or delay removal from the United Kingdom.

Factual Error Correction

Section 336. Scope of factual error correction

(1) A factual error correction may be sought only in respect of the following categories of error:

(a) identity errors, being cases where the wrong person has been identified as the subject of the decision;

(b) documentary evidence errors, being cases where a document has been misread or its date or content incorrectly recorded;

(c) calculation errors in a National Integrity Assessment under Part 5, being arithmetical errors in the computation of the score.

(2) For the purposes of subsection (1)(a), an identity error arises only where the decision-maker has confused one person with another person or has attributed to one person records or characteristics belonging to another person.

(3) For the purposes of subsection (1)(b), a documentary evidence error arises only where an objective document has been materially misread and the correct reading would necessarily alter the decision.

(4) For the purposes of subsection (1)(c), a calculation error arises only where the arithmetical computation of positive or negative factors under Schedule 12 has been performed incorrectly according to the formula there specified.

Section 337. Matters not subject to review

(1) The following matters may not be challenged under this Part:

(a) the exercise of any discretion conferred by this Act, including decisions to refuse or grant visitor permissions, to extend or curtail leave, or to remove any person;

(b) the scoring methodology used in National Integrity Assessments, including the weight assigned to particular factors;

(c) assessments of assimilation under Part 5, Chapter 7;

(d) assessments of character or good conduct;

(e) designations of countries as safe third countries under Part 8, Chapter 11;

(f) listings of countries in Tier B or Tier C;

(g) any determination that a matter is in the national interest or in the interests of national security;

(h) any determination that a matter is in the public interest;

(i) considerations relating to family life, private life, or any right or freedom formerly protected by the European Convention on Human Rights;

(j) the content of the Immigration Rules or any guidance issued by the Secretary of State;

(k) decisions made by community juries under Part 8, Chapter 8, save where the jury was not properly constituted.

(2) For the purposes of subsection (1)(k), a jury is properly constituted if twelve persons were summoned, at least nine attended, and all were Indigenous British Citizens or Hereditary British Citizens at the time of service.

Section 338. Time limits for challenges

(1) Any challenge under this Part must be brought within the following time limits from the date of the decision:

(a) seven days in the case of a visitor refused entry at port or a visitor subject to immediate removal;

(b) fourteen days in the case of an Inherited Conditional British Citizen subject to a decision under the National Integrity Assessment;

(c) twenty-eight days in the case of a civil penalty under Part 10 or Part 11.

(2) The time limits in subsection (1) are absolute and may not be extended for any reason.

(3) Where a person is removed from the United Kingdom before the expiry of the time limit, the time limit continues to run and does not pause by reason of removal.

Section 339. Process for factual error correction

(1) A challenge under this Part must be in writing and must specify with precision the factual error alleged.

(2) The challenge must be accompanied by documentary evidence demonstrating the error.

(3) No oral hearing shall be held.

(4) The reviewing officer shall determine the challenge on the papers submitted.

(5) The reviewing officer shall issue a decision within fourteen days of receipt of the challenge, or twenty-eight days in complex cases involving multiple documents.

(6) The decision shall state whether the factual error is established and, if so, whether correction of that error necessitates a different outcome.

Section 340. Reviewing officers

(1) Factual error corrections in respect of decisions made by immigration officers shall be conducted by senior immigration officers who were not involved in the original decision.

(2) Factual error corrections in respect of civil penalties shall be conducted by independent contract reviewers appointed by the Secretary of State who have expertise in administrative law but who are not employed by the Home Office.

(3) Senior immigration officers and independent contract reviewers shall act fairly and impartially in conducting factual error corrections.

Section 341. Outcomes of factual error correction

(1) Where a reviewing officer determines that no factual error exists, the decision shall be affirmed and becomes final.

(2) Where a reviewing officer determines that a factual error exists but that correction of the error would not alter the outcome of the decision, the decision shall be affirmed and becomes final.

(3) Where a reviewing officer determines that a factual error exists and that correction of the error would alter the outcome, the matter shall be remitted to the original decision-maker to reconsider in light of the corrected facts.

(4) A reviewing officer has no power to substitute his own decision for that of the original decision-maker.

(5) Where a matter is remitted under subsection (3), the original decision-maker shall reconsider the matter within fourteen days.

(6) A decision made on reconsideration may itself be subject to factual error correction within the time limits in Section 338, but only in respect of new factual errors arising in the reconsideration.

Judicial Review

Section 342. Grounds for judicial review

(1) Judicial review of a decision under this Act may be sought only on the ground of manifest procedural error.

(2) A manifest procedural error arises where:

> (a) the decision-maker has failed to follow a mandatory procedural requirement expressly imposed by this Act;
>
> (b) the decision-maker lacked jurisdiction to make the decision;
>
> (c) the decision was procured by fraud or corruption;
>
> (d) the decision contains a manifest arithmetical error that was not corrected through the factual error correction process.

(3) For the purposes of subsection (2)(a), a procedural requirement is mandatory only if this Act expressly states that compliance is required and provides that failure to comply renders a decision invalid.

(4) For the purposes of subsection (2)(b), a decision-maker lacks jurisdiction only where this Act does not confer power to make the type of decision in question.

Section 343. Matters not justiciable

(1) Notwithstanding any other enactment or rule of law, the following matters are not justiciable and may not form the basis of judicial review:

(a) the merits of discretionary decisions made under this Act;

(b) the designation of countries as safe third countries under Part 8, Chapter 11;

(c) the listing of countries in Tier B or Tier C;

(d) the scoring methodology used in National Integrity Assessments;

(e) assessments of assimilation, integration, character, or good conduct;

(f) determinations that a matter is in the national interest or in the interests of national security;

(g) determinations that a matter is in the public interest;

(h) considerations relating to family life, private life, or any right or freedom formerly protected by the European Convention on Human Rights;

(i) the rationality, reasonableness, proportionality, or fairness of any decision made under this Act;

(j) the compatibility of any decision with any international treaty obligation;

(k) questions of statutory interpretation, save where expressly provided by this Part.

(2) No court may quash, set aside, or otherwise interfere with a decision on any of the grounds listed in subsection (1).

Section 344. Time limits for judicial review

(1) An application for permission to apply for judicial review must be filed within the following time limits:

(a) forty-eight hours of the decision in the case of visitors refused entry at port, visitors subject to immediate removal, or any person subject to removal within forty-eight hours;

(b) seven days of the decision in all other cases.

(2) The time limits in subsection (1) are absolute and may not be extended for any reason.

(3) Where permission to apply for judicial review is refused, that refusal is final and no renewed application may be made.

Section 345. No suspensive effect of judicial review

(1) The filing of an application for judicial review does not suspend the operation of the decision challenged.

(2) Where a decision requires removal from the United Kingdom, that removal shall proceed notwithstanding the filing of an application for judicial review.

(3) Where a person is removed from the United Kingdom before the hearing of an application for judicial review, the application may continue to be prosecuted from outside the United Kingdom.

(4) A person removed from the United Kingdom pending the determination of judicial review has no right to return to the United Kingdom pending that determination, whether or not the judicial review succeeds.

Section 346. Permission stage

(1) An application for judicial review may not proceed without the permission of the High Court.

(2) The application for permission shall be determined on the papers without an oral hearing.

(3) If permission is refused, that refusal is final and no renewed application or appeal may be made.

(4) If permission is granted, the matter shall proceed to a substantive hearing in the High Court without delay.

Section 347. Single-tier review

(1) Judicial review under this Part is conducted in the High Court only.

(2) No appeal lies from a decision of the High Court in a judicial review under this Part save to the Court of Appeal and only on a point of law of general public importance.

(3) Permission to appeal to the Court of Appeal must be granted by both the High Court and the Court of Appeal.

(4) No appeal lies from the Court of Appeal to the Supreme Court in respect of judicial review under this Part.

Section 348. Costs consequences

(1) Where an application for judicial review is unsuccessful, the claimant shall pay the Secretary of State's costs.

(2) Costs shall be assessed on the indemnity basis.

(3) No legal aid shall be available for applications for judicial review under this Part.

(4) Where a costs order has been made against a claimant and remains unsatisfied, no further immigration application of any kind may be made by that claimant until the costs are paid in full.

Ouster and Finality Clauses

Section 349. Finality of decisions

(1) Except as provided in Sections 336 to 348, all decisions made under this Act are final and conclusive and are not subject to challenge in any court or tribunal.

(2) No court or tribunal may entertain proceedings that purport to challenge, review, quash, set aside, or otherwise interfere with any decision made under this Act.

(3) Subsection (1) applies whether the challenge is brought by way of judicial review, statutory appeal, common law action, or any other means.

Section 350. Ouster of supervisory jurisdiction

(1) No court may entertain proceedings for judicial review of any decision made under this Act except on the grounds specified in Section 342.

(2) No court may grant interim relief, an injunction, a stay, or any other order that would prevent or delay removal from the United Kingdom.

(3) No court may make a declaration of incompatibility under Section 4 of the Human Rights Act 1998 in respect of any provision of this Act to the extent that Act remains in force.

(4) The supervisory jurisdiction of the High Court under common law is excluded in respect of all decisions made under this Act save as expressly preserved by Section 342.

Section 351. Primacy of this Act

(1) This Act prevails over any other enactment to the extent of any inconsistency.

(2) No international treaty obligation creates any enforceable right in domestic law that is contrary to any provision of this Act.

(3) No principle of common law may be invoked to challenge the validity or effect of any provision of this Act.

(4) This Act operates notwithstanding the Human Rights Act 1998, the Constitutional Reform Act 2005, or any other enactment that purports to confer jurisdiction to review the exercise of statutory powers.

PART 13 — ENFORCEMENT POWERS

Immigration Officers

Section 352. Powers of immigration officers

(1) An immigration officer may exercise the following powers for the purpose of enforcing this Act:

a) arrest any person whom the officer has reasonable grounds to suspect of committing an offence under this Act or of being liable to detention or removal;

b) detain any person arrested under paragraph (a) or any person liable to examination, refusal, removal or deportation under this Act;

c) search any person whom the officer has reasonable grounds to suspect of possessing documents, articles or information relevant to the enforcement of this Act;

d) enter and search any premises for the purpose of arresting a person liable to arrest under this Act or for seeking documents or other evidence relevant to an offence under this Act;

e) seize and retain any document, article or other thing found during a search which the officer has reasonable grounds to believe may be evidence of an offence under this Act or relevant to a person's immigration status.

(2) The powers conferred by subsection (1) may be exercised at any time and in any place within the United Kingdom.

(3) An immigration officer exercising powers under this section has the same powers as a constable to use reasonable force where necessary.

Section 353. Exercise of powers without warrant

(1) The powers under section 352(1)(a), (b), (c) and (e) may be exercised without warrant.

(2) The power under section 352(1)(d) may be exercised without warrant where:

a) the premises are business premises and entry is sought during ordinary business hours;

b) the immigration officer has reasonable grounds to believe that any person liable to arrest is on the premises and that delay in obtaining a warrant would enable that person to abscond; or

c) the immigration officer has reasonable grounds to believe that evidence relevant to an immigration offence is on the premises and that delay in obtaining a warrant would result in the destruction, concealment or removal of that evidence.

(3) In subsection (2)(b) and (c), "reasonable grounds to believe" requires that the immigration officer be able to set out in writing, within twenty-four hours of the exercise of the power, the specific facts giving rise to the belief.

Section 354. Entry to premises with warrant

(1) A justice of the peace may issue a warrant authorising an immigration officer to enter and search any premises if satisfied by information on oath that there are reasonable grounds to believe that:

a) a person liable to arrest under this Act is on the premises; or

b) documents or other evidence relevant to an offence under this Act are on the premises.

(2) A warrant issued under subsection (1) authorises entry by force if necessary.

(3) Where entry to a dwelling is sought and the power is not exercisable without warrant under section 353(2)(b) or (c), a warrant must be obtained under this section.

(4) A warrant issued under this section remains valid for twenty-eight days from the date of issue.

Section 355. Search of persons and property

(1) An immigration officer may search any person arrested under section 352 where the officer has reasonable grounds to suspect that the person may have on his person:

a) any document relevant to the person's immigration status or identity;

b) any article which may be used to facilitate an offence under this Act; or

c) any evidence relevant to an offence under this Act.

(2) An immigration officer may search any vehicle, vessel or container at a port or immigration control point without warrant where the officer has reasonable grounds to suspect that the vehicle, vessel or container is carrying:

a) a person who is in breach of immigration control;

b) documents relevant to the enforcement of this Act; or

c) articles used or intended to be used in connection with an offence under this Act.

(3) The power of search under subsection (1) does not authorise the removal of clothing other than outer garments.

(4) A search under this section must be carried out by a person of the same sex as the person being searched unless the circumstances make this impracticable.

Section 356. Seizure of documents and evidence

(1) An immigration officer may seize and retain any document, article or other thing found during a search under section 355 or during the exercise of any other power under this Act where the officer has reasonable grounds to believe that:

a) the document, article or thing is evidence of an offence under this Act;

b) the document, article or thing has been obtained in consequence of the commission of an offence under this Act;

c) the document, article or thing is a forged or false document within the meaning of section 361; or

d) the document, article or thing is relevant to the determination of a person's immigration status or identity.

(2) An immigration officer must provide a written record of any seizure under this section to the person from whom the items were seized or, where that is not practicable, must leave such a record at the place where the seizure occurred.

(3) Items seized under this section may be retained for as long as is necessary for the purposes of the investigation of an offence or the determination of a person's immigration status, but in any event for no longer than six months unless:

a) proceedings for an offence under this Act have been commenced and the items are required as evidence; or

b) a justice of the peace authorises further retention on the application of an immigration officer.

Section 357. Use of reasonable force

(1) An immigration officer may use reasonable force in the exercise of any power conferred by this Part.

(2) The use of force under subsection (1) is subject to the requirement that the force used must be:

a) necessary in the circumstances;

b) proportionate to the objective to be achieved; and

c) used only as a last resort after other means of compliance have been attempted or would be futile.

(3) Where force is used under this section, the immigration officer must record in writing the circumstances necessitating the use of force and the nature and degree of force used.

Criminal Offences

Section 358. Illegal entry

(1) A person commits an offence who:

a) knowingly enters the United Kingdom in breach of a deportation order or without leave where leave is required under this Act;

b) knowingly arrives in the United Kingdom and seeks to avoid examination by an immigration officer contrary to the requirements of this Act; or

c) enters the United Kingdom by means of deception as to material facts.

(2) A person guilty of an offence under subsection (1) is liable:

a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;

b) on conviction on indictment, to imprisonment for a term not exceeding four years or to a fine, or to both.

Section 359. Overstaying

(1) A person commits an offence who remains in the United Kingdom beyond the period for which leave to enter or remain was granted or beyond the expiry of any extension of that leave.

(2) It is a defence for a person charged with an offence under subsection (1) to prove that:

a) the person had a reasonable excuse for the overstaying; and

b) the person took reasonable steps to regularise his position or to depart from the United Kingdom as soon as practicable after the period of leave expired.

(3) A person guilty of an offence under subsection (1) is liable:

a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;

b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

Section 360. Breach of conditions

(1) A person commits an offence who breaches a condition attached to his leave to enter or remain in the United Kingdom.

(2) For the purposes of subsection (1), a breach of condition includes but is not limited to:

a) engaging in work where the condition prohibits employment;

b) undertaking study where the condition prohibits or restricts education;

c) accessing public funds where the condition prohibits recourse to public funds; or

d) failing to comply with any residence, reporting or other requirement imposed as a condition of leave.

(3) A person guilty of an offence under subsection (1) is liable:

a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;

b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

Section 361. False documents

(1) A person commits an offence who:

a) uses a document which is false for the purpose of establishing identity, nationality or immigration status;

b) possesses a document which is false and which the person knows or has reasonable cause to believe is intended to be used by himself or another for a purpose within paragraph (a);

c) makes or attempts to make a false document with the intention that it be used by himself or another for a purpose within paragraph (a);

d) alters a genuine document with the intention that it be used by himself or another for a purpose within paragraph (a); or

e) possesses apparatus or material for the making of false documents knowing that it is to be used for such purpose.

(2) For the purposes of this section, a document is false if it purports:

a) to have been made or issued by a person who did not make or issue it;

b) to have been made or issued on terms on which it was not made or issued;

c) to have been made or issued by or on behalf of a person who did not exist; or

d) to have been altered by or on behalf of a person who did not alter it or on terms on which it was not altered.

(3) A person guilty of an offence under subsection (1)(a) or (b) is liable:

a) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum, or to both;

b) on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine, or to both.

(4) A person guilty of an offence under subsection (1)(c), (d) or (e) is liable:

a) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum, or to both;

b) on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine, or to both.

Section 362. Assisting unlawful immigration

(1) A person commits an offence who knowingly:

a) facilitates the commission of a breach of immigration law by an individual who is not a qualified person;

b) organises or finances activities intended to enable a breach of immigration law by an individual who is not a qualified person; or

c) assists or encourages a breach of immigration law by an individual who is not a qualified person.

(2) For the purposes of subsection (1), "qualified person" means:

a) an Indigenous British Citizen;

b) a Hereditary British Citizen;

c) an Inherited Conditional British Citizen;

d) an Honorary British Citizen; or

e) a British Subject.

(3) In proceedings for an offence under this section, it is immaterial whether the person who committed the breach of immigration law was aware of the facilitation or assistance.

(4) A person guilty of an offence under subsection (1) is liable on conviction on indictment to imprisonment for a term not exceeding fourteen years or to a fine, or to both.

(5) Where a person is convicted of an offence under this section, the court may make an order under the Proceeds of Crime Act 2002 for the confiscation of any property obtained or derived from the commission of the offence.

Section 363. Deception

(1) A person commits an offence who makes or causes to be made a representation which the person knows to be false or does not believe to be true where the representation is made:

a) in support of an application for leave to enter or remain;

b) for the purpose of obtaining a Status Recognition Certificate;

c) for the purpose of avoiding removal or deportation;

d) for the purpose of obtaining permission to work, study or access services in the United Kingdom; or

e) in the course of any examination or interview conducted for immigration purposes.

(2) For the purposes of subsection (1), a representation may be made orally, in writing or by conduct.

(3) A person guilty of an offence under subsection (1) is liable:

a) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum, or to both;

b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.

Section 364. Failure to cooperate with removal

(1) A person commits an offence who, having been notified of a decision to remove or deport the person from the United Kingdom:

a) fails without reasonable excuse to provide information required by an immigration officer for the purpose of obtaining a travel document;

b) fails without reasonable excuse to take such steps as may be required by an immigration officer for the purpose of obtaining a travel document;

c) destroys, damages, conceals or disposes of a passport or other document relevant to the person's nationality or identity; or

d) fails without reasonable excuse to comply with any requirement imposed by an immigration officer for the purpose of effecting the person's removal.

