



# Nationality, Immigration and Asylum Act 2002

## 2002 CHAPTER 41

### PART 4

#### DETENTION AND REMOVAL

##### *Temporary release*

VALID FROM 10/02/2003

#### **68 Bail**

- (1) This section applies in a case where an immigration officer not below the rank of chief immigration officer has sole or shared power to release a person on bail in accordance with—
  - (a) a provision of Schedule 2 to the Immigration Act 1971 (c. 77) (control of entry) (including a provision of that Schedule applied by a provision of that Act or by another enactment), or
  - (b) section 9A of the Asylum and Immigration Appeals Act 1993 (c. 23) (pending appeal from Immigration Appeal Tribunal).
- (2) In respect of an application for release on bail which is instituted after the expiry of the period of eight days beginning with the day on which detention commences, the power to release on bail—
  - (a) shall be exercisable by the Secretary of State (as well as by any person with whom the immigration officer's power is shared under the provision referred to in subsection (1)), and
  - (b) shall not be exercisable by an immigration officer (except where he acts on behalf of the Secretary of State).

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- (3) In relation to the exercise by the Secretary of State of a power to release a person on bail by virtue of subsection (2), a reference to an immigration officer shall be construed as a reference to the Secretary of State.
- (4) The Secretary of State may by order amend or replace subsection (2) so as to make different provision for the circumstances in which the power to release on bail may be exercised by the Secretary of State and not by an immigration officer.
- (5) An order under subsection (4)—
  - (a) may include consequential or transitional provision,
  - (b) must be made by statutory instrument, and
  - (c) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (6) The following provisions of Part III of the Immigration and Asylum Act 1999 (c. 33) (Bail) shall cease to have effect—
  - (a) sections 44 to 52 (routine bail hearings),
  - (b) section 53(5) (bail under regulations to match bail under Part III), and
  - (c) section 55 (grants to advisory organisations).

#### Commencement Information

- II** S. 68 wholly in force at 1.4.2003; s. 68 not in force at Royal Assent see s. 162(2); s. 68(6) in force at 10.2.2003 by S.I. 2003/1, art. 2, Sch. ; s. 68(1)-(5) in force at 1.4.2003 by S.I. 2003/754, art. 2, Sch. 1

### 69 Reporting restriction: travel expenses

- (1) The Secretary of State may make a payment to a person in respect of travelling expenses which the person has incurred or will incur for the purpose of complying with a reporting restriction.
- (2) In subsection (1) “reporting restriction” means a restriction which—
  - (a) requires a person to report to the police, an immigration officer or the Secretary of State, and
  - (b) is imposed under a provision listed in subsection (3).
- (3) Those provisions are—
  - (a) paragraph 21 of Schedule 2 to the Immigration Act 1971 (c. 77) (temporary admission or release from detention),
  - (b) paragraph 29 of that Schedule (bail), and
  - (c) paragraph 2 or 5 of Schedule 3 to that Act (pending deportation).

### 70 Induction

- (1) A residence restriction may be imposed on an asylum-seeker or a dependant of an asylum-seeker without regard to his personal circumstances if—
  - (a) it requires him to reside at a specified location for a period not exceeding 14 days, and

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- (b) the person imposing the residence restriction believes that a programme of induction will be made available to the asylum-seeker at or near the specified location.
- (2) In subsection (1) “residence restriction” means a restriction imposed under—
  - (a) paragraph 21 of Schedule 2 to the Immigration Act 1971 (temporary admission or release from detention), or
  - (b) paragraph 2(5) of Schedule 3 to that Act (control pending deportation).
- (3) In this section—
  - “asylum-seeker” has the meaning given by section 18 of this Act but disregarding section 18(1)(a),
  - “dependant of an asylum-seeker” means a person who appears to the Secretary of State to be making a claim or application in respect of residence in the United Kingdom by virtue of being a dependant of an asylum-seeker, and
  - “programme of induction” means education about the nature of the asylum process.
- (4) Regulations under subsection (3)—
  - (a) may make different provision for different circumstances,
  - (b) must be made by statutory instrument, and
  - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Subsection (6) applies where the Secretary of State arranges for the provision of a programme of induction (whether or not he also provides other facilities to persons attending the programme and whether or not all the persons attending the programme are subject to residence restrictions).
- (6) A local authority may arrange for or participate in the provision of the programme or other facilities.
- (7) In particular, a local authority may—
  - (a) incur reasonable expenditure;
  - (b) provide services outside its area;
  - (c) provide services jointly with another body;
  - (d) form a company;
  - (e) tender for or enter into a contract;
  - (f) do anything (including anything listed in paragraphs (a) to (e)) for a preparatory purpose.
- (8) In this section “local authority” means—
  - (a) a local authority within the meaning of section 94 of the Immigration and Asylum Act 1999 (c. 33), and
  - (b) a Northern Ireland authority within the meaning of section 110 of that Act.

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**71 Asylum-seeker: residence, &c. restriction**

- (1) This section applies to—

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- (a) a person who makes a claim for asylum at a time when he has leave to enter or remain in the United Kingdom, and
  - (b) a dependant of a person within paragraph (a).
- (2) The Secretary of State or an immigration officer may impose on a person to whom this section applies any restriction which may be imposed under paragraph 21 of Schedule 2 to the Immigration Act 1971 (c. 77) (control of entry: residence, reporting and occupation restrictions) on a person liable to detention under paragraph 16 of that Schedule.
- (3) Where a restriction is imposed on a person under subsection (2)—
- (a) the restriction shall be treated for all purposes as a restriction imposed under paragraph 21 of that Schedule, and
  - (b) if the person fails to comply with the restriction he shall be liable to detention under paragraph 16 of that Schedule.
- (4) A restriction imposed on a person under this section shall cease to have effect if he ceases to be an asylum-seeker or the dependant of an asylum-seeker.
- (5) In this section—
- “asylum-seeker” has the same meaning as in section 70,
  - “claim for asylum” has the same meaning as in section 18, and
  - “dependant” means a person who appears to the Secretary of State to be making a claim or application in respect of residence in the United Kingdom by virtue of being a dependant of another person.
- (6) Regulations under subsection (5)—
- (a) may make different provision for different circumstances,
  - (b) must be made by statutory instrument, and
  - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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