

*Status: Point in time view as at 15/01/2018.*

*Changes to legislation: Immigration Act 2016, Cross Heading: Power to grant immigration bail is up to date with all changes known to be in force on or before 10 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)*

## SCHEDULES

### SCHEDULE 10

#### IMMIGRATION BAIL

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

- 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))
- C3** 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))

### PART 1

#### MAIN PROVISIONS

##### *Power to grant immigration bail*

- 1 (1) The Secretary of State may grant a person bail if—
- the person is being detained under paragraph 16(1), (1A) or (2) of Schedule 2 to the Immigration Act 1971 (detention of persons liable to examination or removal),
  - the person is being detained under paragraph 2(1), (2) or (3) of Schedule 3 to that Act (detention pending deportation),
  - the person is being detained under section 62 of the Nationality, Immigration and Asylum Act 2002 (detention of persons liable to examination or removal), or
  - the person is being detained under section 36(1) of the UK Borders Act 2007 (detention pending deportation).
- (2) The Secretary of State may grant a person bail if the person is liable to detention under a provision mentioned in sub-paragraph (1).
- (3) The First-tier Tribunal may, on an application made to the Tribunal for the grant of bail to a person, grant that person bail if—
- the person is being detained under paragraph 16(1), (1A) or (2) of Schedule 2 to the Immigration Act 1971,
  - the person is being detained under paragraph 2(1), (2) or (3) of Schedule 3 to that Act,

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- (c) the person is being detained under section 62 of the Nationality, Immigration and Asylum Act 2002, or
  - (d) the person is being detained under section 36(1) of the UK Borders Act 2007.
- (4) In this Schedule references to the grant of immigration bail, in relation to a person, are to the grant of bail to that person under any of sub-paragraphs (1) to (3) or under paragraph 10(12) or (13) (release following arrest for breach of bail conditions).
- (5) A person may be granted and remain on immigration bail even if the person can no longer be detained, if—
- (a) the person is liable to detention under a provision mentioned in sub-paragraph (1), or
  - (b) the Secretary of State is considering whether to make a deportation order against the person under section 5(1) of the Immigration Act 1971.
- (6) A grant of immigration bail to a person does not prevent the person's subsequent detention under a provision mentioned in sub-paragraph (1).
- (7) For the purposes of this Schedule a person is on immigration bail from when a grant of immigration bail to the person commences to when it ends.
- (8) A grant of immigration bail to a person ends when—
- (a) in a case where sub-paragraph (5) applied to the person, that sub-paragraph no longer applies to the person,
  - (b) the person is granted leave to enter or remain in the United Kingdom,
  - (c) the person is detained under a provision mentioned in sub-paragraph (1), or
  - (d) the person is removed from or otherwise leaves the United Kingdom.
- (9) This paragraph is subject to paragraph 3 (exercise of power to grant immigration bail).

**Commencement Information**

- II** Sch. 10 para. 1 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](#))

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