(2) A person guilty of an offence under subsection (1) is liable:

a) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum, or to both;

b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

Section 365. Assaulting or obstructing immigration officers

(1) A person commits an offence who assaults an immigration officer acting in the execution of his duty under this Act.

(2) A person commits an offence who intentionally obstructs an immigration officer acting in the execution of his duty under this Act.

(3) A person guilty of an offence under subsection (1) is liable:

a) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum, or to both;

b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.

(4) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Ancillary Liability

Section 366. Attempts, conspiracy and incitement

(1) A person who attempts to commit an offence under this Part is guilty of an offence and is liable to the same penalty as if the offence had been committed.

(2) A person who conspires with another to commit an offence under this Part is guilty of an offence and is liable to the same penalty as if the offence had been committed.

(3) A person who incites another to commit an offence under this Part is guilty of an offence and is liable to the same penalty as if the offence had been committed.

Section 367. Secondary liability

(1) A person who aids, abets, counsels or procures the commission of an offence under this Part is guilty of an offence and is liable to the same penalty as if the person had committed the principal offence.

Section 368. Corporate liability

(1) Where an offence under this Part is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of:

> a) any director, manager, secretary or other similar officer of the body corporate; or
>
> b) any person who was purporting to act in any such capacity,

that person as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) In subsection (1), "director" in relation to a body corporate whose affairs are managed by its members means a member of that body corporate.

Investigative Powers

Section 369. Arrest without warrant

(1) An immigration officer or a constable may arrest without warrant any person whom the officer or constable has reasonable grounds to suspect of committing or having committed an offence under this Act.

(2) An immigration officer or a constable may arrest without warrant any person whom the officer or constable has reasonable grounds to suspect of being liable to detention under this Act.

(3) The power of arrest under this section may be exercised at any place within the United Kingdom.

Section 370. Search powers

(1) An immigration officer or a constable may search any person arrested under section 369 for any document, article or thing which might be used by the person to cause physical injury to himself or to any other person or to damage property or to assist the person to escape from lawful custody.

(2) An immigration officer or a constable may enter and search any premises where a person liable to arrest under section 369 was arrested or was immediately before being arrested if the officer or constable has reasonable grounds to suspect that evidence relating to an offence under this Act is on the premises.

(3) An immigration officer or a constable may search under warrant issued by a justice of the peace any premises if the justice is satisfied by information on oath that there are reasonable grounds to believe that documents or other evidence relevant to an offence under this Act are on the premises.

(4) A search under subsection (2) may be carried out only to the extent reasonably required for the purpose of discovering such evidence.

(5) A search under subsection (3) may authorise the use of reasonable force to gain entry to the premises.

Section 371. Detention for questioning

(1) A person arrested under section 369 may be detained for questioning for a period not exceeding twenty-four hours from the time of arrest without being charged with an offence.

(2) The Secretary of State may apply to a justice of the peace for authorisation to detain a person beyond the period specified in subsection (1) where:

a) the detention is necessary to secure or preserve evidence relating to an offence under this Act or to obtain such evidence by questioning the person; and

b) the investigation is being conducted diligently and expeditiously.

(3) A justice of the peace may authorise detention beyond the period specified in subsection (1) for such period as the justice considers necessary having regard to the evidence presented, but in no case may the total period of detention without charge exceed ninety-six hours from the time of arrest.

(4) An application under subsection (2) must be made before the expiry of the twenty-four hour period specified in subsection (1).

Section 372. Recording at ports

(1) An immigration officer may require any person seeking to enter the United Kingdom to provide fingerprints and to be photographed for the purpose of recording the person's entry and maintaining records of travel to and from the United Kingdom.

(2) Information obtained under subsection (1) may be retained and used for the purposes of:

a) identifying persons entering or leaving the United Kingdom;

b) determining compliance with conditions attached to leave to enter or remain; and

c) monitoring travel patterns relevant to the National Integrity Assessment under Part 5.

(3) The power under subsection (1) does not extend to the collection of biometric information other than fingerprints and photographs for travel record purposes only.

(4) The prohibition on biometric collection in section 270 does not apply to the limited recording permitted by this section.

Maritime and Transport Enforcement

Section 373. Maritime enforcement powers

(1) An immigration officer may board any vessel within United Kingdom territorial waters for the purpose of exercising powers under this Act.

(2) An immigration officer may board any vessel in international waters where:

a) the flag state of the vessel has consented to the boarding; or

b) the boarding is authorised by international law or convention to which the United Kingdom is a party.

(3) An immigration officer who has boarded a vessel under subsection (1) or (2) may:

a) require the vessel to be taken to a port specified by the officer;

b) search the vessel for persons who are in breach of immigration control or documents relevant to the enforcement of this Act;

c) require any person on the vessel to provide information or produce documents relevant to the person's identity, nationality or immigration status; and

d) arrest any person whom the officer has reasonable grounds to suspect of committing an offence under this Act or of being liable to detention or removal.

(4) An immigration officer who has reasonable grounds to suspect that a vessel in United Kingdom territorial waters is being or has been used in connection with the commission of an offence under section 362 may pursue that vessel into international waters and board it where:

a) the pursuit was commenced when the vessel was within territorial waters; and

b) the pursuit has been continuous.

Section 374. Ship seizure and disposal

(1) An immigration officer may seize any vessel which the officer has reasonable grounds to believe has been used in connection with the commission of an offence under section 362.

(2) Where a vessel is seized under subsection (1), an immigration officer must, as soon as practicable, apply to the Crown Court for an order forfeiting the vessel to the Crown.

(3) The Crown Court may order forfeiture of a vessel seized under subsection (1) if satisfied on the balance of probabilities that the vessel was used in connection with the commission of an offence under section 362.

(4) Where a vessel is forfeited under subsection (3), the Secretary of State may sell the vessel and apply the proceeds towards:

a) the costs of detention and sale; and

b) any penalties unpaid under section 377.

Section 375. Vehicle and container searches

(1) An immigration officer may without warrant search any vehicle, container or trailer at a port or other designated immigration control point where the officer has reasonable grounds to suspect that the vehicle, container or trailer is carrying a person who is in breach of immigration control.

(2) An immigration officer may apply to a justice of the peace for a warrant authorising the search of any vehicle, container or trailer at any inland location where the justice is satisfied by information on oath that there are reasonable grounds to believe that the vehicle, container or trailer is carrying a person who is in breach of immigration control.

(3) An immigration officer may seize any vehicle, container or trailer found to be carrying a person who is in breach of immigration control where the officer has reasonable grounds to believe that the owner or operator of the vehicle, container or trailer knowingly facilitated the breach.

(4) A vehicle, container or trailer seized under subsection (3) may be detained until any penalty imposed under section 377 is paid or until a court orders its release.

Section 376. Use of force in maritime context

(1) An immigration officer may use reasonable force for the purpose of:

a) boarding a vessel under section 373;

b) preventing a vessel from departing or requiring it to stop;

c) requiring compliance with a direction under section 373(3)(a); or

d) effecting an arrest or search on board a vessel.

(2) Where force is necessary to stop a vessel, the immigration officer may:

a) fire warning shots across the bow of the vessel; or

b) with the prior authorisation of the Secretary of State and only where no other means would be effective, use disabling fire to prevent the vessel's departure.

(3) The use of force under subsection (2)(b) is subject to the requirement that:

a) all reasonable steps have been taken to warn the vessel and its occupants;

b) there are reasonable grounds to believe that the vessel is being used in connection with a serious offence under this Act; and

c) the force used is proportionate to the objective of preventing the commission or continuation of the offence.

Carrier Sanctions

Section 377. Civil penalties for carriers

(1) The Secretary of State may impose a civil penalty on a carrier who brings a person to the United Kingdom where:

a) the person is a clandestine entrant; or

b) the person is not in possession of valid documentation required for entry to the United Kingdom; or

c) the carrier has failed to provide advance passenger information as required by regulations made under section 449.

(2) The amount of the penalty is:

a) ten thousand pounds for each clandestine entrant;

b) five thousand pounds for each person carried without valid documentation;

c) five thousand pounds for each failure to provide advance passenger information.

(3) In subsection (1)(a), "clandestine entrant" means a person who:

a) arrives in the United Kingdom concealed in a vehicle, vessel or aircraft;

b) arrives in the United Kingdom concealed in a freight container or other cargo; or

c) passes or attempts to pass through immigration control concealed in a vehicle, vessel or aircraft or in a freight container or other cargo.

Section 378. Statutory excuse for carriers

(1) A carrier is not liable to a penalty under section 377(1)(a) or (b) if the carrier proves that:

a) a system for preventing the carriage of clandestine entrants or persons without valid documentation was in operation in relation to the vehicle, vessel or aircraft in question and was properly operated on the occasion in question; and

b) the system comprised reasonable steps having regard to all the circumstances.

(2) For the purposes of subsection (1)(b), reasonable steps may include but are not limited to:

a) thorough searches of vehicles, vessels, aircraft and containers before departure;

b) use of scanning equipment, detection dogs or other technology;

c) secure parking and storage arrangements;

d) employment of security personnel; and

e) maintenance of detailed records of security measures taken.

(3) The Secretary of State may prescribe by regulations approved security plans for carriers and where a carrier has complied with such a plan, the carrier is deemed to have taken reasonable steps for the purposes of subsection (1)(b).

(4) A carrier is not liable to a penalty under section 377(1)(c) if the carrier proves that the failure to provide advance passenger information was due to circumstances beyond the carrier's control.

Section 379. Vehicle and ship detention

(1) Where a penalty is imposed under section 377, the Secretary of State may detain the vehicle, vessel or aircraft to which the penalty relates until the penalty is paid.

(2) While a vehicle, vessel or aircraft is detained under subsection (1), the owner or operator is liable for storage costs at such daily rate as the Secretary of State may prescribe by regulations.

(3) Where a penalty remains unpaid for a period of sixty days from the date of imposition, the Secretary of State may apply to the court for an order forfeiting the vehicle, vessel or aircraft and authorising its sale to satisfy the penalty and any accrued storage costs.

Section 380. Criminal offences for carriers

(1) A carrier commits an offence who knowingly brings to the United Kingdom:

a) a person who is a clandestine entrant within the meaning of section 377(3); or

b) a person who the carrier knows or has reasonable cause to believe is in breach of immigration control.

(2) A carrier commits an offence who recklessly brings to the United Kingdom a person falling within subsection (1)(a) or (b).

(3) For the purposes of subsection (2), a carrier acts recklessly if the carrier is aware of a risk that the person may be in breach of immigration control and it is unreasonable in the circumstances for the carrier to take that risk.

(4) A carrier guilty of an offence under subsection (1) or (2) is liable on conviction on indictment to imprisonment for a term not exceeding fourteen years or to a fine, or to both.

(5) Section 368 applies to offences under this section committed by bodies corporate.

Security Force Integration

Section 381. Transfer of immigration enforcement functions to police

(1) The UK Border Force is abolished and all its functions are transferred to the police forces of England and Wales, Police Scotland, and the Police Service of Northern Ireland.

(2) Each police force shall establish an Immigration Enforcement Division responsible for the enforcement of this Act within its area.

(3) The Secretary of State must by regulations prescribe the structure, staffing levels and operational protocols for Immigration Enforcement Divisions.

(4) Officers serving in Immigration Enforcement Divisions have all the powers conferred on immigration officers by this Act in addition to the powers of constables.

(5) The transfer under subsection (1) takes effect on such day as the Secretary of State appoints by order, and until that day references in this Act to immigration officers include officers of UK Border Force.

Section 382. Combined investigation powers

(1) Where an investigation by an Immigration Enforcement Division into an offence under this Act reveals evidence of other criminal offences, the investigating officers may continue the investigation or transfer it to another division of the police force as appropriate to the nature of the offences disclosed.

(2) Immigration Enforcement Divisions and other divisions of police forces must cooperate in the investigation of offences where those offences involve both immigration matters and other serious criminal conduct including but not limited to organised crime, human trafficking, drug trafficking, money laundering or terrorism.

(3) The Secretary of State must by regulations provide for protocols governing the sharing of information and coordination of investigations between Immigration Enforcement Divisions and other police units.

Section 383. Sham marriage investigation

(1) Immigration Enforcement Divisions have primary responsibility for the investigation of sham marriages and sham civil partnerships as defined in section 506.

(2) Registration officers and clergy must report suspected sham marriages and sham civil partnerships to the local Immigration Enforcement Division.

(3) Officers of Immigration Enforcement Divisions may require any person who proposes to marry or form a civil partnership to attend for interview and to provide such information and evidence as may be reasonably required to determine whether the proposed marriage or civil partnership is genuine.

(4) An officer conducting an investigation under this section may apply to a justice of the peace for a warrant to search premises where the officer has reasonable grounds to believe that evidence relevant to the investigation may be found.

Section 384. Immigration crime investigation

(1) Immigration Enforcement Divisions have primary responsibility for the investigation of:

a) document fraud offences under section 361;

b) facilitation offences under section 362;

c) trafficking offences involving entry to the United Kingdom in breach of immigration control; and

d) organised immigration crime.

(2) For the purposes of subsection (1)(d), "organised immigration crime" means criminal conduct involving the commission of offences under this Act by two or more persons acting in concert whether or not for financial gain.

(3) Immigration Enforcement Divisions may conduct operations jointly with the National Crime Agency, regional organised crime units or specialist police units where the investigation involves organised immigration crime connected with other serious criminal activity.

Section 385. Officer accountability

(1) Officers of Immigration Enforcement Divisions exercising powers under this Act are subject to the same standards of conduct, discipline and accountability as apply to all police constables.

(2) The Secretary of State must lay before Parliament annually a report on the operation of Immigration Enforcement Divisions including statistics on arrests, prosecutions, removals and complaints.

PART 14 — DETENTION AND REMOVAL LOGISTICS

Immigration Detention

Section 386. Powers of detention

(1) An immigration officer or constable may detain a person who—

(a) is liable to examination on arrival in or departure from the United Kingdom;

(b) has been refused entry;

(c) is liable to removal or deportation under any provision of this Act;

(d) is reasonably suspected of committing an immigration offence under this Act;

(e) fails without reasonable excuse to provide identity documents or biometric information when lawfully required; or

(f) is subject to a removal direction issued under section 411.

(2) A person may be detained under subsection (1) whether or not proceedings for an offence have been commenced.

(3) Detention under this section is for the purpose of securing removal from the United Kingdom or preventing unlawful entry, and shall be for the shortest period necessary to achieve that purpose.

(4) The power to detain is exercisable at any place in the United Kingdom.

Section 387. Duration of detention

(1) A person detained under section 386 may be detained for such period as is necessary to effect removal from the United Kingdom.

(2) There is no maximum period of detention.

(3) Where a person has been detained continuously for seven days, the Secretary of State must review whether continued detention remains necessary and proportionate.

(4) Further reviews must be conducted at intervals not exceeding seven days.

(5) A review under subsection (3) or (4) does not create any right to release and does not permit judicial challenge to the decision to continue detention.

Section 388. Exclusion of bail for visitors

(1) A person classified as a Visitor under section 11 who is subject to a removal direction may not be granted bail.

(2) A person classified as a British Subject under section 10 who is subject to a removal direction may not be granted bail.

(3) Subsections (1) and (2) apply regardless of any other enactment providing for bail or release from detention.

Section 389. Administrative review of detention

(1) The reviews required by section 387 shall be conducted by an immigration officer not involved in the original detention decision.

(2) The review must consider—

(a) whether removal remains likely within a reasonable period;

(b) whether the person would comply with conditions of release if bail were available;

(c) whether the person poses a risk to the public; and

(d) whether continued detention is necessary to prevent absconding.

(3) The person detained may make written representations in connection with a review, but there is no right to an oral hearing.

(4) The review decision is final and not subject to appeal or judicial review save on grounds of manifest procedural error.

Section 390. Detention facility standards

(1) The Secretary of State must ensure that detention facilities provide—

(a) adequate food and drinking water;

(b) safe and sanitary accommodation;

(c) access to medical care; and

(d) reasonable opportunity to communicate with legal advisers and family members.

(2) The standards in subsection (1) constitute the minimum required by law.

(3) No court may impose higher standards or prescribe detailed rules for the management of detention facilities beyond ensuring compliance with subsection (1).

(4) Conditions of detention are not subject to judicial review except where a fundamental minimum standard in subsection (1) has manifestly not been met.

Bail for Inherited Conditional British Citizens and Hereditary Citizens

Section 391. Availability of bail

(1) A person classified as an Inherited Conditional British Citizen under section 9 or a Hereditary British Citizen under section 8 who is detained under section 386 may apply for bail.

(2) Bail is not available to—

(a) persons classified as Visitors;

(b) persons classified as British Subjects if subject to a removal direction; or

(c) persons detained on grounds of national security.

(3) An application for bail shall be made to the First-tier Tribunal (Immigration and Asylum Chamber).

(4) The tribunal constituted for the purpose of determining bail applications is administrative in nature and its proceedings are not subject to judicial review save on grounds of manifest procedural error.

Section 392. Bail applications and procedure

(1) An application for bail may be made at any time during detention.

(2) The tribunal must determine the application within seven days of receipt.

(3) The tribunal may grant bail only if satisfied that—

(a) the person will comply with conditions of bail;

(b) the person does not pose a risk to public safety;

(c) the person is unlikely to abscond; and

(d) there are no national security concerns.

(4) The tribunal's decision is final and not subject to appeal.

(5) A person refused bail may make a fresh application after 28 days.

Section 393. Conditions of bail

(1) Where bail is granted, it must be subject to the following mandatory conditions—

(a) residence at a specified address;

(b) reporting to an immigration officer or police station at specified intervals not less frequently than weekly;

(c) electronic monitoring by means of an electronic tag or other device;

(d) surrender of all passports and travel documents; and

(e) provision of financial security by way of recognizance or surety in an amount specified by the tribunal.

(2) The tribunal may impose additional conditions as it considers necessary, including—

(a) restrictions on employment;

(b) restrictions on movement within the United Kingdom;

(c) daily reporting; or

(d) curfew requirements.

(3) A condition requiring electronic monitoring is mandatory and may not be waived.

Section 394. Breach of bail conditions

(1) A person who without reasonable excuse fails to comply with a condition of bail commits an offence.

(2) A person guilty of an offence under subsection (1) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine, or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.

(3) Where a person breaches a condition of bail, an immigration officer or constable may arrest that person without warrant and return them to detention.

(4) Bail granted under section 391 is automatically revoked upon breach.

(5) Any financial security provided under section 393(1)(e) is forfeited to the Secretary of State upon breach.

(6) A person returned to detention following breach of bail may not make a further application for bail for a period of six months.

Places of Detention

Section 395. Removal centres

(1) The Secretary of State may designate premises as removal centres for the detention of persons liable to removal or deportation.

(2) A removal centre may accommodate persons for periods exceeding seven days.

(3) Removal centres may be operated by the Secretary of State or by private contractors appointed for that purpose.

