

*Changes to legislation: Immigration Act 1971, Cross Heading: Detention of persons liable to examination or removal is up to date with all changes known to be in force on or before 19 April 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 2

#### ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY ETC.

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

- C1 Sch. 2 modified (10.6.1991) by [Criminal Justice \(International Co-operation\) Act 1990 \(c. 5, SIF 39:1\), s. 6\(6\)\(b\)](#); S.I. 1991/1072, art. 2, [Sch. Pt. I](#)
- C1 Sch. 2 modified (2.8.1993) by S.I. 1993/1813, arts. 7(1), 1, [Sch. 4 para. 1\(11\)](#) (as amended: (1.12.1997) by S.I. 1994/1405, art. 8, [Sch. 4 para. 11](#); (30.7.2000) by S.I. 2000/1775, arts. 1, [2\(2\)](#); (25.5.2001) by S.I. 2001/1544, arts. 1(2), [6\(3\)](#) (as itself amended (2.1.2008) by S.I. 2007/3579, [art. 2\(2\)\(3\)](#)); (5.8.2014) by S.I. 2014/1814, arts. 1, [2\(3\)\(4\)](#); and (30.9.2020) by S.I. 2020/915, arts. 1(2), [5\(5\)](#))  
Sch. 2 extended (with modifications): (Guernsey) (1.8.1993) by S.I. 1993/1796, art. 3(1), [Sch. 1 Pt. 1](#); (Jersey) (1.8.1993) by S.I. 1993/1797, art. 3(1), [Sch. 1 Pt. 1](#) (as amended (17.10.2012) by S.I. 2012/2593, arts. 1, [2\(2\)](#))  
Sch. 2 applied (20.7.1994) by S.I. 1994/1895, [art. 20\(2\)](#)  
Sch. 2 amended (2.10.2000) by 1999 c. 33, s. 66; S.I. 2000/2444, art. 2, [Sch. 1](#) (subject to transitional provisions in [art. 3](#), [Sch. 2 para. 2](#))  
Sch. 2 extended (10.2.2003) (with modifications) by 2002 c. 41, s. 62(3) (with s. 159); S.I. 2003/1, [art. 2](#), [Sch. 2](#), [Sch. 2](#)  
Sch. 2 amended (1.4.2003) by 2002 c. 41, s. 68 (with s. 159); S.I. 2003/754, art. 2, [Sch. 1](#) (with transitional provisions in [arts. 3, 4](#), [Sch. 2](#)) (as amended by S.I. 2003/1040 and S.I. 2003/1339)
- C1 Sch. 2 applied by [The Immigration \(European Economic Area\) Regulations 2006 \(S.I. 2006/1003\), reg. 24\(4\)](#) (as substituted (1.6.2009) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\)](#), reg. 2, [Sch. 1 para. 10\(c\)](#))
- C1 Sch. 2 applied in part (with modifications) by S.I. 2006/1003, reg. 29AA(6)(7) (as inserted (28.7.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/1976\)](#), reg. 1, [Sch. para. 8](#) (with reg. 4))
- C1 Sch. 2 modified (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\)](#), regs. 1(1), [21\(8\)\(b\)](#) (with reg. 3)
- C1 Sch. 2 modified (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\)](#), regs. 1(1), [55\(7\)\(b\)](#) (with reg. 3)
- C1 Schs. 2-4: amendment to earlier affecting S.I. 1993/1797, Sch. 1 Pt. 1 (11.10.2017 coming into force in accordance with art. 1) by [The Immigration \(Jersey\) \(Amendment\) Order 2017 \(S.I. 2017/981\)](#), [Sch. Pt. 1 para. 1](#) (with art. 6)
- C1 Sch. 2 modified by S.I. 1994/1405, art. 7 (as amended (coming into force in accordance with art. 1(3) of the amending S.I.) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), arts. 1(3), [11](#))
- C1 Sch. 2 modified (30.9.2020 immediately after the entry into force of S.I. 2020/915, art. 5) by [The Channel Tunnel \(Arrangements with the Kingdom of the Netherlands\) Order 2020 \(S.I. 2020/916\)](#), arts. 1(3), [6](#)
- C1 Sch. 2 applied (31.12.2020) by [The Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1213\)](#), regs. 1(2)(3), [16\(1\)\(4\)](#)
- C1 Sch. 2 modified (31.12.2020) by [The Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1213\)](#), regs. 1(2)(3), [7](#)
- C1 Sch. 2 modified (31.12.2020) by [The Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1213\)](#), regs. 1(2)(3), [13\(2\)](#)

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**C20** Sch. 2 applied (1.2.2017 for specified purposes) by [The Immigration \(European Economic Area\) Regulations 2016 \(S.I. 2016/1052\)](#), regs. 1(2)(b), **40(7)**, 41(7)

