

## Appendix B - IMMIGRATION OFFENCES

ACT	GENERAL DESCRIPTION	PROVISION	OFFENCE	MODE OF TRIAL & MAX PENALTY	COMMENTS
Immigration Act 1971					
	<b>Illegal entry</b>	<b>Section 24(1) (a)</b>	Offence of knowingly entering the United Kingdom in breach of a deportation order or without leave.	Summary only – Level 5 fine, 6 months imprisonment or both.	<p>All offences in section 24 can only be committed by a person who is not a British citizen.</p> <p>For the offence to be committed, a person must <b>knowingly</b> enter in breach of a deportation order or without leave. By contrast, a person is an illegal entrant (for removal purposes) simply if he unlawfully enters or seeks to enter in breach of a deportation order or of the immigration laws. The extended time limit for prosecutions applies. Suspected offenders can be arrested without warrant.</p> <p>If a case is brought within 6 months of the date of entry, the burden of proof is reversed and the defendant must prove, on the balance of probabilities that he had leave to enter.</p>
	<b>Overstaying</b>	<b>Section 24(1) (b)(i)</b>	Offence of knowingly remaining beyond the time limited by leave.	As for section 24(1)(a).	The offence is committed on the day the person first knows his leave has expired and continues to be committed throughout any period during which he thereafter remains in the United Kingdom.
	<b>Breaching a condition of leave</b>	<b>Section 24(1) (b)(ii)</b>	Offence of knowingly failing to observe a condition of leave.	As for section 24(1)(a).	
	<b>Overstaying (crew members)</b>	<b>Section 24(1) (c)</b>	Offence of remaining without leave beyond the time allowed by section 8(1), in a case where the person entered by virtue of that section.	As for section 24(1)(a).	Section 8(1) allows crew members to enter without leave in certain circumstances. The extended time limit for prosecutions applies.

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	<b>Failing to report to a medical officer</b>	<b>Section 24(1) (d)</b>	Offence of failing to report to a medical officer or to attend/submit to a test or examination as required by such an officer, without reasonable excuse.	As for section 24(1)(a).	
	<b>Failing to comply with a condition of temporary admission etc.</b>	<b>Section 24(1) (e)</b>	Offence of failing to observe a condition imposed under Schedule 2 or 3 as to residence, employment, occupation or reporting, without reasonable excuse.	As for section 24(1)(a).	
	<b>Disembarking during removal</b>	<b>Section 24(1) (f)</b>	Offence of disembarking from a ship or aircraft in the United Kingdom after being placed on board with a view to removal.	As for section 24(1)(a).	
	<b>Embarking unlawfully</b>	<b>Section 24(1) (g)</b>	Offence of embarking in contravention of a restriction imposed by or under an Order in Council made under section 3(7).	As for section 24(1)(a).	There is currently no order in force under section 3(7).
	<b>Deception</b>	<b>Section 24A(1)</b>	Offence of employing deception to; (a) obtain or seek to obtain leave to enter or remain, or (b) secure or seek to secure the avoidance, postponement or revocation of enforcement action.	Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.	“Enforcement action” means; (a) the giving of removal directions, (b) the making of a deportation order, or (c) removal. The defence in section 31 of the 1999 Act applies.  Deception has to be by the immigrant and not a third party – entry by means of another person’s deception cannot ground a criminal prosecution (contrast position of an illegal entrant who can have obtained leave by another person’s deception).

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ACT	GENERAL DESCRIPTION	PROVISION	OFFENCE	MODE OF TRIAL & MAX PENALTY	COMMENTS
	<p><b>Facilitating the commission of a breach of immigration law</b></p>	<p><b>Section 25(1)</b></p>	<p>Offence of doing an act which facilitates the commission of a breach of immigration law by an individual who is not a citizen of the EU.</p>	<p>Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 14 years imprisonment or both.</p>	<p>A person only commits offence if he knows or has reasonable cause for believing that; (a) his act facilitates the commission of a breach of immigration law by the individual, and (b) the individual is not a citizen of the EU. “Immigration law” means a law which has effect in a member State (which includes Norway and Iceland) and which controls entitlement to enter, transit across or be in the State.</p> <p><b>Sections 25, 25A and 25B</b> (the facilitation offences) <i>currently</i> apply to anything done; (a) in the United Kingdom, (b) outside the United Kingdom by a British citizen (or other related categories), or (c) outside the United Kingdom by a body incorporated under the law of a part of the United Kingdom.</p> <p><b>NB. Section 30(1) of the UK Borders Bill amends the territorial extent of the section 25 offences described above. When s.30(1) comes into force the section 25 offences will apply to acts of facilitation by any individual inside or outside the United Kingdom, regardless of the nationality of the perpetrator.</b></p>