(4) The Secretary of State may make arrangements for the provision of facilities and services at removal centres, including medical care, legal advice facilities, and recreational facilities.

Section 396. Short-term holding facilities

(1) The Secretary of State may designate premises as short-term holding facilities for the detention of persons at ports or in connection with immigration control.

(2) A person may be detained in a short-term holding facility for a maximum period of seven days.

(3) Where detention is likely to exceed seven days, the person must be transferred to a removal centre.

(4) Short-term holding facilities may be located at ports, airports, or other places where immigration control is exercised.

Section 397. Pre-departure accommodation

(1) The Secretary of State may designate premises as pre-departure accommodation for—

(a) families with children who are liable to removal;

(b) persons who have indicated an intention to depart the United Kingdom voluntarily; or

(c) other persons whom the Secretary of State considers suitable for less restrictive detention arrangements.

(2) Pre-departure accommodation must be less restrictive than a removal centre, but may include measures to prevent absconding.

(3) Placement in pre-departure accommodation does not confer any right to remain in the United Kingdom and does not prevent removal.

Section 398. Operation of detention facilities

(1) The Secretary of State may enter into contracts for the operation of removal centres, short-term holding facilities, or pre-departure accommodation by private contractors.

(2) A contract under subsection (1) must require the contractor to comply with the standards set out in section 390.

(3) Officers employed by contractors for the purposes of managing detention facilities have the powers conferred by section 406.

(4) The Secretary of State may issue guidance to contractors regarding the management of detention facilities, but such guidance does not create enforceable legal obligations beyond the standards in section 390.

Section 399. Basic standards in detention facilities

(1) Every detention facility must provide—

(a) food suitable in quantity and quality for the health of detained persons;

(b) drinking water that is safe and sufficient;

(c) sleeping accommodation that is safe, adequately heated, and adequately ventilated;

(d) sanitary facilities that are clean and adequate;

(e) access to medical assessment within 24 hours of arrival and access to necessary medical treatment;

(f) reasonable facilities for communication with legal advisers, family members, and consular officials; and

(g) reasonable opportunity for exercise and recreation.

(2) The standards in subsection (1) constitute the minimum required by law.

(3) Compliance with subsection (1) is a sufficient discharge of the Secretary of State's duty regarding detention conditions.

Section 400. Non-justiciability of detention conditions

(1) The conditions of detention at a removal centre, short-term holding facility, or pre-departure accommodation are not subject to judicial review except where—

(a) a fundamental minimum standard specified in section 399(1) has manifestly not been provided; or

(b) a detained person has been subjected to treatment amounting to torture or inhuman or degrading treatment as understood in domestic criminal law.

(2) No court may—

(a) prescribe detailed rules for the management of detention facilities;

(b) order improvements to facilities beyond the minimum standards in section 399;

(c) order the payment of compensation for conditions of detention that comply with section 399; or

(d) grant injunctive relief preventing the use of a detention facility that complies with section 399.

(3) A claim that conditions do not meet the standard in section 399(1) must be brought by way of judicial review and must be commenced within seven days of the alleged breach.

Detention of Vulnerable Persons

Section 401. Pregnant women

(1) A pregnant woman may be detained under section 386 at any stage of pregnancy.

(2) Medical oversight must be provided throughout the period of detention, including—

(a) initial medical assessment within 24 hours of detention;

(b) regular antenatal care in accordance with clinical guidelines; and

(c) access to obstetric care and hospital facilities if necessary.

(3) Where a woman gives birth while detained, appropriate medical facilities must be provided.

(4) Pregnancy does not create any presumption against detention or in favour of bail.

Section 402. Unaccompanied children

(1) A person appearing to be under the age of 18 who is unaccompanied may be detained in pre-departure accommodation designated for that purpose.

(2) An unaccompanied child may be detained for a maximum period of 72 hours unless—

(a) a magistrates' court authorises continued detention for a further period not exceeding seven days; or

(b) the child is subject to age assessment proceedings under sections 109 to 112.

(3) Where age is disputed, the provisions of sections 109 to 112 apply and the person may be detained pending assessment.

(4) If a person refuses to submit to age assessment, the presumption in section 110(1) applies and the person shall be treated as aged 25 for the purposes of detention.

(5) Detention of a person assessed or treated as a child must be in accommodation separate from adults.

Section 403. Families with children

(1) Where a family unit includes children under the age of 18, the family may be detained together in pre-departure accommodation designated for families.

(2) A family detained under subsection (1) must not be separated unless—

> (a) separation is necessary to protect the welfare of a child; or
>
> (b) a parent consents to separation for the purpose of the removal of another family member.

(3) Where removal is effected, the family unit shall be removed together unless subsection (2) applies.

(4) Detention in family accommodation does not create any right to remain and does not prevent removal.

Section 404. Seriously ill persons

(1) A person who is seriously ill or requires ongoing medical treatment may be detained under section 386.

(2) Medical care must be provided in detention or arrangements made for the person to receive necessary treatment at a hospital or other medical facility.

(3) Serious illness does not create any presumption against detention or in favour of bail.

(4) Where a person cannot be removed immediately due to medical incapacity, detention may continue until such time as removal can be safely effected.

(5) Medical treatment may be provided in detention or, at the Secretary of State's discretion, arrangements may be made for treatment in the country of removal.

Section 405. Victims of trafficking

(1) A person identified as a potential victim of slavery or human trafficking under the Modern Slavery Act 2015 may be detained under section 386.

(2) Detention is permitted—

> (a) during investigation of offences relating to trafficking or modern slavery;
>
> (b) during criminal proceedings in which the person is a witness;
>
> (c) pending removal under this Act.

(3) No special protection from detention or removal arises solely by reason of a person being identified as a potential victim of trafficking.

(4) Upon conclusion of an investigation or criminal proceedings, the person is liable to removal as a Visitor unless granted leave under the domestic protection regime established in Part 12.

(5) Any leave granted under Part 12 is temporary and does not create a pathway to citizenship or enhanced status.

Escort and Custody Arrangements

Section 406. Detainee custody officers

(1) The Secretary of State may authorise persons to act as detainee custody officers for the purposes of—

(a) escorting detained persons to and from detention facilities;

(b) escorting detained persons to removal;

(c) guarding detained persons; and

(d) searching detained persons and their property.

(2) A detainee custody officer has the powers conferred by this section when acting in the course of escort or custody duties.

(3) A detainee custody officer may use reasonable force to—

(a) prevent escape;

(b) prevent harm to the detained person or others;

(c) maintain order; or

(d) effect compliance with lawful instructions.

(4) Authorisation under subsection (1) may be granted to employees of private contractors.

Section 407. Escort arrangements

(1) The Secretary of State may make arrangements for the escort of detained persons—

(a) between detention facilities;

(b) between a detention facility and a court or tribunal;

(c) between a detention facility and a hospital or other place where medical treatment is provided;

(d) between a detention facility and a port or airport for the purpose of removal; or

(e) on board an aircraft, ship, or other conveyance during removal.

(2) Escort arrangements may include the use of private contractors.

(3) Detained persons must comply with lawful instructions given by detainee custody officers during escort.

Section 408. Use of force and restraint

(1) Reasonable force may be used by detainee custody officers or immigration officers to—

(a) prevent a detained person from escaping;

(b) prevent a detained person from harming themselves or others;

(c) maintain order during escort or in a detention facility;

(d) effect removal from the United Kingdom; or

(e) secure compliance with lawful instructions.

(2) The Secretary of State may prescribe by guidance the types of restraint techniques that may be used, including—

(a) handcuffs or other restraints applied to the wrists;

(b) restraints applied to the ankles;

(c) restraint chairs or boards; or

(d) other approved restraint equipment.

(3) Guidance issued under subsection (2) is not binding in law and does not create enforceable rights.

(4) The use of force must be proportionate to the risk of harm or escape, but this requirement is not justiciable except in cases of manifest excessive force amounting to criminal assault.

Section 409. Medical oversight during escort

(1) Where a detained person is subject to escort for a period exceeding four hours, arrangements must be made for periodic medical assessment during the escort.

(2) Where a person is known to have a serious medical condition, medical personnel must accompany the escort or be available at intervals prescribed by the Secretary of State.

(3) Medical oversight under this section does not create any right to delay or prevent removal.

Section 410. Charter flights for removals

(1) The Secretary of State may arrange charter flights or other dedicated transport for the purpose of removing multiple persons from the United Kingdom simultaneously.

(2) Persons removed on charter flights may be detained together during the removal process.

(3) The use of charter flights does not affect the lawfulness of removal and does not create any additional procedural rights.

Removal Directions

Section 411. Power to give removal directions

(1) An immigration officer may give directions for the removal of a person from the United Kingdom to—

(a) the country of which the person is a national or citizen;

(b) the country or territory to which the person holds a valid travel document;

(c) a country or territory to which the person has been granted entry clearance;

(d) a country or territory designated as a safe third country under section 261;

(e) any other country or territory willing to receive the person; or

(f) an offshore processing facility designated under section 256.

(2) A removal direction must specify—

(a) the destination country, territory, or facility;

(b) the date and time of removal;

(c) the carrier or means of transport; and

(d) the route to be taken, if relevant.

(3) A removal direction may be amended at any time before removal is effected.

(4) A removal direction remains in force until removal is effected or the direction is cancelled by the Secretary of State.

Section 412. Notice requirements

(1) A removal direction must be served on the person to be removed.

(2) Service may be effected by—

(a) personal delivery;

(b) delivery to the person's last known address;

(c) delivery to the person's legal representative, if any; or

(d) electronic means if the person has provided an email address or contact number.

(3) Removal may be effected without prior notice where—

(a) the person is a Visitor refused entry at a port;

(b) the person has been convicted of a serious criminal offence and is being removed following sentence;

(c) the person has absconded or there is a risk of absconding; or

(d) the Secretary of State determines that prior notice would prejudice removal.

(4) Where a person classified as an Inherited Conditional British Citizen is subject to removal following a determination under Part 5, at least 14 days' notice must be given unless subsection (3)(b) or (c) applies.

Section 413. Objection to destination

(1) A person served with a removal direction may not object to the destination country, territory, or facility specified in the direction.

(2) The determination of destination is a matter for the Secretary of State or immigration officer and is not justiciable.

(3) A claim that removal to the specified destination would breach any international obligation is not a ground for objecting to removal.

(4) No court may grant an injunction, stay, or other order preventing removal on the basis of the destination specified in the removal direction.

Section 414. Carrier obligations

(1) A carrier specified in a removal direction must accept the person for carriage on the date and time specified.

(2) A carrier that refuses without reasonable excuse to accept a person for carriage commits an offence.

(3) Reasonable excuse includes—

> (a) safety concerns relating to the operation of the aircraft, ship, or other conveyance;
>
> (b) lack of capacity due to unforeseen operational circumstances; or
>
> (c) refusal by the authorities of the destination to permit landing or entry.

(4) Reasonable excuse does not include—

> (a) concerns about the immigration status of the person;
>
> (b) concerns about the person's consent to travel; or
>
> (c) concerns about the destination country's human rights record.

(5) A carrier guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding £10,000 per person refused.

Section 415. Use of force to effect removal

(1) Reasonable force may be used to effect removal where a person—

(a) refuses to board a conveyance;

(b) attempts to disembark before arrival at the destination;

(c) resists escort; or

(d) disrupts the removal process.

(2) Force may include—

(a) physical restraint;

(b) placing the person in restraints during removal;

(c) carrying or escorting the person by force; or

(d) such other measures as are necessary to secure removal.

(3) The use of force must be proportionate, but this requirement is not justiciable except in cases of manifest excessive force amounting to criminal assault.

(4) Medical personnel may administer sedation or other medication where necessary to protect the safety of the person, other passengers, or crew, provided that—

(a) the medication is administered by a qualified medical practitioner; and

(b) the use of medication is clinically justified.

(5) Sedation under subsection (4) does not require the consent of the person being removed.

PART 15 — ADMINISTRATIVE PROCEDURES AND FEES

Application Procedures

Section 416. Forms and methods of application

(1) The Secretary of State may prescribe forms for applications under this Act by notice published in the London Gazette and on the official government website.

(2) Forms shall be designed to require only the minimum information necessary to determine eligibility under this Act, being limited to factual particulars capable of documentary verification.

(3) An application may be submitted by post to the address specified in the prescribed form or by such electronic means as the Secretary of State may from time to time designate.

(4) Where an application is submitted by electronic means, the applicant shall provide a digital representation of the required documents in a format that permits verification of authenticity without retention of biometric data.

Section 417. Documentary evidence

(1) An application under this Act must be accompanied by original documents or certified copies thereof establishing the facts upon which eligibility is claimed.

(2) For Indigenous British Citizen status, the required documents comprise birth certificates for the applicant and each of the fourteen ancestors specified in Part 2.

(3) For Inherited Conditional British Citizen status, the required documents comprise birth certificates for the applicant and at least one parent who holds or held British citizenship.

(4) For Hereditary British Citizen status, the required documents comprise the birth certificate of the applicant showing birth outside the Britannic Isles and evidence of the British citizenship of at least one parent.

(5) For British Subject status acquired by marriage, the required documents comprise the marriage certificate and evidence of the spouse's British citizenship.

(6) A certified copy is one bearing the seal or stamp of the issuing authority or certified as a true copy by a solicitor, notary public, or justice of the peace who has examined the original.

(7) Where an original document has been destroyed or lost through circumstances beyond the applicant's control, the Secretary of State may accept alternative evidence including parish register entries, census records, or statutory declarations by two Indigenous British Citizens with personal knowledge of the relevant facts.

Section 418. Processing without central database

(1) Upon receipt of an application, the Secretary of State shall verify the authenticity of the documents submitted by reference to the records of the General Register Office, the National Records of Scotland, the General Register Office for Northern Ireland, or such other record-keeping authorities as may be appropriate.

(2) Verification shall be conducted by means of queries to the record-keeping authority concerning specific entries without creation of a new database containing particulars of applicants or their ancestors.

(3) Where the Secretary of State is satisfied that the documents are genuine and establish eligibility, a Status Recognition Certificate shall be issued in the form prescribed by section 422.

(4) No biometric information shall be collected or retained in connection with any application under this Act save for the photograph appearing on the Status Recognition Certificate.

(5) The Secretary of State shall not create or maintain any database, register, or electronic record containing the names, dates of birth, or other particulars of Indigenous British Citizens save as required for the issue and renewal of Status Recognition Certificates.

Section 419. Determination of applications

(1) Every application shall be determined solely by reference to the documents submitted and the records of births, marriages, and deaths maintained by competent authorities.

(2) No interview, assessment, or other form of discretionary evaluation shall form part of the determination process for Indigenous British Citizen or Hereditary British Citizen status.

(3) An application is complete when it contains all prescribed information and is accompanied by all required documents in proper form.

(4) An incomplete application shall be returned to the applicant within fourteen days with notice of the deficiencies.

Section 420. Invalid applications

(1) An application is invalid if it is not made on the prescribed form, is not accompanied by the correct fee, or does not include the required documents.

(2) An invalid application shall be returned without determination and the fee shall be refunded less an administrative charge of twenty pounds.

(3) Where an application contains a material misrepresentation or relies upon forged or altered documents, the Secretary of State shall refuse the application and may refer the matter for prosecution under Part 8.

Fees and Charges

Section 421. Power to set fees

(1) The Secretary of State may by order specify fees to be charged for applications, certificates, and other services under this Act.

(2) Fees may be set at such level as the Secretary of State considers appropriate having regard to the administrative costs of the service and the wider costs to the public purse of maintaining the immigration system.

(3) An order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

Section 422. Status Recognition Certificates

(1) The fee for a Status Recognition Certificate establishing Indigenous British Citizen status is twenty pounds.

(2) The fee for a Status Recognition Certificate establishing Hereditary British Citizen status is one hundred pounds.

(3) The fee for a Status Recognition Certificate establishing Inherited Conditional British Citizen status is fifty pounds, payable upon initial classification and upon each reassessment under Part 5.

(4) The fee for a document establishing British Subject status is one hundred and fifty pounds.

Section 423. Visitor permissions

(1) The fee for a standard visitor permission valid for thirty days is one hundred pounds.

(2) The fee for an extended visitor permission valid for up to one hundred and eighty days is five hundred pounds.

(3) The fee for a business visitor permission is three hundred pounds.

(4) The fee for a study visitor permission is four hundred pounds.

(5) Fees under this section are payable at the time of application and are not refundable in the event of refusal.

Section 424. Immigration health charge

(1) A visitor granted permission to remain in the United Kingdom for more than six months shall pay an immigration health charge of six hundred and twenty-four pounds per year.

(2) The charge is payable in advance for the full period of the permission or for such shorter period as the Secretary of State may determine.

(3) The charge shall be paid to the Secretary of State and shall be credited to the National Health Service.

Section 425. Civil penalty objection fees

(1) Where a person objects to a civil penalty imposed under Part 10 or Part 11, the objection must be accompanied by a fee of fifty pounds.

(2) If the objection is upheld, the fee shall be refunded.

Section 426. Fee waivers

(1) The Secretary of State may waive any fee prescribed by this Part where satisfied that payment would cause exceptional hardship to the applicant.

(2) A waiver may be granted only where the applicant demonstrates that payment of the fee would render them unable to meet basic living expenses.

(3) No waiver shall be granted in respect of fees payable by an employer, landlord, carrier, or other person in the course of business.

(4) The Secretary of State may by order prescribe categories of persons eligible for automatic fee waiver, including children in the care of a local authority and persons receiving specified social security benefits.

Decision-Making

Section 427. Powers of the Secretary of State

(1) The Secretary of State may determine applications, issue or refuse Status Recognition Certificates and visitor permissions, and exercise such other functions as are conferred by this Act.

(2) A determination by the Secretary of State is final save as provided by Part 12.

(3) The Secretary of State is not required to give reasons for refusal of a visitor permission or refusal to exercise a discretionary power under this Act.

Section 428. Delegation

(1) The Secretary of State may authorise immigration officers and senior caseworkers of the Home Office to exercise functions under this Act on behalf of the Secretary of State.

(2) A decision made by a person so authorised is for all purposes a decision of the Secretary of State.

Section 429. Standard and burden of proof

(1) In determining whether an applicant meets the requirements for any status under this Act, the Secretary of State shall apply the standard of the balance of probabilities.

(2) The burden of proving that the requirements are met lies upon the applicant.

(3) Where the authenticity of a document is in doubt, the burden lies upon the applicant to establish that it is genuine.

Record-Keeping

Section 430. Status Recognition Certificates — form and content

(1) A Status Recognition Certificate issued to an Indigenous British Citizen shall state the holder's full name, date of birth, place of birth, and the fact that the holder is an Indigenous British Citizen.

(2) A Status Recognition Certificate issued to an Inherited Conditional British Citizen shall state the holder's full name, date of birth, place of birth, the fact that the holder is an Inherited Conditional British Citizen, and the date on which the next assessment under Part 5 is due.