## PART I

### GENERAL PROVISIONS

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

- C1** Sch. 2 Pt. I applied (with modifications) (2.10.2000) by [1999 c. 33, s. 58\(3\)](#), **Sch. 4 Pt. II para. 12**; [S.I. 2000/2444, art. 2](#), **Sch. 1** (subject to transitional provisions in [art. 3](#), [Sch. 2 para. 2](#))  
 Sch. 2 Pt. I amended (2.10.2000) by [1999 c. 33, s. 58\(3\)](#), **Sch. 4 Pt. II para. 15**; [S.I. 2000/2444, art. 2](#), **Sch. 1** (subject to transitional provisions in [art. 3](#), [Sch. 2 para. 2](#))  
 Sch. 2 Pt. I applied (with modifications) (2.10.2000 with application as mentioned in regs. 9, 28) by [S.I. 2000/2326, reg. 32\(3\)\(7\)](#) (as substituted (1.4.2003) for [reg. 34\(3\)\(10\)](#) by [S.I. 2003/549, reg. 2\(8\)](#) (with [reg. 3](#)))
- C10** Sch. 2 Pt. I applied (1.2.2017 for specified purposes) by [The Immigration \(European Economic Area\) Regulations 2016 \(S.I. 2016/1052\)](#), regs. 1(2)(b), **40(4)**

#### *Detention of persons liable to examination or removal*

- 16 (1) A person who may be required to submit to examination under paragraph 2 above may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter.
- [<sup>F1</sup>(1A) A person whose leave to enter has been suspended under paragraph 2A may be detained under the authority of an immigration officer pending—
- (a) completion of his examination under that paragraph; and
  - (b) a decision on whether to cancel his leave to enter.]
- [<sup>F2</sup>(1B) A person who has been required to submit to further examination under paragraph 3(1A) may be detained under the authority of an immigration officer, for a period not exceeding 12 hours, pending the completion of the examination.]
- [<sup>F3</sup>(2) If there are reasonable grounds for suspecting that a person is someone in respect of whom directions may be given under any of paragraphs [<sup>F4</sup>8 to 10A] or 12 to 14, that person may be detained under the authority of an immigration officer pending—
- (a) a decision whether or not to give such directions;
  - (b) his removal in pursuance of such directions.]
- [<sup>F5</sup>(2A) But the detention of an unaccompanied child under sub-paragraph (2) is subject to paragraph 18B.]
- [<sup>F6</sup>(2B) The detention under sub-paragraph (2) of a person to whom section 60 (limitation on detention of pregnant women) of the Immigration Act 2016 applies is subject to that section.]
- [<sup>F7</sup>(2C) A person may be detained under the authority of an immigration officer—
- (a) if the immigration officer suspects that the person meets the four conditions in section 2 of the Illegal Migration Act 2023 (conditions relating to removal

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- from the United Kingdom), pending a decision as to whether the conditions are met;
- (b) if the immigration officer suspects that the Secretary of State has a duty to make arrangements for the removal of the person from the United Kingdom under that section, pending a decision as to whether the duty applies;
  - (c) if the Secretary of State has such a duty, pending the person's removal from the United Kingdom in accordance with that section;
  - (d) if the person meets those four conditions but the Secretary of State does not have such a duty by virtue of [subsection \(1\) of section 4](#) of that Act—
    - (i) pending a decision to give limited leave to enter or remain under the immigration rules to the person for the purposes of that subsection,
    - (ii) pending a decision to give leave under section 8AA of the Immigration Act 1971 (discretionary leave for persons generally ineligible for leave etc),
    - (iii) pending a decision to give leave under section 65(2) of the Nationality and Borders Act 2022 (leave to remain for victims of slavery or human trafficking), or
    - (iv) pending a decision to remove the person under [subsection \(2\) of section 4](#) of the Illegal Migration Act 2023 (power to remove unaccompanied children), and pending their removal in accordance with that subsection.
- (2D) But if the immigration officer is satisfied that a woman being detained under sub-paragraph [\(2C\)](#) is pregnant, then the woman may not be detained under that sub-paragraph for a period of—
- (a) more than 72 hours from the relevant time, or
  - (b) more than seven days from the relevant time, in a case where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).
- (2E) A woman who has been released as a result of sub-paragraph [\(2D\)](#) may be detained again under sub-paragraph [\(2C\)](#) in accordance with sub-paragraph [\(2D\)](#).
- (2F) Where a woman being detained under sub-paragraph [\(2C\)](#) has previously been detained under section 62([2A](#)) of the Nationality, Immigration and Asylum Act 2002 and has not been released in between, the definition of “the relevant time” in sub-paragraph [\(2G\)](#) is to be read as if paragraph (b) referred to the time when the woman was first detained under sub-paragraph [\(2C\)](#) or section 62([2A](#)) of that Act.
- (2G) In sub-paragraphs [\(2D\)](#) to [\(2F\)](#)—
- “the relevant time” means the later of—
- (a) the time at which the immigration officer is first satisfied that the woman is pregnant, and
  - (b) the time at which the detention under sub-paragraph [\(2C\)](#) begins;
- “woman” means a female of any age.
- (2H) The powers in sub-paragraph [\(2C\)](#) may be exercised in respect of an unaccompanied child only in the circumstances specified in regulations made by the Secretary of State.
- (2I) The Secretary of State may, by regulations, specify time limits that apply in relation to the detention of an unaccompanied child under sub-paragraph [\(2C\)\(d\)\(iv\)](#) (detention of unaccompanied child in relation to removal).

