

SCHEDULES

SCHEDULE 10

IMMIGRATION BAIL

PART 1

MAIN PROVISIONS

Power to grant immigration bail

- 1 (1) The Secretary of State may grant a person bail if—
 - (a) 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),
 - (b) the person is being detained under paragraph 2(1), (2) or (3) of Schedule 3 to that Act (detention pending deportation),
 - (c) 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
 - (d) 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—
 - (a) the person is being detained under paragraph 16(1), (1A) or (2) of Schedule 2 to the Immigration Act 1971,
 - (b) the person is being detained under paragraph 2(1), (2) or (3) of Schedule 3 to that Act,
 - (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

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- (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).