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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 02 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 2 **U.K.**

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\(c\)](#))

PART I **U.K.**

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))

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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.
- [^{F1}(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.]
- [^{F2}(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 [^{F3}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.]
- (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.

^{F4}(4A)

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(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.)
- F3** 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.
- F4** Sch. 2 para. 16(4A) repealed by S.I. 1993/1813, art. 9(1), Sch. 6 Pt. I

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.)
- Sch. 2 para. 16 extended (14.12.2001) by 2001 c. 24, ss. 23(2)(a), 127(2)

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- C2** 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](#))

- 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 ^{F5}. . . 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 [^{F6}authorising any immigration officer or constable to enter], [^{F7}if need be by reasonable force], the premises named in the warrant for the purpose of searching for and arresting that person.
- [^{F8}(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).]

Textual Amendments

- F5** 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](#)
- F6** 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.](#))
- F7** 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.](#)
- F8** 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)

- C3** 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.](#))
- C4** 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](#))
- C5** 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\(a\)](#))

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C6 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

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).

(2) Where a person is 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.

[^{F9}(2A) The power conferred by sub-paragraph (2) includes power to take fingerprints.]

(3) Any person detained under paragraph 16 may be taken in the custody of a constable, or of 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.

Textual Amendments

F9 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.**)

Modifications etc. (not altering text)

C7 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.**)

C8 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**)

C9 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)**)

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 ^{F10} . . . 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 [^{F11} for any period (not exceeding 14 days)] after his arrival while he was detained or liable to be detained under paragraph 16 above.

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- (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 [^{F12}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 [^{F12}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 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

- F10** Words in Sch. 2 para. 19(1) repealed (2.8.1993) by [S.I. 1993/1813](#), art. 9(1), [Sch. 6 Pt. I](#)
- F11** 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](#)
- F12** 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)

- C10** Sch. 2 para. 19 applied (with modifications) (2.10.2000) by [S.I. 2000/2326](#), [reg. 25\(3\)\(b\)](#) (with [regs. 9, 28](#))

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 ^{F13} . . . 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 [^{F14}for any period (not exceeding 14 days)] after his arrival while he was detained or liable to be detained under paragraph 16 above.

[^{F15}(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.]

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- (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.

Textual Amendments

- F13** Words in Sch. 2 para. 20(1) repealed (2.8.1993) by [S.I. 1993/1813](#) art. 9(1), Sch. 6 Pt. I
- F14** 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](#)
- F15** 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)

- C11** 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](#)

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