

BRIEFING FOR MPs AND PEERS**JUNE 2025****Amendment to the *Border Security, Asylum and Immigration Bill* (2025):
28 day statutory time limit on immigration detention with judicial oversight**

1. This amendment to the Border Security, Asylum and Immigration Bill (2025) proposes the introduction of:
 - a. A time limit of 28 days detention for persons detained for immigration purposes;
 - b. General criteria for detention to ensure detention for the purpose of removal will only be used when strictly necessary and proportionate and when the person can be shortly removed; and
 - c. Judicial oversight of detention, via the First-tier Tribunal, with automatic bail hearings after 96 hours of detention.
2. These reforms intend to significantly reduce the incidence of unlawful or unnecessary detention and reduce the considerable suffering and inefficiency inherent in the current detention system. They would help to ensure that immigration detention is used only when a person has exhausted all appeals, removal is actually imminent, and no viable alternatives are available. These reforms would end the current situation of people being detained only to be released on immigration bail after months or years.
3. As the Home Affairs Select Committee recognised in 2019 “while the indefinite nature of detention traumatises those who are being held, it also means that there is no pressure on the Home Office and on the immigration system to make swift decisions on individuals’ cases”.¹
4. Calls for a statutory time limit on immigration detention have been made consistently by expert bodies. These calls have been made by a range of charitable organisations, as well as the Home Affairs Select Committee², Joint Committee on Human Rights³, HM Chief Inspector of Prisons⁴, the Independent Monitoring Boards⁵, the British Medical Association⁶, the Equality & Human Rights Commission⁷, the Bar Council⁸ and the Brook House Inquiry⁹.

¹ House of Commons Home Affairs Select Committee, [Fourteenth Report of Session 2017–19](#), p.4.

² House of Commons Home Affairs Select Committee, [Fourteenth Report of Session 2017–19](#), p.5.

³ Joint Committee on Human Rights, [16th Report: Immigration Detention](#) (February 2019), p.3.

⁴ See, for example, HM Inspectorate of Prisons, [Report on an unannounced inspection of Harmondsworth Immigration Removal Centre by HM Chief Inspector of Prisons](#) (12–29 February 2024), Published 09.07.2024, p.49.

⁵ See, for example, Independent Monitoring Boards, [Immigration Detention Estate National Annual Report 2022](#), p.2.

⁶ British Medical Association, [Health and human rights in immigration detention](#), Updated 28 June 2024.

⁷ Equality & Human Rights Commission, [Written evidence to the Joint Committee on Human Rights Inquiry into Immigration Detention, September 2018](#).

⁸ Bar Council, [Statement dated 30.11.2017](#).

⁹ Brook House Inquiry, Report of Brook House Inquiry, Published 19.09.2023, [Vol.2](#), p.69, para 62.

Overview of immigration detention

5. The UK currently detains over 20,000 people per year for immigration purposes (either to examine whether they should be granted entry to the UK or in order to remove or deport them from the UK).¹⁰
6. Immigration detention is not a criminal punishment but is administrative and the initial decision to detain is made by an immigration official or the Home Secretary, not a judge.
7. The current immigration detention system is at odds with the UK's traditional approach to deprivation of liberty. There is no fixed limit on the length of time a person can be held in immigration detention (other than for children and pregnant women).¹¹
8. Even in the most serious criminal cases, judicial oversight of detention is required after 36 hours and individuals must be released from detention after 96 hours if charges are not laid.¹² Those suspected of terrorism offences can be held for a maximum of 14 days, creating the extraordinary position that someone fleeing terrorism as a refugee can be detained for longer than someone suspected of committing terrorism.¹³
9. The indefinite nature of detention creates particular harm. The British Medical Association has reported on "the significant health effects indeterminate detention can have on individuals" and has called for "a clear limit on the length of time that people can be held in detention, with a presumption that they are held for the shortest possible time."¹⁴ Likewise, the Royal College of Psychiatrists' 2021 position statement on the detention of people with mental disorders concludes that being detained in an IRC is likely to cause a significant deterioration of mental health in most cases.¹⁵ Detention can also act as a causal factor in the onset of new mental health problems in people who were previously well¹⁶, and it has been found that the "only efficient way to improve [...] detainees' mental health is to release them from detention".¹⁷
10. Conditions in Immigration Removal Centres (IRCs) are often harsh and prison-like¹⁸, with people routinely locked in cells for up to 12 hours per day¹⁹. In a recent full inspection report on an IRC, HM Chief Inspector of Prisons noted that "[a] longstanding and fundamental problem was that all immigration detainees at Brook House, who should be held in relaxed conditions with minimal restrictions, were instead in an institution that looked and felt like a prison...the centre...simply did not have enough space or experienced staff to manage an