(3) A Status Recognition Certificate issued to a Hereditary British Citizen shall state the holder's full name, date of birth, place of birth, and the fact that the holder is a Hereditary British Citizen.

(4) Each certificate shall bear a unique reference number, a photograph of the holder, and such security features as the Secretary of State considers appropriate to prevent forgery.

(5) The Secretary of State shall maintain a register of the unique reference numbers issued under this section for the purpose of verifying the validity of certificates presented as evidence of status.

(6) The register maintained under subsection (5) shall contain only the reference number, the status certified, and the date of expiry, and shall not contain any personal particulars of the holder.

Section 431. Verification without identification database

(1) Where a person presents a Status Recognition Certificate as evidence of status, any public authority or private person may verify that the certificate is valid by submitting the unique reference number to an electronic checking service operated by the Secretary of State.

(2) The checking service shall respond only with confirmation that a certificate bearing that reference number was issued, the status it certifies, and whether it remains valid, without disclosing any personal particulars of the holder.

(3) The Secretary of State shall not record or retain any information concerning who has made a verification query or when such queries were made, save for aggregate statistical purposes.

(4) A certificate shall be treated as valid evidence of the status stated unless the Secretary of State has recorded that it has been cancelled or has expired.

Section 432. Integration with vital registration

(1) The Secretary of State may enter into arrangements with the Registrar General for England and Wales, the Registrar General of Births, Deaths and Marriages for Scotland, and the Registrar General for Northern Ireland for the exchange of information necessary to verify applications under this Act.

(2) Such arrangements shall provide for queries to be answered by reference to specific register entries without creation of derivative databases or records.

(3) Nothing in this section authorises the creation of a central register of births, marriages, or deaths that does not already exist by virtue of other enactments.

Section 433. Prohibition on biometric databases

(1) Notwithstanding any other enactment, the Secretary of State shall not collect, record, or retain fingerprints, iris scans, facial recognition data, or DNA profiles of British citizens for immigration purposes.

(2) The prohibition in subsection (1) does not apply to information collected in the course of a criminal investigation or collected at the border for the limited purpose of recording travel to Schedule B countries under Part 3.

(3) Photographs included on Status Recognition Certificates are not biometric data for the purposes of this section provided they are not processed by automated facial recognition systems.

(4) Any biometric data collected in breach of this section shall be destroyed immediately upon detection of the breach and shall not be admissible in evidence in any proceedings.

Section 434. Data protection

(1) The provisions of the Data Protection Act 2018 apply to the processing of personal data under this Act save where expressly modified by this section.

(2) The Secretary of State may process personal data for the purpose of verifying applications, detecting fraud, and preventing abuse of the immigration system without consent of the data subject.

(3) Data subjects have no right of access under Article 15 of the United Kingdom General Data Protection Regulation to information processed for the purposes of determining immigration status or eligibility where disclosure would prejudice the effective operation of immigration control.

(4) Subject to subsection (3), individuals may request and shall be provided with copies of documents submitted in support of their own applications.

Section 435. Public access to verification

(1) Any person may verify the immigration status of another person with that person's consent by means of the electronic checking service established under section 431.

(2) To use the service, the enquirer must provide the unique reference number from the Status Recognition Certificate and a code provided by the holder.

(3) A person who uses the verification service for any purpose other than determining eligibility for employment, services, or benefits to which immigration status is relevant commits an offence.

(4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART 16 — INFORMATION SHARING AND AUTOMATED ENFORCEMENT

Mandatory Information Disclosure

Section 437. Duty of public authorities to disclose

(1) Every public authority and specified private entity set out in subsection (2) shall, upon request by the Secretary of State or without request where automated disclosure arrangements are in place, disclose to the Home Office any information held by that authority or entity which relates to a person's immigration status, residence, employment, financial circumstances, use of public services, or conduct.

(2) The authorities and entities subject to subsection (1) are as follows:

a) His Majesty's Revenue and Customs, which shall disclose tax records, National Insurance records, employment records, and records of income and self-assessment returns;

b) the Department for Work and Pensions, which shall disclose benefits data, welfare claims, Universal Credit records, state pension records, and records of housing benefit claims;

c) the National Health Service and all constituent health bodies, which shall disclose usage data, registration data, General Practitioner registration records, hospital attendance records, and prescription records;

d) all police forces in England, Wales, Scotland, and Northern Ireland, which shall disclose Police National Computer data, arrest records, caution records, conviction records, and intelligence reports where relevant to immigration enforcement;

e) the Driver and Vehicle Licensing Agency, which shall disclose driving licence data, vehicle registration data, and records of licence applications and revocations;

f) local authorities in England, Wales, Scotland, and Northern Ireland, which shall disclose council tax records, housing allocation records, housing benefit records, school attendance records for all children, and records of local authority services provided;

g) all banks, building societies, and other financial institutions authorised to operate in the United Kingdom, which shall disclose account opening data, account closure data, and records of international transactions exceeding ten thousand pounds in value;

h) all employers, which shall upon request disclose payroll data, records of employment commencement and termination, and copies of right-to-work verification checks;

i) all landlords and letting agents, which shall upon request disclose tenancy data, records of tenancy commencement and termination, and copies of right-to-rent verification checks;

j) all universities and other higher education providers, which shall disclose enrolment data, attendance records, and records of academic progression or withdrawal.

(3) The duty in subsection (1) overrides any duty of confidentiality, any obligation arising under contract, and any common law duty of confidence which would otherwise prevent disclosure.

(4) No cause of action lies against any authority or entity, or any officer or employee of such authority or entity, for disclosure made in good faith pursuant to subsection (1).

(5) The Secretary of State may by order add to or remove from the list of authorities and entities in subsection (2), or vary the categories of information to be disclosed, where necessary for the effective enforcement of this Act.

Section 438. Automated and real-time data sharing

(1) The Secretary of State shall establish automated data sharing arrangements with each authority and entity listed in section 437(2) such that relevant information is transmitted to the Home Office without the need for individual requests.

(2) Information disclosed pursuant to automated arrangements shall be transmitted to the Home Office at intervals not exceeding one calendar month.

(3) Where technically feasible, authorities and entities shall provide real-time access to their databases and systems such that the Home Office may query records directly without delay.

(4) The Secretary of State may issue technical standards and specifications governing the format, transmission method, and security arrangements for automated data sharing, and authorities and entities shall comply with such standards and specifications.

(5) Failure by an authority or entity to establish or maintain automated data sharing arrangements as required by this section constitutes a breach of statutory duty, and the Secretary of State may apply to the High Court for an order compelling compliance.

Section 439. No breach of confidentiality or data protection

(1) Disclosure made pursuant to section 437 or section 438 does not constitute a breach of confidentiality, a breach of contract, or unlawful processing of personal data.

(2) The duty to disclose in section 437(1) takes precedence over any restriction or prohibition on disclosure contained in any other enactment, including but not limited to restrictions arising under the Data Protection Act 2018, the Human Rights Act 1998, or any enactment relating to professional privilege or medical confidentiality.

(3) No person commits an offence under the Data Protection Act 2018 or any successor enactment by reason only of disclosing information as required by section 437 or section 438.

(4) This section does not affect legal professional privilege in relation to communications between a legal adviser and a client for the purpose of giving or receiving legal advice.

Automated Compliance Systems

Section 440. Algorithmic cross-referencing and status verification

(1) The Secretary of State shall establish and maintain an automated system for cross-referencing immigration status records against the information received pursuant to sections 437 and 438.

(2) The system established under subsection (1) shall automatically identify discrepancies, inconsistencies, or anomalies indicating that a person may be in breach of immigration control, including but not limited to the following circumstances:

> a) employment records indicating that a person classified as a Visitor is engaged in employment;
>
> b) benefits claims by a person whose status prohibits recourse to public funds;
>
> c) National Health Service usage by a person whose status requires payment of health charges;

d) bank accounts held by a person whose status has been revoked or has lapsed;

e) tenancies held by a person whose status does not permit residence in the United Kingdom;

f) driving licences held by a person whose status does not permit the holding of such licences;

g) school enrolment of children whose parents are not entitled to reside in the United Kingdom;

h) any other circumstance where a person's recorded activities are inconsistent with the restrictions or conditions attached to that person's immigration status.

(3) The system shall maintain a register of all persons who are the subject of automated compliance monitoring, and shall record all discrepancies identified pursuant to subsection (2).

(4) The Secretary of State may by order prescribe technical specifications for the system, including algorithms, matching criteria, and thresholds for generating alerts or enforcement actions.

Section 441. Automatic generation of enforcement actions

(1) Where the system established under section 440 identifies a discrepancy meeting criteria prescribed by the Secretary of State, the system shall automatically generate an enforcement action appropriate to the nature and severity of the discrepancy.

(2) Enforcement actions which may be generated automatically include but are not limited to the following:

a) an investigation notice issued to an immigration officer requiring investigation of the identified discrepancy;

b) a notice to the person concerned requiring that person to provide an explanation or produce evidence within a specified period;

c) a removal direction in cases where the discrepancy constitutes clear evidence of a breach of immigration control and no further investigation is required;

d) a notice to an employer, landlord, bank, or other entity requiring termination of services or cessation of dealings with the person concerned;

e) a warrant application to be presented to a justice of the peace authorising search, arrest, or detention.

(3) Where a removal direction is generated pursuant to subsection (2)(c), the direction shall be deemed to have been issued by the Secretary of State and shall have effect as if personally signed, subject to review within seven days by an immigration officer of at least the rank of chief immigration officer.

(4) Human oversight of automatically generated enforcement actions is required only where prescribed by order made by the Secretary of State, and the absence of human oversight does not render an enforcement action invalid or unlawful.

(5) The Secretary of State shall maintain records of all automatically generated enforcement actions and shall publish annual statistics in aggregate form.

Section 442. Digital verification applications

(1) The Secretary of State shall establish and maintain digital verification applications accessible to employers, landlords, banks, and other entities required to verify immigration status pursuant to this Act.

(2) A digital verification application shall provide instant, real-time verification of a person's immigration status and shall indicate whether that person is authorised to work, rent residential property, open a bank account, or engage in other specified activities.

(3) Verification obtained through a digital verification application is conclusive evidence that the entity requesting verification has complied with its duties under this Act, provided that the entity acted in good faith and in accordance with instructions published by the Secretary of State.

(4) The digital verification application shall record all verification requests made, including the identity of the person whose status was verified, the identity of the entity requesting verification, and the date and time of the request.

(5) Access to digital verification applications may be restricted to registered users, and the Secretary of State may impose conditions on registration including requirements for identity verification, payment of fees, and compliance with technical standards.

Privacy Protections

Section 443. Limitation of data use to immigration enforcement

(1) Information received by the Home Office pursuant to sections 437 and 438 shall be used solely for the purposes of immigration enforcement, including but not limited to the identification of persons in breach of immigration control, the assessment of applications for status under this Act, and the conduct of National Integrity Assessments under Part 5.

(2) Immigration enforcement for the purposes of subsection (1) includes cooperation with law enforcement agencies in the investigation and prosecution of offences under this Act or under any other enactment where immigration status is relevant to the commission or investigation of such offences.

(3) Nothing in this section prevents the Home Office from disclosing information to other government departments or public authorities where such disclosure is necessary for the performance of functions relating to national security, the prevention or detection of crime, or the protection of public safety.

Section 444. Data retention

(1) Information received by the Home Office pursuant to sections 437 and 438 may be retained indefinitely for the purposes of immigration enforcement.

(2) There is no requirement to review, delete, or anonymise information retained pursuant to subsection (1) by reason of the passage of time or the cessation of immigration enforcement action in relation to the person to whom the information relates.

(3) Information retained pursuant to subsection (1) may be used in connection with any future immigration enforcement action or any future application for status under this Act by the person to whom the information relates.

Section 445. Exclusion of individual access rights

(1) Part 3 of the Data Protection Act 2018, insofar as it confers rights upon individuals to access personal data held about them, does not apply to information held by the Home Office for the purposes of immigration enforcement.

(2) A data subject access request made pursuant to the Data Protection Act 2018 in respect of information held by the Home Office for immigration enforcement purposes may be refused without the need to provide reasons or to confirm or deny whether such information is held.

(3) The exclusion in subsection (1) applies notwithstanding any provision of the Data Protection Act 2018 or any other enactment conferring rights of access to personal data.

Section 446. Exemption from data protection impact assessments

(1) The Secretary of State is not required to conduct a data protection impact assessment in relation to any processing of personal data carried out for the purposes of immigration enforcement pursuant to this Part.

(2) The exemption in subsection (1) applies notwithstanding any requirement under the Data Protection Act 2018, the UK General Data Protection Regulation, or any other enactment to conduct such assessments.

Wrongful Disclosure Offences

Section 447. Offence of unauthorised disclosure

(1) A person commits an offence if that person discloses information received by the Home Office pursuant to sections 437 and 438 in circumstances where the disclosure is not authorised by this Act or by any other enactment.

(2) It is a defence for a person charged with an offence under subsection (1) to prove that the person reasonably believed that the disclosure was lawful.

(3) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding twelve months, to a fine, or to both, and on conviction on indictment to imprisonment for a term not exceeding two years, to a fine, or to both.

(4) This section applies to Home Office staff, contractors engaged by the Home Office, and officers and employees of partner agencies who receive information pursuant to subsection (1).

Section 448. Authorised disclosure and protected whistleblowing

(1) Disclosure of information is authorised for the purposes of section 447 where the disclosure is made:

a) in the performance of functions under this Act or any other enactment;

b) to a law enforcement agency for the purpose of preventing or detecting crime;

c) to a public authority for the purpose of protecting national security or public safety;

d) pursuant to an order of a court or tribunal;

e) with the consent of the Secretary of State.

(2) A disclosure made in good faith to a Member of Parliament, to a constable, to His Majesty's Chief Inspector of Prisons, or to any person prescribed by order for the purposes of this subsection, where the person making the disclosure reasonably believes that the information disclosed tends to show fraud, corruption, or serious maladministration in connection with immigration enforcement, is a protected disclosure and does not constitute an offence under section 447.

(3) A person who suffers detriment by reason of having made a protected disclosure pursuant to subsection (2) may bring proceedings in an employment tribunal or, where not an employee, in the county court for compensation and such other relief as the tribunal or court considers just and equitable.

Revenue and Customs Cooperation

Section 449. Duty of His Majesty's Revenue and Customs to cooperate

(1) His Majesty's Revenue and Customs shall cooperate fully with the Home Office in the enforcement of immigration control and shall provide such assistance as the Secretary of State may reasonably require for the purposes of identifying persons in breach of immigration control or assessing compliance with this Act.

(2) Without prejudice to the generality of subsection (1), cooperation under this section includes but is not limited to:

a) providing full access to tax records, National Insurance records, self-assessment returns, and records of income and employment;

b) conducting joint investigations with immigration officers where a person's immigration status and tax affairs are both matters of concern;

c) sharing intelligence and analytical products relating to patterns of tax evasion or benefit fraud which may indicate immigration violations;

d) providing training and technical support to immigration officers on matters relating to tax and National Insurance systems.

(3) Information sharing pursuant to this section is not subject to restrictions contained in sections 18 and 19 of the Commissioners for Revenue and Customs Act 2005 or any successor enactment imposing restrictions on the disclosure of revenue and customs information.

Section 450. Tax evasion and immigration violations

(1) Where the Home Office identifies a person who is in breach of immigration control and there are reasonable grounds to suspect that the person has committed an offence of tax evasion or benefit fraud, the Home Office shall refer the matter to His Majesty's Revenue and Customs or the Department for Work and Pensions as appropriate.

(2) His Majesty's Revenue and Customs or the Department for Work and Pensions shall within twenty-eight days of a referral under subsection (1) notify the Home Office whether it intends to investigate or prosecute the suspected offence.

(3) Where an investigation or prosecution is commenced pursuant to subsection (2), the Home Office may defer removal of the person concerned pending the conclusion of that investigation or prosecution, but is not required to do so.

(4) Any tax, National Insurance contributions, or repayment of benefits owing as a result of an investigation under this section may be recovered by His Majesty's Revenue and Customs or the Department for Work and Pensions notwithstanding the removal of the person concerned from the United Kingdom.

Section 451. Customs enforcement and border integration

(1) His Majesty's Revenue and Customs shall integrate customs enforcement functions with immigration officer operations at all ports of entry and exit.

(2) Customs officers and immigration officers shall have reciprocal powers of arrest, search, and detention for the purposes of enforcing this Act and the customs and excise Acts.

(3) Intelligence and operational planning relating to customs enforcement and immigration enforcement shall be conducted jointly where the Secretary of State and the Commissioners for His Majesty's Revenue and Customs consider it appropriate to do so.

(4) The Secretary of State and the Commissioners for His Majesty's Revenue and Customs may by agreement establish joint units, joint operations, or other cooperative arrangements for the more effective enforcement of immigration control and customs control.

PART 17 — OVERSIGHT

Chief Inspector of Borders and Immigration

Section 452. Continuation of statutory office

(1) The office of Chief Inspector of Borders and Immigration established under the UK Borders Act 2007 is continued under this Act.

(2) The Chief Inspector shall be appointed by the Secretary of State for a term of five years, renewable once only.

(3) The Chief Inspector may be removed from office only on grounds of incapacity or serious misconduct.

(4) The Chief Inspector shall appoint such staff as are necessary for the discharge of functions under this Part, subject to the approval of the Secretary of State as to numbers and remuneration.

Section 453. Functions of the Chief Inspector

(1) The Chief Inspector shall inspect and report on the efficiency and effectiveness of the discharge of functions under this Act by the Secretary of State, immigration officers, and persons exercising functions on behalf of the Secretary of State.

(2) The functions of the Chief Inspector are limited to examination of operational performance and administrative propriety, and do not extend to the review of policy decisions or the merits of individual determinations.

(3) The Chief Inspector may investigate complaints referred under section 458 where such complaints raise matters of systematic administrative failure or impropriety.

(4) The Chief Inspector shall have access to such documents and premises as are reasonably required for the discharge of inspection functions, save that no access shall be granted to closed material the disclosure of which would be contrary to the public interest or prejudicial to national security.

(5) In conducting inspections, the Chief Inspector shall have regard to the need to avoid interference with operational activities and shall not cause delay to removal directions, detention, or other enforcement actions.

Section 454. Limitation on powers

(1) The Chief Inspector shall not review, comment upon, or make recommendations concerning the substance of policy decisions made by the Secretary of State or Parliament under this Act.

(2) The Chief Inspector shall not review decisions in individual cases save where such review is necessary to examine systemic administrative failures.

(3) The Chief Inspector has no power to suspend, vary, or interfere with any decision, direction, or order made under this Act.

Section 455. No power to delay removals

(1) No inspection, investigation, or report by the Chief Inspector shall operate to delay, suspend, or prevent the execution of a removal direction or deportation order.

