

# Mass Deportation (Detention) Bill

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[AS INTRODUCED]

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Schedule 1 — List of specified areas

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[AS INTRODUCED]

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# B I L L

TO

Require the Home Secretary to build immigration detention centres in certain specified locations; and for connected purposes.

**B**E IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART 1

### INTRODUCTORY

#### 1 Purpose of Act

- (1) The purpose of this Act is to mandate the Secretary of State to build immigration detention centres on sites in permissible areas and disapply applicable law to enable rapid construction of immigration detention centres.
- (2) It is recognised that Parliament has already repealed the Human Rights Act 1998, amended the Equality Act 2010, and passed the Illegal Migration (Mass Deportation) Act [x], thereby fundamentally changing the legal framework applicable to immigration and asylum.
- (3) This Act advances the purpose in subsection (1) by—
  - (a) specifying a list of permissible areas within which new immigration detention centres can be built;
  - (b) mandating that the Secretary of State builds additional immigration detention places such that there are at least 24,000 immigration detention places in total;
  - (c) disapplying law that would otherwise apply to the selection, construction, and operation of those immigration detention centres;
  - (d) giving the Secretary of State the power to direct compliance by persons, including local authorities.

## PART 2

### DUTY TO BUILD IMMIGRATION DETENTION CENTRES

## **2 Duty to build and maintain immigration detention centres**

- (1) The Secretary of State may only build and maintain new immigration detention centres on sites within the permissible areas specified in Schedule 1.
- (2) The Secretary of State must build additional immigration detention places at sites within the permissible areas specified in Schedule 1 and maintain those immigration detention places such that there are at least 24,000 immigration detention places in total across the United Kingdom.
- (3) The Secretary of State must allocate, in his absolute discretion, immigration detention places built under subsection (2) between the permissible areas specified in Schedule 1.

## **3 Disapplication of applicable law**

- (1) The following enactments or parts thereof, or subordinate legislation made under those enactments, do not apply to actions taken by the Secretary of State under section 2—
  - (a) section 55 of the Borders, Citizenship and Immigration Act 2009;
  - (b) the Detention Centre Rules 2001;
  - (c) schedule 10 of the Immigration Act 2016;
  - (d) part VI of the Immigration and Asylum Act 1999;
  - (e) the Modern Slavery Act 2015;
  - (f) the Procurement Act 2023;
  - (g) the Town and Country Planning Act 1990.
- (2) Any legislation, subordinate legislation, enactments, or policies not specified in subsection (1) that—
  - (a) pertain to the procurement, building, or operation of immigration detention centres;
  - (b) pertain to the conditions under which someone may be detained in an immigration detention centre; or
  - (c) the Secretary of State considers are necessary or expedient to disapply for the purpose of fulfilling his duties under section 2,do not apply to actions taken by the Secretary of State for the purpose of fulfilling his duties under section 2.

## **4 Emergency directions**

- (1) Directions under this section may only be given by the Secretary of State for the purpose of fulfilling his duties under section 2 and must be given in writing.
- (2) The Secretary of State may under this section direct any person, including a local authority, to take any action (or not to take any action) that he considers is necessary or expedient to fulfil his duties under section 2.
- (3) The Secretary of State may direct any person to comply (or not to comply) with any

applicable provision of law for the purpose of fulfilling the Secretary of State's duties under section 2.

## **5 Legal challenge**

- (1) A court must not question—
  - (a) the exercise or purported exercise of any powers conferred under this Act;
  - (b) any decision or purported decision relating to those powers; or
  - (c) the limits or extent of those powers.
- (2) This Act is not subject to any duty to read legislation in a way that is compatible with any other enactment or international obligation of the United Kingdom.

## **PART 3**

### MISCELLANEOUS AND FINAL PROVISIONS

## **6 Interpretation**

In this Act—

“immigration detention” means the detention of persons detained or required to be detained under the Immigration Act 1971 or under section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State);

“immigration detention centres” means removal centres and short-term holding facilities as defined in section 147 of the Immigration and Asylum Act 1999;

“immigration detention places” means capacity to detain one person within an immigration detention centre;

“permissible area” means within the boundaries of an identified local authority area or parliamentary constituency specified in Schedule 1, or the wider of the two in case of overlap.

## **7 Power to make consequential provision**

- (1) The Secretary of State may by regulations make provision that is consequential on this Act.
- (2) Regulations under this section may amend any primary legislation passed or made before this Act or in the same session as this Act.
- (3) Regulations under this section that amend primary legislation are subject to the affirmative procedure.
- (4) Any other regulations under this section are subject to the negative procedure.
- (5) A power to make regulations under this Act is exercisable by statutory instrument.

## **8 Extent**

This Act extends to England and Wales, Scotland, and Northern Ireland.

**9 Commencement**

This Act comes into force on the day on which this Act is passed.

**10 Short title**

This Act may be cited as the Mass Deportation (Detention) Act [x].

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## SCHEDULES

### SCHEDULE 1

[The list of permissible areas will be inserted in due course]

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Require the Home Secretary to build immigration detention centres in certain specified locations; and for connected purposes.

*Presented by Nigel Farage.*

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Ordered, by The House of Commons, to be  
Printed, [x].

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