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	<p><b>Facilitating the commission of a breach of immigration law (Continued)</b></p>				<p>Where a person is arrested for a facilitation offence the detention powers in section 25D apply. Where a person is convicted on indictment of a facilitation offence the forfeiture provisions in section 25C apply.</p>
	<p><b>Facilitating the arrival of an asylum-seeker</b></p> <p><b>NB s.29 United Kingdom Borders Bill</b></p>	<p><b>Section 25A(1)</b></p>	<p>Offence of knowingly and for gain facilitating the arrival in the United Kingdom of an asylum-seeker.</p> <p>Section 29 of the UK Borders Bill adds to this offence by specifying that it is also an offence to facilitate the <b>entry</b> into the United Kingdom of an asylum seeker.</p>	<p>As for section 25(1).</p>	<p>A person only commits offence if he knows or has reasonable cause to believe the individual is an asylum-seeker. Section does not apply to anything done by a person acting on behalf of an organisation which aims to assist asylum-seekers and does not charge for its services.</p>
	<p><b>Facilitating the breach of a deportation order</b></p>	<p><b>Section 25B(1)</b></p>	<p>Offence of doing an act which facilitates a breach of a deportation order in force against an individual who is not a citizen of the EU.</p>	<p>As for section 25(1).</p>	<p>A person only commits offence if he knows or has reasonable cause for believing that his act facilitates a breach of the deportation order.</p>
	<p><b>Facilitating the arrival of an excluded person</b></p>	<p><b>Section 25B(3)</b></p>	<p>Where the Secretary of State has directed that the exclusion of an EU citizen from the United Kingdom is conducive to the public good, offence of doing an act which assists the individual to arrive in, enter or remain in the United Kingdom.</p>	<p>As for section 25(1).</p>	<p>A person only commits offence if he knows or has reasonable cause for believing that; (a) his act assists the individual to arrive in, enter or remain in the United Kingdom, and (b) the Secretary of State has personally directed that the individual's exclusion from the United Kingdom is conducive to the public good.</p>
	<p><b>Failing to submit to examination</b></p>	<p><b>Section 26(1) (a)</b></p>	<p>Offence of refusing or failing to submit to examination, without reasonable excuse.</p>	<p>Summary only – Level 5 fine, 6 months imprisonment or both.</p>	

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	<b>Failing to provide information or documents</b>	<b>Section 26(1) (b)</b>	Offence of refusing or failing to furnish or produce information or documents which a person is required to furnish or produce on examination, without reasonable excuse.	As for section 26(1)(a).	Only applies as regards information and documents which are in the person's possession or control.
	<b>Making a false statement etc.</b>	<b>Section 26(1) (c)</b>	Offence of making or causing to be made to an immigration officer a false return, statement or representation.	As for section 26(1)(a).	Also applies with regard to any other person lawfully acting in execution of the Immigration Act. Person only commits offence if he knows the statement etc. is false or does not believe it to be true. The extended time limit for prosecutions applies.
	<b>Altering a document and using and possessing a false document</b>	<b>Section 26(1) (d)</b>	Offence of altering a document issued or made under or for the purposes of the Act, without lawful authority. Offence of using for the purposes of the Act, or possessing for such use, a false document.	As for section 26(1)(a).	In relation to use and possession, a person only commits the offence if he knows or has reasonable cause to believe the document is false. The extended time limit for prosecutions applies. The defence in section 31 of the 1999 Act applies.
	<b>Failing to complete a landing card</b>	<b>Section 26(1) (e)</b>	Offence of failing to complete a landing card in accordance with an order made under Schedule 2, without reasonable excuse.	As for section 26(1)(a).	
	<b>Failing to register with the police etc.</b>	<b>Section 26(1) (f)</b>	Offence of failing to comply with a requirement of regulations made under section 4(3) or an order made under section 4(4), without reasonable excuse.	As for section 26(1)(a).	Regulations made under section 4(3) require certain people to register with the police. The Order made under section 4(4) requires people to give certain information when staying at hotels etc. and requires hotel keepers to keep records.
	<b>Obstructing an immigration officer</b>	<b>Section 26(1) (g)</b>	Offence of obstructing an immigration officer, without reasonable excuse.	As for section 26(1)(a).	Also applies with regard to any other person lawfully acting in execution of the Act.

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	<b>Registration card offences</b>	<b>Section 26A(1) (a)</b>	Offence of making a false registration card.	Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 10 years imprisonment or both.	“Registration card” means a document which carries information about a person and is issued by the Secretary of State in connection with a claim for asylum. The Secretary of State may change the definition by order.
		<b>Section 26A(1) (b)</b>	Offence of altering a registration card with intent to deceive (or to enable another to deceive).	As for section 26A(1)(a).	
		<b>Section 26A(1) (c)</b>	Offence of possessing a false or altered registration card, without reasonable excuse.	Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.	
		<b>Section 26A(1) (d)</b>	Offence of using, or attempting to use, a false registration card for a purpose for which such a card is issued.	As for section 26A(1)(a).	
		<b>Section 26A(1) (e)</b>	Offence of using, or attempting to use, an altered registration card with intent to deceive.	As for section 26A(1)(a).	
		<b>Section 26A(1) (f)</b>	Offence of making an article designed to be used in making a false registration card.	As for section 26A(1)(a).	
		<b>Section 26A(1) (g)</b>	Offence of making an article designed to be used in altering a registration card with intent to deceive (or to enable another to deceive).	As for section 26A(1)(a).	