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- (2J) Regulations under sub-paragraph (2H) may confer a discretion on the Secretary of State or an immigration officer.
- (2K) Regulations under sub-paragraph (2H) or (2I)—
- (a) may make different provision for different purposes;
  - (b) may make consequential, supplementary, incidental, transitional or saving provision;
  - (c) must be made by statutory instrument.
- (2L) A person who may be detained under sub-paragraph (2C) may no longer be detained under sub-paragraph (1), (1A), (1B), (2), (3) or (4).
- (2M) A person (of any age) detained under sub-paragraph (2C) may be detained in any place that the Secretary of State considers appropriate.
- (2N) A statutory instrument containing regulations under sub-paragraph (2H) or (2I) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (2P) In sub-paragraphs (2H) and (2I), “unaccompanied child” has the same meaning as in the Illegal Migration Act 2023 (see section 4 of that Act).]
- (3) A person on board a ship or aircraft may, under the authority of an immigration officer, be removed from the ship or aircraft for detention under this paragraph; but if an immigration officer so requires the captain of a ship or aircraft shall prevent from disembarking in the United Kingdom any person who has arrived in the United Kingdom in the ship or aircraft and been refused leave to enter, and the captain may for that purpose detain him in custody on board the ship or aircraft.
- (4) The captain of a ship or aircraft, if so required by an immigration officer, shall prevent from disembarking in the United Kingdom or before the directions for his removal have been fulfilled any person placed on board the ship or aircraft under paragraph 11 or 15 above, and the captain may for that purpose detain him in custody on board the ship or aircraft.
- <sup>F8</sup>(4A) . . . . .
- [<sup>F9</sup>(5) See paragraph 17A for further provision about the period for which persons may be detained under this paragraph.]

#### Textual Amendments

- F1** Sch. 2 para. 16(1A) inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 60; S.I. 2000/168, art. 2, Sch. 1 (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F2** Sch. 2 para. 16(1B) inserted (31.8.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), s. 42(3); S.I. 2006/2226, art. 3, Sch. 1 (subject to transitional provisions in art. 4)
- F3** Sch. 2 para. 16(2) substituted (11.11.1999) by 1999 c. 33, ss. 140(1), 170(3) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F4** Words in Sch. 2 para. 16(2) substituted (10.2.2003) by 2002 c. 41, s. 73(5) (with s. 159); S.I. 2003/1, art. 2, Sch.
- F5** Sch. 2 para. 16(2A) inserted (28.7.2014) by Immigration Act 2014 (c. 22), ss. 5(2), 75(3); S.I. 2014/1820, art. 3(d)
- F6** Sch. 2 para. 16(2B) inserted (12.7.2016) by Immigration Act 2016 (c. 19), ss. 60(10), 94(1); S.I. 2016/603, reg. 3(m)

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- F7** Sch. 2 para. 16(2C)-(2P) inserted (20.7.2023 for specified purposes) by [Illegal Migration Act 2023 \(c. 37\)](#), **ss. 11(2)**, [68\(1\)\(4\)\(d\)](#) (with [s. 55\(9\)](#))
- F8** Sch. 2 para. 16(4A) repealed by [S.I. 1993/1813](#), [art. 9\(1\)](#), **Sch. 6 Pt. I**
- F9** Sch. 2 para. 16(5) inserted (28.9.2023) by [Illegal Migration Act 2023 \(c. 37\)](#), **ss. 12(1)(a)**, [68\(1\)](#) (with [s. 55\(9\)](#)); [S.I. 2023/989](#), [reg. 2\(a\)](#)

