

**Changes to legislation:** Immigration Act 2016, Paragraph 11 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 10 **U.K.**

#### IMMIGRATION BAIL

##### Modifications etc. (not altering text)

- C1** Sch. 10 applied (with modifications) (31.1.2020) by [The Immigration \(Citizens Rights Appeals\) \(EU Exit\) Regulations 2020 \(S.I. 2020/61\)](#), reg. 1(2), Sch. 3 para. 2(1)(b)(4)
- C1** Sch. 10 modified (15.1.2018 for specified purposes, 31.8.2021 for E.W. in so far as not already in force, 31.8.2022 for S.N.I. in so far as not already in force) by [1997 c. 68, Sch. 3](#) (as substituted by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 10 para. 25](#); S.I. 2017/1241, reg. 2(c) (with [Sch.](#)) (as amended by S.I. 2018/31, [reg. 2](#)); S.I. 2021/939, reg. 2(b) (with Sch. para. 1, [2](#)); S.I. 2022/863, regs. 1(2), [2\(b\)](#))
- C1** Sch. 10 applied by [2007 c. 30, s. 36\(3A\)-\(3C\)](#) (as inserted (15.1.2018) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 10 para. 40\(4\)](#); S.I. 2017/1241, reg. 2(c) (with [Sch.](#)) (as amended by S.I. 2018/31, [reg. 2](#)))
- C2** Sch. 10 applied by [1971 c. 77, Sch. 3 para. 2\(5\)-\(7\)](#) (as substituted (15.1.2018) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 10 para. 21\(2\)\(d\)](#); S.I. 2017/1241, reg. 2(c) (with [Sch.](#)) (as amended by S.I. 2018/31, [reg. 2](#)))

### PART 1 **U.K.**

#### MAIN PROVISIONS

##### Modifications etc. (not altering text)

- C1** Sch. 10 Pt. 1 applied (with modifications) (31.12.2020) by [The Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1213\)](#), regs. 1(2)(3), [13\(2\)](#)

#### *Duty to arrange consideration of bail*

- 11 (1) Subject as follows, the Secretary of State must arrange a reference to the First-tier Tribunal for the Tribunal to decide whether to grant bail to a person if—
- (a) the person is being detained under a provision mentioned in paragraph 1(1) (a) or (c), and
  - (b) the period of four months beginning with the relevant date has elapsed.
- (2) In sub-paragraph (1)(b) “the relevant date” means—
- (a) the date on which the person's detention began, or
  - (b) if a relevant event has occurred in relation to the person since that date, the last date on which such an event has occurred in relation to the person.
- (3) The following are relevant events in relation to a person for the purposes of sub-paragraph (2)(b)—

---

**Changes to legislation:** *Immigration Act 2016, Paragraph 11 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (a) consideration by the First-tier Tribunal of whether to grant immigration bail to the person;
  - (b) withdrawal by the person of an application for immigration bail treated as made by the person as the result of a reference under this paragraph;
  - (c) withdrawal by the person of a notice given under sub-paragraph (6)(b).
- (4) The reference in sub-paragraph (3)(a) to consideration of whether to grant immigration bail to a person—
- (a) includes such consideration regardless of whether there is a hearing or the First-tier Tribunal makes a determination in the case in question;
  - (b) includes the dismissal of an application by virtue of provision made under paragraph 12(2).
- (5) The reference in sub-paragraph (3)(a) to consideration of whether to grant immigration bail to a person does not include such consideration in a case where—
- (a) the person has made an application for bail, other than one treated as made by the person as the result of a reference under this paragraph, and
  - (b) the First-tier Tribunal is prevented from granting bail to the person by paragraph 3(4) (requirement for Secretary of State's consent to bail).
- (6) The duty in sub-paragraph (1) to arrange a reference does not apply if—
- (a) section 3(2) of the Special Immigration Appeals Commission Act 1997 (persons detained in interests of national security etc) applies to the person, or
  - (b) the person has given to the Secretary of State, and has not withdrawn, written notice that the person does not wish the person's case to be referred to the First-tier Tribunal under this paragraph.
- (7) A reference to the First-tier Tribunal under this paragraph in relation to a person is to be treated for all purposes as an application by that person for the grant of bail under paragraph 1(3).

---

**Commencement Information**

- II** Sch. 10 para. 11 in force at 15.1.2018 by [S.I. 2017/1241](#), **reg. 2(c)** (with [Sch.](#)) (as amended by [S.I. 2018/31](#), reg. 2)

**Changes to legislation:**

Immigration Act 2016, Paragraph 11 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/1241, Sch. by [S.I. 2018/31 reg. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 69(9)(d) and word inserted by [2023 c. 37 s. 21\(2\)\(b\)](#)
- Sch. 10 para. 3(2)(eza) inserted by [2023 c. 37 s. 13\(3\)\(a\)](#)
- Sch. 10 para. 3(3A)-(3C) inserted by [2023 c. 37 s. 13\(3\)\(b\)](#)
- Sch. 10 para. 3A and cross-heading inserted by [2023 c. 37 s. 13\(4\)](#)