



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART VII

#### POWER TO ARREST, SEARCH AND FINGERPRINT

##### *Fingerprinting*

#### **141 Fingerprinting.**

- (1) Fingerprints may be taken by an authorised person from a person to whom this section applies.
- (2) Fingerprints may be taken under this section only during the relevant period.
- (3) Fingerprints may not be taken under this section from a person under the age of sixteen (“the child”) except in the presence of a person of full age who is—
  - (a) the child’s parent or guardian; or
  - (b) a person who for the time being takes responsibility for the child.
- (4) The person mentioned in subsection (3)(b) may not be—
  - (a) an officer of the Secretary of State who is not an authorised person;
  - (b) an authorised person.
- (5) “Authorised person” means—
  - (a) a constable;
  - (b) an immigration officer;
  - (c) a prison officer;
  - (d) an officer of the Secretary of State authorised for the purpose; or
  - (e) a person who is employed by a contractor in connection with the discharge of the contractor’s duties under a [<sup>F1</sup>removal centre] contract.
- (6) In subsection (5)(e) “contractor” and “[<sup>F2</sup>removal centre] contract” have the same meaning as in Part VIII.

*Status: Point in time view as at 15/01/2018.*

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(7) This section applies to—

- (a) any person (“A”) who, on being required to do so by an immigration officer on his arrival in the United Kingdom, fails to produce a valid passport with photograph or some other document satisfactorily establishing his identity and nationality or citizenship;
- (b) any person (“B”) who has been refused leave to enter the United Kingdom but has been [<sup>F3</sup>granted immigration bail under Schedule 10 to the Immigration Act 2016] if an immigration officer reasonably suspects that B might break any condition imposed on him relating to residence or as to reporting to the police or an immigration officer;
- [<sup>F4</sup>(c) any person (“C”) in respect of whom the Secretary of State has decided—
  - (i) to make a deportation order, or
  - (ii) that section 32(5) of the UK Borders Act 2007 (automatic deportation of foreign criminals) applies;
- (ca) any person (“CA”) who requires leave to enter or remain in the United Kingdom but does not have it;]
- (d) any person (“D”) who has been [<sup>F5</sup>detained under paragraph 16 of Schedule 2 to the 1971 Act or arrested under paragraph 17 of that Schedule;]
- (e) any person (“E”) who has made a claim for asylum;
- [<sup>F6</sup>(f) any person (“F”) who is—
  - (i) a member of the family of a person within any of paragraphs (a), (b) or (ca) to (e), or
  - (ii) a dependant of a person within paragraph (c)(i).]

(8) “The relevant period” begins—

- (a) for A, on his failure to produce the passport or other document;
- (b) for B, on the decision to [<sup>F7</sup>grant him bail] ;
- [<sup>F8</sup>(c) for C, when he is notified of the decision mentioned in subsection (7)(c);
- (ca) for CA, when he becomes a person to whom this section applies;]
- (d) for D, on his [<sup>F9</sup>detention or arrest;]
- (e) for E, on the making of his claim for asylum; and
- (f) for F, at the same time as for the person [<sup>F10</sup>of whose family he is a member or] whose dependant he is.

(9) “The relevant period” ends on the earliest of the following—

- (a) the grant of leave to enter or remain in the United Kingdom;
- (b) for A, B, C [<sup>F11</sup>, CA] or D, his removal or deportation from the United Kingdom;
- [<sup>F12</sup>(c) for C—
  - (i) the time when the [<sup>F13</sup>decision mentioned in subsection (7)(c)] ceases to have effect, whether as a result of an appeal or otherwise, or
  - (ii) if a deportation order has been made against him, its revocation or its otherwise ceasing to have effect;]
- [<sup>F14</sup>(ca) for CA, when he no longer requires leave to enter or remain in the United Kingdom;]
- (d) for D, his release if he is no longer liable to be detained under paragraph 16 of Schedule 2 to the 1971 Act;
- (e) for E, the final determination or abandonment of his claim for asylum; and