¹⁰ In the year ending March 2025, there were 20,919 instances of people entering immigration detention. See, Home Office, [How many people are detained under immigration powers in the UK?](#), June 2025.

¹¹ [Immigration Act 2014, s.5 and 6; Immigration Act 2016, s.60.](#)

¹² [Police and Criminal Evidence Act 1984](#), ss.41-44.

¹³ [Terrorism Act 2000](#), s.41 and sch.8.

¹⁴ British Medical Association, [Locked up, locked out, health and human rights in immigration detention](#), Published Nov 2017, p.4 and 7.

¹⁵ Royal College of Psychiatrists, [Position Statements 2021, Detention of people with mental disorders in immigration removal centres \(PS02/21\) \(PDF\)](#), Published Apr 2021, p.3.

¹⁶ Medical Justice, ['If he dies, he dies': What has changed since the Brook House Inquiry? \(2023\)](#), Published Dec 2023, p.21.

¹⁷ Verhulsdonk, I., Shahab, M., & Molendijk, M. (2021) ["Prevalence of Psychiatric Disorders Among Refugees and Migrants in Immigration Detention: Systematic Review with Meta-analysis"](#), BJPsych Open, 7(6).

¹⁸ [Report to the United Kingdom Government on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 27 March to 6 April 2023](#), Published 08.02.24, p.11 and 12

¹⁹ See HM Chief Inspector of Prisons reports, including: [Report on an unannounced inspection of Harmondsworth Immigration Removal Centre by HM Chief Inspector of Prisons](#) (12–29 February 2024), Published 09.07.2024, para 3.50; [Report on an unannounced inspection of Colnbrook Immigration Removal Centre by HM Chief Inspector of Prisons](#) (28 February–18 March 2022), Published 01.07.2022, para 2.31; and [Report on an unannounced inspection of Brook House Immigration Removal Centre by HM Chief Inspector of Prisons](#) (5–22 August 2024), Published 18.11.2024, para 3.36.

increasingly vulnerable population”.²⁰ These findings come after the Brook House Inquiry found credible evidence at that IRC, over a 5 month period, of 19 incidents of acts or omissions capable of amounting to mistreatment in breach of Article 3.²¹ Commenting on conditions at Harmondsworth Immigration Removal Centre (the largest immigration detention centre in the UK) in early 2024, the Inspectorate found that “most detainees lived in dirty, poorly ventilated, badly maintained and, in many cases, dilapidated accommodation”.²²

