



Immigration Act 2014

2014 CHAPTER 22

PART 1

REMOVAL AND OTHER POWERS

Detention and bail

5 Restrictions on detention of unaccompanied children

(1) Schedule 2 to the Immigration Act 1971 (administrative provisions as to control on entry etc) is amended as follows.

(2) In paragraph 16, after paragraph (2) insert—

“(2A) But the detention of an unaccompanied child under sub-paragraph (2) is subject to paragraph 18B.”

(3) In paragraph 18, after sub-paragraph (1) insert—

“(1A) But the detention of an unaccompanied child under paragraph 16(2) is subject to paragraph 18B.”

(4) After paragraph 18A (as inserted by paragraph 2 of Schedule 1) insert—

“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.

Changes to legislation: Immigration Act 2014, Section 5 is up to date with all changes known to be in force on or before 14 March 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

- (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.
- (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.”

Commencement Information

II S. 5 in force at 28.7.2014 by S.I. 2014/1820, art. 3(d)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2014/2771 by [S.I. 2015/371 art. 78](#)
- specified provision(s) savings for earlier commencing SI 2014/2771 by [S.I. 2014/2928 art. 2](#) (Amendment already reflected in Appended Commentary in EXTOES for 2014 SI2771.)

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

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

- s. 21(4A) inserted by [S.I. 2019/745 reg. 21\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 27(7) inserted by [S.I. 2019/745 reg. 21\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 70A(6A) inserted by [S.I. 2019/745 reg. 21\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(7) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 8A inserted by [2016 c. 19 Sch. 12 para. 16](#)