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

- C1** Sch. 2 para. 16 applied (2.10.2000) by [Immigration and Asylum Act 1999 \(c. 33\)](#), **s. 9(4)**, [10](#) (as substituted (20.10.2014) by [c. 22](#), [ss. 1](#), [75\(3\)](#); [S.I. 2014/2771](#), [art. 2\(a\)](#) (with **arts. 9-11**) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), [arts. 1\(2\)\(3\)](#), [7](#), [8](#); and with transitional provisions and savings in [S.I. 2014/2928](#), **art. 2** (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), [arts. 1\(3\)](#), [9](#))); [S.I. 2000/2444](#), **art. 2**, **Sch. 1** (subject to transitional provisions in [art. 3](#), [Sch. 2 para. 2](#)) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252](#), [art. 2](#), **Sch.**)
- C2** Sch. 2 para. 16 extended (14.12.2001) by [2001 c. 24](#), **ss. 23(2)(a)**, [127\(2\)](#)
- C3** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by [S.I. 2000/2326](#), **reg. 24(2)** (with [regs. 9](#), [28](#))
- Sch. 2 para. 16 applied (2.10.2000) by [S.I. 2000/2326](#), **reg. 25(3)(a)** (with [regs. 9](#), [28](#))
- C4** Sch. 2 paras. 16-18A 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)(a)(2)**
- C5** Sch. 2 para. 16(1) modified (15.1.2018) by [Immigration Act 2016 \(c. 19\)](#), [s. 94\(1\)](#), **Sch. 10 para. 3(3)**; [S.I. 2017/1241](#), [reg. 2\(c\)](#) (with [Sch.](#)) (as amended by [S.I. 2018/31](#), [reg. 2](#))
- C5** Sch. 2 para. 16(2)-(4) applied by [1999 c. 33](#), **s. 10(9)(b)** (as substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 1**, [75\(3\)](#); [S.I. 2014/2771](#), [art. 2\(a\)](#) (with **arts. 9-11**) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), [arts. 1\(2\)\(3\)](#), [7](#), [8](#); and with transitional provisions and savings in [S.I. 2014/2928](#), **art. 2** (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), [arts. 1\(3\)](#), [9](#))))

17 (1) A person liable to be detained under paragraph 16 above may be arrested without warrant by a constable or by an immigration officer.

(2) If—

- (a) a justice of the peace is by written information on oath satisfied that there is reasonable ground for suspecting that a person liable to be arrested under this paragraph is to be found on any premises; or
- (b) in Scotland, a sheriff, or a <sup>F10</sup> . . . justice of the peace, having jurisdiction in the place where the premises are situated is by evidence on oath so satisfied;

he may grant a warrant [<sup>F11</sup>authorising any immigration officer or constable to enter], [<sup>F12</sup>if need be by reasonable force], the premises named in the warrant for the purpose of searching for and arresting that person.

[<sup>F13</sup>(3) Sub-paragraph (4) applies where an immigration officer or constable—

- (a) enters premises in reliance on a warrant under sub-paragraph (2), and
- (b) detains a person on the premises.

(4) A detainee custody officer may enter the premises, if need be by reasonable force, for the purpose of carrying out a search.

(5) In sub-paragraph (4)—

“detainee custody officer” means a person in respect of whom a certificate of authorisation is in force under section 154 of the Immigration and Asylum Act 1999 (c. 33) (detained persons: escort and custody), and

“search” means a search under paragraph 2(1)(a) of Schedule 13 to that Act (escort arrangements: power to search detained person).]



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### Textual Amendments

- F10** Words in Sch. 2 para. 17(2)(b) repealed (1.10.1996) by 1996 c. 49, s. 12(1)(3), Sch. 2 para. 7, **Sch. 4**; S.I. 1996/2053, art. 2, **Sch. Pt. III**
- F11** Words in Sch. 2 para. 17(2) substituted (11.11.1999) by 1999 c. 33, ss. 140(2), 170(3) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, **art. 2**, Sch.)
- F12** Words in Sch. 2 para. 17(2) substituted (10.2.2003) by 2002 c. 41, s. 63 (with s. 159); S.I. 2003/1, **art. 2**, Sch.
- F13** Sch. 2 para. 17(3)-(5) inserted (10.2.2003) by 2002 c. 41, s. 64 (with s. 159); S.I. 2003/1, **art. 2**, Sch.