(2) The commencement of an inspection concerning matters relating to a person subject to removal does not create any legitimate expectation on the part of that person, nor does it provide grounds for judicial review of the removal.

Section 456. Annual report to Parliament

(1) The Chief Inspector shall prepare and submit to the Secretary of State an annual report on the efficiency and effectiveness of functions exercised under this Act.

(2) The annual report shall be laid before each House of Parliament within three months of its submission to the Secretary of State.

(3) The annual report may include recommendations for administrative improvements but shall not contain recommendations concerning policy matters.

(4) The Chief Inspector may prepare additional reports on specific inspections or investigations, which shall be laid before Parliament in the same manner as the annual report.

Section 457. Response by Secretary of State

(1) The Secretary of State shall, within sixty days of the laying before Parliament of a report under section 456, lay before Parliament a response to the report.

(2) The response shall address any recommendations made concerning administrative matters and shall state what action, if any, the Secretary of State proposes to take.

(3) The Secretary of State is not bound to accept or implement any recommendation made by the Chief Inspector.

Complaints

Section 458. Complaints scheme

(1) The Secretary of State shall maintain a scheme for the investigation of complaints concerning the exercise of functions under this Act.

(2) Complaints shall be investigated administratively by officers designated for that purpose by the Secretary of State.

(3) The investigating officer shall not have been involved in the matter giving rise to the complaint and shall hold a rank or position senior to that of any person whose conduct is the subject of the complaint.

Section 459. Grounds for complaint

(1) A complaint may be made under this Part only on the following grounds:

(a) discourteous treatment or improper conduct by an immigration officer or other official exercising functions under this Act;

(b) manifest procedural error of the kind addressed by Part 12, where such error has not been corrected through the factual error correction process;

(c) loss of documents by officials exercising functions under this Act;

(d) failure by an official to comply with a mandatory procedural requirement set out in this Act.

(2) A complaint must be made in writing within twenty-eight days of the matter giving rise to the complaint, save that the Secretary of State may extend this period where there are exceptional circumstances justifying the delay.

Section 460. Matters not subject to complaint

(1) No complaint may be entertained under this Part concerning:

(a) the merits of a decision to grant, refuse, curtail, or revoke any status, leave, or permission under this Act;

(b) a decision to issue a removal direction or deportation order;

(c) a decision to refuse entry at a port of entry;

(d) a decision to detain or to refuse bail;

(e) a decision concerning the designation of countries in any Schedule to this Act;

(f) any matter of policy;

(g) any matter properly subject to the factual error correction process under Part 12.

(2) No complaint may be made in relation to a decision which is subject to judicial review under Part 12 while such judicial review is pending, nor after such judicial review has been finally determined.

Section 461. Complaints process

(1) All complaints shall be determined on the basis of written submissions only.

(2) There shall be no oral hearing in respect of any complaint.

(3) The investigating officer may request further written information or documents from the complainant or from officials involved in the matter.

(4) The investigating officer shall complete the investigation and issue a determination within forty-two days of receipt of the complaint, save where the complexity of the matter requires additional time, in which case the period may be extended to eighty-four days.

Section 462. Outcomes of complaints

(1) Where a complaint is upheld, the investigating officer may:

(a) issue a written apology to the complainant on behalf of the Secretary of State;

(b) where documents have been lost through official error, direct that replacement documents be provided without fee and that any consequential losses suffered by the complainant be compensated;

(c) where procedural error has occurred, direct that the matter be reconsidered in accordance with proper procedure.

(2) The investigating officer has no power to vary or quash any decision on status, removal, detention, or any other substantive matter.

(3) Compensation awarded under this section is limited to direct financial loss caused by official error and shall not exceed one thousand pounds.

(4) The determination of the investigating officer is final and is not subject to appeal or further review.

Parliamentary Accountability

Section 463. Parliamentary Questions

(1) Members of Parliament may table Questions for oral or written answer concerning the operation of this Act in accordance with the standing orders of the House of Commons and the House of Lords.

(2) Nothing in this Act limits the ability of Members of Parliament to scrutinise the exercise of functions under this Act through Parliamentary Questions.

Section 464. Select Committee oversight

(1) The Home Affairs Select Committee of the House of Commons, or any successor committee with responsibility for home affairs, may conduct inquiries and examinations concerning the operation of this Act.

(2) The Secretary of State and officials exercising functions under this Act may be required to give evidence before the Select Committee in accordance with the normal practice of the House of Commons.

(3) Nothing in this Part limits the powers of the Select Committee to examine policy matters, though observations of the Select Committee concerning policy do not bind the Secretary of State.

Section 465. Publication of statistics

(1) The Secretary of State shall publish annually, within six months of the end of each calendar year, statistical information concerning the operation of this Act.

(2) The statistics shall be published in aggregate form only and shall include:

(a) the number of persons classified under each category of status;

(b) the number of removal directions issued;

(c) the number of removals effected;

(d) the number of persons in immigration detention at the end of the year;

(e) the number of National Integrity Assessments conducted and their outcomes;

(f) the number of applications for Status Recognition Certificates received and determined;

(g) such other aggregate statistical information as the Secretary of State considers appropriate.

(3) No individual information or information from which an individual could be identified shall be published under this section.

(4) The duty to publish statistics under this section does not extend to information the disclosure of which would be contrary to the public interest or prejudicial to national security.

PART 18 — MODERN SLAVERY AND TRAFFICKING

Relationship with Modern Slavery Act 2015

Section 466. Continued operation of Modern Slavery Act 2015

(1) The Modern Slavery Act 2015 remains in force for the purposes of creating criminal offences and providing for the investigation, prosecution, and punishment of offences of slavery, servitude, forced labour, and human trafficking.

(2) Nothing in this Act affects the criminal law provisions of the Modern Slavery Act 2015 or the powers of investigation and prosecution under that Act.

(3) The prevention, detection, and prosecution of offences under the Modern Slavery Act 2015 remain functions of the appropriate law enforcement agencies.

Section 467. No immigration consequences of victim identification

(1) Identification of a person as a potential victim of slavery, servitude, forced labour, or human trafficking under the Modern Slavery Act 2015 does not:

(a) create any immigration status or right to remain in the United Kingdom;

(b) prevent the person being classified as a Visitor under Part 4;

(c) prevent the removal of the person as a Visitor;

(d) create any pathway to British citizenship or to any enhanced status under this Act;

(e) operate to suspend or delay removal proceedings under Part 8.

(2) A person identified as a potential victim remains subject to all provisions of this Act applicable to persons of their status, including provisions concerning removal and detention.

Section 468. Compatibility of victim support with immigration enforcement

(1) The provision of support to victims under the Modern Slavery Act 2015, including accommodation, counselling, and other assistance, is compatible with and does not prevent:

(a) the detention of the person pending removal under Part 14;

(b) the removal of the person to a safe third country under Part 8;

(c) the immediate removal of the person following the conclusion of any criminal investigation or prosecution in which the person has participated.

(2) Support provided under the Modern Slavery Act 2015 shall cease upon the removal of the person from the United Kingdom or upon the conclusion of any temporary extension of visitor status granted under section 469.

Temporary Extension for Prosecutions

Section 469. Discretionary visitor extension

(1) The Secretary of State may, in the exercise of absolute discretion, grant a temporary extension of visitor status to a person for the sole purpose of facilitating:

(a) an ongoing criminal investigation in which the person's cooperation is necessary for the investigation of offences of slavery, servitude, forced labour, or human trafficking, certified as such by a chief officer of police or the Director of Public Prosecutions; or

(b) an ongoing criminal trial in which the person's evidence is necessary for the prosecution of such offences, certified as such by the prosecuting authority.

(2) An extension under subsection (1) may be granted only where the investigating or prosecuting authority certifies in writing that the person's presence in the United Kingdom is necessary and that the investigation or prosecution cannot practicably proceed in the person's absence.

(3) The Secretary of State is not bound to grant an extension even where such certification is provided, and the decision whether to grant an extension is not subject to appeal or review.

Section 470. Duration of extension

(1) The duration of any extension granted under section 469 shall be determined by the Secretary of State on a case-by-case basis having regard to the requirements of the investigation or prosecution.

(2) The extension is strictly limited to the period necessary for the investigation or trial and shall terminate:

(a) upon the conclusion of the investigation or trial;

(b) upon the withdrawal of certification by the investigating or prosecuting authority;

(c) upon the Secretary of State determining that the person's continued presence is no longer necessary; or

(d) upon the expiry of such period as is specified by the Secretary of State when granting the extension,

whichever occurs first.

(3) The Secretary of State may specify conditions applicable to the person during the period of extension, including conditions as to residence, reporting, and restrictions on employment.

Section 471. Non-renewable extension

(1) An extension granted under section 469 is not renewable and shall not be extended beyond the conclusion of the investigation or trial for which it was granted.

(2) Upon the termination of an extension, the person shall be removed immediately from the United Kingdom in accordance with Part 8.

(3) No further extension may be granted in respect of the same person save where a new and separate investigation or prosecution arises in which the person's cooperation or evidence is certified as necessary in accordance with section 469.

Section 472. Detention during extension period

(1) The grant of a temporary extension under section 469 does not preclude the detention of the person under Part 14.

(2) The Secretary of State may direct that the person be detained for the duration of the extension period where the Secretary of State considers detention necessary:

(a) to ensure the person's availability for the investigation or trial;

(b) to protect the person from harm;

(c) to prevent the person absconding; or

(d) on any other grounds applicable to the detention of visitors under Part 14.

(3) The grant of an extension does not create any legitimate expectation of release from detention or any right to bail.

No Victim-Based Protections

Section 473. No recovery period rights

(1) No period of recovery, reflection, or other temporary permission to remain shall be granted to a person on the ground that the person is a victim or potential victim of slavery, servitude, forced labour, or human trafficking.

(2) The concept of a recovery period creating a right to remain is not recognised under this Act.

Section 474. No victim leave or settlement pathway

(1) There is no provision under this Act for the grant of leave to remain or for any pathway to settlement or citizenship based on a person being a victim or potential victim of slavery, servitude, forced labour, or human trafficking.

(2) Support provided under the Modern Slavery Act 2015 does not create any immigration status and shall not be construed as creating a pathway to any status under this Act.

Section 475. Support compatible with detention and removal

(1) The provision of accommodation, counselling, or other support to a victim or potential victim under the Modern Slavery Act 2015 is compatible with:

(a) the detention of that person under Part 14;

(b) the removal of that person to a safe third country under Part 8;

(c) the immediate removal of that person upon the conclusion of any investigation or prosecution.

(2) Where support is provided to a person who is detained, such support shall be provided in a manner compatible with detention, and the provision of support

does not create any ground for challenging detention or for seeking release from detention.

Section 476. No legitimate expectation from cooperation

(1) The cooperation of a person with an investigation or prosecution of offences of slavery, servitude, forced labour, or human trafficking does not create any legitimate expectation of being granted leave to remain, settlement, or citizenship.

(2) The fact that a person has cooperated with such an investigation or prosecution is not a relevant consideration in any decision concerning that person's removal from the United Kingdom.

(3) Nothing in this Part prevents the Secretary of State from considering such cooperation when determining whether to exercise discretion under section 469, but such cooperation creates no entitlement to the exercise of that discretion in the person's favour.

PART 19 — INTERNATIONAL OBLIGATIONS

Treaty Withdrawal

477. Withdrawal from international instruments

(1) The United Kingdom shall withdraw from and denounce the international instruments listed in Schedule 2 to the fullest extent permitted by each instrument.

(2) The instruments cease to have effect in domestic law on the day this Part comes into force.

(3) The Secretary of State must give formal notice of withdrawal or denunciation to the depositary of each instrument in accordance with its terms within thirty days of commencement.

(4) Where an instrument provides for a notice period before withdrawal takes effect internationally, the domestic cessation under subsection (2) is not affected by that period.

478. Domestic effect of withdrawal

(1) From commencement, no provision of any instrument listed in Schedule 2 has effect as part of the law of the United Kingdom.

(2) No court or tribunal may apply, consider, or have regard to any such provision in determining any question arising under this Act or any other enactment.

(3) No person may rely on any such provision as creating, conferring, or affecting any right, obligation, or liability in domestic law.

(4) This section applies regardless of whether the international withdrawal under section 477(3) has taken effect.

479. Parliamentary procedure

(1) The Secretary of State must lay before Parliament a statement confirming that notice of withdrawal has been given in respect of each instrument within fourteen days of giving such notice.

(2) A motion to approve the withdrawals must be made in both Houses of Parliament within forty sitting days of commencement.

(3) If either House does not approve the motion, the Secretary of State must lay before Parliament a further statement explaining the continued operation of this Part notwithstanding the absence of approval.

Bilateral Cooperation Agreements

480. Power to enter bilateral agreements

(1) The Secretary of State may enter into bilateral agreements with the government of any country or territory for the purposes of facilitating the operation of this Act.

(2) Such agreements may provide for matters including the return of persons subject to removal, safe third country arrangements, offshore processing facilities, and the sharing of information.

(3) Agreements under this section may include financial arrangements providing for payments by the United Kingdom to the other party.

481. Status of bilateral agreements

(1) An agreement entered into under section 480 does not require ratification as a treaty or other parliamentary approval beyond any approval required by this section.

(2) Where an agreement provides for payments exceeding ten million pounds in any financial year, the Secretary of State must lay the agreement before Parliament and obtain approval by resolution of the House of Commons.

(3) An administrative arrangement in the form of a memorandum of understanding, exchange of letters, or similar instrument is sufficient for the purposes of section 480.

482. No enforceable rights created

(1) No bilateral agreement entered into under section 480 creates any right enforceable by an individual in the courts of the United Kingdom.

(2) Such an agreement may only be invoked by the Secretary of State in the exercise of functions under this Act.

(3) No court may review the decision of the Secretary of State to enter into, vary, or terminate any such agreement.

Northern Ireland and Common Travel Area

483. Good Friday Agreement preservation

(1) Nothing in this Act affects the birthright of persons born in Northern Ireland to identify as British, Irish, or both, and to hold citizenship accordingly as recognised by the Agreement reached in the multi-party negotiations on Northern Ireland done at Belfast on 10th April 1998.

(2) The Common Travel Area arrangements between the United Kingdom and Ireland continue in force as provided for in Part 6, Chapter 2.

(3) Irish citizens enjoy rights of entry, residence, and movement within the United Kingdom in accordance with those arrangements.

484. Opt-out from British citizenship

(1) A person born in Northern Ireland who would otherwise be entitled to British citizenship under Part 2 may decline that citizenship by making a formal declaration in the prescribed form.

(2) A declaration under subsection (1) may only be made once and is irrevocable.

(3) A person who makes such a declaration is classified as a Visitor for the purposes of this Act while present in the United Kingdom.

(4) The fact that a person holds or is entitled to hold Irish citizenship does not of itself confer any status or rights under this Act beyond those accorded to Visitors, except as provided by the Common Travel Area arrangements.

485. Pathways following opt-out

(1) A person who has made a declaration under section 484(1) may acquire British citizenship only by marriage to a British citizen from an approved country as provided in Part 3 or by Parliamentary grant as provided in Part 2, Chapter 4.

(2) Such marriage results in British Subject status, not citizenship, unless the person subsequently qualifies for citizenship under the provisions applicable to children born to British Subjects.

(3) No other pathway to British citizenship is available to a person who has made a declaration under section 484(1).

PART 20 — GENERAL AND SUPPLEMENTARY

Financial Provisions

488. Expenses

(1) There shall be paid out of money provided by Parliament any expenses incurred by the Secretary of State in consequence of this Act.

(2) Such expenses include costs associated with the establishment and maintenance of systems for status verification, the operation of detention facilities, removal operations, and the administration of the National Integrity Assessment.

489. Fees and charges

(1) All fees and charges collected under this Act shall be paid into the Consolidated Fund.

(2) The Secretary of State may by regulations prescribe fees for applications, certificates, and services provided under this Act.

(3) Fees may be set at levels exceeding the administrative cost of providing the relevant service where the Secretary of State considers it appropriate to reflect the wider costs of the immigration system.

490. Parliamentary appropriation

(1) The Secretary of State must prepare annual estimates of the expenditure to be incurred under this Act and lay those estimates before the House of Commons.

(2) The estimates must distinguish between expenditure on enforcement operations, detention and removal, systems and administration, and other categories as the Secretary of State considers appropriate.

Subordinate Legislation

491. Regulation-making powers

(1) The Secretary of State may make regulations for the purposes of giving effect to this Act.

(2) Regulations under this Act may make different provision for different purposes or different areas.

(3) Regulations may include incidental, supplementary, consequential, transitional, or saving provision.

492. Parliamentary procedure

(1) Regulations under this Act are subject to the affirmative resolution procedure where they add countries to Schedule 10 or Schedule 11, prescribe maximum fees exceeding levels set out in section 489(3), establish or modify the methodology for the National Integrity Assessment, or create criminal offences or increase penalties.

(2) All other regulations under this Act are subject to the negative resolution procedure.

(3) The affirmative resolution procedure means that the regulations may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.

(4) The negative resolution procedure means that the regulations are subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Regulations that remove countries from Schedule 10 or Schedule 11 are subject to the negative resolution procedure notwithstanding subsection (1).

493. Statutory instruments

(1) Any power to make regulations under this Act is exercisable by statutory instrument.

(2) A statutory instrument containing regulations subject to the affirmative resolution procedure may not be made unless a draft has been laid before Parliament for a period of not less than twenty-eight days during which Parliament has been sitting.

(3) In calculating the period of twenty-eight days, no account is taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

Crown Application

494. Binding of Crown

This Act binds the Crown.

495. Crown employees and contractors

(1) Persons employed in the service of the Crown are subject to this Act in the same manner as other persons.

(2) Contractors providing services to the Crown in connection with immigration functions are subject to the provisions of this Act relating to offences and penalties.

(3) No act done by or on behalf of the Crown in the administration of this Act renders the Crown criminally liable, but the High Court may on the application of a person with sufficient interest declare any such act to be unlawful.

496. No Crown immunity for immigration violations

No immunity or privilege attaching to the Crown prevents the application of this Act to determine the immigration status of any person or to effect the removal of any person subject to removal under this Act.

Territorial Extent

497. Extent within United Kingdom

(1) This Act extends to England, Wales, Scotland, and Northern Ireland.

(2) Any amendment, repeal, or revocation made by this Act has the same extent as the enactment to which it relates.

498. Crown Dependencies

(1) The Crown Dependencies may adopt the provisions of this Act by legislation of their own legislatures.

(2) Until such adoption, persons born in the Crown Dependencies and ordinarily resident there are British Subjects for the purposes of this Act.

(3) The Common Travel Area provisions in Part 6, Chapter 2 apply to the Crown Dependencies regardless of whether they adopt this Act.

(4) His Majesty may by Order in Council extend any provision of this Act to any of the Crown Dependencies with such modifications as appear necessary or expedient.

