



Immigration Act 2016

2016 CHAPTER 19

PART 3

ENFORCEMENT

Powers of immigration officers etc

46 Powers in connection with examination, detention and removal

- (1) Schedule 2 to the Immigration Act 1971 (administrative provisions as to control on entry etc) is amended as follows.
- (2) In paragraph 2(1) (examination by immigration officers) at the end of paragraph (c) insert “; and
 - (d) whether, if he has been given leave which is still in force, his leave should be curtailed.”
- (3) After paragraph 15 insert—

“Search of premises in connection with removal

- 15A (1) This paragraph applies if—
- (a) an immigration officer is lawfully on any premises, and
 - (b) a person who is liable to be detained under paragraph 16(2) is on the premises.
- (2) The immigration officer may search the premises for documents which—
- (a) relate to the person, and
 - (b) may be evidence for a ground on which the person’s leave to enter or remain in the United Kingdom may be curtailed.
- (3) The power may be exercised—

Status: This is the original version (as it was originally enacted).

- (a) only if the immigration officer has reasonable grounds for believing there are documents within sub-paragraph (2) on the premises, and
 - (b) only to the extent that it is reasonably required for the purpose of discovering such documents.
 - (4) An immigration officer searching premises under this paragraph may seize any document the officer finds which the officer has reasonable grounds for believing is a document within sub-paragraph (2).
 - (5) Sub-paragraph (6) applies where—
 - (a) an immigration officer is searching premises under this paragraph, and
 - (b) any document the officer has reasonable grounds for believing is a document within sub-paragraph (2) is stored in any electronic form and is accessible from the premises.
 - (6) The immigration officer may require the document to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form.
 - (7) If a requirement under sub-paragraph (6) is not complied with or a document to which that sub-paragraph applies cannot be produced in a form of the kind mentioned in that sub-paragraph, the immigration officer may seize the device or medium on which it is stored.
 - (8) But sub-paragraphs (4) to (7) do not apply to a document which the immigration officer has reasonable grounds for believing is an item subject to legal privilege.
 - (9) An immigration officer may retain a document seized under this paragraph while—
 - (a) the person to whom the document relates is liable to be detained under paragraph 16(2), and
 - (b) the document falls within sub-paragraph (2)(b).
 - (10) But a document may not be retained for the purpose mentioned in sub-paragraph (9) if a photograph or copy would be sufficient for that purpose.”
- (4) In paragraph 25A (entry and search of premises where person arrested or detained under Schedule 2)—
- (a) after sub-paragraph (7) insert—
 - “(7A) Sub-paragraph (7B) applies where—
 - (a) an officer is searching premises under this paragraph, and
 - (b) any document the officer has reasonable grounds for believing is a relevant document is stored in any electronic form and is accessible from the premises.
 - (7B) The officer may require the document to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form.

- (7C) If a requirement under sub-paragraph (7B) is not complied with or a document to which that sub-paragraph applies cannot be produced in a form of the kind mentioned in that sub-paragraph, the officer may seize the device or medium on which it is stored.”
 - (b) in sub-paragraph (8) for “sub-paragraph (7)(a) does” substitute “sub-paragraphs (7) to (7C) do”, and
 - (c) in sub-paragraph (8A) for “sub-paragraph (7)” substitute “this paragraph”.
- (5) In paragraph 25B (search of person arrested under Schedule 2) after sub-paragraph (8) insert—
- “(8A) Sub-paragraph (8B) applies where—
 - (a) an officer is searching a person under this paragraph, and
 - (b) any document the officer has reasonable grounds for believing is a document within sub-paragraph (3)(b) is stored in any electronic form on a device or medium found on the person.
 - (8B) The officer may require the document to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form.
 - (8C) If a requirement under sub-paragraph (8B) is not complied with or a document to which that sub-paragraph applies cannot be produced in a form of the kind mentioned in that sub-paragraph, the officer may seize the device or medium on which it is stored.
 - (8D) Sub-paragraphs (8B) and (8C) do not apply to a document which the officer has reasonable grounds for believing is an item subject to legal privilege.”