### Modifications etc. (not altering text)

- C6** Sch. 2 para. 17 applied (2.10.2000) by 1999 c. 33, ss. 9(4), 10(7); S.I. 2000/2444, art. 2, Sch. 1 (subject to transitional provisions in **art. 3**, Sch. 2 para. 2) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, **art. 2**, Sch.)
- C7** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, **reg. 24(2)** (with **regs. 9, 28**)  
 Sch. 2 para. 17 applied (2.10.2000) by S.I. 2000/2326, **reg. 25(3)(a)** (with **regs. 9, 28**)
- C8** Sch. 2 para. 17 applied by **The Immigration (European Economic Area) Regulations 2006** (S.I. 2006/1003), **reg. 24(1)** (as substituted (1.6.2009) by **The Immigration (European Economic Area) (Amendment) Regulations 2009** (S.I. 2009/1117), **reg. 2**, **Sch. 1 para. 10(a)**)
- C9** Sch. 2 para. 17 applied by 1999 c. 33, s. 10(9)(c) (as substituted (20.10.2014) by **Immigration Act 2014** (c. 22), **ss. 1, 75(3)**; S.I. 2014/2771, **art. 2(a)** (with **arts. 9-11**) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, **arts. 1(2)(3), 7, 8**; and with transitional provisions and savings in S.I. 2014/2928, **art. 2** (which S.I. is revoked (6.4.2015) by S.I. 2015/371, **arts. 1(3), 9**))
- C11** Sch. 2 para. 17 applied (1.2.2017 for specified purposes) by **The Immigration (European Economic Area) Regulations 2016** (S.I. 2016/1052), **regs. 1(2)(b), 32(1), 40(7), 41(7)**
- C12** Sch. 2 paras. 16-18A 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)(a)(2)**
- C13** Sch. 2 paras. 17-18A applied by S.I. 2016/1052, **reg. 32(6)** (as amended (28.9.2023) by **Illegal Migration Act 2023** (c. 37), **ss. 12(6), 68(1)** (with s. 55(9)); S.I. 2023/989, **reg. 2(a)**)
- C14** Sch. 2 para. 17(1) amended (2.8.1993) by S.I. 1993/1813, **arts. 6, 1**, **Sch. 3 Pt. 1 para. 2(2)(a)**; Sch. 2 para. 17 amended by the said S.I. 1993/1813, **arts. 6, 7**, Sch. 3 para. 2, **Sch. 4** as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, **arts. 6, 8**, Sch. 3 para. 3, **Sch. 4 para. 11** Table

[<sup>F14</sup>17A(1)] A person liable to be detained under paragraph 16 may be detained for such period as, in the opinion of the Secretary of State, is reasonably necessary to enable the examination or removal to be carried out, the decision to be made, or the directions to be given.

- (2) Sub-paragraphs (1) to (2), (2C), (3) and (4) of paragraph 16 apply regardless of whether there is anything that for the time being prevents the examination or removal from being carried out, the decision from being made, or the directions from being given.
- (3) Sub-paragraphs (1) and (2) are subject to—
- (a) paragraph 16(1B) (power to detain for examination for period not exceeding 12 hours);
  - (b) paragraph 16(2A) and paragraph 18B (limitation on detention of unaccompanied children);
  - (c) paragraph 16(2B) and section 60 of the Immigration Act 2016 (limitation on detention of pregnant women);
  - (d) paragraph 16(2D) to (2G) (limitation on detention of pregnant women).

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- (4) Sub-paragraph (5) applies if, while a person is detained under paragraph 16, the Secretary of State no longer considers that the examination or removal will be carried out, the decision will be made, or the directions will be given within a reasonable period of time.
- (5) The person may be detained under paragraph 16 for such further period as, in the opinion of the Secretary of State, is reasonably necessary to enable such arrangements to be made for the person's release as the Secretary of State considers to be appropriate.
- (6) In the application of this paragraph in relation to detention under paragraph 16(3), references to "the removal" are to—
  - (a) the removal of the person from the ship or aircraft on which the person is detained so that the person may be detained under paragraph 16, or
  - (b) the removal of the person from the United Kingdom in that ship or aircraft.
- (7) In the application of this paragraph in relation to detention under paragraph 16(4), references to "the removal" are to the removal of the person from the United Kingdom in the ship or aircraft on which the person is detained.]

#### Textual Amendments

**F14** Sch. 2 para. 17A inserted (28.9.2023) by [Illegal Migration Act 2023 \(c. 37\)](#), ss. [12\(1\)\(b\)](#), [68\(1\)](#) (with s. [55\(9\)](#)); S.I. [2023/989](#), reg. [2\(a\)](#)

- 18 (1) Persons may be detained under paragraph 16 above in such places as the Secretary of State may direct (when not detained in accordance with paragraph 16 on board a ship or aircraft).
- [<sup>F15</sup>(1A) But the detention of an unaccompanied child under paragraph 16(2) is subject to paragraph 18B.]
- (2) Where a person is detained [<sup>F16</sup>or liable to be detained] under paragraph 16, any immigration officer, constable or prison officer, or any other person authorised by the Secretary of State, may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying him.
- [<sup>F17</sup>(2A) The power conferred by sub-paragraph (2) includes power to take [<sup>F18</sup>biometric information (within the meaning given by section 15 of the UK Borders Act 2007)].]
- [<sup>F19</sup>(2B) Paragraph 4(7) to (9) applies to sub-paragraph (2) as it applies to paragraph 4(5).]
- (3) Any person detained under paragraph 16 may be taken in the custody of a constable, [<sup>F20</sup>an immigration officer, or] any person acting under the authority of an immigration officer, to and from any place where his attendance is required for the purpose of ascertaining his citizenship or nationality or of making arrangements for his admission to a country or territory other than the United Kingdom, or where he is required to be for any other purpose connected with the operation of this Act.
  - (4) A person shall be deemed to be in legal custody at any time when he is detained under paragraph 16 or is being removed in pursuance of sub-paragraph (3) above.

