

UK BORDERS ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Powers at ports

Section 1 to 4: Designated immigration officers with powers to detain

24. **Sections 1 and 2** allow the Secretary of State to designate individual immigration officers acting in a port in England and Wales or Northern Ireland as having the power to detain a person where the immigration officer considers him someone who a constable could arrest without a warrant pursuant to section 24(1), (2) or (3) of the Police and Criminal Evidence Act 1984 (or the equivalent powers in Northern Ireland) or where a warrant is outstanding for the individual. This detention will be pending the arrival of a constable and is subject to a maximum detention period of three hours. The immigration officer may search a person detained under section 2 for anything that could be used to assist escape or to cause physical injury and may pursue a person and return him to the port if the person attempts to abscond from detention. Section 2 also enables Detainee Custody Officers to provide detention services in respect of individuals detained under this section. A detainee custody officer is a person who has been authorised by the Secretary of State (under section 154 of Immigration and Asylum Act 1999) to perform escort and or custodial functions in connection with persons detained under the Immigration Act 1971 and the Nationality Immigration and Asylum Act 2002.
25. **Section 3** creates offences of absconding from detention, and assaulting or obstructing an immigration officer in the course of exercising this power and the sanctions associated with each.
26. **Section 4** defines “port” for the purpose of this power.