

**2007 No. 1602 (C. 64)**

**IMMIGRATION**

**The Asylum and Immigration (Treatment of Claimants, etc.) Act  
2004 (Commencement No. 7 and Transitional Provisions) Order  
2007**

*Made* - - - -

*4th June 2007*

The Secretary of State, in exercise of the powers conferred upon him by section 48(3) of the Asylum and Immigration (Treatment of Claimants, Etc.) Act 2004(a), makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (Commencement No. 7 and Transitional Provisions) Order 2007.

(2) In this Order “the Act” means the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

**Commencement and transitional provision**

2.—(1) Subject to paragraph (3), section 12 (refugee: back-dating of benefits) of the Act shall come into force on 14th June 2007.

(2) Subject to paragraph (3), section 47 (repeals) of, and Schedule 4 (repeals) to, the Act shall come into force on 14th June 2007, to the extent that those provisions relate to entries listed in the Schedule to this Order.

(3) The commencement of the provisions referred to in paragraphs (1) and (2) shall not apply to a person who is recorded as a refugee on or before 14th June 2007.

(4) For these purposes a person is recorded as a refugee on the day on which the Secretary of State notifies him that he has been recognised as a refugee and granted asylum in the United Kingdom.

Home Office  
4th June 2007

*Joan Ryan*  
Parliamentary Under Secretary of State

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(a) 2004 c.19. The power in section 48(3) is extended by sections 12(5) and 48(4).

# SCHEDULE

Article 2

## Repeals

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Immigration and Asylum Act 1999 (c.33)	Section 123(a).
State Pension Credit Act 2002 (c.16)	In Schedule 2, paragraph 42.
Tax Credits Act 2002 (c. 21)	In Schedule 4, paragraph 22.
State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.))	In Schedule 2, paragraph 31.
Nationality, Immigration and Asylum Act 2002 (c. 41)	Section 52.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into section 12 and, to the extent provided in the Schedule, section 47 of, and Schedule 4 to, the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. The commencement of these provisions will not apply to a person who is notified on or before 14th June 2007 that he has been recognised as a refugee and granted asylum in the United Kingdom.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>of S.I. No.</i>
Section 1 (assisting unlawful immigration)	1st October 2004	2004/2523
Section 3 (immigration documents: forgery)	1st October 2004	2004/2999
Section 4 (trafficking people for exploitation)	1st December 2004	2004/2999
Section 5 (section 4: supplemental)	1st December 2004	2004/2999
Section 6 (employment)	1st October 2004	2004/2523
Section 7 (advice of Director of Public Prosecutions)	1st December 2004	2004/2999
Section 8(7), (10) and (11) (claimant's credibility) (for the purpose of enabling the Secretary of State to exercise the power to make subordinate legislation under section 8(7))	1st October 2004	2004/2523
Section 8, insofar as it was not already in force	1st January 2005	2004/3398
Section 9 (failed asylum seekers: withdrawal of support)	1st December 2004	2004/2999
Section 10(1), (2), (6) and (7) (failed asylum seekers: accommodation)	1st December 2004	2004/2999
Section 10(3), (4) and (5) (failed asylum seekers: accommodation)	31st March 2005	2005/372
Section 11 (accommodation for asylum seekers: local connection)	4th January 2005	2004/2999

(a) Section 123(7) was amended by section 52 of the Nationality, Immigration and Asylum Act 2002 (c.41) which was not brought into force. Section 123(9)(ba) was inserted by the Tax Credits Act 2002 (c. 21), section 51 and Schedule 4, paragraphs 20, 22(1) and 22(2). Section 123(9) was amended by the Tax Credits Act 2002, section 51 and Schedule 4, paragraphs 20, 22(1) and 22(3); the State Pension Credit Act 2002 (c.16) section 14 and Schedule 2, paragraph 42; and the State Pension Credit Act (Northern Ireland) 2002 (c.14 (N.I.)) section 14 and Schedule 2, paragraph 31.