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		Section 26A(1)(h)	Offence of possessing an article within (f) or (g) above, without reasonable excuse.	As for section 26A(1)(c).	
	Immigration stamp offences	Section 26B(1)	Offence of possessing an immigration stamp, without reasonable excuse.	Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.	“Immigration stamp” means a device which is designed for the purpose of stamping documents in the exercise of an immigration function.
		Section 26B(2)	Offence of possessing a replica immigration stamp, without reasonable excuse.	As for section 26B(1).	“Replica immigration stamp” means a device which is designed for the purpose of stamping a document so that it appears to have been stamped in the exercise of an immigration function.
	Offences by persons connected with ships or aircraft or with ports	Section 27(a)(i)	Offence of knowingly permitting a person to disembark in the United Kingdom when required under Schedule 2 or 3 to prevent it. Offence of failing to take steps required to be taken under Schedule 2 in connection with the disembarkation or examination of passengers or the furnishing of crew or passenger lists, without reasonable excuse.	Summary only – Level 5 fine, 6 months imprisonment or both.	Applies to the <b>captain</b> of a ship or aircraft.
		Section 27(a)(ii)	Offence of failing to comply with removal directions.	As for section 27(a)(i).	Applies to the <b>captain</b> of a ship or aircraft.
		Section 27(b)(i)	Offence of knowingly arranging for a ship or aircraft to call at a port other than a port of entry, contrary to Schedule 2.	As for section 27(a)(i).	Applies to the <b>owner or agent</b> of a ship or aircraft.

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		Section 27(b) (ii)	Offence of failing to take steps required by an order made under Schedule 2 for the supply to passengers of landing or embarkation cards, without reasonable excuse.	As for section 27(a)(i).	Applies to the <b>owner or agent</b> of a ship or aircraft.
		Section 27(b) (iii)	Offence of failing to make arrangements for the removal of a person when required to do so by removal directions.	As for section 27(a)(i).	Applies to the <b>owner or agent</b> of a ship or aircraft.
		Section 27(b) (iv)	Offence of failing to comply with a request for information under paragraph 27B or 27C of Schedule 2 (passenger information etc.).	As for section 27(a)(i).	Applies to the <b>owner or agent</b> of a ship or aircraft.
		Section 27(c)	Offence of failing to take steps required by Schedule 2 in relation to the embarkation or disembarkation of passengers where a control area is designated, without reasonable excuse.	As for section 27(a)(i).	Applies to the <b>owner or agent</b> of a ship or aircraft and to <b>a person concerned in the management of a port</b> .
Asylum & Immigration Act 1996					
	<b>Illegal working</b>	Section 8(1)	Offence of employing a person who is over 16 and subject to immigration control if; (a) he has not been granted leave, or (b) his leave is not valid and subsisting or is subject to a condition precluding him from taking up the employment.	Summary – stat max fine. Indictment – unlimited fine.	It is a defence for the employer to prove that before the employment began the requirements of the Order made under the section were complied with. The defence is not available where the employer knew employing the person would constitute an offence. The relevant order is the Immigration (Restrictions on Employment) Order 2004. It, inter alia, lists the documents which an employer must see and copy before employment commences to have a defence. The extended time limit for prosecutions applies.

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Immigration & Asylum Act 1999					
	<p><b>Offences relating to the provision and advertising of immigration advice or services</b></p>	<p><b>Section 91(1)</b></p>	<p>Offence of providing immigration advice or services in contravention of section 84 or of a restraining order.</p>	<p>Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.</p>	<p>Section 84 provides that no person may provide immigration advice or services unless he is a qualified person (as defined). “Immigration advice” and “immigration services” are defined in section 82.</p>
		<p><b>Section 92B(1)</b></p>	<p>Offence of offering to provide immigration advice or services where the provision of such advice or services would be an offence under section 91.</p>	<p>Summary only – Level 4 fine.</p>	<p>A person offers to provide advice or services if he; (a) makes an offer to a person or class of person, or (b) makes arrangements for an advertisement in which he offers to provide advice or services or in which he is described as competent to provide advice or services.</p>
	<p><b>Disclosure of information</b></p>	<p><b>Section 93(4)</b></p>	<p>Offence to knowingly or recklessly disclose information in contravention of s.93(2) IAA 99’</p>	<p>Summary – stat max fine Indictment -fine</p>	<p>s.93(2) relates to information given to the Information Commissioner for the purposes of the Act and relates to an identified or identifiable individual or business and is not at that time and has not previously been available to the public from other sources.</p>

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	<b>False representations in relation to asylum support</b>	<b>Section 105(1) (a)</b>	Offence of making a false statement or representation with a view to obtaining support under Part VI (support for asylum-seekers).	Summary only – Level 5 fine, 3 months imprisonment or both.	A person only commits the offence if he knows the statement or representation is false in a material particular.
		<b>Section 105(1) (b)</b>	Offence of producing or giving (or knowingly causing or allowing to be produced or given) to a person exercising functions under Part VI, a false document or false information with a view to obtaining Part VI support.	As for section 105(1)(a).	A person only commits the offence if he knows the document or information is false in a material particular.
		<b>Section 105(1) (c)</b>	Offence of failing to notify a change of circumstances when required to do so under Part VI with a view to obtaining Part VI support, without reasonable excuse.	As for section 105(1)(a).	
		<b>Section 105(1) (d)</b>	Offence of knowingly causing another person to fail to notify a change of circumstances which that other person is required to notify under Part VI with a view to obtaining Part VI support, without reasonable excuse.	As for section 105(1)(a).	