11. People continue to be detained for months or years.²³ Such periods of detention clearly indicate that people are subject to detention by the Home Office even when it is evident that there is little prospect of their removal. In the year ending 31 March 2025, of the 21,065 people leaving detention, 7,306 (35%) had been held for 29 days or more and of those, 533 (2.5%) had been held for 6 months or more.²⁴
12. In their IRC inspection reports, HM Inspectorate of Prisons (HMIP) provides details of long-term detention cases. At Brook House IRC, the Chief Inspector noted that, “[d]etainees were now held for even longer than at previous inspections and, as a result, both their needs and frustrations were higher. In the absence of a detention time limit, 10 people had been held for over a year and one man for over 500 days, an unacceptably long time to keep people in administrative detention.”²⁵ A woman at Derwentside IRC had been detained for six months in two different locations despite having agreed to leave the UK voluntarily.²⁶ In one case at Yarl’s Wood, a man had been detained for 10 months but the Home Office remained unsure of his nationality and there was no timescale for obtaining an emergency travel document.²⁷
13. HMIP reports common reasons for excessive periods of detention as including: poor case progression; delays obtaining travel documentation; delays in securing appropriate release accommodation; and failures or delays in recognising high levels of vulnerability. In some cases, the reason for prolonged detention or delayed release was unclear. In its 2025 report on progress at Harmondsworth IRC, HMIP noted that case progression was poor in six of the eight cases reviewed. In one case, they reported that “it took six months to ascertain that a deportation decision had not been served. This detainee had no passport, and there was a further eight-month delay because the casework team failed to follow the correct re-documentation process.”²⁸

²⁰ HM Chief Inspector of Prisons, [Report on an unannounced inspection of Brook House Immigration Removal Centre](#) (5–22 August 2024), Published 18.11.2024, p.3

²¹ Brook House Inquiry, [Report of Brook House Inquiry, Published 19.09.2023, Vol.1](#), p.3 para 13.

²² HM Chief Inspector of Prisons, [Report on an unannounced inspection of Harmondsworth Immigration Removal Centre by HM Chief Inspector of Prisons](#) (12–29 February 2024), Published 09.07.24, p.5. Conditions had improved in 2025 when the Inspectorate returned to check on progress, [Report on an independent review of progress at Harmondsworth Immigration Removal Centre by HM Chief Inspector of Prisons 17–19 February 2025](#), (Published 08.04.2025), para. 3.47. See also [HM Chief Inspector of Prisons, Report on an unannounced inspection of Colnbrook Immigration Removal Centre](#) (28 February–18 March 2022), Published 01.07.2022, para 6.5 and HM Chief Inspector of Prisons, [Report on an unannounced inspection of Brook House Immigration Removal Centre](#), 5–22 August 2024, paras. 3.6 and 4.4.

²³ More detailed information on the current operation of the immigration detention system and problems within it can be found in [recent briefings produced by Detention Action, Bail for Immigration Detainees, Medical Justice and the Immigration Law Practitioners Association](#).

²⁴ [Home Office Immigration System Statistics, Detention Summary Tables, year ending March 2025](#), Published 22.05.25, Det_04b.

²⁵ HM Chief Inspector of Prisons, [Report on an unannounced inspection of Brook House Immigration Removal Centre](#) (5–22 August 2024), Published 18.11.2024 p. 3.

²⁶ HM Chief Inspector of Prisons, [Derwentside Immigration Removal Centre by HM Chief Inspector of Prison \(8–25 August 2022\)](#), Published 06.12.2022, para 3.46.

²⁷ HM Chief Inspector of Prisons, [Report on an unannounced inspection of Yarl’s Wood Immigration Removal Centre, \(12–14 June, 3–6 July 2023\)](#), Published 04.10.2023, para 3.59.

²⁸ HM Chief Inspector of Prisons, [Report on an independent review of progress at Harmondsworth Immigration Removal Centre by HM Chief Inspector of Prisons \(17–19 February 2025\)](#), Published 08.04.2025, para 3.14.

Returns to the community from detention

14. The number of people returning to the community from detention consistently exceeds the number of people being removed from the UK from detention. In the 12 months ending March 2025, 21,065 people left immigration detention. Of those, 10,814 (51%) were released on immigration bail or granted Leave to Enter / Leave to Remain (LTE/LTR).²⁹
15. Those spending longer in detention go on to be released into the community at higher rates. In the year ending March 2025, 75% of people detained for three days or less left detention due to removal from the UK. However, for people detained for more than three days the rate of return dropped to 37%, with 59% leaving detention due to receiving immigration bail or being granted LTE/LTR. In the same period, of the 96 people leaving detention after being held for 12 months or more, 52 (54%) were released on immigration bail or LTE/LTR.³⁰

Cost of detention

16. The average cost of detention in the year ending March 2025 was £119.13 per person detained, per day (£43,480 per person, per year).³¹ For the financial years 2021/23 to 2023/24, the Home Office paid out £40.6 million in compensation for unlawful detention, across 2,146 cases.³²

Questions and Answers

Why set the time limit at 28 days?