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### Textual Amendments

- F15** Sch. 2 para. 18(1A) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 5(3)**, 75(3); S.I. 2014/1820, **art. 3(d)**
- F16** Words in Sch. 2 para. 18(2) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 9**, 75(3); S.I. 2014/1820, **art. 3(h)**
- F17** Sch. 2 para. 18(2A) inserted (11.12.2000) by [1999 c. 33](#), s. 169(1), [Sch. 14 paras. 43, 61](#); S.I. 2000/3099, **art. 2**, [Sch.](#) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, **art. 2**, [Sch.](#))
- F18** Words in Sch. 2 para. 18(2A) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 2 para. 1(4)**; S.I. 2014/1820, **art. 3(z)**
- F19** Sch. 2 para. 18(2B) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 13(3)**, 75(3); S.I. 2014/1820, **art. 3(l)**
- F20** Words in Sch. 2 para. 18(3) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 1 para. 1**; S.I. 2014/1820, **art. 3(y)**

### Modifications etc. (not altering text)

- C13** [Sch. 2 paras. 17-18A](#) applied by [S.I. 2016/1052](#), **reg. 32(6)** (as amended (28.9.2023) by [Illegal Migration Act 2023 \(c. 37\)](#), **ss. 12(6)**, 68(1) (with s. 55(9)); S.I. 2023/989, **reg. 2(a)**)
- C15** Sch. 2 para. 18 applied (2.10.2000) by [Immigration and Asylum Act 1999 \(c. 33\)](#), **ss. 9(4)**, 10 (as substituted (20.10.2014) by [2014 c. 22](#), **ss. 1**, 75(3); S.I. 2014/2771, **art. 2(a)** (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), **art. 2** (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9)); S.I. 2000/2444, **art. 2**, [Sch. 1](#) (subject to transitional provisions in [art. 3](#), [Sch. 2 para. 2](#)) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252](#), **art. 2**, [Sch.](#))
- C16** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by [S.I. 2000/2326](#), **reg. 24(2)** (with [regs. 9, 28](#))  
 Sch. 2 para. 18 applied (2.10.2000) by [S.I. 2000/2326](#), **reg. 25(3)(a)** (with [regs. 9, 28](#))
- C17** Sch. 2 para. 18 applied by [The Immigration \(European Economic Area\) Regulations 2006 \(S.I. 2006/1003\)](#), **reg. 24(1)** (as substituted (1.6.2009) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\)](#), **reg. 2**, **Sch. 1 para. 10(a)**)
- C18** Sch. 2 paras. 16-18A 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)(a)(2)**

- [<sup>F21</sup>18A(1) An immigration officer or constable may search a person (“P”) who is detained under paragraph 16 for anything which P might use—
- (a) to cause physical injury to P or others, or
  - (b) to assist P's escape from legal custody.
- (2) The power to search P—
- (a) unless sub-paragraph (3) applies, does not include power to require P to remove any clothing other than an outer coat, jacket or glove, but
  - (b) includes power to require P to open P's mouth.
- (3) This sub-paragraph applies if an immigration officer or constable has reasonable grounds to believe that there is concealed on P anything which P might use as mentioned in sub-paragraph (1).
- (4) The power to search P may be exercised only to the extent reasonably required for the purpose of discovering anything which P might use as mentioned in sub-paragraph (1).



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- (5) An intimate search (as defined in section 28H(11)) may not be conducted under this paragraph.
- (6) An immigration officer or constable may seize and retain anything found on a search of P if the officer or constable has reasonable grounds to believe P might use it as mentioned in sub-paragraph (1).
- (7) Nothing seized under sub-paragraph (6) may be retained when P is released from detention under paragraph 16.]

#### Textual Amendments

- F21** Sch. 2 para. 18A inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 1 para. 2(1)**; [S.I. 2014/1820](#), art. 3(y)

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

- C13** Sch. 2 paras. 17-18A applied by [S.I. 2016/1052](#), **reg. 32(6)** (as amended (28.9.2023) by [Illegal Migration Act 2023 \(c. 37\)](#), **ss. 12(6)**, 68(1) (with s. 55(9)); [S.I. 2023/989](#), **reg. 2(a)**)
- C19** Sch. 2 para. 18A applied by [Immigration and Asylum Act 1999 \(c. 33\)](#), s. 10(9)(e) (as substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 1**, 75(3); [S.I. 2014/2771](#), art. 2(a) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9)))
- C21** Sch. 2 para. 18A applied (1.2.2017 for specified purposes) by [The Immigration \(European Economic Area\) Regulations 2016 \(S.I. 2016/1052\)](#), **regs. 1(2)(b)**, **32(1)**
- C22** Sch. 2 paras. 16-18A 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)(a)(2)**

