



UK Borders Act 2007

2007 CHAPTER 30

Deportation of criminals

36 Detention

- (1) A person who has served a period of imprisonment may be detained under the authority of the Secretary of State—
 - (a) while the Secretary of State considers whether section 32(5) applies, and
 - (b) where the Secretary of State thinks that section 32(5) applies, pending the making of the deportation order.
- (2) Where a deportation order is made in accordance with section 32(5) the Secretary of State shall exercise the power of detention under paragraph 2(3) of Schedule 3 to the Immigration Act 1971 (c. 77) (detention pending removal) unless in the circumstances the Secretary of State thinks it inappropriate.
- (3) A court determining an appeal against conviction or sentence may direct release from detention under subsection (1) or (2).
- (4) Provisions of the Immigration Act 1971 which apply to detention under paragraph 2(3) of Schedule 3 to that Act shall apply to detention under subsection (1) (including provisions about bail).
- (5) Paragraph 2(5) of Schedule 3 to that Act (residence, occupation and reporting restrictions) applies to a person who is liable to be detained under subsection (1).