



Immigration Act 2016

2016 CHAPTER 19

PART 3

ENFORCEMENT

Powers of immigration officers etc

47 Search of premises in connection with imposition of civil penalty

- (1) This section applies if an immigration officer is lawfully on any premises.
- (2) The immigration officer may search the premises for documents which might be of assistance in determining whether a person is liable to the imposition of a penalty under—
 - (a) section 15 of the Immigration, Asylum and Nationality Act 2006 (penalty for employing illegal worker etc), or
 - (b) section 23 or 25 of the Immigration Act 2014 (penalty for leasing premises to disqualified person etc).
- (3) The power may be exercised—
 - (a) only if the immigration officer has reasonable grounds for believing there are documents within subsection (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 section may seize any document the officer finds which the officer has reasonable grounds for believing is a document within subsection (2).
- (5) Subsection (6) applies where—
 - (a) an immigration officer is searching premises under this section, and
 - (b) any document the officer has reasonable grounds for believing is a document within subsection (2) is stored in any electronic form and is accessible from the premises.

Status: This is the original version (as it was originally enacted).

- (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 subsection (6) is not complied with or a document to which that subsection applies cannot be produced in a form of the kind mentioned in that subsection, the immigration officer may seize the device or medium on which it is stored.
- (8) But subsections (4) to (7) do not apply to a document or item which the immigration officer has reasonable grounds for believing is an item subject to legal privilege.
- (9) An immigration officer may retain a document or item seized under this section while the officer has reasonable grounds for believing that the document may be required—
 - (a) for the purposes of determining whether a person is liable to the imposition of a penalty under a provision mentioned in subsection (2),
 - (b) for the purposes of any objection relating to the imposition of such a penalty, or
 - (c) for the purposes of any appeal or other legal proceedings relating to the imposition of such a penalty.
- (10) But a document or item may not be retained for a purpose mentioned in subsection (9) if a photograph or copy would be sufficient for that purpose.
- (11) Section 28I of the Immigration Act 1971 (seized material: access and copying) applies to a document seized and retained under this section as it applies to anything seized and retained under Part 3 of that Act.