



Immigration Act 2016

2016 CHAPTER 19

PART 3

ENFORCEMENT

Powers of immigration officers etc

52 Seizure of nationality documents by detainee custody officers etc

- (1) A relevant officer may seize a nationality document which the relevant officer finds in the course of the exercise of a power to search other than one conferred by section 51.
- (2) Where a relevant officer seizes a nationality document under subsection (1), the relevant officer—
 - (a) must seek the consent of the Secretary of State to retain the document, and
 - (b) if the relevant officer obtains the Secretary of State's consent, must pass the document to the Secretary of State as soon as is practicable.
- (3) The Secretary of State may give consent under subsection (2) only if the Secretary of State has reasonable grounds to believe that—
 - (a) the document is a relevant nationality document, and
 - (b) the document may facilitate the removal of the person to whom it relates from the United Kingdom in accordance with a provision of the Immigration Acts.
- (4) If the Secretary of State does not give consent under subsection (2), the Secretary of State must—
 - (a) direct the relevant officer to return the document as mentioned in subsection (5), or
 - (b) if the Secretary of State thinks that it would not be appropriate to return the document, direct the relevant officer to dispose of the document in such manner as the Secretary of State may direct.
- (5) A document which is required to be returned in accordance with this subsection must be returned to—

Status: This is the original version (as it was originally enacted).

- (a) the person who was previously in possession of it, or
 - (b) if it was not found in the possession of a person, the location in which it was found.
- (6) The Secretary of State may retain a relevant nationality document which comes into the Secretary of State's possession under this section while the Secretary of State suspects that—
- (a) a person to whom the document relates may be liable to removal from the United Kingdom in accordance with a provision of the Immigration Acts, and
 - (b) retention of the document may facilitate the removal.
- (7) If subsection (6) does not apply to a document which comes into the Secretary of State's possession under this section, the Secretary of State may—
- (a) arrange for the document to be returned in accordance with subsection (5), or
 - (b) if the Secretary of State thinks that it would not be appropriate to return the document, dispose of the document in such manner as the Secretary of State thinks appropriate.