17. A time limit set at 28 days ensures there is sufficient time for the Home Office to proceed with removal in circumstances where impediments to these processes, such as outstanding legal appeals or unavailability of travel documents, have already been resolved.

18. This reflects current Home Office guidance on detention, which states:

*“Removal could be said to be likely to take place within a reasonable timeframe where a travel document exists, removal directions are set or could be set in the near future, where there are no outstanding legal barriers or it is considered that legal barriers can be resolved expeditiously.”*³³

19. The use of immigration detention is allowed in limited circumstances under Article 5(1) of the European Convention on Human Rights (ECHR), including when action to deport or remove is being taken. However, the use of detention must be proportionate to achieving removal and is only permitted while removal is being progressed with due diligence.³⁴ A 28 day time-limit together with automatic bail hearings would provide impetus for the Home Office to progress cases with due diligence.

²⁹ Home Office, [How many people are detained under immigration powers in the UK?](#), May 2025; [Home Office Immigration System Statistics, Detention Summary Tables, year ending March 2025](#), Published 22.05.25, Det_04a.

³⁰ Home Office, [Immigration detention detailed datasets](#), year ending March 2025, Published 22 May 2025, Det_D03.

³¹ Home Office, [Immigration Enforcement Data, Quarter 1 2025](#), Published 22.05.2025, DT_02.

³² University of Oxford, Migration Observatory, [Briefing: Immigration Detention in the UK](#), Updated 12.02.2024.

³³ Home Office, [Guidance: Detention: general instructions](#), Updated 31.01.2025.

³⁴ European Court of Human Rights, [Guide on Article 5 of the European Convention on Human Rights: Right to liberty and security](#), Feb 2025.

Can people simply ‘run down the clock’ in order to frustrate removal and gain release?

20. Where a person detained has legitimate grounds to challenge their removal, it is in their interest to raise that challenge at the earliest possible time in their detention, in order to hasten their release. Further, the amendment permits re-detention beyond the period of 28 days when there has been a material change of circumstances which could, for example, include a situation where an individual’s appeal rights are exhausted, a travel document is issued or an individual stops reporting.
21. For people serving a sentence of imprisonment, there is no reason why the Home Office cannot progress their deportation case while they are serving their sentence. Prisons refer all cases involving foreign nationals to the Home Office, who can then consider whether to deport the individual at the end of their sentence, whether they fit the criteria for the Early Removal Scheme³⁵ or whether they might return voluntarily under the Facilitated Return Scheme.³⁶ Following an inspection in late 2022/early 2023, the Independent Chief Inspector of Borders and Immigration commented that “[t]he Early Removal Scheme (ERS) and the Facilitated Return Scheme (FRS)...are not being administered effectively. It is clear to me...that the Home Office is not making best use of the ERS, largely due to delays in caseworking.”³⁷ These proposals would encourage the Home Office to make better use of these schemes, which effectively stop the clock from commencing.
22. In relation to the risk of individuals attempting to frustrate removal, there are a range of criminal sanctions available under section 26 of the Immigration Act 1971 which enable anyone seeking to frustrate the system to be prosecuted. For instance, failing to produce documents is an offence punishable by a fine or imprisonment, as is obstructing an immigration officer carrying out lawful duties under the Act.³⁸

Can an individual still be refused bail?

23. Under these proposals, the Tribunal can refuse to grant bail if removal directions are set and removal is to take place within the following 21 days, a travel document is available, and there are no legal barriers to removal.
24. In addition, the Tribunal can refuse to grant bail if very exceptional circumstances justify maintaining detention. The phrase “very exceptional circumstances” derives from the Home Office’s former Chapter 55 of the Enforcement Instructions and Guidance, where it was the test for detention for at-risk detainees. The wording allows judges the flexibility to take into account a person’s criminality, as well as other factors which they might consider very exceptional, such as a particularly high risk of absconding.