499. British Overseas Territories

(1) His Majesty may by Order in Council extend any provision of this Act to any British Overseas Territory with such modifications as appear necessary or expedient.

(2) Persons born in a British Overseas Territory are British Subjects for the purposes of this Act unless an Order in Council under subsection (1) provides otherwise.

(3) A British Overseas Territory may establish its own citizenship framework distinct from that provided by this Act, and such framework does not affect the operation of this Act in the United Kingdom.

500. Gibraltar

(1) The Secretary of State may by regulations make special provision for the application of this Act to Gibraltar having regard to its unique constitutional and geographical circumstances.

(2) Such regulations may modify any provision of this Act in its application to Gibraltar or disapply any provision.

(3) Regulations under this section are subject to the affirmative resolution procedure.

Commencement and Transitional

501. Commencement

(1) This Act comes into force on the day after the day on which it receives Royal Assent.

(2) All provisions of this Act have effect from that date unless expressly provided otherwise.

502. No grace periods

No grace period for compliance with the provisions of this Act applies except the ninety-day voluntary departure window for persons reclassified as Visitors as provided in Schedule 4.

503. Transitional provisions

(1) Schedule 4 makes transitional provision in connection with the commencement of this Act.

(2) The transitional provisions include automatic conversion of existing immigration statuses to the categories established by Part 2, treatment of pending applications, and preservation of evidence issued under repealed enactments.

504. Savings

(1) The repeal of an enactment by this Act does not affect the validity of anything done under that enactment before commencement.

(2) Nothing in this Act creates any vested right to continuation of any immigration status held immediately before commencement except as expressly provided in Schedule 4.

(3) The repeal of an enactment by this Act does not affect any liability to a penalty incurred before commencement.

Presentation

505. Short title

This Act may be cited as the British Immigration, Nationality, and Citizenship Act.

SCHEDULES

SCHEDULE 1 - REPEALED ENACTMENTS

- British Nationality Act 1948
- Commonwealth Immigrants Act 1962
- Commonwealth Immigrants Act 1968
- Immigration Act 1971
- British Nationality Act 1981
- Immigration Act 1988
- Asylum and Immigration Appeals Act 1993
- Special Immigration Appeals Commission Act 1997
- Immigration and Asylum Act 1999
- Nationality, Immigration and Asylum Act 2002
- Asylum and Immigration (Treatment of Claimants, etc.) Act 2004
- Immigration, Asylum and Nationality Act 2006
- UK Borders Act 2007
- Criminal Justice and Immigration Act 2008
- Borders, Citizenship and Immigration Act 2009
- Immigration Act 2014
- Immigration Act 2016
- Nationality and Borders Act 2022

- British Nationality (Regularisation of Past Practice) Act 2023
- British Nationality (Irish Citizens) Act 2024

SCHEDULE 2 - WITHDRAWAL FROM INTERNATIONAL AGREEMENTS

- Convention relating to the Status of Refugees (1951, ratified 1954)
- Convention relating to the Status of Stateless Persons (1954, ratified 1959)
- Convention on the Reduction of Statelessness (1961, ratified 1966)
- European Social Charter (1961, ratified 1962)
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (1965, ratified 1969)
- International Covenant on Civil and Political Rights (ICCPR) (1966, ratified 1976)
- International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966, ratified 1976)
- Protocol relating to the Status of Refugees (1967, acceded 1968)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (1984, ratified 1988)
- Convention on the Rights of the Child (CRC) (1989, ratified 1991)
- Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities (Dublin Convention) (1990, signed 1990, in force 1997)
- United Nations Convention against Transnational Organized Crime (Palermo Convention) and Protocols on Trafficking in Persons and Smuggling of Migrants (2000, ratified 2006)
- Council of Europe Convention on Action against Trafficking in Human Beings (2005, ratified 2008)

SCHEDULE 3 - RECOGNISED STATES & TERRITORIES (TIER A)

Designated Overseas Territories

- Gibraltar;
- Bermuda;
- The Falkland Islands;
- The Cayman Islands;
- The British Virgin Islands;
- Anguilla;
- Montserrat;
- Turks and Caicos Islands;
- Pitcairn, Henderson, Ducie and Oeno Islands;
- St Helena, Ascension and Tristan da Cunha;
- The British Antarctic Territory;
- The British Indian Ocean Territory;
- South Georgia and the South Sandwich Islands.

Additional Recognised Territories

- The Channel Islands (Jersey, Guernsey, Alderney, Sark);
- The Isle of Man;
- Any other territory designated by Order in Council made by the Secretary of State under paragraph 4.

European Union Member States (discretionary)

- Portugal
- Malta

Anglophonic Countries With Cultural Similarity

- Canada
- Commonwealth of Australia
- New Zealand
- United States of America

SCHEDULE 4 - TRANSITIONAL PROVISIONS AND AUTOMATIC STATUS CONVERSION

General Provisions

Automatic reclassification period

During the twelve-month conversion window following commencement, all persons lawfully present in the United Kingdom may continue to exercise their previous rights of residence, employment, and access to public services until new status certificates are issued.

Automatic conversion on commencement

All persons holding any immigration status, leave, or permission under repealed enactments immediately before commencement are automatically converted to a status under this Act according to the conversion matrix below. No application is required.

Citizenship ceremonies and oaths

Citizenship ceremonies scheduled but not yet held on the date of commencement are cancelled. Persons concerned are reassessed under the mapping rules; no ceremony or oath is required unless expressly provided in Parts 2 or 3.

Travel documents

Passports issued under repealed enactments remain valid for travel until their expiry or for two years from commencement, whichever occurs first. New documents are issued upon status confirmation.

Evidence continuity

Passports, birth certificates, marriage certificates, naturalisation certificates, biometric residence permits, status letters, and all other documents issued under repealed enactments remain valid as evidence of the facts stated therein. Such documents may be relied upon to establish birth location, parentage, lineage, marriage, and previous lawful residence for the purpose of determining status under this Act.

Pending applications

Any application for naturalisation, registration, indefinite leave to remain, asylum, or any other immigration benefit pending immediately before commencement is treated as withdrawn without refund of fees. The applicant's status is determined solely according to the conversion matrix.

Family members abroad

Dependants overseas who held derivative rights under repealed enactments may apply for temporary visitor permission valid for up to ninety days to join or accompany a person being reclassified. No automatic status transmission occurs until reclassification is complete.

Pending appeals

Any appeal, judicial review, or tribunal proceeding pending immediately before commencement concerning immigration status, removal, deportation, or refusal of entry is discontinued. The person's status and liability to removal is determined solely under this Act from commencement.

Existing marriages and partnerships

Marriages and civil partnerships recognised under prior law remain valid.

However, where a spouse's or partner's status changes under Schedule 4 (for example, Tier B or C lineage cases), dependent rights adjust automatically to match the new classification.

Financial instruments and property ownership

Property, trusts, and contracts entered into under repealed enactments remain enforceable.

Reclassification under this Act does not invalidate title, registration, or beneficial ownership.

Public-service access

Healthcare, education, and pension entitlements continue uninterrupted for twelve months from commencement for anyone previously resident under lawful status. After reclassification, entitlement is governed solely by the new status.

No vested rights

No person has any vested right, legitimate expectation, or proprietary interest in any status, leave, or permission existing under repealed enactments. Conversion under this Schedule is final and not subject to challenge except for manifest clerical error in applying the conversion matrix.

Voluntary departure window

Persons converted to Visitor status who were lawfully resident under repealed enactments are granted a ninety-day grace period from commencement to depart voluntarily without enforcement action. After ninety days, standard removal procedures apply.

First National Integrity Assessment

All persons converted to Inherited Conditional British Citizen or British Subject status shall undergo their first National Integrity Assessment within twelve months of commencement. The five-year cycle begins from the date of that first assessment.

Pending criminal or deportation proceedings

Where removal, deportation, or exclusion proceedings were underway at commencement, they continue under the new fast-track removal rules in Part 8.

Any reference to “deportation order” is treated as a “removal direction.”

Tier B marriages pre-commencement

Where a British citizen married a national of a country listed in Schedule 10 before commencement and that spouse held British Subject status (or equivalent) under repealed enactments, that spouse's status is revoked on commencement and converted to Visitor with ninety-day voluntary departure window.

Children's status stability

Children under eighteen on commencement retain the status assigned to them under this Schedule regardless of subsequent changes to parental status, except where status was obtained through fraud.

Transitional offences

Acts committed before commencement are prosecuted under the repealed enactments. New offences created by this Act apply only to conduct occurring on or after commencement.

Administrative cooperation

The Home Office, HM Passport Office, and the General Register Office must share records necessary for automatic classification. Data exchange during the transitional period is exempt from statutory data-sharing limitations.

Expiry of transitional arrangements

All provisions of this Schedule lapse twelve months after commencement except those relating to the validity of travel documents, which expire twenty-four months after commencement.

Conversion Matrix: Existing Status to BINCA Status

- British Citizen (British Nationality Act 1981)
- Born in UK to British parent(s) AND all fourteen ancestors meet Indigenous test → Indigenous British Citizen
- Born in UK to British parent(s) but NOT all fourteen ancestors meet Indigenous test → Inherited Conditional British Citizen
- Born outside UK to British parent → Hereditary British Citizen
- Naturalised (any route) → Inherited Conditional British Citizen
- Registered as British citizen (any route) → Inherited Conditional British Citizen

British Overseas Territories Citizen

- Born in Gibraltar, Falklands, British Virgin Islands, or other UK Overseas Territory → British Subject

British Overseas Citizen

- Any person holding this status → British Subject

British Subject (under 1981 Act)

- Any person holding this status → Visitor (may apply for Subject status if meets marriage criteria)

British Protected Person

- Any person holding this status → Visitor

British National (Overseas)

- Born in Hong Kong before 1997 handover → British Subject

Indefinite Leave to Remain (ILR)

- Held for ten years or more AND continuous UK residence → British Subject
- Held for less than ten years → Visitor
- Obtained through marriage to British citizen → British Subject (if from approved country) OR Visitor (if from Tier B country)

Settled Status (EU Settlement Scheme)

- Held before commencement → Visitor

Pre-Settled Status (EU Settlement Scheme)

- Any holder → Visitor

Leave to Remain (all categories)

- Spouse visa → British Subject (if married to British citizen from approved country) OR Visitor (if Tier B)
- Work visa (Skilled Worker, Intra-Company Transfer, etc.) → Visitor
- Student visa → Visitor
- Visitor visa → Visitor
- Any other limited leave → Visitor

Asylum Seeker / Refugee Status

- Granted refugee status under 1951 Convention → Visitor
- Pending asylum claim → Visitor
- Failed asylum seeker → Visitor (subject to immediate removal)

Humanitarian Protection / Discretionary Leave

- Any holder → Visitor

Stateless Person (1954 Convention)

- Recognised as stateless → Visitor (unless meets criteria for ICBC through UK birth)

Irish Citizens

- Irish citizen resident in UK under Common Travel Area → British Subject (automatic; may decline and remain Visitor)
- Irish citizen born in Northern Ireland → may opt out of British citizenship under Good Friday Agreement provisions, becoming Visitor for UK law purposes

Commonwealth Citizens (pre-1983 rights)

- Held right of abode before commencement → Visitor
- No right of abode → Visitor

Overstayers / Immigration Offenders

- Any person unlawfully present → Visitor (subject to immediate removal)

Children Born in UK to Foreign Parents

- Both parents Visitors → Visitor (unless would be stateless, then Temporary Conditional British Status)
- One parent British citizen → Inherited Conditional British Citizen

Persons Married to British Citizens

- Spouse from approved country (not Tier B) → British Subject

- Spouse from Tier B country → Visitor

Diplomatic / Military Family Members

- Child born overseas during parent's official Crown service → apply Indigenous/ICBC test as if born in UK

Persons with Dual Nationality

- British citizen + foreign nationality → retain assigned British status; foreign nationality irrelevant
- Foreign national only → assigned status based on current UK immigration position

Deportation Orders in Force

- Subject to deportation order under repealed enactments → Visitor (removal proceeds under this Act)

Immigration Bail / Temporary Admission

- Any person on bail or temporary admission → Visitor (detention and removal powers under this Act apply)

Persons Outside UK with Entry Clearance

- Valid entry clearance on commencement → may enter as Visitor for duration stated; must then regularise under this Act

Crew Members / Transit Passengers

- Any person in UK temporarily for work on ships/aircraft or in transit → Visitor

Persons Banned / Excluded

- Subject to exclusion order under repealed enactments → ban continues; treated as inadmissible Visitor

SCHEDULE 5 - REQUIRED DOCUMENTATION FOR STATUS RECOGNITION

Standard Requirements

Applicant's birth certificate showing birth in England, Scotland, Wales, or Northern Ireland.

Birth certificates for 14 direct ancestors:

- 2 parents
- 4 grandparents
- 8 great-grandparents

All 14 ancestor certificates must show:

- Birth in England, Scotland, Wales, or Northern Ireland
- Date of birth within the 75-year rolling window (calculated from applicant's birth year minus 75)

Marriage certificates for all ancestors in the lineage chain to verify parental relationships.

Originals or certified copies must come from the General Register Office or an equivalent approved authority.

Certification from an approved identity provider confirming that electronic records have been verified is accepted as equivalent to producing certificates.

Certified copies must be sealed or stamped by the issuing authority, or certified as true copies by a solicitor, notary public, or justice of the peace who has inspected the originals.

Where originals have been destroyed or lost beyond the applicant's control, acceptable substitutes include parish-register extracts, census records, or two statutory declarations by Indigenous British Citizens with personal knowledge.

Verification is performed by checking existing official registers; no new central database may be created for this purpose.

No biometric collection is permitted beyond the photograph printed on the certificate.

Missing Documentation - Alternative Evidence

Where original birth certificate unavailable due to war, fire, loss, or destruction:

- Parish register entry certified by church authority
- Census record showing birth location and approximate date
- Statutory declaration by two Indigenous British Citizens with personal knowledge
- Contemporaneous employment, school, tax, or tenancy records
- DNA evidence corroborating claimed lineage (supplementary only, not determinative)

Edge Cases and Disqualifications

Adoption:

- Where ancestor adopted: adoptive parent's birth certificate required
- Adoption order showing date and jurisdiction
- If adoption after age 5 from Schedule B country, biological lineage used instead

Tier B Marriage Break:

- Marriage certificate showing any ancestor married Tier B national = automatic ICBC classification
- Applies even if marriage occurred before country added to Tier B
- Permanent disqualification from Indigenous status for all descendants

Name Changes:

- Deed poll or change of name certificate linking names across documents
- Marriage certificates showing maiden name changes

Born Overseas to Crown Servants:

- FCO posting order or Armed Forces deployment documentation
- Consular birth registration within 12 months
- Employment verification from Foreign Office or Ministry of Defence
- Child treated as born in UK for status purposes

Window Edge Cases:

- Where ancestor birth falls within 24 months outside 75-year window:
  - If 12 or more of other 13 ancestors qualify, Secretary of State may exercise discretion to treat as within window
  - Documentary evidence of why date anomaly occurred

Disqualifications from Indigenous Status

Documentation showing why Indigenous test failed:

- One or more of 14 ancestors born outside Britannic Isles

- One or more of 14 ancestors born outside 75-year rolling window
- Ancestor married Schedule B national (marriage certificate required)
- Ancestor was naturalised (naturalisation certificate shows not natural-born)

Conversion to Indigenous

ICBC may apply for reclassification to Indigenous when:

- All 14 ancestors now fall within the rolling 75-year window
- No Schedule B marriage break in lineage
- Provide full 14-ancestor documentation as per Indigenous requirements

Hereditary Requirements

Applicant's birth certificate showing birth OUTSIDE England, Scotland, Wales, and Northern Ireland.

Birth certificate of at least one parent showing:

- Parent is Indigenous, ICBC, or Hereditary British Citizen

Birth must be in Recognised State or Territory (listed in Schedule 3).

Consular registration within 5 years of birth:

- UK consulate birth registration certificate OR
- Late registration with explanation (war, consulate closure, etc.)

Crown Service Exception (Born as if in UK)

Where parent serving in official Crown capacity at time of birth:

Foreign & Commonwealth Office:

- FCO posting order
- Diplomatic credentials
- Employment verification

Armed Forces:

- Military deployment orders
- Service record
- MOD confirmation

Hereditary Eligible Person (HEP)

Person with Hereditary lineage but incomplete assimilation requirements:

Evidence Required:

- Birth certificate and parental status as above
- Provisional residence documentation
- Declaration of intent to complete assimilation

Born in Non-Recognised Territory:

- Birth certificate showing birth outside Recognised States
- Parent's British status certificate

Parent Renounced British Citizenship Before Birth:

- Renunciation certificate showing date

Dual Nationality:

- No effect on Hereditary status
- Foreign passport alongside British status certificate permitted

SCHEDULE 6 - APPROVED IDENTITY VERIFICATION PROVIDERS

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SCHEDULE 7 - EVIDENCE STANDARDS FOR MISSING OR DAMAGED DOCUMENTS

The absence of a required birth, marriage, or adoption record does not automatically disqualify an applicant if satisfactory substitute evidence is provided. Substitute evidence must establish both that the event occurred and that the claimed family relationship is genuine. The burden of proof rests with the applicant.

Acceptable substitute records include:

- Parish registers containing certified copies of baptism, marriage, or burial entries issued by an authorised church official.
- Census returns or extracts showing names, ages, and family relationships matching the claimed lineage.
- Probate documents or wills proving family connection and residence within the Britannic Isles.
- School or military service records identifying birthplace and parentage.
- Contemporaneous government records such as electoral rolls, land registries, or tax ledgers linking the ancestor to a specific address and date.
- Hospital or medical birth records certified by the issuing authority where official registration was delayed or lost.
- Adoption or guardianship orders recognised under UK law where adoption replaced the original birth entry.

Where no primary or secondary record exists, two statutory declarations may be submitted. Each declaration must be made by an Indigenous British Citizen of good standing who has personal knowledge of the facts stated and must be sworn before a solicitor, notary public, or justice of the peace. Declarations must describe the relationship to the applicant, the nature of personal knowledge, and the period of acquaintance.

Evidence derived from foreign documents is admissible only where the issuing authority is recognised under the laws of England and Wales, Scotland, or Northern Ireland, and the document has been officially translated into English. Photocopies, uncertified scans, or unverified transcripts are not accepted as evidence under this Schedule.

In every case, the Secretary of State must record which evidential substitutions were accepted and assign a Confidence Index score accordingly for the affected lineage branch.

SCHEDULE 8 - EXPRESS CONSOLIDATION CROSS-WALK

This Schedule is a reader's bridge from legacy law to BINCA. The first section sets out the Category used in the consolidated analysis; the second gives illustrative source provisions from the legacy Acts; the third shows the new home in BINCA.