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- (f) for F, at the same time as for the person [<sup>F15</sup>of whose family he is a member or] whose dependant he is.
- (10) No fingerprints may be taken from A if the immigration officer considers that A has a reasonable excuse for the failure concerned.
- (11) No fingerprints may be taken from B unless the decision to take them has been confirmed by a chief immigration officer.
- (12) An authorised person may not take fingerprints from a person under the age of sixteen unless his decision to take them has been confirmed—
- (a) if he is a constable, by a person designated for the purpose by the chief constable of his police force;
  - (b) if he is a person mentioned in subsection (5)(b) or (e), by a chief immigration officer;
  - (c) if he is a prison officer, by a person designated for the purpose by the governor of the prison;
  - (d) if he is an officer of the Secretary of State, by a person designated for the purpose by the Secretary of State.
- (13) Neither subsection (3) nor subsection (12) prevents an authorised person from taking fingerprints if he reasonably believes that the person from whom they are to be taken is aged sixteen or over.
- [<sup>F16</sup>(13A) For the purposes of subsection (7)(f)(i), a person is a member of the family of another person (“P”) if—
- (a) the person is—
    - (i) P's partner,
    - (ii) P's child, or a child living in the same household as P in circumstances where P has care of the child,
    - (iii) in a case where P is a child, P's parent, or
    - (iv) an adult dependant relative of P, and
  - (b) the person does not have a right of abode in the United Kingdom or indefinite leave to enter or remain in the United Kingdom.
- (13B) In subsection (13A) “child” means a person who is under the age of 18.]
- (14) For the purposes of subsection [<sup>F17</sup>(7)(f)(ii)], a person is a dependant of another person if—
- (a) he is that person’s spouse or child under the age of eighteen; and
  - (b) he does not have a right of abode in the United Kingdom or indefinite leave to enter or remain in the United Kingdom.
- (15) “Claim for asylum” has the same meaning as in Part VI.
- <sup>F18</sup>(16) . . . . .
- [<sup>F19</sup>(17) Section 157(1) applies to this section (in so far as it relates to removal centres by virtue of subsection (5)(e)) as it applies to Part VIII.]

#### Textual Amendments

- F1** Words in s. 141(5)(e) substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002](#) (c. 41), [ss.66\(2\)\(3\)\(n\), 162\(1\)](#), (with s. 159); [S.I. 2003/1](#), art. 2, Sch.

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- F2** Words in s. 141(6) substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss.66\(2\)\(3\)\(n\), 162\(1\) \(with s. 159\); S.I. 2003/1, art. 2, Sch.](#)
- F3** Words in s. 141(7)(b) substituted (15.1.2018) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 10 para. 30\(2\); S.I. 2017/1241, reg. 2\(c\) \(with Sch.\) \(as amended by S.I. 2018/31, reg. 2\)](#)
- F4** S. 141(7)(c)(ca) substituted for s. 141(7)(c) (20.10.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 9 para. 29\(2\)\(a\); S.I. 2014/2771, art. 2\(e\) \(with arts. 9-11\) \(as amended \(2.3.2015 and 6.4.2015\) by S.I. 2015/371, arts. 1\(2\)\(3\), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 \(which S.I. is revoked \(6.4.2015\) by S.I. 2015/371, arts. 1\(3\), 9\)\)](#)
- F5** Words in s. 141(7)(d) substituted (31.8.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), ss. 28\(2\), 62\(1\)\(2\); S.I. 2006/2226, art. 3, Sch. 1](#)
- F6** S. 141(7)(f) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\), ss. 57\(2\), 94\(1\); S.I. 2016/603, reg. 3\(j\)](#)
- F7** Words in s. 141(8)(b) substituted (15.1.2018) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 10 para. 30\(3\); S.I. 2017/1241, reg. 2\(c\) \(with Sch.\) \(as amended by S.I. 2018/31, reg. 2\)](#)
- F8** S. 141(8)(c)(ca) substituted for s. 141(8)(c) (20.10.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 9 para. 29\(3\); S.I. 2014/2771, art. 2\(e\) \(with arts. 9-11\) \(as amended \(2.3.2015 and 6.4.2015\) by S.I. 2015/371, arts. 1\(2\)\(3\), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 \(which S.I. is revoked \(6.4.2015\) by S.I. 2015/371, arts. 1\(3\), 9\)\)](#)
- F9** Words in s. 141(8)(d) substituted (31.8.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), ss. 28\(3\), 62\(1\)\(2\); S.I. 2006/2226, art. 3, Sch. 1](#)
- F10** Words in s. 141(8)(f) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\), ss. 57\(3\), 94\(1\); S.I. 2016/603, reg. 3\(j\)](#)
- F11** Word in s. 141(9)(b) inserted (20.10.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 9 para. 29\(4\)\(a\); S.I. 2014/2771, art. 2\(e\) \(with arts. 9-11\) \(as amended \(2.3.2015 and 6.4.2015\) by S.I. 2015/371, arts. 1\(2\)\(3\), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 \(which S.I. is revoked \(6.4.2015\) by S.I. 2015/371, arts. 1\(3\), 9\)\)](#)
- F12** S. 141(9)(c) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 15\(4\), 48\(3\); S.I. 2004/2523, art. 2, Sch.](#)
- F13** Words in s. 141(9)(c)(i) substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 9 para. 29\(4\)\(b\); S.I. 2014/2771, art. 2\(e\) \(with arts. 9-11\) \(as amended \(2.3.2015 and 6.4.2015\) by S.I. 2015/371, arts. 1\(2\)\(3\), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 \(which S.I. is revoked \(6.4.2015\) by S.I. 2015/371, arts. 1\(3\), 9\)\)](#)
- F14** S. 141(9)(ca) inserted (20.10.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 9 para. 29\(4\)\(e\); S.I. 2014/2771, art. 2\(e\) \(with arts. 9-11\) \(as amended \(2.3.2015 and 6.4.2015\) by S.I. 2015/371, arts. 1\(2\)\(3\), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 \(which S.I. is revoked \(6.4.2015\) by S.I. 2015/371, arts. 1\(3\), 9\)\)](#)
- F15** Words in s. 141(9)(f) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\), ss. 57\(4\), 94\(1\); S.I. 2016/603, reg. 3\(j\)](#)
- F16** S. 141(13A)(13B) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\), ss. 57\(5\), 94\(1\); S.I. 2016/603, reg. 3\(j\)](#)
- F17** Word in s. 141(14) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\), ss. 57\(6\), 94\(1\); S.I. 2016/603, reg. 3\(j\)](#)
- F18** S. 141(16) omitted (20.10.2014) by virtue of [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 9 para. 29\(5\); S.I. 2014/2771, art. 2\(e\) \(with arts. 9-11\) \(as amended \(2.3.2015 and 6.4.2015\) by S.I. 2015/371, arts. 1\(2\)\(3\), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 \(which S.I. is revoked \(6.4.2015\) by S.I. 2015/371, arts. 1\(3\), 9\)\)](#)
- F19** S. 141(17) added (31.8.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), ss. 28\(4\), 62\(1\)\(2\); S.I. 2006/2226, art. 3, Sch. 1](#)