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	<b>Dishonest representations in relation to asylum support</b>	<b>Section 106(1) (a)</b>	Offence of dishonestly making a statement or representation which is false in a material particular with a view to obtaining any payment or advantage under Part VI.	Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 7 years imprisonment or both.	In Scotland, the word “dishonestly” is replaced by “knowingly” (throughout section 106).
		<b>Section 106(1) (b)</b>	Offence of dishonestly producing or giving (or causing or allowing to be produced or given) to a person exercising functions under Part VI, a document or information which is false in a material particular with a view to obtaining any payment or advantage under Part VI.	As for section 106(1)(a).	
		<b>Section 106(1) (c)</b>	Offence of dishonestly failing to notify a change of circumstances when required to do so under Part VI with a view to obtaining any payment or advantage under Part VI.	As for section 106(1)(a).	
		<b>Section 106(1) (d)</b>	Offence of dishonestly causing another person to fail to notify a change of circumstances which that other person is required to notify under Part VI with a view to obtaining any payment or advantage under Part VI.	As for section 106(1)(a).	

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	<p><b>Delay or obstruction in relation to asylum support</b></p>	<p><b>Section 107(1)</b></p>	<p>Offence of, without reasonable; (a) intentionally delaying or obstructing a person exercising functions under Part VI, or (b) refusing or neglecting to answer a question, give information or produce a document when required to do so under the Part.</p>	<p>Summary only – Level 3 fine.</p>	
	<p><b>Failure of a Sponsor to maintain</b></p>	<p><b>Section 108(1)</b></p>	<p>Where a written undertaken to be responsible for the maintenance and accommodation of a person has been given, offence of persistently refusing or neglecting to maintain that person where the result is that support under Part VI has to be provided.</p>	<p>Summary only – Level 4 fine, 3 months imprisonment or both.</p>	<p>A person is not to be taken to have refused or neglected to maintain another person by reason only of anything done or omitted in furtherance of a trade dispute.</p> <p>Section 109 IAA 99' establishes liability for officers of a body corporate (i.e. director, secretary etc.) where an offence under sections 105-108 has been committed by a body corporate with the consent, connivance or negligence of the officer in question. Both the body corporate and officer will be guilty of an offence.</p>
	<p><b>Unlawful disclosure of information relating to a detained person</b></p>	<p><b>Section 158(1)</b></p>	<p>Offence of disclosing information, acquired in the course of employment, relating to a particular detained person.</p>	<p>Summary – stat max, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.</p>	<p>Offence only applies to a person who is/ has been employed; (a) in accordance with escort arrangements, (b) at a contracted out removal centre, or (c) to perform contracted out functions at a directly managed detention centre. Disclosure in the course of the person'</p>
		<p><b>Sch 11, para 1</b></p>	<p>Offence of obtaining a certificate of authorisation for himself or another by false or reckless statement in relation to a material particular fact.</p>	<p>Summary only – Level 4 fine</p>	

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	<b>Offences in relation to detainee custody officers</b>	<b>Sch 11, para 4</b>	Offence of assaulting a detainee custody officer.	Summary only – Level 5 fine, 6 months imprisonment or both.	Offence only applies where the detainee custody officer is; (a) acting in accordance with escort arrangements, (b) performing custodial functions, or (c) performing functions of a custodial nature at a short term holding facility.
		<b>Sch 11, para 5</b>	Offence of wilfully resisting or obstructing a detainee custody officer.	Summary only – Level 3 fine.	See comments on the offence at paragraph 4 of the Schedule above.
	<b>Offences in relation to removal centres and short term holding facilities</b>	<b>Sch 12, para 4(1)</b>	Offence of aiding a detained person to escape or attempt to escape from a centre or facility.	Summary – stat max, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.	
		<b>Sch 12, para 4(2)</b>	Offence of, with intent to facilitate the escape of a detained person from a centre or facility; (a) conveying anything into a centre or facility or to a detained person, (b) sending anything into a centre of facility or to a person detained there, or (c) placing anything outside a centre or facility with a view to its coming into the possession of a person detained there.	As for para 4(1).	
		<b>Sch 12, para 5(1)</b>	Offence of bringing or attempting to bring alcohol into a centre or to a detained person contrary to centre rules.	Summary only – Level 3 fine, six months imprisonment or both.	