Section 13 (Integration loans for refugees and others)	29th June 2006	2006/1517
Section 14 (immigration officer: power of arrest)	1st December 2004	2004/2999
Section 15 (fingerprinting)	1st October 2004	2004/2523
Section 17 (retention of documents)	1st December 2004	2004/2999
Section 18 (control of entry)	1st October 2004	2004/2523
Section 19(2) and (3) (England and Wales) and section 20(3) and (4) (England and Wales: supplemental) (for the purpose of enabling the Secretary of State to exercise the powers to make subordinate legislation under section 19(2)(a) and (3)(c))	1st December 2004	2004/2999
Section 19(4) (for the purpose of enabling the Registrar General to issue guidance under section 19(4)(d))	1st December 2004	2004/2999
Sections 19 to 24, insofar as they were not already in force	1st February 2005	2004/3398
Section 21(2) and (3) (Scotland) and section 22(2) and (3) (Scotland: supplemental) (for the purpose of enabling the Secretary of State to exercise the powers to make subordinate legislation under section 21(2)(a) and (3)(c))	1st December 2004	2004/2999
Section 21(5) (Scotland) (for the purpose of enabling the Secretary of State to issue guidance under section 21(5) and to consult with the Registrar General for Scotland for that purpose)	1st December 2004	2004/2999
Section 23(2) and (3) (Northern Ireland) and section 24(2) and (4) (Northern Ireland: supplemental) (for the purpose of enabling the Secretary of State to exercise the powers to make subordinate legislation under section 23(2)(a) and (b) and (3)(c))	1st December 2004	2004/2999
Section 23(6) (Northern Ireland) for the purpose of enabling the Secretary of State to issue guidance under section 23(6)(d) and to consult with the Registrar General for Northern Ireland for that purpose)	1st December 2004	2004/2999
Section 25 (application for permission under section 19(3)(b), 21(3)(b) or 23(3)(b))	1st December 2004	2004/2999
Section 26 (unification of appeal system) and Schedules 1(new Schedule 4 to the Nationality, Immigration and Asylum Act 2002) and 2 (Asylum and Immigration Tribunal: consequential amendments and transitional provision) except that the insertion of section 103D into the Nationality, Immigration and Asylum Act 2002 by section 26(6) did not come into force in Northern Ireland	4th April 2005	2005/565
Section 27 (unfounded human rights or asylum claim)	1st October 2004	2004/2523
Section 28 (appeal from within the United Kingdom)	1st October 2004	2004/2523
Section 29 (entry clearance)	1st October 2004	2004/2523
Section 30 (earlier right of appeal)	1st October 2004	2004/2523

Section 31 (seamen and aircrews: right of appeal)	1st October 2004	2004/2523
Section 33 (removing asylum seeker to safe country) and Schedule 3 (removal of asylum seeker to safe country)	1st October 2004	2004/2523
Section 34 (detention pending deportation)	1st October 2004	2004/2523
Section 36 (electronic monitoring)	1st October 2004	2004/2523
Section 37 (provision of immigration services)	1st October 2004	2004/2523
Section 38 (Immigration Services Commissioner: power of entry)	1st October 2004	2004/2523
Section 39 (offence of advertising services)	1st October 2004	2004/2523
Section 40 (appeal to Immigration Services Tribunal)	1st October 2004	2004/2523
Section 41 (professional bodies)	1st October 2004	2004/2523
Section 42 (amount of fees)	1st October 2004	2004/2523
Section 43 (transfer of leave stamps)	1st October 2004	2004/2523
Section 44 (interpretation: “the Immigration Acts”)	1st October 2004	2004/2523
Section 45 (interpretation: immigration officer)	1st October 2004	2004/2523
Section 46 (money)	1st October 2004	2004/2523
Section 47 and Schedule 4 (repeals), the entries relating to section 8(9) of the Asylum and Immigration Act 1996, sections 11, 12, 85(1) and 87(3)(f) of the Immigration and Asylum Act 1999 and paragraph 1(1) of Schedule 6 to that Act and sections 80, 93 and 94(4)(a) to (j) of the Nationality, Immigration and Asylum Act 2002.	1st October 2004	2004/2523

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