- [<sup>F22</sup>18B] (1) Where a person detained under paragraph 16(2) is an unaccompanied child, the only place where the child may be detained is a short-term holding facility, except where—
- (a) the child is being transferred to or from a short-term holding facility, or
  - (b) sub-paragraph (3) of paragraph 18 applies.
- (2) An unaccompanied child may be detained under paragraph 16(2) in a short-term holding facility for a maximum period of 24 hours, and only for so long as the following two conditions are met.
- (3) The first condition is that—
- (a) directions are in force that require the child to be removed from the short-term holding facility within the relevant 24 hour period, or
  - (b) a decision on whether or not to give directions is likely to result in such directions.
- (4) The second condition is that the immigration officer under whose authority the child is being detained reasonably believes that the child will be removed from the short-term holding facility within the relevant 24 hour period in accordance with those directions.
- (5) An unaccompanied child detained under paragraph 16(2) who has been removed from a short-term holding facility and detained elsewhere may be detained again in a short-term holding facility but only if, and for as long as, the relevant 24 hour period has not ended.

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- (6) An unaccompanied child who has been released following detention under paragraph 16(2) may be detained again in a short-term holding facility in accordance with this paragraph.
- (7) In this paragraph—
- “relevant 24 hour period”, in relation to the detention of a child in a short-term holding facility, means the period of 24 hours starting when the child was detained (or, in a case falling within sub-paragraph (5), first detained) in a short-term holding facility;
- “short-term holding facility” has the same meaning as in Part 8 of the Immigration and Asylum Act 1999;
- “unaccompanied child” means a person—
- (a) who is under the age of 18, and
  - (b) who is not accompanied (whilst in detention) by his or her parent or another individual who has care of him or her.]

#### Textual Amendments

**F22** Sch. 2 para. 18B inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 5(4), 75(3)**; [S.I. 2014/1820](#), **art. 3(d)**

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

**C23** Sch. 2 para. 18B applied by Immigration and Asylum Act 1999 (c. 33), s. 10(9)(f) (as substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 1, 75(3)**; [S.I. 2014/2771](#), **art. 2(a)** (with **arts. 9-11**) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

- 19 (1) Where a person is refused leave to enter the United Kingdom and directions are given in respect of him under paragraph 8 or 10 above, then subject to the provisions of this paragraph the owners or agents of the ship or aircraft in which he arrived <sup>F23</sup>. . . shall be liable to pay the Secretary of State on demand any expenses incurred by the latter in respect of the custody, accommodation or maintenance of that person [<sup>F24</sup>for any period (not exceeding 14 days)] after his arrival while he was detained or liable to be detained under paragraph 16 above.
- (2) Sub-paragraph (1) above shall not apply to expenses in respect of a person who, when he arrived in the United Kingdom, held a [<sup>F25</sup>certificate of entitlement] or a current entry clearance or was the person named in a current work permit; and for this purpose a document purporting to be a [<sup>F25</sup>certificate of entitlement], entry clearance or work permit is to be regarded as being one unless its falsity is reasonably apparent.
- (3) If, before the directions for a person’s removal under paragraph 8 or 10 above have been carried out, he is given leave to enter the United Kingdom, or if he is afterwards given that leave in consequence of the determination in his favour of an appeal under this Act (being an appeal against a refusal of leave to enter by virtue of which the directions were given), or it is determined on an appeal under this Act that he does not require leave to enter (being an appeal occasioned by such a refusal), no sum shall be demanded under subparagraph (1) above for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.
- (4) Sub-paragraph (1) above shall not have effect in relation to directions which, in consequence of an appeal under this Act, have ceased to have effect or are for the

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time being of no effect; and the expenses to which that sub-paragraph applies include expenses in conveying the person in question to and from the place where he is detained or accommodated unless the journey is made for the purpose of attending an appeal by him under this Act.

#### Textual Amendments

- F23** Words in Sch. 2 para. 19(1) repealed (2.8.1993) by S.I. 1993/1813, art. 9(1), **Sch. 6 Pt. I**
- F24** Words in Sch. 2 para. 19(1) substituted (1.9.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para.8**; S.I. 1996/2053, art. 2, **Sch. Pt.II**
- F25** Words substituted by **British Nationality Act 1981 (c. 61)**, s. 52(7), **Sch. 4 para. 3(1)** (with Sch. 8 para. 8)

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

- C24** Sch. 2 para. 19 applied (with modifications) (2.10.2000) by S.I. 2000/2326, **reg. 25(3)(b)** (with **regs. 9, 28**)
- C25** Sch. 2 para. 19 applied by **Immigration and Asylum Act 1999 (c. 33)**, **s. 10(9)(g)** (as substituted (20.10.2014) by **Immigration Act 2014 (c. 22)**, **ss. 1, 75(3)**; S.I. 2014/2771, art. 2(a) (with **arts. 9-11**) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, **arts. 1(2)(3), 7, 8**; and with transitional provisions and savings in S.I. 2014/2928, **art. 2** (which S.I. is revoked (6.4.2015) by S.I. 2015/371, **arts. 1(3), 9**))