Category A — Nationality and Citizenship

Legacy anchors: British Nationality Act 1948 Parts I and II; British Nationality Act 1981 Parts I to IV; Nationality, Immigration and Asylum Act 2002 Parts I and II; Borders, Citizenship and Immigration Act 2009 Part I.

BINCA destination: Part 2 Chapters 1 to 6—British Citizenship (Indigenous, ICBC, Hereditary, Honorary, Adoption, Status Recognition); Part 3—British Subjects. The discretionary naturalisation and registration routes in the legacy Acts are abolished by section 12.

Category B — Right of Abode and Status Evidence

Legacy anchors: Immigration Act 1971 sections 1, 2 and 2A; Immigration Act 1988 section 3; Nationality, Immigration and Asylum Act 2002 section 10.

BINCA destination: Part 2 Chapter 5—Status Recognition and Documentation. Right of abode now attaches exclusively to Citizens under Part 2. British Subjects have qualified residence rights. Visitors have none.

Category C — Entry Controls and Ports

Legacy anchors: Immigration Act 1971 sections 1, 4, 9 to 11; Nationality, Immigration and Asylum Act 2002 section 141; Immigration and Asylum Act 1999 sections 18 to 26.

BINCA destination: Part 6—Border Control and Entry (Chapters 1 to 7 covering visa requirements, Common Travel Area, Common Trust Channel, Expedited Crossing Programme, port procedures, electronic systems).

Category D — Leave to Enter and Remain

Legacy anchors: Immigration Act 1971 sections 3A to 3D; Immigration and Asylum Act 1999 section 3; Nationality, Immigration and Asylum Act 2002 sections 118 to 119; UK Borders Act 2007 section 16.

BINCA destination: Part 4—Visitors (Chapters 1 to 6). All "leave to remain" abolished. Only temporary visitor permissions exist, with no pathway to settlement.

Category E — Documentation, Biometrics and Verification

Legacy anchors: UK Borders Act 2007 sections 5 to 15; Immigration Act 2014 sections 8 to 14.

BINCA destination: Part 2 Chapter 5—Status Recognition and Documentation. Biometric collection banned except for travel records at borders for Schedule B monitoring purposes, as specified in section 50.

Category F — Protection and Humanitarian Leave

Legacy anchors: Immigration and Asylum Act 1999 Part VI; Nationality and Borders Act 2022 Parts 2 to 5; Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 credibility provisions.

BINCA destination: Asylum abolished entirely. No replacement provisions exist. All asylum seekers classified as Visitors under Part 4. International protection obligations withdrawn under Part 19 and Schedule 2.

Category G — Deportation and Administrative Removal

Legacy anchors: Immigration Act 1971 sections 5 to 7, 16 and 17; UK Borders Act 2007 sections 32 to 39; Nationality, Immigration and Asylum Act 2002 section 72.

BINCA destination: Part 8—Revocation, Denaturalization, and Removal (Chapters 1 to 12 covering removal of Visitors, revocation of Subject status, denaturalization of ICBC, removal of Hereditary Citizens, temporary expulsion of Indigenous Citizens, community petition processes, fast-track procedures, offshore processing, safe third countries).

Category H — Detention, Bail and Facilities

Legacy anchors: Nationality, Immigration and Asylum Act 2002 section 62; Immigration Act 2014 section 7; Immigration Act 2016 sections 59 to 61; Immigration and Asylum Act 1999 Part VIII.

BINCA destination: Part 14—Detention and Removal Logistics (Chapters 1 to 6 covering detention powers, bail for ICBC and Hereditary only, places of detention, vulnerable persons, escort and custody, removal directions).

Category I — Offences and Enforcement Powers

Legacy anchors: Immigration Act 1971 sections 24 to 28Q; Immigration and Asylum Act 1999 Part IX; Immigration Act 2016 Part 3; Nationality and Borders Act 2022 sections 40 to 45.

BINCA destination: Part 13—Enforcement Powers (Chapters 1 to 7 covering immigration officers, criminal offences, ancillary liability, investigative powers, maritime and transport enforcement, carrier sanctions, Border Force integration).

Category J — Employment Controls and Illegal Working

Legacy anchors: Immigration, Asylum and Nationality Act 2006 sections 15 to 23; Immigration Act 2016 Parts 1 and 3.

BINCA destination: Part 10 Chapter 3—Employer Right-to-Work Checks; Chapter 4—Illegal Working Offenses and Penalties; Chapter 5—Workplace Enforcement.

Category K — Access to Services

Legacy anchors: Immigration Act 2014 Parts 3 and 4; Immigration Act 2016 Part 2.

BINCA destination: Part 11—Access to Services (Chapters 1 to 6 covering healthcare, education, housing, banking and financial services, driving licences, social security and public funds).

Category L — Marriage and Civil Partnership Controls

Legacy anchors: Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 sections 19 to 25; Immigration Act 2014 sections 48 to 61.

BINCA destination: Part 7—Marriage and Family (Chapters 1 to 4 covering marriage to British Citizens, children of mixed status marriages, approved countries, prevention of sham marriages).

Category M — Appeals and Tribunals

Legacy anchors: Special Immigration Appeals Commission Act 1997; Immigration and Asylum Act 1999 Parts IV and V; Nationality, Immigration and Asylum Act 2002 Parts 5 and 6; Immigration Act 2014 sections 15 to 17.

BINCA destination: Part 12—Limited Administrative Review (Chapters 1 to 4 covering no merits review or appeals, factual error correction only, severely limited judicial review, ouster and finality clauses). Special Immigration Appeals

Commission abolished, functions replaced by Closed-Material Confirmation Orders under Part 1 section 4.

Category N — Support for Migrants

Legacy anchors: Immigration and Asylum Act 1999 sections 95 to 98, 115 to 123; Nationality, Immigration and Asylum Act 2002 Parts 2 and 3.

BINCA destination: No comprehensive support regime. Basic temporary accommodation pending removal may be provided at Secretary of State discretion, but no substantive support entitlements exist for any category.

Category O — Procedures, Fees and Charges

Legacy anchors: Immigration and Asylum Act 1999 sections 5, 165 and 166; Immigration Act 2014 sections 68 to 70; Immigration Act 2016 sections 85 to 89.

BINCA destination: Part 15—Administrative Procedures and Fees (Chapters 1 to 4 covering application procedures, fees and charges, decision-making, record-keeping and National Register).

Category P — Information Sharing and Oversight

Legacy anchors: UK Borders Act 2007 sections 40 to 55; Borders, Citizenship and Immigration Act 2009 sections 14 to 21, 28 to 30.

BINCA destination: Part 16—Information Sharing and Automated Enforcement (Chapters 1 to 5 covering mandatory information disclosure, automated compliance systems, minimal privacy protections, wrongful disclosure offences, Revenue and Customs cooperation). Part 17—Oversight (Chapters 1 to 3 covering minimal oversight by Chief Inspector, limited complaints, parliamentary accountability).

Category Q — Modern Slavery and Trafficking

Legacy anchors: Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 sections 4 and 5; Nationality and Borders Act 2022 sections 58 to 67.

BINCA destination: Part 18—Modern Slavery and Trafficking (Chapters 1 to 3 establishing that victim identification creates no immigration status, temporary visitor extensions for prosecutions only, no victim-based protections).

Category R — Age Assessment and Child Protection

Legacy anchors: Nationality and Borders Act 2022 sections 49 to 57; Immigration Act 2014 section 5; Immigration Act 2016 section 90.

BINCA destination: Part 4 Chapter 5—Age Assessment (Scientific), establishing mandatory scientific assessment with refusal presumed as fraud and adult status.

Category S — Maritime and Transport Enforcement

Legacy anchors: Immigration Act 1971 sections 28LA to 28Q; Immigration Act 2016 section 75; Nationality and Borders Act 2022 section 45.

BINCA destination: Part 13 Chapter 5—Maritime and Transport Enforcement; Part 13 Chapter 6—Carrier Sanctions.

Category T — Miscellaneous, Consequential and Interpretation

Legacy anchors: Immigration Act 1971 sections 31 to 36; Immigration and Asylum Act 1999 section 168 and Schedules; Immigration Act 2014 section 72; Immigration Act 2016 section 91; Nationality and Borders Act 2022 section 83.

BINCA destination: Part 20—General and Supplementary (Chapters 1 to 6 covering financial provisions, subordinate legislation, Crown application, territorial extent, commencement and transitional, short title).

Principal Simplifications Achieved

From twenty Acts spanning 1948 to 2024 containing approximately 1,800 sections, BINCA consolidates into five statuses—Indigenous British Citizen, Inherited Conditional British Citizen, Hereditary British Citizen, Honorary British Citizen, British Subject, and Visitor—replacing dozens of registration, naturalisation and leave categories. The Immigration Rules in their entirety are repealed. Discretionary pathways to citizenship are abolished. Asylum status is abolished. Appeals on merits are abolished. The framework operates algorithmically where possible, particularly through the National Integrity Assessment Formula in Part 5.

SCHEDULE 9 - CULTURAL DISTANCE CRITERIA

1. PREDOMINANT RELIGION of the country and whether that religion is historically or doctrinally in friction with the Christian tradition of the United Kingdom;

2. LEGAL SYSTEM of the country and whether that system is based on Common Law or on a fundamentally different legal tradition;

3. Was at any time before 1945 part of the British Empire or under British governance or significant British influence;

4. VIOLENT CRIME in the country and whether that rate is significantly higher than the rate in the United Kingdom;

5. RIGHTS RECORD of the country as documented by international organisations;

6. Sponsors or materially supports TERRORISM, as determined by the judgment of the United Kingdom security forces;

7. Permits British citizens to acquire or hold citizenship of that country on RECIPROCAL terms;

8. EDUCATIONAL SYSTEM of the country is compatible with the educational system of the United Kingdom.

SCHEDULE 10 - COUNTRIES EXHIBITING SIGNIFICANT CULTURAL DISTANCE (TIER B)

- Arab Republic of Egypt
- Democratic People's Republic of Korea
- Democratic Republic of the Congo
- Federal Democratic Republic of Nepal
- Federal Republic of Somalia
- Islamic Emirate of Afghanistan
- Islamic Republic of Iran
- Islamic Republic of Pakistan
- Kingdom of Morocco
- Kingdom of Saudi Arabia
- Kingdom of Thailand
- People's Democratic Republic of Algeria
- People's Republic of Bangladesh
- People's Republic of China
- Republic of Chad
- Republic of Iraq
- Republic of Mali
- Republic of the Niger
- Republic of the Sudan

- Republic of Yemen
- Republic of Rwanda
- Republic of Indonesia
- Socialist Republic of Viet Nam
- State of Libya
- Syrian Arab Republic

SCHEDULE 11 - COUNTRIES EXHIBITING HIGH RATES OF CRIMINALITY (TIER C)

- Democratic Republic of the Congo
- Federal Republic of Somalia
- Islamic Republic of Afghanistan
- Islamic Republic of Pakistan
- Kingdom of Morocco
- People's Democratic Republic of Algeria
- Socialist Republic of Viet Nam

SCHEDULE 12 - NATIONAL INTEGRITY ASSESSMENT & CONFIDENCE INDEX SCORING FORMULAE

National Integrity Assessment

The National Integrity Assessment score for any person subject to review under Part 5 shall be calculated according to the following formula:

$$S = (T \times 4) + (A \times 5) + (N \times 3) + (H \times 2) - (C \times 5) - (R \times 8) - (L \times 3) - (DP \times 2) + (X \times 3)$$

In this formula:

- S represents the final score.
- T represents tax contributions. The ratio of total tax paid by the person over the five-year assessment period to the median tax paid by all United Kingdom taxpayers during the same period determines the points awarded.
    - Where the ratio equals or exceeds one point five, five points are awarded.
    - Where the ratio equals or exceeds one point zero but is less than one point five, three points are awarded.
    - Where the ratio equals or exceeds zero point five but is less than one point zero, one point is awarded.
    - Where the ratio is less than zero point five, zero points are awarded.
- A represents assimilation points calculated by reference to the seven indicators specified in Schedule 13. Each indicator met awards one point, with a maximum of seven points.
- N represents 75-year window lineage points. Where any direct ancestor of the person was born in the Britannic Isles within the previous 75 years, three points are awarded. Otherwise zero points are awarded.

- H represents character affidavits. Each valid character affidavit provided by an Indigenous British Citizen who has known the person for at least two years awards one point, with a maximum of three points counted.
- C represents criminality.
  - Each conviction for an indictable offence awards five points.
  - Each conviction for a summary offence awards two points.
  - Each caution or warning awards one point.
  - Where the person is a national of a country listed in Schedule 11, all criminality points are multiplied by two.
  - Spent convictions under the Rehabilitation of Offenders Act 1974 remain relevant for this calculation.
- R represents security risk.
  - Where the person has been subject to security service assessment, investigation, or flag during the five-year assessment period, eight points are deducted.
  - Where subject to a Closed-Material Confirmation Order under section 4, eight points are deducted for each year or part thereof that the order remained in force during the assessment period.
- L represents welfare dependency calculated by the total number of months during the five-year assessment period in which the person claimed income-related benefits, housing benefit, universal credit, or other public funds. Each month results in the deduction of zero point two five points.
- DP represents public order debt calculated by reference to unpaid fines, unpaid council tax, unpaid National Health Service charges, and other debts owed to public authorities. Each one hundred pounds of outstanding

debt results in the deduction of zero point one points, with the maximum deduction capped at ten points.

- X represents additional positive factors assessed at the discretion of the Secretary of State, including exceptional community contribution, business creation resulting in employment of others, cultural or scientific achievement benefiting the United Kingdom, or voluntary service during national emergencies. The maximum points that may be awarded is three.

Where the final score S is less than zero, the person's status is automatically revoked and the person becomes liable to removal with immediate effect.

Where the final score S is zero or greater but less than ten, the Secretary of State shall conduct a discretionary review.

Where the final score S is ten or greater, the person's status is retained until the next five-year assessment.

Confidence Index

The Confidence Index for applicants providing fewer than fifteen birth certificates is calculated as: $CI = BC + (AE \times 0.5)$, where BC represents the number of birth certificates provided and AE represents the number of alternative evidence items accepted.

- Where the Confidence Index equals fourteen or greater, the applicant is confirmed as Indigenous British Citizen.
- Where the Confidence Index is ten to thirteen point five, provisional Indigenous status is granted pending further verification within twelve months.
- Where the Confidence Index is seven to nine point five, provisional Inherited Conditional British Citizen status is granted with right to apply for reclassification upon provision of additional evidence.

- Where the Confidence Index is below seven, the person is classified as Inherited Conditional British Citizen.

SCHEDULE 13 - ASSIMILATION INDICATORS

For the purposes of calculating assimilation points under Schedule 12, the following seven indicators are assessed:

- ENGLISH LANGUAGE PROFICIENCY at Common European Framework of Reference level B1 or higher, evidenced by certified language test or continuous employment in a role requiring English language communication.
- EMPLOYMENT, SELF-EMPLOYMENT, OR FULL-TIME EDUCATION for at least eighty per cent of eligible time during the five-year assessment period, excluding periods of maternity leave, paternity leave, or certified medical incapacity.
- COMMUNITY PARTICIPATION through volunteering, membership of local community organizations, participation in local governance, or active membership of a place of worship with evidence of regular attendance or contribution.
- MONOGAMOUS MARRIAGE or unmarried status. Polygamous marriage disqualifies this indicator regardless of when contracted.
- ACCEPTANCE OF UNITED KINGDOM LAW SUPREMACY over religious, cultural, or customary law, evidenced by non-participation in parallel legal systems including Sharia councils, tribal dispute resolution systems, or other non-state adjudication mechanisms.
- Where children of school age exist, ENROLLMENT IN UNITED KINGDOM SCHOOLS with attendance rates of at least ninety per cent, or home education in accordance with the Education Act 1996 or equivalent Scottish or Northern Irish legislation.

- No involvement in or complicity in female genital mutilation, forced marriage, honor-based violence, or related harmful practices, whether as perpetrator, facilitator, or by failing to report knowledge of such practices.

SCHEDULE 14 - DATA SOURCES FOR NATIONAL INTEGRITY ASSESSMENT

- Tax contribution data: His Majesty's Revenue and Customs records of income tax paid, national insurance contributions paid, and outstanding tax liabilities.
- Employment history: His Majesty's Revenue and Customs payroll records, self-assessment tax returns, and Department for Work and Pensions records.
- Welfare dependency data: Department for Work and Pensions records, local authority housing benefit records, and His Majesty's Revenue and Customs universal credit data.
- Criminality data: Police National Computer, court records, and police force records of cautions and warnings.
- Security risk data: Security Service, Secret Intelligence Service, Government Communications Headquarters, and Joint Terrorism Analysis Centre.
- Travel records: Border Force entry and exit data, with particular attention to frequency and duration of travel to countries listed in Schedule 10.
- Public order debt data: His Majesty's Courts and Tribunals Service, local authority council tax records, National Health Service charging records, and Department for Transport unpaid penalties.
- School attendance data: Department for Education, local education authorities in England and Wales, Education Scotland, and Department of Education in Northern Ireland.
- Financial transaction data: Banking records for international transfers exceeding ten thousand pounds.

SCHEDULE 15 - COMMON TRUST CHANNEL COUNTRIES

Designated Overseas Territories

- Gibraltar;
- Bermuda;
- The Falkland Islands;
- The Cayman Islands;
- The British Virgin Islands;
- Anguilla;
- Montserrat;
- Turks and Caicos Islands;
- Pitcairn, Henderson, Ducie and Oeno Islands;
- St Helena, Ascension and Tristan da Cunha;
- The British Antarctic Territory;
- The British Indian Ocean Territory;
- South Georgia and the South Sandwich Islands.

Additional Recognised Territories

- The Channel Islands (Jersey, Guernsey, Alderney, Sark);
- The Isle of Man;
- Any other territory designated by Order in Council made by the Secretary of State under paragraph 4.