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		Sch 12, para 5(2)	Offence of placing alcohol anywhere outside a centre, intending that it should come into the possession of a detained person there.	As for para 5(1).	
		Sch 12, para 5(3)	Offence of allowing alcohol to be sold or used in a centre.	As for para 5(1).	Offence can only be committed by detainee custody officers and other staff at removal centres.
		Sch 12, para 6(1)	Offence of conveying or attempting to convey anything into or out of a centre or to a detained person contrary to centre rules.	Summary only – Level 3 fine.	Offence only applies where the person is not guilty of an offence under paragraph 4 or 5 of the Schedule.
		Sch 12, para 6(2)	Offence of placing anything anywhere outside a centre, intending it to come into the possession of a detained person .		See comments on the offence at paragraph 6(1) of the Schedule above.
<b>Nationality, Immigration &amp; Asylum Act 2002</b>					
	<b>Failure by an employer or financial institution to disclose information to the Secretary of State</b>	<b>Section 137(1)</b>	Offence of failing to comply with section 136(3), without reasonable excuse.	Summary only – Level 5 fine, 3 months imprisonment or both.	<p>Under section 136(3) a person on whom a notice is served under the section must provide the Secretary of State with the information specified in the notice. A notice may be served on an employer or a financial institution as detailed in sections 134 and 135.</p> <p>Section 138 NIAA 02' establishes liability for officers of a body corporate (i.e. director, secretary etc.) where an offence under section 137 has been committed by a body corporate with the consent, connivance or negligence of the officer in question. Both the body corporate and officer will be guilty of an offence.</p>

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	<b>Offences in relation to support (travel assistance and temporary accommodation)</b>	<b>Sch 3, para 13(1)</b>	Offence of returning to the United Kingdom, having left in accordance with arrangements made under paragraph 8 of the Schedule, and requesting that arrangements be made by virtue of paragraph 8, 9 or 10 of the Schedule.	Summary only – 6 months imprisonment.	
		<b>Sch 3, para 13(2)</b>	Offence of requesting that arrangements be made by virtue of paragraph 8, 9 or 10 of the Schedule and failing to mention a previous request for the making of such arrangements.	As for para 13(1).	
<b>Asylum and Immigration (TOC etc.) Act 2004</b>					
	<b>Entering the United Kingdom without a passport</b>	<b>Section 2(1)</b>	Offence of not having at a leave or asylum interview an immigration document which is in force and which satisfactorily establishes identity and nationality/citizenship.	Summary – stat max, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.	A person does not commit the offence if the interview takes place after entry and he provides a document within 3 days of the interview. “Immigration document” means a passport or a document which is designed to serve the same purpose as a passport. “Leave or asylum interview” means an interview with an immigration officer or the Secretary of State at which a person seeks leave or claims that removal would breach the United Kingdom’s obligations under the 1951 Convention or be unlawful under the Human Rights Act 1998. Various defences are provided in subsection (4).

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		Section 2(2)	<p>Offence of not having at a leave or asylum interview, in respect of a dependant child, an immigration document which is in force and which satisfactorily establishes the child's identity and nationality/citizenship.</p>	As for section 2(1).	A person does not commit the offence if the interview takes place after entry and he provides a document within 3 days of the interview. Various defences are provided in subsection (5).
	<p style="color: red; font-weight: bold;">Trafficking people for exploitation</p>	Section 4(1)	<p>Offence of arranging or facilitating the arrival in the United Kingdom of a person, where the accused intends to exploit that person or believes that another person is likely to do so.</p> <p>Section 31(1) of the UK Borders Bill amends this section to make it an offence to facilitate the arrival <b>or entry</b> of an individual into the United Kingdom for the purposes of exploitation. It also amends the territorial scope of the offence – see comments.</p>	<p>Summary – stat max fine, 6 months imprisonment or both.</p> <p>Indictment – unlimited fine, 14 years imprisonment or both.</p>	A person is exploited if; (a) he is the victim of behaviour which contravenes Art 4 ECHR, (b) he is encouraged, required or expected to do anything which would result in the commission of an offence under the legislation on human organ transplants, (c) he is subjected to force, threats or deception designed to induce him to provide services or benefits or enable another person to acquire benefits, or (d) he is requested or induced to undertake an activity, having been chosen on the grounds that he is vulnerable (and where a non-vulnerable person would be likely to refuse the request or resist the inducement).

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	<p style="color: red;">Trafficking people for exploitation (continued)</p>				<p>The section 4 offences <i>currently</i> apply to anything done; (a) in the United Kingdom, (b) outside the United Kingdom by a British citizen (or other related categories), or (c) outside the United Kingdom by a body incorporated under the law of a part of the United Kingdom. However s.31(2) of the UK Borders Bill broadens the territorial scope of the trafficking offences to encompass acts of facilitation for the purposes of exploitation undertaken anywhere in the world, regardless of the nationality of the perpetrator.</p> <p>Sections 31(3) – (4) of the Bill makes the same amendments to the provisions on trafficking in the Sexual Offences Act 2003 (see below).</p> <p>Where a person is arrested for a section 4 offence the detention powers in section 25D of the 1971 Act apply. Where a person is convicted on indictment of a facilitation offence the forfeiture provisions in section 25C of that Act apply.</p>
		<p><b>Section 4(2)</b></p>	<p>Offence of arranging or facilitating travel within the United Kingdom by a person, where the accused intends to exploit that person or believes that another person is likely to do so.</p>	<p>As for section 4(1).</p>	<p>See comments on section 4(1) above.</p>

