



# 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.

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**Changes to legislation:** Immigration Act 2016, Section 47 is up to date with all changes known to be in force on or before 14 July 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

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- (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.

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**Commencement Information**

**II** S. 47 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](#)