
STATUTORY INSTRUMENTS

2014 No. 2816

IMMIGRATION

**The Immigration (Removal of
Family Members) Regulations 2014**

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| <i>Made</i> | - - - - | <i>20th October 2014</i> |
| <i>Laid before Parliament</i> | | <i>22nd October 2014</i> |
| <i>Coming into force</i> | - - | <i>14th November 2014</i> |

The Secretary of State, in exercise of the powers conferred by section 10(10)(b) of the Immigration and Asylum Act 1999⁽¹⁾, makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Immigration (Removal of Family Members) Regulations 2014 and come into force on 14th November 2014.

2. In these Regulations—

“the Act” means the Immigration and Asylum Act 1999;

“family member” means a person who meets the conditions set out in section 10(3), (4) and (5) of the Act;

“P” means a person who is liable to be or has been removed from the United Kingdom under section 10(1) of the Act.

Giving of notice to a family member

3. A notice given to a family member in accordance with section 10(2) of the Act may be given—

(a) at any time prior to P’s removal, or

(b) during the period of eight weeks beginning with the date on which P is removed.

Service of notice

4. (1) A notice given to a family member in accordance with section 10(2) of the Act may be—

(a) given by hand,

(b) sent by fax,

(1) 1999 c.33, as amended by section 1 of the Immigration Act 2014 (c.22).

- (c) sent by postal service in which delivery or receipt is recorded to—
 - (i) an address provided for correspondence by the person or the person’s representative, or
 - (ii) where no address for correspondence has been provided, the last-known or usual place of abode or place of business of the person or the person’s representative,
 - (d) sent electronically,
 - (e) sent by document exchange to a document exchange number or address,
 - (f) sent by courier,
 - (g) collected by the person who is the subject of the decision or the person’s representative.
- (2) Where—
- (a) a person’s whereabouts are not known, and
 - (b) no address is available for correspondence with either the person or the person’s representative under paragraph (1)(c),

the notice shall be deemed to have been given when the Secretary of State or immigration officer enters a record of the above circumstances and places the signed notice on the relevant file.

(3) Where notice is deemed to have been given in accordance with paragraph (2) and subsequently the person is located, the person is to be given a copy of the notice and details of when and how it was deemed to be served as soon as is practicable.

(4) Where a notice is sent by post in accordance with paragraph (1)(c) it shall be deemed to have been served, unless the contrary is proved, on the second day after it was posted.

- (5) For the purposes of paragraph (4) the period is to be calculated—
- (a) excluding the day on which the notice is posted, and
 - (b) excluding any day which is not a business day.

(6) In this regulation, “business day” means any day other than Saturday or Sunday, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(2) in the part of the United Kingdom to which the notice is sent, Christmas Day or Good Friday.

(7) A notice to be given to a family member in accordance with section 10(2) of the Act may, in the case of a child below the age of 18 who does not have a representative, be given to P.

James Brokenshire
Minister of State
Home Office

20th October 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision under section 10(10)(b) of the Immigration and Asylum Act 1999 (“the 1999 Act”), as amended by section 1 of the Immigration Act 2014, in respect of the service of notice to family members of a person who is liable to be or has been removed under section 10(1) of the 1999 Act, as amended, prior to the removal of those family members. The Regulations make provision in respect of the timing of such notice and set out how such notice is to be served.