#### **Modifications etc. (not altering text)**

- C1** S. 141 modified by [S.I. 1993/1813, art. 7\(1\), Sch. 4, para. 2A \(as inserted \(26.10.2006\) by Channel Tunnel \(International Arrangements\) \(Amendment\) Order 2006 \(S.I. 2006/2626\), arts. 1, 2\)](#)

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**C2** S. 141 extended (with modifications) by S.I. 2002/2818, art. 11(1)(f), Sch. 2, para. 1A (as inserted (18.11.2006) by [Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) \(Amendment\) Order 2006 \(S.I. 2006/2908\)](#), arts. 1, **2(a)**)

## **142 Attendance for fingerprinting.**

- (1) The Secretary of State may, by notice in writing, require a person to whom section 141 applies to attend at a specified place for fingerprinting.
- [<sup>F20</sup>(2) In the case of a notice given to a person of a kind specified in section 141(7)(a) to (d) or (f) (in so far as it applies to [<sup>F21</sup>a member of the family of, or a dependant of,] a person of a kind specified in section 141(7)(a) to (d)), the notice—
  - (a) must require him to attend during a specified period of at least seven days beginning with a day not less than seven days after the date given in the notice as its date of issue, and
  - (b) may require him to attend at a specified time of day or during specified hours.
- (2A) In the case of a notice given to a person of a kind specified in section 141(7)(e) or (f) (in so far as it applies to [<sup>F22</sup>a member of the family of] a person of a kind specified in section 141(7)(e)), the notice—
  - (a) may require him to attend during a specified period beginning with a day not less than three days after the date given in the notice as its date of issue,
  - (b) may require him to attend on a specified day not less than three days after the date given in the notice as its date of issue, and
  - (c) may require him to attend at a specified time of day or during specified hours.]
- (3) A constable or immigration officer may arrest without warrant a person who has failed to comply with a requirement imposed on him under this section (unless the requirement has ceased to have effect).
- (4) Before a person arrested under subsection (3) is released—
  - (a) he may be removed to a place where his fingerprints may conveniently be taken; and
  - (b) his fingerprints may be taken (whether or not he is so removed).
- (5) A requirement imposed under subsection (1) ceases to have effect at the end of the relevant period (as defined by section 141).

### **Textual Amendments**

- F20** S. 142(2)(2A) substituted for s. 142(2) (31.8.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), **ss. 29**, 62(1)(2); S.I. 2006/2226, art. 3, Sch. 1
- F21** Words in s. 142(2) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 57(8)**, 94(1); S.I. 2016/603, reg. 3(j)
- F22** Words in s. 142(2A) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 57(9)**, 94(1); S.I. 2016/603, reg. 3(j)

## **143 Destruction of fingerprints.**

- (1) If they have not already been destroyed, fingerprints must be destroyed before the end of the specified period beginning with the day on which they were taken.