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ACT	GENERAL DESCRIPTION	PROVISION	OFFENCE	MODE OF TRIAL & MAX PENALTY	COMMENTS
		Section 4(3)	Offence of arranging or facilitating the departure from the United Kingdom of a person, where the accused intends to exploit that person outside the United Kingdom or believes that another person is likely to do so.	As for section 4(1).	See comments on section 4(1) above.
	<b>Failing to co-operate with the re-documentation process</b>	Section 35(3)	Offence of failing to comply with a requirement of the Secretary of State under section 35(1), without reasonable excuse.	Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.	Under section 35(1) the Secretary of State may require a person to take specific action if he thinks that; (a) the action will or may enable a travel document to be obtained for the person, and (b) possession of the travel document will facilitate the person's removal.

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ACT	GENERAL DESCRIPTION	PROVISION	OFFENCE	MODE OF TRIAL & MAX PENALTY	COMMENTS
Immigration, Asylum and Nationality Act 2006					
	<b>Illegal Working</b>	<b>Section 21</b>	Offence to knowingly employ an adult subject to immigration control where- a) he has not been granted LTE or LTR in the United Kingdom or b) his LTE or LTR in the United Kingdom- (i) is invalid, (ii) has ceased to have effect (whether due to curtailment, revocation, cancellation, passage of time or otherwise), or (iii) is subject to a condition preventing him from accepting the employment	Summary – fine not exceeding statutory maximum, 12 months imprisonment (England and Wales) or 6 months in Scotland or Northern Ireland), or <b>both fine and imprisonment</b> . Indictment – maximum 2 years imprisonment, fine, or both.	An offence under this section treated as a relevant offence for the purposes of sections 28B & D of the IA 1971 (search, entry and arrest) and an offence under Part III of the 1971 Act (Criminal Proceedings) for the purposes of sections 28(4), 28E, 28G and 28H (search after arrest)  Reference to 12 months imprisonment in England and Wales shall refer to 6 months imprisonment when considering any conviction that has taken place before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates power to imprison).  Section 22 establishes liability for officers of a body corporate (i.e. director, secretary etc.) where an offence under section 21 has been committed by a body corporate with the consent, connivance or negligence of the officer in question. Both the body corporate and officer will be guilty of an offence.

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ACT	GENERAL DESCRIPTION	PROVISION	OFFENCE	MODE OF TRIAL & MAX PENALTY	COMMENTS
	<p><b>Failure to provide information</b></p>	<p><b>Section 34</b></p>	<p>Offence, without reasonable excuse, to fail to comply with a requirement under sections 32(2)-(3) or 33(2) IANA 06'.</p>	<p>Summary – fine nor exceeding Level 4 on the standard scale, imprisonment not exceeding 51 weeks in England and Wales (or 6 months in Northern Ireland or Scotland) or both.</p>	<p>Sections 32(2)-(3) require the owners or agents of ships and aircrafts arriving or expected to arrive or leaving or expected to leave the United Kingdom to provide passenger, service or freight information to a constable (superintendent rank or above) when requested. Section 33(2) obliges a passenger or crew member to provide the information desired to the owner or agent of the ship or aircraft in order that the latter comply with section 32.</p> <p>Reference to 51 weeks imprisonment in England and Wales shall refer to 3 months imprisonment when considering any conviction that has taken place before the commencement of section 281(5) of the Criminal Justice Act 2003 (51 weeks maximum term of sentences).</p>

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ACT	GENERAL DESCRIPTION	PROVISION	OFFENCE	MODE OF TRIAL & MAX PENALTY	COMMENTS
Accession (Immigration and Worker Registration) Regulations 2006 (SI 2006/3317)					
	<b>Unauthorised employment of accession State national – employer offence</b>	<b>Reg 12(a)</b>	Offence for employer to employ accession state national subject to worker authorisation during accession period if the employee does not hold an accession worker authorisation document.	Summary – Level 5 fine	
		<b>Reg 12(b)</b>	Offence for employer to employ accession state national subject to worker authorisation during accession period if the employee's accession worker authorisation document is subject to conditions precluding him from taking that employment.	Summary – Level 5 fine	
	<b>Unauthorised working by accession State national – employee offence</b>	<b>Reg 13(a)</b>	Offence for accession State national subject to worker authorisation to work if he does not have an accession worker authorisation document.	Summary – Level 5 fine or imprisonment for maximum 3 months or both	Can discharge liability to conviction by payment of £1,000 penalty at discretion of police officer or immigration officer (reg.13(3)).
		<b>Reg 13(b)</b>	Offence for accession State national subject to worker authorisation to work if he is working in breach of the conditions on his accession worker authorisation document.	Summary – Level 5 fine or imprisonment for maximum 3 months or both	Can discharge liability to conviction by payment of £1,000 penalty at discretion of police officer or immigration officer (reg.13(3)).