20 (1) Subject to the provisions of this paragraph, in either of the following cases, that is to say,—

- (a) where directions are given in respect of an illegal entrant under paragraph 9 or 10 above; and
- (b) where a person has lawfully entered the United Kingdom without leave by virtue of section 8(1) of this Act, but directions are given in respect of him under paragraph 13(2)(A) above or, in a case within paragraph 13(2)(A), under paragraph 14;

the owners or agents of the ship or aircraft in which he arrived in the United Kingdom<sup>F26</sup> . . . shall be liable to pay the Secretary of State on demand any expenses incurred by the latter in respect of the custody, accommodation or maintenance of that person [F27 for any period (not exceeding 14 days)] after his arrival while he was detained or liable to be detained under paragraph 16 above.

<sup>F28</sup>[(1A) Sub-paragraph (1) above shall not apply to expenses in respect of an illegal entrant if he obtained leave to enter by deception and the leave has not been cancelled under paragraph 6(2) above.]

(2) If, before the directions for a person's removal from the United Kingdom have been carried out, he is given leave to remain in the United Kingdom, no sum shall be demanded under sub-paragraph (1) above for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.

(3) Sub-paragraph (1) above shall not have effect in relation to directions which, in consequence of an appeal under this Act, are for the time being of no effect; and the expenses to which that sub-paragraph applies include expenses in conveying the person in question to and from the place where he is detained or accommodated unless the journey is made for the purpose of attending an appeal by him under this Act.

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#### **Textual Amendments**

- F26** Words in Sch. 2 para. 20(1) repealed (2.8.1993) by [S.I. 1993/1813](#) art. 9(1), Sch. 6 Pt. I
- F27** Words in Sch. 2 para. 20(1) substituted (1.9.1996) by [1996 c. 49, s. 12\(1\)](#), [Sch. 2 para. 9\(1\)](#); [S.I. 1996/2053, art. 2](#), [Sch. Pt. II](#)
- F28** Sch. 2 para. 20(1A) inserted (1.9.1996) by [1996 c. 49, s. 12\(1\)](#), [Sch. 2 para. 9\(2\)](#); [S.I. 1996/2053, art. 2](#), [Sch. Pt. II](#)

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

- C26** Sch. 2 para. 20 applied by [Immigration and Asylum Act 1999 \(c. 33\)](#), [s. 10\(9\)\(g\)](#) (as substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), [ss. 1, 75\(3\)](#); [S.I. 2014/2771, art. 2\(a\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371, arts. 1\(2\)\(3\), 7, 8](#); and with transitional provisions and savings in [S.I. 2014/2928, art. 2](#) (which S.I. is revoked (6.4.2015) by [S.I. 2015/371, arts. 1\(3\), 9\)\)\)](#)
- C27** Sch. 2 para. 20(1) restricted (10.6.1991) by [Criminal Justice \(International Co-operation\) Act 1990 \(c. 5, SIF 39:1\)](#), [s. 6\(6\)\(b\)](#); [S.I. 1991/1072, art. 2](#), [Sch. Pt. I](#)

**Changes to legislation:**

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

- Sch. 2 para. 16 cross-heading words inserted by [2023 c. 37 s. 11\(3\)](#)

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

- Act applied by [2008 c. 4 s. 133\(7\)\(8\)](#)

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

- s. 10(1A)(1B) inserted by [1999 c. 33 Sch. 14 para. 47\(3\)](#)
- s. 24(1)(fa) inserted by [2023 c. 37 s. 10\(2\)](#)
- s. 24C-24F inserted by [2016 c. 19 s. 44\(2\)](#)
- s. 26A(1)(b)(ia) inserted by [2016 c. 19 Sch. 11 para. 25](#)
- s. 27(1)(aa) inserted by [2023 c. 37 s. 10\(3\)\(a\)](#)
- s. 27(1)(ba) inserted by [2023 c. 37 s. 10\(3\)\(b\)](#)
- s. 28CA(1)(bb) substituted for word in s. 28CA(1)(b) by [2016 c. 19 s. 44\(5\)](#)
- Sch. 2 para. 27B(4A) inserted by [2004 c. 19 s. 16](#)
- Sch. 2 para. 26(4) inserted by [2016 c. 19 s. 74\(1\)](#)
- Sch. 2 Pt. 1A inserted by [2016 c. 19 Sch. 13](#)
- Sch. 2 para. 11A inserted by [2023 c. 37 s. 10\(4\)](#)