STATUTORY INSTRUMENTS

2026 No. 163 (C. 13)

IMMIGRATION AND ASYLUM

The Border Security, Asylum and Immigration Act 2025 (Commencement No. 3) Regulations 2026

Made - - - - *25th February 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 65(1) of the Border Security, Asylum and Immigration Act 2025(**a**).

Citation

1. These Regulations may be cited as the Border Security, Asylum and Immigration Act 2025 (Commencement No. 3) Regulations 2026.

Commencement

2. Section 44 of the Border Security, Asylum and Immigration Act 2025 (detention and exercise of functions pending deportation), so far as not already in force, comes into force on 5th March 2026.

Alex Norris
Minister of State
Home Office

25th February 2026

(**a**) 2025 c. 31.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Border Security, Asylum and Immigration Act 2025 (c. 31) ("the Act") on 5th March 2026. They are the third commencement regulations made under the Act. Certain provisions were brought into force automatically on Royal Assent by virtue of section 65(3). Other provisions were brought into force automatically on 2nd February 2026 (two months after Royal Assent) by virtue of section 65(4).

Section 44(1) to (13) and (17) of the Act was commenced by section 65(3). Those provisions permit the Secretary of State to detain a person ("P") when they are considering whether to make a deportation order in respect of P, or when the Secretary of State has decided to make a deportation order pending the making of that order.

Section 44(14) to (16), the remaining subsections in section 44, amend section 51 of the Immigration Act 2016 (c. 19) (search for nationality documents by detainee custody officers etc.) so that detainee custody officers can require P to hand over relevant nationality documents, or so that P can be searched for such documents (which may then be seized and retained).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An impact assessment was published in relation to the Border Security, Asylum and Immigration Bill and can be found at https://www.gov.uk/government/publications/border-security-asylum-and-immigration-bill-2025-impact-assessment or a copy can be obtained from the Home Office, 2 Marsham Street, London SW1P 4DF.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Border Security, Asylum and Immigration Act 2025 have been brought into force by commencement regulations made before the date of these Regulations.

Provision	*Date of Commencement*	*S.I. No.*
Sections 1 to 12	5th January 2026	2025/1318
Sections 13 to 16 (remainder)	5th January 2026	2025/1318
Sections 17 to 19	2nd February 2026	2026/59
Section 20 (partially)	5th January 2026	2025/1318
Section 20 (remainder)	2nd February 2026	2026/59
Section 21	5th January 2026	2025/1318
Sections 22 to 29 (remainder)	5th January 2026	2025/1318
Sections 30 to 36	2nd February 2026	2026/59
Section 43 (partially)	2nd February 2026	2026/59
Section 46	5th January 2026	2025/1318
Section 51	2nd February 2026	2026/59
Section 57 (partially)	2nd February 2026	2026/59
Schedule 1 paragraph 1 (partially)	2nd February 2026	2026/59
Schedule 1 paragraphs 2 and 3	2nd February 2026	2026/59
Schedule 1 paragraphs 12 and 13	2nd February 2026	2026/59

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