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ACT	GENERAL DESCRIPTION	PROVISION	OFFENCE	MODE OF TRIAL & MAX PENALTY	COMMENTS
	<p><b>Deception – employee offence</b></p>	<p><b>Reg 14</b></p>	<p>Offence to obtain or seek to obtain by deception an accession worker authorisation document.</p>	<p>Summary – Level 5 fine or imprisonment for maximum 3 months or both.</p>	
<p><b>United Kingdom Borders Act 2007</b></p>					
	<p><b>Absconding</b></p>	<p><b>Section 3(1)(a)</b></p>	<p>Offence to abscond from detention under section 2 of the UK Borders Bill.</p>	<p>imprisonment for a term not exceeding 51 weeks, a fine not exceeding Level 5 on the standard scale or both.</p>	<p>Section 2 UK Borders Bill – allows detention of an individual at a port in England, Wales and Northern Ireland by a designated immigration officer where that officer thinks the individual may be liable to arrest under sections 24(1)-(3) of the Police and Criminal Evidence Act 1984 or Articles 26(1)-(3) of the Police and Criminal Evidence (Northern Ireland) Order 1989 or is subject to a warrant of arrest.</p> <p>Reference to 51 weeks imprisonment in England and Wales in the section 3(1)(a)-(b) offences shall refer to 3 months imprisonment when considering any offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (51 weeks maximum term of sentences).</p>

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ACT	GENERAL DESCRIPTION	PROVISION	OFFENCE	MODE OF TRIAL & MAX PENALTY	COMMENTS
	<b>Assaulting an immigration officer</b>	<b>Section 3(1)(b)</b>	Offence to assault an immigration officer exercising a power under section 2 of the UK Borders Bill	As above	See above.
	<b>Obstructing an immigration officer</b>	<b>Section 3(1)(c)</b>	Offence to obstruct an immigration officer in the exercise of a power under section 2 of the UK Borders Bill.	Imprisonment for a term not exceeding 51 weeks, a fine not exceeding Level 3 on the standard scale or both.	Reference to 51 weeks imprisonment in England and Wales in the section 3(1)(c) offence shall refer to 1 month imprisonment when considering any offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (51 weeks maximum term of sentences).
	<b>Assaulting an immigration officer</b>	<b>Section 22</b>	Offence to assault an immigration officer.	Imprisonment for a period not exceeding 51 weeks, a fine not exceeding Level 5 on the standard scale, or both.	Reference to 51 weeks imprisonment in England and Wales in section 22(2) (a) shall be treated as a reference to 6 months imprisonment when considering any offence committed before section 281(5) of the Criminal Justice Act 2003 (51 week maximum term of sentences)
	<b>Wrongful disclosure</b>	<b>Section 42(1)</b>	Offence to contravene section 41 of the UK Borders Bill by disclosing information relating to a person whose identity is specified in the disclosure or can be deduced from it.	Summary – max 12 months imprisonment or fine stat. max Indictment – max 2 years imprisonment or unlimited fine or both.	Section 41 relates to confidential information supplied by or on behalf of HMRC or RCPO under existing statutory gateways.  Not apply to the disclosure of information about internal administrative arrangements of HMRC or RCPO.  A defence if an individual reasonably believed that the disclosure was lawful or that the information had already lawfully been made available to the public.

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ACT	GENERAL DESCRIPTION	PROVISION	OFFENCE	MODE OF TRIAL & MAX PENALTY	COMMENTS
Borders, Citizenship and Immigration Act 2009					
	<b>Wrongful disclosure</b>	<b>Section 18</b>	<b>Offence to breach ss.15(1) and (2) [disclosure of personal customs information] and 17(1) [onward disclosure of customs information lawfully received]</b>	<b>Indictment – unlimited fine or prison for maximum 2 years. Summary – fine not exceeding statutory maximum or imprisonment for maximum 12 months (6 months in Northern Ireland) or both.</b>	

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ACT	GENERAL DESCRIPTION	PROVISION	OFFENCE	MODE OF TRIAL & MAX PENALTY	COMMENTS
Non-immigration legislation					
<b>Forgery &amp; Counterfeiting Act 1981</b>	<b>Forgery</b>	<b>Section 1</b>	Offence of making a false instrument with the intention that it shall be used to induce somebody to accept it as genuine, and thereby to act to his own or another person's prejudice.	Summary – stat max fine, 6 months imprisonment or both. Indictment – 10 years imprisonment.	“Instrument” includes any document, whether of a formal or informal character. A person is to be treated as making a false instrument if he alters an instrument so as to make it false in any respect (whether or not it is false in some other respect apart from that alteration). “False” is defined in section 9 and “prejudice” in section 10. The defence in section 31 of the 1999 Act applies. The offences in the Act do not extend to Scotland. The corresponding Scottish offences are the common law offences of fraud and uttering a forged document. The section 31 defence applies to those offences as well.
	<b>Copying a false instrument</b>	<b>Section 2</b>	Offence of making a copy of a false instrument with the intention that it be used to induce somebody to accept it as a copy of a genuine instrument, and thereby to act to his own or another person's prejudice.	As for section 1.	Offence only committed if the person knows or believes that the instrument which he is making a copy of is false. See also comments on section 1 above.
	<b>Using a false instrument</b>	<b>Section 3</b>	Offence of using a false instrument with the intention of inducing somebody to accept it as genuine, and thereby to act to his own or another person's prejudice.	As for section 1.	Offence only committed if the person knows or believes that the instrument is false. See also comments on section 1 above.