³⁵ The Early Removal Scheme allows foreign nationals to be removed or deported from the UK before the expiry of their sentence. Home Office, [Guidance: Criminal casework: the early removal scheme \(ERS\) \(accessible\)](#), Updated 28.02.2024.

³⁶ The Facilitated Return Scheme provides financial support to encourage voluntary departure - those accepted onto the scheme must agree to cooperate with obtaining travel documents, disclaim appeal rights and agree to be removed at the earliest opportunity. Home Office, [Guidance: Facilitated Return Scheme \(FRS\)\(accessible\)](#), Updated 19.03.2024.

³⁷ Independent Chief Inspector of Borders and Immigration, [An inspection of the Home Office’s operations to effect the removal of Foreign National Offenders](#) (October 2022 – February 2023), Published Jun 2023, p.2.

³⁸ [Immigration Act 1971, s.26](#).

Would setting a time limit pose public protection issues if those with criminal convictions are released?

25. The statutory purpose of immigration detention is to effect removal, not to serve as indefinite detention to prevent re-offending. British citizens who complete their sentences are released into the community and the criminal justice system is designed to manage any ongoing risk that an offender may present on completion of their criminal sentence, including licence conditions designed to manage risk, protect the public and prevent re-offending.
26. Where people are issued a deportation notice while in prison, custodial sentences provide sufficient time for immigration cases to be resolved. In this time, the Home Office can obtain travel documents and make arrangements to facilitate a person's lawful and efficient deportation on release from prison.
27. These proposals do not impact the broad powers of the First-tier Tribunal to set conditions of immigration bail under paragraph 2 of Schedule 10 to the Immigration Act 2016. These include reporting and residence conditions, financial conditions (surety) as well as "such other conditions as [it] thinks fit".³⁹ A person who breaches their bail conditions is liable to arrest without warrant under paragraph 10 of Schedule 10 to the 2016 Act⁴⁰; they can also be prosecuted under section 24(1)(h) of the Immigration Act 1971.⁴¹ Thus, there are ample powers available to ensure that bail conditions are complied with.
28. The proposals also exempt cases where the Secretary of State has certified that the decision to detain was taken in the interests of national security.

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³⁹ [Immigration Act 2016, sch.10](#), para 2(1)(f).

⁴⁰ [Immigration Act 2016, sch.10](#), para 10.

⁴¹ [Immigration Act 1971](#), s.24(1)(h).

ORGANISATIONS SUPPORTING THIS AMENDMENT



The 3 Million
 After Exploitation
 Beyond Detention
 The Detention Forum
 Detention Taskforce
 Focus on Labour Exploitation
 Gatwick Detainee Welfare Group
 Helen Bamber Foundation
 Justice
 Kent Refugee Help
 Lewes Refugee Support Group
 Liberty

Micro Rainbow
 No to Hassockfield
 One Life to Live
 Quaker Asylum & Refugee Network
 René Cassin
 Samphire
 Scottish Detainee Visitors
 Scottish Refugee Council
 Settled
 Waging Peace
 West London Welcome
 Women for Refugee Women