European Union Member States (discretionary)

- Portugal
- Malta

Anglophonic Countries With Cultural Similarity

- Canada
- Commonwealth of Australia
- New Zealand
- United States of America

SCHEDULE 16 - VISA FEES AND IMMIGRATION SERVICE CHARGES

Status Recognition and Documentation Fees

- Indigenous British Citizen Status Recognition Certificate: £500
- Hereditary British Citizen Status Recognition Certificate: £500
- Inherited Conditional British Citizen Status Recognition Certificate: £200 per five-year assessment cycle
- Honorary British Citizen documentation: no fee
- British Subject nationality document: £150
- Replacement or renewal of any Status Recognition Certificate: £100
- Digital identity verification registration: £50
- Certified copy of any nationality document: £25

Visitor Visa Fees

- Standard visitor visa (thirty days): £100
- Extended visitor visa (up to one hundred and eighty days): £200
- Study visitor visa: £400 per year or part thereof
- Business visitor visa: £300 per year or part thereof
- Medical treatment visitor visa: £250 plus £100 per month of treatment
- Long-term visitor visa (discretionary): £500 per year

Border and Entry Fees

- Electronic Travel Authorisation: £10

- Expedited Crossing Programme application: £200
- Expedited Crossing Programme approval (if granted): £300
- Common Trust Channel registration: no fee for qualifying nationals
- Authority-to-Carry scheme registration (carriers): £5,000 annual fee

Immigration Health Charge

- Visitor staying longer than six months: £624 per year
- British Subject: exempt
- All Citizens: exempt

Biometric and Data Services

- Border travel record extraction request: £50
- Genealogical evidence authentication service: £75 per document
- DNA lineage verification (where permitted): £300
- Parish register certification: £100
- Historical record search assistance: £150 per hour

Civil Penalties (for reference, not fees)

- Employer right-to-work check failure: £20,000 first offence, £40,000 subsequent offences
- Landlord right-to-rent check failure: £3,000 first offence, £5,000 subsequent offences
- Carrier clandestine entrant penalty: £10,000 per person
- Carrier documentation failure penalty: £5,000 per passenger

- Carrier Advance Passenger Information failure: £5,000 per incident

Marriage and Family Investigation Fees

- Marriage investigation referral processing: £200
- Sham marriage investigation (if confirmed sham): full cost recovery from parties involved
- Recognition Certificate issuance: £250
- Sponsorship undertaking registration: £150
- Community Status Jury petition filing: £100

Factual Error Correction and Review Fees

- Factual error correction request: £50 (refundable if error confirmed)
- Civil penalty objection administrative fee: £50 (refundable if objection upheld)
- Judicial review permission application: no fee (costs consequences apply)

Fee Waivers

- Children under eighteen: fifty per cent reduction on all fees except Immigration Health Charge
- Destitution (exceptional circumstances only, Secretary of State discretion): waiver possible
- National interest cases: waiver at Secretary of State discretion

Payment Methods

- Online portal: credit card, debit card

- In person: cash, card, bank draft
- Currency: pounds sterling only
- Failed applications: no refund except in cases of administrative error
- Duplicate payments: refund within fourteen days

Fee Adjustment

- Secretary of State may adjust fees by statutory instrument annually
- Inflation-linked increases: automatic without parliamentary approval
- Above-inflation increases: negative resolution procedure
- Emergency fee changes: Order in Council for national security purposes

SCHEDULE 17 - RESERVED

SCHEDULE 18 - SCIENTIFIC METHODS AND STANDARDS

Dental Examination

- Visual inspection of tooth eruption stages
- Panoramic dental X-ray showing wisdom tooth development
- Third molar (wisdom tooth) assessment: most reliable indicator for ages fourteen to twenty-one
- Assessment of dental maturation using Demirjian method or equivalent
- Conducted by qualified dental practitioner or forensic odontologist

Wrist and Hand X-Ray

- Left wrist and hand radiograph
- Bone ossification analysis using Greulich-Pyle atlas or equivalent
- Epiphyseal fusion assessment
- Growth plate closure evaluation
- Conducted by qualified radiographer with interpretation by paediatric radiologist

Clavicle X-Ray

- Medial clavicular epiphysis examination
- Particularly useful for ages sixteen to twenty-five
- Staged assessment using Schmeling classification or equivalent
- Conducted by qualified radiographer with interpretation by specialist

Magnetic Resonance Imaging (where required)

- Knee MRI for distal femoral and proximal tibial growth plates
- Pelvis MRI for iliac crest fusion
- Non-radiation alternative to X-ray for vulnerable cases
- Conducted only where X-ray contraindicated or results inconclusive

Physical Development Assessment

- Height, weight, and body mass index
- Secondary sexual characteristics (Tanner staging)
- General physical maturity indicators
- Conducted by qualified physician

Prohibited Methods

- Genital examination: explicitly prohibited
- Invasive procedures requiring anaesthesia: not permitted
- Experimental or unvalidated techniques: not permitted
- Methods causing permanent harm: not permitted

Medical Practitioners Qualification Requirements

- Dental practitioners: General Dental Council registration, minimum five years experience
- Radiographers: Health and Care Professions Council registration
- Paediatric radiologists: Royal College of Radiologists Fellowship
- Forensic odontologists: British Association for Forensic Odontology membership

- Physicians: General Medical Council registration, minimum three years paediatric experience

Assessment Standards

- Multiple methods employed where possible: minimum two independent assessments
- Results interpreted conservatively: when uncertainty exists, younger age presumed within the identified range
- Age ranges provided: not single-year determinations
- Margin of error acknowledged: typically plus or minus two years
- Cultural and ethnic factors considered: skeletal development varies by population

Result Interpretation

- Assessment produces age range (e.g., seventeen to twenty years)
- Midpoint of range becomes legal age for immigration purposes
- Where multiple methods produce different ranges: most conservative (youngest) range prevails
- Manifest error in assessment (wrong person, wrong images, clerical mistake): correctable
- Medical interpretation of images: not subject to challenge or second opinion

Facilities and Equipment Standards

- X-ray equipment: current safety certification, calibrated within six months
- Imaging quality: sufficient resolution for accurate assessment

- Radiation protection: appropriate shielding, minimal exposure
- Digital imaging preferred: for ease of transmission and storage
- Image retention: five years minimum

Documentation Requirements

- Written report from each qualified practitioner
- Images attached and retained
- Methods used clearly stated
- Age range conclusion with margin of error
- Date of assessment
- Practitioner signature and professional registration number

Refusal to Cooperate Consequences

- Explicit refusal: automatic twenty-five years of age assigned
- Failure to attend: automatic twenty-five years of age assigned
- Interference with assessment: automatic twenty-five years of age assigned
- Reasonable force authorised: physical restraint to obtain X-rays
- Sedation permitted: where person physically resists, under medical supervision
- Criminal offence: obstructing immigration control, maximum two years imprisonment
- Fraud offence: making false statement about age, maximum five years imprisonment

Safeguards (Minimal)

- Appropriate adult present if person appears under sixteen: must not interfere with assessment
- Medical ethics: British Medical Association guidance applies to extent compatible with immigration enforcement
- Radiation safety: minimum necessary exposure
- Same-sex practitioner preference: accommodated where practicable, but not if causes delay
- Religious or cultural objections: not accepted as grounds for refusal
- Pregnancy: not grounds for refusal, assessment proceeds with appropriate precautions

Quality Assurance

- Practitioners subject to audit by Home Office medical advisers
- Inter-rater reliability testing: periodic comparison of practitioner assessments
- Gross negligence or fraud: practitioner removed from approved list and referred to professional regulator
- Annual review of methods: incorporation of latest forensic age estimation research

Appeals and Challenges

- Assessment results conclusive: no expert witness challenge permitted
- Only ground for challenge: manifest clerical error
- Challenge time limit: seven days from notification
- No oral hearing: documentary review only
- Independent reviewer: senior Home Office medical adviser

- Decision final: no further appeal

Special Cases

- Persons with known medical conditions affecting skeletal development: noted in report but does not invalidate assessment
- Prior trauma or injury: considered in interpretation
- Endocrine disorders: considered in interpretation
- Malnutrition effects: considered but do not override scientific assessment
- Previous assessments in other countries: considered but not binding

Data Protection

- Assessment records: held by Home Office indefinitely
- Images: stored securely, encrypted
- Access restricted: immigration enforcement and medical practitioners only
- Subject access requests: denied for immigration enforcement purposes
- Disclosure to third parties: only with Secretary of State permission or court order

SCHEDULE 19 - CRIMINAL OFFENSES - MAXIMUM PENALTIES

Immigration Control Offences

- Illegal entry: six months summary, four years indictment
- Overstaying visitor permission: six months summary, two years indictment
- Breach of visa conditions: six months summary, two years indictment
- Knowingly remaining without permission: six months summary, two years indictment
- Assisting unlawful immigration: fourteen years indictment, confiscation proceedings
- Facilitating illegal entry for gain: fourteen years indictment, confiscation proceedings
- Organising illegal immigration: fourteen years indictment, confiscation proceedings
- Financing illegal immigration: fourteen years indictment, confiscation proceedings
- Harbouring immigration offenders: two years indictment

Document Offences

- Possessing false immigration document: two years summary, ten years indictment
- Making false immigration document: ten years indictment
- Supplying false immigration document: ten years indictment
- Altering genuine immigration document: ten years indictment

- Using false immigration document: two years summary, ten years indictment
- Destroying immigration documents to deceive: two years summary, five years indictment
- Failing to produce passport when required: twelve months summary
- Failing to state nationality when required: six months summary, two years indictment
- Forging Status Recognition Certificate: ten years indictment

Age Assessment Offences

- Refusing to undergo age assessment: twelve months summary, two years indictment
- Obstructing immigration control (age assessment context): twelve months summary, two years indictment
- Making false statement about age: five years indictment
- Fraud by false age representation: five years indictment, restitution order

Nationality and Status Offences

- Making false statement in nationality application: five years indictment
- Providing false documents for status application: five years indictment
- Fraud to obtain British citizenship: five years indictment, status void
- False character affidavit: two years indictment

Marriage Offences

- Sham marriage for immigration purpose: five years indictment

- Facilitating sham marriage: five years indictment
- Conspiracy to arrange sham marriages: five years indictment
- Making false statement to register of marriages: two years indictment

Employment Offences

- Illegal working by visitor: twelve months summary, two years indictment
- Employing person without permission (knowing): five years indictment, unlimited fine
- Employing person without permission (reckless): two years summary, five years indictment
- Failure to conduct right-to-work checks: civil penalty (Schedule 16), not criminal unless knowing offence

Cooperation Offences

- Failure to cooperate with removal: twelve months summary, two years indictment
- Refusing to provide identity information: twelve months summary, two years indictment
- Refusing to obtain travel documents: twelve months summary, two years indictment
- Destroying documents to prevent removal: two years indictment
- Absconding from immigration detention: twelve months summary, two years indictment
- Breaching immigration bail conditions: twelve months summary

Violence and Obstruction Offences

- Assaulting immigration officer: twelve months summary, five years indictment
- Assaulting detainee custody officer: twelve months summary, five years indictment
- Obstructing immigration officer: twelve months summary
- Threatening immigration officer: two years indictment
- Violent resistance to removal: five years indictment

National Integrity Assessment Related Offences

- Providing false information for assessment: two years indictment
- Tampering with National Register: five years indictment
- Fraudulent manipulation of assessment data: five years indictment
- False character affidavit (repeated): two years indictment
- Bribery of assessment officials: seven years indictment

Information and Data Offences

- Wrongful disclosure of immigration data: two years indictment
- Unauthorised access to National Register: five years indictment
- Data breach by official: two years indictment, dismissal
- Sale of immigration data: seven years indictment

Carrier Offences

- Knowingly facilitating illegal entry (carrier): fourteen years indictment

- Reckless facilitation of illegal entry: five years indictment
- Failure to provide Advance Passenger Information: civil penalty (Schedule 16), repeated wilful failure can be prosecuted as obstruction
- Boarding passenger without authority-to-carry clearance: civil penalty, criminal if pattern of wilful breach

Maritime and Transport Offences

- Evading maritime enforcement powers: five years indictment
- Operating vessel for people smuggling: fourteen years indictment, vessel forfeiture
- Concealing persons in vehicle for illegal entry: two years summary, seven years indictment
- Container smuggling of persons: seven years indictment

Corruption and Abuse of Office Offences

- Bribery of immigration officer: seven years indictment
- Misconduct in public office (immigration context): life imprisonment (common law offence)
- Perverting the course of immigration justice: life imprisonment (common law offence)
- Conspiracy to defeat immigration controls: fourteen years indictment

Sentencing Provisions

- Consecutive sentences: permitted for multiple immigration offences
- Confiscation: Proceeds of Crime Act 2002 applies to profit-motivated offences

- Deportation: automatic for non-citizens receiving twelve months or more
- Removal: automatic upon completion of sentence for immigration offences
- Aggravating factors: exploitation, endangering life, organised criminality, repeat offending
- Mitigating factors: genuine cooperation with authorities, minor role in organised offence

Corporate Liability

- Bodies corporate: liable where offence committed with consent or connivance of officer
- Officer definition: director, manager, secretary, similar position
- Unlimited fines: for corporate offenders on indictment
- Disqualification: company directors convicted may be disqualified

Limitation Periods

- Summary offences: twelve months from discovery (not commission)
- Indictable offences: no time limit
- Immigration fraud: three years from discovery

Jurisdiction

- England and Wales: Crown Court for indictments, magistrates for summary
- Scotland: High Court of Justiciary for indictments, Sheriff Court for summary
- Northern Ireland: Crown Court for indictments, magistrates for summary

- Extraterritorial jurisdiction: facilitation offences partly committed in UK prosecutable

SCHEDULE 20 - FORMS AND PROCEDURES

Application Forms

- Application for Indigenous British Citizen Status Recognition Certificate: fifteen birth certificates required, digital submission preferred, online portal or paper by post, processing time thirty days
- Application for Hereditary British Citizen Status Recognition: birth certificate of applicant, birth certificates of British parent and grandparents, evidence of parent's British status, consular registration certificate if applicable, five-year registration window, processing time forty-five days
- Application for ICBC Status Recognition Certificate: birth certificate of applicant, birth certificate of at least one British parent, evidence of parent's status, processing time thirty days
- Application for British Subject Status (marriage route): marriage certificate, spouse's Status Recognition Certificate, passport, proof of approved country origin, instant decision at time of submission if documents complete
- Application for British Subject Status (UK Overseas Territory route): birth certificate showing territory birth, processing time fourteen days
- Visitor visa application: passport, travel itinerary, accommodation details, financial means evidence, background check consent, processing time five to ten working days

Evidence Requirements

- Birth certificates: full certified copy, original or certified extract from General Register Office, foreign certificates require apostille, translation to English required

- Marriage certificates: full certified copy, date of marriage, place of marriage, both parties' full names, foreign certificates require apostille and translation
- Divorce decrees: absolute decree required, foreign divorces must be recognised under UK law
- Adoption orders: UK court order or recognised foreign equivalent, showing date of order and parties
- Identity documents: passport preferred, national identity card acceptable, photo driving licence acceptable, no temporary documents
- Proof of residence: utility bills, council tax statements, tenancy agreements, dated within three months
- Financial evidence: bank statements showing three months activity, employer letters, evidence of means to support stay

Submission Methods

- Online portal: digital upload of documents, payment by card, automated receipt confirmation, status tracking available, preferred method
- By post: original or certified copies, cheque or postal order payment, recorded delivery required, processing slower than online
- In person: by appointment only, original documents verified and returned, card payment only, decision on same day for straightforward cases

Processing Standards

- Standard processing: thirty days for citizenship certificates, fourteen days for Subject status, five to ten days for visitor visas
- Expedited processing: available for urgent cases at double fee, ten working days maximum

- Complex cases: may take up to ninety days if genealogical verification required
- Incomplete applications: rejected within seven days with explanation, resubmission required, fees not refunded

Decision Notification

- Electronic notification: email to registered address, PDF certificate attached, secure download link
- Postal notification: recorded delivery to correspondence address, certificate enclosed, tracking number provided
- Collection in person: by appointment, photo identification required, receipt signed
- Appeal rights: none except factual error correction, instructions provided with decision

Document Return

- Original documents: returned by recorded delivery within fourteen days of decision
- Certified copies: retained for audit purposes, destroyed after five years
- Digital copies: stored securely, encrypted, indefinite retention for enforcement purposes

Biometric Enrolment (where permitted)

- Travel records only: photograph taken at border, no fingerprints, no iris scan, automatic deletion after five years unless enforcement reason to retain

- Age assessment: radiographic images retained for five years, destroyed thereafter unless pending proceedings
- No mass biometric database: prohibition on central fingerprint or facial recognition database for status determination

Interview Requirements

- Sham marriage investigations: both parties interviewed separately, location determined by immigration officer, interpreter provided if needed, recording permitted
- Integrity Assessment disputes: written submission only, no oral interview, documents submitted via secure portal
- Community petition hearings: person may attend, lay representative permitted, no legal representation, interpreter provided

National Register Entries

- Automatic registration: Indigenous and ICBC at birth through birth registration system, Hereditary upon application approval
- Subject registration: upon marriage certificate filing or territory birth registration
- Visitor records: entry and exit only, no permanent register entry
- Data fields: name, date of birth, place of birth, parents' status, current status, National Insurance number if applicable, address, status change history

Fees Payment

- Online: debit card, credit card, immediate confirmation

- By post: cheque, postal order, bank draft, payable to "His Majesty's Revenue and Customs"
- In person: card only, cash not accepted except at designated ports
- Fee waivers: application required, evidence of destitution or national interest, Secretary of State discretion, rare
- Refunds: only for administrative error, duplicate payment, or wrongful payment, processed within thirty days

Time Limits

- Visitor visa: apply at least four weeks before intended travel
- Status certificates: no deadline but required for employment, housing, healthcare access
- Factual error correction: seven days from decision for visitors, fourteen days for ICBC assessments, twenty-eight days for civil penalties
- Judicial review permission: forty-eight hours for immediate removals, seven days for other cases

Language Requirements

- English language: all applications must be in English
- Translation: certified translation required for foreign documents, translator must be accredited
- Interpreter services: provided free for statutory interviews, not provided for optional consultations
- Welsh language: forms available in Welsh for Wales, processing in English or Welsh

Special Procedures

- Children under eighteen: parent or guardian signs application, reduced fees apply, consent of both parents required if both have parental responsibility
- Persons lacking capacity: application by appointed guardian, Court of Protection order may be required, best interests assessment
- Deceased persons: executor may apply for posthumous status recognition for estate purposes, birth certificate evidence still required
- Lost or destroyed records: statutory declaration accepted if original documents unavailable due to war, fire, flood, or other disaster beyond applicant's control

Withdrawal of Applications

- Voluntary withdrawal: permitted before decision, fees not refunded
- Automatic withdrawal: if applicant leaves UK before decision, treated as abandoned
- Effect on future applications: withdrawal noted on file, not prejudicial unless fraudulent application

Complaints and Corrections

- Factual errors: identified error in documents, clerical mistakes, wrong person assessed, correction within seven days
- Service complaints: delays, lost documents, discourtesy, administrative review within twenty-eight days
- No policy complaints: merits of decisions not subject to complaint process

Data Protection Rights (Limited)

- Subject access: immigration data exempted from disclosure where enforcement purpose
- Rectification: factual errors only, not assessment outcomes
- Erasure: refused, indefinite retention for enforcement
- Portability: not applicable to immigration data

Record Retention

- Application files: five years from decision
- Assessment records: five years from assessment
- National Register: indefinite retention
- Visitor records: five years from last entry/exit
- Refusal records: indefinite retention

Forms Updates

- Annual review: Secretary of State may update forms by administrative notice
- Online portal: updated immediately without notice
- Paper forms: version number and date printed on form, old versions not accepted after three months
- Changes to requirements: reasonable notice provided, transitional arrangements for pending applications