



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—

15A “Search of premises in connection with removal

- (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—
 - (a) only if the immigration officer has reasonable grounds for believing there are documents within sub-paragraph (2) on the premises, and

Changes to legislation: *Immigration Act 2016, Section 46 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (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.”,

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- (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.”

Commencement Information

II [S. 46](#) in force at 12.7.2016 by [S.I. 2016/603](#), [reg. 3\(g\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1241, Sch. by [S.I. 2018/31 reg. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 69(9)(d) and word inserted by [2023 c. 37 s. 21\(2\)\(b\)](#)
- Sch. 10 para. 3(2)(eza) inserted by [2023 c. 37 s. 13\(3\)\(a\)](#)
- Sch. 10 para. 3(3A)-(3C) inserted by [2023 c. 37 s. 13\(3\)\(b\)](#)
- Sch. 10 para. 3A and cross-heading inserted by [2023 c. 37 s. 13\(4\)](#)