TEXT OF THE AMENDMENT

To move the following Clause-

“Time limit on immigration detention

- (1) Subject to subsection (6), this section applies to any person (“P”) who is liable to detention under a relevant detention power.
- (2) P may not be detained under a relevant detention power for a period of more than 28 days from the relevant time.
- (3) If P remains detained under a relevant detention power at the expiry of the period of 28 days then-
 - (a) P shall be released forthwith; and
 - (b) P may not be detained under a relevant detention power thereafter, unless the Secretary of State or an immigration officer, as the case may be, is satisfied that there has been a material change of circumstances since P’s release and that the criteria in section [*Initial detention: criteria and duration*](1) are met.
- (4) In this section, “relevant detention power” means a power to detain under:
 - (a) paragraph 16(2) of Schedule 2 to the Immigration Act 1971 (detention of persons liable to examination or removal);
 - (b) paragraph 2(1), (2) or (3) of Schedule 3 to that Act (detention pending deportation);
 - (c) section 62 of the Nationality, Immigration and Asylum Act 2002 (detention of persons liable to examination or removal);
 - (d) section 36(1) of the UK Borders Act 2007 (detention pending deportation); or
 - (e) regulation 32(1) of the Immigration (European Economic Area) Regulations 2016 as it continues to have effect following its revocation (detention of person subject to removal).
- (5) In this section, “relevant time” means the time at which the detention begins.
- (6) This section does not apply to a person in respect of whom the Secretary of State has certified that the decision to detain is or was taken in the interests of national security.”

To move the following Clause-

“Initial detention: criteria and duration

- (1) A person (“P”) to whom section [*Time limit on immigration detention*] applies may not be detained under a relevant detention power other than for the purposes of examination, unless the Secretary of State or an immigration officer, as the case may be, reasonably believes that-
 - (a) P can be shortly removed from the United Kingdom;
 - (b) detention is strictly necessary to effect P’s deportation or removal from the United Kingdom; and
 - (c) the detention of P is in all the circumstances proportionate.

- (2) P may not be detained under a relevant detention power for a period of more than 96 hours from the relevant time, unless-
 - (a) P has been refused bail at an initial bail hearing in accordance with subsection (5)(b) of section [*Bail hearings*]; or
 - (b) the Secretary of State has arranged a reference to the Tribunal for consideration of whether to grant immigration bail to P in accordance with subsection (2)(c) of section [*Bail hearings*] and that hearing has not yet taken place.
- (3) Nothing in subsection (1) authorises the Secretary of State to detain P under a relevant detention power if such detention would, apart from this section, be unlawful.
- (4) In this section, “Tribunal” means the First-tier Tribunal.
- (5) In this section, “relevant detention power” and “relevant time” have the meanings given in section [*Time limit on immigration detention*].”

To move the following Clause-

“Bail hearings

- (1) This section applies to any person (“P”) to whom section [*Time limit on immigration detention*] applies and who is detained under a relevant detention power.
- (2) Before the expiry of a period of 96 hours from the relevant time, the Secretary of State must—
 - (a) release P;
 - (b) grant immigration bail to P under paragraph 1 of Schedule 10 to the Immigration Act 2016; or
 - (c) arrange a reference to the Tribunal for consideration of whether to grant immigration bail to P.
- (3) Subject to subsection (4), when the Secretary of State arranges a reference to the Tribunal under subsection (2)(c), the Tribunal must hold an oral hearing (“an initial bail hearing”) which must commence within 24 hours of the time at which the reference is made.
- (4) If the period of 24 hours in subsection (3) ends on a Saturday, Sunday or Bank holiday, the Tribunal must hold an initial bail hearing on the next working day.
- (5) At the initial bail hearing, the Tribunal must—
 - (a) grant immigration bail to P under paragraph 1 of Schedule 10 to the Immigration Act 2016; or
 - (b) refuse to grant immigration bail to P.
- (6) Subject to subsection (7), the Tribunal must grant immigration bail to P at a bail hearing unless it is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [*Initial detention: criteria and duration*] are met and that, in addition—
 - (a) directions have been given for P’s removal from the United Kingdom and such removal is to take place within 21 days;

