

2004 No.2877

IMMIGRATION

**The Immigration (Assisting Unlawful Immigration) (Section 25
List of Schengen Acquis States) Order 2004**

<i>Made</i> - - - -	<i>1st November 2004</i>
<i>Laid before Parliament</i>	<i>9th November 2004</i>
<i>Coming into force</i> - -	<i>1st December 2004</i>

Whereas the Secretary of State thinks that it is necessary to make this Order for the purpose of complying with the United Kingdom's obligations under the Community Treaties;

Now, therefore, in exercise of the power conferred upon him by section 25(7)(a) of the Immigration Act 1971(a), he hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Immigration (Assisting Unlawful Immigration) (Section 25 List of Schengen Acquis States) Order 2004 and shall come into force on 1st December 2004.

Section 25 List of Schengen Acquis States

2.—(1) The list of States specified at paragraph (2) is hereby prescribed for the purposes of section 25 of the Immigration Act 1971.

(2) The list is —

- (a) the Kingdom of Norway; and
- (b) the Republic of Iceland.

Home Office
1st November 2004

Des Browne
Minister of State

(a) 1971 c.77. Section 25 was substituted by section 143 of the Nationality, Immigration and Asylum Act 2002 (c.41) and subsections (7) and (8) were inserted by section 1 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes a list of States for the purposes of section 25 of the Immigration Act 1971 (“the 1971 Act”).

Section 25(7) and (8) of the 1971 Act was inserted by section 1 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Subsections (7) and (8) allow the Secretary of State, if he thinks it necessary for the purpose of complying with the United Kingdom’s obligations under the Community Treaties, to make an order prescribing a list of States, each of which are to be regarded as member States for the purposes of section 25 (and whose nationals are to be regarded as citizens of the European Union for those purposes).

Article 2 of this Order prescribes such a list. By virtue of Article 2, for the purposes of section 25 of the 1971 Act, a reference to a member State includes a reference to Norway and Iceland. Although neither Norway or Iceland is a member State, both States are signatories to the Schengen Acquis, and in order for the United Kingdom to comply with its obligations under the Community Treaties it is necessary that the offence in section 25 of the 1971 Act apply as if those States were member States.

As a result of this Order, a person may commit an offence under section 25 of the 1971 Act if he facilitates the commission of a breach of a law which has effect in Norway or Iceland and which controls entitlement to enter, transit across or be in Norway or Iceland by an individual who is not a citizen of the European Union, Norway or Iceland.

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