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- (2) If a person from whom fingerprints were taken proves that he is—
- (a) a British citizen, or
  - (b) a Commonwealth citizen who has a right of abode in the United Kingdom as a result of section 2(1)(b) of the 1971 Act,
- the fingerprints must be destroyed as soon as reasonably practicable.
- <sup>F23</sup>(3) .....
- <sup>F23</sup>(4) .....
- <sup>F23</sup>(5) .....
- <sup>F23</sup>(6) .....
- <sup>F23</sup>(7) .....
- <sup>F23</sup>(8) .....
- (9) Fingerprints taken from F [<sup>F24</sup>(within the meaning of section 141(7))] must be destroyed when fingerprints taken from the person whose dependant he is have to be destroyed.
- (10) The obligation to destroy fingerprints under this section applies also to copies of fingerprints.
- (11) The Secretary of State must take all reasonably practicable steps to secure—
- (a) that data which are held in electronic form and which relate to fingerprints which have to be destroyed as a result of this section are destroyed or erased; or
  - (b) that access to such data is blocked.
- (12) The person to whom the data relate is entitled, on request, to a certificate issued by the Secretary of State to the effect that he has taken the steps required by subsection (11).
- (13) A certificate under subsection (12) must be issued within three months of the date of the request for it.
- <sup>F25</sup>(14) .....
- (15) “Specified period” means—
- (a) such period as the Secretary of State may specify by order;
  - (b) if no period is so specified, ten years.

#### **Textual Amendments**

**F23** S. 143(3)-(8) repealed (14.12.2001) by 2001 c. 24, ss. 36(1)(a)(2), 125, **Sch. 8 Pt. 3**

**F24** Words in S. 143(9) inserted (14.12.2001) by 2001 c. 24, s. **36(1)(b)(2)**, 127(2)

**F25** S. 143(14) repealed (14.12.2001) by 2001 c. 24, ss. 36(1)(c)(2), 127(2), **Sch. 8 Pt. 3**

#### **Modifications etc. (not altering text)**

**C3** S. 143 extended by S.I. 2002/2818, art. 11(1)(f) (as inserted (18.11.2006) by [Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) \(Amendment\) Order 2006 \(S.I. 2006/2908\)](#), arts. 1, **2(a)**)

**C4** S. 143(9) modified (temp.) (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), ss. **57(10)**, 94(1); S.I. 2016/603, reg. 3(j)

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#### 144 Other methods of collecting data about physical characteristics.

[<sup>F26</sup>(1) The Secretary of State may make regulations containing provisions equivalent to sections 141, 142 and 143 in relation to such other methods of collecting [<sup>F27</sup>biometric information] as may be prescribed.]

[<sup>F28</sup>[<sup>F29</sup>(2) Biometric information” has the meaning given by section 15 of the UK Borders Act 2007.]]

##### Textual Amendments

- F26** S. 144 renumbered as s. 144(1) (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss. 128\(1\), 162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.
- F27** Words in s. 144(1) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 2 para. 2\(2\)](#); S.I. 2014/1820, art. 3(z)
- F28** S. 144(2) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 2 para. 2\(3\)](#); S.I. 2014/1820, art. 3(z)
- F29** S. 144(2) added (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss. 128\(1\), 162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.

#### [<sup>F30</sup>144A Use and retention of fingerprints etc.

- (1) Section 8 of the UK Borders Act 2007 (power to make regulations about use and retention of biometric information) applies to—
- fingerprints taken by virtue of section 141, and
  - biometric information taken by virtue of regulations under section 144,
- as it applies to biometric information provided in accordance with regulations under section 5(1) of that Act.
- (2) Regulations made by virtue of subsection (1)(a) must require fingerprints taken from a person (“F”) by virtue of section 141(7)(f) to be destroyed when fingerprints taken from the person [<sup>F31</sup>of whose family F is a member or] whose dependant F is are destroyed.
- (3) Regulations made by virtue of subsection (1)(b) must make equivalent provision in relation to biometric information taken by virtue of any provision of regulations under section 144 which is equivalent to section 141(7)(f).]

##### Textual Amendments

- F30** S. 144A inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\), ss. 14\(2\), 75\(3\)](#); S.I. 2014/1820, art. 3(m)
- F31** Words in s. 144A(2) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\), ss. 57\(11\), 94\(1\)](#); S.I. 2016/603, reg. 3(j)

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