- (b) a travel document is available for the purposes of P's removal or deportation; and
 - (c) there are no outstanding legal barriers to removal.
- (7) Subsection (6) does not apply if the Tribunal is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [*Initial detention: criteria and duration*] above are met and that there are very exceptional circumstances which justify maintaining detention.
- (8) In subsection (6), "a bail hearing" means—
- (a) an initial bail hearing under subsection (2); or
 - (b) the hearing of an application for immigration bail under paragraph 1(3) of Schedule 10 of the Immigration Act 2016 which takes place after the expiry of 96 hours from the relevant time.
- (9) In this section, "Tribunal" means the First-tier Tribunal.
- (10) The Secretary of State shall provide to P or to P's legal representative, not more than 24 hours after the relevant time, copies of all documents in the Secretary of State's possession which are relevant to the decision to detain.
- (11) At the initial bail hearing, the Tribunal shall not consider any documents relied upon by the Secretary of State which were not provided to P or to P's legal representative in accordance with subsection (10), unless—
- (a) P consents to the documents being considered; or
 - (b) in the opinion of the Tribunal there is a good reason why the documents were not provided to P or to P's legal representative in accordance with subsection (10).
- (12) After paragraph 12(4) of Schedule 10 to the Immigration Act 2016 insert-

"(4A) Sub-paragraph (2) above does not apply if the refusal of bail by the First tier Tribunal took place at an initial bail hearing within the meaning of section [*Bail hearings*] of the Border Security, Asylum and Immigration Act 2025."."

To move the following Clause-

"Detention time limit: consequential amendments

- (1) After sub-paragraph (3)(d) of paragraph 17A of Schedule 2 to the Immigration Act 1971 insert-

“.

- (e) sections [*Time limit on immigration detention*], [*Initial detention: criteria and duration*] and [*Bail hearings*] of the Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”

- (2) After sub-paragraph (5) of that paragraph insert-

“(5A) But sub-paragraph (5) is subject to sections [*Time limit on immigration detention*], [*Initial detention: criteria and duration*] and [*Bail hearings*] of the Border Security, Asylum and

Immigration Act 2025 (time limit on immigration detention etc).”

(3) For sub-paragraph (3C) of paragraph 2 of Schedule 3 to that Act substitute-

“(3C) Sub-paragraphs (3A) and (3B) are subject to-

- (a) sub-paragraph (4ZA) and section 60 of the Immigration Act 2016 (limitation on detention of pregnant women); and
- (b) sections [*Time limit on immigration detention*], [*Initial detention: criteria and duration*] and [*Bail hearings*] of the Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”

(4) After sub-paragraph (3E) of that paragraph insert-

“(3F) But sub-paragraph (3E) is subject to sections [*Time limit on immigration detention*], [*Initial detention: criteria and duration*] and [*Bail hearings*] of the Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”

(5) After subsection (2P)(c) of section 62 of the Nationality, Immigration and Asylum Act 2002 insert-

“.

(d) sections [*Time limit on immigration detention*], [*Initial detention: criteria and duration*] and [*Bail hearings*] of the Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”

(6) After subsection (2R) of that section insert-

“(2S) But subsection (2R) is subject to sections [*Time limit on immigration detention*], [*Initial detention: criteria and duration*] and [*Bail hearings*] of the Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”

(7) For subsection (1C) of section 36 of the UK Borders Act 2007 substitute-

“(1C) Subsections (1A) and (1B) are subject to-

- (a) sub-paragraph (2A) and section 60 of the Immigration Act 2016 (limitation on detention of pregnant women); and
- (b) sections [*Time limit on immigration detention*], [*Initial detention: criteria and duration*] and [*Bail hearings*] of the Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”

(8) After subsection (1E) of that section insert-

“(1F) But subsection (1E) is subject to sections [*Time limit on immigration detention*], [*Initial detention: criteria and duration*] and [*Bail hearings*] of the Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”

(9) After paragraph (5) of regulation 32 of the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052), as it continues to have effect following its revocation, insert-

“(5A) Regulations (2) to (5) are subject to sections [*Time limit on immigration detention*], [*Initial*

detention: criteria and duration] and [*Bail hearings*] of the Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”

To move the following Clause-

“Commencement of detention provisions

- (1) Sections [*Time limit on immigration detention*], [*Initial detention: criteria and duration*] and [*Bail hearings*] come into force at the end of the period of six months beginning with the day on which this Act is passed.”