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ACT	GENERAL DESCRIPTION	PROVISION	OFFENCE	MODE OF TRIAL & MAX PENALTY	COMMENTS
	Using a copy of a false instrument	Section 4	Offence of using a copy of a false instrument with the intention of inducing somebody to accept it as a copy of a genuine instrument, and thereby to act to his own or another person's prejudice.	As for section 1.	Offence only committed if the person knows or believes that the instrument is false. See also comments on section 1 above.
Identity Cards Act 2006					Identity Cards Act 2006 has been repealed by Identity Documents Act 2010 but the relevant provisions (as set out below) are re-enacted by the Identity Documents Act 2010 and references to those provisions remain the same.
	Possession of false identity documents	Section 25(1)	Offence for a person with the requisite intention to have in his possession or under his control an identity document that he knows or believes to be false; an identity document that was improperly obtained; or an identity document that relates to someone else.	Indictment – imprisonment max 10 years or fine or both.	<p>Replaces s.5 of the Forgery &amp; Counterfeiting Act 1981.</p> <p>Requisite intention for the purposes of subsection (1) is the intention of using the document for establishing registrable facts about himself or the intention of allowing or inducing another to use it for establishing, ascertaining or verifying registrable facts about himself or about any other person (with the exception, in the case of a document within paragraph (c) of that subsection, of the individual to whom I relates.)</p> <p>Identity documents for the purpose of the section 25 offences include ID cards, immigration documents and passports.</p>

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ACT	GENERAL DESCRIPTION	PROVISION	OFFENCE	MODE OF TRIAL & MAX PENALTY	COMMENTS
		<b>Section 25(3)</b>	Offence for a person with the requisite intention to make or have in his possession or under his control any apparatus which, to his knowledge is or has been specifically designed or adapted for the making of false identity documents; or any article or material which, to his knowledge, is or has been specifically designed or adapted to be used in the making of false identity documents	As for s.25(1)	The requisite intention for the purposes of subsection (3) is the intention that he or another will make a false identity document; and that the document will be used by somebody for establishing, ascertaining or verifying registrable facts about a person.
		<b>Section 25(5)</b>	Offence for a person to have in his possession or under his control without reasonable excuse- an identity document that is false; an identity document that is improperly obtained; an identity document that relates to someone else; or any apparatus, article or material which, to his knowledge, is or has been specifically designed or adapted for the making of false identity documents or to be used in the making of such documents.	Summary – conviction in England and Wales max 12 months imprisonment, statutory max fine or both. Scotland or Northern Ireland max 6 months imprisonment, statutory max fine or both.	Reference to 12 months imprisonment in England and Wales shall refer to 6 months imprisonment when considering any conviction that has taken place before the commencement of section 154(1) of the Criminal Justice Act 2003.

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ACT	GENERAL DESCRIPTION	PROVISION	OFFENCE	MODE OF TRIAL & MAX PENALTY	COMMENTS
Sexual Offences Act 2003					
	<p><b>Trafficking for Sexual Exploitation</b></p>	<p><b>Section 57(1)</b></p>	<p>Offence of arranging or facilitating the arrival in the United Kingdom of a person, where the accused intends to commit a relevant offence in respect of that person [sexual offence] or believes that another person is likely to do so.</p> <p>Section 31(3) of the UK Borders Bill amends this section to make it an offence to facilitate the arrival <i>or entry</i> of an individual into the United Kingdom for the purposes of sexual exploitation. It also amends the territorial scope of the offence – see comments.</p>	<p>Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 14 years imprisonment or both.</p>	<p>The offences contained in sections 57-59 <b>currently</b> apply to anything done; (a) in the United Kingdom, (b) outside the United Kingdom by a British citizen (or other related categories), or (c) outside the United Kingdom by a body incorporated under the law of a part of the United Kingdom. However s.31(4) of the UK Borders Bill broadens the territorial scope of the trafficking offences to encompass acts of facilitation for the purposes of exploitation undertaken anywhere in the world, regardless of the nationality of the perpetrator.</p> <p>Section 60 lists the relevant offences.</p>
		<p><b>Section 58(1)</b></p>	<p>Offence of arranging or facilitating travel within the United Kingdom by a person, where the accused intends to commit a relevant offence in respect of that person [sexual offence] or believes that another person is likely to do so.</p>	<p>As above for 57(1)</p>	<p>See comments s.57(1)</p>
		<p><b>Section 59(1)</b></p>	<p>Offence of arranging or facilitating the departure from the United Kingdom of a person, where the accused intends to commit a relevant offence in respect of that person [sexual offence] outside the United Kingdom or believes that another person is likely to do so.</p>	<p>As above for 57(1)</p>	<p>See comments s.57(1)</p>